

**Minutes
HEARING OFFICER
JULY 5, 2011**

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:

Vanessa MacDonald, Hearing Officer
Steve Abrahamson, Planning & Zoning Coordinator
Sherri Lesser, Senior Planner

Number of Interested Citizens Present: 3

Meeting convened at 1:30 PM and was called to order by Ms. MacDonald. She 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 July 19, 2011 at 3:00 PM to the Community Development Department.

1. Ms. MacDonald noted that the Hearing Officer Minutes for June 21, 2011 had been reviewed and approved.

2. Request by **FRUGLETTI RESIDENCE (PL110223)** (Wendy Kargman/Az Bag & Shade Inc., applicant; Anthony Frugletti, property owner) located at 1539 East Williams Street, in the R1-6, Single Family Residential District for:

ZUP11052 Use permit to allow required parking in the street side yard setback.

VAR11003 Variance to reduce the street side yard setback from 45 **10** ft. to 0 ft. **CORRECTED BY STAFF**

Ms. Wendy Kargman was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case. She noted that the variance is to reduce the street yard setback from 10 ft. to 0 ft. to allow for a shade structure. Staff research found that no use permit has previously been granted to allow the required parking area to encroach into the street side yard setback, and the use permit request is to make the existing parking area legal and conforming. Staff recommends approval of the variance as the residence is located in a unique neighborhood with varying parking/driveway configurations and locations. Several lots have street side parking areas immediately adjacent to the right-of-way with some protected by shade structures. Granting the variance allows the homeowner the same privileges enjoyed by other properties of the same classification in the same zoning district. The neighbor most impacted lives across the street and is in support of this request.

Ms. Kargman acknowledged her understanding of the Conditions of Approval.

Ms. MacDonald stated she had reviewed the property during a site visit, and feels that this request meets the criteria for a use permit. She noted that this request meets the criteria for special circumstances to allow a variance to be granted.

DECISION:

Ms. MacDonald approved PL110223 / ZUP11052 and VAR11003 (as modified by staff) subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. Color scheme of carport to match the main dwelling trim color.
3. The setback variance is approved for the leading support post to be located on the property and not in the City Right-of-Way. Verify the location of the property line relative to the sidewalk. A survey may need to be completed.

The next Hearing Officer public hearing will be held on **Tuesday, July 19, 2011.**

There being no further business the public hearing adjourned at 1:42 PM.

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



Steve Abrahamson, Planning & Zoning Coordinator
for Vanessa MacDonald, Hearing Officer

SA:dm