

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, July 6, 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

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|-------------------|---|-------------------|-------------------|------------------|-------------|-----------|--------------------------------|------------------|------------|-----------|---|
| Approved | A. Approval of Minutes – May 4, 2023

<i>(Beuerlein/James - Vote of 6-0) (Hill absent).</i>

Approval of Minutes – May 23, 2023

<i>(Beuerlein/James - Vote of 6-0) (Hill absent).</i> | | | | | | | | | | |
| Approved | B. Approval of Agenda – July 6, 2023

<i>(Beuerlein/James - Vote of 6-0) (Hill absent).</i> | | | | | | | | | | |
| | C. Requests for Continuance and/or Withdrawal | | | | | | | | | | |
| Withdrawn | <table border="0"><tr><td style="vertical-align: top; padding-right: 20px;">1. Application #:</td><td>ZA-37-23-2</td></tr><tr><td>Existing Zoning:</td><td>C-2 M-R PCD</td></tr><tr><td>Location:</td><td>15211 North Kierland Boulevard</td></tr><tr><td>Quarter Section:</td><td>34-44(L12)</td></tr><tr><td>Proposal:</td><td>1) Variance to reduce the required front yard setback (northwest, Kierland Boulevard) to 10 feet. Minimum 25 feet required.
2) Variance to reduce the front yard landscape setback (Northwest) to 10 feet. Minimum 25 feet required.
3) Variance to reduce the interior side yard landscape setback (Southwest) to 0 feet. Minimum 5 feet required.
4) Variance to reduce the interior side yard landscape setback (East) to 0 feet. Minimum 5 feet required.
5) Variance to reduce the required</td></tr></table> | 1. Application #: | ZA-37-23-2 | Existing Zoning: | C-2 M-R PCD | Location: | 15211 North Kierland Boulevard | Quarter Section: | 34-44(L12) | Proposal: | 1) Variance to reduce the required front yard setback (northwest, Kierland Boulevard) to 10 feet. Minimum 25 feet required.
2) Variance to reduce the front yard landscape setback (Northwest) to 10 feet. Minimum 25 feet required.
3) Variance to reduce the interior side yard landscape setback (Southwest) to 0 feet. Minimum 5 feet required.
4) Variance to reduce the interior side yard landscape setback (East) to 0 feet. Minimum 5 feet required.
5) Variance to reduce the required |
| 1. Application #: | ZA-37-23-2 | | | | | | | | | | |
| Existing Zoning: | C-2 M-R PCD | | | | | | | | | | |
| Location: | 15211 North Kierland Boulevard | | | | | | | | | | |
| Quarter Section: | 34-44(L12) | | | | | | | | | | |
| Proposal: | 1) Variance to reduce the required front yard setback (northwest, Kierland Boulevard) to 10 feet. Minimum 25 feet required.
2) Variance to reduce the front yard landscape setback (Northwest) to 10 feet. Minimum 25 feet required.
3) Variance to reduce the interior side yard landscape setback (Southwest) to 0 feet. Minimum 5 feet required.
4) Variance to reduce the interior side yard landscape setback (East) to 0 feet. Minimum 5 feet required.
5) Variance to reduce the required | | | | | | | | | | |

open space to 3%. Minimum 5% open space required.

Ordinance Sections: 701.D.2.b, 703.B.3.a, 703.B.3.b.3, 703.B.3.b.3, 703.B.4.a.1

Applicant: David Breen, Streetlights Residential

Representative: Benjamin Graff, Quarles & Brady, LLP

Owner: Jacob Knudsen, PHXAZ Kierland Commons, LLC c/o The Mace

Appellant: Amy Satterfield, Kierland Community Alliance

D. Items for Consideration

Approved 1-year review

2. Application #: **ZA-350-20-7 (1-Year Review) (Continued from June 1, 2023)**

Existing Zoning: DTC-McDowell

Location: 509 West McDowell Road

Quarter Section: 12-27(G8)

Proposal: **1)** Use permit to allow a microbrewery (Roses by the Stairs Brewing). Use permit required.
2) Use permit to allow outdoor liquor service accessory to a microbrewery. Use permit required.
3) Use permit to allow liquor retail sales. Use permit required.

Ordinance Sections: 1204.D.Table, 1204.D.Table, 1204.D.Table

Applicant: Jordan Ham, Roses by the Stairs Brewing, LLC

Representative: Jordan Ham, Roses by the Stairs Brewing, LLC

Owner: Erick Harrell, 509 West McDowell, LLC

Appellant: Andie Abkarian, Roosevelt Action Association

Approved the 1-year review.

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

Upheld ZAHO

3. Application #: **ZA-154-23-8**

Existing Zoning: R1-6

Location: 7857 South 4th Avenue

Quarter Section: 01-27(D8)

Proposal: Variance to allow an over height wall (8 feet) in the rear yard setback (east) and side yard setback (south). Maximum 6 feet allowed.

Ordinance Sections: 703.A.2.c

Applicant: Carlos A. De La Cruz, W/K Land Company

Representative: Peter Abraham,

Owner: Rex Walker, W/K Land Company

Appellant: Peter Abraham

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

(Ammon/Graham - Vote of 6-0) (Hill absent).

**Upheld
ZAHO**

4. Application #: **ZA-44-23-6**

Existing Zoning: R1-10

Location: 2912 East Sherran Lane

Quarter Section: 16-34(H10)

Proposal: **1)** Variance to allow accessory structures on a lot without a primary structure. Primary structure required to allow accessory structures.
2) Variance to reduce the rear yard (north) setback for an accessory structure on lot 2. Minimum 3 feet required.
3) Variance to reduce the side yard (west) setback for an accessory structure on lot 2. Minimum 3 feet required.

Ordinance Sections: 608.C.3, 706.B, 706.B

Applicant: Steve Bargeloh, Earthline Civil Engineering

Representative: Steve Bargeloh, Earthline Civil Engineering

Owner: Thomas & Abigail Hammond

Appellant: Steve Bargeloh, Earthline Civil Engineering

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

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

E. Other Business

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|------------------|---|
| Updated | 5. Update on next Board of Adjustment agenda. |
| Updated | 6. Update on pending appeals of the Board of Adjustment. |
| No Action | 7. Q & A: Procedure and Process - Board of Adjustment case law. |
| No Action | 8. 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.

July 6, 2023