

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, February 3, 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 – January 6, 2022

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

Approved B. Approval of Agenda – February 3, 2022

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

C. Requests for Continuance and/or Withdrawal

D. Items for Consideration

Upheld ZAHO	1. Application #:	ZA-405-21-6 (SIGN) (Continued from January 6, 2022)
	Existing Zoning:	C-2
	Location:	4234 East Indian School Road
	Quarter Section:	17-37(H10)
	Proposal:	Use permit to convert one face of a nonconforming off-premise sign to digital display. Use permit required.
	Ordinance Sections:	705.2.G.4
	Applicant:	Jacob Zonn, Becker Boards Small
	Representative:	Andrew Yancey, Bergin, Frakes, Smalley & Oberholtzer
	Owner:	Little Woody's Building, Inc.
	Appellant:	Jacob Zonn, Becker Boards Small
	Appellant:	Neal Haddad, Arcadia Osborn Neighborhood Association
	Appellant:	Tristahn Schaub, Arcadia Camelback Mountain Neighborhood Association

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

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

**Upheld ZAHO
with
stipulations**

2. Application #: **ZA-312-21-8 (SIGN) (Continued from January 6, 2022)**
Existing Zoning: A-1
Location: 3501 East Illini Street
Quarter Section: 5-35(E10)
Proposal: **1) Variance to reduce required spacing between off-premise signs to 318 feet. Minimum required spacing is 1,000 feet.
2) Use permit for one digital sign face on a new off-premise sign. Use permit required.**
Ordinance Sections: 705.2.B.2, 705.2.E.3
Applicant: Sarah VanZanten, Clear Channel Outdoor, LLC
Representative: Taylor Earl, Earl & Curley, PC
Owner: Freeway Display Properties, LLC
Appellant: William Lally, Tiffany & Bosco

Rejected the appeal. Upheld the Zoning Adjustment Hearing Officer's decision and approved the variance and use permit with the following stipulations:

Stipulations:

- 1) Install a Planning and Development Department design-approved, decorative pole cover on the new freeway off-premise sign. Any access ladder, if included, shall be on the north or west side of the pole cover and concealed from westbound freeway traffic.***
2) The applicant shall have 12 months to apply and pay for permits for the subject sign.

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

**Overtured
ZAHO with
stipulations**

3. Application #: **ZA-454-21-6 (SIGN) (Continued from January 6, 2022)**
Existing Zoning: PAD-9, RE-35
Location: 5225 East Camelback Road
Quarter Section: 17-40(H11)
18-40(H11)

Proposal: Use permit for an electronic message display (EMD) on a ground sign. Use permit required.

Ordinance Sections: 705.C.13

Applicant: Chris Totton, Bootz & Duke Sign Company

Representative: Kristi Trisko, Bootz & Duke Sign Company

Owner: Camelback Church of Christ

Appellant: Chris Totton, Bootz & Duke Sign Company

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

Stipulations:

- 1) Install an automatic timer that will extinguish sign illumination daily from 9 p.m. until sunrise.***
- 2) The applicant shall have 12 months to apply and pay for permits for the proposed sign.***

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

**Overtured
ZAH0 with
modified
stipulations**

4. Application #: **ZA-500-21-7 (Continued from January 6, 2022)**
- Existing Zoning: DTC – Downtown Gateway HP
- Location: 915 North Central Avenue
- Quarter Section: 11-28(F8)
- Proposal:
 - 1) Use permit to allow outdoor liquor service accessory to a bar. Use permit required.**
 - 2) Use permit to allow outdoor entertainment (amplified music or loudspeakers) until 2:00 AM on Wednesday, Thursday, and Friday through Sunday. Use permit required.**
- Ordinance Sections: 1204.D.Table, 1204.C.5
- Applicant: Que Quinn, One Entertainment Group, LLC
- Representative: Taylor Earl, Earl and Curley
- Owner: Chuckie Duff, EQ Central and Roosevelt, LLC
- Representative: Larry Lazarus, Lazarus & Silvyn, PC

Overtured the Zoning Adjustment Hearing Officer and approved the use permit for outdoor liquor service accessory to a bar and denied as filed and approved the use permit to allow outdoor entertainment (amplified music or loudspeakers) on Friday and Saturday until midnight and Sunday until 10am, subject to the following modified stipulations:

Stipulations:

~~1) 4 month review.~~

1) Approval to allow outdoor liquor service accessory to a bar is subject to the applicant performing an ambient noise study at the site during the late evening hours to obtain an ambient noise baseline, and work with a neighborhood citizen's committee consisting of Jennifer Reddall from the Episcopal Diocese of Arizona, Trinity Cathedral, Frank Giordano from Portland on the Park, and Dan Nelson, a sound engineer from the neighborhood and a member of the Roosevelt Action Alliance to agree upon a reasonable noise level maximum that is based on the ambient noise level at the property line. This use permit request shall be reviewed by the Zoning Adjustment Hearing Officer in four months from the time permits for the patio are finalized by the City of Phoenix.

2) The outdoor patio area be sufficiently lighted and contained to discourage any unlawful activity or the unlawful removal of alcohol. Consult with precinct commander or their designee on lighting and the containment area.

~~3) The volume of the outdoor speaker shall not exceed the surrounding ambient conditions.~~

3) Approval of outdoor entertainment (amplified music or loudspeakers) allowable only on Friday and Saturday nights until midnight and only on Sunday nights until 10:00 p.m. Not to exceed 60 dba at the property line.

4) 1 year to apply and pay for building permits.

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

Continued

5. Application #: **ZA-418-21-5 (SIGN) (Continued from January 6, 2022)**
Existing Zoning: **C-2**
Location: **1701 North 99th Avenue**
Quarter Section: **13-5(G2)**

Proposal: **1)** Time Extension for ZA-632-19, Variance to allow a medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 foot separation required.

2) Time Extension for ZA-632-19, Variance to reduce the canal right-of-way building setback to 2 feet (east). 20 foot average building setback (15 foot minimum) is required.

3) Time Extension for ZA-632-19, Variance to reduce the canal right-of-way landscape setback to 2 feet (east). 20 foot average landscape setback times the canal frontage (15 foot minimum) is required.

4) Time Extension for ZA-632-19, Use permit to allow a medical marijuana dispensary. Use permit required.

Ordinance Sections: 623.D.124.f., 623.E.4.c., 623.E.4.c., 623.D.124.a

Applicant: Arvin Saloum, Ninety-Nine Holdings, LLC
 c/o Lazarus & Silvyn, PC

Representative: Larry Lazarus, Lazarus & Silvyn, PC

Owner: Reza Amirrezvani, SSCW 99th Avenue
 Retail, LLC

Appellant: Stephen W. Anderson, Gammage &
 Burnham, PLC

Continued to March 3, 2022.

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

Continued

6. Application #: **ZA-380-21-4**

 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

Continued to March 3, 2022.

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

**#1 Upheld
ZAHO**

**#2 and #3
Overturned
ZAHO**

7. Application #: **ZA-340-21-6**
Existing Zoning: R1-10
Location: 5505 North 2nd Street
Quarter Section: 20-28(I8)
Proposal: **1)** Variance to allow an over height fence (8 feet) in the required side yard (north). Maximum 6 feet required.
2) Variance to allow an over height fence (8 feet) in the required rear yard (east). Maximum 6 feet required.
3) Variance to allow an over height fence (8 feet) in the required side yard (south). Maximum 6 feet required.
Ordinance Sections: 703.A.2.c, 703.A.2.c, 703.A.2.c
Applicant: Jon Gillespie, Pew & Lake, PLC
Representative: Jon Gillespie, Pew & Lake, PLC
Owner: Richard & Jennifer Ross
Appellant: Mary Crozier, NCPHA North Central Phoenix Homeowners Association

Upheld the Zoning Adjustment Hearing Officer's decision and denied request #1. Overturned the Zoning Adjustment Hearing Officer's decision and denied requests #2 and #3.

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

Upheld ZAHO

8. Application #: **ZA-354-21-2**
Existing Zoning: RE-24
Location: 6702 East Sweetwater Avenue
Quarter Section: 32-43(L12)
Proposal: **1)** Variance to reduce the required front yard setback (south) to 11 feet. Minimum 30 feet required.
2) Variance to increase the lot coverage to 39 percent. Maximum 30 percent allowed for structures 1 story and under 20 feet in height.
Ordinance Sections: 606.B.2, 606.B.5
Applicant: Mr. and Mrs. John Elef
Representative: Scott Neiss, 10 East Studio, LLC
Owner: Scott Neiss, 10 East Studio, LLC

Appellant: Scott Neiss, 10 East Studio, LLC

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

(Eigo/Cole - Vote of 4-3) (Knight, Beuerlein, Hill).

**Overtured
ZAHo with
stipulation**

9. Application #: **ZA-517-21-4**
Existing Zoning: C-2 SAUMSO
Location: 4230 North 7th Avenue
Quarter Section: 17-26(H8)
Proposal: **1)** Variance to reduce the building setback (west) not adjacent to a street to 2 feet. Minimum 25 foot setback required.
2) Variance to reduce the perimeter landscape setback (west) not adjacent to a street to 0 feet. Minimum 10 feet required.
3) Variance to reduce the building setback (north) for a non Seventh Avenue property line not adjacent to a residential district to 1 foot. Minimum 5 foot setback required.
Ordinance Sections: 623.E.4.d, 623.E.4.e, 655.H.6.Table1
Applicant: Michael W. Kelly, Michael Wilson Kelly - Architects, LTD
Representative: Larry Lazarus, Lazarus & Silvyn
Owner: Steve and Richard Strauss, Teetsznity, LLC dba Wag-N-Wash
Appellant: Larry Lazarus, Lazarus & Silvyn

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

Stipulation:

1) 1 year to apply and pay for building permits.

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

E. Other Business

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.

February 3, 2022