

SCOTTSDALE BOARD OF ADJUSTMENT MEETING



MEETING NOTICE AND **MARKED** AGENDA

Meeting held electronically and remotely

BOARD OF ADJUSTMENT

Brian Kaufman, Chair
Matt Metz, Vice Chair
Gary Donahoe, Board Member
Joseph Dawson, Board Member

Michael Gonzalez, Board Member
Jay Leopold, Board Member
Jason Chocron, Board Member

**Wednesday,
February 3, 2021**

5:00 P.M.

BOARD OF ADJUSTMENT MEETING

Until further notice, Board of Adjustment meetings are being held electronically. While physical facilities are not open to the public, Board of Adjustment meetings are televised on Cox Cable Channel 11/streamed online at ScottsdaleAZ.gov (search "live stream") to allow the public to virtually attend and listen/view the meeting in progress.

Call to Order – 5:02 PM

Roll Call – BOARD MEMBER GONZALEZ JOINED THE MEETING AT 5:16 PM

Members of the Board will be attending the meeting by telephone, video, or Internet conferencing in accordance with A.R.S. § 38-431(4).

Public Comment

Spoken comment is being accepted on agenda action items. To sign up to speak on these items, please [click here](#). Request to speak forms must be submitted no later than 90 minutes before the start of the meeting.

Written comments, submitted electronically at least 7 days before the meeting, will be emailed to the Board or Commission. A written public comment may be submitted electronically by [clicking here](#).

Administrative Report – Bryan Cluff, LEED AP

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

Minutes

2. Approval of the January 6, 2021 Board of Adjustment Regular [Meeting Minutes](#).
**APPROVED REGULAR MEETING MINUTES 6-0; MOTION MADE BY VICE CHAIR METZ, 2ND
BY BOARD MEMBER CHOCRON**

REGULAR AGENDA

3. [17-BA-2020 \(Garcia Wall\)](#) Desirae Mayo
Request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section 5.504.G. pertaining to wall height within the required front yard setback for a property with Single-Family Residential (R1-7) zoning located at 8637 E Starlight Way
8637 E Starlight Wy
DENIED 7-0; MOTION BY BOARD MEMBER DONAHOE, 2ND BY BOARD MEMBER CHOCRON
4. [19-BA-2020 \(Sherwood Heights Appeal\)](#) Nate Tonnemacher
(Sherwood Heights Appeal) Appeal of the Zoning Administrator's written interpretation, dated October 19, 2020, as supplemented; related to Section 7.201.A. Adjustment of front yard requirements, as applicable to a corner lot within the R1-10 PRD Zoning District, including the method of calculation for the front yard setbacks.
5925 E Wilshire Dr
MOTION CARRIED 7-0 IN FAVOR OF THE BOARD'S JURISDICTION OVER THE ZONING ADMINISTRATOR'S DECISION RELATED TO SECTION 7.201.A., (60TH STREET) INCLUDING METHOD OF FRONT YARD SETBACK CALCULATION (WILSHIRE DRIVE); AND CLARIFYING THE BOARD DOES NOT HAVE JURISDICTION OVER THE LOT SPLIT; MOTION BY BOARD MEMBER DONAHOE, 2ND BY VICE CHAIR METZ.

MOTION CARRIED 7-0 IN FAVOR THAT THE APPELLANTS AND ANDERSONS (OWNERS OF PARCELS 106A AND 106B) HAVE STANDING; MOTION MADE BY BOARD MEMBER DONAHOE, 2ND BY VICE CHAIR METZ.

7:28 PM - MOTION CARRIED 7-0 TO ADJOURN TO EXECUTIVE SESSION; MOTION MADE BY BOARD MEMBER DONAHOE, 2ND BY BOARD MEMBER DAWSON.

THE BOARD RECONVENED THE REGULAR MEETING AT 8:02 PM.

MOTION CARRIED 7-0 TO UPHOLD THE DECISION OF THE ZONING ADMINISTRATOR'S CALCULATION OF THE FRONT YARD SETBACK ALONG WILSHIRE, FINDING HIS DECISION WAS NOT ARBITRARY, CAPRICIOUS OR AN ABUSE OF DISCRETION; MOTION BY VICE CHAIR METZ, 2ND BY BOARD MEMBER DONAHOE.



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING STAFF AT (480-312-7767). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT STAFF AT (480-312-7767).

Continued from page 2

MOTION CARRIED 7-0 TO UPHOLD THE DECISION OF THE ZONING ADMINISTRATOR'S DETERMINATION REGARDING APPLICATION OF SECTION 7.201.A. ALONG 60TH STREET FINDING THAT HIS DECISION WAS NOT ARBITRARY, CAPRICIOUS OR AN ABUSE OF DISCRETION 7-0; MOTION BY BOARD MEMBER DONAHOE, 2ND BY VICE CHAIR METZ.

5. [22-BA-2020 \(Danny and Cindy Vice Variance\)](#) Omar Smailbegovic
Request for a variance from the City of Scottsdale Zoning Ordinance, section 5.504.E.5, pertaining to the required setback from the longer street frontage on a corner lot for a property with Single Family (R1-7) zoning located at 7138 E. Orange Blossom Lane.
7138 E Orange Blossom Ln
DENIED 4-3; MOTION MADE BY BOARD MEMBER CHOCRON, 2ND BY BOARD MEMBER LEOPOLD

6. [23-BA-2020 \(Sundown Ranch Acres Lot 16 Variance\)](#) Nate Tonnemacher
Request by owner for a variance to the City of Scottsdale Zoning Ordinance Section 5.204.E.2. pertaining to the required side yard setback for a property with Single-Family Residential (R1-35) zoning located at 10629 N. 83rd Street.
10629 N 83rd St
BY APPLICANT REQUEST, CONTINUED TO MARCH 3, 2021 MEETING 7-0; MOTION MADE BY VICE CHAIR METZ, 2ND BY BOARD MEMBER CHOCRON

7. [24-BA-2020 \(Coleman Residence\)](#) Omar Smailbegovic
Request for a variance from the City of Scottsdale Zoning Ordinance, section 5.304.E.2 as amended in Zoning Case 5-ZN-1996, pertaining to the required setbacks for a property with Single Family Residential with Planned Residential Development overlay (R1-18 PRD) zoning located at 11194 E North Lane.
11194 E North Ln
DENIED 7-0; MOTION MADE BY BOARD MEMBER DONAHOE, 2ND BY VICE CHAIR METZ

Adjournment – 10:07 PM



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