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**Hearing Officer**  
**MAY 19, 2010**

Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 E. 5<sup>th</sup> Street, Tempe, AZ 85281  
1:30 PM

1. **CONSIDERATION OF MEETING MINUTES: May 4, 2010**

2. Hold a public hearing for a request by **CITYWIDE PLUMBING – CLEARWIRE AZ-PHX0613A (PL100048)** (Rulon Anderson/Realand Consulting, applicant; Citywide Plumbing, property owner) located at 401 West Orion Street in the GID, General Industrial District for:

**ZUP10036** Use permit to increase the height of an existing monopole from 60 ft to 70 ft to allow co-location of new antennas.

**STAFF REPORT:** [HOr\\_ClearwireCitywide\\_051910.pdf](#)

**APPROVED**

3. Hold a public hearing for a request by the **ROBERTS RESIDENCE (PL100097)** (Don Roberts, applicant/property owner) located at 902 South Maple Avenue in the R-3, Multi-Family Residential Limited District for:

**ZUP10031** Use permit to allow a single family residence to add a second story addition.

**CONTINUED TO THE JUNE 22, 2010 HEARING OFFICER**

4. Hold a public hearing for a request by the **SEXTON RESIDENCE (PL100110)** (Timothy Sexton, applicant/property owner) located at 1317 East Watson Drive in the R1-6, Single Family Residential District for:

**ZUP10037** Use permit to allow a twenty-seven foot (27') long recreational vehicle in the front yard setback.

**CONTINUED TO THE AUGUST 17, 2010 HEARING OFFICER**

5. Hold a public hearing for a request by the **BALKEN RESIDENCE (PL100113)** (Nicholas Balken, applicant/property owner) located at 2082 East Minton Drive in the R1-6, Single Family Residential District for:

**ZUP10038** Use permit standard to reduce the required front yard setback by twenty percent (20%) from 20 feet to 16 feet for a carport to garage conversion.

**STAFF REPORT:** [HOr\\_BalkenRes\\_051910.pdf](#)

**APPROVED**

6. Hold a public hearing for a request by the **GOLD EXCHANGE (PL100117)** (Camille Massih/KC Jewelry Inc., applicant, BYS Company, property owner) located at 13 West Baseline Road in the CSS, Commercial Shopping and Services District for:

**ZUP10039** Use permit to allow a resale retailer (precious metal buyer).

**STAFF REPORT:** [HOr\\_GoldExchange\\_051910.pdf](#)

**APPROVED**

7. Hold a public hearing for a request by the **DUPLEX AT THIRD STREET (PL100119)** (Glenn Odegard/Nordic Builders Inc., applicant/property owner) located at 839 West 3<sup>rd</sup> Street in the R-3, Multi-Family Residential Limited District for:

**ZUP10040** Use permit standard to reduce the north and south side yard setbacks by twenty percent (20%) from 10 ft to 8 ft.

STAFF REPORT: [HOr\\_Duplex3rdSt\\_051910.pdf](#)  
**APPROVED**

#### ABATEMENT CASES

8. Hold a public hearing for a request by the City of Tempe – Code Compliance Department to abate public nuisance items in violation of the Tempe City Code for the **FREAND RESIDENCE (PL100085/ABT10004/CE096451)** (Jody Benson, Inspector; Lee Roy Freand, property owner) located at 3120 South Dromedary Drive in the R1-6, Single Family Residential District.  
**CONTINUED FROM APRIL 20, 2010 HEARING OFFICER**

STAFF REPORT: [HOr\\_FreandResAbate\\_051910.pdf](#)  
**WITHDRAWN BY CODE COMPLIANCE**

#### REVOCAION CASES

9. Review of the following for possible revocation of the use permit per the City of Tempe Attorney office's direction due to non-compliance with the Condition of Approval No. 4, which reads, "All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective."

Request by **KING TUT CAFE – MISHA'S SHEESHAS (PL080122)** (Kareem Kassel, applicant; Kassel Corporation, property owner) located at 1125 East Apache Boulevard, in the CSS, Commercial Shopping and Services District for:

**ZUP08064** Use permit to allow a hookah lounge/tobacco retailer.  
(Use permit was approved by the Hearing Officer at the May 6, 2008 HO hearing.)  
**CONTINUED FROM APRIL 6, 2010 HEARING OFFICER**  
**REVOCAION PROCESS WITHDRAWN – BUSINESS IN COMPLIANCE**

10. Review of the following for possible revocation of the use permit per the City of Tempe Attorney office's direction due to non-compliance with the Condition of Approval No. 4, which reads, "All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective. Since smoking will be permitted on the premises, the owner/management is responsible to adhere to the 2003 International Mechanical Code."

Request by **HAREM NIGHTS (PL090148)** (Kahlil Abulaban, applicant; 1630 Apache LLC, property owner) located at 1630 East Apache Boulevard, Suite No. 103, in the CSS, Commercial Shopping and Services District for:

**ZUP09063** Use permit to allow a hookah lounge.  
(Use permit was approved by the Hearing Officer at the May 19, 2009 HO hearing.)  
CONTINUED FROM APRIL 20, 2010 HEARING OFFICER

STAFF REPORT: [HOr\\_HaremNightsRevoc\\_051910.pdf](#)  
**USE PERMIT REVOKED BY HEARING OFFICER**

<p>The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance is available at public meetings for sight and/or hearing-impaired persons. Please call 350-8331 (voice) or 350-8400 (TDD) to request an accommodation to participate in a public meeting.</p>
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E-Mailed Wednesday, 28 April 2010, 4:00 PM  
Advertised Monday, 03 May 2010  
Modified Thursday, 06 May 2010, 9:30 AM – cont Roberts Res, Agenda Item No. 3, to 6/1/10 HO  
Modified Tuesday, 11 May 2010, 10 AM – Agenda Item No. 9 withdrawn; business in compliance  
Modified Thursday, 13 May 2010, 12 Noon – Agenda Item No. 4, Sexton Residence, cont. to 8/17 HO