

**Minutes
HEARING OFFICER
AUGUST 2, 2011**

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:

Vanessa MacDonald, Hearing Officer
Steve Abrahamson, Planning & Zoning Coordinator
Nick Graves, Planner

Number of Interested Citizens Present: 6

Meeting convened at 1:30 PM and was called to order by Ms. MacDonald. She 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 16, 2011 at 3:00 PM to the Community Development Department.

1. Ms. MacDonald noted that the Hearing Officer Minutes for July 19, 2011 had been reviewed and approved.

2. Ms. MacDonald noted that the following items had been removed from today's agenda:

- Request by **UNIVERSITY SQUARE - CARTEL COFFEE LAB MICROBREWERY AND COFFEE BAR (PL110267)** (Jason Silberschlag, applicant; Friedman Investments LLC, property owner) located at 225 West University Drive, Suite Nos. 101 and 102 in the GID, General Industrial and CC, City Center Districts for:

ZUP11066 Use permit to allow a microbrewery in the GID, General Industrial District.

CONTINUED TO AUGUST 16, 2011 HEARING OFFICER

3. Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **FORD PROPERTY (PL110245 /ABT11024 /CE111595)** (Michael Spencer, Inspector; Dick Ford, property owner) located at 425 East Papago Drive in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Michael Spencer, Code Inspector, explained that the property owners are deceased and the surviving relatives have no interest in maintaining the property and have indicated they are going to let the bank foreclose on the property. There are over height weeds and debris in the desert landscape area of the front yard.

Ms. MacDonald noted that this request meets the criteria for properties in disrepair.

DECISION:

Ms. MacDonald approved abatement proceedings for PL110245 /ABT11024 /CE111595.

4. Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **CHAVEZ PROPERTY (PL110246 /ABT11026 /CE111818)** (Jack Scofield, Inspector; Paul Chavez, property owner) located at 5639 South Outrigger Road in the R-2, Multi-Family Residential District.

No one was present to represent the property owner.

Jack Scofield, Code Inspector, explained that complaints had been received regarding a deteriorated pool with green stagnant water. Staff is requesting an open abatement period of 180 days to prevent repeated property neglect and neighborhood decline.

Ms. MacDonald noted that this request meets the criteria for properties in disrepair.

DECISION:

Ms. MacDonald approved abatement proceedings for PL110246 /ABT11026 /CE111818 for an open period of 180 days.

5. Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **ESCOVAR PROPERTY (PL110254 /ABT11025 /CE111813)** (Michael Spencer, Inspector; Hector Escovar, property owner) located at 1415 North Oleander Street in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Michael Spencer, Code Inspector, explained that complaints had been received regarding deteriorated landscape (over height grass & weeds, dead bushes, trash and debris). The property appears to have been abandoned. Staff is requesting an open abatement period of 180 days to prevent repeated property neglect and neighborhood decline.

Ms. MacDonald noted that this request meets the criteria for properties in disrepair.

DECISION:

Ms. MacDonald approved abatement proceedings for PL110254 /ABT11025 /CE111813 for an open period of 180 days.

6. Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **RAMIREZ PROPERTY (PL110255 /ABT11028 /CE111533)** (Jack Scofield, Inspector; Ivann Ramirez, property owner) located at 9222 South Heather Drive in the R1-7, Single Family Residential District.

No one was present to represent the property owner.

Jack Scofield, Code Inspector, explained that complaints had been received regarding deteriorated landscape which included trash and debris in the front and side yards, grass and weeds growing in the gravel areas, large dead portions of the trees and excessive palm fronds. Staff is requesting an open abatement period of 180 days to prevent repeated property neglect and neighborhood decline.

Ms. MacDonald noted that this request meets the criteria for properties in disrepair.

DECISION:

Ms. MacDonald approved abatement proceedings for PL110255 /ABT11028 /CE111533 for an open period of 180 days.

7. Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **THAMES PROPERTY (PL110256 /ABT11027 /CE111655)** (Jack Scofield, Inspector; Kristi Thames, property owner) located at 2135 East Oxford Drive in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Jack Scofield, Code Inspector, explained that complaints had been received regarding deteriorated landscape in the front and side yards where grass and weeds are growing in the gravel areas. Staff is requesting an open abatement period of 180 days to prevent repeated property neglect and neighborhood decline.

Ms. MacDonald noted that this request meets the criteria for properties in disrepair.

DECISION:

Ms. MacDonald approved abatement proceedings for PL110256 /ABT11027 /CE111655 for an open period of 180 days.

8. Request by the **CONCORDA HOUSE (PL110261)** (Guy Martinez/Executive Living LLC, applicant/property owner) located at 1880 East Concorda Drive in the R1-6, Single Family Residential District for:

ZUP11065 Use permit to allow required parking in the front yard setback.

Ms. Martinez was present to represent this case.

Nick Graves, staff planner, gave an overview of this case, noting that this single family residence was originally built in 1966 with a single carport. In 1967 construction was done on the home to convert the carport into a garage, and sometime thereafter the garage was converted into livable space of approximately 390 s.f. without permits being obtained. The current homeowner(s) bought the home a year ago and have submitted this

request to rectify the situation. There is enough room in the single width driveway to park one (1) car in the front yard setback without hanging over into the right-of-way.

Ms. Martinez noted that the property had been purchase about a year and a half ago without being aware of the lack of permit. She stated that she had communicated with the nearby neighbors regarding this issue and that they were comfortable with this request.

Mr. Chris Trask questioned whether there would be any new paved areas added. As there would not be, he stated he had no objection to this request.

Ms. Shirley Blanton stated that as long as there would be no new paved areas added to this property, she had no issue with this request.

Ms. Elaine Bader asked if this property would be used as a rental, and, if so, how many unrelated individuals are permitted to reside in the home.

Ms. Martinez explained that a family with one child would be occupying this home and that this family was purchasing the home.

Mr. Abrahamson, Planning and Zoning Coordinator, explained that no more than three (3) unrelated individuals can reside in a Single Family Residential Neighborhood District home.

Ms. MacDonald reviewed the criteria for a use permit and noted that this request meets those requirements.

DECISION:

Ms. MacDonald approved PL110261 / ZUP11065 subject to the following conditions:

1. The required on-site parking shall be used for single family residential use only.
2. Parking shall take place on impervious surfaces only
3. Obtain all necessary clearances from the Building Safety Division.
4. All vehicles parked on the premises must be actively registered and in operable condition at all times.
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.

The next Hearing Officer public hearing will be held on **Tuesday, August 16, 2011.**

There being no further business the public hearing adjourned at 1:56 PM.

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



Steve Abrahamson, Planning & Zoning Coordinator
for Vanessa MacDonald, Hearing Officer

SA:dm

APPROVED