

**Minutes
HEARING OFFICER
APRIL 21, 2009**

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
Sherri Lesser, Senior Planner
Shawn Daffara, Planner II
Steve Abrahamson, Planning & Zoning Coordinator

Number of Interested Citizens Present: 3

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 May 5, 2009 at 3:00 PM to the Development Services Department.

1. Mr. Williams approved the Hearing Officer Minutes for April 7, 2009.

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

- Request by **EMERALD CENTER - PHASE VENUE/NIGHTCLUB (PL090106)** (Jon Harris, applicant; DAR 2 LLC, property owner) located at 8475 South Emerald Drive in the RCC, Regional Commercial Center District for:

ZUP09050 Use permit to allow a concert venue including outdoor entertainment.

CONTINUED BY DEVELOPMENT SERVICES DEPARTMENT

3. Request by the **HARRISON RESIDENCE (PL090110)** (Susan Harrison, applicant/property owner) located at 1005 East Sandpiper Drive in the R1-6, Single Family Residential District for:

VAR09003 Variance to reduce the front yard setback from twenty (20) feet to nine (9) feet for a covered walkway.

Mr. and Mrs. Harrison were present to represent this case. Mrs. Harrison noted that she had been a resident of Tempe for 34 years and had lived at this address for the past 20 years. She explained the drainage problems

related to this property which is located lower than the street. Mr. Harrison noted how flooding problems occurred due to the placement of the property in relation to the lake.

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

Ms. Christine Baldanza, of The Lakes HOA, spoke in support of this request, noting the unique features of the area and home. She explained that several of the homes which were built in the 1970's have encountered flooding problems and have had to adapt in order to resolve the issue. The Architectural Committee for The Lakes HOA has reviewed the Harrison's plans and fully support their request, she stated.

Mr. Williams stated that there are significant flood-related conditions due to the elevation of the home relative to the street for this applicant.

DECISION:

Mr. Williams approved PL090110/VAR09003 subject to the following conditions of approval:

1. The variance is valid for the plans as approved by the Hearing Officer.
2. The addition is to match the existing residence in form, color and material.
3. Obtain all necessary clearances from the Building Safety Division.

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4. Request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **WELLS FARGO PROPERTY ABATEMENT (PL090074/ABT09005)** (Wells Fargo Home Improvement, property owner) Complaint 087149 located at 2608 West Fremont Drive in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Ms. Brandy Zedlar, City of Tempe – Neighborhood Enhancement Department, stated that when the original complaint was made due to landscaping violations the property was still owned by the original property owner. However the property was vacated by the owner, and went for auction in December 2008. It remains unsold. Debris and trash exist, as well as an unsecured gate and unstable fencing.

DECISION:

Mr. Williams approved abatement proceedings for PL090074/ABT09005 to include costs for securing the property as well as items listed in the abatement estimate.

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5. Request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **CANZANO RESIDENCE ABATEMENT (PL090078/ABT09006)** (Robert Canzano, property owner) Complaint 087342 located at 1133 East Concorda Drive in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Ms. Julie Scofield, City of Tempe – Neighborhood Enhancement Department, stated that she has been working to resolve the property issues (landscaping, etc.) since November of 2008. She requested an open abatement period of 180 days due to the history of the property.

DECISION:

Mr. Williams approved abatement proceedings for PL090078/ABT09006 for an open period of 180 days (6 months).

The next Hearing Officer public hearing will be held on **Tuesday, May 5, 2009.**

There being no further business the public hearing adjourned at **1:48 PM.**

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



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

SA:dm