

Staff Summary Report



Hearing Officer Hearing Date: June 17, 2008

Agenda Number: 9

SUBJECT: This is a public hearing for a request by the **MINCHUK RESIDENCE (PL080187)** located at 1333 East Whalers Way for one (1) variance.

DOCUMENT NAME: 20080617dssl02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **MINCHUK RESIDENCE (PL080187)** (Larry Dalton/Dalton Designs Inc., applicant; Marion Minchuk, property owner) located at 1333 East Whalers Way in the R1-6, Single Family Residential District for:

VAR08013 Variance to reduce the front yard setback from twenty (20) feet to thirteen (13) feet eight (8) inches.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

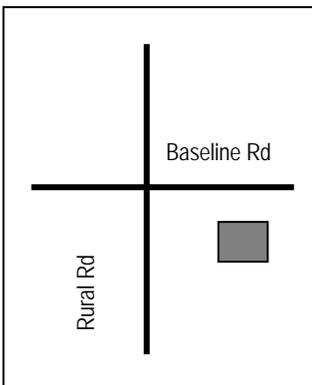
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Denial

ADDITIONAL INFO: The Minchuk Residence is seeking a variance to reduce the front yard setback from twenty (20) feet to thirteen feet eight inches (13'-8") for a garage addition to their house. The proposed garage will have side access and will maintain the minimum on site driveway maneuvering area. Staff recommends denial of the variance owing to lack of hardship, special circumstances or evidence indicating potential loss of substantial property rights. In accordance with the Zoning and Development Code, the applicant held a neighborhood meeting on May 27, 2008; thirty-two neighbors attended the meeting and staff received a petition of support.



PAGES:

1. List of Attachments
2. Comments; Reasons for Denial
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Applicant's list of reduced setbacks
5. Site plan
6. Floor Plan
7. Elevation
- 8-15. Homeowners Approval w/application and signatures
- 16-21. Neighborhood meeting minutes and petition of support
22. Applicant's Photograph(s)
23. Staff Photograph(s)
- 24-25. Subdivision Approval letter and Plat.

COMMENTS:

The Minchuk Residence is requesting a variance to reduce the front yard setback from twenty (20) feet to thirteen feet eight inches (13'-8") for an addition to their house. The proposed structure will be an attached garage for the storage of vehicles. The addition will complement the house in design and is accessible from a side entry using the existing driveway.

Public Input

The applicant held a neighborhood meeting on May 27, 2008 and from the meeting provided a petition with signatures in support of the reduced setback variance. In addition, a letter of approval was provided from the Lakes Homeowners Association.

Variance

The Zoning and Development Code requires the setbacks for dwellings, in the R1-6 Single Family Residential District, to be located twenty feet from the front property line. This property is located within the Lakes Subdivision Tract A. The Lakes Subdivision is a unique residential development that is characterized by reduced setbacks, courtyard entrances, lakefront properties and lush landscape. When the subdivision was built the minimum setback for the front yard was twenty feet (20) which, at the time, was a five (5) foot variation from the R1-6 Residential Standards of Zoning Ordinance 808. The adoption of the Zoning Development Code in 2005 reduced the overall setback in the R1-6 Zoning District to twenty feet (20) with the allowance to further reduce the setback, through a use permit process, by 20% or to sixteen (16) feet. Staff has noted in the history other front yard setback variances that have been granted in Tract A of the Lakes Subdivision. The applicant has provided a letter which lists other properties in the area with reduced setbacks.

Nonetheless, analysis of this request result in findings that there are no special circumstances or conditions affecting this building, land, or use to warrant approval of the variance. The property is rectangular in shape and is consistent with other properties on this block. Authorizing the variance is not necessary for the enjoyment of substantial property rights. We encourage the applicant to explore other designs that will conform to the setback standards in the R1-6, Single Family Residential District or redesign to utilize the 20% reduction permissible by a use permit.

Conclusion

Staff recommends denial of the front yard setback variance as proposed.

REASON(S) FOR DENIAL:

1. No special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is not necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variance(s) will may be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. Obtain all necessary clearances from the Building Safety Department.
2. Obtain all necessary clearances from the Public Work Department for on-site retention for expansion of building area and pavement in front yard.

HISTORY & FACTS:

June 8, 1988

The Hearing Officer approved a variance request for the Philippakis Residence to allow a 5' high swimming pool fence to be located with 2'-5" from the front property line located at 1321 East Steamboat Drive, Tract A Lakes Subdivision in the R1-6, Single Family Residential District.

June 6, 2003.

The Hearing Officer approved a variance request for the Ramsey Residence to reduce the front yard setback from 20' to 15' to allow an entry wall/trellis structure located at 1318 East Commodore Place in the R1-6, Single Family Residential District.

DESCRIPTION:

Owner – Marion Minchuk
Applicant – Larry Dalton, Dalton Designs
Existing zoning – R1-6, Single Family Residential
Lot Size- 8643 s.f.
Net Acre- . 198
Lot Dimensions- 65 x 133.55
Existing residence building area- 3200 s.f.
Proposed building area- 240 s.f.
Lot coverage allowed- 45%
Lot Coverage (proposed) - 39%
Required front yard setback- 20'
Proposed front yard setback- 13'8"

**ZONING AND
DEVELOPMENT**

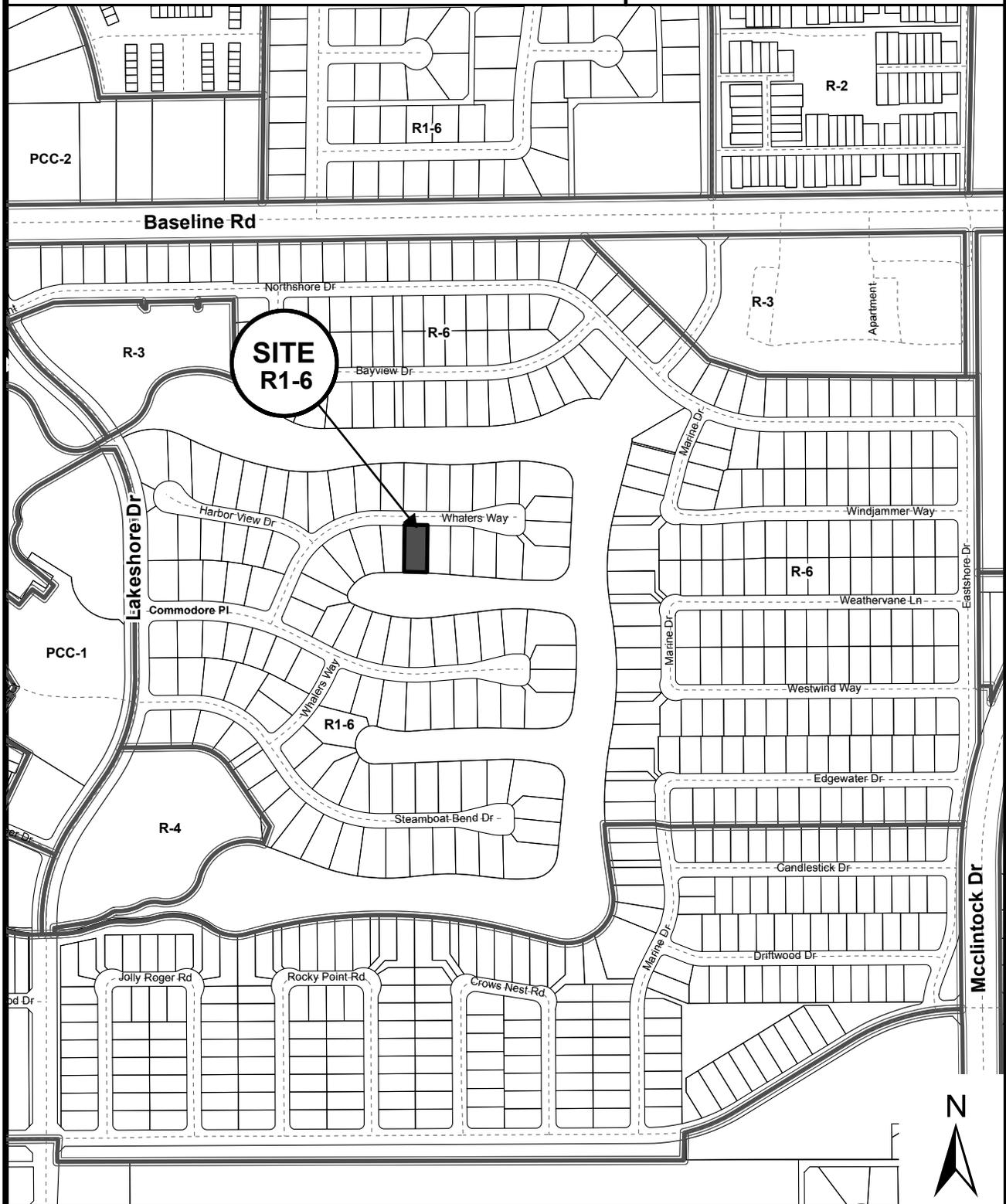
CODE REFERENCE:

Citations of Code Requiring Residential Setbacks & Variance(s):

Zoning & Development Code:
Part 4, Chapter 2, Section 4-202.
Part 6, Chapter 3, Section 6-309

MINCHUK RESIDENCE

PL080187



Location Map



MINCHUK RESIDENCE (PL080187)



phone 480-839-8131
fax 480-839-6990
daltondesigns@cox.net



City of Tempe
Development Services Department
31 East 5th Street
Tempe, Arizona 85280

May 20, 2008

City of Tempe Planning Department:
Letter of Explanation:

Hearing Officer / Variance.

Subject property: 1333 East Whalers Way Tempe, Arizona 85283 Lot # A58 "The Lakes"

We are proposing to add a portion of a single garage into the front yard setback.

The subject lot is a small narrow shaped lot, with very limited setback requirements. Due to the small size of the lot & the restriction of the lake at the rear & the setback of 40'-0" has constrained the single garage addition design.

We feel that the best solution would be to project a portion (6'-4") of the single garage into the front of the property setback, which is 13'-8" from the front property line.

This requested variance is to project a six-foot-four inches (6'-4") depth by twenty foot (20'-0") wide portion of the single garage with a side entry, into the front yard setback.

This proposed variance for the single garage (along with the existing two car garage) is for security & privacy of the owners. The owners would like to park their vehicles inside a secured garage & not in the driveway or on the street. This would protect their property against theft & vandalism.

The entire existing "Territorial" design home which was built about 1975 & is outdated, will be remodeled & the existing flat roofs & parapets will be removed & replaced with a pitched tile roof of an entirely new "Tuscan" exterior design.

We feel that the proposed projection & variance will not cause any line of site issues with the adjacent neighbors, as the proposed projection is minimal & is near the north-west area of the subject lot.

The proposed addition will be built of the same materials, design & colors as the remodeled residence.

We feel that the overall design, additions & remodeling of the residence will enhance the overall aesthetes of the front & street views of the home.

Attached is The Lakes Architectural Committee's approval for this project.

Please refer to the attached list of homes in "The Lakes Community" that have been granted similar variances.

Thank you for your consideration in this matter.

Dalton Designs, Inc.
Larry J. Dalton



phone 480-839-8131
fax 480-839-6990
daltondesigns@cox.net



City of Tempe
Development Services Department
31 East 5th Street
Tempe, Arizona 85280

May 14, 2008

City of Tempe Planning Department:
Lakes Variances Granted:

Hearing Officer / Variance.

Subject property: 1333 East Whalers Way Tempe, Arizona 85283 Lot # A58 "The Lakes"

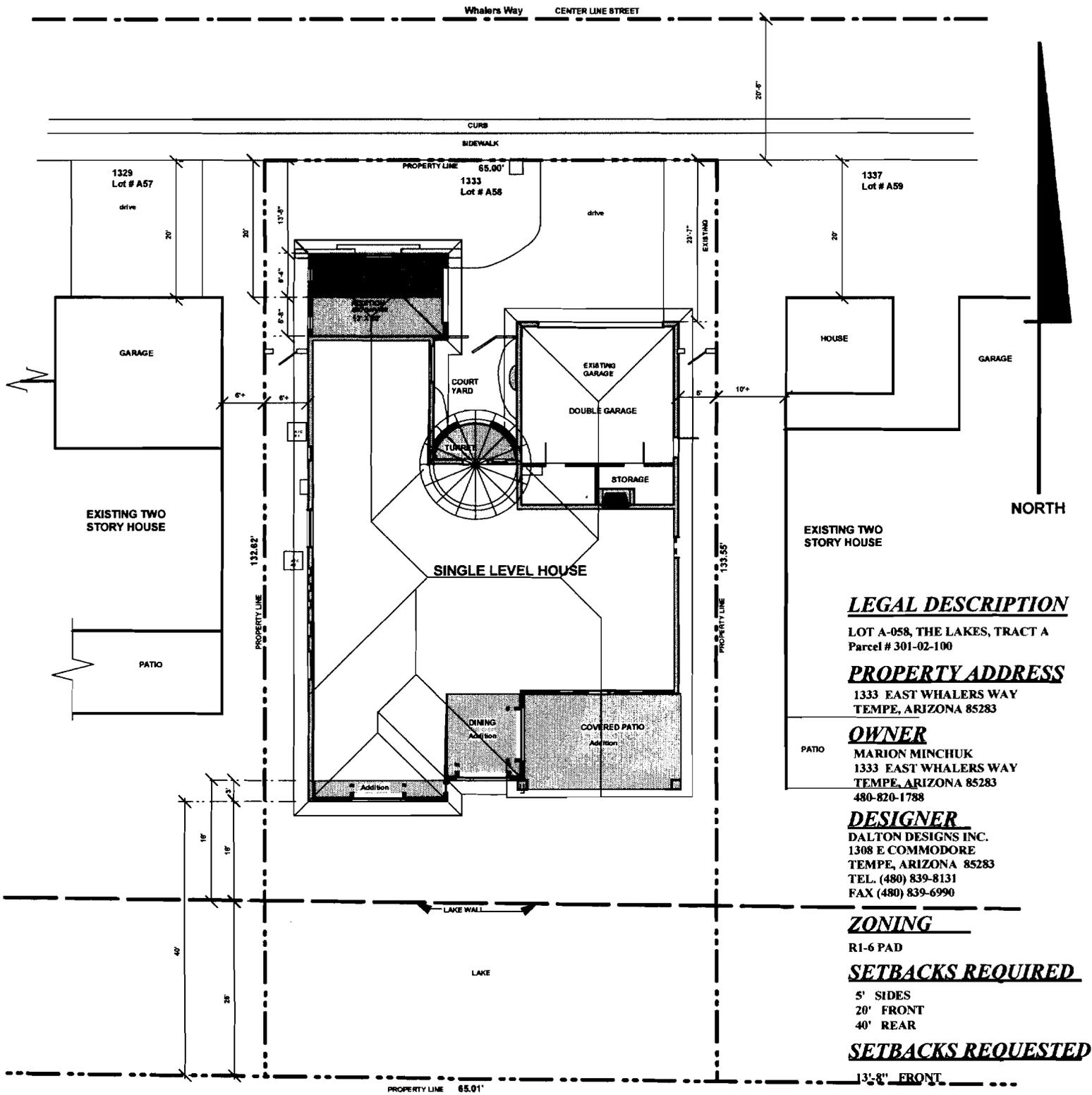
We are proposing to add a portion of a single garage into the front yard setback.

The following is a list of the homes in "The Lakes Community" that we believe have been granted similar front yard setback variances.

- Lot # A70, George & Joellen Guess, 1336 E. Whalers Way.
- Lot # A68, Douglas & Phyllis Culy, 1408 E. Whalers Way.
- Lot # B23, Dan & Penelope Hom, 1057 E. Sandpiper Drive.
- Lot # B34, John & Pamela Kane, 1013 E. Sandpiper Drive.
- Lot # B21, Loren & Elaine Quest, 1065 E. Sandpiper Drive.
- Lot # R2-69, Ronald Jensen, 1536 E. Candlestick Drive.
- Lot # B07, Robert Bennie, 1075 E. Sandpiper Drive.
- Lot # B22, Evert & Heide Hertsenberg, 1061 E. Sandpiper Drive.
- Lot # B24, Kitty & Mary Collins, 1053 E. Sandpiper Drive.
- Lot # B36, Richard & Susan Harrison, 1005 E. Sandpiper Drive.

Thank you for your consideration in this matter.

Dalton Designs, Inc.
Larry J. Dalton



LEGAL DESCRIPTION

LOT A-058, THE LAKES, TRACT A
Parcel # 301-02-100

PROPERTY ADDRESS

1333 EAST WHALERS WAY
TEMPE, ARIZONA 85283

OWNER

PATIO
MARION MINCHUK
1333 EAST WHALERS WAY
TEMPE, ARIZONA 85283
480-820-1788

DESIGNER

DALTON DESIGNS INC.
1308 E COMMODORE
TEMPE, ARIZONA 85283
TEL. (480) 839-8131
FAX (480) 839-6990

ZONING

RI-6 PAD

SETBACKS REQUIRED

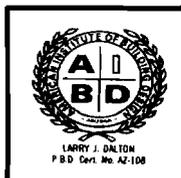
5' SIDES
20' FRONT
40' REAR

SETBACKS REQUESTED

13'-8" FRONT

-  INDICATES EXISTING BUILDING
-  INDICATES BUILDING ADDITION
-  INDICATES BUILDING VARIANCE REQUEST

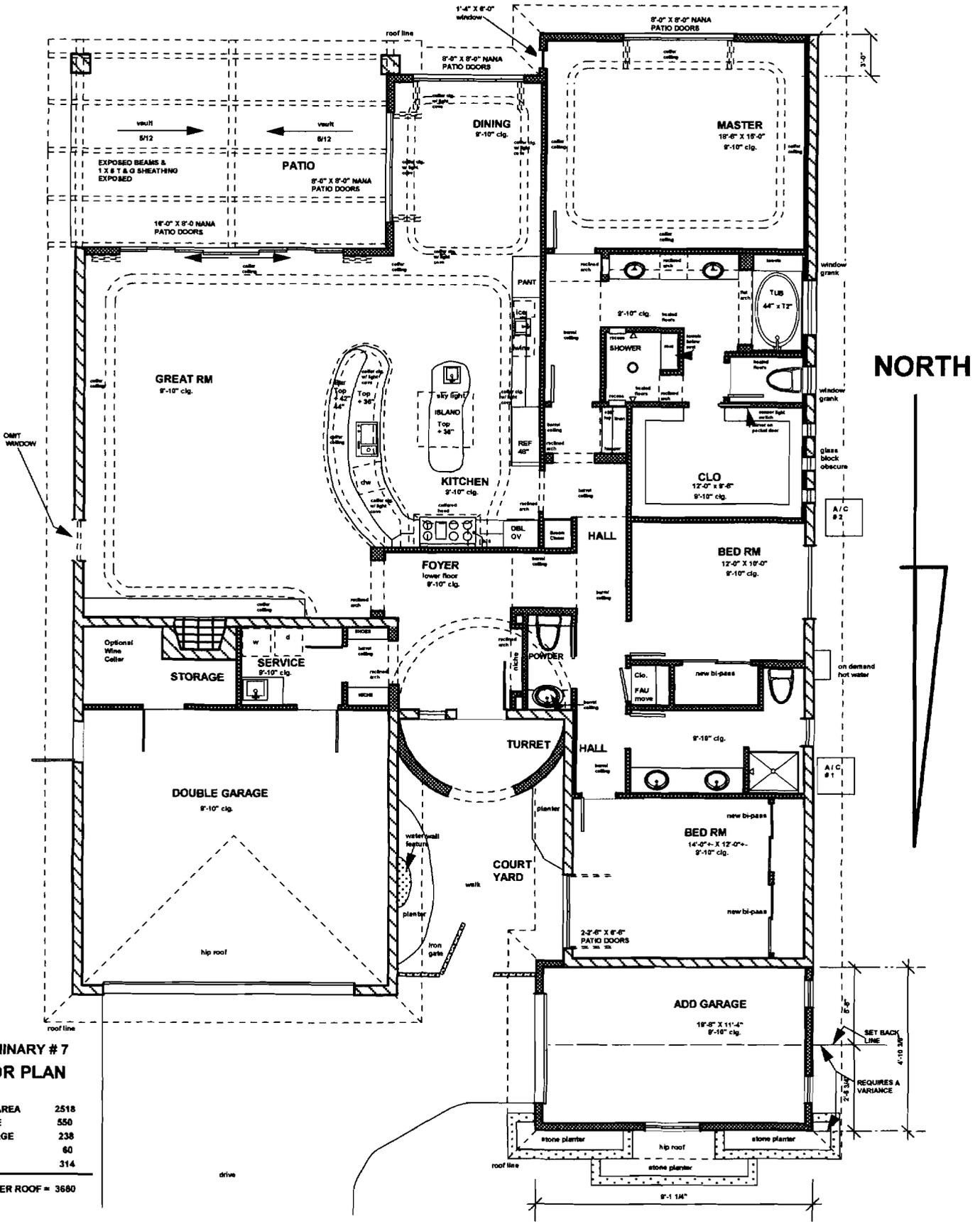
**PRELIMINARY
SITE PLAN**
no scale



Web site: www.daltondesigns.com © 2008
**DALTON
DESIGNS, INC.**
 RESIDENTIAL DESIGNS
 1308 EAST COMMODORE TEMPE, ARIZONA 85283
 480-828-8131 Fax 480-839-6990 Email daltondesigns@cox.net

AN ADDITION & REMODEL OF A RESIDENCE FOR
Marion Minchuk
 1333 E. WHALERS WAY TEMPE, ARIZONA 85283
 480-820-1788

sheet no. # 8
1
 of 3
 5-12-08



**PRELIMINARY # 7
FLOOR PLAN**

no scale

LIVING AREA	2518
GARAGE	550
S. GARAGE	238
TURRET	60
PATIO	314

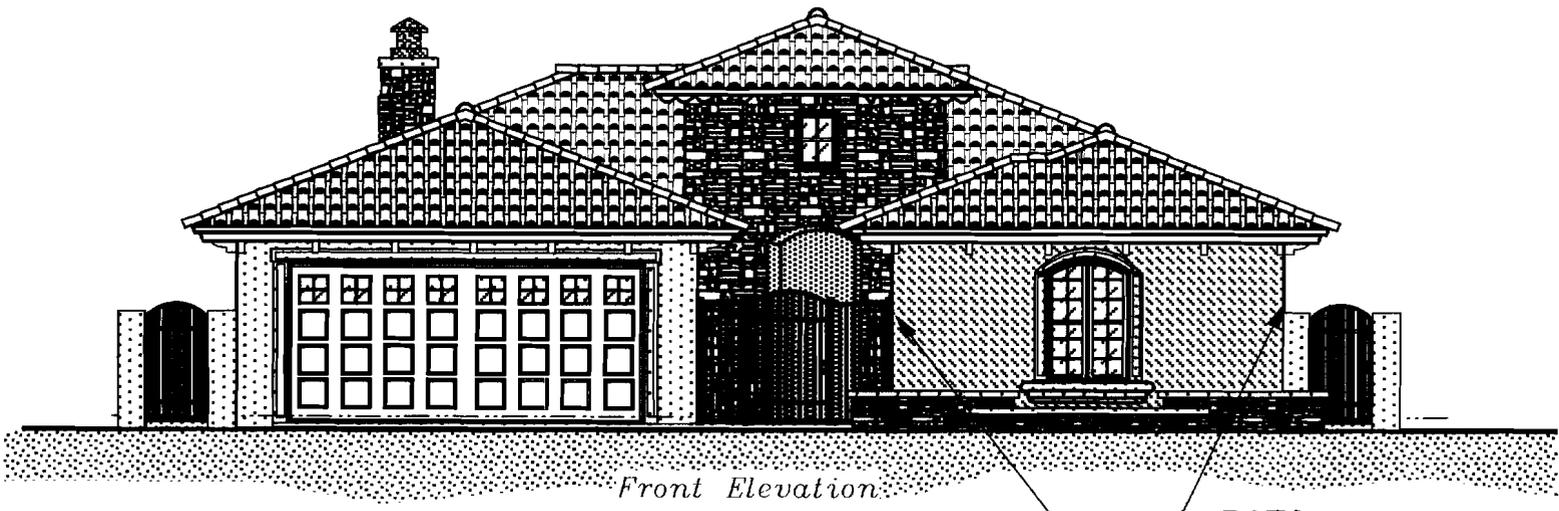
TOTAL AREA UNDER ROOF = 3680



Web site = www.daltondesigns.com
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BALTON
DESIGNS, INC.
 RESIDENTIAL DESIGNS
 1308 EAST COMMODORE TEMPE, ARIZONA 85283
 480-828-6131 Fax: 480-828-6390 Email: daltondesigns@cox.net

AN ADDITION & REMODEL OF A RESIDENCE FOR
Marion Minchuk
 1333 E. WHALERS WAY TEMPE, ARIZONA 85283
 480-820-1788

7 sheet no.
2
 of 3
 8-12-08



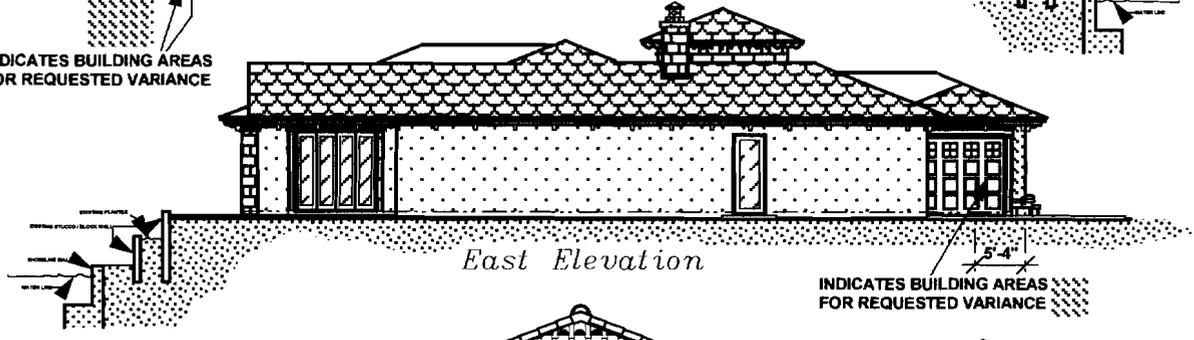
Front Elevation

DATA
INDICATES BUILDING AREAS
FOR REQUESTED VARIANCE



West Elevation

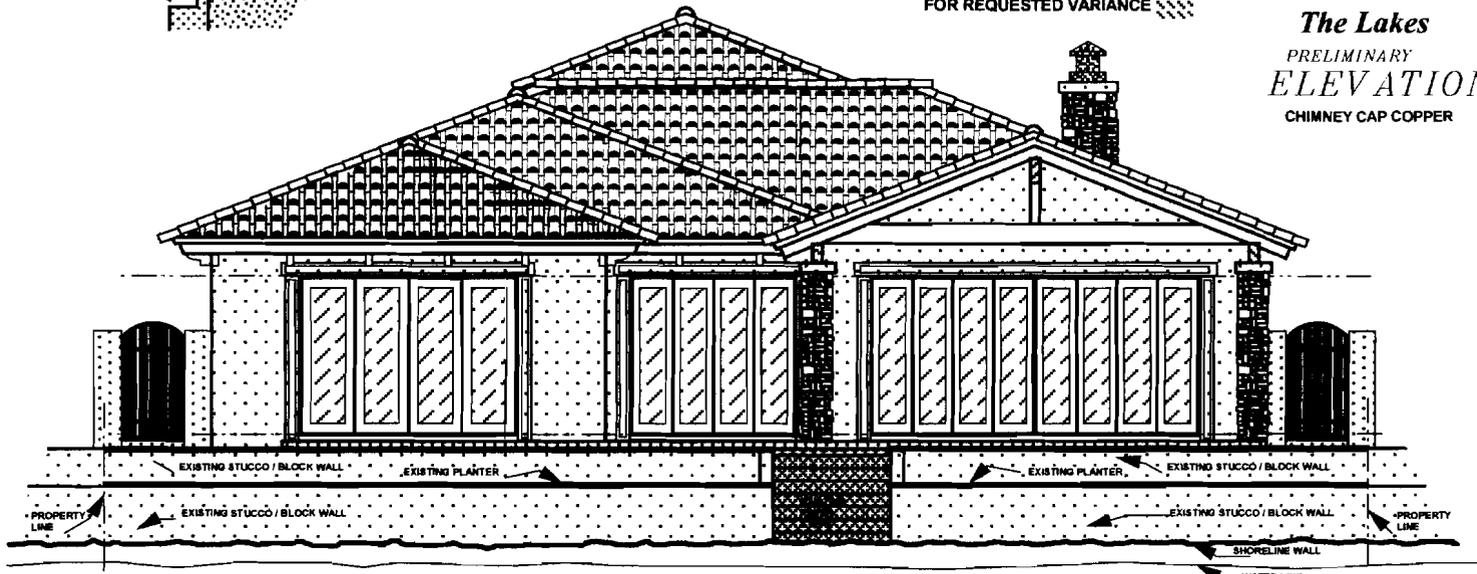
INDICATES BUILDING AREAS
FOR REQUESTED VARIANCE



East Elevation

INDICATES BUILDING AREAS
FOR REQUESTED VARIANCE

The Lakes
PRELIMINARY
ELEVATION
CHIMNEY CAP COPPER



Rear Elevation



Web site = www.daltondesigns.com © 2008
DALTON
DESIGNS, INC.
 RESIDENTIAL DESIGNS
 1308 EAST COMMODORE TEMPE, ARIZONA 85283
 480-838-0131 Fax 480-839-6990 Email daltondesigns@cox.net

AN ADDITION & REMODEL OF A RESIDENCE FOR
Marion Minchuk
 1333 E. WHALERS WAY TEMPE, ARIZONA 85283
 480-820-1788

sheet no. # 8
3
 of 3
 6-13-08



The Lakes Community Association, Inc.

5501 South Lakeshore Drive
Tempe, Arizona 85283-2155
(480) 838-1023
Fax (480) 838-3226
City of Tempe
Development Services
Planning Department
31 East Fifth Street
Tempe, Arizona, 85280

May 19, 2008

Planning Department

The Lakes Architectural Committee has approved the remodeling, addition design & the exterior colors for the Marion Minchuk residence which is located on Lot # A58, at 1333 East Whalers Way, Tempe, Arizona.

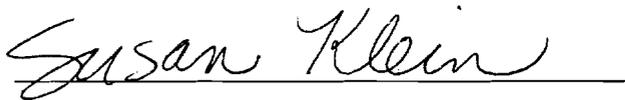
The proposed garage addition at the front of the property is shown to project into the front yard setback by approximately six feet, four inches, that is 13'-8" from the front property line.

This projection is approved by our committee, but is contingent on the approval by the City of Tempe, through the Variance Procedure.

Please find attached a copy of The Lakes Architectural Committee's approved application for this project. Note that the owner has secured eight of the immediate neighbor's approval for this project.

Thank you for your consideration in this matter.

The Lakes architectural Committee Members



Cc Dalton Designs, Inc.
Marion Minchuk

The Lakes Community Association, Inc.

Application # 08-104

Date Received in LCA office by: Karen Carrillo

RECEIVED MAY 06 2008
Date: _____

Architectural Committee Project Authorization: Based on CC&Rs, Article IV, Section 2(E), Article IV (3)(C)(3), Article IV (3)(C)(7) and all Architectural rules. Please submit to The LCA Office. The Architectural Committee will review in 30 days or less.

Please RUSH the review. Decision needed by 5-6-08 (Based on availability of members to review.)

Property Address 1333 E Whalers Way Lot # A58 Phone: 480-820-1788

Applicant/Owner Name: MARION MINCHUK Owner Signature: _____

TYPE OF PROJECT: See attachment for specific details. Photographs of your home's proposed project site are recommended. Hand drawn plans should be drawn to scale using the attached grid (1 square = 1 foot), including a "key" if appropriate (samples available in LCA office). If project in any way impacts your neighbors on either side, please include their signatures as well.

- Construction:** Attach 2 copies of the architectural drawing. For small projects please include a hand drawn plan, to scale.
 - Landscaping:** Attach 2 copies of the new landscape plan/drawing, to scale. Refer to list of approved plants, rocks, trees, etc. **SUBMIT PRIOR TO COMPLETION.**
 - Paint:** Refer to list of approved paint colors, submit dealer PAINT CHIPS indicating the Base, Trim and Accent colors.
 - SEE COLOR BOARD** Refer to the CC&Rs to determine which areas of your home qualify for the base, trim and/or accent colors.
 - Roofing:** Attach a dealer roof sample or color picture brochure. **SAMPLE & BROCHURE**
 - Antennae:** Include the Notice of Intent to Install Antennae application.
 - Other:** STONE - SEE BROCHURE
- NA Yes Neighbors have been notified. If your project impacts your neighbors in any way, please include their signature.
 NA Yes City of Tempe Variance or Permits have been applied for and approval is expected by _____ (date).

I/We hereby request approval for the following project: Please use the attached grid form with explicit plot plan and/or drawing:

- 1) Shirley J. Clark 1308 E. Commodore Pl. A-49 ⑤ Norval Woodcock 1405 E Whalers A-6
- 2) Jerry Clancy 1329 E. Whalers Way A-57 ⑥ Don Thorne 1420 E Whalers Way
- 3) Virginia Norton El Bob Ramirez A-47 El A-48 ⑦ Don Odey 1408 E Whalers Way A-6
- 4) D. Anderson 1337 E Whalers Way A-59 ⑧ M. Mann A-20 1336 E Whalers Way

Estimated time to complete the project after approval is obtained: 62 months _____ weeks or _____ days. SAV 2009
Please submit an "Extension Request" to the Architectural Committee if you are unable to complete your project on time.

APPROVED **APPROVED W/CONDITIONS** **NOT APPROVED**

Committee Decision Date: 5-6-08 Project to be completed by: May 2009 (Project inspection date)

Remarks: Committee action is only related to the aesthetics or suitability of the proposed project as written in the CC&Rs. Committee action is in no way an approval of the suitability or structural integrity of the improvement requested, nor does it waive building codes or City of Tempe approval of construction in the setbacks or easements. Please inquire with the City of Tempe regarding required variances and/or permits.

COMMITTEE MEMBER SIGNATURES / DATE:

1) Susan Kain 5-6-08 Approval, pursuant to City of Tempe Approval
Tate Martin 5/6/08

FINAL INSPECTION (Signature): _____ **Date:** _____

NOTES: _____

11 Counterpart

LAKES COMMUNITY ASSN
5501 LAKESHORE DR
TEMPE, AZ 85283 USA
Parcel: 301-02-950-B

YOUNG ALAN J/TERESA C
1303 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-094

A-52 *Alan Young* 5/12/08
A 58 *Terese Young* 5/12/08

MINCHUK MARION R TR
1333 WHALERS WAY
TEMPE, AZ 85282 USA
Parcel: 301-02-100

RAMSEY ROBERT H & VIRGINIA NORTON
1501 W FOUNTAINHEAD PKWY #650
TEMPE, AZ 85283 USA
Parcel: 301-02-090

Elinor M. Lassen Lot 74

LASSEN ELINOR M TR
1320 WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-116

TRUST FOR PATRICIA A PHILLIPS ETAL
101-6TH ST SW
SUITE 220
CALGARY, T2P 5K7 ALB
Parcel: 301-02-087

491-2782

MILLS HILDA E
1311 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-096

H. Mills A-54 5/12/08

WOLF GEOFFREY T/SANDI J
1416 E WHALERS WY
TEMPE, AZ 85283 USA
Parcel: 301-02-108

VAUGHN JERRY C/SUSAN L TR
1329 E WHALERS WY
TEMPE, AZ 85283 USA
Parcel: 301-02-099

Jerry Vaughn A-57 5-12-08

COPPLE LEONARD W/JEAN L TR
1317 E WHALERS WAY
TEMPE, AZ 852830000 USA
Parcel: 301-02-097

Leon Copple A55 5-12-08

WOODWARD GERALD E & VERGIE
1405 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-102

Gerald Woodward 5-12-08
A60

RUCH WILLIAM A/LANA M
1314 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-117

MCCURDY CHARLES R/ELLEN
1417 E WHALERS WY
TEMPE, AZ 85283 USA
Parcel: 301-02-105

MORROW NORMAN/CAROLE
1336 WHALERS WY
TEMPE, AZ 85283 USA
Parcel: 301-02-112

Carole Morrow
A0-70 5/12/2008

Note: Ramsey signed in
Counterpart - owns 2 lots
A48 & A47

LAKES COMMUNITY ASSN
5501 LAKESHORE DR
TEMPE, AZ 85283 USA
Parcel: 301-02-950-B

YOUNG ALAN J/TERESA C
1303 E WHALES WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-094

A-52 *[Signature]* 5/12/08
A 58 *[Signature]* 5/12/08

MINCHUK MARION R TR
1333 WHALERS WAY
TEMPE, AZ 85282 USA
Parcel: 301-02-100

RAMSEY ROBERT H & VIRGINIA NORTON
1501 W FOUNTAINHEAD PKWY #650
TEMPE, AZ 85283 USA
Parcel: 301-02-090

[Signature] 5/12/08
A-47

LASSEN ELINOR M TR
1320 WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-116

TRUST FOR PATRICIA A PHILLIPS ETAL
101-6TH ST SW
SUITE 220
CALGARY, T2P 5K7 ALB
Parcel: 301-02-087

491-2782

MILLS HILDA E
1311 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-096

[Signature] A-54 5/12/08

WOLF GEOFFREY T/SANDI J
1416 E WHALERS WY
TEMPE, AZ 85283 USA
Parcel: 301-02-108

VAUGHN JERRY C/SUSAN L TR
1329 E WHALERS WY
TEMPE, AZ 85283 USA
Parcel: 301-02-099

[Signature] A-57 5-12-08

COPPLE LEONARD W/JEAN L TR
1317 E WHALERS WAY
TEMPE, AZ 852830000 USA
Parcel: 301-02-097

[Signature] A-55 5-12-08

WOODWARD GERALD E & VERGIE
1405 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-102

[Signature] 5-12-08
A-60

RUCH WILLIAM A/LANA M
1314 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-117

MCCURDY CHARLES R/ELLEN
1417 E WHALERS WY
TEMPE, AZ 85283 USA
Parcel: 301-02-105

MORROW NORMAN/CAROLE
1336 WHALERS WY
TEMPE, AZ 85283 USA
Parcel: 301-02-112

[Signature]
A0-70 5.12.2008

* Note Ramsey signed in Counterpart
A-47 + A-48

ZEIDMAN FREDRICK H/LOIS A G
1307 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-095

Pro Zeidman A-53 5/13/08

MULLIGAN JOSEPH FRANCIS JR/ROSE ANN TR
1421 E WHALER WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-106

SIXTEEN TRUST THE
1412 E WHALERS WY
TEMPE, AZ 85284 USA
Parcel: 301-02-109

Signature Lot # A67 5-12-08

CULY DOUGLAS G/PHYLLIS D TR
1408 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-110

THOREN DONALD A
1420 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-107

*Donald A Thoren 5/13/08
A-65*

BROWN STEVEN FREDERICK/MACKAY ANNE S
1341 E BAYVIEW DR
TEMPE, AZ 85283 USA
Parcel: 301-02-295

DALTON LARRY J/KOREEN C TR
1308 COMMODORE PL
TEMPE, AZ 85283 USA
Parcel: 301-02-091

A-49 Larry & Koreen Dalton 5/12/08

HAGEBOECK RICHARD M/SYLVIA R TR
P O BOX 1988
ARIZONA CITY, AZ 85223 USA
Parcel: 301-02-130

MCCABE JAMES E & MAGDALENA I
1403 E BAYVIEW DR
TEMPE, AZ 85283 USA
Parcel: 301-02-294

GITTUS PRISCILLA R TR
1332 WHALERS WAY
TEMPE, AZ 852830000 USA
Parcel: 301-02-113

A-71 Priscilla R. Gittus 5/12/08

SCHOOLER RICHARD A/WARE LINDA S
1328 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-114

*Richard A Ware A-72 5-12-08
Richard A Schooler A-72 May 12, 08*

SANS PEUR PROPERTIES LLC
1325 E BAYVIEW DR
TEMPE, AZ 85283 USA
Parcel: 301-02-298

RASMEY ROBERT/NORTON VIRGINIA
1501 W FOUNTAINHEAD PKWY STE 650
TEMPE, AZ 852821864 USA
Parcel: 301-02-089

*Signature 5-12-08
A-48*

LAKES COMMUNITY ASSN
5501 LAKESHORE DR
TEMPE, AZ 85283 USA
Parcel: 301-02-950-B

approved 5-6-08

YOUNG ALAN J/TERESA C
1303 E WHALES WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-094

A-52 *[Signature]* 5/12/08

MINCHUK MARION R TR
1333 WHALERS WAY
TEMPE, AZ 85282 USA
Parcel: 301-02-100

A 58 *[Signature]* 5/12/08

RAMSEY ROBERT H & VIRGINIA NORTON
1501 W FOUNTAINHEAD PKWY #650
TEMPE, AZ 85283 USA
Parcel: 301-02-090

- signed counterpart

LASSEN ELINOR M TR
1320 WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-116

- signed counterpart

TRUST FOR PATRICIA A PHILLIPS ETAL
101-6TH ST SW
SUITE 220
CALGARY, T2P 5K7 ALB
Parcel: 301-02-087

491-2782 *[Signature]* 5/18/08
A-045

MILLS HILDA E
1311 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-096

[Signature] A-54 5/12/08

WOLF GEOFFREY T/SANDI J
1416 E WHALERS WY
TEMPE, AZ 85283 USA
Parcel: 301-02-108

[Signature] A-66 5/18/08

VAUGHN JERRY C/SUSAN L TR
1329 E WHALERS WY
TEMPE, AZ 85283 USA
Parcel: 301-02-099

[Signature] A-57 5-12-08

COPPLE LEONARD W/JEAN L TR
1317 E WHALERS WAY
TEMPE, AZ 852830000 USA
Parcel: 301-02-097

[Signature] A-55 5-12-08

WOODWARD GERALD E & VERGIE
1405 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-102

[Signature] 5-12-08
A-63

RUCH WILLIAM A/LANA M
1314 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-117

William passed away & have in
Illuscomin for the summer

MCCURDY CHARLES R/ELLEN
1417 E WHALERS WY
TEMPE, AZ 85283 USA
Parcel: 301-02-105

[Signature] Lot 63.A

MORROW NORMAN/CAROLE
1336 WHALERS WY
TEMPE, AZ 85283 USA
Parcel: 301-02-112

[Signature]
A0-70 5.12.2008

ZEIDMAN FREDRICK H/LOIS A G
1307 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-095

Lois Zeidman A-53 5/13/08

MULLIGAN JOSEPH FRANCIS JR/ROSE ANN TR
1421 E WHALER WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-106

Roseanne Mulligan A-64 5/15/08

SIXTEEN TRUST THE
1412 E WHALERS WY
TEMPE, AZ 85284 USA
Parcel: 301-02-109

Sixteen Trust Lot # A67 5-12-08

CULY DOUGLAS G/PHYLLIS D TR
1408 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-110

signed HOA approval 5-6-08

THOREN DONALD A
1420 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-107

*Donald A Thoren 5/13/08
A-65*

BROWN STEVEN FREDERICK/MACKAY ANNE S
1341 E BAYVIEW DR
TEMPE, AZ 85283 USA
Parcel: 301-02-295

*Anne Mackay 5/18/08
E-30*

DALTON LARRY J/KOREEN C TR
1308 COMMODORE PL
TEMPE, AZ 85283 USA
Parcel: 301-02-091

A-42 Larry & Koreen 5/12/08

HAGEBOECK RICHARD M/SYLVIA R TR
P O BOX 1988
ARIZONA CITY, AZ 85223 USA
Parcel: 301-02-130

A-88 Richard Hageboeck 5-18-08

MCCABE JAMES E & MAGDALENA I
1403 E BAYVIEW DR
TEMPE, AZ 85283 USA
Parcel: 301-02-294

Magdalena McCabe

5/18/08 Lot 29

GITTUS PRISCILLA R TR
1332 WHALERS WAY
TEMPE, AZ 852830000 USA
Parcel: 301-02-113

A-71 Priscilla R. Gittus 5/12/08

SCHOOLER RICHARD A/WARE LINDA S
1328 E WHALERS WAY
TEMPE, AZ 85283 USA
Parcel: 301-02-114

*Linda Ware A-72 5-12-08
Richard Schooler*

SANS PEUR PROPERTIES LLC
1325 E BAYVIEW DR
TEMPE, AZ 85283 USA
Parcel: 301-02-298

*- own LOT 33 & 34
E-34 5-18-08 480-820-1605 David Warren
Janaine Warren 5-18-08*

RASMEY ROBERT/NORTON VIRGINIA
1501 W FOUNTAINHEAD PKWY STE 650
TEMPE, AZ 852821864 USA
Parcel: 301-02-089

signed counterpart

X

**Open House Regarding Remodel
Minchuk Residence 1333 E. Whalers way
May 27,2000**

: The Minchuk Open House for the purpose of notifying property owners of the conditions of the remodel leading to a variance request occurred on Tuesday May 27th, 2008 at 6:00PM. An invitation was handed out to properties within 300 ft of the Minchuk property. Notification was given to those within 600 ft of the variance, required by the Lakes HOA. Residence residing beyond the 300 ft range also attended the meeting. A City of Tempe sign with notification of the meeting has been posted on the property since May 22, 2008.

In Attendance:

**:Christine Baldanza* President of The Lakes HOA (Lakeshore Drive) Linda Artec * President of the Runaway Point HOA (Runaway Point) Jerry C. Vaughn (Whalers Way), Milton Silva (Rocky point road), Priscilla R. Gittus (Whalers Way), Don and Kathleen Thoren (Whalers Way), Diamonel Wijesekera (Rocky Point Road), Leon and Carol Shell (Sandpiper Drive), Larry Dalton (Commodore Place), Lester M. Snyder Jr.(Whalers Way), Alan Young (Whalers Way),Scott Wilsop (Captain Kipp), PJ Anderson (Whalers Way), Norm and Carole Morrow (Whalers Way), J.David Prest (Runaway Point), Lee Shapiro (Commodore Place), Lois Zeidman (Whalers Way), Stuart and Gloria Hollingsworth (Whalers Way),Virginia S. Grant (Whalers Way), Adrienne Linzer (Sailors Reef Rd.), Josh Sunshine (Commodore Place), Rich Schooler (Whalers Way), Eric Fruehwirth (Commodore Place),Neal Mellon (Runaway Point),David and Shirley (Whalers Way), Marion Minchuk (Whalers Way), Shelley Jamison (Whalers Way)
Please Reference attached sign-in sheets with complete names and addresses**

Presentation of Plans:

Mr Minchuk provided preliminary architectural plans which included the area of requested variance as provided by Larry Dalton from Dalton Designs,INC. Mr Minchuk provided explanations regarding the architectural plans and the requested variance of the additional side entry garage. Neighbors were informed of the approved plans and variance given by The Lakes Community Association Architectural Committee, subject to the City of Tempe's approval of the variance requested.

**Open House Regarding Remodel
Minchuk Residence 1333 E. Whalers way
May 27,2008**

:Notice of Hearing before the City of Tempe:

Neighbors who attended the meeting were given notice of the hearing scheduled on June 17,2008 and an invitation was given to any who would like to attend. A sign with this information has been posted in the front yard since May 29, 2008.

:Discussions and Questions

The proposed plans along with the variance is the best use of the property with regards to an additional garage, insuring security and safety for Shelley Jamison and Marion Minchuk.

Mr Minchuk has been a Lakes resident for 19 years and intends to remain at The Lakes Community with Shelley Jamison for many years to come.

Neighbors support the plans and look forward to the improvements.

:

The proposed plans will enhance the neighborhood and encourage others to maintain and improve their properties.

Questions about the anticipated time of construction were asked and answered by Mr Minchuk and Mr Larry Dalton, of Dalton Designs. Larry anticipated the working drawings to be completed by August or September and the Demolition to begin soon after. Construction should be complete within one year from time of demolition.

Questions about the requested variance (additional garage) were answered by Larry Dalton. He explained it would be a side entry garage and windows would be added to the front and side of the additional garage to go along with the Tuscan style.

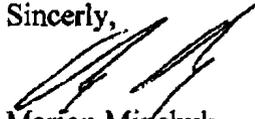
,

Open House Regarding Remodel
Minchuk Residence 1333 E. Whalers way
May 27,2008

:Conclusion

The neighbors who attended gave a supportive approval for the variance. They look forward to the beautiful Tuscan style home in their community. The owners , Marion Minchuk and Shelley Jamison ,welcome the security and protection against theft and vandalism that the additional garage with provide for them.

Sincerly,



Marion Minchuk

And

Shelley Jamison
1333 E. Whalers Way
Tempe, Arizona 85283

NEIGHBORHOOD MEETING
MINCHUK RESIDENCE: 1333 E WHALERS WAY
March 27, 2008

PRINTED NAME	ADDRESS	SIGNATURE
Carol Norm Morrow	1336 E. Whalers Way A-70	Carol Morrow
Christine Baldanza	5501 S. Lakeshore Dr. President - Lakes Assoc.	Christine Baldanza
LEE SHAPIRO	1400 E Commodore Pl A-46	Lee Shapiro
Lois Zeidman	1307 E. Whalers Way 53	Lois Zeidman
Stuart Hollingsworth	1409 E Whalers Way 547	Stuart Hollingsworth
Gloria Hollingsworth	1409 E. Whalers Way 85283	Gloria Hollingsworth
Virginia Sue Grant	1404 E Whalers Way "	Virginia Sue Grant
Adrienne Linzer	5601 S. Sailors Reef Rd.	Adrienne Linzer
Josh Sunshine	1408 E Commodore Place A-44	Josh Sunshine
Richard Schaefer	1328 E Whalers Way	Richard Schaefer
Linda Aeta	HOA-PRESIDENT 1209 E Northshore Dr 239	Linda Aeta
J.P. Pappas	1412 E. WHALERS WAY A-67	J.P. Pappas
Shirley Pappas	A-67	Shirley Pappas
Shirley Pappas	1418 E. Whalers Way	Shirley Pappas
Erz Truett Wirth	1300 E. Commodore A-51	Erz Truett Wirth

NEIGHBORHOOD MEETING
 MINCHUK RESIDENCE: 1333 E WHALERS WAY
 March 27, 2008

PRINTED NAME	ADDRESS	SIGNATURE
J. DAVID PREST <i>RUNAWAY POINT</i>	1201 E. NORTHEASTORE 125	<i>[Signature]</i>
JERRY C. VAUGHAN	1329 E. WHALERS WAY A-57	<i>[Signature]</i>
MICHAEL SILVA	5524 S. ROCKY POINT RD.	<i>[Signature]</i>
Priscilla R. Gittus	1332 whalers way A-71	<i>[Signature]</i>
Don & Kathleen Thoren	1420 E Whalers Way A-65	<i>[Signature]</i>
Diamondel Wijesekera	5524 - S. Rock Point Rd	<i>[Signature]</i>
Leon & Carol Shell	B-37 1001 E. Sandpiper Drive	<i>[Signature]</i>
MARK ROWLAND	B-32 1021 E Sandpiper Dr	<i>[Signature]</i>
LARRY DACTON	A-49 1308 E. COMMODORE PL	<i>[Signature]</i>
LESTER M SNYDER JR	A-73 1324 E WHALERS WAY	<i>[Signature]</i>
ALAN YOUNG	A-52 1303 E Whalers way	<i>[Signature]</i>
SCOTT WILSON	CAPTAINSHIP G3B1	<i>[Signature]</i>
Carol Shell	1001 E Sandpiper Dr	<i>[Signature]</i>
PJ Anderson	A59 1337 E. Whalers way	<i>[Signature]</i>



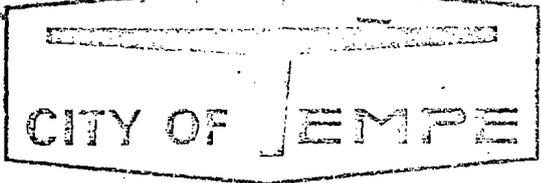


MINCHUK RESIDENCE

1333 EAST WHALERS WAY

PL080187

FRONT OF RESIDENCE



HOME OF ARIZONA STATE UNIVERSITY

Planning Department

POST OFFICE BOX 5002
TEMPE, ARIZONA 85281

AREA CODE 602 · 967-2001

October 26, 1970

Mr. Lloyd A. Snook, Jr.
President
DIVERSIFIED PROPERTIES, INC
120 West Third Avenue, Suite 4
Scottsdale, AZ · 85251

Dear Mr. Snook:

At its meeting of October 22, 1970 the Tempe City Council approved certain zoning requirements in Tracts A, B, C, D, E, and R of The Lakes development. The approved changes were:

1. Minimum front yard shall be 20 feet.
2. Minimum interior side yard shall be 5 feet on each side.
3. Minimum rear yard shall be 20 feet except for lots backing onto the lake in which case the requirement shall be zero, and except for Tracts F and R in which case the requirement shall be 10 feet.
4. The minimum street side yard shall be 10 feet.
5. No building, wall, or other structure shall be located closer than 10 feet to the property lines of any street.
6. An easement map shall be approved by the City Council and recorded if necessary to designate the locations of the side yards usable by the adjacent property.
7. No structure shall be permitted within 5 feet of either side of the property line.
8. All driveways shall be at least 24 feet deep, measured from the back of the curb.

