

**RESULTS OF PUBLIC MEETING
BOARD OF ADJUSTMENT
*REVISED 4/18/22**

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, April 7, 2022 at 12:00 p.m.**

Per the most recent guidelines from the federal government, the Board of Adjustment was held virtually, via a video conferencing platform.

The results of the meeting were as follows:

RESULTS

**Approved A. Approval of Minutes – February 3, 2022
Approval of Minutes – March 3, 2022**

(Cole/Knight - Vote of 5-0) (Ammon/Beuerlein absent).

Approved B. Approval of Agenda – April 7, 2022

(Eigo/Cole - Vote of 5-0) (Ammon/Beuerlein absent).

C. Requests for Continuance and/or Withdrawal

D. Items for Consideration

**Upheld
ZAH0**

1. Application #:	ZA-173-20-7 (SIGN) (Continued from March 3, 2022)
Existing Zoning:	DTC-Business Core
Location:	1 North Central Avenue
Quarter Section:	10-28(F8)
Proposal:	1) Major Amendment to the One North Central Comprehensive Sign Plan for tower top sign. Use Permit required. 2) Variance to allow 890 square foot tower top wall sign with 1.5% façade area coverage. Maximum 594 square feet and 1.0% façade area coverage permitted.
Ordinance Sections:	705.1.E.2.d, 705.D.3.i.(1)
Applicant:	William Allison, Withey Morris
Representative:	William Allison, Withey Morris
Owner:	City of Phoenix

Appellant: William Allison, Withey Morris

Upheld the Zoning Adjustment Hearing Officer's decision and denied the Major Amendment and the variance.

(Eigo/Beuerlein - Vote of 6-0) (Ammon absent).

**Overtured
ZAH0 with
stipulations**

2. Application #: **ZA-583-21-6 (SIGN)**
Existing Zoning: IND. PK.
Location: 10027 South 51st Street
Quarter Section: 04-39(C11)
04-40(C11)
Proposal: Use permit to relocate and rebuild two faces of a nonconforming freeway sign to digital. Use permit required.
Ordinance Sections: 705.2.G.4
Applicant: Jacob Zonn, Becker Boards Small, LLC
Representative: Andrew Yancey, Bergin, Frakes, Smalley & Oberholtzer
Owner: MIRPAD, LLC
Appellant: Jacob Zonn, Becker Boards Small, LLC

Overtured the Zoning Adjustment Hearing Officer's decision and approved the use permit with the following stipulations:

Stipulations:

- 1. Install a Planning and Development Department design-approved, decorative pole cover on the rebuilt, freeway off-premise sign. Any access ladder, if included, shall be on the west or south side of the pole cover and concealed from southbound freeway traffic.***
- 2. The off-premise sign shall be relocated 480 feet south as depicted on conceptual landscape plan date stamped April 7, 2022.***
- 3. A 150 linear feet of additional landscaping shall be installed, measured at the south property line, per the conceptual landscape plan date stamped April 7, 2022.***
- 4. The quantity of trees and plants shall be per the conceptual landscape plan date stamped April 7, 2022.***
- 5. The applicant shall have 12 months to apply and pay for permits for the subject sign.***

(Eigo/Beuerlein - Vote of 5-1) (Knight) (Ammon absent).

**Overtured
ZAHO with
stipulations**

3. Application #: **ZA-593-21-6 (SIGN) (Continued from March 3, 2022)**
Existing Zoning: C-2
Location: 4456 East Thomas Road
Quarter Section: 15-38(G11)
Proposal: **1) Variance to reduce required ground sign spacing to 20 feet. Minimum 100 foot spacing required.**
2) Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.
Ordinance Sections: 705.D.1, Table, D-1, 705.C.13
Applicant: Michael Donada, Signs Plus
Representative: Michael Donada, Signs Plus
Owner: Carsten, Thunder17, LLC
Appellant: Michael Donada, Signs Plus

Overtured the Zoning Adjustment Hearing Officer's decision and approved the variance and use permit with the following stipulations:

Stipulations:

- 1. Maximum dimensions of the electronic message display (EMD) panel shall 2 feet by 6 feet.***
- 2. Sign design shall include a solid base matching the color and materials of the building. The width of the ground sign base shall match the width of the EMD panel. Sign design shall otherwise match the drawings date-stamped April 7, 2022.***
- 3. The applicant shall have 12 months to apply and pay for permits for the proposed sign.***

(Eigo/Cole - Vote of 5-1) (Hill) (Ammon absent).

**Overtured
ZAHO with
stipulation**

4. Application #: **ZA-609-21-3**
Existing Zoning: R1-6
Location: 1619 West North Lane
Quarter Section: 28-25(K7)
Proposal: **1) Variance to allow a 66 percent lot coverage. Maximum of 40 percent lot coverage permitted.**
2) Variance to reduce the required side yard setback (east) to 0 feet. Minimum 3 feet required.
3) Variance to eliminate the side yard (east) setback for an accessory

structure. Minimum 3 feet required.

4) Variance to eliminate the side yard (west) setback for an accessory structure. Minimum 3 feet required.

5) Variance to allow an over height wall (7 feet) in the required rear (south) yard. Maximum 6 feet permitted.

Ordinance Sections: 613.B.Table B, 613.B.Table B, 706.B, 706.B, 703.C

Applicant: Shane and Tammy McWilliams

Representative: Shane and Tammy McWilliams

Owner: Shane and Tammy McWilliams

Appellant: Shane McWilliams

Overturned the Zoning Adjustment Hearing Officer's decision and approved the variances with a stipulation:

Stipulation:

1. The applicant shall have 1 year to apply and pay for building permits.

(Cole/Ammon - Vote of 6-1) (Beuerlein).

**Upheld
ZAHO**

5. Application #: **ZA-683-21-7**
Existing Zoning: R1-6
Location: 2528 North 19th Avenue
Quarter Section: 14-24(G7)
Proposal: **1)** Variance to allow an over height wall (8 feet) within the side yard (south) setback. Maximum 6 feet permitted.
2) Variance to allow an over height wall (8 feet) within the rear yard (west) setback. Maximum 6 feet permitted.
3) Variance to allow an over height wall (8 feet) within the side yard (north) setback. Maximum 6 feet permitted.
Ordinance Sections: 703.A.2.c, 703.A.2.c, 703.A.2.c
Applicant: Joseph McGuire
Representative: Joseph McGuire
Owner: Joseph McGuire
Appellant: Joseph McGuire

Upheld the Zoning Adjustment Hearing Officer's decision and denied the variances.

(Ammon/Cole - Vote of 5-2) (Knight, Hill).

**#1
Overturned
ZAHO**

6. Application #: **ZA-610-21-6**
Existing Zoning: R1-10
Location: 5507 North 2nd Place, 240 and 130 East Missouri Avenue
Quarter Section: 20-28(I8)
Proposal: **1)** Variance to allow an over height wall (8 feet) within the required side yard (south) setback. Maximum 6 feet permitted.
2) Variance to allow an over height wall (8 feet) within the required rear yard (east) setback. Maximum 6 feet permitted.
Ordinance Sections: 703.A.2.c, 703.A.2.c
Applicant: Lauren Proper Potter, Huellmantel & Affiliates
Representative: Lauren Proper Potter, Huellmantel & Affiliates
Owner: Augusta Revocable Living Trust and One30
Appellant: North Central Phoenix Homeowners Association

Overturned the Zoning Adjustment Hearing Officer's decision and denied request #1; request #2 was withdrawn.

(Ammon/Eigo - Vote of 4-2) (Knight, Hill) (Beuerlein absent).

**Upheld
ZAHO**

7. Application #: **ZA-586-21-3**
Existing Zoning: C-2
Location: 12401 North Cave Creek Road
Quarter Section: 31-32(K9)
Proposal: Variance to delete Stipulation No. 8 from ZA-564-19-3 regarding revocation. Variance required.
Ordinance Sections: 307.A.9
Applicant: Chris Fotopoulos, Esq., Cave Creek RE, LLC, an Arizona Limited I
Representative: Heather N. Dukes, Esq.
Owner: Chris Fotopoulos, Esq., Cave Creek RE, LLC, an Arizona Limited I
Appellant: Heather N. Dukes, Esq.

Upheld the Zoning Adjustment Hearing Officer's decision and denied the variance.

(Ammon/Hill - Vote of 6-0) (Beuerlein absent).

E. Other Business

Denied

8. Application #: **ZA-380-21-4 (Request for Reconsideration)**
Existing Zoning: R1-6 HP
Location: 78 West Cypress Street
Quarter Section: 13-27(G8)
Proposal: Variance to allow an over height fence (5 feet) in front of the existing structure. Maximum 3 feet permitted.

Ordinance Sections: 703.A.2.a.(1)
Applicant: Zachary Causer
Representative: Zachary Causer
Owner: Zachary Causer
Appellant: Tom Doescher, Willo Neighborhood Association

Motion failed due to lack of second.

***Denied**

9. Application #: **ZA-653-21-7**
Existing Zoning: DTC-Business Core
Location: 130 East Washington Street
Quarter Section: 10-28(F8)
Proposal: Revocation of ZA-313-99-8, a use permit to allow outdoor dining and outdoor alcoholic beverage consumption (Oregano's Pizza Bistro Phoenix).

Ordinance Sections: 307.A.7.g
Applicant: Bob Lozier, Neighborhood Services Department
Representative: Anamaria Ortega, Neighborhood Services Department
Owner: Liebhaber Family Partnership
Appellant: Sean Badger, Bar Smith

Motion failed.

(Beuerlein/Hill - Vote of 3-3) (Knight, James, Cole) (Ammon absent).

Updated

10. Update on next Board of Adjustment agenda.

Updated

11. Update on pending appeals of the Board of Adjustment.

No Action 12. Q & A: Procedure and Process - Board of Adjustment case law.

No Action 13. 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.

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 Angie Holdsworth at 602-495-5622, TTY: Use 7-1-1.

April 18, 2022