

**Minutes  
HEARING OFFICER  
APRIL 17, 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, Senior Planner  
Shawn Daffara, Planner II

**Number of Interested Citizens Present:** 12

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

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1. Mr. Williams approved the Hearing Officer Minutes for April 3, 2007.

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2. 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 ~~14~~ 24 feet.  
**MODIFIED BY HEARING OFFICER**

Mr. Mark Wolter of DesZona Design was present to represent this case.

Mr. Williams stated that as there was no hardship or special circumstances pertaining to this case, the variance could be approved if modified by twenty percent (20%) – reduction from thirty feet (30 feet) to twenty-four feet (24 feet).

**DECISION:**

Mr. Williams approved PL070028/VAR07011, as modified to 24 feet, subject to the following conditions:

1. ~~The variance is valid for the plans as submitted within this application.~~ **Revised plans will be required.**

**MODIFIED BY HEARING OFFICER**

2. Obtain all necessary clearances from the Building Safety Division.
3. The addition shall match the existing residence in design, color and material.

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3. Hold a public hearing for a request by the **BIERMANN RESIDENCE (PL070044)** (Brian Biermann, applicant/property owner) located at 558 West Magdalena Drive in the R1-6, Single Family Residential District for:

**ZUP07024** Use permit to park a RV/boat in the front yard setback.

Mr. Brian Biermann was present to represent this case. He noted that there had been no complaints from the neighbors.

**DECISION:**

Mr. Williams denied PL070044/ZUP07024.

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4. Hold a public hearing for a request by the **UNGER RESIDENCE (PL070126)** (Luisa Unger, applicant/property owner) located at 1412 East North Shore Drive in the R1-6, Single Family Residential District for:

**ZUP07039** Use permit to allow for parking within the front yard setback.

Doc Hestand was present to represent this case.

Dr. Ken Crowl, of 1406 East North Shore Drive, stated that he was a neighbor of this residence and supported the request.

Ray Oliver, of 1421 East North Shore Drive, stated that he was a neighbor. He questioned the parameters of this use permit (i.e. time constraints, number and type of vehicles allowed, driveway expansion). He stated that he has no issues with this request if it just pertains to automobiles.

**DECISION:**

Mr. Williams approved PL070126/ZUP07039 subject to the following conditions, stating that it is a reasonable request and within the character of the neighborhood:

1. ~~This use permit is valid for the plans as submitted to and approved by the Hearing Officer.~~

**DELETED BY 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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5. Hold a public hearing for a request by **TEMPE PREPARATORY ACADEMY (PL070129)** (Keith Paul/Looker & Cappello Architects Inc., applicant; Tempe Preparatory Academy Foundation, property owner) located at 3318 South Dorsey Lane in the R1-6, Single Family Residential District for:

**ZUP07040** Use permit to allow a charter school in the R1-6, Single Family Residential Zoning District.

Mr. Keith Paul, of Looker and Cappello Architects Inc. was present to represent this case. He noted that Tempe Preparatory Academy will cover/fill in the swimming pool.

Staff stated that there had been one (1) letter of opposition received to this request. No public input was present.

**DECISION:**

Mr. Williams approved PL070129/ZUP07040 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division. Please contact Roger Vermillion at (480) 350-8341 if you have any questions.
2. ~~Any intensification or expansion of use, including co-location of additional antennas, will require a new use permit.~~ **Swimming pool is to be brought into compliance with the City Code and existing Building Codes. CORRECTED BY HEARING OFFICER**
3. All entrances and exits from the building require security lighting; provide five (5) foot candles of light at doors and two (2) f.c. within 15' radius. Lighting shall be reviewed and approved during Building Safety plan review, prior to permitting.
4. All gates on site and across the alley shall require security lighting; provide five (5) f.c. at doors and two (2) f.c. within 15' radius. Lighting shall be reviewed and approved during Building Safety plan review, prior to permitting.
5. The ADA parking space shall require two (2) f.c. of light throughout the entire parking space. Lighting shall be reviewed and approved during Building Safety plan review, prior to permitting.
6. All lighting shall conform to Zoning and Development Code, Part 4, Chapter 8, Section 4-803. A photometric plan and fixture cut sheets shall be reviewed and approved during Building Safety plan review process.
7. Install one 24" box canopy tree to the west of the new ADA parking stall. New tree shall be located adjacent to parking stall to provide shade. Details shall be reviewed and approved during Building Safety plan review process.
8. Parking Affidavit shall be completed and original submitted to Building Safety during the plan review process. The parking affidavit will be reviewed and then recorded with Maricopa County Records Office.
9. Address numbers shall be added to front (east) elevation. The numbers shall be 8" tall and positioned in a high visibility location. The numbers shall have high contrast color with background materials.
10. **Maintain existing exterior appearance of the structure. ADDED BY HEARING OFFICER**
11. **Use is limited to office only. ADDED BY HEARING OFFICER**

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6. Hold a public hearing for a request by **CLEARWIRE US LLC (PL070133)** (Sherri Wilson/Clearwire, applicant; 7575 East Redfield LLC, property owner) located at 3236 South Fair Lane in the GID, General Industrial District for:

**ZUP07041** Use permit to allow a wireless antenna co-location on an existing monopole.

Mr. Brandon Brown was present to represent this case.

**DECISION:**

Mr. Williams approved PL070133/ZUP07041 subject to the following conditions;

1. Obtain all necessary clearances from the Building Safety Division.
2. Any intensification or expansion of use, including co-location of additional antennas, will require a new use permit.
3. The wireless device shall be removed within 30 days of discontinuance of use.
4. The antennas shall be painted to match the existing monopole.

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7. 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 **MCPEEK RESIDENCE (PL070114/ABT07010)** (John McPeek, property owner) Complaint No. CE061831 located at 2417 South Palm Drive in the R1-6, Single Family Residential District.

Jan Koehn, City of Tempe Neighborhood Enhancement Department, summarized the case, noting that progress has not been made.

The property owner was not present at this hearing.

**DECISION:**

Mr. Williams approved abatement proceedings for PL070114/ABT07010.

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The next Hearing Officer public hearing will be **Tuesday, May 1, 2007.**

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**There being no further business the public hearing adjourned at 2:32 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