

Staff Summary Report



Development Review Commission: 03/23/10

Agenda Item Number: _____

SUBJECT: Hold a public hearing for an appeal of a previously approved Use Permit for the **RESIDENCE AT 16 EAST 15TH STREET (PL090003)** located at 16 East 15th Street.

DOCUMENT NAME: DRCr_16e15thst _032310

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Request by Cathy Gorman and Philip Hedricks (appellant) for an appeal of a previously approved Use Permit for the **RESIDENCE AT 16 EAST 15TH STREET (PL090003)** (Charles Huellmantel, property owner) located at 16 East 15th Street in the R1-6, Single Family Residential District, including the following:

UPA09003 – Appeal of a Use Permit to allow an accessory bldg above 15 ft in height for accessory bldg/guest quarters (ZUP09182) approved by the Hearing Officer on January 19, 2010.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

REVIEWED BY: Lisa Collins, Planning Director (480-350-8989)

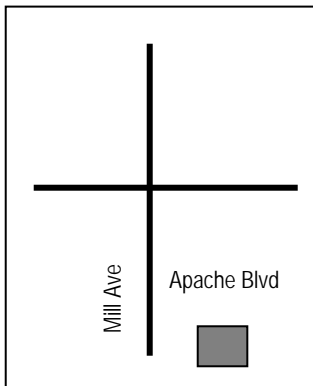
A handwritten signature in black ink, appearing to be 'LC', located to the right of the 'REVIEWED BY' line.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: N/A

ADDITIONAL INFO: The property owners to the north are appealing a Hearing Officer Decision to approve a Use Permit to allow an accessory bldg above 15 ft in height for accessory bldg/guest quarters. Mr. Williams (Hearing Officer) approved PL090003/ZUP09182 stating that the request met the Zoning and Development Code criteria for approval of a Use Permit.



The appellants contend that the proposed structure will downgrade their property values and invade the privacy of their property. They have provided a letter of appeal explaining their objections to the Use Permit and are appealing the Hearing Officer's decision to approve the Use Permit.

PAGES:

1. List of Attachments
2. Comments; Reasons for Approval; Conditions of Approval; History & Facts; Description
3. Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-5. Letter of Appeal
6. Site plan
7. Elevation
8. Floor Plan
9. Staff Photograph

COMMENTS:

The appellants are before the Development Review Commission to appeal the decision by the Hearing Officer to approve a request for a Use Permit to allow an accessory bldg above 15 ft in height for accessory bldg/guest quarters. The subject property is located on the north side of the street, at 16 East 15th Street in the R1-6, single-family residential district.

The Hearing Officer approved the Use Permit on January 19, 2010. Mr. Williams' (Hearing Officer) approved the Use Permit with the finding that the request met the Zoning and Development Code criteria for approval of a Use Permit.

Public Input

Staff has not received any new public input for the appeal.

Use Permit

The Zoning and Development Code allows accessory buildings to exceed fifteen feet in height up to maximum height allowed for the district subject to a Use Permit.

**SHOULD THE DEVELOPMENT REVIEW COMMISSION ELECT TO TAKE
AFFIRMATIVE ACTION THE USE PERMIT WOULD BE DENIED.**

HISTORY & FACTS:

February 3, 2009. The Hearing Officer approved a Use Permit for a second story addition for 16 East 15th Street, subject to conditions.

January 4, 2010. The applicant held a neighborhood meeting.

DESCRIPTION:

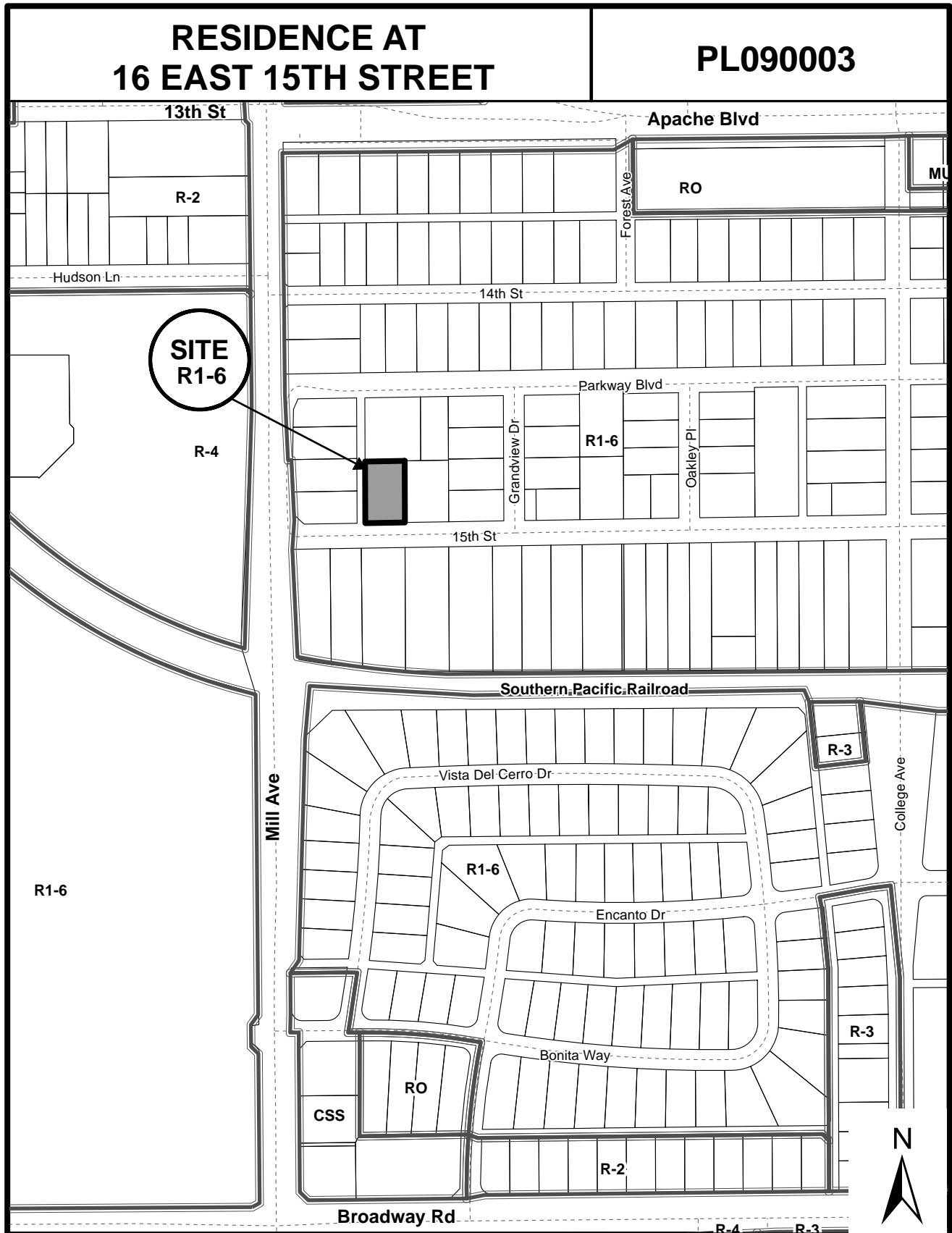
Owner – Charles Huellmantel
Applicant – Charles Huellmantel
Existing Zoning – R1-6, Single Family Residential District
Gross Site Area- 15487 s.f. (as measured to midpoint of alley)
Net Site Area- 14015 s.f.
Total Building Area- 3393 s.f.
Accessory Building Height – 19'-9"

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 3, Chapter Part 4, Section 3-402 and 3-411
Part 4, Chapter 2, Section 4-202.
Part 6, Chapter 3, Section 6-308



RESIDENCE AT 16 EAST 15TH STREET (PL090003)



Location Map

Dear Ms. Lesser,

February 1, 2010

We opposed the **use permit** and variance for a two-story guest house-garage next to our property line by Charles Huellmantel at 16 East 15th Street. We are neighbors directly north of Mr. Huellmantel's property. The Zoning Administrator granted the use permit (ZUP09182) that the building is not-to-exceed 20 feet in height with the specific conditions that

"The windows on the north elevation and northern most east elevation of the structure to be opaque material on the first and second story. "

"Applicant is to submit to the Development Services staff for review either a revised floor plan to move the outdoor entertainment area to the south side of the building or retain the existing floor plan and add a six (6) ft wall along the north elevation extending a minimum of twenty (20) feet east of the structure."

This letter is to **appeal the decision to issue this use permit** for the following reasons:

- (1) The proposed very tall, two-story, 20-feet high building will both downgrade our adjacent property value and invade the privacy of our property.
- (2) The building is out-of character for the neighborhood and is incompatible with existing surrounding structures. Although a few houses in the neighborhood have added a second story in recent years, and Mr. Huellmantel has been given a permit to add a second story to part of his house, there are no two-story accessory buildings in the neighborhood except for one that overlooks the alley between 13th and 14th. This is completely out of character for this historic neighborhood.
- (3) The ordinance that allows guest houses in R-1 zoning applies to lots of 15,000 square feet or larger. Mr. Huellmantel's lot is 95.02' by 147.5' or only 14,015.45 sq.ft. Only by including half of the bordering alley, property that Mr. Huellmantel does not own, is the site over 15,000 sq. ft. This alley is regularly used both by the city (irrigation and trash) and neighbors and it is very unlikely that it will ever be abandoned. Also for access to his proposed accessory building (garage-guest house), Mr. Huellmantel is depending upon the complete 20 ft. width of the alley and even if the alley were abandoned, he could not access his proposed garage. This appears to be an inappropriate measurement and does not follow the intent of the ordinance as we understand it. Further, we understand that the addition of half the alley to enlarge the size of this lot to meet the 15,000 sq. ft. size is without precedent.
- (4) Mr. Huellmantel held a neighborhood meeting in accordance with the ZDC requirements. In his 3-page letter announcing this meeting, he said that he had "requested two variances and a use permit so that I can construct an accessory building in the rear of my lot along the alley." He only referred to this structure as an "accessory building" or as a "garage" throughout the letter. Nowhere in the

letter did he state that he was planning a two-story building with "guest quarters" on the second floor.

From this letter, we assumed that this proposed building was going to be a single-story garage, something that we are not opposed to, and, as a result, did not plan to attend the meeting. Only when we received the public notice by mail two days before his meeting, too late for us to make arrangements to attend the meeting, did we realize that he had requested a use permit to "allow an accessory bldg above 15 ft in height, not-to-exceed 30 ft. and that he had requested a variance "to reduce the north rear yard setback from 15 ft. to 5 ft" from our property line. Likewise, neighbors that we subsequently talked to about his proposal also did not realize from his letter that he was planning a two-story building 5 feet from our property line.

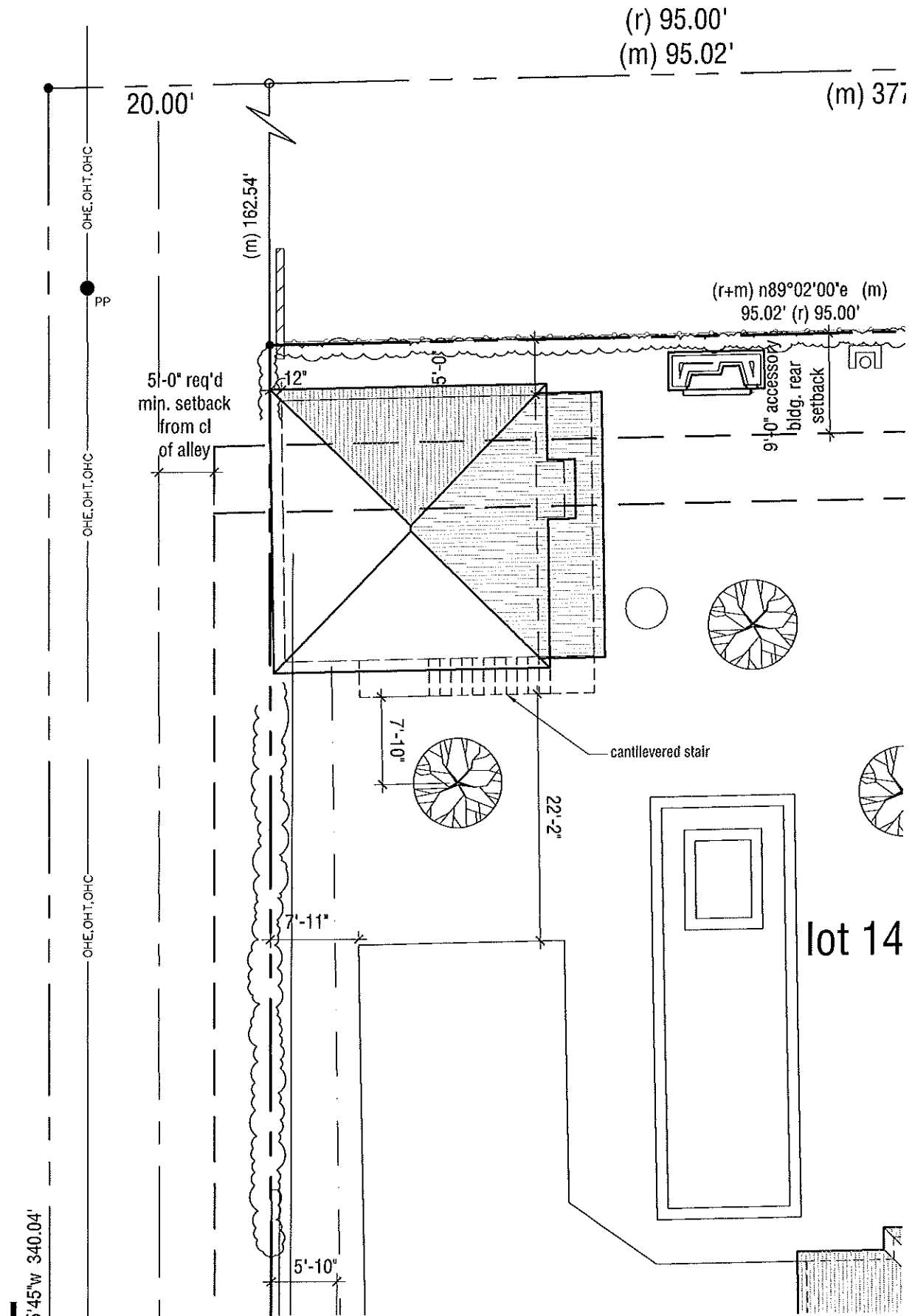
In other words, we do not think that Mr. Huellmantel held an appropriate meeting with his neighbors because in his 3-page letter announcing the meeting he did not provide any information about the use permit to the neighbors or tell the neighbors that he wanted to place the building 5 ft from our property line. As a result, we do not feel that Mr. Huellmantel has met the ZDC requirements for a meeting about his use permit and variances with his neighbors.

- (5) The staff suggested that the proposed building would replace an existing building. This is not true, the so-called existing building is a portable storage shed.

We are not opposed to Mr. Huellmantel building one-story garage or a one-story guest house along our property line. We are also not opposed to a 5 ft. setback from our property line for a one-story garage or a one-story guest house. However, in that case we request that Mr. Huellmantel build a six-foot high block wall between our properties attaching to, and as similar as possible as, the block wall along our west property boundary. However, a 5 ft. setback would not allow his oleander hedge to be properly maintained from Mr. Huellmantel's property.

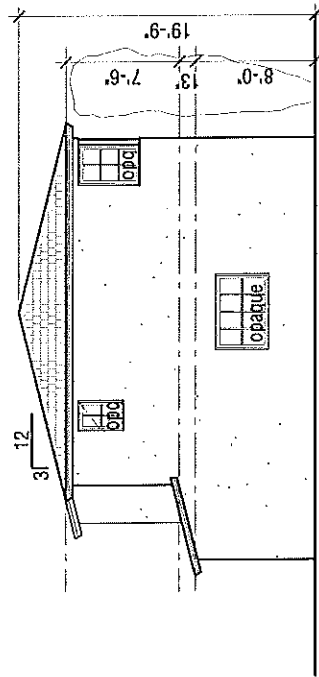
Thank you,

Catherine Gorman and Phil Hedrick, 23 East Parkway Blvd.

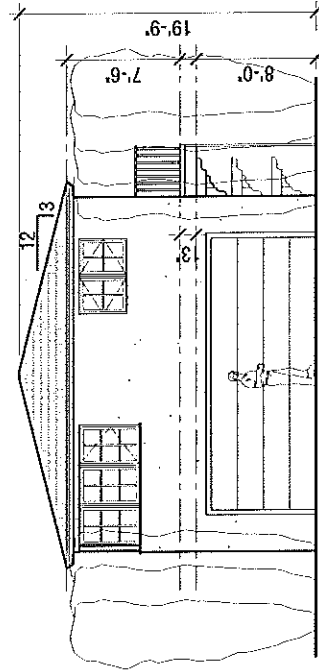


17.04.10

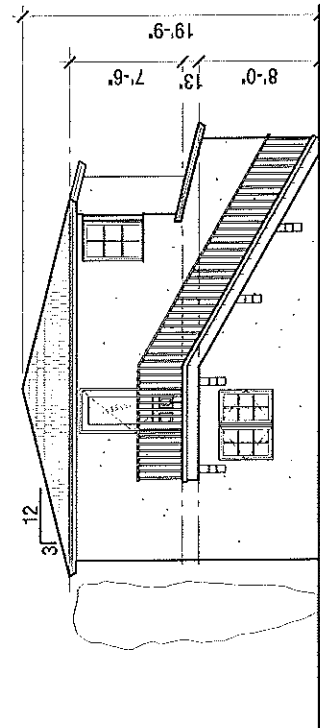
1615 garage / guest
02.08.10



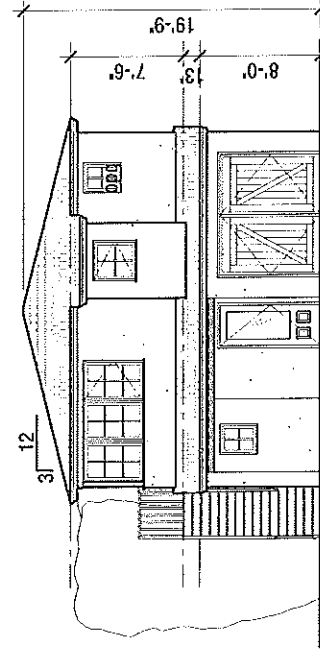
north



west



south



east

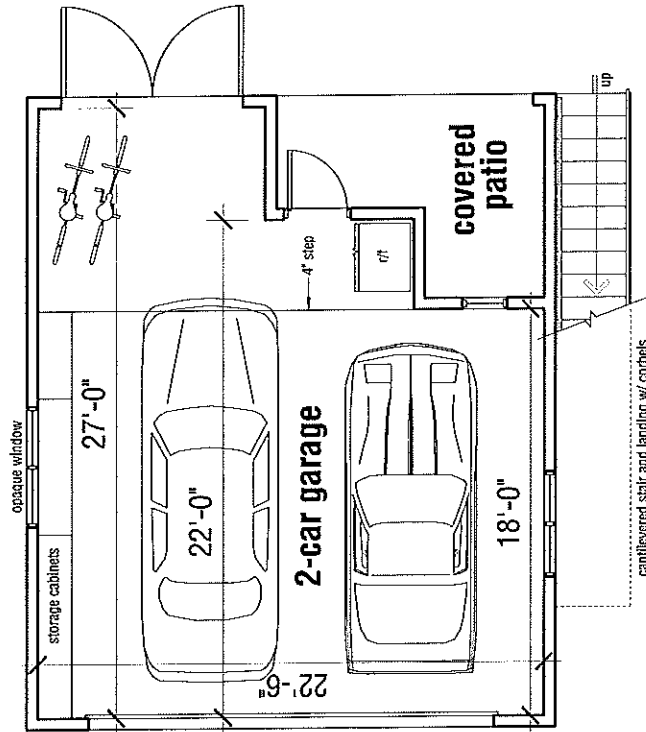
hayes^{inc}
architecture • interiors

exterior elevations 01

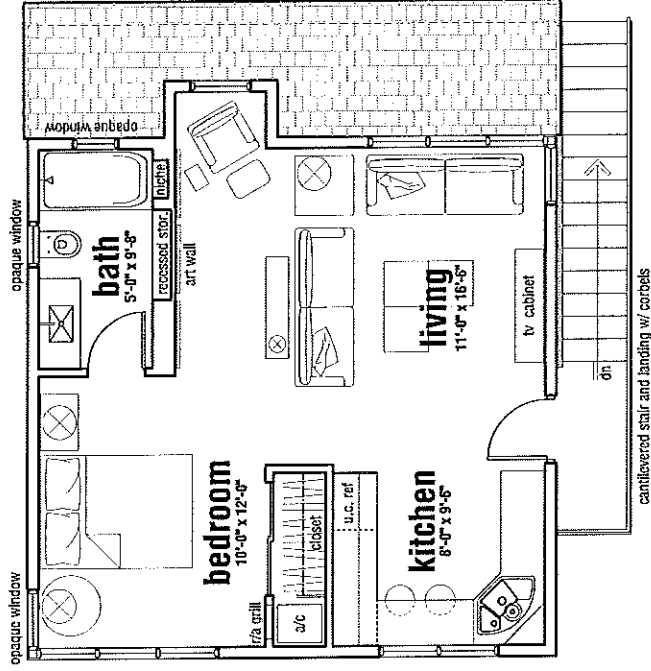
scale
1/8" = 1'-0"

1615 garage / quest

2.08.10



first floor



second floor

floor plan

scale
1/2" = 1'-0"

hayes^{inc.}
architecture • interior



RESIDENCE AT 16 EAST 15TH STREET

16 EAST 15TH STREET

PL090003

**REAR OF RESIDENCE – VIEW TO NORTH
EAST**

