

# Minutes of the Board of Adjustment STUDY SESSION November 20, 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
Board Member Rickey Lynn Gans	Ryan Levesque, Deputy Director Comm Dev
Board Member Michael McCaffrey	Matt Mansfield, Assistant City Attorney
Board Member Raun Keagy	Diana Kaminski, Comm Dev Principal Planner
Board Member Robert Miller	Whitney Mayfield, Planner II
Board Member Sean McCarley	Jennifer Daniels, Administrative Assistant II
	Jason Wolf, Media

Meeting convened at 5:41 p.m. and was called to order by Chair Morrow.

## 1) Chair/Staff Updates and Announcements

Ms. Diana Kaminski, Principal Planner Community Development, shared that there is a new video from the City Attorney's office related to Open Meeting Law. We would like to show the video during a Study Session, so we have the opportunity to meet with the attorney's office and do a question and answer. At this time we do not have any agenda items for the BOA meeting in December. We are seeking direction on whether or not you would like to use the Study Session in December to view the video or wait until the January meeting.

Chair Morrow stated that since December is the holiday season and we do not have a regular meeting scheduled, I think it is smart to wait until January. All board members nodded yes and were in agreement.

Board Member Miller stated that he received an email from Ms. Sue Taaffe to the Transportation committee members that basically said watch this and if you have any questions let me know. Would that be appropriate for this group as well? Ms. Kaminski stated yes, but we wanted to have all of you together, so we had the opportunity to do questions and answers for everyone to hear. Board Member Miller asked if the video could be distributed ahead of time so board members could come prepared? Ms. Kaminski stated yes we can definitely do that.

Ms. Kaminski asked if there were any items or topics the board would like to discuss for Study Session? Such as code updates, interpretations, or updates you would like us to provide, just let me know in advance to a meeting.

## 2) Review of November 20, 2024, Agenda.

Chair Morrow stated we have 1 agenda item on tonight's agenda, variance request regarding front yard building setback.

Board Member Miller stated this was an item that came before the DRC 2 meetings ago. The Board stated that the city should write rules about the issue, because it is not covered currently by code. Is that more or less correct? Ms. Kaminski stated that we have a draft that is going to City Council. If it gets adopted by Council it will be available in

January to those that meet the new standards. Board Member Miller asked, for those that do not meet the new standard they will have to go through this process? Ms. Kaminski stated, yes. Board Member Miller asked if there is a rough idea of how many there are? Ms. Kaminski stated that she does not have an exact number. Code Enforcement has noticed several properties that have constructed. Our hope is that we can be proactive in having the establishment of the standards in advance of construction in the future.

Chair Morrow asked staff, when we are considering variances, it's not part of our consideration whether or not the structure already exists. Is that correct? Ms. Kaminski stated that is correct. You are looking at just the criteria in the variance request.

Board Member Miller asked if there was precedent for this body to have a consent agenda? Ms. Kaminski stated she does not believe so because each item requires a hearing. Mr. Jeff Tamulevich stated we can look into that.

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

**Motion** by Board Member Gans to close the Study Session; second by Board Member Miller. Motion passed on **6-0** vote.

**Ayes:** Chair Morrow, Board Members Gans, McCaffrey, Keagy, Miller and McCarley

**Nays:** None

**Abstain:** None

**Absent:** Vice Chair Palmer and Board Member Foy

The study session adjourned at 5:47 p.m.

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Prepared by: Jennifer Daniels, Administrative Assistant II  
Reviewed by: Diana Kaminski, Principal Planner



# Minutes of the Board of Adjustment REGULAR MEETING November 20, 2024

Minutes of the Regular Meeting 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
Board Member Rickey Lynn Gans	Ryan Levesque, Deputy Director Comm Dev
Board Member Michael McCaffrey	Matt Mansfield, Assistant City Attorney
Board Member Raun Keagy	Diana Kaminski, Comm Dev Principal Planner
Board Member Miller	Whitney Mayfield, Planner II
Board Member Sean McCarley	Jennifer Daniels, Administrative Assistant II
Board Member Foy	Jason Wolf, Media

Meeting convened at 6:00 p.m. and was called to order by Chair Morrow.

**1) Voting of the Meeting Minutes:**

Study Session & Formal Meeting Minutes from October 30, 2024.

**Motion** by Board Member Keagy to approve Meeting Minutes from Study Session and Regular Meeting October 30, 2024; second by Board Member McCaffrey. Motion passed on **5-0** vote.

**Ayes:** Chair Morrow, Board Members McCaffrey, Keagy, McCarley and Foy

**Nays:** None

**Abstain:** Board Members Gans and Miller

**Absent:** Vice Chair Palmer

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- 2) Request a Variance to reduce the required front yard building setback from 15 feet to 1 foot and a variance to reduce the required side yard setback from 5 feet to 3 feet to allow a detached shade structure for **ROTHERMEL SHADE STRUCTURE**, located at 509 West 15th Street. The applicant is Freda Rothermel. (PL240232)**

**Applicant Presentation:**

Ms. Freda Rothermel, homeowner, gave a presentation. Ms. Rothermel has lived in the home since 1991. Her husband purchased the home in 1980. In the 40 years of home ownership, we have always tried to enhance our property. We include form, beauty and connectivity with our neighbors as we design. Last summer we added a front yard shade structure. We placed the shade structure over the existing driveway. The front posts are past the driveway by two feet. That is why we need the variance.

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**Staff Presentation:**

Ms. Whitney Mayfield, Planner II Community Development, gave a staff presentation. Many of the homes in this neighborhood have ten feet of the property in the right of way. It reduces the amount of space they have to build a structure. There are two other variances that were approved in this neighborhood with similar requests to reduce the setback to allow structures in the front yard. Due to having 10 feet of the property in the right of way this does not make the front yard setback self-imposed.

**Public Comment:**

None

**Applicant Response:**

None

**Staff Response:**

None

**Commission Discussion:**

None

Chair Morrow called for a motion.

**Motion** by Board Member Miller to approve the variance to reduce the required front yard building setback from 15 feet to 1 foot and a variance to reduce the required side yard setback from 5 feet to 3 feet to allow a detached shade structure for **ROTHERMEL SHADE STRUCTURE** with conditions as specified., located at 509 West 15<sup>th</sup> Street; second by Board Member Gans. Motion passed on **7-0** vote.

**Ayes:** Chair Morrow, Board Members Gans, McCaffrey, Keagy, Miller, McCarley and Foy

**Nays:** None

**Abstain:** None

**Absent:** Vice Chair Palmer

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**3) Chair/Staff Announcements**

Chair Morrow stated there is no December meeting. The next meeting will be January 22<sup>nd</sup>.

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**4) Adjourn**

**Motion** by Board Member Miller to adjourn meeting; second by Board Member McCaffrey. Motion passed on **7-0** vote.

**Ayes:** Chair Morrow, Board Members Gans, McCaffrey, Keagy, Miller, McCarley and Foy

**Nays:** None

**Abstain:** None

**Absent:** Vice Chair Palmer

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Hearing adjourned at 6:16PM