

## Minutes of the Board of Adjustment STUDY SESSION May 22, 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 John 'Jack' Confer	Jeff Tamulevich, Community Development Director
Vice Chair Kevin Morrow	Ryan Levesque, Deputy Director Comm Dev
Board Member Kaelee Palmer	Drew Yocom, Comm Enhancement Deputy Director
Board Member Raun Keagy	Matthew Mansfield, Assistant City Attorney
Board Member Mary Foy	Ambika Adhikari, Principal Planner, Comm Dev
Board Member Rickey Lynn Gans	Lily Drosos, Planner II, Comm Dev
Board Member Sean McCarley	Jennifer Daniels, Administrative Assistant II

Meeting convened at 5:34 p.m. and was called to order by Chair Confer.

Chair Confer stated that there was a new "Revised BOA Agenda" that he had not previously seen. Chair Confer asked if this was revised and published within the 24 hours' notice needed. Administrative Assistant, Jennifer Daniels stated the "Revised Agenda" was published and sent out to the board on May 7, 2024.

Chair Confer asked the board if there were any questions for staff on agenda item #2, The Robinson Property. The board had no questions.

Chair Confer asked the board if there were any questions for staff on agenda item #3, Dazey Aesthetic Collective. Board Member Palmer asked, with reconsideration, does one of the members that voted against the item have to make a motion or is there any type of procedure like that? Mr. Adhikari stated the board made a decision on April 17<sup>th</sup> and approved the appeal and overruled the Zoning Administrators decision. The applicant is now asking for you to reconsider that decision, as a board. Mr. Mansfield stated that is correct and it is a board decision. If the board believes that the motion for reconsideration meets the standards set forth in Section 6-702, both A and B then any board member can make a motion to grant or deny that motion for reconsideration.

Vice Chair Morrow asked, int their motion for reconsideration they discuss special action appeals to Superior Court or to City Council. Does the City of Tempe have an appeal to the City Council from our decision or do they have to go to Superior Court? Mr. Mansfield stated that motion for reconsideration does not impact the appeal. That is a separate process. You do not need to consider the appeal process at this part of the motion for reconsideration. The appeal for the Board of Adjustment would go to the Superior Court in this case.

The study session adjourned at 5:40 p.m.