

**BOARD OF ADJUSTMENT MINUTES  
CITY OF PEORIA, ARIZONA  
Council Chamber  
February 12, 2013**

A **Regular Meeting** of the Board of Adjustment of the City of Peoria, Arizona, convened at 8401 W. Monroe St., Peoria, AZ in open and public session at 5:30 p.m.

**Members Present:** Board Members Cecil Daniels, Dr. William Bercu, Kevin Kadlec, Michael Kwederis, and Alternate Brian Greathouse.

**Members Absent:** Board Member Karen McDaniel.

**Others Present:** Cynthia Odom – Assistant City Attorney, Robert Gubser – Principal Planner, Melissa Sigmund – Planner, and Bev Parcels - Planning Assistant.

**Opening Statement:** None

Final call for speaker request forms.

**Audience:** Two

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

**CONSENT AGENDA**

All items listed with a “C” are considered to be routine by the Board of Adjustment, and were enacted by one motion

**1C    DISPOSITION OF ABSENCE:** Discussion and possible action to approve the absence of Board Member Kevin Kadlec from the Board of Adjustment meeting held on November 13, 2012.

**2C    MINUTES:** Discussion and possible action to approve the minutes of the Board of Adjustment meeting held on November 13, 2012.

**BOARD ACTION:** Board Member Daniels moved to approve the consent agenda. The motion was seconded by Board Member Kwederis and upon vote, carried unanimously.

**REGULAR AGENDA**

**NEW BUSINESS:**

**3R    ELECTION OF OFFICERS:** Discussion and possible action to elect officers for 2013 including Chairman and Vice-Chairman.

**BOARD ACTION:** Board Member Daniels nominated Dr. William Bercu as Chairman; Board Member Kwederis seconded the motion and upon vote carried unanimously.

Board Member Kwederis nominated Cecil Daniels as Vice Chairman; Board Member Kadlec seconded the motion and upon vote carried unanimously.

**4R PUBLIC HEARING:** RE: Reduction in separation requirement.

**PUBLIC HEARING – V12-0005:** KJE Enterprises, LLC requested a variance from *Section 14-9-5: Limitations on Uses* for the Elements Therapeutic Massage Studio proposed for 7857 W. Bell Road, Suite 108. The property is located south and west of the southwest corner of 77<sup>th</sup> Avenue and Bell Road. The applicant requested a reduction in the 1,000 foot separation requirement between the property line of the proposed massage establishment and the property line of an existing Massage Envy located at 7942 W. Bell Road, Suite C-2.

**STAFF REPORT:** Presented by Melissa Sigmund, Planner.

**BOARD COMMENT:** Inquiries included –

- Whether the neighboring massage studio was aware of the new studio opening.
- If Glendale has a similar distance requirement for personal services.
- What notices were sent out.
- Reasoning for 1,000 foot distance requirement.
- Massage business licensing, Massage Therapist licensing and who regulates both.
- Who regulates the use if the business does not follow the required stipulations.
- If the applicant looked for other possible locations.

**PUBLIC COMMENT:**

**Don Gatzemeier,** Applicant –

- Presented a short history on the franchise and his business model. Answered the questions about the business licensing and Therapists licensing.

**BOARD ACTION:** Board Member Daniels moved to approve a request from KJE Enterprises, LLC for a variance from *Section 14-9-5: Limitations on Uses* for the Elements Therapeutic Massage Studio proposed for 7857 W. Bell Road, Suite 108. The motion was seconded by Board Member Kadlec and upon vote, carried 5-0.

**CALL TO THE PUBLIC FOR NON-AGENDA ITEMS:** None

**REPORT FROM STAFF:** None

**REPORT FROM THE BOARD OF ADJUSTMENT:** None

**ADJOURNMENT:** There being no further business to come before the Board of Adjustment, the meeting adjourned at 5:51 p.m.

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Dr. William Bercu, Chair

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Date Signed