

**Minutes
HEARING OFFICER
MAY 15, 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

Number of Interested Citizens Present: 6

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

Mr. Williams noted that the following case had been continued:

Hold a public hearing for a request from **THE SETS (PL070167)** (Hamid Hekmatian, applicant; Ethan Christopher LLC, property owner) located at 93 East Southern Avenue in the CSS, Commercial Shopping and Services District for:

ZUP07042 Use permit to allow a billiard parlor and sports bar with live entertainment previously granted on March 21, 2006, and required to return for review after one year.

CONTINUED TO THE JUNE 5, 2007 HEARING OFFICER

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

2. Hold a public hearing for a request by the **COUNTRYMAN RESIDENCE (PL070174)** (Kenneth Countryman, applicant/property owner) located at 9038 South Dateland Drive in the R1-15, Single Family Residential District for:

ZUP07050 Use permit standard to reduce the north side yard setback by twenty percent (20%) from fifteen (15) feet to twelve (12) feet.

Mr. Kenneth Countryman was present to represent this case.

DECISION:

Mr. Williams approved PL070174/ZUP07050 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. Detached structure to be compatible in design with main dwelling; colors to match existing dwelling.

3. Hold a public hearing for a request by **CARLTON BUSINESS PARK - ULTIMATE FITNESS AND REHAB (PL070178)** (Mark Lalama, applicant; Carleton Park Associates LLC, property owner) located at 4685 South Ash Avenue in the GID, General Industrial District for:

ZUP07052 Use permit to allow a personal fitness/training studio with massage therapy.

Mr. Mark Lalama was present to represent this case.

DECISION:

Mr. Williams approved PL070178/ZUP07052 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 set to re-evaluate the appropriateness of the use permit.
6. All required State, County and Municipal permits shall be obtained or the use permit is void.
7. All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the use permit becoming effective.
8. All business signs shall be Development Review approved and permits obtained.

4. Hold a public hearing for a request from the **SMITH RESIDENCE (PL070179)** (Todd Smith, applicant/property owner) located at 1012 East Palmcroft Drive in the R1-6, Single Family Residential District for:

ZUP07053 Use permit to allow the rebuilding of a single story structure to a two (2) story structure.

Mr. Todd Smith was present to represent this case.

Mr. Mike Menefee, of 1006 East Palmcroft Drive, spoke in support of this request, stating that he lived to the west of this property, and was happy with the design.

A letter of support from Thelma Johnson, of 1018 East Palmcroft Drive, was presented to the Hearing Officer.

DECISION:

Mr. Williams approved PL070179/ZUP07053 subject to the following conditions noting that there had been no objections from the neighbors:

1. The use permits ~~and variance~~ are valid for the plans as submitted to and approved by the Hearing Officer.
CORRECTED BY DEVELOPMENT SERVICES – NOTED BY HEARING OFFICER
2. All required permits and clearances shall be obtained from the Building Safety Division.
3. All second story windows, **except windows located at the southwest, southeast and northeast corners,** ~~on the east and west elevations~~ shall be of an opaque material or be of clearstory design. **MODIFIED BY HEARING OFFICER**

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5. Hold a public hearing for a request by the **LANGE RESIDENCE (PL070182)** (Jeff Dietz/Dietz Design, applicant; Dirk Lange, property owner) located at 8830 South Shannon Drive in the AG, Agricultural District for:

ZUP07054 Use permit for an accessory building (gazebo or ramada).

Mr. Jeff Dietz of Dietz Design was present to represent this case.

DECISION:

Mr. Williams approved PL070182/ZUP07054 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. Detached structure to be compatible in design, materials and color with main dwelling.

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6. 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 **HARING RESIDENCE (PL070170/ABT07012)** (Walter Haring, property owner) Complaint No. CE071449 located at 3622 South Cutler Drive in the R1-6, Single Family Residential District.

Mr. Haring was present. He provided a receipt from Daniels Cleanup and Hauling for services involving cleanup of his property.

Michael Spencer, City of Tempe - Neighborhood Enhancement Department, stated that some progress had been made by Mr. Haring, however, items in the rear yard are still a concern. He noted that the pickup truck is ok as long as the tires are inflated and it is contained in a garage or carport. The vehicle does not have to be operable. Mr. Spencer noted that the estimate for abatement services by Bishop will be adjusted to reflect the work completed by Mr. Haring.

DECISION:

Mr. Williams approved abatement proceedings for PL070170/ABT07012.

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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 **HARRINGTON RESIDENCE (PL070177/ABT07013)** (Joy Harrington, property owner) Complaint No. CE064469 located at 837 West Elna Rae Street in the R1-6, Single Family Residential District.

Ms. Julie Scofield, City of Tempe – Neighborhood Enhancement Department, summarized the case.

The property owner was not in attendance at this hearing.

DECISION:

Mr. Williams approved abatement proceedings for PL070177/ABT07013.

8. 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 **ZOLNIERCZYK RESIDENCE (PL070180/ABT07014)** (Glenn Zolnierczyk, property owner) Complaint No. CE065780 located at 2144 South Los Feliz Drive in the R1-6, Single Family Residential District.

Mr. Brett Barnes, City of Tempe – Neighborhood Enhancement Department, summarized the case, noting that significant progress had been made by the property owner, although it was still not completely in compliance.

Mr. Zolnierczyk stated that he is working on the irrigation and will continue his efforts to bring the property into compliance.

DECISION:

Mr. Williams continued PL070177/ABT07013 for thirty (30) days to the Hearing Officer hearing which **has been rescheduled from June 19, 2007 to June 27, 2007 at 1:30 PM.**

The next Hearing Officer public hearing will be held on **Tuesday, June 5, 2007.**

There being no further business the public hearing adjourned at 2:08 PM.

Prepared by: Diane McGuire, Administrative Assistant II

Reviewed by:



Steve Abrahamson, Senior Planner
for David Williams, Hearing Officer

SA:dm