

DRAFT MINUTES BOARD OF ADJUSTMENT June 23, 2021

Minutes of the regular hearing of the Board of Adjustment, of the City of Tempe, which was held virtually.

Study Session 5:30 PM

Present:

Staff:

Chair David Lyon	Steve Abrahamson, Principal Planner
Vice Chair James Frazey	Lee Jimenez, Senior Planner
Board Member Richard Watson	Brittainy Nelson, Administrative Assistant
Board Member Whitney Baker	Ryan Levesque, Dep Com Dev Dir - Planning
Board Member Raun Keagy	
Board Member John 'Jack' Confer	

- **December 2020 meeting minute**
Chair Lyon asked the Board members if they had any questions or concerns on the meeting minutes. No one had anything and they agreed to take a motion on the meeting minutes as is.
- **Victorum Tattoo**
Chair Lyon stated that because there are six members the applicant would need to get four votes of the six to receive the variance. Therefor the applicant has been informed and they may wish to continue to a date to be determined if the Board chooses to approve the request. Board members discussed what the next hearing date would be.
Chair Lyon stated that there are four criteria's that need to be meet for a variance. Those are the main points that should be considered. Chair Lyon informed the Board Members what the four criteria are. Mr. Jimenez informed the Board Members that there were three additional emails in opposition to the request after the report was finalized. There were also letters in support of the request. All the information was shared with the Board before the meeting via email to review.
Chair Lyon asked if there were anyone from the public that would like to speak at the meeting.
Ms. Nelson stated that there are two people who are in attendance that would like to speak and two who would like to have comments read on the record.
- **Housekeeping**
Mr. Levesque informed the Board Members that July will be the last 100 percent virtual meeting. Starting August 5, 2021 City Council will be opening the City Council Chambers. In August City will be going back to the in-person format but also still using WebEx for public access as well.

Chair Lyon Asked when his term is up for Board of Adjustment.

Ms. Nelson stated that it is in December of 2022.

Vice Chair Frazey asked if that is the same for him.

Ms. Nelson stated that is correct.

Regular Meeting 6:03 PM

Present:

Chair David Lyon
Vice Chair James Frazey
Board Member Richard Watson
Board Member Whitney Baker
Board Member Raun Keagy
Board Member John 'Jack' Confer

Staff:

Steve Abrahamson, Principal Planner
Lee Jimenez, Senior Planner
Brittany Nelson, Administrative Assistant
Ryan Levesque, Dep Com Dev Dir - Planning

1) Voting of the Meeting Minutes

Motion by **Vice Chair Frazey** to approve the Meeting Minutes of December 16, 2020; second by **Board Member Baker**. Motion passed on **5-0** vote.

Ayes: David Lyon, James Frazey, Richard Watson, Whitney Baker, Jack Confer

Nays: None

Abstain: Raun Keagy

Absent: Kevin Cullens

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- 2) Request a Variance to reduce the separation requirement between tattoo shops from 1,320 feet to 490 feet for VICTORUM TATTOO, located at 516 South Mill Avenue. The applicant is Earl & Curley. (PL210091)

Commission Discussion

Chair Lyon stated that any variance requires four affirmative votes. Since the Board only has six members present at the meeting outside of the full seven. One could argue that it is more difficult to get the four votes. The Board is not required to offer continuance but as a courtesy it has been done from time to time. It is a matter among the Board members to discuss and determine if this is something that they would like to approve or not.

Board Member Baker stated that she would like to know what the date is if it is going to be at the August date or July.

Mr. Abrahamson stated that the meeting date in August is 25th.

Chair Lyon asked the board members if they can attend the August meeting. A few of the board members would not be able to attend the meeting due to other conflict in schedule.

Chair Lyon stated that the Board would consider the meeting date of July 28.

Board Member Keagy stated that he would support that meeting date.

Board Member Confer asked if the Board was able to continue the meeting if it is not agenzied.

Chair Lyon informed them that the Board is able to do a continuance even if it is not agenzied.

Board Member Confer stated that he has been on the Board for awhile and in the past the Board had trouble getting meetings done because they did not have a quorum. Over the last four to five years the Board has had great attendance and done all the meetings that they had to. In his opinion since City staff has gone through the process of setting up the meeting and the time for staff to be here and all the agenda items it is a waste of the City money and resources not to have the meeting. Where if there is a quorum the meeting can be held. Since they

have the quorum, he does not see why the meeting can't go as planned. Even though they do not have a full panel they would be able to get the job done.

Chair Lyon called for a motion:

Motion by Board Member Keagy to approve a continuance for the variance to reduce the separation requirement between tattoo shops from 1,320 feet to 490 feet for VICTORUM TATTOO, located at 516 South Mill Avenue to July 28, 2021: second by **Vice Chair Frazey**. Motion passed on **5-1** vote.

Ayes: David Lyon, James Frazey, Richard Watson, Whitney Baker, Raun Keagy

Nays: Jack Confer

Abstain: None

Absent: Kevin Cullens

Staff Mr. Abrahamson did not have any announcements.

Hearing adjourned at 6:15pm

Prepared by: Brittainy Nelson, Administrative Assistant

Reviewed by:

Steve Abrahamson, Principal Planner

SA:bn