

RESULTS OF PUBLIC MEETING BOARD OF ADJUSTMENT

Pursuant to A.R.S. Section 38-431.02, notice was hereby given to the members of the **BOARD OF ADJUSTMENT** and to the general public, that the **BOARD OF ADJUSTMENT** held a meeting open to public on **Thursday, March 7, 2024 at 12:00 p.m.**

The Board of Adjustment was held in-person and virtually.

The results of the meeting were as follows:

RESULTS

Approved A. Approval of Minutes – January 4, 2024

(James/Graham – Vote of 6-0) (Beuerlein absent).

Approved B. Approval of Agenda – March 7, 2024

(James/Graham – Vote of 6-0) (Beuerlein absent).

No Action C. Requests for Continuance and/or Withdrawal

D. Items for Consideration

Approved
second 6-
month
review

1. Application #: **ZA-573-21-6 (Second 6-Month Review)**
Existing Zoning: C-2
Location: 6148 North 7th Street
Quarter Section: 21-28(l8)
Proposal: Use permit to allow a pet care facility.
Use permit required.
Ordinance Sections: 622.D.131.a.
Applicant: Henry Jennings, Surfing Pup Uptown
Phoenix, LLC
Representative: William Allison, Withey Morris, PLC
Owner: Aaron Klusman, KFH 7th & Rose
Lane, LLC
Appellant: Jackie Rich, Murphy Trail Estates
Neighborhood Association

Approved the second 6-month review with an additional stipulation and the deletion of Stipulations 9 and 10.

Stipulations:

- 1) ***Development of the property shall be per the site plan dated February 21, 2022 with specific regard to the size and location of the outdoor play area.***
- 2) ***The applicant shall remove or trim all plants to three feet or less in height in the sight visibility triangle at the southwest corner of 7th Street and Rose Lane in conformance with Phoenix City Code Section 31-13.***
- 3) ***Sound attenuation shall be completed in conformance to the Dogtopia Sound Attenuation Protocol submitted to, and approved by, the Zoning Administrator.***
- 4) ***Outdoor sound attenuation shall be completed in conformance to the Dogtopia Sound Attenuation Protocol submitted to, and approved by, the Zoning Administrator, including installation of an eight (8) foot high vinyl fence around the perimeter of the outdoor play area, addition of rockwool insulation under a hard cover shade structure above the outdoor play area, and installation of an artificial turf covering on the ground of the outdoor play area.***
- 5) ***Odor control measures shall be completed in conformance with the Dogtopia Odor Control System submitted to, and approved by, the Zoning Administrator.***
- 6) ***All solid waste shall be triple bagged before placement in on-site dumpsters, which shall remain closed and latched to prevent escape of odors into the area.***
- 7) ***Any changes or updates to the on-site sound attenuation and odor control protocols shall require review and approval by the Zoning Administrator to ensure continued mitigation of potential sound/odor impacts from the pet care facility.***
- 8) ***Outdoor activity/use shall be limited to the hours of 8:00 AM to 6:00 PM.***
- 9) ***THE BUSINESS SHALL PROVIDE A CONTACT NUMBER AND EMAIL ADDRESS TO REGISTERED NEIGHBORHOOD ASSOCIATIONS WITHIN A 600-FOOT RADIUS AND PROPERTY MANAGERS OF THE TAMPICO APARTMENTS LOCATED ADJACENT TO THE WEST AND SOUTH OF THE SUBJECT SITE. A MANAGER-LEVEL REPRESENTATIVE OF THE BUSINESS MUST RESPOND TO ENQUIRIES WITHIN 7 CALENDAR DAYS. IF REQUESTED BY***

REGISTERED NEIGHBORHOOD ASSOCIATIONS OR PROPERTY MANAGERS OF THE TAMPICO APARTMENTS, THE BUSINESS WILL HOST A NEIGHBORHOOD MEETING WITHIN 14 CALENDAR DAYS TO DISCUSS THE REQUEST AND ATTEMPT TO RESOLVE ISSUES. ALL PARTIES WILL SUBMIT ITEMS FOR INCLUSION ON THE MEETING AGENDA AT LEAST 2 WEEKDAYS (EXCLUDING HOLIDAYS) IN ADVANCE OF THE SCHEDULED MEETING. A COPY OF THE CONTACT NUMBER AND EMAIL ADDRESS SHALL BE PROVIDED TO THE PLANNING AND DEVELOPMENT DEPARTMENT FOR INCLUSION IN THE CASE FILE AND MUST BE UPDATED WITHIN 48 HOURS OF ANY CHANGES.

- ~~9) The Applicant shall review the Dogtopia Outdoor Noise Attenuation Protocols/plan and monthly calls/check in with the Murphy Trail Estates Neighborhood Association before one-year review.~~
~~10) One, 6 month review from issuance of Certificate of Occupancy and an additional 6 month review thereafter.~~

(Eigo/Graham - Vote of 7-0).

**Denied
review**

2. Application #: **ZA-553-22-2 (Review)**
Existing Zoning: R1-10
Location: 6127 East Carolina Drive
Quarter Section: 35-42(L12)
Proposal: Use permit to allow a home occupation (cooking school) that generates traffic. Use permit required.
Ordinance Sections: 608.E.3.h.1
Applicant: Cassandra Ayres, Berry Riddell, LLC
Representative: Cassandra Ayres, Berry Riddell, LLC
Owner: Connie Kirchner, Love Nest Trust
Appellant: Cassandra Ayres, Berry Riddell, LLC

Denied the review.

(Graham/Beuerlein - Vote of 4-3) (Ammon, Eigo, Hill)

**Upheld
ZAHO with
stipulations**

3. Application #: **ZA-177-23-6 (SIGN)**
Existing Zoning: C-2
Location: 3227 East Indian School Road
Quarter Section: 16-35(H10)

Proposal: Use permit to convert the west face of a nonconforming off-premise sign to digital. Use permit required.

Ordinance Sections: 705.2.G.4

Applicant: Jacob Zonn, Becker Boards Small, LLC

Representative: Garry Hays

Owner: Kar Yee Investments, LLC

Appellant: Neal Haddad, Arcadia Osborn Neighborhood Association

Upheld the Zoning Adjustment Hearing Officer's decision and approved the use permit with an additional stipulation.

Stipulations:

- 1) Install Planning and Development Department design-approved vertical louvers on the new west digital sign face that eliminates digital sign face visibility from residential properties to the south of the sign and effectively reduces digital image visibility for areas outside of eastbound Indian School Road traffic. Prior to operation of the digital sign face, effectiveness of vertical louvers to be verified via a nighttime sign inspection performed by Planning and Development Department (PDD) staff.***
- 2) Remove catwalk and railings on the west sign face where digital sign face is to be installed.***
- 3) Obtain approval by PDD Site Planning of a landscape plan that is compliant with the planting and other requirements of Section 705.2.G.4.b. and complete the installation of all landscape improvements specified in the approved landscape plan prior to final inspection of the digital sign. The plan shall include the installation of a raised landscape island around the base of the off-premise sign.***
- 4) Install a PDD design-approved screening device on the north end of the sign.***
- 5) All sign illumination shall be extinguished daily from 10:00 PM until sunrise via an automatic timing device.***
- 6) The change rate for the digital sign face shall be no less than 15 seconds.***
- 7) The applicant shall have 12 months to apply and pay for permits for the subject sign.***

- 8) *The site shall be landscaped generally as shown on the landscape plan submitted with the application.*
- 9) *THE MAXIMUM DIGITAL SIGN FACE LUMINANCE SHALL BE NO GREATER THAN 200 NITS. SIGN FACE LUMINANCE TO BE VERIFIED PRIOR TO FINAL SIGN INSPECTION BY THE PLANNING & DEVELOPMENT DEPARTMENT STAFF.*

(Ammon/Beuerlein - Vote of 4-3) (Eigo, Graham, Hill).

**Overtured
ZAHO with a
stipulation**

4. Application #: **ZA-325-23-6**
 Existing Zoning: RE-35 ACSPD
 Location: 5040 North Arcadia Drive
 Quarter Section: 19-39(H11)
 Proposal: Variance to allow an over height fence 7 feet high in the required front yard setback. Maximum 40 inches allowed.
 Ordinance Sections: 703.A.2.a
 Applicant: Arvin Thomas, LifeDevine5040, LLC
 Representative: Alexander Haro, Haro Design
 Owner: Arvin Thomas, LifeDevine5040, LLC
 Appellant: Alexander Haro, Haro Design

Overtured the Zoning Adjustment Hearing Officer's decision and approved the variance with a stipulation.

Stipulation:

- 1) **24 MONTHS TO APPLY AND PAY FOR BUILDING PERMITS.**

(Beuerlein/Dodds - Vote of 4-3) (Ammon, Eigo, Graham).

E. Other Business

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| Updated | 5. Board of Adjustment Member Legal Training |
| Updated | 6. Update on next Board of Adjustment agenda. |
| Updated | 7. Update on pending appeals of the Board of Adjustment. |
| No Action | 8. Q & A: Procedure and Process - Board of Adjustment case law. |

Adjourned

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. 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 Teleia Galaviz at 602-291-2599 or teleia.galaviz@phoenix.gov, TTY: Use 7-1-1.

March 7, 2024