

**Minutes
HEARING OFFICER
SEPTEMBER 7, 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
Sherri Lesser, Senior Planner
Kevin O'Melia, Senior Planner
Nick Graves, Planning Intern

Number of Interested Citizens Present: 10

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 September 21, 2010 at 3:00 PM to the Community Development Department.

1. Mr. Williams approved the Hearing Officer Minutes for August 17, 2010.

2. Request by **CROWN CASTLE PUBLIC STORAGE – A. T & T. WIRELESS W252-BB (PL100195)** (Grettel Keane/Westower Communications, applicant; Lori Kind, Leasing Agent/Crown Castle Public Storage, property owner) located at 1737 East McKellips Road in the GID, General Industrial and RSOD, Rio Salado Overlay Districts for:

ZUP10084 Use permit to the height of an existing monopole from 58 ft to 73 ft to allow the co-location of wireless antennae.

ZUP10085 Use permit standard to allow a 25 percent reverse front yard setback reduction along Larkspur from 25.0 ft to 18.75 ft for placement of an 8 ft tall equipment screen wall.

Ms. Grettel Keane of Westower Communications was present to represent this case. She requested that this case be continued to the November 3, 2010 Hearing Officer.

DECISION:

Mr. Williams continued PL100195 / ZUP10084/ ZUP10085 to the November 3, 2010 Hearing Officer hearing.

4. Request by the **KELLER RESIDENCE (PL100231)** (Ron Keller, applicant; Katherine Keller, property owner) located at 1030 South Una Avenue in the R1-6, Single Family Residential District for:

ZUP10087 Use permit standard to reduce the street side yard setback by 20% from 10 ft to 8 ft for an open structure.

Mr. Ron Keller spoke on behalf of his daughter, Katherine Keller, was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case and stated that no further public input has been received since the staff report was issued. This work had been completed over 25 years ago and the current property owner is trying to comply with the City requirements for the open structure as it appears today. Two (2) phone calls had been received in support of this request, she noted.

Mr. Keller noted that while doing a kitchen remodel it had been discovered that the carport had been erected without the proper permits.

DECISION:

Mr. Williams approved PL100231 / ZUP10087 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. Structure to remain open; enclosure to a garage not permissible.

5. Request by the **FARMER REYNOLDS RESIDENCE (PL100243)** (Faye Farmer, applicant/property owner) located at 2612 East Geneva Drive in the R1-6, Single Family Residential District for:

ZUP10086 Use permit to reduce the front yard setback by 20% from 20 ft to 16 ft for a portion of a garage enclosure (the onsite driveway length will remain 20 ft minimum).

Ms. Faye Farmer was present to represent this case.

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

Mr. Charles Sheffer & Mr. Ed Douglas, Tempe residents & neighbors of Ms. Farmer, spoke in support, stating that they were in 100% in favor of this request.

DECISION:

Mr. Williams approved PL100243 / ZUP10086 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. Building addition to match existing residence in color, form and material.

6. Request by the **DEL RE RESIDENCE (PL100250)** (David Love/Love Development, applicant, James Del Re, property owner) located at 2035 East Caroline Lane in the AG, Agricultural District for:

ZUP10088 Use permit standard to reduce the rear yard setback by 20% from 35 ft to 28 ft for an accessory building.

No one was present to represent this case.

Sherrri Lesser, staff planner, gave an overview of this case and stated that no further public input has been received since the staff report was issued. There has been no public input has been received on this request, Ms. Lesser stated.

Mr. Williams noted that this was a straight forward case and meets the City code(s).

DECISION:

Mr. Williams approved PL100250 / ZUP10088 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. Use permit valid for plans as submitted and approved by the Hearing Officer.

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7. Request by the **NEAL RESIDENCE (PL100251)** (Jeffrey Neal, applicant/property owner) located at 1341 East Don Carlos Avenue in the R1-6, Single Family Residential District for:

ZUP10089 Use permit to allow parking in the front yard setback.

Mr. Jeffrey Neal 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. One (1) phone had been received from a neighbor who expressed concern over the front yard. Mr. Graves noted that the Conditions of Approval had been written to address these concerns. Code Compliance is aware of these condition(s).

Mr. Neal noted that this property had been purchased as part of a foreclosure. He questioned how a property owner is aware of pending code action(s) against the property. Mr. Graves explained that notice(s) would be sent to the address and that code inspector(s) would be in contact.

Mr. Neal stated that he had been unaware of any code compliant(s). He was provided with the phone number of the code enforcement section by Mr. Graves. Mr. Neal provided Mr. Graves with the proposed landscape plan for this property for routing to the code inspector.

Mr. Williams asked how many people would be residing at this address. Mr. Neal responded that his three (3) daughters would be living there.

Mr. Williams explained that if parking was not available in the driveway and the resident(s) parked in the street, they were limited to a 48 hr street parking duration. Mr. Neal acknowledged this requirement.

The proposed landscape plan was reviewed; Mr. Neal indicated where concrete pavers would be placed and the areas to be covered with crushed granite and placement of trees.

Projected parking and driveway area(s) were discussed by the Hearing Officer, applicant and staff members. Mr. Neal was encouraged to meet with staff and discuss the parking option(s) available at this property.

DECISION:

Mr. Williams approved PL100251 / ZUP10089 subject to the following conditions:

1. The required parking on-site shall be used for single family residential use only.
2. Parking shall take place on impervious surfaces only.
3. Obtain all necessary clearances from the Building Safety Division.
4. All vehicles parked on the premises must be actively registered and in operable condition at all times.
5. One (1) additional tree of a fifteen (15) gallon size shall be planted in the front yard to help screen parking in the front yard setback.
6. The carport enclosure shall be compatible with the main residence in color, form, texture and material.
7. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing set to re-evaluate the appropriateness of the use permit.

8. Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **HAWS PROPERTY (PL100233/ABT10017/CE101250)** (Jack Scofield, Inspector; Jeffrey Haws, property owner) located at 1872 East Magdalena Drive in the R1-7, Single Family Residential District.

No one was present to represent the property owner.

Jack Scofield, Code Compliance Inspector, explained that plants and weeds in excess of 12" in height, dead landscape and a swimming pool that presented a health hazard existed prior to the emergency abatement. He requested an open abatement period of 180 days.

DECISION:

Mr. Williams approved abatement proceedings for PL100233 /ABT10017 /CE101250 for an open period of 180 days.

9. Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **JACKSON PROPERTY (PL100239/ABT10018/CE101852)** (Brandy Zedlar, Inspector; Mary Ann Jackson, property owner) located at 3838 South Roosevelt Street in the R1-6, Single Family Residential District.

Ms. Mary Jackson was present to represent the property owner.

Brandy Zedlar, Code Compliance Inspector, explained that this case was initiated on May 19, 2010 and the property continued to remain non-compliant. She stated that dead or uncontrolled landscape and broken windows existed on this property. There have been police issues with people entering the house and living there, Ms. Zedlar explained. She stated that she had spoken with Ms. Jackson on September 1st, who indicated she wanted an extension of time for bringing the property into compliance.

Ms. Jackson spoke of the difficulties she has encountered managing this property.

Mr. Williams explained the process of City lien(s) against the property to cover the abatement costs.

Ms. Jackson indicated her willingness to have the City abate this property, but asked that she be notified the day that the property is abated by the City contractor.

Ms. Zedlar asked for an open abatement period of 180 days in case the property becomes unsecured again; she noted that Ms. Jackson would have the option of paying the abatement costs up front rather than having a lien placed against the property.

DECISION:

Mr. Williams approved abatement proceedings for PL100239 /ABT10018 /CE101852 for an open period of 180 days.

10. Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **MARTINEZ RESIDENCE (PL100240/ABT10020/CE102433)** (Brandy Zedlar, Inspector; Abraham Martinez, property owner) located at 5617 South Palm Drive in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Brandy Zedlar, Code Compliance Inspector, explained that this property was going up for auction on October 14th. At this time, debris, trash, uncontrolled growth of landscaping, a broken window and damaged fencing were contributing to a slum-like appearance of this property. She requested an open abatement period of 180 days.

DECISION:

Mr. Williams approved abatement proceedings for PL100240 /ABT10020 /CE102433 for an open period of 180 days.

11. Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **MAYO PROPERTY (PL100241/ABT10019/CE102221)** (Jack Scofield, Inspector; Angela Mayo Trust, property owner) located at 1954 East Krista Way in the R1-7, Single Family Residential District.

No one was present to represent the property owner.

Jack Scofield, Code Compliance Inspector, explained that dead and overgrown landscape existed on this property, as well as a deteriorated swimming pool that is a health hazard. He had spoken with the property owner who explained that the property was going thru foreclosure proceedings.

DECISION:

Mr. Williams approved abatement proceedings for PL100241 /ABT10019 /CE102221.

12. Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **OCWEN LOAN PROPERTY (PL100246/ABT10016/CE102493)** (Shawn Daffara, Inspector; Ocwen Loan Servicing, property owner) located at 1627 West Inverness Drive in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Shawn Daffara, Code Compliance Inspector, explained that the property was in foreclosure and that the Code Compliance Section had attempted to obtain compliance through correspondence with the property owner, Ocwen Loan Servicing, for almost two months. Mr. Daffara stated that this property was in foreclosure, and deteriorated landscaping, unsecured back door, deteriorated gates and junk and debris existed.

DECISION:

Mr. Williams approved abatement proceedings for PL100246 /ABT10016 /CE102493 for an open period of 180 days.

The next Hearing Officer public hearing will be held on **Tuesday, September 21, 2010.**

There being no further business the public hearing adjourned at 2:15 PM.

Prepared by: Diane McGuire, Administrative Assistant II
Reviewed by:



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

SA:dm

APPROVED