

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, August 4, 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 – June 2, 2022
Approval of Minutes – July 7, 2022

<i>(Beuerlein/Knight - Vote of 6-0) (Ammon absent).</i> | | | | | | | | | | |
| Approved | B. | Approval of Agenda – August 4, 2022

<i>(Beuerlein/Hill - Vote of 6-0) (Ammon absent).</i> | | | | | | | | | | |
| | C. | Requests for Continuance and/or Withdrawal | | | | | | | | | | |
| Continued | 1. | <table border="0"><tr><td style="padding-right: 20px;">Application #:</td><td>ZA-462-15-6 (1-Year Review)</td></tr><tr><td>Existing Zoning:</td><td>C-2</td></tr><tr><td>Location:</td><td>3934 and 3948 East Indian School Road</td></tr><tr><td>Quarter Section:</td><td>17-36(H10)</td></tr><tr><td>Proposal:</td><td>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.</td></tr></table> | Application #: | ZA-462-15-6 (1-Year Review) | 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. |
| Application #: | ZA-462-15-6 (1-Year Review) | | | | | | | | | | | |
| 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

Continued to September 1, 2022.

D. Items for Consideration

**Upheld
ZAHO**

2. Application #: **ZA-157-22-1**
Existing Zoning: RE-35
Location: 4714 West Greenway Road
Quarter Section: 35-17(L5)
Proposal: **1)** Use permit to allow an over height (16 feet) detached accessory structure within the rear yard (north) setback. Maximum 15 feet permitted.
2) Use permit to allow a home occupation to be conducted in an accessory building. Use permit required.
Ordinance Sections: 706.G, 608.E.3.h.(2)
Applicant: Timothy A. La Sota, Timothy A. La Sota, PLC
Representative: Timothy A. La Sota, Timothy A. La Sota, PLC
Owner: Javier Munoz Ruiz
Appellant: Javier Munoz Ruiz

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

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

E. Other Business

Updated

3. Update on next Board of Adjustment agenda.

Updated

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

No Action

5. Q & A: Procedure and Process - Board of Adjustment case law.

No Action

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.

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.

August 4, 2022