

Minutes of the Board of Adjustment STUDY SESSION December 14, 2022

Minutes of the Study Session of the Board of Adjustment, of the City of Tempe, which was held in Council Chambers
31 East Fifth Street, Tempe, Arizona

Present:

Staff:

Chair David Lyon	Steve Abrahamson, Principal Planner
Vice Chair James Frazey	Diana Kaminski, Senior Planner
Board Member John 'Jack' Confer	Lily Drosos, Planner I
Board Member Raun Keagy	Jeff Tamulevich, Community Development Director
Board Member Brett Siegal Alternate)	Ryan Levesque, Comm. Development Deputy Director
	Drew Yocom, Code Compliance Administrator
	Jennifer Daniels, Administrative Assistant II

Meeting convened at 5:50 p.m. and was called to order by Staff Mr. Steve Abrahamson

Mr. Steve Abrahamson announced there are 3 cases to be heard by the BOA tonight and consideration of Meeting Minutes from September 28, 2022. Mr. Abrahamson stated that due to a quorum of individuals that were present at the September 28, 2022, BOA Meeting the board would not be able to vote on the meeting minutes tonight. The September 28, 2022, meeting minutes will be held for a vote until the next BOA Meeting.

The first case tonight is an abatement appeal for the Davis Residence located at 2923 South Albert Drive. Board Member Confer asked Staff Mr. Drew Yocom if the property was currently in violation today. Mr. Drew Yocom stated that Code Compliance was at the property earlier in the day on December 14, 2022, and the prior day of December 13, 2022. No changes have been made to the property. All the violations that were on the property as of April 2022 are still on the property as of today. Mr. Yocom stated he does have current pictures of the property that were taken on December 14, 2022. Vice Chair Frazey asked Mr. Yocom about the abatement costs and interests. Mr. Yocom stated the abatement fine does draw interest daily. Vice Chair Frazey asked if Mr. Yocom could elaborate on the payment process for an abatement. Mr. Yocom stated that a lien can be paid off at any point. The interest does not begin to be processed until 30 days after it is accessed with the county. At that point the lien is accessed daily until paid. Anytime the property would change hands in theory the relator would look into the lien if it was not looked at the interest would continue to accrue. Board Member Siegal asked what involvement Care 7 have in the process, it seems like there is some dispute as to what they were supposed to do. Mr. Yocom stated that Care 7 is a partner Code Compliance uses on a regular basis for a lot of property owners that are either financially, physically, or mentally unable to take care of the violations. In this case Care 7 had an extensive involvement. Mr. Yocom has a list of dates and times Care 7 was in communication with Mr. Davis. Multiple time Care 7 met Mr. Davis on the property site to discuss options in terms of how to come into compliance. Care 7 attempted to get Mr. Davis to agree to a voluntary abatement on 4 separate occasions. Mr. Davis denied a voluntary abatement. On October 19, 2022, Code Compliance was given the green light but Care 7 to proceed with the abatement.

The second case this evening is the Hladik Residence located at 8017 South College Avenue. The Hladik Residence is requesting a variance to reduce the street side yard setback from 15' to 8'. The residence had a neighborhood meeting. There were no oppositions at the time.

Mr. Abrahamson explained to Chair Lyon due to a lack of quorum the Meeting Minutes for September 28, 2022, would not be able to be voted on tonight. It was just advised by Mr. Jeff Tamulevich, Community Development Director it has been cleared by the City Attorney's office that Mr. Abrahamson may be the 4th vote tonight to have a quorum. Our third case tonight will be for the Gipson Residence located at 2002 West Garden Drive. The Gipson Residence is requesting a variance to reduce the side yard setback from ten (10) feet to six (6) feet. The Gipson Residence went through this process 10 years ago. There were some communication issues with the contractor. The addition was built without permits and not completed. Staff Ms. Diana Kaminski clarified that the applicants name is Darryl Jackson not Darryl Sharon. Ms. Kaminski stated that the issue with the previous variance was not the fault of the applicant it was their contractor.

Board Member Confer asked Mr. Abrahamson about a previous question that was asked during the BOA Meeting on September 28, 2022. Board Member Confer had previously asked about 2 cases that were in Superior Court and wanting an update on the cases. Mr. Abrahamson stated he did not have an update at this time. Board Member Confer asked Mr. Abrahamson if that issue would need to be agenized to discuss in an upcoming meeting. Mr. Abrahamson stated that it will not be agenized on the Regular BOA Meeting but it will be agenized for Study Session on the next BOA Meeting.

Hearing adjourned at 6:02 p.m.

Prepared by: Jennifer Daniels, Administrative Assistant II
Reviewed by: Steve Abrahamson, Principal Planner