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## Minutes BOARD OF ADJUSTMENT NOVEMBER 19, 2008

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The study session of the Board of Adjustment began at 5:30 p.m., in the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

**Present:**

Jeff Winter  
Slade Lawson  
Dr. Adhikari  
Matt Taillon  
Wallis Stemm  
Dave Maza  
Joe Arredondo

Steve Abrahamson, Planning & Zoning Coordinator  
Shawn Daffara, Planner II

**Absent:**

Todd Green  
Jonathan Gillan

There was one citizen at the pre-session.

The Study Session adjourned at 6:00 p.m.

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Minutes of the regular hearing of the Board of Adjustment, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

**Present:**

Jeff Winter  
Slade Lawson  
Dr. Adhikari  
Matt Taillon  
Wallis Stemm  
Dave Maza  
Joe Arredondo

Steve Abrahamson, Planning & Zoning Coordinator  
Shawn Daffara, Planner II

**Absent:**

Todd Green

Jonathan Gillan

Number of Interested Citizens Present: 1

Hearing convened at 6:00 p.m. and was called to order by Vice Chairman Winter.

On a motion by Dr. Adhikari, seconded by Jeff Winter, the Board by a vote of 4-0 approved the Board of Adjustment minutes for October 22, 2008.

(Wallis Stemm, Dave Maza and Joe Arredondo abstained from this vote as they were not in attendance at the October 22, 2008 Board of Adjustment hearing.)

**THE BOARD DISCUSSED THE FOLLOWING CASE(S):**

Appeal of the September 16, 2008 Hearing Officer's decision to approve the request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **BROWN RESIDENCE (PL080244/ABT08015/ABA08003)** (Kenton Brown, appeal applicant/property owner) Complaint CE080124 located at 1208 West Malibu Drive in the R1-6, Single Family Residential District for an open period of 180 days.

Mr. Kenton Brown was present to represent this case. He stated that he had worked closely with Jody Benson of the COT – Neighborhood Enhancement Department. Mr. Brown explained that the long abatement history of his property related to several external factors including physical disability, unemployment, lack of funds and foreclosure proceedings. He noted that he was the recipient of grant funds which resolved the roof deterioration issue but there was a time frame during which the grant(s) were processed and abatement issue(s) remained pending.

The present abatement(s) which involved weeds/landscaping had been resolved with chemical(s) and manpower in the front and back yards, Mr. Brown stated. Items pertaining to unregistered vehicle(s) and trailer have been taken care of also. The broken fence has also been taken care – this was due to people backing into his fence, Mr. Brown explained. Now that he is feeling better and back on his feet financially he is able to resolve these issues as they occur. The issue of junk and miscellaneous debris stored in the driveway and yards will be removed however, he stated it was his opinion that items stored under a tarp should be allowed to be stored on his trailer when there other items such as portable basket ball hoops, recyclables and trailers with motorbikes, etc. being stored by neighbors.

Shawn Daffara, staff planner, gave a brief overview of the case.

Jan Koehn, City of Tempe – Neighborhood Enhancement Department Manager, explained that this property has been in and out of compliance for ten (10) years. On the date that the Hearing Officer approved the abatement, items such as the trailer with the flat tire, unregistered vehicle(s) and the junk and debris in the driveway, yard(s) and trailer were still unresolved. At the request of the Neighborhood Enhancement Department the Hearing Officer approved the abatement for an open period of 180 days so that property, which has regularly become noncompliant, could be abated by the City of Tempe. Ms. Koehn presented photographs taken today at 2:30 PM that indicated junk and debris that remained on this property, and referenced the City code regarding outdoor storage.

The Board questioned Ms. Koehn if Mr. Brown could put the items in the trailer and park it in the back yard; Ms. Koehn confirmed that this would be in compliance. In response to questions from Dr. Adhikari regarding the dollar amount of the abatement, Ms. Koehn explained that when a property is abated the estimate is reconfigured to include only those items that remain unresolved.

**MOTION:** Jeff Winter made a motion to approve the appeal; Dave Maza seconded the motion.

**VOTE:** Denied the Appeal and upheld the Hearing Officer's decision to abate this property. 0 - 7

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**MOTION:** Dr. Adhikari made a motion to adjourn this hearing; Wallis Stemm seconded the motion.

**VOTE:** Approved 7 - 0

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The next Board of Adjustment hearing is scheduled for December 17, 2008.

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There being no further business the hearing adjourned at 6:39 p.m.

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Prepared by: Diane McGuire, Administrative Assistant II

Reviewed by:



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Steve Abrahamson  
Planning & Zoning Coordinator

SA:dm