

# Conditional Use Permit Request

January 22, 2023

## 40 N. Lake Hills Dr. Flagstaff, AZ

### Introduction

Owners James and Sharon Carter are submitting a Conditional Use Permit Application to expand their existing primary residence located on approximately 7.11 acres. The property is located at 40 N. Lake Hills Dr. and consists of 2 permitted structures. Structure #1 (Unit 2) is the primary residence, and is currently approximately 3,705 sf 3 bedroom 3 bath residence. Structure #2 (unit 1) is a guest house, with approximately 1200 sf one bedroom, one bath. The property is zoned ER- Estate Residential Zoning and is located within the Country Club Ridge Subdivision.



The applicant is proposing to construct a 1,588 sf addition (not including outside decks) to the main residence that will include an additional 3 bedrooms, 2 bathrooms and a family activity room (with a

bunk room area that will be counted as a bedroom). The addition will bring the primary residence to a total of 7 bedrooms and 5 baths which under the current zoning code is considered High Occupancy Housing. The purpose of the High Occupancy Housing ordinance was to regulate High Density Apartments or mega room single family dwelling units with the intent to rent to students in and around the university. The property in question does not meet the intent or purpose of the HOH ordinance but due to the number of bedrooms and baths is caught in responding to the ordinance. The applicant is requesting a Conditional Use Permit in accordance to section 10-40.60.175 of the Zoning code.

### **Background Information**

The existing residence is currently undersized for number of bedrooms to allow for family members to assemble for holidays and family gatherings. The existing residence currently has 3 bedrooms, 3 baths and is undersized for when family visits on weekends, holidays or special occasions. The purpose of the additional bedrooms and bathrooms is so that more family members can comfortably get together. While there is an existing Guest house on the property this structure has only a single bedroom and does not bring the bedroom count up to the needed number.

### **Findings for granting a CUP**

The Planning and Zoning Commission may grant a Conditional use permit upon findings as described below and in accordance with Section 10-20.40.050.

- 1) That the conditional use is consistent with the objectives of the Zoning Code and Purpose of the zone in which the site is located.

**RESPONSE:** The property in question is a 7 acre site located in an existing subdivision consisting of oversized lots and above average open space. The placement of the current and proposed structure is within the setbacks and the proposed addition to the main house is also within the setback requirements and is significantly lower than the max height allowed. The proposed addition is consistent with the zoning requirements or the ER zoning.

- 2) That granting the conditional use will not be detrimental to the public health, safety or welfare.

The factors to be considered in making this finding shall include, but not limited to:

- a. Property damage of nuisance arising from noise, smoke, odor, dust, vibration or illumination
- b. Hazard to persons or property from possible explosion, contamination, fire or flood
- c. Impact on surrounding areas arising from unusual volume or character of traffic.

**RESPONSE:** The property has been occupied by the current owner with no issues or complaints since purchased back in 2018. The proposed addition will continue this behavior without any additional a. Noise smoke, odor, dust, vibration or illumination, b. Prove not to be hazardous to persons or property from possible explosion, contamination, fire or flood and c. not cause any impact on surrounding areas from unusual volume of traffic. The existing property has adequate parking on paved surfaces for the intended use.

- 3) That the characteristics of the conditional use as proposed and as it may be conditioned are reasonably compatible with the types of uses permitted in the surrounding area.
- a. Access and traffic: pedestrian, bicycle, and vehicular circulation.  
**Response:** The existing parcel is located at the end of a cul-de-sac that has limited traffic and with adequate parking on site for the proposed addition. There will not be any vehicular interruptions.
  - b. Adequacy of site and open space provisions including site capacity and resource protection standards where applicable:  
**Response:** The proposed addition is within the setback requirements and height restrictions of the ER zoning. The setbacks create a significant amount of open space and a low site capacity utilization. The proposed addition will minimize the disturbance to the existing site as required.
  - c. Noise, Light, visual and other pollutants:  
**Response:** As indicated the addition will mostly be turned inward to the existing residence minimizing noise, light, visual and other pollutants.
  - d. Proposed style and siting of structure and relationship to the surrounding neighborhood  
**Response:** The proposed addition will blend in well with the surrounding area and will minimally impact the natural terrain. The objective is to have a project that at the end of the day looks like it was part of the original structure following same exterior theme and roofline which will be consistent with the rest of the neighborhood.
  - e. Landscaping and screening provisions:  
**Response:** The proposed addition complies with the applicable landscaping and screening requirement.
  - f. Impact on Public Utilities:  
**Response:** The proposed addition will tie into the existing utilities on site, also provided by the subdivision and will have no impact on public utilities.
  - g. Signage and outdoor lighting  
**Response:** The proposed addition complies with all lighting regulations. There is no signage proposed for the project.
  - h. Dedication and development of streets adjoin the property:  
**Response:** The property is located in an existing subdivision with developed streets and with no contiguous undeveloped streets, therefore will not require any dedication or development of any streets.
  - i. Impacts on historical, prehistoric or natural resources.  
**Response:** The site/ addition complies with all applicable natural resources standards and has no historical or prehistoric impacts.