

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 2, 2023 at 12:00 p.m.**

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 – February 2, 2023

No minutes were ready for review.

Approved B. Approval of Agenda – March 2, 2023

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

C. Requests for Continuance and/or Withdrawal

Continued

3. Application #: **ZA-567-22-2**
 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 April 6, 2023.

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

D. Items for Consideration

Upheld 1-year review with a modified stipulation

1. Application #: **ZA-392-18-3 (1-Year Review)
(Continued from February 2, 2023)**
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

Upheld 1-year review with a modified Stipulation 8:

- 1) The applicant shall complete the Community Residence Center registration within 30 days.***
- 2) The applicant shall obtain and maintain a license from either the Arizona Department of Health Services or the City of Phoenix (whichever is applicable). If a license is not obtained within 6 months of the issuance of a Certificate of Occupancy, the Zoning Administrator shall schedule a revocation hearing of this use permit.***
- 3) The applicant will have 1 year to apply and pay for building permits.***
- 4) There will be no more than 55 beds within the Community Residence Center.***
- 5) Cameras must be installed at all entrances to the center. At least two cameras must be installed along the perimeter of the site.***
- 6) Upon receipt of the Certificate of Occupancy, the manager of the facility will designate a manager level staff member as the primary contact. The name and phone number of the primary contact must be provided to all registered neighborhood associations within 1320 feet of the site. The primary contact must respond to identified concerns from the associations within 7 business days. 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 and must be updated within 48 hours of any changes.

- 7) Beginning 6 months after receipt of the Certificate of Occupancy, the facility manager will initiate regular updates regarding neighborhood concerns with adjacent property owners and neighborhood associations. The manager must provide an email documenting to the parties identified that meetings are occurring and how issues plan to be mitigated. The manager and neighborhood associations may utilize email correspondence in lieu of a meeting, if mutually accepted by both parties.*
- 8) The use permit will be reviewed within 6 MONTHS.~~one year of the Certificate of Occupancy.~~*
- 9) General conformance to the site plan dated July 17, 2018 with regard to the community residence center.*
- 10) There will be no signage indicating the community residence center use on the property.*

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

Upheld 6-month review with deletion of Stipulation 4

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| 2. | Application #: | ZA-172-21-1 (6-Month Review) |
| | Existing Zoning: | C-2 |
| | Location: | 2804 West Bell Road |
| | Quarter Section: | 37-22(M7) |
| | Proposal: | Use permit to allow outdoor dining as an accessory use to a restaurant (Raising Canes Chicken Fingers) within 500 feet of a residential zoning district. Use permit required. |
| | Ordinance Sections: | 623.D.157.c |
| | Applicant: | Robert Vann, Raising Canes Restaurants, LLC |
| | Representative: | Harold Foutch, PM Design Group, Inc. |
| | Owner: | Bell Canyon 2804, LLC |
| | Appellant: | Maurissa Muha, PM Design Group, Inc. |

Upheld 6-month review with the deletion of Stipulation 4.

Stipulations:

- 1) Per site plan date stamped March 26, 2021, pertaining to the location and size of the patio.***
- 2) Hours of operation for the patio is limited to 9:00 AM through 3:30 AM.***
- 3) 1 year to apply and pay for building permits.***

~~4) 6 month review from issuance of the Certificate of Occupancy.~~

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

**Overtured
ZAHO with
stipulations**

4. Application #: **ZA-461-22-1 (SIGN)**
Existing Zoning: C-2
Location: 3510 West Cactus Road
Quarter Section: 3-26(D8)
Proposal: **1) Use permit to rebuild a nonconforming off-premise sign to a height of 48 feet and convert two faces of a nonconforming off-premise sign to digital. Use permit required.**
2) Use permit to rebuild a nonconforming off-premise sign 350 feet from a residential district and use where 500 feet is required. Use permit required.
Ordinance Sections: 705.2.G.4, 705.2.A.5
Applicant: Brent Wood, Outfront Media, LLC
Representative: William Allison, Withey Morris, PLC
Owner: Paulies Family Car Wash, Inc.
Appellant: William Allison, Withey Morris, PLC

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

Stipulations:

- 1) Prior to the issuance of sign permits for the subject sign, the applicant shall completely remove 600 square feet of legal nonconforming, off-premise sign faces including the sign structure and 300 square feet of sign face located at 435 North 16th Street (Permit # 734-64) and the sign structure and 300 square feet of sign face located at 2225 East Indian School Road (Parcel # 116-17-157B).***

Alternative, acceptable legal nonconforming, off-premise sign faces totaling a minimum of 600 square feet may be removed to satisfy the sign removal requirements of the digital conversion use permit. Acceptable documentation for sign(s) to be removed shall be provided and the sign shall be removed prior

to the issuance of the permits to add the digital sign face(s) at 3510 West Cactus Road.

- 2) Install a Planning and Development (PDD) design-approved pole cover and a design-approved screening device on the open portion of the V-shaped sign.***
- 3) The maximum height of the rebuilt sign shall be 35 feet.***
- 4) The applicant shall have 12 months to apply and pay for permits for the subject sign.***

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

**Overtured
ZAH0 with
stipulations**

5. Application #: **ZA-502-22-8 (SIGN)**
Existing Zoning: A-2 RSIO
Location: 2120 South 7th Street
Quarter Section: 7-28(E8)
Proposal: **1) Use permit to rebuild billboard with static sign faces. Use permit required.**
2) Variance to reduce spacing between off-premise signs to 660 feet. Minimum required spacing is 1,000 feet.
3) Use permit to build sign faces with increased height. Use permit required.
Ordinance Sections: 705.2.G.5., 705.2.B.(2), 705.2.B.4.b
Applicant: Jacob Zonn, Becker Boards Small, LLC
Representative: Jacob Zonn, Becker Boards Small, LLC
Owner: GKI Industrial Phoenix, LLC
Appellant: Jacob Zonn, Becker Boards Small, LLC

Overtured the Zoning Adjustment Hearing Officer's decision and approved requests #1 and #3 with stipulations, and withdrew request #2.

Stipulations:

- 1) Install a Planning and Development Department design-approved, decorative V-screen on the open side of the V-shaped sign for the rebuilt, off-premise sign.***
- 2) 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 south or east side of the pole cover and concealed from westbound freeway traffic.***
- 3) The height of the rebuilt sign shall be no greater than 70 feet.***

4) The applicant shall have 12 months to apply and pay for permits for the subject sign.

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

E. Other Business

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| Updated | 6. Update on next Board of Adjustment agenda. |
| Updated | 7. Update on pending appeals of the Board of Adjustment. |
| No Action | 8. Q & A: Procedure and Process - Board of Adjustment case law. |
| No Action | 9. 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 2, 2023