

**Minutes
HEARING OFFICER
JUNE 17, 2008**

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 & Zoning Coordinator
Shawn Daffara, Planner II
Nick Graves, Planning Intern
Sherri Lesser, Senior Planner
Alan Como, Planner II

Number of Interested Citizens Present: 17

Meeting convened at 1:30 PM and was called to order by Mr. Williams. He noted that anyone wishing to appeal a decision made today by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days by July 1, 2008 at 3:00 PM to the Development Services Department.

1. Mr. Williams approved the Hearing Officer Minutes for June 3, 2008.

2. Hold a public hearing for a request by the **LAYALENA RESTAURANT (PL080100)** (Rawi Issa, applicant; Rio Salado LLC, property owner) located at 1290 North Scottsdale Road in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP08090 Use permit to allow indoor live entertainment, consisting of belly dancing, live and amplified music.

Mr. Rawi Issa was present to represent this case.

Alan Como, staff planner, gave an overview of this case, and stated that no additional public input or information had been received since the staff report had been issued.

Mr. Williams questioned the location of the outdoor patio (i.e. to the north? outside the front door?). Mr. Como responded that the patio faces east.

Mr. Issa addressed Condition of Approval No. 3 which stated that no outdoor speakers were permitted. Mr. Issa stated that small speakers were needed outside on the patio to play soft music. Patio is 18 feet by 65 feet and would be 20 feet away from the door to allow smoking outside.

Mr. Como responded to a question from Mr. Williams that staff would be ok with allowing outdoor speakers to provide a low level of background music as long as the live performances inside were not projected outside by speakers to the outdoor patio.

Mr. Issa questioned whether they would be required to apply for an additional use permit to allow smoking on the patio. Mr. Williams explained that the applicant would be required to comply with City of Tempe Smoking Ordinance and the Smoke Free Arizona Act A.R.S. §36-601.01. There is to be a twenty feet (20") separation from the front door for any smoking area on the outdoor patio. He referred to Condition of Approval No. 9 which allowed patio smoking.

Mr. Williams questioned staff as to whether the North Tempe Neighborhood Association had issued any response to this request. Staff responded that no public input whatsoever had been received.

DECISION:

Mr. Williams approved PL080100/ZUP08090 subject to the following conditions:

1. The use permit is valid for "Layalena Restaurant" and is non-transferable. Should the business be sold, the new owners must contact the Board of Adjustment/Hearing Officer staff and apply for a new use permit.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
3. The live entertainment shall be indoors only. ~~Outdoor speakers are not permitted.~~ **MODIFIED BY HEARING OFFICER**
4. 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.
5. Any expansion or intensification of the use will require review of the use permit.
6. The use permit is valid for the plans as submitted within this application.
7. The restaurant Layalena will adhere to the City of Tempe Noise Ordinance.
8. The applicant shall work with Tempe Police Department to implement a Security Plan for the business.
9. Hookah smoking is permitted on the patio only.
10. Gross sale of tobacco and tobacco related products shall not exceed fifty percent (50%) of total revenue.
11. This use shall not violate the City of Tempe Smoking Ordinance or Smoke Free Arizona Act A.R.S. §36-601.01.
12. All business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-8331.
13. Applicant shall submit for Development Plan Review for outdoor patio by July 17, 2008.

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3. Hold a public hearing for a request by **RECONDITIONED SYSTEMS INC. (PL080181)** (Paul McDaniel/Reconditioned Systems Inc., applicant; Gateway Valleyview Inc., property owner) located at 2636 South Wilson Street, Suite No. 105 in the GID, General Industrial District for:

ZUP08091 Use permit to allow a woodworking operation in the GID, General Industrial District.

Mr. Dirk Anderson was present to represent this case.

Shawn Daffara, staff planner, gave an overview of this case, and stated that no additional public input or information had been received since the staff report had been issued.

Mr. Williams asked whether there was any outdoor milling or outdoor operation to be conducted at this business. Mr. Daffara said that this is an indoor use only; no outside operations will exist.

Mr. Williams asked how the applicant would handle dust. Mr. Daffara stated that they would have to have a dust collection system per Building Safety Plan Review. Mr. Williams asked if this should be stipulated within the Conditions of Approval. Mr. Daffara stated since this is an inside operation it was not necessary at this time. If at any time in the future it was determined that the dust was a problem a condition would be added at that time. Mr. Anderson confirmed that the dust containment system would take care of any dust problem.

DECISION:

Mr. Williams approved PL080181/ZUP08091 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 vent, stack, chimney, and exposed mechanical equipment shall not exceed the parapet of the existing building. If the equipment exceeds the parapet, a secondary screen wall shall be approved through the Development Plan Review. Details can be worked out during the Building Permit Plan Review process.

4. Hold a public hearing for a request by the **O'BRIEN RESIDENCE (PL080182)** (Doug O'Brien, applicant/property owner) located at 506 East Loyola Drive in the R1-6, Single Family Residential District for:

VAR08012 Variance to reduce the front yard setback from twenty (20) feet to ~~thirteen (13)~~ **sixteen (16) feet. MODIFIED BY HEARING OFFICER**

VAR08015 Variance to reduce the required on-site driveway length from twenty (20) feet to ~~thirteen (13)~~ **sixteen (16) feet. MODIFIED BY HEARING OFFICER**

Mr. Doug O'Brien was present to represent this case.

Nick Graves, staff planner, gave an overview of this case, and stated that no additional public input or information had been received since the staff report had been issued. The request was due to a garage addition of 420 s.f. which would extend the driveway twelve feet (12') into the front yard setback. A neighborhood meeting was held with two (2) people in attendance and Mr. O'Brien had collected several signatures of support from nearby residents. Staff recommended denial due to lack of hardship.

Mr. O'Brien presented additional signatures of support. He noted that there was a property four or five houses to the east of his residence that received approval for a similar request in 2000 (under the previous Zoning Code Ordinance) for setback variance(s) and that his request would actually extend one foot less than that earlier

request currently does. Mr. O'Brien noted that even with this variance his driveway would actually be nineteen feet (19') in length which would be more than sufficient for parking purposes. Should the Hearing Officer grant this request, it would greatly improve the property aesthetically and additional space would be gained by him.

Mr. Williams stated that Mr. O'Brien's home was very beautiful in a well maintained neighborhood. He asked Mr. O'Brien why he felt there was a hardship involved that would allow approval of these variances. Mr. O'Brien explained that granting of these variances would allow enhancement of his property and would create a front courtyard enclosure that would be quite attractive. In reviewing the neighborhood roof lines, his project is compatible and in keeping with the character of the neighborhood. Mr. O'Brien noted that he had the support of all neighbors he had come in contact with both east and west. Verbal support had been received from the neighbors across the street, who are currently in Flagstaff. Putting a shade in his yard would not be very complimentary to the neighborhood.

Mr. Williams stated that variances present difficult decisions due to the restrictions of state law and city code requirements. It is a safety valve provision when a property is not being treated fairly, and the normal rules do not apply to it which puts the property owner in a position where he cannot enjoy his property like his neighbors can.

Mr. Williams noted that his review of this neighborhood indicated that it was intact with its original design and setbacks. Mr. Williams stated that he felt it was important to be consistent, and that the city did authorize a twenty percent (20%) reduction. Therefore he would modify the variance requests to a reduction from twenty feet (20') to sixteen feet (16').

DECISION:

Mr. Williams approved PL080182/VAR08012/VAR08015, as modified, subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. The garage addition shall match the main residence in color, design and materials.

5. Hold a public hearing for a request by the **TARALDSEN RESIDENCE (PL080183)** (Audun Taraldsen, applicant/property owner) located at 805 West 17th Place in the R1-6, Single Family Residential District for:

ZUP08092 Use permit to allow an accessory building (solar pod).

Mr. Audun Taraldsen was present to represent this case.

Nick Graves, staff planner, gave an overview of this case, and stated that no additional public input or information had been received since the staff report had been issued. This would be a 160 s.f. accessory building. Mr. Graves confirmed that there would be no metal storage containers in the yard.

Mr. Taraldsen presented sketches depicting the various sides of the recycled container when construction is complete. He noted in response to a question from Mr. Williams that the roof top solar panels would extend approximately sixteen (16) inches above the roof.

Mr. Williams questioned whether Mr. Taraldsen intended to bring people to his home to market this product? Mr. Taraldsen responded that the proto-type should be ready for viewing by November 2008 and that there would only be a few people (3 or 4) at a time to look at it.

Mr. Graves confirmed that staff had no concerns regarding the height of the structure.

DECISION:

Mr. Williams approved PL080183/ZUP08092 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. The detached accessory building shall not be used as a separate living unit/guest quarters (no cooking facilities). Only one residential unit per lot is allowed in the R1-6, Single Family Residential District.
4. The use permit is valid for the plans as submitted within this application.

6. Hold a public hearing for a request by **PRICE ROAD BUSINESS PARK - FOOTHILLS WOOD TRANSFORMATIONS (PL080184)** (Amy Freidenberger/Foothills Wood Transformations, applicant; Lodru BV Inc., property owner) located at 2035 East Cedar Street in the GID, General Industrial District for:

ZUP08093 Use permit to allow a woodworking operation in the GID, General Industrial District.

Ms. Amy Freidenberger was present to represent this case.

Shawn Daffara, staff planner, gave an overview of this case, and stated that no additional public input or information had been received since the staff report had been issued. Dust collection will be part of this operation.

Mr. Williams noted that this applicant intends Saturday hours of operation and asked if staff had any concern on the impact this would have on the neighborhood to the south. Mr. Daffara noted that no e-mails, phone calls or other contact had been made in response to the 300 ft. radius included in the public mailing.

Ms. Freidenberger noted there would be minimal traffic and operations would take place indoors.

DECISION:

Mr. Williams approved PL080184/ZUP08093 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 vent, stack, chimney, and exposed mechanical equipment shall not exceed the parapet of the existing building. If the equipment exceeds the parapet, a secondary screen wall shall be approved through the Development Plan Review. Details can be worked out during the Building Permit Plan Review process.

7. Hold a public hearing for a request by the **MONTES RESIDENCE (PL080185)** (Arturo Montes, applicant/property owner) located at 2316 West Riviera Drive in the R1-6, Single Family Residential District for:

ZUP08094 Use permit to allow an accessory building (storage building).

Ms. Montes was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case, and stated that no additional public input or information had been received since the staff report had been issued. Storage building would be approximately 322 s.f. and ten feet in height.

DECISION:

Mr. Williams approved PL080185/ZUP08094 subject to the following conditions:

1. Obtain all final clearances from the Building Safety Inspections Division for building construction and installation.
2. Accessory building approved for storage use only. Not to be a habitable structure.
3. **Bring shade structure into compliance with City Code. ADDED BY HEARING OFFICER**

8. Hold a public hearing for a request by **BASLINE BUSINESS PARK – ABC BARTENDING SCHOOL (PL080186)** (Sharon Watts, applicant; Walston CWAZ Baseline 80 LLC, property owner) located at 5024 South Ash Avenue, Suite Nos. 108 and 109 in the GID, General Industrial District for:

ZUP08095 Use permit to allow a vocational school (bartending, casino academy).

Ms. Sharon Watts was present to represent this case.

Shawn Daffara, staff planner, gave an overview of this case, and stated that no additional public input or information had been received since the staff report had been issued. Has been in operation since 2000 and was unaware that a use permit was required in addition to the business license.

Mr. Williams asked whether there were any parking problems on this site. Mr. Daffara responded that it has 300 parking spaces and there was plenty of parking available.

DECISION:

Mr. Williams approved PL080186/ZUP08095 subject to the following conditions:

1. The use permit is valid for ABC Bartending School and may be transferable upon Development Services staff review.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
3. 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.
4. Entrance and Exit doors shall require five (5) foot candles at the doorways and two (2) foot candles within a 15' radius. Details to be reviewed by city staff.
5. Rear exit doors shall require a lexan vision panel installed. Details to be reviewed by city staff.
6. Any expansion or intensification of the use shall require a new use permit to be approved.
7. All business signs shall be approved through Development Review, and permits obtained.

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9. Hold a public hearing for a request by the **MINCHUK RESIDENCE (PL080187)** (Larry Dalton/Dalton Designs Inc., applicant; Marion Minchuk, property owner) located at 1333 East Whalers Way in the R1-6, Single Family Residential District for:

VAR08013 Variance to reduce the front yard setback from twenty (20) feet to thirteen (13) feet eight (8) inches.

Mr. Larry Dalton of Dalton Designs and Mr. Marion Minchuk were present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case, and stated that no additional public input or information had been received since the staff report had been issued. Ms. Lesser noted that the applicant had questioned why a home just two doors away from his residence could locate their garage just twenty feet from the curb. Investigation determined that the right-of-way was right at the curb line.

Mr. Williams reiterated that Ms. Lesser was saying that the property lines vary in this neighborhood and pertaining to this request they are actually closer to the structure than they are across the street – that they have a little less room to work with.

Ms. Lesser pointed out that this applicant was not asking to reduce the driveway length as they had adequate driveway and that this request differed from the earlier request for a variance in this hearing in that the entrance to the garage would be located to the side of the property.

Mr. Dalton explained that there was a very restricted footprint due to the small size of the lot which forces the garage to the proposed location. Neighbors are in support of this request, and approval of this request would allow the property owner to eliminate on street parking. He referred to similar variances that had been granted to nearby property owners.

Mr. Minchuk referred to crime statistics which indicated crime in the area and noted that the safety of his significant other was important along with the protection of his vehicles.

Mr. Williams noted that there was currently a two car garage on this property and asked if this was being utilized. Mr. Minchuk responded that it was, that they had three (3) vehicles which required one (1) vehicles to be left on the street. There was no opposition to his request amongst the neighbors. This project would increase the value of his property.

Ms. Christine Baldanza spoke as the Neighborhood Association President and stated the architectural committee had reviewed Mr. Minchuk's plans and were very much in support of this request. Mr. Williams questioned whether the Board had been in total support of this request; Ms. Baldanza stated that they were. Mr. Williams responded that he did not understand that as this was totally out of character for this subdivision.

Ms. Baldanza stated that they did discuss that issue, however if you take a look at many of the homes in The Lakes – all have a little bit of a different characteristic – different developers had erected homes such as The Islands area – neighbors have purchased adjoining properties and combined them. Ms. Baldanza stated that she feels this is a sign that residents love their community and want to stay, but need to update and make things look fresh again.

Mr. Norman Morrow spoke as the neighbor across the street from Mr. Minchuk and stated that he has no objection whatsoever. He loves the neighborhood and the fact that every house is different. He has been a Tempe resident for 35 years and that is why he moved to The Lakes because every house is different. He thinks it is a great deal.

Mr. Williams complimented Mr. Dalton on the design of this project, and stated that he would like to see more of the side entry structures. Mr. Dalton gave Mr. Williams specific dimensions of the proposed structure as requested. Mr. Williams asked Mr. Dalton what is unique about this property that it meets state and city criteria for a variance. Mr. Dalton responded that structure was built to the front of the property in the early 1970's, they did not want the driveway to come straight out into the street because of the parking requirements on the street. The side drive preserves the integrity of the neighborhood. The properties nearby are two story structures, but Mr. Minchuk's residence is a single story which he wants to keep for future use.

Mr. Williams noted that they were looking at a two foot (2') difference between what the applicant was requesting and what the use permit standard allowed. Ms. Lesser responded that was correct, however, Mr. Minchuk originally came in to apply for a use permit reduction however based on the location of the right-of-way; that this variance is required just because Mr. Minchuk has a sidewalk on his side of the street.

Mr. Williams noted that there were no sidewalk concerns in this case should the variance be granted. This development is unique as has been discovered over the years when processing redevelopment efforts and building permits. Driveway length is sufficient. Based on the offset of the right-of-way and the character of this neighborhood in terms of individual homes and size of lots, Mr. Williams, stated that he disagreed with staff's recommendation for denial and approved this request.

DECISION:

Mr. Williams approved PL080187/VAR08013 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Department.
2. Obtain all necessary clearances from the Public Works Department for on-site retention for expansion of building area and pavement in the front yard.

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10. Hold a public hearing for a request by **TEMPE SQUARE - EFES TURKISH CUISINE (PL080192)** (Kal Salem, applicant; Watavision II LLC d.b.a. Tempe Square, property owner) located at 1701 East Guadalupe Road in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP08096 Use permit to allow live entertainment.

Mr. Kal Salem was present to represent this case.

Alan Como, staff planner, gave an overview of this case, and stated that no additional public input or information had been received since the staff report had been issued. He noted that the live entertainment would consist of a small three piece band and live belly dancing as well. They have no patio so that is not an issue; everything would be indoors.

Ms. Laurel Hardin, resident of Tempe, spoke in support of this request, noting that this establishment had been in this location for about seven (7) years. In all the years she has lived in Juniper Village there has never been a problem with noise, crowds or parking.

Mr. Harry Allen, stated that he was the President of the Juniper Village Homeowners Association. He expressed concern over the nearby homes and the kitchen location of this establishment. He stated that he had spoken with the nearest residents and was concerned over the noise that may be generated by the live entertainment, and would be able to be heard through the open kitchen doors. There is no landscape there as a buffer zone.

Mr. Mark Smith stated that he was a resident of Tempe who resided in the subdivision in the back of this establishment. His lot is in the back of Trader Joes. He noted that there is construction work going on and was concerned that Efes would be moving into that new construction area. He stated that Trader Joes already presents a noise problem.

Mr. Williams asked, and staff confirmed, that this use permit is only good at the present location and configuration. Should the business be moved, a new use permit would need to be applied for.

Ms. Laurel Hardin returned to the podium, and asked if the resident who lives near Efes in the northeast corner of Juniper Village, had ever complained of noise from that establishment because there has been live entertainment in the past. And, if so, what was the nature of the complaint. She stated that she does a lot of walking in the neighborhood, and every time she has walked by Efes at night, the clientele who attends Efes is mainly families and very sedate. The primary product being sold at Efes is food, which is great, she noted. She highly approves of this request, which she feels will only enhance the present atmosphere at Efes.

Mr. Williams stated that he understood the concerns over the proximity of the live entertainment and possible noise to the nearby residences. He asked the applicant what type of music would be held (i.e. acoustical, electric music that is amplified, etc.). Mr. Salem stated that the music would occur approximately from the hours of 9 PM to 11 PM, and that he did not feel that noise level of the music would be a concern given the location where the music/entertainment would be performed.

Mr. Williams stated that he sees that this is a contained indoors operation and would add a condition that the kitchen door remain closed during live music.

DECISION:

Mr. Williams approved PL080192/ZUP08096 subject to the following conditions:

1. This use permit is valid for "Efes Turkish Cuisine" and is non-transferable. Should the business be sold, the new owners must contact the Board of Adjustment/Hearing Officer staff and apply for a new use permit.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
3. The live entertainment shall be indoors only. No speakers are permitted outside.
4. 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.
5. Any expansion or intensification of the use will require review of the use permit.
6. The use permit is valid for the plans as submitted within this application.
7. The restaurant Efes Turkish Cuisine will adhere to the City of Tempe Noise Ordinance.
8. The applicant shall work with the Tempe Police Department to implement a Security Plan for the business.
9. **Kitchen door to remain closed during live music. ADDED BY HEARING OFFICER**

11. Hold a public hearing for a request by **BIMBO BAKERIES (PL080196)** (George Fulton/Fulton Architects, applicant; University and Perry LLC, property owner) located at 1920 East University Drive, Suite No. 101 in the GID, General Industrial District for:

ZUP08097 Use permit to a retail use (bakery outlet) in the GID, General Industrial District.

Mr. George Fulton of Fulton Architects was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case, and stated that no additional public input or information had been received since the staff report had been issued.

Mr. Williams asked if this use was unusual for the City of Tempe – did they have other retail outlets in the industrial districts? Ms. Lesser stated that it was not unusual.

DECISION:

Mr. Williams approved PL080196/ZUP08097 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. Any business signs to obtain a separate approval and sign permit.

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12. 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 **ROBBINS RESIDENCE (PL080177/ABT08009)** (David Robbins, property owner) Complaint CE077230 located at 513 West 17th Place in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Julie Scofield, City of Tempe – Neighborhood Enhancement Department, stated that the carport area is filled with trash.

Mr. Williams asked if there had been any progress. Ms. Scofield responded that since December 2007 there has been no progress.

Mr. Williams stated for the record that the two adjacent properties to this residence are significantly worse, and he requested the Neighborhood Enhancement staff to look into those two properties immediately east of the Robbins Residence as there are safety issues involved. Ms. Scofield noted that although she is no longer the inspector assigned to this area, she will notify the currently assigned inspector of this request.

DECISION:

Mr. Williams approved abatement proceedings for PL080177/ABT08009.

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13. 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 **WAYMIRE PROPERTY (PL080178/ABT08010)** (David & Pamela Waymire, property owners) Complaint CE075685 located at 1128 South Farmer Avenue in the R-3, Multi-Family Residential Limited District.

No one was present to represent the property owner.

Julie Scofield, City of Tempe – Neighborhood Enhancement Department, stated that this is a multi-family property and that there are several tenants residing on the property. Today's inspection revealed that there are now two inoperable vehicles instead of three vehicles and the landscaping has deteriorated, and there is a lot of weeds. The cost of the abatement will be adjusted to reflect the removal of the third vehicle.

DECISION:

Mr. Williams approved abatement proceedings for PL080178/ABT08010.

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14. 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 **SANDERS RESIDENCE (PL080180/ABT08011)** (Micah Sanders, property owner) Complaint CE081948 located at 800 East Cavalier Drive in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Andres Lara, City of Tempe – Neighborhood Enhancement Department, stated that there are items in the carport and weeds.

Mr. Williams asked if the pool was part of this abatement. Mr. Lara stated there was not. Mr. Williams responded that there is a green pool at this property also that he noted during his site review. Mr. Williams stated that he thought the pool was part of this abatement, but that as it is not it needs to be looked at. In addition, Mr. Williams requested that the property at 730 East Cavalier Drive, right next door, be inspected as it is in significantly worse condition.

DECISION:

Mr. Williams approved abatement proceedings for PL080180/ABT08011.

The next Hearing Officer public hearing will be held on **Tuesday, July 1, 2008.**

There being no further business the public hearing adjourned at 3:17 PM.

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



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

SA:dm