



**SCOTTSDALE BOARD OF ADJUSTMENT
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA
MONDAY, APRIL 3, 2023**

SUMMARIZED REGULAR MEETING MINUTES

PRESENT:

Matt Metz, Chair
Gary Donahoe, Vice Chair
Michael Gonzalez, Board Member
Jason Chocron, Board Member
Ryan Wagner, Board Member
Justin Laos, Board Member

ABSENT:

Brian Kaufman, Board Member

STAFF:

Bryan Cluff
Eric Anderson
Joe Padilla
Keith Niederer
Erin Perreault
Tim Curtis
Caitlyn Gulsvig
Jason McWilliams
Karissa Rodorigo

CALL TO ORDER

The regular meeting of the Scottsdale Board of Adjustment was called to order by Chair Metz at 6:02 pm.

ROLL CALL

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

* 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".

ADMINISTRATIVE REPORT

1. Identify supplemental information, if any, related to the April 3, 2023 Board of Adjustment agenda items, and other correspondence.

APPROVAL OF MINUTES

2. Review and possible approval of March 1, 2023 Board of Adjustment Regular Meeting Minutes.

BOARD MEMBER CHOCRON MOVED TO APPROVE THE MARCH 1, 2023 BOARD OF ADJUSTMENT REGULAR MEETING MINUTES, 2ND BY VICE CHAIR DONAHOE. THE MOTION PASSED IN FAVOR BY CHAIR METZ, VICE CHAIR DONAHOE, BOARD MEMBER GONZALEZ, BOARD MEMBER CHOCRON, BOARD MEMBER WAGNER, AND BOARD MEMBER LAOS WITH A VOTE OF SIX (6) TO ZERO (0).

REGULAR AGENDA

3. 2022 Board of Adjustment Annual Report
Review and possible re-approval of the 2022 Board of Adjustment Annual Report. Staff contact person is Bryan Cluff, 480-312-2258.

VICE CHAIR DONAHOE MOVED TO APPROVE THE 2022 BOARD OF ADJUSTMENT ANNUAL REPORT, 2ND BY BOARD MEMBER CHOCRON. THE MOTION PASSED IN FAVOR BY CHAIR METZ, VICE CHAIR DONAHOE, BOARD MEMBER GONZALEZ, BOARD MEMBER CHOCRON, BOARD MEMBER WAGNER, AND BOARD MEMBER LAOS WITH A VOTE OF SIX (6) TO ZERO (0).

4. 1-BA-2023 (Appeal of Zoning Administrator interpretation - Building mounted WCF)
Appeal of the Zoning Administrator's written interpretation, dated February 14, 2023, related to Section 7.200.H.8.B.2.A.1 regarding height and processing requirements for wireless communication facilities (WCF's) located on or within buildings, walls and water tanks that do not meet the underlying and supplementary zoning district height requirements.
Staff Contact person is Keith Niederer, 480-312-2953
Applicant contact person is Howard Myers, 480-262-3502

KEITH NIEDERER PRESENTED IN FRONT OF THE BOARD.

APPLICANT HOWARD MYERS PRESENTED IN FRONT OF THE BOARD.

VICE CHAIR DONAHOE MADE A MOTION IN FAVOR OF THE BOARD'S JURISDICTION OVER THE ZONING ADMINISTRATOR'S DECISION RELATED TO SECTION 7.200.H.8.B.2.A.1, 2ND BY BOARD MEMBER CHOCRON. THE MOTION PASSED IN FAVOR BY CHAIR METZ, VICE CHAIR DONAHOE, BOARD MEMBER GONZALEZ, BOARD MEMBER CHOCRON, BOARD MEMBER WAGNER, AND BOARD MEMBER LAOS WITH A VOTE OF SIX (6) TO ZERO (0).

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VICE CHAIR DONAHOE MADE A MOTION IN FAVOR THAT THE APPELLANT HAS STANDING, 2ND BY BOARD MEMBER CHOCRON. THE MOTION PASSED IN FAVOR BY CHAIR METZ, VICE CHAIR DONAHOE, BOARD MEMBER GONZALEZ, BOARD MEMBER CHOCRON, BOARD MEMBER WAGNER, AND BOARD MEMBER LAOS WITH A VOTE OF SIX (6) TO ZERO (0).

CHAIR METZ MADE A MOTION FOR CASE 1-BA-2023 TO OVERTURN THE ZONING ADMINISTRATOR'S DECISION, CITING IT WAS ARBITRARY, CAPRICIOUS OR AN ABUSE OF DISCRETION, 2ND BY VICE CHAIR DONAHOE. THE MOTION PASSED IN FAVOR BY CHAIR METZ, VICE CHAIR DONAHOE, BOARD MEMBER GONZALEZ, BOARD MEMBER CHOCRON, BOARD MEMBER WAGNER, AND BOARD MEMBER LAOS WITH A VOTE OF SIX (6) TO ZERO (0).

CHAIR METZ MADE A MOTION TO SEND THE ZONING ORDINANCE INTERPRETATION BACK TO THE ZONING ADMINISTRATOR, WITH DIRECTION TO CLEARLY DEFINE THE INTENT OF THE ORDINANCE TO NOT ALLOW BUILDINGS TO EXCEED HEIGHT RESTRICTIONS OF THE UNDERLYING ZONING REQUIREMENTS, 2ND BY VICE CHAIR DONAHOE. AFTER DISCUSSION, CHAIR METZ MADE AN ALTERNATE MOTION TO RESCIND THE BOARD'S PREVIOUS ACTION TO OVERTURN THE ZONING ADMINISTRATOR'S DECISION AND INSTEAD MODIFY THE INTERPRETATION TO DEFINE THE INTENT OF THE ORDINANCE TO NOT ALLOW BUILDINGS TO EXCEED HEIGHT RESTRICTIONS OF THE UNDERLYING ZONING REQUIREMENTS, 2ND BY VICE CHAIR DONAHOE. AFTER DISCUSSION THE ALTERNATE MOTION WAS WITHDRAWN BY CHAIR METZ. NO FURTHER ACTION WAS TAKEN BY THE BOARD.

AFTER FURTHER DISCUSSION, THE BOARD STRONGLY SUGGESTED THAT THE ZONING ADMINISTRATOR SHOULD NOT INTERPRET THE WCF ORDINANCE TO ALLOW CONSIDERATION OF AN INCREASE IN BUILDING HEIGHT TO ACCOMMODATE A WIRELESS COMMUNICATION FACILITY ABOVE THAT WHICH WAS ALLOWABLE IN THE APPLICABLE ZONING DISTRICT(S).

ADJOURNMENT

With no further business to discuss, the regular session of the Board of Adjustment adjourned at 9:01 PM.

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