

Minutes of the Board of Adjustment STUDY SESSION October 30, 2024

Minutes of the Study Session of the Board of Adjustment, of the City of Tempe, which was held in Council Chambers
31 East Fifth Street, Tempe, Arizona

Present:

Staff:

Chair Kevin Morrow	Jeff Tamulevich, Community Development Director
Vice Chair Kaelee Palmer	Ryan Levesque, Deputy Director Comm Dev
Board Member Michael McCaffrey	Drew Yocom, Comm Enhancement Deputy Director
Board Member Raun Keagy	Clarence Matherson, Deputy City Attorney
Board Member Mary Foy	Joanna Barry, Administrative Assistant II
Board Member Sean McCarley	
Board Member Brett Seigal	

Meeting convened at 5:40 p.m. and was called to order by Chair Morrow.

1. Review of October 30, 2024, Agenda.

Chair Morrow called for any questions from the Board. No questions from the Board.

Chair Morrow asked Diana in reference on the previous meeting minutes about the attached garage on the residential house. Part of that discussion the Board started veering off a little from what the parameters we are supposing to be looking at. Can we have staff walk us through what we are supposed to be considering when it comes to variances.

Ms. Diana Kaminski reminded Board members that anything said at the meeting is part of the public record. When reviewing requests, decisions need to be made based on the approval criteria follows:

1. That special circumstances are applicable to the property, including its size, shape, topography, and location.
2. Strict application of this code would deprive property of privileges enjoyed by other properties of the same classification in the same zoning district.
3. The judgment of authorized should not constitute a grant of special privileges inconsistent with the limitations on other properties within the vicinity in which such property is located.
4. A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner.

Applicants must meet all 4 criteria.

Chair Morrow noted that the building in the case from the last hearing had already been built, but that, since it already existed is not one of the criteria. Perhaps the fact the building had a prior variance might go towards the self-imposed. Ms. Kaminski stated that each site would have special considerations depending on the circumstances. The idea that because something has been built is a justification for granting is not one of the criteria.

Vice Chair Morrow asked for a motion to adjourn the Study Session.

Motion by Vice Chair Palmer to close the Study Session; second by Board Member Keagy. Motion passed on **7-0** vote.

Ayes: Chair Morrow, Vice Chair Palmer, Board Members Siegal, Keagy, McCaffrey and McCarley

Nays: None

Abstain: None

Absent: Board Member Gans

The study session adjourned at 5:44 p.m.

Prepared by: Jennifer Daniels, Administrative Assistant II

Reviewed by: Diana Kaminski, Principal Planner