

**MINUTES  
HEARING OFFICER  
NOVEMBER 6, 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  
Sherri Lesser, Senior Planner  
Diane McGuire, Administrative Assistant II

**Number of Interested Citizens Present: 8**

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 November 20, 2013 at 3:00 PM, to the Community Development Department.

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1. Ms. MacDonald noted that the Hearing Officer Minutes for October 15, 2013 had been reviewed and approved.

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2. Request approval to abate public nuisance items at the **WORKMAN PROPERTY (PL130376)** located at 520 East Vista Del Cerro Drive. The applicant is the City of Tempe.

**WITHDRAWN FROM AGENDA – THE PROPERTY HAS BEEN BROUGHT INTO COMPLIANCE**

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3. Request approval to abate public nuisance items at the **TIFFANY PROPERTY (PL130377)** located at 1434 East Williams Street. The applicant is the City of Tempe.

**WITHDRAWN FROM AGENDA – THE PROPERTY HAS BEEN BROUGHT INTO COMPLIANCE**

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4. Request approval to abate public nuisance items at the **BROWN PROPERTY (PL130382)** located at 1208 West Malibu Drive. The applicant is the City of Tempe.

Brandy Zedlar requested a 180 day open abatement for the property located at 1208 West Malibu Drive. The property is in violation (CE131757) with deteriorated landscape, junk and debris. A complaint was filed in May of 2013. Ms. Zedlar noted that the property had 10 complaints for junk and debris and deteriorated landscape between 1998 and 2013. Brandy noted that there had been multiple complaints from the surrounding neighbors. She had tried to work with property owner prior to the abatement process, but Mr. Brown had failed to meet the agreed upon plan requirements and continued to bring additional items onto the property.

Mr. Brown was present to represent the property owner. He stated that he had been working on the overgrown weeds and landscape. He explained that he would like to donate some of the items currently being stored on his property and indicated that he hopes to avail himself of a City Program to assist in cleaning up the debris.

Ms. Virginia Geffre spoke, stating that she had bought her house in 1989 and was a neighbor of Mr. Brown. She referred to numerous issues including the landscape, debris and a block wall that was deteriorating.

Mr. Brown responded that he would be willing to work out any issues that the neighbor may have.

Ms. Zedlar indicated that she did not know whether or not Mr. Brown was eligible for any City sponsored program to assist in cleaning up his property.

Ms. MacDonald stated that the property needs to be cleaned up due to the impact of fire/safety/health issues and explained to Mr. Brown that the abatement process would give him a two (2) week window of time to bring his property into compliance. She suggested that Mr. Brown obtain a punch list of items to be completed from Brandy Zedlar to use as a guideline of what needs to be accomplished during this period to avoid abatement by the City.

**DECISION:**

Ms. MacDonald approved abatement proceedings for PL130382/ABT13029 for an open period of 180 days.

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5. Request approval to abate public nuisance items at the **GOTBERG PROPERTY (PL130386)** located at 1119 East Malibu Drive. The applicant is the City of Tempe.

There was no one present to represent the property owner.

Jody Benson requested a 180 day open abatement for the property located at 1119 East Malibu Drive. The property is in violation (CE130082) with deteriorated landscape, junk and debris, and stagnant water in the pool. The home appears vacant and possibly abandoned with a lockbox present on the door. Mr. Benson noted the home has been in violation since January 9, 2013.

Ms. MacDonald stated that the property is in disrepair and there are several large dead trees.

There was no public input.

**DECISION:**

Ms. MacDonald approved abatement proceedings for PL130386/ABT13030 for an open period of 180 days.

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6. Request approval to abate public nuisance items at the **VOGEL/MCCOLLUM PROPERTY (PL130388)** located at 924 East Broadmor Drive. The applicant is the City of Tempe.

There was no one present to represent the property owner.

Jody Benson requested a 180 day open abatement for the property located at 924 East Broadmor Drive. The property is in violation (CE131056) with deteriorated landscape and debris. Mr. Benson noted the home has been in violation since March 28, 2013 and that the property owner has not taken any corrective action. It was noted that the original property owner had died.

Ms. MacDonald stated that there is over grown landscape and that the property needs to be cleaned up.

There was no public input.

**DECISION:**

Ms. MacDonald approved abatement proceedings for PL130388/ABT13031 for an open period of 180 days.

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7. Request approval to abate public nuisance items at the **PROCTOR PROPERTY (PL130389)** located at 4031 South Lebanon Lane. The applicant is the City of Tempe.

There was no one present to represent the property owner.

Jody Benson requested a 180 day open abatement for the property located at 4031 South Lebanon Drive. The property is in violation (CE132587) with deteriorated landscape, junk and debris, and inoperable vehicle and trailer. Mr. Benson noted the home has been in violation since July 22, 2013. The property owners have not taken any corrective action to remedy the violations.

Ms. MacDonald noted that this property is located in a cul-de-sac and the junk and debris is affecting public access. She asked Mr. Benson when his last site visit had occurred. Mr. Benson responded that he had driven by the property today and that no progress had been made.

There was no public input.

**DECISION:**

Ms. MacDonald approved abatement proceedings for PL130389/ABT13032 for an open period of 180 days.

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8. Request approval for a Use Permit to allow outdoor display for **MEGA FURNITURE (PL130326)** located at 1315 West Elliot Road. The applicant is Karim Kanjiyani.

This case was continued from the October 15, 2013 Hearing Officer.

Ray Garcia of Mega Furniture was present to represent this case. He explained that he had sent photographs of his proposed outdoor display area to Diana Kaminski, Senior Planner assigned to this case.

Ms. MacDonald noted that she had made a site visit to this complex this past Sunday. Several merchants had a sidewalk display of various items (including furniture and a mattress) outside their place of business without a use permit. Ms. MacDonald explained that an excessive display of items without any agreed upon plan impacts the area in a negative manner. Sidewalk displays should be limited to a specific location where the items will not affect public access. She would like to see each business in the whole center to have a specific plan. She also noted that Mega Furniture had an outdoor display even though they had not yet been granted a use permit to do so.

Mr. Garcia asked if there was a possible template of what is required. He stated that he had provided a floor plan to Ms. Kaminski which indicated a 4 ft. by 4 ft. display area. This was not accurate he stated, and he apologized.

Ms. MacDonald noted that the drawing provided by Mr. Garcia was not drawn to scale, and suggested that he meet with Ms. Kaminski because she is aware of what dimensions need to be indicated on any proposed plan. Mr. Abrahamson stated that a meeting would be scheduled with Mr. Garcia, so it could be determined what area would be best for display including dimensions. Ms. MacDonald stated that a specific layout of a display section was needed and that merchandise will be limited to that area.

**DECISION:**

Ms. MacDonald continued PL130326/ZUP13124 to the November 19, 2013 Hearing Officer hearing.

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9. Request approval for a Use Permit to allow a retail use (pet store and animal exhibit) in GID zoning district for **UNIVERSITY PLAZA - REPTILES AND REEFS (PL130383)** located at 1415 East University Drive, Suite A-105. The applicant is Jared Ohsman.

**CASE CONTINUED TO THE NOVEMBER 19, 2013 HEARING OFFICER AT THE REQUEST OF COMMUNITY DEVELOPMENT STAFF.**

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10. Request approval for a Variance to allow an increase in the number of tenant names allowed on a multi-tenant signs for **ARIES BUILDING ASSOCIATION (PL130390)** located at 6625 South Rural Road. The applicant is Tim Dunnahoo.

Tim Dunnahoo was present to represent this case.

Sherri Lesser introduced the case. Aries Building Association is seeking a variance to increase the number of tenant names allowed on a multi-tenant sign. The Zoning and Development Code allows multi-tenant signs with four (4) tenant names. The proposed sign has six (6) tenant panels and replaces a sign that was demolished by an automobile. The six (6) panel sign was previously approved with a permit. Due to the extent of the damage to the sign greater than 50% of the replacement value, it may not be considered legal non-conforming. The proposed sign is a similar layout to the signs that existed on the site previously. The variance process is the only means to allow the replacement of the sign to the original condition under the current ZDC provisions. The applicant held a neighborhood meeting on October 3, 2013.

Staff recommends approval of the Variance subject to the conditions of approval.

There was no public input.

Ms. MacDonald noted that the original sign was damaged by a drunk driver thru no fault of the property owner and that a hardship exists due to this circumstance.

Ms. MacDonald noted that this request meets the criteria for a Variance:

1. Special circumstances are applicable to the property.
2. Strict application of this Code will deprive such property of privileges enjoyed by other property the same classification in the same zoning district.
3. The adjustment authorized shall not constitute a grant of special privileges.
4. The variance was not self-imposed by the property owner.

**DECISION:**

Ms. MacDonald approved PL130390/VAR13013 subject to the following conditions:

1. The variance is valid for the plans as submitted within this application.
2. Modify base of sign to match building color.
3. Obtain a new sign permit prior to installation of the sign.

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11. Request approval for a Use Permit to allow a restaurant use in the GID zoning district for **THE GARAGE MOTOR SPORTS FORK AND TORQUE (PL130361)** located 1000 North McClintock Drive. The applicant is Julie Hatch.

**CASE CONTINUED TO THE NOVEMBER 19, 2013 HEARING OFFICER AT THE REQUEST OF COMMUNITY DEVELOPMENT STAFF.**

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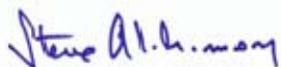
The next Hearing Officer public hearing will be held on November 19, 2013.

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There being no further business the public hearing adjourned at 2:25 PM.

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



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

SA:dm