

**NOTICE OF PUBLIC MEETING  
BOARD OF ADJUSTMENT**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the **BOARD OF ADJUSTMENT** and to the general public, that the **BOARD OF ADJUSTMENT** will hold a meeting open to public on **Thursday, October 6, 2022, at 12:00 p.m.** The meeting will be held virtually. To participate, see instructions on the agenda on the Public Meeting Notices website:

<https://www.phoenix.gov/cityclerk/publicmeetings/notices>

**Per the most recent social distancing guidelines from the federal government, no residents will be allowed to attend the meeting in-person.**

**OPTIONS TO ACCESS THE MEETING**

- **Call-in to listen** to the live meeting: Dial **602-666-0783**, enter meeting access code **25575323211#** and press # again when prompted for the attendee ID.
- **Observe the live meeting virtually**, by clicking on the following link and registering to join the meeting online:  
<https://cityofphoenixpdd.webex.com/cityofphoenixpdd/onstage/g.php?MTID=ebdc39af22e93e79d13ca89386ad237a6>
- **Register to speak** on an agenda item:
  - At: [pdd.boardofadjust@phoenix.gov](mailto:pdd.boardofadjust@phoenix.gov)
  - By: **48 hours prior to the start of the hearing.** Staff will make every effort to accommodate requests to speak submitted beyond the 48-hour period. Due to the added demands of facilitating the virtual environment for the public, applicants and other staff members, we cannot consider any request less than 6 business hours before the start of the hearing.
  - Indicate: Item Number and Case Number.

The agenda of the meeting is as follows:

**A. Approval of Minutes**

**B. Approval of Agenda**

**C. Requests for Continuance and/or Withdrawal**

**D. Items for Consideration**

- |                   |   |
|-------------------|---|
| 1. Application #: | <b>ZA-462-15-6 (1-Year Review)</b><br><b>(Continued from September 1, 2022)</b> |
| Existing Zoning:  | C-2   |
| Location:         | 3934 and 3948 East Indian School Road   |
| Quarter Section:  | 17-36(H10)  |

Proposal: 1) Use Permit to allow outdoor recreation uses. Use Permit required.  
 2) Use Permit to allow outdoor dining accessory to a restaurant. Use Permit required.  
 3) Use Permit to allow outdoor alcoholic beverage consumption accessory to a restaurant. Use Permit required.  
 4) Use Permit to allow outdoor music and entertainment accessory to a restaurant. Use Permit required.  
 5) Use Permit to allow the display of merchandise outdoors. Use Permit required.

Ordinance Sections: 623.D.156.c, 623.D.156.c, 623.D.156.c, 623.D.156.c, 623.C.2

Applicant: 40th Street Developers LLC  
 Representative: Taylor Earl, Earl & Curley  
 Owner: 40th Street Developers LLC  
 Appellant: Wally Graham, Arcadia Osborn HOA

2. Application #: **ZA-257-22-8**  
 Existing Zoning: R1-10  
 Location: 3728 East Palm Lane  
 Quarter Section: 13-36(G10)  
 Proposal: Variance to allow an over height fence (6 feet) in the required front yard setback (west). Maximum 40 inches permitted.

Ordinance Sections: 703.A.2.a  
 Applicant: Morgan Hawes and Peter Mettler  
 Representative: Morgan Hawes and Peter Mettler  
 Owner: Morgan Hawes and Peter Mettler  
 Appellant: Jeff Muckerman

**E. Other Business**

3. Update on next Board of Adjustment agenda.
4. Update on pending appeals of the Board of Adjustment.
5. Q & A: Procedure and Process - Board of Adjustment case law.
6. The Board may vote to go into Executive Session pursuant to A.R.S Section 38-431.03.A.3. for the purpose of receiving legal advice regarding any of the above Items A-E.

**F. Adjournment**

For further information, please call Julie Garcia in the Planning and Development Department at 602-495-7029, or contact us via electronic mail at [pdd.boardofadjust@phoenix.gov](mailto:pdd.boardofadjust@phoenix.gov). This electronic mail address will not accommodate zoning enforcement/violation complaints.

This publication can be made available in alternate format upon request. To request a reasonable accommodation, please contact Les Scott at [leslie.scott@phoenix.gov](mailto:leslie.scott@phoenix.gov) or TTY: 7-1-1.

September 19, 2022