

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 5, 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

Approved A. Approval of Minutes – October 10, 2024

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

Approved B. Approval of Agenda – December 5, 2024

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

No action C. Requests for Continuance and/or Withdrawal

D. Items for Consideration

Overtaken
ZAH0 with
stipulations

1. Application #: **ZA-502-24-7**
 Existing Zoning: R-3, A-1
 Location: 3540 West Sherman Street
 Quarter Section: Q9-20(F6)
 Proposal: 1) Variance to allow a chain link fence visible from public streets (39th Avenue and Sherman Street). Chain link fencing shall not be used when visible from public street. 2) Variance to allow an over height fence (7 feet) in the required front yard (east). Maximum 40 inches permitted. 3) Variance to allow a fence topped with razor wire in non-residential development where visible from public streets (39th Avenue and Sherman Street) and adjacent residential areas. Fences topped with razor, concertina, or barbed wire not allowed. 4) Variance to allow an over

height fence (7 feet) in the required front yard (north). Maximum 40 inches permitted. 5) Variance to allow a chain link fence visible from public streets (35th Avenue and Sherman Street). Chain link fencing shall not be used when visible from public street. 6) Variance to allow a fence topped with razor wire in a multifamily zoning district. Fences topped with razor, concertina, or barbed wire not allowed. 7) Variance to allow an over height wall (7 feet) in the required side yard (south) setback. Maximum 6 feet permitted. 8) Variance to allow an over height wall (7 feet) in the required side yard (north) setback. Maximum 6 feet permitted. 9) Variance to allow an over height fence (7 feet) in the required front yard (west). Maximum 40 inches permitted. 10) Variance to allow an over height fence (7 feet) in the required front yard (north). Maximum 40 inches permitted. 11) Variance to allow an over height wall (7 feet) in the required rear yard (south) setback. Maximum 6 feet permitted.

Ordinance Sections:	703.D.2.a; 703.A.2.a; 703.D.2.c; 703.A.3.a; 703.D.2.a; 703.D.2.b; 703.A.2.c; 703.A.2.c; 703.A.3.a; 703.A.2.a; 703.A.2.c
Applicant:	Ryan Weed, Coe & Van Loo Consultants, Inc.
Representative:	Krista Zinser, Coe & Van Loo Consultants, Inc.
Owner:	Austin Smith, Arizona Public Service Company
Appellant:	Ryan Weed, Coe & Van Loo Consultants, Inc.

Overtaken the Zoning Adjustment Hearing Officer's decision and approved the variances with stipulations.

Stipulations:

- 1) Per the location of the proposed fence as shown on site plan date stamped November 14, 2024.**
- 2) Fences shall have no-cut, no-climb metal screening material installed for the length of the fence.**
- 3) Requests 3 and 6 approved for barbed wire only.**
- 4) 1 year to apply for and obtain building permits.**

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

**Overtaken
ZAHO with
stipulations**

2. Application #: **ZA-504-24-7**
Existing Zoning: R-3
Location: 4002 West Sherman Street
Quarter Section: Q9-19(F6)
Proposal: 1) Variance to allow an over height fence (7 feet) in the required front yard (west). Maximum 40 inches permitted. 2) Variance to allow a chain link fence visible from public streets (39th Avenue, 40th Avenue, 41st Avenue). Chain link fencing shall not be used when visible from public street. 3) Variance to allow an over height fence (7 feet) in the required front yard (east). Maximum 40 inches permitted. 4) Variance to allow an over height wall (7 feet) in the required side yard (south) setback. Maximum 6 feet permitted. 5) Variance to allow an over height wall (7 feet) in the required side yard (north) setback. Maximum 6 feet permitted. 6) Variance to allow a fence topped with razor wire in a multifamily zoning district. Fences topped with razor, concertina, or barbed wire not allowed.
Ordinance Sections: 703.A.2.a; 703.D.2.a; 703.A.2.a; 703.A.2.c; 703.A.2.c; 703.D.2.b
Applicant: Ryan Weed, Coe & Van Loo Consultants, Inc.
Representative: Krista Zinser, Coe & Van Loo Consultants, Inc.
Owner: Austin Smith, Arizona Public Service Company

Appellant: Ryan Weed, Coe & Van Loo
Consultants, Inc.

Overturned the Zoning Adjustment Hearing Officer's decision and approved the variances with stipulations.

Stipulations:

- 1) Per the location of the proposed fence as shown on site plan date stamped November 14, 2024.***
- 2) Fences shall have no-cut, no-climb metal screening material installed for the length of the fence.***
- 3) Request 6 approved for barbed wire only.***
- 4) 1 year to apply for and obtain building permits.***

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

**Overtured
ZAHO with
stipulations**

3. Application #: **ZA-592-24-7**
Existing Zoning: R-3
Location: 847 South 29th Avenue
Quarter Section: Q9-22(F7)
Proposal: 1) Variance to allow a chain link fence visible from public streets (31st Avenue and Sherman Street). Chain link fencing shall not be used when visible from public street. 2) Variance to allow an over height fence (7 feet) in the required front yard (west). Maximum 40 inches permitted. 3) Variance to allow an over height wall (7 feet) in the required side yard (south) setback. Maximum 6 feet permitted. 4) Variance to allow an over height wall (7 feet) in the required side yard (north) setback. Maximum 6 feet permitted. 5) Variance to allow an over height wall (7 feet) in the required rear yard (east) setback. Maximum 6 feet permitted. 6) Variance to allow a fence topped with razor wire in a multifamily zoning district. Fences topped with razor, concertina, or barbed wire not allowed.
Ordinance Sections: 703.D.2.a; 703.A.2.a; 703.A.2.c; 703.A.2.c; 703.A.2.c; 703.D.2.b

Applicant: Ryan Weed, Coe & Van Loo
Consultants, Inc.
Representative: Krista Zinser, Coe & Van Loo
Consultants, Inc.
Owner: Austin Smith, Arizona Public Service
Company
Appellant: Ryan Weed, Coe & Van Loo
Consultants, Inc.

***Overturned the Zoning Adjustment Hearing Officer's
decision and approved the variances with stipulations.***

Stipulations:

- 1) Per the location of the proposed fence as shown on
site plan date stamped November 14, 2024.***
- 2) Fences shall have no-cut, no-climb metal screening
material installed for the length of the fence.***
- 3) Request 6 approved for barbed wire only.***
- 4) 1 year to apply for and obtain building permits.***

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

E. Other Business

Approved

4. Nomination and Election of Board Chairman and Vice
Chairman.

***Ms. Ashley Hill was nominated and elected as
Chairwoman.***

(Ammon/Dodds – Vote of 7-0).

***Ms. Michelle Dodds was nominated and elected as Vice
Chairwoman.***

(Hill/Eigo – Vote of 7-0).

Approved

5. Discussion and Vote on 2025 Board of Adjustment Meeting
Dates.

2025 BOA meeting dates.

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

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| Training provided | 6. Board of Adjustment Training by the Planning and Development Department. |
| Updated | 7. Update on Next Board of Adjustment Agenda. |
| Updated | 8. Update on Pending Appeals of the Board of Adjustment. |
| No action | 9. 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.

December 5, 2024