

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 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

- | | | |
|-----------|----|---|
| No Action | A. | Approval of Minutes
<i>No minutes were ready for review.</i> |
| Approved | B. | Approval of Agenda – March 3, 2022

<i>(Ammon/Eigo - Vote of 7-0).</i> |
| | C. | Requests for Continuance and/or Withdrawal |
| Continued | 1. | Application #: ZA-173-20-7 (SIGN) (Continued to April 7, 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

<i>Continued to April 7, 2022.</i> |
| Continued | 2. | Application #: ZA-593-21-6 (SIGN) (Continued to April 7, 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 Thunder 17, LLC
Appellant:	Michael Donada, Signs Plus

Continued to April 7, 2022.

Withdrawn

3.	Application #:	ZA-418-21-5 (Withdrawn on February 23, 2022)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

Withdrawn per appellant's request.

D. Items for Consideration

**Upheld
ZAHO with
stipulations**

4. Application #: **ZA-380-21-4 (Continued from February 3, 2022)**
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

Upheld the Zoning Adjustment Hearing Officer's decision and approved the variance with the following stipulations:

Stipulations:

- 1. 1 year to apply and pay for building permits.***
- 2. Per the proposed fence location as shown on the site plan dated June 16, 2021.***

No motion made. Board of Adjustment deliberated; however no motion was made.

**Overtured
ZAHO with
stipulations**

5. Application #: **ZA-316-21-1 (SIGN)**
Existing Zoning: A-1 M-R DVAO
Location: 2355 West Pinnacle Peak Road
Quarter Section: 45-23(O7)
Proposal: **1)** Use permit to increase the height of a freeway, off-premise sign to 70 feet. Use permit required.
2) Use permit to reduce required spacing between an off-premise sign and residential uses to 215 and 450 feet. Use

permit required to reduce spacing to less than 500 foot minimum.

3) Use permit for two faces of electronic message display on a freeway off-premise sign. Use permit required.

Ordinance Sections: 705.2.B.4.b, 705.2.A.5, 705.2.E.3
Applicant: Ted LeClair, LeClair Calihan Advertising
Representative: Ted LeClair, LeClair Calihan Advertising
Owner: Arizona State Credit Union
Appellant: Ted LeClair, LeClair Calihan Advertising

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

Stipulations:

- 1. Install a screening device on the north and south sign faces or employ other technology to effectively screen views of the north and south sign faces from the residential areas. The size and design of the screening device or method shall be subject to Planning and Development Department approval.***
- 2. Install a Planning and Development Department design-approved, decorative pole cover on the new freeway off-premise sign. The pole cover design shall be consistent in terms of colors, materials and textures with freeway pylon sign designs approved in the Corridors Comprehensive Sign Plan. Any access ladder, if included, shall be on the north or east side of the pole cover and concealed from northbound freeway traffic.***
- 3. The applicant shall have 12 months to apply and pay for permits for the subject sign.***

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

**Upheld
ZAHO with
modified
stipulations**

6. Application #: **ZA-573-21-6**
Existing Zoning: C-2
Location: 6148 North 7th Street
Quarter Section: 21-28(I8)
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

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

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.***
- 3.1. Sound attenuation shall be completed in conformance to the Dogtopia Sound Attenuation Protocol submitted to, and signed APPROVED by, the Zoning Administrator.***
- 4.2. Outdoor sound attenuation shall be completed in conformance to the Dogtopia Sound Attenuation Protocol submitted to, and signed 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.***
- 5.3. Odor control measures shall be completed in conformance with the Dogtopia Odor Control System submitted to, and signed APPROVED by, the Zoning Administrator.***
- 6.4. 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.***
- 7.5. 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.

8.6. Outdoor activity/use shall be limited to the hours of 8:00 AM to 6:00 PM.

9.7. 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.

~~8. One year review of the use permit.~~

10. ONE, 6 MONTH REVIEW FROM ISSUANCE OF CERTIFICATE OF OCCUPANCY AND AN ADDITIONAL 6 MONTH REVIEW THEREAFTER.

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

**Upheld
ZAHO**

7. 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

Upheld the Zoning Adjustment Hearing Officer's decision and approved the revocation of ZA-313-99-8.

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

E. Other Business

No Motion

8. Application #: **ZA-454-21-6 (SIGN) (Request for Reconsideration)**
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

No Motion

9. Application #: **ZA-340-21-6 (Request for Reconsideration)**
- 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

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.

March 4, 2022