



DRAFT MINUTES

Board of Adjustment

San Tan Conference Room
22358 S. Ellsworth Rd, Queen Creek
January 25, 2023
5:30 pm

1. Call to Order and Introductions

The meeting was called to order at 5:40 p.m.

Board members and staff provided brief introductions.

Members present: Danielle McGinn; William Neville; Richard Blasier; Jeremy Benson

Absent Members: Justin Bartes

Staff present: Erik Swanson, Planning Administrator; Sarah Clark, Principal Planner; Steven Ester, Planner; Mallory Ress, Planner; Laney Corey, Planner; Maria Gonzalez, Town Clerk; Joy Maglione, Deputy Town Clerk

2. Public Comment: None

3. Items for Discussion and Possible Action

A. Consideration and possible approval of the August 25, 2021 meeting minutes

Motion to approve the August 21, 2021 meeting minutes as presented.

1st: Jeremy Benson

2nd: Rick Blasier

Vote: Approved 4-0 (Bartes absent)

B. Discussion on legal review and Open Meeting Law

Town Attorney Scott Holcomb explained the roles of the Board of Adjustment (BOA) as it relates to State statute (A.R.S. 9-462.06), the Town Code and the Town Zoning Ordinance. He provided some examples of hearings that the Board may hear such as variances, zoning interpretations, abandonment of non-conforming uses, or development permit revocation. He summarized the requirements needed to grant a variance and the rules of procedure, rules of evidence and burden of proof.

Attorney Holcomb reviewed meeting procedures including making motions and voting and said the BOA makes the final decision on items that come before it. The Board's decision can be appealed within 30 days in Superior Court.

Attorney Holcomb reviewed Open Meeting Law and conflicts of interest. He explained the elements of a meeting, quorums and gave examples of “splintering” the quorum using email, telephone, chat and other means of communication amongst members. He cautioned that if the communication involves public business, the public has a right to listen. He concluded with the consequences and penalties of violating Open Meeting Law.

Mr. Swanson provided a case example of a variance relating to unique topography of the land and outlined the requirements that must be met in order to grant a variance. He said that staff will provide information for review so the Board can make an informed decision.

C. Discussion and possible action on the Annual Organizational Meeting Notification (to set Chair and Vice-Chair appointments for the upcoming year)

Mr. Swanson introduced the item and the Board had a brief discussion on appointments.

Motion to appoint Jeremy Benson as Chair of the Board of Adjustment.

1st: Bill Neville

2nd: Rick Blasier

Vote: Approved 4-0 (Bartes absent)

Motion to appoint Rick Blasier as Vice-Chair of the Board of Adjustment

1st: Danielle McGinn

2nd: Bill Neville

Vote: Approved 4-0 (Bartes absent)

4. **Announcements:** None

5. **Adjournment:** The meeting adjourned at 6:40 p.m.

Jeremy Benson, Board of Adjustment Chair

ATTEST:

Joy Maglione, Deputy Town Clerk

I, Joy Maglione, do hereby certify that to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the January 25, 2023 Board of Adjustment meeting. I further certify that the meeting was duly called and that a quorum was present.

Passed and approved on: *Draft minutes (not approved)*