



**SCOTTSDALE BOARD OF ADJUSTMENT
REMOTE ELECTRONIC MEETING
WEDNESDAY, FEBRUARY 3, 2021**

SUMMARIZED MEETING MINUTES

PRESENT:

Brian Kaufman, Chair
Matt Metz, Vice Chair
Jason Chocron, Board Member
Joseph Dawson, Board Member
Gary Donahoe, Board Member
Jay Leopold, Board Member
Michael Gonzalez, Board Member

ABSENT:

None

STAFF:

Bryan Cluff
Desirae Mayo
Omar Smailbegovic
Nate Tonnemacher
Margaret Wilson
Bronte Ibsen
Chad Sharrad
Randy Grant
Karen Hemby

CALL TO ORDER

The regular meeting of the Scottsdale Board of Adjustment was called to order by Chair Kaufman at 5:02 pm.

ROLL CALL

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

BOARD MEMBER GONZALEZ JOINED THE CALL AT 5:16 PM

* 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 February 3, 2021 Board of Adjustment agenda items, and other correspondence.

APPROVAL OF MINUTES

2. Review and possible approval of January 6, 2021 Board of Adjustment Regular Meeting Minutes.

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

REGULAR AGENDA

3. [17-BA-2020 \(Garcia Wall\)](#)
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

BOARD MEMBER DONAHOE MADE A MOTION TO DENY 17-BA-2020, 2ND BY BOARD MEMBER CHOCRON. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY CHAIR KAUFMAN, VICE CHAIR METZ, BOARD MEMBER CHOCRON, BOARD MEMBER DONAHOE, BOARD MEMBER DAWSON, BOARD MEMBER LEOPOLD, AND BOARD MEMBER GONZALEZ WITH AN AYE VOTE OF SEVEN (7) TO ZERO (0).

4. [19-BA-2020 \(Sherwood Heights Appeal\)](#)
(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

BOARD MEMBER DONAHOE MADE A MOTION IN FAVOR OF THE BOARD'S JURISDICTION OVER THE ZONING ADMINISTRATOR'S DECISION RELATED TO SECTION 7.201A., (60TH STREET) INCLUDING METHOD OF FRONT YARD SETBACK CALCULATION (WILSHIRE DRIVE); AND CLARIFYING THE BOARD DOES NOT HAVE JURISDICTION OVER THE LOT SPLIT, 2ND BY VICE CHAIR METZ. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY CHAIR KAUFMAN, VICE CHAIR METZ,

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BOARD MEMBER CHOCRON, BOARD MEMBER DONAHOE, BOARD MEMBER DAWSON, BOARD MEMBER LEOPOLD, AND BOARD MEMBER GONZALEZ WITH AN AYE VOTE OF SEVEN (7) TO ZERO (0).

BOARD MEMBER DONAHOE MADE A MOTION IN FAVOR THAT THE APPELLANTS AND ANDERSON (OWNERS OF PARCEL 106A AND 106B) HAVE STANDING, 2ND BY VICE CHAIR METZ. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY CHAIR KAUFMAN, VICE CHAIR METZ, BOARD MEMBER CHOCRON, BOARD MEMBER DONAHOE, BOARD MEMBER DAWSON, BOARD MEMBER LEOPOLD, AND BOARD MEMBER GONZALEZ WITH AN AYE VOTE OF SEVEN (7) TO ZERO (0).

BOARD MEMBER DONAHOE MADE A MOTION TO ADJOURN TO EXECUTIVE SESSION (7:28 PM), 2ND BY BOARD MEMBER DAWSON. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY CHAIR KAUFMAN, VICE CHAIR METZ, BOARD MEMBER CHOCRON, BOARD MEMBER DONAHOE, BOARD MEMBER DAWSON, BOARD MEMBER LEOPOLD, AND BOARD MEMBER GONZALEZ WITH AN AYE VOTE OF SEVEN (7) TO ZERO (0).

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

VICE CHAIR METZ MADE A MOTION TO UPHOLD THE DECISION OF THE ZONING ADMINISTRATOR'S CALCULATION OF THE FRONT YARD SETBACK ALONG WILSHIRE, OF 40.7 FEET, FINDING HIS DECISION WAS NOT ARBITRARY, CAPRICIOUS OR AN ABUSE OF DISCRETION, 2ND BY BOARD MEMBER DONAHOE. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY CHAIR KAUFMAN, VICE CHAIR METZ, BOARD MEMBER CHOCRON, BOARD MEMBER DONAHOE, BOARD MEMBER DAWSON, BOARD MEMBER LEOPOLD, AND BOARD MEMBER GONZALEZ WITH AN AYE VOTE OF SEVEN (7) TO ZERO (0).

BOARD MEMBER DONAHOE MADE A MOTION 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. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY CHAIR KAUFMAN, VICE CHAIR METZ, BOARD MEMBER CHOCRON, BOARD MEMBER DONAHOE, BOARD MEMBER DAWSON, BOARD MEMBER LEOPOLD, AND BOARD MEMBER GONZALEZ WITH AN AYE VOTE OF SEVEN (7) TO ZERO (0).

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5. [22-BA-2020 \(Danny and Cindy Vice Variance\)](#)

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

BOARD MEMBER CHOCRON MADE A MOTION TO DENY 22-BA-2020, 2ND BY BOARD MEMBER LEOPOLD. THE MOTION CARRIED IN FAVOR BY VICE CHAIR METZ, BOARD MEMBER CHOCRON, BOARD MEMBER LEOPOLD, BOARD MEMBER GONZALEZ, WITH AN AYE AND CHAIR KAUFMAN, BOARD MEMBER DONAHOE, BOARD MEMBER DAWSON DISSENTING, THE MOTION PASSED WITH A VOTE OF FOUR (4) TO THREE (3).

6. [23-BA-2020 \(Sundown Ranch Acres Lot 16 Variance\)](#)

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

VICE CHAIR MADE A MOTION TO CONTINUE CASE 23-BA-2020 TO THE MARCH 3, 2021 MEETING PER APPLICANT REQUEST, 2ND BY BOARD MEMBER CHOCRON. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY CHAIR KAUFMAN, VICE CHAIR METZ, BOARD MEMBER CHOCRON, BOARD MEMBER DONAHOE, BOARD MEMBER DAWSON, BOARD MEMBER LEOPOLD, AND BOARD MEMBER GONZALEZ WITH AN AYE VOTE OF SEVEN (7) TO ZERO (0).

7. [24-BA-2020 \(Coleman Residence\)](#)

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

BOARD MEMBER DONAHOE MADE A MOTION TO DENY CASE 24-BA-2020, 2ND BY VICE CHAIR METZ. THE MOTION CARRIED UNANIMOUSLY IN FAVOR BY CHAIR KAUFMAN, VICE CHAIR METZ, BOARD MEMBER CHOCRON, BOARD MEMBER DONAHOE, BOARD MEMBER DAWSON, BOARD MEMBER LEOPOLD, AND BOARD MEMBER GONZALEZ WITH AN AYE VOTE OF SEVEN (7) TO ZERO (0).

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ADJOURNMENT

With no further business to discuss, the regular session of the Board of Adjustment adjourned at 10:07 PM.

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