



SCOTTSDALE BOARD OF ADJUSTMENT

KIVA-CITY HALL

3939 DRINKWATER BOULEVARD

SCOTTSDALE, ARIZONA

WEDNESDAY, NOVEMBER 3, 2021

SUMMARIZED MEETING MINUTES

PRESENT:

Brian Kaufman, Chair
Matt Metz, Vice Chair
Jason Chocron, Board Member
Conan Deady, Board Member
Ryan Wagner Board Member
Michael Gonzalez, Board Member
Vacant, Board Member

ABSENT:

None

STAFF:

Bryan Cluff
Eric A. Anderson
Jeff Barnes
Karen Hemby
Bronte Ibsen
Nicole Garcia
Jeff Ruenger
Ryan Garofalo
Wayland Barton
Omar Smailbegovic
Randy Grant
Tim Curtis
Joe Padilla

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Board of Adjustment page on ScottsdaleAZ.gov, search "Board of Adjustment".

CALL TO ORDER

The regular meeting of the Scottsdale Board of Adjustment was called to order by Chair Kaufman at 6:01 pm.

ROLL CALL

A formal roll call confirmed all members present as stated above.

ADMINISTRATIVE REPORT

1. Identify supplemental information, if any, related to the November 3, 2021 Board of Adjustment agenda items, and other correspondence.

APPROVAL OF MINUTES

2. Review and possible approval of September 1, 2021 Board of Adjustment Regular Meeting Minutes.

CHAIR KAUFMAN MADE A MOTION TO APPROVE THE SEPTEMBER 1, 2021 BOARD OF ADJUSTMENT MEETING MINUTES, 2ND BY BOARD VICE CHAIR METZ. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY CHAIR KAUFMAN, VICE CHAIR METZ, BOARD MEMBER GONZALEZ, BOARD MEMBER CHOCRON, BOARD MEMBER WAGNER AND BOARD MEMBER DEADY WITH AN AYE VOTE OF SIX (6) TO ZERO (0).

CONTINUANCES**[7-BA-2021 \(Boyd Casita Extension Accommodation\)](#)**

Applicant has requested a continuance to the January 5th Board of Adjustment meeting.

Request by owner for a disability accommodation to the City of Scottsdale Zoning Ordinance, Section 5.404.E.1.a, as amended by case 59-ZN-1992, seeking a relief from the required front yard setback for a proposed building addition, for a property with Single-family Residential (R1-10) zoning located at 33833 N 67th St.

Staff contact person is Omar Smailbegovic, 480-312-3087.

Applicant contact person is Gregory Boyd, (408) 406-1470.

CHAIR KAUFMAN MADE A MOTION TO CONTINUE CASE 7-BA-2021 TO THE JANUARY 5, 2022 MEETING, 2ND BY BOARD MEMBER CHOCRON. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY CHAIR KAUFMAN, VICE CHAIR METZ, BOARD MEMBER GONZALEZ, BOARD MEMBER CHOCRON, BOARD MEMBER WAGNER AND BOARD MEMBER DEADY WITH AN AYE VOTE OF SIX (6) TO ZERO (0).

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REGULAR AGENDA6. [9-BA-2021 \(Sharon Drive Addition - Variance\)](#)

Request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section 5.204.E.3. to reduce the required rear yard (west) setback on the parcel from thirty-five (35) feet to fifteen (15) feet, and a variance to reduce the amended front yard setback as granted under case 23-BA-85 from eight (8) feet to seven-feet 2-inches (7'-2") on the east frontage, for a property with Single-family Residential (R1-35) zoning located at 8014 E Sharon Drive.

Staff contact person is Wayland Barton, 480-312-2347.

Applicant contact person is Peter Valenzuela, (602) 316-4010

CHAIR KAUFMAN ALLOWED ITEM #6 TO BE HEARD AS THE FIRST CASE PER THE APPLICANT'S REQUEST.

CHAIR KAUFMAN MADE A MOTION TO APPROVE VARIANCE #1 FOR CASE 9-BA-2021, 2ND BY BOARD MEMBER CHOCRON. THE MOTION FAILED BY CHAIR KAUFMAN, BOARD MEMBER CHOCRON AND BOARD MEMBER WAGNER WITH AN AYE VOTE OF THREE (3) TO THREE (3) WITH VICE CHAIR METZ, BOARD MEMBER GONZALEZ, AND BOARD MEMBER DEADY DISSENTING.

VICE CHAIR METZ MADE A MOTION TO DENY VARIANCE #1 FOR CASE 9-BA-2021, 2ND BY BOARD MEMBER DEADY. THE MOTION CARRIED IN FAVOR BY CHAIR KAUFMAN, VICE CHAIR METZ, BOARD MEMBER GONZALEZ, BOARD MEMBER DEADY WITH AN AYE VOTE OF FOUR (4) TO TWO (2) WITH BOARD MEMBER WAGNER AND BOARD MEMBER CHOCRON DISSENTING.

BOARD MEMBER WAGNER MADE A MOTION TO APPROVE VARIANCE #2 FOR CASE 9-BA-2021, 2ND BY BOARD MEMBER CHOCRON. THE MOTION CARRIED IN FAVOR BY VICE CHAIR METZ, BOARD MEMBER GONZALEZ, BOARD MEMBER DEADY, BOARD MEMBER WAGNER AND BOARD MEMBER CHOCRON WITH AN AYE VOTE OF FIVE (5) TO ONE (1) WITH CHAIR KAUFMAN DISSENTING.

Request to speak cards from Peter Valenzuela and Sage Lentg

3. [6-BA-2021 \(Scottsdale Recovery Center - Appeal\)](#)

Request for an appeal of the Zoning Administrator's written decision dated June 23, 2021, that the proposed sober living use of the property would constitute a Care Home, which is not permitted under the Medium Density Residential (R-3) zoning at the property located at 7910 and 7920 E. Wilshire Drive.

Staff contact person is Jeff Barnes, 480-312-2376.

Applicant contact person is Heather Dukes, 602-320-8866.

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VICE CHAIR METZ MADE A MOTION THAT THE BOARD HAS JURISDICTION AND THE APPLICANT HAS STANDING OVER THE ZONING ADMINISTRATOR'S DECISION RELATED TO CASE 6-BA-2021, 2ND BY BOARD CHAIR KAUFMAN. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY CHAIR KAUFMAN, VICE CHAIR METZ, BOARD MEMBER GONZALEZ, BOARD MEMBER CHOCRON, BOARD MEMBER WAGNER AND BOARD MEMBER DEADY WITH AN AYE VOTE OF SIX (6) TO ZERO (0).

CHAIR KAUFMAN MADE A MOTION FOR CASE 6-BA-2021 TO OVERTURN THE ZONING ADMINISTRATOR'S DECISION, CITING IT WAS ARBITRARY, CAPRICIOUS OR AN ABUSE OF DISCRETION IN DEFINING THE SCOTTSDALE RECOVERY CENTER AS A CARE HOME. THAT IT IS NOT A CARE HOME EITHER BECAUSE IT IS NOT LICENSED AS A HEALTH CARE INSTITUTION UNDER STATE LAW OR BECAUSE THERE IS NO SUPERVISORY CARE BEING PROVIDED. 2ND BY BOARD MEMBER DEADY. THE MOTION CARRIED IN FAVOR BY CHAIR KAUFMAN, BOARD MEMBER CHOCRON, BOARD MEMBER WAGNER, BOARD MEMBER GONZALEZ, AND BOARD MEMBER DEADY WITH AN AYE VOTE OF FIVE (5) TO ONE (1) WITH VICE CHAIR METZ DISSENTING.

Request to speak cards from: Sarah Jane Hunt, Heather Dukes, Lynn Reed, Tove White, Lala Smith, Jeff Marsh, Colleen Vorst, Davyd Cash.

Jeremy Alvind was given speaking time from: Itman Ilahi, Joe Landin, Michelle Smek, Tony Renello, Lee Yauva, Shandel Chavez, Hailey Watson, Mary Jane Watman, Daniel Silvey, Dustin Palen, Hunter Bowers, Emma Slaughter, Corey Matthey, Hillary Hansen, Chris Carabajal, Samantha Boone, Laura Jones, Aymet Demara, Theresa Faulkner, Cheryl Huber, Tara Hancharik, Maggie Dobb, Carson, Cooklin, James Michael Jacqueline, Alex Sells, Rob Driscoll, John Berthle, Mario Torrez, Alex Spritzer, Justin Polchow, Ken Kobre, Daria Brill, Michelle Sproule, Christina Arellana, Lori Mishcke, Noreem Ruane, Patrice Roy, Andrea Dermott and Jason Rapasky

BOARD OF ADJUSTMENT RECESSED AT- 8:09 PM

BOARD OF ADJUSTMENT RECONVENED – 8:18 PM

BOARD OF ADJUSTMENT RECESSED – 9:06 PM

BOARD OF ADJUSTMENT RECONVENED – 9:11 PM

4. [8-BA-2021 \(Scottsdale Recovery Center - Accommodation\)](#)

Request by owner for a reasonable accommodation based on a disability, to the City of Scottsdale Zoning Ordinance, to allow a proposed sober living (Care Home) use at a property with Medium Density Residential (R-3) zoning, located at 7910 and 7920 E. Wilshire Drive.

Staff contact person is Jeff Barnes, 480-312-2376.

Applicant contact person is Heather Dukes, 602-320-8866.

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THE ZONING ADMINISTRATOR STATED THE CITY WAS WILLING TO ATTEST THAT THIS IS A SINGLE-FAMILY USE AS A REASONABLE ACCOMODATION.

CHAIR KAUFMAN MADE A MOTION FOR APPROVAL OF CASE 8-BA-2021 TO PROVIDE A REASONABLE ACCOMMODATION ALLOWING TWO (2) TO FOUR (4) DISABLED SOBER ADULTS TO LIVE AS A FAMILY IN EACH DWELLING UNIT ON THE SUBJECT PROPERTY, 2ND BY BOARD VICE CHAIR METZ. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY CHAIR KAUFMAN, VICE CHAIR METZ, BOARD MEMBER GONZALEZ, BOARD MEMBER CHOCRON, BOARD MEMBER WAGNER AND BOARD MEMBER DEADY WITH AN AYE VOTE OF SIX (6) TO ZERO (0).

ADJOURNMENT

With no further business to discuss, the regular session of the Board of Adjustment adjourned at 9:17 PM.

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