

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, December 7, 2023 at 12:00 p.m.**

The Board of Adjustment was held in-person and virtually.

The results of the meeting were as follows:

RESULTS

No Action A. Approval of Minutes – November 2, 2023

No minutes were ready for review.

Approved B. Approval of Agenda – December 7, 2023

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

C. Requests for Continuance and/or Withdrawal

Continued	1.	Application #:	ZA-290-23-3
		Existing Zoning:	R1-8
		Location:	13831, 13837 and 13839 North 12th Street
		Quarter Section:	33-30(L9)
		Proposal:	1) Variance to allow a minimum lot width (Lot No. 1) of 62 feet. Minimum lot width of 70 feet required. 2) Variance to allow a minimum lot width (Lot No. 2) of 62 feet. Minimum lot width of 70 feet required.
		Ordinance Sections:	612.B.Table, B.(a), 612.B.Table, B.(a)
		Applicant:	Brian Fracasse, NCARB, AIA, Taylor Fracasse Architecture, Inc.
		Representative:	Brian Fracasse, NCARB, AIA, Taylor Fracasse Architecture, Inc.
		Owner:	13839 N. 12th St, LLC
		Appellant:	Brian Fracasse, NCARB, AIA, Taylor Fracasse Architecture, Inc.

Continued to January 4, 2024.

D. Items for Consideration

Continued

2. Application #: **ZA-567-22-2 (Continued from October 5, 2023)**
Existing Zoning: R1-18
Location: 5917 East Anderson Drive
Quarter Section: 37-41(M11)
Proposal: Variance to allow 28% lot coverage. Maximum 25% permitted.
Ordinance Sections: 610.B.Table
Applicant: Alan Christensen, A Christensen Architect, LLC
Representative: Alan Christensen, A Christensen Architect, LLC
Owner: Norman M. and April D. Kvalvik Trust
Appellant: Jeffrey Gross, Berry Riddell

Continued by motion to February 1, 2024.

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

Approved 1-year review with deletion of Stip. 9

3. 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 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 deletion of Stipulation 9.

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.

- 2) All on-site lighting is to be shielded to prevent direct visibility of the light source from adjacent property.*
- 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.*
- 4) Trash pickup and deliveries shall be limited to between 7:00 a.m. and 6:00 p.m., Monday through Friday.*
- 5) The hours of operation shall be limited to 9:00 a.m. to midnight.*
- 6) The applicant has 18 months to apply and pay for building permits.*
- 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.*
- 8) The applicant shall be available to meet with the Roosevelt Action Association each year if invited by the Roosevelt Action Association to address neighborhood concerns with the ongoing operation of the business. The applicant and the Roosevelt Action Association may utilize email correspondence in lieu of a meeting if mutually accepted by both sides.*
- ~~*9) The use permit shall be reviewed in 1 year.*~~
- 10.9) The applicant shall develop a neighborhood parking plan to address overflow parking within 180 days and share a copy with the Roosevelt Action Association.*

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

**Upheld
ZAHO with
stipulations**

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| 4. | Application #: | ZA-372-23-2 |
| | Existing Zoning: | C-2 DRSP |
| | Location: | 5415 East High Street |
| | Quarter Section: | 41-40(N11)
42-40(N11) |
| | Proposal: | Use permit to allow a temporary use
(AZ Jazz Fest) for up to 36 months.
Use permit required. |
| | Ordinance Sections: | 708.D.1 |

Applicant: Brad Laughlin, M.U.S.I.C. Foundation
of AZ, Inc.
Representative: Amber Hutchinson, M.U.S.I.C.
Foundation of AZ, Inc.
Owner: High Street Buildings, LLC
Appellant: Amber Hutchinson, M.U.S.I.C.
Foundation of AZ, Inc.

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

Stipulations:

- 1) Approved for 2 events and limited to 4 days per event.***
- 2) 6 month review to determine if granting additional
events and time is appropriate.***
- 3) Events shall end by 10:00 P.M.***

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

**Overtured
ZAHO and
denied use
permits**

5. Application #: **ZA-356-23-6**
Existing Zoning: R1-10
Location: 316 West Ocotillo Road
Quarter Section: 22027(I8)
Proposal: **1)** Use permit to allow a 30-foot-tall
detached accessory structure to be
located in the rear yard (north) setback.
Maximum of one story or 15 feet
permitted.
2) Use permit to allow tennis court and
outdoor game court lights. Use permit
required.
Ordinance Sections: 706.G, 608.G.5
Applicant: Jerry and Cindi Steele
Representative: Nate Sonoskey, Blue Lantern
Development
Owner: Jerry and Cindi Steele
Appellant: Mary Crozier, North Central Phoenix
Homeowners Association

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

(Graham/Hill - Vote of 7-0).

Withdrawn

6. Application #: **ZA-348-23-2**
Existing Zoning: R1-18
Location: 5861 East Saint John Road
Quarter Section: 37-41(M11)
Proposal: **1)** Variance to allow 30% lot coverage.
Maximum 25% permitted.
 2) Variance to allow an over height (11
feet) accessory structure located in the
side yard (northwest) setback.
Maximum 8 feet in height permitted.
Ordinance Sections: 610.B.Table, 706.C
Applicant: Scott Giesen, Giesen Design Studio,
LLC
Representative: Scott Giesen, Giesen Design Studio,
LLC
Owner: Molly Rice, 5861 St. John Road, LLC
Appellant: Scott Giesen, Giesen Design Studio,
LLC

Entire case withdrawn by motion per applicant's request.

(Ammon/James - Vote of 6-1) (Graham).

Continued

7. Application #: **ZA-212-23-6 (Auto Continued from
November 2, 2023)**
Existing Zoning: R1-6
Location: 1035 East Ocotillo Road
Quarter Section: 22-29(18)
Proposal: **1)** Variance to allow an over height
fence (5 feet) in the required front yard
(north) setback. Maximum height of 40
inches permitted.
 2) Variance to allow a detached
accessory structure within the required
front yard (north) setback. Detached
accessory structures not permitted
within the required front yard setback.
Ordinance Sections: 703.A.3.a, 706.A
Applicant: Yossi Dror
Representative: Yossi Dror
Owner: Yossi Dror
Appellant: Yossi Dror

Continued by motion to February 1, 2024.

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

**Overtured
ZAH0 with a
stipulation**

8. Application #: **ZA-364-23-1**
Existing Zoning: C-2 SP
Location: 4139 West Bell Road, Suite 1
Quarter Section: 36-19(M6)
Proposal: **1)** Variance to allow a tobacco oriented retailer (Babylon Lounge) within 500 feet of the same type of use. Minimum 500 feet of separation required.
2) Variance to allow a tobacco-oriented retailer (Babylon Lounge) to be located within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.
3) Variance to allow a tobacco-oriented retailer (Babylon Lounge) to be located within 1,320 feet of a school. Minimum 1,320 feet of separation required.
4) Variance to allow a tobacco-oriented retailer (Babylon Lounge) to be located within 1,320 feet of a daycare. Minimum 1,320 feet of separation required.

Ordinance Sections: 623.D.194.a, 623.D.194.b, 623.D.194.b, 623.D.194.b
Applicant: Zaid Alhamedany
Representative: Zaid Alhamedany
Owner: Eric Young, Butterfield Trail, LLC

Overtured the Zoning Adjustment Hearing Officer's decision and approved the variances with a stipulation.

Stipulation:

- 1) Approval granted pursuant to stipulation that the only tobacco oriented retailer use permitted will be the offering of hookah for on-site consumption only.***

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

E. Other Business

No Action

9. Nomination and election of 2024 Board Chair and Vice Chair.

Continued by motion to the January 4, 2024 hearing.

(Ammon/Beuerlein – Vote of 7-0)

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| No Action | 10. Update on next Board of Adjustment agenda. |
| No Action | 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 Teleia Galaviz at 602-291-2599 or teleia.galaviz@phoenix.gov, TTY: Use 7-1-1.

December 7, 2023