



**SCOTTSDALE BOARD OF ADJUSTMENT
Scottsdale Community Design Studio
7506 E. Indian School Rd
Scottsdale, AZ
Thursday July 18, 2024**

AMENDED SUMMARIZED MEETING MINUTES

PRESENT:

Gary Donahoe, Chair
Jason Chocron, Vice Chair
Azam Qayum, Board Member
Alexander Hayes, Board Member
David Pierce, Board Member
Randy Griffin, Board Member

ABSENT:

None

STAFF:

Kathryn Posler
Jeff Barnes
Angela Calabrasi
Erin Perreault
Joe Padilla

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.

* 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 July 18, 2024, Board of Adjustment agenda items, and other correspondence.

APPROVAL OF MINUTES

2. Approval of May 1, 2024 Board of Adjustment Executive Meeting Minutes.

BOARD MEMBER GRIFFIN MOVED TO APPROVE THE MAY 1, 2024, BOARD OF ADJUSTMENT EXECUTIVE MEETING MINUTES, 2ND BY VICE CHAIR CHOCRON. THE MOTION PASSED IN FAVOR BY CHAIR DONAHOE, VICE CHAIR CHOCRON, BOARD MEMBER QAYUM, BOARD MEMBER HAYES, BOARD MEMBER PIERCE, AND BOARD MEMBER GRIFFIN WITH A VOTE OF FIVE (5) TO ONE (1). BOARD MEMBER PIERCE RECUSED HIMSELF FROM VOTE DUE TO A CONFLICT OF INTEREST, RECUSED FROM THE EXECUTIVE MEETING.

3. Approval of June 5, 2024 Board of Adjustment Regular Meeting Minutes.

BOARD MEMBER GRIFFIN MOVED TO APPROVE THE JUNE 5, 2024, BOARD OF ADJUSTMENT REGULAR MEETING MINUTES, 2ND BY BOARD MEMBER PIERCE. THE MOTION PASSED IN FAVOR BY CHAIR DONAHOE, VICE CHAIR CHOCRON, BOARD MEMBER QAYUM, BOARD MEMBER HAYES, BOARD MEMBER PIERCE, AND BOARD MEMBER GRIFFIN WITH A VOTE OF SIX (6) TO ZERO (0).

REGULAR AGENDA

4. 6-BA-2024 (5225 N Scottsdale Road – Appeal)
Request for appeals of the Zoning Administrator's written responses dated April 2, 2024 regarding multiple requested interpretations, pertaining to parking at a property located at 5225 N Scottsdale Road. Staff Contact is Jeff Barnes, (480) 312-2376.
Applicant Contact is Brent Bieser, (602) 568-7261.

CHAIR DONAHOE STATED THAT HE REVIEWED THE INITIAL FILINGS FROM BOTH THE APPLICANT AND CARDON VENTURES AND ISSUED AN ADMINISTRATIVE ORDER IN WHICH HE FIRST GRANTED CARDONE VENTURES REQUEST TO BE CONSIDERED AN INTERESTED PARTY TO THIS APPEAL AND 2ND BIFURCATED THE CASE WITH TONIGHT'S HEARING TO ADDRESS GENERALLY THE LEGAL ISSUES OF

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JURISDICTION AND STANDING. IF THOSE TWO LEGAL ISSUES ARE RESOLVED IN FAVOR OF THE APPELLANT, THEN A HEARING ON SEPTEMBER 4, 2024 WILL ADDRESS THE MERITS OF THE APPEAL.

CHAIR DONAHOE OUTLINED THE ORDER OF PROCEEDINGS IN THE MEETING.

JEFF BARNES PRESENTED IN FRONT OF THE BOARD AND ANSWERED QUESTIONS.

ERIN PERREAULT AND LEGAL COUNSEL OFFERED ADDITIONAL COMMENTS AND ANSWERED QUESTIONS.

MR. BEISER PRESENTED IN FRONT OF THE BOARD AND ANSWERED QUESTIONS.

MR. BEISER STATES THAT THE ZONING DOES NOT ALLOW COMMERCIAL USE. THE BOARD DEFERS TO JEFF BARNES TO CLARIFY WHAT THE ZONING ALLOWS. MR. BARNES REFERS TO THE CITY OF SCOTTSDALE'S LAND USE TABLE FOR ALLOWED USAGE.

BOARD MEMBER GRIFFIN REMINDS THE APPLICANT THAT THEY ARE PRESENT TO DETERMINE IF THEY HAVE JURISDICTION, AND THAT THEY SHOULD NOT DISCUSS THINGS THAT MAY BE DISCUSSED IN SEPTEMBER.

CHAIR DONAHOE ADDS THAT THEY MUST FOLLOW DUE PROCESS.

KATHRYN POSLER INFORMS THE BOARD THAT FOLLOWING THE REPRESENTATIVE FOR CARDON VENTURES PRESENTATION, A REQUEST TO SPEAK CARD HAD ALSO BEEN SUBMITTED.

ATTORNEY REPRESENTING CARDON VENTURES PRESENTED IN FRONT OF THE BOARD AND ANSWERES QUESTIONS.

RESIDENT JEFF O' CONNOR SPOKE IN SUPPORT OF MR. BEISER.

BOARD BEGINS DECISION.

BOARD MEMBER HAYES MENTIONS DURING BOARD DISCUSSION THAT THERE WOULD BE MORE TO CONSIDER IF CASE WAS A RESUBMITTAL.

JEFF BARNES MENTIONS TO THE BOARD THAT IN THE INTEREST OF DUE PROCESS, CHAIR DONAHOE MENTIONED IN THE BEGGINNING THAT MR. BEISER WOULD HAVE AN OPPORTUNITY FOR REBUTTLE AND IS GIVEN THREE MINUTES.

BOARD RESUMES CASE DISCUSSION.

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CHAIR DONAHOE MADE A MOTION TO DENY THE APPEALS FOR ISSUE OF JURISDICTION AND DID NOT FEEL THE NEED TO REACH THE STANDING, 2ND BY BOARD MEMBER HAYES. MOTION PASSED WITH A VOTE OF SIX (6) TO ZERO (0) IN FAVOR BY CHAIR DONAHOE, VICE CHAIR CHOCRON, BOARD MEMBER QAYUM, BAORD MEMBER HAYES, BOARD MEMBER PIERCE, AND BOARD MEMBER GRIFFIN.

ADJOURNMENT

With no further business to discuss, the regular session of the Board of Adjustment adjourned at 7:53 PM.

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