

Attachment A

ABANDONMENT HEARING SUMMARY NOTES

1/10/2017 – Call to order 10 am

AGENDA ITEM 1 - V160059A

The above named abandonment application was filed by Yisroel Loeb. This proposed abandonment is the north ten feet of the E Maryland Avenue right-of-way, and the west five feet of the N 3rd Street right-of-way, adjacent to the parcel addressed 275 E. Sierra Vista Drive, APN 161-22-088.

The applicant, Yisroel Loeb was in attendance. Mary Crozier, Heidi Distch, and Tyler Estes were in attendance from the local neighborhood. Alan Hilty was in attendance representing City of Phoenix Streets Department. Christopher DePerro, Abandonment Hearing Officer and Jordan Greenman, Abandonment Coordinator were also in attendance.

Greenman spoke first and introduced the applicant's proposal to abandon the north ten feet of East Maryland Avenue right of way and the west five feet of North Third Street right of way. Loeb added that he is requesting up to ten feet for the E. Maryland Ave abandonment. He mentioned that he would like to build a fence near his southern property line to protect his children from the street.

Mary Crozier spoke in opposition of the abandonment. She cited that over time the house had changed addresses and that the rear and side of the home had fencing around it. Crozier stated that the proposed fence and its placement would detract from the character of the street and would create a safety and visibility issue for drivers and pedestrians. Crozier also asked about deed restrictions on the home regarding fencing, as other similar homes nearby have deed restrictions against fencing.

Heidi Distch also spoke in opposition of the proposed abandonment. Distch believed that the fence construction would have a detrimental effect on neighborhood safety. She mentioned that the assisted living at the northeast corner of N 3rd Street and E Maryland Avenue increased parking and traffic nearby. The sight lines of the roundabout were also mentioned. Ditsch held that allowing this abandonment and fence erection would make the area more dangerous for pedestrians, drivers, and children.

Tyler Estes was the third speaker in opposition of the abandonment. He brought up concerns regarding pedestrian safety, obscured views coming into the intersection, and neighborhood character. Estes did not want the abandonment to be recommended for approval because of the fence placement into the proposed abandonment.

Mr. Loeb had an opportunity to respond to the public comment. He believed that most of the comments were about a proposed fence. In his opinion, the hearing was for the abandonment, not the fence construction or design. In regards to the privacy and sight visibility, Loeb argued that he has the legal right to place a fence in his yard as long as it does not encroach into a 33-foot by 33-foot clear vision triangle at the corner of his lot. Finally, Loeb held that the fence in the front yard of his home has been established for so long that it had been grandfathered into conformance.

Alan Hilty, from the City of Phoenix Streets Department shared some information to help answer questions from the applicant and the public. He stated that the applicant does not need to comply with anything other than the 33-foot by 33-foot clear vision triangle. There are no other issues regarding

visibility with the fence and the roundabout. Hilty also mentioned that E Maryland Avenue had a 20-foot front of curb to monument line and it was under Section F of the City of Phoenix Street Classification cross section. Finally, he informed the public that the roundabout was placed there as a traffic calming measure.

Abandonment Hearing Officer, Christopher DePerro added history about the case. The applicant had encroached two feet into the right of way with an earlier revocable permit through the City of Phoenix. Moreover, the applicant's lot had changed front yards due to a split in the past, the lesser of the street frontages represented the front yard. In this case, E Sierra Vista Drive was the front, and E Maryland Avenue was the rear of the applicant's property. DePerro had checked with Tricia Gomes of the City of Phoenix Zoning Department and confirmed that the lot's frontage was on E. Sierra Vista Drive, thus allowing for a six foot wall on East Maryland Avenue per the City of Phoenix Ordinance.

DePerro modified the stipulations of the approval. He removed stipulation number two, regarding a three by three easement or right of way for water services. Stipulation five was modified to state: "No right of way within 37 feet of the East Maryland Avenue monument line may be abandoned, the radius at the northwest corner of Maryland Avenue and North 3rd Street must remain 12 feet, and no right of way along North 3rd Street may be abandoned." This allowed three feet to be abandoned off of East Maryland.

AGENDA ITEM 2 - V160062A

The above named abandonment application was filed by Jack DeBartolo. This proposed abandonment is the three feet of E. Madison Street right-of-way, and the north five feet of E Jackson Street right-of-way, adjacent to the parcels addressed 915 to 921 E. Madison Street, APN 116-41-079A, -081B, -081C, and -083A.

Bryan White attended, representing the applicant. DePerro asked the representative what was the purpose of the abandonment. White clarified that the abandonment was needed to increase space on the lot to allow construction of stairs on the north side of the property and an accessibility ramp on the south side of the property. DePerro asked the representative if he had any questions about the stipulations. DePerro recommended approval of the abandonment.

Hearing Officer Signature: _____ Date: _____