

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, April 4 2024 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

There were no minutes to approve.

Approved B. Approval of Agenda – April 4, 2024

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

No Action C. Requests for Continuance and/or Withdrawal

D. Items for Consideration

**Approved
use permit
with
stipulations**

1. Application #: **ZA-734-23-7**
 Existing Zoning: A-1
 Location: 11 South 71st Avenue
 Quarter Section: Q10-12(F4)
 Proposal: Use permit to allow a shelter for
 individuals experiencing
 homelessness. Use permit required if
 located on a lot within 1,320 feet from
 a residential district.

 Ordinance Sections: 627.D.1
 Applicant: Rachel Milne, City of Phoenix Office of
 Homeless Solutions

 Representative: Wendy Riddell, Berry Riddell
 Owner: City of Phoenix, Attn: Property
 Management

 Appellant: N/A

Approved the use permit with stipulations:

Stipulations:

- 1) A maximum of 300 program participants ("Residents") shall be permitted on site.**
- 2) An Operational Plan shall be developed to govern operational features. The plan shall address, at minimum, the following:**
 - a. Regular ongoing communication shall be provided to the surrounding communities on any issues, concerns, follow up requests, etc.**
 - b. The facility shall operate as a closed campus (defined as no walk-up admission to the program with all screening of potential program participants to be held off-site).**
 - c. Priority shall be given to unsheltered individuals around the proposed shelter.**
 - d. On-site security 24 hours a day, seven days a week.**
 - e. Coordination with the Phoenix Police Department with regular communication protocols.**
 - f. Monitoring of the grounds of the shelter to ensure compliance with the Neighborhood Preservation Ordinance.**
 - g. Drugs and/or alcohol are to be prohibited for possession and/or use.**
 - h. Curfew parameters will be implemented to ensure resident and community safety.**
 - i. A code of conduct will be posted, provided to, and required of all guests.**
 - j. No services will be provided to any individuals that are not program residents.**
 - k. To keep a bed at the shelter, every resident must participate with supportive services staff daily to ensure continued progress on their housing plan.**

- l. A phone number shall be maintained for surrounding businesses and residents to notify the operator of any potential issues.*
 - m. Development of a maximum 15-member Advisory Committee with a minimum of 50 percent community member representation, and regularly scheduled meetings. During the first six months of shelter operation, the committee will meet every two months. After six months, the committee will decide the frequency of future meetings.*
 - n. Facilitate written and verbal communication in English and Spanish by providing translation and interpretation.*
- 3) The applicant shall discourage loitering on and around the property by installing signage and conducting community engagement and outreach.**
- 4) Final design of site improvements shall incorporate Crime Prevention Through Environmental Design (CPTED) standards and best practices by:**
- a. The perimeter of the site shall be fenced to secure the site, as approved by the Planning and Development Department.*
 - b. Access to the property shall be controlled via a gate. The 71st Avenue gate shall be the primary point of ingress/egress from the site.*
 - c. Adequate site lighting shall be provided to ensure sufficient visibility for security personnel to light parking areas as required by City ordinances and as approved by the Planning and Development Department.*
 - d. Security cameras shall be activated to monitor, at a minimum, outdoor areas around the building, as approved by the Planning and Development Department.*
 - e. Operator shall enroll in the Virtual Block Watch Program with the Phoenix Police Department.*

- 5) ***There shall be a 6-month and 18-month review from issuance of the Certificate of Occupancy. The Zoning Adjustment Hearing Officer may require subsequent reviews at an interval of their choosing as established at the review hearing. The applicant shall send written notification per the notification requirements outlined in the Zoning Adjustment Application handout, at least 30 calendar days prior to the scheduled review hearing, to all property owners within 150-feet, registered neighborhood associations within 600-feet of the subject property, and the following neighborhood groups:***
 - a. ***Si Se Puede Neighborhood Association
Brenda Montoya
6327 West Fillmore Street
Phoenix, AZ 85043***
 - b. ***Fowler School District
Nora Ulloa
1617 South 67th Avenue
Phoenix, AZ 85043***
- 6) ***The applicant shall maintain updated facility contact information and provide the contact information to the community leaders outlined in Stipulation 5 to address any issues that may arise.***
- 7) ***Twelve months to apply and pay for building permits.***

**Approved
review with
deletion of
Stipulation 3**

Approved the review with the deletion of Stipulation #3.

Stipulations:

- 1. Twelve months to obtain sign permits for the electronic message display.***
- 2. The electronic message display shall not include white backgrounds.***
- ~~3. The use permit shall be reviewed in 1 year.~~***

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

**Overtured
ZAHO with
stipulations**

3. Application #: **ZA-453-23-3 (SIGN)**
Existing Zoning: C-3
Location: 10012 North Cave Creek Road
Quarter Section: Q28-30(K9)
Proposal: Use permit to rebuild a nonconforming off-premise sign with two digital faces. Use permit required.
Ordinance Sections: Section 705.2.G.4; 705.2.G.4
Applicant: Jacob Zonn
Representative: Gary D. Hays
Owner: Winifred Green

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

Stipulations:

- 1) Install Planning and Development Department design-approved vertical louvers on the digital sign face that effectively reduces digital image visibility for areas outside of northbound and southbound Cave Creek Road traffic. Prior to final inspection of the digital sign face, the effectiveness of vertical louvers is to be verified via a nighttime sign inspection performed by the Planning and Development Department.***
- 2) Maximum sign face area is 382 square feet per sign face.***
- 3) The electrical service connection for the sign shall remain underground.***
- 4) Maximum digital sign face luminance shall be no greater than 200 nits. Sign face luminance to be verified prior to final sign inspection by the Planning and Development Department.***

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

(Eigo/Dodds - Vote of 5-1) (Graham, Beuerlein absent).

**Continued to
May 2, 2024**

4. Application #: **ZA-717-23-8**
Existing Zoning: RE-35
Location: 2639 West Elliot Road
Quarter Section: Q05-23(C7)
Proposal: Variance to reduce the minimum lot area to 34,987 square feet (Lot 2). Minimum 35,000 square feet required.

Ordinance Sections: 609.B.Table
Applicant: Leodra Bowdell
Representative: Leodra Bowdell
Owner: Sandra Guerrero
Appellant: Abigail Mosalli

**Continued to
May 2, 2024**

5. Application #: **ZA-436-23-7**
Existing Zoning: DTC-Business Core
Location: 101 North 1st Avenue
Quarter Section: Q10-27(F8)
Proposal: 1) Variance to allow an over height fence (10 feet) along Adams Street (south). Maximum 40 inches permitted.
2) Variance to allow an over height fence (10 feet) along 1st Avenue (west). Maximum 40 inches permitted.

Ordinance Sections: 1205.F.3
Applicant: George Catone
Representative: Benjamin Graff, Quarles & Brady
Owner: 101 North First Ave., LLC
Appellant: Jessica Kim

E. Other Business

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.

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.

April 4, 2024