

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.

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