

Minutes of the Board of Adjustment STUDY SESSION September 28, 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
Board Member Whitney Baker	Diana Kaminski, Senior Planner
Board Member Richard Watson	Jennifer Daniels, Administrative Assistant II
Board Member John 'Jack' Confer	Jeff Tamulevich, Community Development Director
Board Member Rickey Lynn Gans	Ryan Levesque, Community Development Director
Board Member Raun Keagy	
Board Member Robert Miller (Alternate)	

Meeting convened at 5:33 p.m. and was called to order by Chair Lyon.

Study Session & Formal Meeting Minutes from July 27, 2022.

Chair Lyon asked if anyone had any corrections to be made at this time. No issues were found.

Chair Lyon asked the Board Members if there were any procedural questions on agenda item #2 Livingston/Spears Remodel and Addition PL220187. Chair Lyon stated that the Board is there to consider 4 rules. Is there a special hardship present? Is the applicant missing out on a right enjoyed by others and that is why they are looking for the variance? Would the granting of the variance provide a special privilege which others do not have? Is the special condition or hardship of the applicants own making?

There were no questions from the board.

Chair Lyon asked if there were any announcements at this time.

Mr. Steve Abrahamson stated in 3 months we will be losing Chair Lyon and Vice Chair Frazey due to their term expiring. Mr. Abrahamson asked the Board Members to consider being the new Chair or Vice Chair. At the first meeting in January 2023, we will have a discussion about the Chair and Vice Chair openings. We will know if we have cases for the October meeting by next week.

Chair Lyon asked Ms. Diana Kaminski if she had any new information relevant to the case tonight. Ms. Kaminski stated there were 3 new public comments that came in all Board Members were given a copy of the letters.

Board Member Confer asked for an update and/or status on 2 cases that were appealed by the Board in 2019 (Case numbers LC2019-000056 and LC2019-000062. Mr. Abrahamson stated that he will look into the item and give an update at the next scheduled Board of Adjustment meeting.

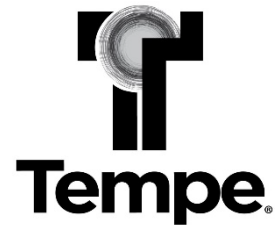
Board Member Keagy stated he will be abstaining from voting on the July 27, 2022, Meeting Minutes as he was not in attendance.

Board Member Miller stated he will be abstaining from voting on the July 27, 2022, Meeting Minutes as he was not in attendance. Board Member Miller asked if the property on the agenda tonight is listed on the National Register of Historic Places.

Mr. Abrahamson stated that it is not. During the regular meeting tonight, we will have our Historic Preservation Officer Dr. Zach Lechner online to answer any questions with respect to the historic relevance to the property.

Hearing adjourned at 5:41 p.m.

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



Minutes of the Board of Adjustment REGULAR MEETING SEPTEMBER 28, 2022

Minutes of the Regular Meeting 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
Board Member Whitney Baker	Diane Kaminski, Senior Planner
Board Member Richard Watson	Jennifer Daniels, Administrative Assistant II
Board Member John 'Jack' Confer	Jeff Tamulevich, Community Development Director
Board Member Rickey Lynn Gans	Ryan Levesque, Community Development Director
Board Member Raun Keagy	
Board Member Robert Miller (Alternate)	

Regular Meeting 6:00pm

1) **Voting of the Meeting Minutes**

Study Session & Formal Meeting Minutes from July 27, 2022.

Motion by Board Member Gans to approve Meeting Minutes from July 27, 2022; second by Board Member Watson. Motion passed on **4-0** vote.

Ayes: Chair Lyon, Board Members Confer, Gans and Watson

Nays: None

Abstain: Board Members Baker, Keagy and Miller

Absent: Vice Chair Frazey

2) Request a Variance to reduce the side yard setback from ten (10) to six (6) feet for Livingston/Spear Remodel and Addition, located at 1015 South Farmer Avenue. The applicant is Brad Lundstrom. **(PL220187)**

Applicant Presentation:

Mr. Livingston and Mr. Spear are requesting a variance to reduce the side yard setback from ten (10) to six (6) feet. Mr. Livingston and Mr. Spears purchased the home at 1015 South Farmer Avenue approximately 3 years ago. The home is classified as R-3 multifamily. The home was built in 1893. The home is historically eligible but is not on the Historic Register. Mr. Livingston and Mr. Spears would like to remodel the home and keep the property as a single-family home. The lot is 50 feet wide.

Board Member Gans asked Mr. Livingston and Mr. Spears if they were planning on putting the house on the National Historic Register. Mr. Livingston stated they had not discussed that at this time due to them not being familiar with the process and the requirements.

Mr. Spears asked how many residents are currently registered on the Historic Register. Historic Preservation Officer Dr. Zach Lechner stated that there are approximately 45 individually listed properties and many more considered contributing properties those of which contain 3 historic districts in the City of Tempe listed in the National Register. Dr. Lechner stated there are guidelines listed online from the National Park Service from what the National Register would expect in considering a property for the National Register. The National Register discourages any structural changes. The changes that are proposed by the applicant may cause an issue with registering the home with the National Register.

Chair Lyon asked Mr. Spears if there was any relation between himself and the original owner of the home. Mr. Spears stated that a grandfather moved to North America around the late 1600's. One of his children is Myren who built the Spear house. Going down 3 more generations is Mr. Spears (applicant). They would be considered first cousins 3 times removed because they share the same grandfather.

Staff Presentation:

Ms. Diana Kaminski, Senior Planner, gave a brief staff presentation. The property is zoned multi family but has a single-family home that was built on the property in 1893. The building was modified over the years by an enclosure of the front west facing porch and enclosure of the back facing screened sleeping porch around 1962. The lot has a powerline easement along the eastern rear yard which limits the space for parking. Although the existing house pre-dated setbacks standards, the east end was done after the establishment of the zoning standards for lot setbacks. Removal of the non-conforming structure to build a new structure required obtaining a variance to match the building wall line of the existing home and a Use Permit for a second story addition. The property had zoning changes in 1957 and 1980 that imposed a ten (10) foot side yard setback. Other properties in the area were also approved for variances this includes multifamily and single-family zoned homes. The applicant is not seeking special privileges but solely to legally establish the historic pattern of the development on the property, to remodel the home to the same setback as the existing structure. A neighborhood meeting was held on August 15, 2022. 1 member of the public attended. The applicant did receive letters of support from the public.

Public Comment: NONE

Applicant Response:

No further comments from the applicant.

Commission Discussion

Board Member Keagy is in support of the request.

Motion by Board Member Gans to approve Request a Variance to reduce the side yard setback from ten (10) to six (6) feet for Livingston/Spear Remodel and Addition, located at 1015 South Farmer Avenue: second by Board Member Watson. Motion passed on **7-0** vote.

Ayes: Chair Lyon, Board Members Baker, Confer, Gans, Keagy, Watson and Miller

Nays: None

Abstain: None

Absent: Vice Chair Frazey

Staff Mr. Abrahamson stated that there is a potential Board of Adjustment meeting next month. We will notify the Board Members by next week.

Hearing adjourned at 6:27 p.m.