

Minutes  
HEARING OFFICER  
MARCH 16, 2010

Minutes of the regular public hearing of the Hearing Officer, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

Present:

David Williams, Hearing Officer  
Steve Abrahamson, Planning & Zoning Coordinator  
Nick Graves, Planning Intern  
Sherri Lesser, Senior Planner

Number of Interested Citizens Present: 13

Meeting convened at 1:30 PM and was called to order by Mr. Williams. He noted that anyone wishing to appeal a decision made today by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days by March 31, 2010 at 3:00 PM to the Development Services Department.

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1. Mr. Williams approved the Hearing Officer Minutes for March 2, 2010.

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2. Request by the **FISCHBECK RESIDENCE (PL100029)** (William Dougherty/Citywide Builders Inc., applicant; Mark Fischbeck, property owner) located at 36 East 14<sup>th</sup> Street in the R1-6, Single Family Residential District for:

**VAR10002** Variance to reduce the west side yard setback from five feet (5 ft) to three feet (3 ft) to replace an existing carport.

Mr. William Dougherty of Citywide Builders Inc. was present to represent this case.

Nick Graves, staff planner, gave an overview of this case and stated that no further public input has been received since the staff report was issued. Although a building permit was issued in 2009 for home improvements, a subsequent survey indicated that the location of the posts needed to be adjusted a couple of feet. Posts are essentially at the same location as the previous posts. Neighbors are in support of this request.

**DECISION:**

Mr. Williams approved PL100029/VAR10002 subject to the following conditions:

1. The variance is valid for the plans as approved by the Hearing Officer.
2. The carport shall compliment the existing residence in form, color and material.
3. Obtain all necessary clearances from the Building Safety Division.

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3. Request by **MOTOROLA – TEMPE FIRE TRAINING SITE (PL100038)** (Larry Zak/Patriot Towers, applicant; City of Tempe, property owner) located at 1342 East University Drive in the GID, General Industrial District and Rio Salado Overlay District for:

**ZUP10017** Use permit to allow the addition of seven (7) antennas to an existing one hundred fifty foot (150 ft) high tower.

Mr. Larry Zak of Patriot Towers was present to represent this case.

Nick Graves gave an overview of this case and stated that no further public input has been received since the staff report was issued.

Mr. Zak question COA #6, asking how an antenna can match ? It was noted that Omni stick antennas would be used and there was no issue as to whether they would match.

**DECISION:**

Mr. Williams approved PL100038/ZUP10017 subject to the following conditions of approval:

1. Obtain all necessary clearances from the Building Safety Division.
2. Any intensification or expansion of use, including co-location of additional antennas, will require a new use permit.
3. The wireless devices shall be removed within 30 days of discontinuance of use.
4. A weather proof emergency contact informational sign shall be posted on the site and shall be visible to the public.
5. The use permit is valid for the plans as approved by the Hearing Officer.
6. The proposed antennas shall match the existing antennas atop Bell Butte.

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4. Request by the **HIGHTOWER RESIDENCE (PL100043)** (Vince Williams/Williams Designs Inc., applicant; Jon Hightower, property owner) located at 8834 South Oak Street in the R1-15, Single Family Residential District for:

**ZUP10016** Use permit standard to reduce the east street side yard setback by twenty percent (20%) from twenty feet (20 ft) to sixteen feet (16 ft) for a garage addition.

Mr. Vince Williams of Williams Designs Inc. was present to represent this case.

Sherri Lesser gave an overview of this case and stated that no further public input has been received since the staff report was issued. Ms. Lesser asked that a Condition of Approval be added that the property owner needed to maintain the trees/landscape along the east property line.

Mr. Williams noted that he was in receipt of an e-mail of support for this request from the neighbor to the north.

Mr. Williams asked if this request would be reviewed by the Building Safety Department. Ms. Lesser confirmed that it would.

**DECISION:**

Mr. Williams approved PL100043/ZUP10016 subject to the following conditions of approval:

1. Obtain all necessary clearances from the Building Safety Division.
2. Addition to match the main residence in design color and materials.
3. Storage of refuse containers to be located behind rear yard wall or in the interior of garage.
4. **Maintain trees and landscaping along the east property line adjacent to wall. ADDED BY HEARING OFFICER**

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5. Request by **CLEARWIRE – SRP KYRENE SUBSTATION (PL100045)** (Brendan Thomson/SRP Telecom, applicant; SRP, property owner) located at 470 West Elliot Road in the AG, Agricultural District and SWOD, Southwest Overlay District for:

**ZUP10015** Use permit to allow the addition of ~~one (1) array with three (3) antennas and three (3) microwave dishes~~ **three (3) arrays with one (1) antenna per array and three (3) microwave dishes one (1) per array** to an existing one hundred twenty foot (120 ft) high tower. **CORRECTED BY APPLICANT**

Mr. Jason Mendoza of SRP Telecom was present to represent this case.

Nick Graves gave an overview of this case and stated that no further public input has been received since the staff report was issued.

Mr. Mendoza expressed concern over Condition of Approval No. 4, noting that the plaque would be out of public view and is guarded 24/7 secure from public access. It was agreed to modify the condition to indicate 'security personnel' rather than 'public'.

Mr. Mendoza explained that there were actually three (3) arrays with one (1) antenna per array and three (3) microwave dishes - one (1) per array. In response to a question from Mr. Williams, Mr. Mendoza stated that these would be placed on the southwest corner of the tower.

**DECISION:**

Mr. Williams approved PL100045/ZUP10015 subject to the following conditions of approval:

1. Obtain all necessary clearances from the Building Safety Division.
2. Any intensification or expansion of use, including co-location of additional antennas, will require a new use permit.
3. The wireless devices shall be removed within 30 days of discontinuance of use.
4. A weather proof emergency contact informational sign shall be posted on the site and shall be visible to all ~~public~~ **security personnel. MODIFIED BY HEARING OFFICER**
5. The use permit is valid for the plans as approved by the Hearing Officer.
6. The proposed antennas shall match the existing antennas on the site.

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6. Request by the **GREENHALGH-WALKER RESIDENCE (PL100049)** (Barry Flemming/Kirk Development Company, applicant; Robert Greenhalgh & Mary Walker, property owners) located at 1868 East La Donna Drive in the R1-7, Single Family Residential District for:

**ZUP10014** Use permit standard to reduce the west side yard setback by twenty percent (20%) from seven feet (7 ft) to five feet six inches (5 ft 6 inches) to allow a garage addition.

Mr. Barry Flemming of Kirk Development Company was present to represent this case.

Sherri Lesser gave an overview of this case and stated that no further public input has been received since the staff report was issued.

Mr. Flemming provided a note of 'no objection' from the immediate property owner to the west. In response to a question from Mr. Williams, Mr. Flemming explained that the property owner wanted to keep his collectible vehicles in this garage addition.

Ms. Lesser confirmed, in response to a question from Mr. Williams, that it is part of the City code that the property owner is required to upkeep or maintain landscaping.

**DECISION:**

Mr. Williams approved PL100049/ZUP10014 subject to the following conditions of approval:

1. Obtain all necessary clearances from the Building Safety Division.
2. Addition to match the main residence in design, color and materials.
3. **Maintain or remove the dead/dying palm tree in the front yard of the property. ADDED BY HEARING OFFICER**

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The next Hearing Officer public hearing will be held on **Tuesday, April 6, 2010**.

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There being no further business the public hearing adjourned at 2:00 PM.

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Prepared by: Diane McGuire, Administrative Assistant II

Reviewed by:



Steve Abrahamson, Planning & Zoning Coordinator  
for David Williams, Hearing Officer

SA:dm