

**MINUTES
HEARING OFFICER
JULY 21, 2015**

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.

STUDY SESSION 4:30 PM

Staff and the Hearing Officer discussed overview and updates to the scheduled cases for this hearing.

REGULAR SESSION 5:00 PM

Present:

Vanessa MacDonald, Hearing Officer
Steve Abrahamson, Planning & Zoning Coordinator
Julie Scofield, Code Inspector
Sherri Lesser, Senior Planner
Diane McGuire, Administrative Assistant II

Number of Interested Citizens Present: 9

Meeting convened at 5:00 PM and was called to order by Ms. MacDonald. She noted that anyone wishing to appeal a decision made by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days, by August 4, 2015 at 3:00 PM, to the Community Development Department.

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

- **Agenda Item No. 3**
Request approval to abate public nuisance items at the **KERR PROPERTY (PL150228/CE151077)** located at 3936 South Westfall Avenue. The applicant is the City of Tempe.

ABATEMENT REQUEST WITHDRAWN – PROPERTY IN COMPLIANCE

1. Vanessa MacDonald noted that the Hearing Officer Minutes for July 7, 2015 had been reviewed and approved.

2. Request approval to abate public nuisance items at the **CASEY PROPERTY (CE153280)** located at 3327 South Terrace Road. The applicant is the City of Tempe.

The property owner was not present at today's hearing.

Julie Scofield, Code Inspector, requested approval of an abatement of the property located at 3327 South Terrace Road. Notices have been sent to the owner of the property regarding over height grass and weeds. Ms. Scofield noted that the owners are deceased and she has been unsuccessful in finding anyone in charge of caring for this property. A 180 day open abatement period is requested.

DECISION:

Ms. MacDonald approved abatement proceedings for an open abatement period of 180 days for CE153280.

3. Request approval for a variance to reduce the side yard setback for the **CROOK/HACKENYOS RESIDENCE (PL150268)** located at 1327 East Caroline Lane. The applicants are Linda Crook and Jonathan Hackenyos.

Sherri Lesser, Senior Planner, gave an overview of this case, noting that the applicants are applying for a variance to reduce the east side yard setback from 15 ft. to 4 ft. 4 inches to accommodate a 124 s.f. storage addition to serve as the mechanical screen for a ground-mounted air handler. The shed will have the same exterior appearance as the remainder of the house and the overall proposed height is shown as 11 feet. A neighborhood meeting was held on July 2, 2015 and a petition of support and letters of support were received. No opposition to the request has been received to date.

Ms. Lesser noted that the properties in Corona Del Sol have unique constraints and that this property narrows from back to front in an irregular shape, which, in combination with additional side yard setback dimension substantially reduces the buildable area available on the site. Additionally this property has an easement abutting the property line. A review of property records for Corona Del Sol Estates identified at least 21 other properties that were granted variances to reduce the ordinance required setback standards and presented Ms. MacDonald with a list depicting those property addresses.

Jonathan Hackenyos was present to represent this case. He acknowledged their understanding of the Conditions of Approval.

Ms. MacDonald explained that requests for variances require a high level of scrutiny taking into consideration such factors as square footage, dimensions of the project, shape of the lot, etc. before making a decision.

Ms. MacDonald noted that this request meets the criteria for a variance:

- Special circumstances are applicable to the property.
- The strict application of the Code will deprive such property of privileges enjoyed by other properties in the same zoning district.
- The adjustment will not constitute a grant of special privileges inconsistent with other properties in the vicinity.
- The characteristics of the property are not self-imposed by the applicant.

DECISION:

Ms. MacDonald approved PL150268 subject to the following conditions:

1. The variance is valid for the plans as submitted within this application.
2. The applicant shall obtain all necessary permits and clearances from the Public Works Department – Engineering and Building Safety Division for on-site retention and construction documents.

4. Request approval for a landscape variance for **A.M.E. ELECTRICAL CONTRACTING INC. (PL150270)** located at 7120 South Priest Drive. The applicant is Andy Rein bold/AME Electrical Contracting Inc.

Sherri Lesser, Senior Planner, gave an overview of the case. The applicant is requesting a variance to waive the required landscape material in the Kinder Morgan easement which extends 50 ft. along the north street frontage. The site is located at the southwest corner of Priest Drive and Drake Drive and the property owner is limited in the type of landscape that may be planted in the 50 ft. area per the agreement of the easement. This variance will allow the applicant to forego planting the required trees or larger deep rooted plants along the Drake Drive frontage. A variance to waive landscape material has been approved in the past for similar properties, such as Carl's Jr. located 2 miles to the south at Ruby Drive and Warner Road where the El Paso Gas bisected the lot down the middle.

Ms. Lesser noted that a neighborhood meeting was required for this variance due to the close proximity to a residential area. There were no attendees. The case has been advertised in the newspaper, neighboring property owners have been notified of the hearing by mail and the site has been posted. No public input has been received on this request.

Mr. Andy Reinbold was present to represent this case. He acknowledged his understanding of the assigned Conditions of Approval.

Ms. MacDonald noted that this request meets the criteria for a variance:

- Special circumstances are applicable to the property.
- The strict application of the Code will deprive such property of privileges enjoyed by other properties in the same zoning district.
- The adjustment will not constitute a grant of special privileges inconsistent with other properties in the vicinity.
- The characteristics of the property are not self-imposed by the applicant.

DECISION:

Ms. MacDonald approved PL150270 subject to the following conditions:

1. The variance is valid for the plans as submitted within this application.
2. The variance is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed.
3. The variance is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process. The setback may not be reduced further without seeking another variance.
4. Provide an updated landscape plan for the file within 30 days (**August 21, 2015**).

The next Hearing Officer public hearing will be held on Tuesday, August 4, 2015 at 5:00 PM.

With no further business, the public hearing adjourned at 5:15 PM.

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



Steve Abrahamson, Principal Planner
for Vanessa MacDonald, Hearing Officer
SA:dm