

**Minutes
HEARING OFFICER
AUGUST 5, 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
Nick Graves, Planning Intern
Alan Como, Planner II

Number of Interested Citizens Present: 4

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 August 19, 2008 at 3:00 PM to the Development Services Department.

1. Mr. Williams approved the Hearing Officer Minutes for July 15, 2008.

2. Mr. Williams noted that the following case(s) had been administratively withdrawn:

Hold a public hearing for a request by the **HUGHES RESIDENCE (PL080236)** (John Hughes, applicant/property owner) located at 116 East Concorda Drive in the R1-10, Single Family Residential District for:

ZUP08109 Use permit to allow an accessory building (pergola-trellis structure).
CONTINUED TO THE AUGUST 19, 2008 HEARING OFFICER

3. Hold a public hearing for a request by **UNITED RENTALS (PL080146)** (Ward Hollon/Deines-Hollon Architects, applicant; Exodyne Properties Inc., property owner) located at 9002 South Hardy Drive in the GID, General Industrial, SWO, Southwest Overlay and GIO, General Industrial Overlay Districts for:

ZUP08107 Use permit to allow the expansion of an industrial use adjacent to a Single Family Residential District.

Mr. Robert Fiscus of United Rentals 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 this 2400 s.f. metal building was being constructed as a service and maintenance facility to handle the expanding business operations of United Rentals. The applicant's site plan is also being reviewed by staff thru the Development Plan Review process.

Mr. Williams noted for the record that this application intensifies the use of this property.

DECISION:

Mr. Williams approved PL080146/ZUP08107 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. Building expansion/addition requires a Development Plan Review process. Applicant must submit for review by **September 5, 2008**.
3. New building should match existing maintenance building on site in material and color.
4. The use permit is valid for the plans as submitted to and approved by the Hearing Officer/Board of Adjustment.

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4. Hold a public hearing for a request by the **SEEGREN RESIDENCE (PL080235)** (Kenneth & Janet Seegren, applicant and property owner) located at 8101 South La Rosa Drive in the R1-10, Single Family Residential District for:

ZUP08108 Use permit standard to reduce the south side yard setback by twenty percent (20%) from ten (10) feet to eight (8) feet for a building addition.

ZUP08113 Use permit standard to reduce the west front yard setback by twenty percent (20%) from twenty-five (25) feet to twenty (20) feet for an open structure.

ZUP08114 Use permit for an accessory structure in the front yard setback (trellis).

Mr. Kenneth Seegren was present to represent this case. He noted that the accessory structure was filling in an existing 'L' shaped patio area, while the trellis structure would provide shade, reduce energy costs and add a more territorial type of look to the front of the house.

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. Staff supports this request for the accessory structure and open trellis structure.

Mr. Williams asked if the applicant had an elevation drawing of the trellis structure. Mr. Seegren presented a photographic example of the type of trellis structure that they would be using with stucco columns. An updated survey of his property is going to be done so exact calculations can be determined. These requests are being made today in case the property lines are not what they appear to be at this time.

DECISION:

Mr. Williams approved PL080235/ZUP08108/ZUP08113/ZUP08114 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. Accessory trellis structure shall match the style of the existing structure and be painted a color that matches or is complimentary to the existing house.
3. The use permit is valid for the plans as submitted to and approved by the Hearing Officer/Board of Adjustment.

4. The building addition shall match the existing residence in style, color, and materials.
5. **Submit a scaled drawing illustrating the existing structure and all proposed modifications including the west elevation of the trellis. ADDED BY HEARING OFFICER**

5. Hold a public hearing for a request by the **DEVLIN RESIDENCE (PL080245)** (Ted & Julia Devlin, applicants/property owners) located at 1229 East Secretariat Drive in the AG, Agricultural District for:

ZUP08110 Use permit to allow an accessory building (horse ramada).

VAR08017 Variance to reduce the east side yard setback from fifteen (15) feet to twelve (12) feet.

Ms. Julie Devlin was present to represent this case. She noted, in response to a question from the Hearing Officer, that existing barn structures, which were approximately 30 years old and rusted out, would be removed.

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 PAD (Planned Area Development) for this parcel allows building within fifteen (15) feet of the east side yard setback. Mr. Williams noted that reducing the setback from fifteen (15) feet to twelve (12) feet was a 20% reduction similar to that allowed by ordinance requirements for a use permit standard reduction of 20%.

DECISION:

Mr. Williams approved PL080245/ZUP08110/VAR08017 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 or be compatible to the existing dwelling.
3. The use permit and variance are valid for the plans as submitted to and approved by the Hearing Officer/Board of Adjustment.

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 **JORDAN RESIDENCE (PL080243/ABT08014)** (Donna Jordan, property owner) Complaint CE081484 located at 3403 South Westfall Avenue in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Jody Benson, City of Tempe – Neighborhood Enhancement Department, stated that complaints had been pending on this property since February 2008. They include landscaping and deteriorating block wall issues.

DECISION:

Mr. Williams approved abatement proceedings for PL080243/ABT08014.

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 **BROWN RESIDENCE (PL080244/ABT08015)**

(Kenton Brown, property owner) Complaint CE080124 located at 1208 West Malibu Drive in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Jody Benson, City of Tempe – Neighborhood Enhancement Department, stated that he had had quite a bit of contact with Mr. Brown and that the Department would like to request a continuance on this case. As of today, a significant amount of progress had been made towards correcting the violations, although there were still some issues with the back yard.

DECISION:

Mr. Williams continued abatement proceedings for PL080244/ABT08015 to the September 16, 2008 Hearing Officer hearing at the request of the Neighborhood Enhancement Department.

The next Hearing Officer public hearing will be held on **Tuesday, August 19, 2008.**

There being no further business the public hearing adjourned at 2:12 PM.

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



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

SA:dm