

**Minutes  
HEARING OFFICER  
APRIL 3, 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  
Sherri Lesser, Senior Planner  
Steve Abrahamson, Senior Planner  
Shawn Daffara, Planner II

**Number of Interested Citizens Present:** 18

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

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Mr. Williams noted that the following cases have been continued:

Hold a public hearing for a request by the **WEHRMAN RESIDENCE (PL070028)** (Mark Wolter/DesZona Design, applicant; Mark Wehrman, property owner) located at 2056 East Knox Road in the R1-15, Single Family Residential District for:

**VAR07011** Variance to reduce the rear yard setback from 30 feet to 11 feet.  
**CONTINUED TO THE APRIL 17, 2007 HEARING OFFICER**

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1. Mr. Williams approved the Hearing Officer Minutes for March 20, 2007.

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2. Hold a public hearing for a request by the **NAISANT RESIDENCE (PL060596)** (Carl Naisant, applicant/property owner) located at 5521 South Mill avenue in the R1-6, Single Family Residential District for:

**ZUP07033** Use permit to allow parking in the front yard setback.

Mr. Carl Naisant was present to represent this case.

**DECISION:**

Mr. Williams approved PL060596/ZUP07033 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. Provide a landscape plan of the front yard showing additional landscape material to screen cars on driveway. Plan to include at least one (1) 24" box tree; details to be approved by staff. Provide plan for use permit file.

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3. Hold a public hearing Hold a public hearing for a request by the **ROWLEY RESIDENCE (PL070041)** (Steve Briggs/TEBO LLC, applicant; Chris Rowley, property owner) located at 948 South Ash Avenue in the R-3, Multi-Family Residential Limited District for:

**ZUP07016** Use permit to allow tandem parking for a multi-family project.

**VAR07006** Variance to reduce the north side yard setback from 10 feet to 3 feet.

**VAR07007** Variance to reduce the west rear yard setback from 15 feet to 4 feet.

Mr. Robert Briggs was present to represent this case. He noted that this request had been approved in November 2005, then the Building Permit lapsed and now entitlements are required. There have been no material changes. His fault plans for entitlements have expired and the plans have been re-submitted for building permit review. One review has been completed, corrections have been made and the revised drawings resubmitted. The building plans are currently under City review.

**DECISION:**

Mr. Williams continued PL070041/ZUP07016/VAR07006/VAR07007 to the May 1, 2007 Hearing Officer hearing. He indicated that given the history of this property and its history of construction without permits, the applicant shall complete the building permit process, and return for the May 1, 2007 Hearing Officer hearing.

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4. Hold a public hearing for a request by the **MESSER RESIDENCE (PL070084)** (Barbara Messer, applicant/property owner) located at 1929 East Meadow Drive in the R1-6, Single Family Residential District for:

**ZUP07028** Use permit to allow a RV/boat to be parked in the front yard setback.

Ms. Barbara Messer was present to represent this case. A petition of support was presented to the Hearing Officer.

Mr. Williams stated that he disagreed with the front yard storage of these types of vehicles. Although the neighbors may support this request because they live near the applicant, if he lived across the street, he would not want to look at a boat in the driveway.

Mr. Williams requested that staff request the consideration of a code text amendment to allow these types of requests to be administratively approved so that public hearings would be unnecessary. If there is neighborhood support or other criteria, staff should be able to approve.

**DECISION:**

Mr. Williams denied PL070084/ZUP07028 noting that as Hearing Officer he cannot support this request, and although there was neighborhood support, his decision goes toward a larger picture of the City.

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5. Hold a public hearing for a request by the **HAMMOCK RESIDENCE (PL070096)** (Clayton Hammock, applicant/property owner) located at 1215 East Louis Way in the R1-7, Single Family Residential District for:

**VAR07013** Variance to reduce the west side yard setback from seven (7) feet to five (5) feet for a building addition.

Mr. Clayton Hammock was present to represent this case. He discussed the results of his neighborhood meeting and noted that there was one (1) letter of opposition.

Cindy Gombert, of 1254 East Louis Way, spoke in opposition to this request. She noted that the neighborhood had been designed for two car garages and that safety issues such as fire were present. She did not feel that having too many cars constituted a hardship and that noise would be a factor if this request were approved.

**DECISION:**

Mr. Williams noted that a difference of 6 inches to the use permit standard is almost insignificant, and approved PL070096/VAR07013 subject to the following conditions:

1. All required permits and clearances shall be obtained from the Building Safety Division.
2. The proposed accessory building shall compliment the existing dwelling in design, color and material.

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6. Hold a public hearing for a request by the **HOH RESIDENCE (PL070097)** (Eric Hoh, applicant/property owner) located at 1725 East Knox Road in the R1-15, Single Family Residential District for:

**VAR07014** Variance to reduce the west side yard setback from fifteen (15) feet to ~~seven (7)~~ **eleven (11)** feet for a garage addition. **MODIFIED BY HEARING OFFICER**

Mr. Eric Hoh was present to represent this case.

Vik Shah, of 1726 East Knox Road and Alan Margolis, of 1701 East Knox Road spoke in support of this request.

**DECISION:**

Mr. Williams approved PL070097/VAR07014 as modified subject to the following conditions:

1. All required permits and clearances shall be obtained from the Building Safety Division.
2. The proposed accessory building shall compliment the existing dwelling in design, color and material.

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7. Hold a public hearing for a request by the **MACKINNON RESIDENCE (PL070098)** (Stephen MacKinnon, applicant/property owner) located at 2026 North Campo Allegre Drive in the R1-6, Single Family Residential District for:

**ZUP07034** Use permit to allow an accessory building (study).

Mr. Stephen MacKinnon was present to represent this case.

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Lynn Kurtz, of 2104 North Campo Alegre Drive, and Anne Feldhaus, of 2026 North Campo Alegre Drive, spoke in support of this request.

**DECISION:**

Mr. Williams approved PL070098/ZUP07034 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. Detached structure to be compatible in design with the main dwelling; colors to match existing dwelling.
3. The detached accessory building shall not be used as a separate living unit. Only one residential unit allowed in the R1-6 Single Family Residential Zoning District.

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8. Hold a public hearing for a request by **W P HOMES LLC (PL070109)** (Mike Wingersky, applicant/property owner) located at 1616 South Roosevelt Street in the R1-6, Single Family Residential District for:

**ZUP07035** Use permit to allow the rebuilding of two (2) two story homes in place of a single story structure.

Mr. Kevin Fulkerson was present to represent this case. He stated that these are not rental homes, but spec homes. Although the property owner was unable to attend the meeting, he would be willing to mitigate any privacy issues through window placement.

The following spoke in opposition to this request:

Isabell Taylor, of 616 West 17<sup>th</sup> Place

Phil Sadler, of 416 West 14<sup>th</sup> Street

Judy Lindsey, of 3113 South La Rosa Drive

**DECISION:**

Mr. Williams denied PL070109/ZUP07035 noting he had architectural concerns that this request would have a lot of building mass in a small area. He noted that there are no two story homes in this area, and this request, as presently designed, would be out of character for the neighborhood.

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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 **CUPP RESIDENCE (PL070051/ABT07006)** (Dolly Cupp, property owner) Complaint No. CE064967 located at 226 East Pebble Beach Drive in the R1-6, Single Family Residential District.

Mr. Don Cupp was present to represent the property owner. He stated that they are working on getting tags for the vehicles.

Kirk Erickson, City of Tempe Neighborhood Enhancement Inspector, noted that the property owner had made significant progress to date although the backyard is still in violation and has a number of vehicles.

**DECISION:**

Mr. Williams continued PL070051/ABT07006 to the May 1, 2007 Hearing Officer hearing.

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The next Hearing Officer public hearing will be **Tuesday, April 17, 2007.**

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**There being no further business the public hearing adjourned at 2:27 PM.**

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



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Steve Abrahamson, Senior Planner  
for David Williams, Hearing Officer

SA:dm