

**Minutes
HEARING OFFICER
OCTOBER 2, 2007**

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 and Zoning Coordinator
Shawn Daffara, Planner II
Jon Christopher, Planner II
Sherri Lesser, Senior Planner

Number of Interested Citizens Present: 8

Meeting convened at 1:30 PM and was called to order by Mr. Williams.

1. Mr. Williams approved the Hearing Officer Minutes for September 18, 2007.
2. Hold a public hearing for a request by the **TALEN RESIDENCE (PL070327)** (Emily Talen, applicant/property owner) located at 111 West 12th Street in the R-2, Multi-Family Residential District for:

ZUP07139 Use permit standard to reduce the rear yard setback by twenty percent (20%) from fifteen (15) feet to twelve (12) feet.

Emily Talen was present to represent this case. There was no public input.

DECISION:

Mr. Williams approved PL070327/ZUP07139 subject to the following conditions:

1. The use permit is valid for the plans as submitted to and approved by the Hearing Officer.
 2. All required permits and clearances shall be obtained from the Building Safety Division.
 3. The new addition shall match the existing residence in color, material and texture.
3. Hold a public hearing for a request by the **CARTEL COFFEE LAB LLC (PL070384)** (Jason Silberschlag, applicant; Friedman Investments LLC, property owner) located at 225 West University Drive, Suite No. 101, in the GID, General Industrial and CC, City Center Districts for:

ZUP07132 Use permit to allow coffee roasting/retail.

ZUP07133 Use permit to allow portable outdoor retail coffee (coffee cart).

Jason Silberschlag was present to represent this case. There was no public input.

DECISION:

Mr. Williams approved PL070384/ZUP07132/ZUP07133 subject to the following conditions:

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
2. The use permit is transferable. Should the business be sold, the new owners must reprocess for administrative review.
3. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment. The coffee cart location is approved for location option #2; on the concrete pad behind the building at front of center.
4. Any expansion or intensification of use shall require a new use permit to be approved.
5. If there are any complaints arising from the uses herein permitted that are verified by a consensus of the complaining party and the City Attorney's office, the use permit may be returned to the Board of Adjustment and another public hearing set to re-evaluate the use permit.
6. The vent, stack, chimney, and exposed mechanical equipment shall not exceed the parapet of the existing building. If the equipment exceeds the parapet, you will need a secondary screen wall that will have to be approved by applying to Development Plan Review.
7. Refuse and recycling receptacles shall be provided to keep the premises around the cart free of debris.
8. The proposed retail stand shall not conflict with pedestrian walkways or required exits for other buildings.
9. The applicant shall comply with all provisions of the Zoning and Development Code with respect to signs. No display of portable signs, banner signs, pennants, flags, balloons, or inflatable signs shall be allowed on or near cart.

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4. Hold a public hearing for a request by the **BUETI RESIDENCE (PL070399)** (Giuseppe Bueti, applicant/property owner) located at 407 East Garfield Street in the R1-6, Single Family Residential District for:

ZUP07140 Use permit to allow required parking in the front yard setback.

Giuseppe Bueti was present to represent this case. There was no public input.

DECISION:

Mr. Williams approved PL070399/ZUP07140 with no conditions of approval.

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5. Hold a public hearing for a request by the **HAVILAND RESIDENCE (PL070400)** (Tara Haviland, applicant/property owner) located at 1986 East Carver Road in the R1-7, Single Family Residential District for:

ZUP07141 Use permit to allow a second story addition.

Tara Haviland was present to represent this case.

Shawn Daffara indicated he received revised elevation and floor plan. Adjacent property owner is in agreement with this request.

The Hearing Officer deleted condition #4 at the suggestion of Building Safety, who felt the elimination of the clear story windows would work (after a cursory review).

DECISION:

Mr. Williams approved PL070400/ZUP07141 subject to the following conditions:

1. The use permit is valid for the plans as submitted to and approved by the Hearing Officer.
2. All required permits and clearances shall be obtained from the Building Safety Division.
3. The proposed addition and second story shall compliment the existing dwelling in design, color and material.
4. ~~The south elevation shall have windows of a clear story design.~~ **(Deleted by Hearing Officer)**

6. Hold a public hearing for the **IMMANENI RESIDENCE (PL070401)** (Venkat & Lalitha Immaneni, applicants/property owners) located at 1225 East Warner Road, Unit 6, in the R1-15, Single Family Residential District for:

VAR07023 Variance to reduce the west side yard setback from fifteen (15) feet to seven (7) feet.

Venkat Immaneni was present to represent this case. One letter of support was received by Planning staff. The Hearing Officer was concerned with the neighbor on the west; however, no additional public input or comment was given.

DECISION:

Mr. Williams approved PL070401/VAR07023 subject to the following conditions:

1. The variance is valid for the plans as approved by the Hearing Officer.
2. The addition is to match the existing residence in form, color and material.
3. Obtain all necessary clearances from the Building Safety Division.

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7. Hold a public hearing for a request by **THE GREEN ROOM (PL070402)** (Amy Nations/ALIC, applicant; Centerpoint Holdings LLC, property owner) located at 640 South Mill Avenue, Suite No. 110, in the CC, City Center District for:

ZUP07142 Use permit to allow a bar (Series 6) with live entertainment.

Shawn Daffara, staff planner, stated that the applicant has withdrawn this request.

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8. Hold a public hearing for a request by **AMERICAN LEASING AND SALES (PL070406)** (James Lichty/JSL Enterprises Inc., applicant; PS Business Parks, property owner) located at 1769 West University Drive in the GID, General Industrial District for:

ZUP07143 Use permit to allow an office for internet car sales.

James Lichty was present to represent this case. Mr. Lichty stated there would be up to 40 cars all stored indoors. There was no public input.

Sherri Lesser, staff planner, stated that the applicant should contact the Building Safety Department regarding vehicles with fuel being stored inside the building. This may require a Building Code occupancy change and the applicant needs to verify this with the Building Safety Department.

DECISION:

Mr. Williams approved PL070406/ZUP07143 subject to the following conditions:

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
2. The use permit is transferable. Should the business be sold, the new owners must reprocess for administrative review.
3. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
4. Any expansion or intensification of use shall require a new use permit to be approved.
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.
6. The applicant shall comply with all provisions of the Zoning and Development Code with respect to signs. No display of portable signs, banner signs, pennants, flags, balloons, or inflatable signs shall be allowed.

9. Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **JOHNSON RESIDENCE (PL070389/ABT07025)** (Terrance & Mimmie Johnson, property owners) Complaint CE070100 located at 336 East Fillmore Street in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Andres Lara-Reyes, of the City of Tempe – Neighborhood Enhancement Department, was present to discuss this case. He indicated there had been no improvement to the site.

DECISION:

Mr. Williams approved the abatement proceedings for PL070389/ABT07025.

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10. Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **BARRIGA RESIDENCE (PL070396/ABT07026)** (Miguel & Hilda Barriga, property owners) Complaint CE072943 located at 1139 East Weber Drive in the R-2, Multi-Family Residential District.

Miguel Barriga was present to represent the property owner.

Andres Lara-Reyes, of the City of Tempe – Neighborhood Enhancement Department, was present to discuss this case. He indicated that significant improvement had been made at this site. Mr. Barriga requested a 30-day continuance to complete the clean up.

DECISION:

Mr. Williams continued the abatement proceedings for PL070396/ABT07026 to the November 6, 2007 Hearing Officer hearing.

The next Hearing Officer public hearing will be held on **Tuesday, October 16, 2007**.

There being no further business the public hearing adjourned at 2:10 PM.

Prepared by: Diane McGuire, Administrative Assistant II/Dianne Garrett, Administrative Assistant II
Reviewed by:



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

SA:dm:dg