

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, May 5, 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

There were no minutes to review.

Approved B. Approval of Agenda – May 5, 2022

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

C. Requests for Continuance and/or Withdrawal

D. Items for Consideration

Continued	1. Application #:	ZA-705-21-7 (Continued to June 2, 2022)
	Existing Zoning:	R-5 RI
	Location:	821 West McKinley Street
	Quarter Section:	11-26(F8)
	Proposal:	1) Variance to reduce the required front yard setback (north) to 10 feet. Minimum 20 feet required.
		2) Variance to reduce the rear (south) building setback to 5 feet. Minimum 15 feet required.
		3) Variance to reduce the required rear yard (south) landscape setback to 0 feet. Minimum 5 feet required.
		4) Variance to reduce the landscape setback adjacent to public street (9th Avenue) to 0 feet. Minimum 10 feet required.
		5) Variance to reduce east side landscape setback to 0 feet. Minimum 5

feet required.

6) Variance to allow maneuvering in the right-of-way. Maneuvering must be located on private property.

7) Variance to reduce the required open space to 0 percent. Minimum 5 percent required.

8) Variance to reduce the minimum required width of open spaces to 0 feet. Minimum 20 feet required.

9) Variance to reduce the required parking to 7 spaces. Minimum 9 spaces required.

Ordinance Sections: 618.B.Table B, 618.B.Table B, 703.B.3.b.3, 703.B.3.a, 703.B.3.b.3, 702.A.1.b, 703.B.4.a.1, 703.B.4.a.2, 702.C.Table

Applicant: Taylor C. Earl, Earl and Curley, PC
Representative: Taylor C. Earl, Earl and Curley, PC
Owner: Michael and Mary E. Hall, Mah / Meh Trust

Appellant: Charles B. Butzine

Continued to June 2, 2022.

Continued

2. Application #: **ZA-627-21-6 (Continued to June 2, 2022)**

Existing Zoning: RE-24 ACSPD

Location: 5035 East Lafayette Boulevard

Quarter Section: 17-39(H11)

Proposal: Variance to reduce the rear yard setback (southwest) to 4 feet. Minimum 30 feet required.

Ordinance Sections: 606.B.4

Applicant: Troy and Jamey Zurawski

Representative: Dana Burkhardt, HUB Planning + Urban Design

Owner: Troy and Jamey Zurawski

Appellant: Troy and Jamey Zurawski

Continued to June 2, 2022.

**Upheld
ZAH0**

3. Application #: **ZA-662-21-3**

Existing Zoning: R1-14

Location: 13451 North 50th Street

Quarter Section: 32-39(L11)

Proposal: Variance to reduce the required front yard setback to 10 feet. Minimum 30 feet required.

Ordinance Sections: 606.B.2

Applicant: Renee Ervanian

Representative: Renee Ervanian

Owner: Renee Ervanian

Appellant: Renee Ervanian

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

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

**Overtaken
ZAHO with
stipulations**

4. Application #: **ZA-629-21-6**
 Existing Zoning: C-2
 Location: 5544 East Thomas Road
 Quarter Section: 15-40(G11)
 Proposal:
 - 1)** Variance to reduce the required open space to 3%. Minimum 5% required.
 - 2)** Variance to allow maneuvering in right-of-way (alley). Maneuvering must be located on private property.
 - 3)** Variance to reduce the required interior property line landscape setback (north) to 0 feet. Minimum 5 feet required.
 - 4)** Variance to reduce the required interior property line landscape setback (northwest) to 0 feet. Minimum 5 feet required.
 - 5)** Variance to reduce the required interior property line landscape setback (west) to 0 feet. Minimum 5 feet required.
 - 6)** Variance to allow an over height wall (6 feet) in the required front yard (east). Maximum 40 inches permitted.
- Ordinance Sections: 703.B.4.a(1), 702.A.1.b, 703.B.3.b.(3), 703.B.3.b.(3), 703.B.3.b.(3), 703.A.2.a
- Applicant: George Pasquel III, Withey Morris, PLC
- Representative: George Pasquel III, Withey Morris, PLC
- Owner: Dan Yee, Yee Holdings Limited Partnership
- Appellant: George Pasquel III, Withey Morris, PLC

Overtaken the Zoning Adjustment Hearing Officer's decision and approved the variances with the following stipulations:

Stipulations:

- 1. The wall height in the front yard (east) shall be a maximum of 5-feet.***
- 2. The applicant shall 1 year to apply and pay for building permits.***

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

Continued

5. Application #: **ZA-9-22-6 (SIGN)**
Existing Zoning: C-2
Location: 3538 East Indian School Road
Quarter Section: 17-35(H10)
Proposal: **1) Use permit to rebuild a nonconforming sign off-premise sign to 35 feet in height and 302 square feet in area. Use Permit required.**
2) Use permit to reduce spacing from residential use to 223 feet. Use Permit required.
Ordinance Sections: 705.2.G.5, 705.2.A.5
Applicant: Jacob Zonn, Becker Boards Small, LLC
Representative: Jacob Zonn, Becker Boards Small, LLC
Owner: Five Chans, LLC
Appellant: Michael Zimmerman, Berry Riddell, LLC

Continued to June 2, 2022.

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

Continued

6. Application #: **ZA-584-21-8**
Existing Zoning: C-2 M-R TOD-1
Location: 4415 East Monroe Street
Quarter Section: 10-38(F11)
Proposal: **1) Use permit to allow a medical marijuana dispensary facility. Use permit required.**
2) Variance to allow a medical marijuana dispensary facility within 5,280 feet (one mile) of another similar type of use. Minimum 5,280 feet of separation required.
3) Variance to allow a medical marijuana

dispensary facility within 1,320 feet of a public park. Minimum 1,320 feet of separation required.

Ordinance Sections: 623.D.124.a, 623.D.124.e, 623.D.124.g
Applicant: Nick Labadie, Rose Law Group
Representative: Nick Labadie, Rose Law Group
Owner: 4415 EM, LLC
Appellant: Lazarus & Silvyn, P.C. / Larry Lazarus

Continued to June 2, 2022.

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

E. Other Business

- Updated** 7. Update on next Board of Adjustment agenda.
- Updated** 8. Update on pending appeals of the Board of Adjustment.
- No Action** 9. Q & A: Procedure and Process - Board of Adjustment case law.
- No Action** 10. 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.

May 5, 2022