



Due to technical issues, the audio/video file for the March 6, 2024 Regular Meeting of the Board of Adjustment is not available. Please refer to the detailed meeting minutes of the proceedings.



**SCOTTSDALE BOARD OF ADJUSTMENT
CITY HALL KIVA FORUM
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA
WEDNESDAY, MARCH 6, 2023**

AMENDED REGULAR MEETING MINUTES

PRESENT:

Gary Donahoe, Chair
Jason Chocron, Vice Chair
Michael Gonzalez, Board Member
Azam Qayum, Board Member
Alexander Hayes, Board Member

ABSENT:

Ryan Wagner, Board Member

STAFF:

Bryan Cluff
Eric Anderson
Bronte Ibsen
Sandra Childers
Karissa Rodorigo
Jack Kelly
Jason McWilliams
Caitlin Clark

CALL TO ORDER

The regular meeting of the Scottsdale Board of Adjustment was called to order by Chair Donahoe at 6:00 pm.

ROLL CALL

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

PUBLIC COMMENT

Public comment on non-agendized item regarding Board conduct and policy by Mike Leary.

ADMINISTRATIVE REPORT – Bryan Cluff, LEED-AP

1. Identify supplemental information, if any, related to the March 6, 2024 Board of Adjustment agenda items, and other correspondence.

BRYAN CLUFF WELCOMED NEW BOARD OF ADJUSTMENT MEMBERS AZAM QAYUM AND ALEXANDER HAYES.

CHAIR DONAHOE RECOGNIZED THE SERVICE OF FORMER BOARD MEMBERS MATT METZ AND BRIAN KAUFMAN. FUTURE BOARD MEMBER DAVID PIERCE WAS ALSO INTRODUCED.

ELECTION OF OFFICERS

2. Staff requests that the Board of Adjustment elect the Chair and Vice Chair for 2024. Staff contact person is Bryan Cluff, 480-312-2259.

BOARD MEMBER CHOCRON NOMINATED GARY DONAHOE FOR CHAIR, 2ND BY BOARD MEMBER HAYES. THE MOTION PASSED UNANIMOUSLY IN FAVOR BY VICE CHAIR DONAHOE, BOARD MEMBER CHOCRON, BOARD MEMBER GONZALEZ, BOARD MEMBER QAYUM, AND BOARD MEMBER HAYES WITH A VOTE OF FIVE (5) TO ZERO (0).

CHAIR DONAHOE NOMINATED JASON CHOCRON FOR VICE CHAIR, 2ND BY BOARD MEMBER GONZALEZ. THE MOTION PASSED UNANIMOUSLY IN FAVOR BY CHAIR DONAHOE, BOARD MEMBER CHOCRON, BOARD MEMBE GONZALEZ, BOARD MEMBER QAYUM, AND BOARD MEMBER HAYES WITH A VOTE OF FIVE (5) TO ZERO (0).

APPROVAL OF MINUTES

3. Review and possible approval of September 6 2023 Board of Adjustment Regular Meeting Minutes.

BOARD MEMBER GONZALEZ MOVED TO APPROVE THE SEPTEMBER 6, 2023 BOARD OF ADJUSTMENT REGULAR MEETING MINUTES AS PRESENTED, 2ND BY VICE CHAIR CHOCRON. THE MOTION PASSED UNANIMOUSLY IN FAVOR BY CHAIR DONAHOE, VICE CHAIR CHOCRON, BOARD MEMBER GONZALEZ, BOARD MEMBER QAYUM, AND BOARD MEMBER HAYES WITH A VOTE OF FIVE (5) TO ZERO (0).

REGULAR AGENDA

4. 1-BA-2024 (The Tuck Residence)
Request by owner for a variance to the amended development standards to allow a garage within the 20-foot front yard setback as specified in Ordinance No. 2409 (arising out of zoning case 59-ZN-1985) for a property with the Single-family Residential, Planned Community District, Environmentally Sensitive Lands (R1-7 PCD ESL) zoning located at 1622 E Quartz Valley Court.

Staff contact person is Bronte Ibsen, 480-312-7321

Applicant contact person is Tyler Green, (602) 697-4246

BRONTE IBSEN GAVE A POWERPOINT PRESENTATION (ATTACHED) TO THE BOARD AND ANSWERED QUESTIONS REGARDING THE CASE HISTORY TIMELINE AND THE SIMILAR VARIANCE GRANTED AT THE PROPERTY ACROSS THE STREET FROM THE SUBJECT SITE.

ZERO (0) REQUESTS TO SPEAK WERE SUBMITTED BY THE PUBLIC.

BOARD MEMBERS DISCUSSED THE EVIDENCE PERTAINING TO THE FOUR VARIANCE CRITERIA OUTLINED IN SEC. 1.804.A OF THE ZONING ORDINANCE.

CHAIR DONAHOE MADE A MOTION TO APPROVE CASE 1-BA-2024, CITING THAT THE REQUEST MEETS THE FOUR VARIANCE CRITERIA, 2ND BY BOARD MEMBER GONZALEZ. THE MOTION PASSED WITH A VOTE OF FOUR (4) TO ONE (1) IN FAVOR BY CHAIR DONAHOE, VICE CHAIR CHOCRON, BOARD MEMBER GONZALEZ, AND BOARD MEMBER QAYUM, WITH BOARD MEMBER HAYES DISSENTING.

5. 2-BA-2024 (Smith Front Fence Variance)

Request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section 5.104.G pertaining to permitted maximum wall height for walls located within the required front yard setback for the property located at 10651 E Cactus Road with Single-family Residential (R1-43) zoning.

Staff contact person is Sandra Childers, 480-312-4214

Applicant contact person is Martha Smith, (602) 725-9942

SANDRA CHILDERS GAVE A POWERPOINT PRESENTATION (ATTACHED) TO THE BOARD AND ANSWERED QUESTIONS REGARDING THE EXISTING AND PROPOSED WALL HEIGHTS ON THE PROPERTY.

APPLICANT MARHA SMITH REQUESTED TO SPEAK IN FAVOR OF 2-BA-2024, CITING SAFETY CONCERNS WITH THE CULVERT LOCATED ON THE OUTSIDE OF THE WALL.

BOARD MEMBERS DISCUSSED SAFETY AND DRAINAGE REQUIREMENTS AND THE EVIDENCE PERTAINING TO THE FOUR VARIANCE CRITERIA.

BOARD MEMBER GONZALEZ MADE A MOTION TO APPROVE CASE 2-BA-2024, 2ND BY BOARD MEMBER QAYUM. THE MOTION FAILED TO PASS WITH A VOTE OF THREE (3) TO TWO (2) IN FAVOR BY VICE CHAIR CHOCRON, BOARD MEMBER GONZALEZ, AND BOARD MEMBER QAYUM, WITH CHAIR DONAHOE AND BOARD MEMBER HAYES DISSENTING.

CHAIR DONAHOE INFORMED THE APPLICANT OF THE OPTION TO CONTINUE THE CASE TO A FUTURE HEARING DATE PER THE RULES OF AND PROCEDURES FOR THE BOARD OF ADJUSTMENT, RULE 203.D. OR

APPEAL THE DECISION TO THE SUPERIOR COURT WITHIN THIRTY DAYS AFTER THE BOARD HAS MADE ITS DECISION.

BOARD MEMBER HAYES MADE A MOTION TO CONTINUE CASE 2-BA-2024 TO A DATE TO BE DETERMINED, REQUESTING STAFF TO GATHER INFORMATION ABOUT SAFETY REQUIREMENTS ASSOCIATED WITH CULVERTS AND HEADWALLS FROM THE CITY'S STORMWATER AND FLOODPLAIN MANAGEMENT DEPARTMENT, 2ND BY VICE CHAIR CHOCRON. THE MOTION PASSED UNANIMOUSLY IN FAVOR BY CHAIR DONAHOE, VICE CHAIR CHOCRON, BOARD MEMBER GONZALEZ, BOARD MEMBER QAYUM, AND BOARD MEMBER HAYES WITH A VOTE OF FIVE (5) TO ZERO (0)

6. 2023 Board of Adjustment Annual Report
Review and possible approval of the 2023 Board of Adjustment Annual Report.
Staff contact person is Bryan Cluff, 480-312-2258

VICE CHAIR CHOCRON MOVED TO APPROVE THE 2023 BOARD OF ADJUSTMENT ANNUAL REPORT AS PRESENTED, 2ND BY BOARD MEMBER HAYES. THE MOTION PASSED UNANIMOUSLY IN FAVOR BY CHAIR DONAHOE, VICE CHAIR CHOCRON, BOARD MEMBER GONZALEZ, BOARD MEMBER QAYUM, AND BOARD MEMBER HAYES WITH A VOTE OF FIVE (5) TO ZERO (0).

7. 2024 Board of Adjustment Calendar
Review and possible approval of the 2023 Board of Adjustment Calendar.
Staff contact person is Bryan Cluff, 480-312-2258

VICE CHAIR CHOCRON MOVED TO APPROVE THE 2024 BOARD OF ADJUSTMENT CALENDAR AS PRESENTED, 2ND BY BOARD MEMBER GONZALEZ. THE MOTION PASSED UNANIMOUSLY IN FAVOR BY CHAIR DONAHOE, VICE CHAIR CHOCRON, BOARD MEMBER GONZALEZ, BOARD MEMBER QAYUM, AND BOARD MEMBER HAYES WITH A VOTE OF FIVE (5) TO ZERO (0).

ADJOURNMENT

With no further business to discuss, the regular session of the Board of Adjustment adjourned at 8:03 PM.