

**RESULTS OF PUBLIC MEETING
BOARD OF ADJUSTMENT
*REVISED 12/15/22**

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, December 1, 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 – November 3, 2022

(Ammon/Beuerlein - Vote of 7-0).

Approved B. Approval of Agenda – December 1, 2022

(Ammon/Knight - Vote of 7-0).

None C. Requests for Continuance and/or Withdrawal

D. Items for Consideration

**Approved 1-
year review
with
modified
stipulations**

1. Application #:	ZA-92-18-7 (1-year review)
Existing Zoning:	DTC-Roosevelt South HP
Location:	822 North 6th Avenue
Quarter Section:	11-27(F8)
Proposal:	1) Use permit to allow a bar. Use permit
Proposal:	permit required.
	2) Use permit to allow outdoor liquor
	service as an accessory use to a bar.
	Use permit required.
Ordinance Sections:	1204.D, 1204.D
Applicant:	Andrew Scharnitzke, Kaiserworks
Representative:	Andrew Scharnitzke, Kaiserworks
Owner:	Kevin and Kim Haasarud, Sixth Avenue
	Lab, LLC
Appellant:	Sean Sweat, The Urban Phoenix Project

Approved the 1-year review with the following modified stipulations:

Stipulations:

- 1. Outdoor liquor service areas shall be limited to THE EXISTING OUTDOOR DINING AREAS AND THE NEW AREA IN THE FRONT YARD AS DEPICTED ON THE EXHIBIT DATE STAMPED DECEMBER 1, 2022. ~~areas on the north/south sides of the property and existing front porch as depicted on landscape plan of July 19, 2018.~~**
- ~~2. No outside amplified music shall be permitted.~~**
- 3.2. All on-site lighting is to be shielded to prevent direct visibility of the light source from adjacent property.**
- 4.3. General conformance to the landscape plan dated July 19, 2018 in order to contribute to the sound/lighting/visual transitions between the property and adjacent neighbors.**
- 5.4. Trash pickup and deliveries shall be limited to between 7:00 a.m. and 6:00 p.m., Monday through Friday.**
- 6.5. The hours of operation shall be limited to 9:00 A.M. TO MIDNIGHT. ~~Thursday—Saturday, 5:00 p.m. to 10:00 p.m. and Sunday, 11:00 a.m. to 3:00 p.m.~~**
- ~~7.6. The seating shall be limited to a maximum of 55 seats.~~**
- 8.6. The applicant has 18 months to apply and pay for building permits.**
- 9.7. The business shall designate a primary point of contact for the Roosevelt Action Association and a copy of the primary contact person's name and phone number shall be provided to the Planning and Development Department for inclusion in the case file.**
- 10.8. The applicant shall BE AVAILABLE TO meet with the Roosevelt Action Association EACH YEAR IF INVITED BY THE ROOSEVELT ACTION ASSOCIATION ~~every six months~~ to address neighborhood concerns with the ongoing operation of the business. ~~The applicant must provide an email documenting that the meeting occurred and how issues plan to be mitigated.~~ The applicant and the Roosevelt Action Association may utilize email correspondence in lieu of a meeting if mutually accepted by both sides.**

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~~11.9. The use permit shall be reviewed in 1 year. of issuance of the Certificate of Occupancy.~~

~~12.10. The applicant shall develop a neighborhood parking plan to address overflow parking within 180 days and share a copy with the Roosevelt Action Association.~~

(Ammon/Beuerlein - Vote of 7-0).

**Overtured
ZAHO with a
stipulation**

2. Application #: **ZA-400-22-3**
Existing Zoning: S-1
Location: 1402 East Sandra Terrace
Quarter Section: 36-30(M9)
Proposal: Variance to reduce the required side yard setback (east) to 30 feet for a detached accessory structure. Minimum 50 feet required.

Ordinance Sections: 603.B.3
Applicant: Michael Stutsman
Representative: Eldon Chris Robinson, Sentry Builders, LLC

Owner: Michael Stutsman
Appellant: Eldon Chris Robinson, Sentry Builders, LLC

Overtured the Zoning Adjustment Hearing Officer's decision and approved the variance with the following stipulation:

- 1. The applicant shall apply and pay for building permits within 1 year.***

(Eigo/Hill - Vote of 6-1) (Beuerlein).

E. Other Business

Approved

3. Nomination and election of 2023 Board Chair and Vice Chair

Mr. Jonathan Ammon was nominated and elected as Chair.

(Cole/James – Vote of 7-0)

Ms. Ashley Hill was nominated and elected as Vice-Chair.

(Cole/Beuerlein – Vote of 7-0)

Updated

4. Update on next Board of Adjustment agenda.

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

December 15, 2022