

## 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 2, 2023 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 5, 2023

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

Approved      B.    Approval of Agenda – February 2, 2023

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

None            C.    Requests for Continuance and/or Withdrawal

D.    Items for Consideration

Approved 1-  
year review  
with a  
modified  
stipulation

1.    Application #:            **ZA-529-16-6 (1-Year Review)**  
      Existing Zoning:       C-1  
      Location:              4602 East Thomas Road  
      Quarter Section       15-38(G11)  
      Proposal:              **1) Use Permit to allow the sale of alcoholic beverages accessory to a restaurant (Muse and Market). Use Permit required.**  
                                     **2) Use Permit to allow outdoor dining accessory to a restaurant (Muse and Market). Use Permit required.**  
                                     **3) Use Permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant (Muse and Market). Use Permit required.**  
                                     Ordinance Sections: 622.D.146.a, 622.D.146.d, 622.D.146.d  
                                     Applicant:              Karin Santiago, Lightvox Studio  
                                     Representative:        Karin Santiago, Lightvox Studio  
                                     Owner:                   Jeff Beraznik, Meridian One LLC

Appellant: Neal Haddad, Neighborhood Coalition  
Greater Phoenix

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

- 1. The outdoor patio hours of alcohol beverage service until midnight (Sunday through Thursday) and until 2:00 a.m. (Friday and Saturday).***
- 2. 180 days to apply and pay for building permits.***
- 3. 1-year review after issuance of Certificate of Occupancy to the February 2024 Board of Adjustment hearing.***

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

**Continued**

2. Application #: **ZA-392-18-3 (1-Year Review)**  
Existing Zoning: R-5  
Location: 1431 East Dunlap Avenue  
Quarter Section: 26-30(J9)  
Proposal: Use permit to allow a community residence center in the R-5 district. Use permit required.  
  
Ordinance Sections: 618.D.7  
Applicant: Brian Greathouse, Burch & Cracchiolo, P.A.  
Representative: Brian Greathouse, Burch & Cracchiolo, P.A.  
Owner: Joe Keeper, Native American Connections, Inc.  
Appellant: Teresa Duhancik

***Continued by motion to March 2, 2023.***

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

**Overtured  
ZAH0**

3. Application #: **ZA-445-22-6**  
Existing Zoning: R1-6  
Location: 6707 North 10th Place  
Quarter Section: 22-29(I8)  
Proposal: Variance to reduce the side yard setback (south) to 5 feet. Minimum 10 feet required.  
  
Ordinance Sections: 613.B.Table B  
Applicant: Sergio Valencia, Arquitecturia  
Representative: Sergio Valencia, Arquitecturia

Owner: Bangy Rent 1 LLC  
Appellant: Sandy Grunow, Phoenix Mid-Century  
Modern Neighborhood

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

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

**Upheld  
ZAHO with  
deletion of  
Stipulation  
#2**

4. Application #: **ZA-439-22-3**  
Existing Zoning: R1-10  
Location: 1516-1520 East Paradise Lane  
Quarter Section: 36-30(M9)  
Proposal: Use permit to use the Planned Residential Development (PRD) option. Use permit required.  
Ordinance Sections: 608.B.3  
Applicant: Edmir Dzudza, E-project, LLC  
Representative: Leonard Saguid, E-project, LLC  
Owner: Andrea Perrin, Vicaire Well Spaces, LLC  
Appellant: Edmir Dzudza, E-project, LLC

***Upheld the Zoning Adjustment Hearing Officer's decision and approved the use permit with the deletion of Stipulation #2.***

**Stipulations:**

- 1. 18 months to apply and pay for permits.***
- ~~2. Applicant to be responsible for maintenance of the floodwater crossing on both north and south sides of Paradise Lane.~~***

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

**Upheld  
ZAHO**

5. Application #: **ZA-503-22-7 (SIGN)**  
Existing Zoning: A-1  
Location: 1904 North Black Canyon Highway  
Quarter Section: 13-23(G7)  
Proposal: **1)** Use permit to rebuild a billboard with two digital displays. Use permit required.  
**2)** Use permit to increase the height from 55 feet to 70 feet. Use permit required.  
Ordinance Sections: 705.2.G.4, 705.2.B.4.b

Applicant: Gary Spinner, Pearson's Sign, Co.  
Representative: Jacob Zonn, Becker Boards Small, LLC  
Owner: B.J Pearson, Pearson's Sign, Co.  
Appellant: Jacob Zonn, Becker Boards Small, LLC

***Upheld the Zoning Adjustment Hearing Officer's decision and approved #1 with stipulations and denied #2.***

***#1 – Approved with the following stipulations:***

- 1. No sign face shall exceed 1,200 square feet.***
- 2. Adherence to the sign drawings, not including the decorative pole surround, as submitted to the Planning and Development Department date stamped December 15, 2022.***
- 3. Install a Planning and Development Department design approved, decorative pole cover on the rebuilt, off-premise sign. Any access ladder, if included, shall be on the west or south side of the pole cover and concealed from southbound freeway traffic.***
- 4. The height of the rebuild sign shall be no greater than 55 feet.***
- 5. The applicant shall have 12 months to apply and pay for permits for the subject sign.***

***#2 – Denied.***

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

**Overtaken  
ZAHO with a  
stipulation**

6. Application #: **ZA-500-22-7**  
Existing Zoning: DTC – Gateway  
Location: 721 North Central Avenue  
Quarter Section: 11-28(F8)  
Proposal: **1)** Variance to reduce the required combined depth of the parking space and the drive aisle to 60 feet for a double loaded drive aisle. Minimum 62 feet required.  
**2)** Variance to reduce the required combined depth of the parking space and the drive aisle to 42 feet for a single loaded drive aisle. Minimum 43 feet required.  
**3)** Variance to reduce the required parking stall width for non-residential uses to 8.5 feet. Minimum 9.5 feet

required.

4) Variance to reduce the width of tandem parking spaces to 9 feet 3 inches. Minimum 9 feet 6 inches required.

Ordinance Sections: 702.B.2.b.5, 702.B.2.b.5,  
702.B.2.a.(1).(a), 702.B.2.a.(1).(c)  
Applicant: Nick Benjamin, Vela Development  
Partners  
Representative: Nick Wood, Esq, Snell & Wilmer  
Owner: 701 N Central Owner, LLC  
Appellant: Nick Wood, Esq, Snell & Wilmer

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

***1. The applicant will apply and pay for building permits within 18 months.***

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

#### **E. Other Business**

- |                  |                                                                                                                                                                              |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Updated</b>   | 7. Update on next Board of Adjustment agenda.                                                                                                                                |
| <b>Updated</b>   | 8. Update on pending appeals of the Board of Adjustment.                                                                                                                     |
| <b>No Action</b> | 9. Q & A: Procedure and Process - Board of Adjustment case law.                                                                                                              |
| <b>No Action</b> | 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](mailto: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 2, 2023