Minutes
HEARING OFFICER
APRIL 16, 2013

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
Diana Kaminski, Senior Planner
Michael Spencer, Senior Code Inspector
Julie Stennerson, Executive Assistant

Number of Interested Citizens Present: 10

Meeting convened at 1:40 PM and was called to order by Ms. MacDonald. She noted that anyone wishing to appeal a decision made by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days, by April 30, 2013 at 3:00 PM, to the Community Development Department.

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1. Ms. MacDonald noted that the Hearing Officer Minutes for April 2, 2013 had been reviewed and approved.

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2. Request approval to abate public nuisance items at the BROWN PROPERTY (PL130086) located at 2161 East Howe Avenue. The applicant is the City of Tempe.

   There was no one present to represent the property owner.

   Michael Spencer requested a 180 day open abatement for the property located at 2161 East Howe Avenue. The property is in violation of deteriorated landscape in the front and back area of the four-plex. Notices have been sent to every know address for the owner. The notices were all returned to Code Compliance. Violation notices requesting cleanup have also been posted at the property. There has been no action taken on this property since the last abatement on June 19, 2012. Staff is requesting approval of the 180 day open abatement.

   Ms. MacDonald stated this property needs to be taken care of.

   DECISION:
   Ms. MacDonald approved abatement proceedings for PL130086/ABT13006 for an open period of 180 days.

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3. Request approval for a Use Permit Standard to reduce the rear yard setback for a two car garage for the PLEHN RESIDENCE (PL130098) located at 501 West Parkway Boulevard. The applicants are Patrick & Nicole Plehn.

   Patrick Plehn was present to represent this case.

Diana Kaminski introduced the case. The property is located north of Broadway Road, south of University Drive, west of Mill Avenue and east of Hardy Drive. The property is on a corner lot located on the south east corner of Parkway Boulevard and Wilson Street. The request is to reduce the rear yard setback from 15 feet to 13 feet to allow a two car garage. The garage would be located on the south west corner of the property. The setback is taken from the centerline of the alley. The location of the garage allows sufficient room to turn in to the garage. The design of the garage accommodates the backing circulation requirements within the structure and the use of the alley. A condition of approval was listed in the Staff Report noting a shower facility is not permitted in the garage. The garage cannot be converted into dwelling or guest quarters per the Zoning Code. Staff has not received any calls of inquiry or concern from the public regarding this request. The applicant has reviewed the conditions of approval. Staff recommends approval of the request.

Mr. Plehn agreed to the conditions of approval.

Ms. MacDonald stated a commercial enterprise could not be operated from the property.

Mr. Plehn stated the garage would be for parking, storage and hobby work.

Ms. MacDonald asked about the location of the garage.

Mr. Plehn stated he had a preliminary meeting with Building Safety. A new grading and drainage plan for onsite water retention was recommended for the east side of the property by the civil engineers. The only mature trees on the property are located on the east side. Placing the garage on the west side provides for a nice patio cover extension for an outdoor living space.

There was no public input.

Ms. MacDonald noted that this request meets the criteria for a Use Permit:
1. Traffic generated by this use should not be excessive.
2. It won't create a nuisance resulting from odor, dust, gas, noise, vibration, smoke, heat or glare.
3. It won't contribute to the deterioration of the neighborhood.
4. It is compatible with existing surrounding structures and uses.
5. Will allow you to adequately control disruptive behavior both inside and outside the property.

DECISION:
Ms. MacDonald approved PL130098/ZUP13025 subject to the following conditions:
1. This Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
3. Shower facility not permitted in the garage.
4. The garage/workshop may not be converted into livable space without provision of parking on site.
5. 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 to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.

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4. Request approval for a Use Permit to allow a drive-thru for a RESTAURANT (PL130084) located at 1420 North Scottsdale Road. The applicant is Fred Stern, Stern & Associates.

Continued from April 2, 2013

THIS CASE WILL BE CONTINUED TO MAY 7, 2013 BY THE REQUEST OF COMMUNITY DEVELOPMENT STAFF.

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5. Request approval for a Use Permit to increase the wall height in the front yard from 4 feet to 6 feet for the DUBOIS RESIDENCE (PL120421) located at 2122 East Balboa Drive. The applicant is Walt Dubois.

   THIS CASE WILL BE CONTINUED TO MAY 7, 2013 BY THE REQUEST OF THE HEARING OFFICER.

The next Hearing Officer public hearing will be held on May 7, 2013.

There being no further business the public hearing adjourned at 1:53 PM.

Prepared by: Julie Stennerson, Executive Assistant
Reviewed by:

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

SA:js