

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 1, 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 – December 7, 2023

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

Approved B. Approval of Agenda – February 1, 2024

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

C. Requests for Continuance and/or Withdrawal

Withdrawn

1. 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

Entire case withdrawn per applicant's request.

D. Items for Consideration

**Upheld
ZAHO**

2. Application #: **ZA-212-23-6 (Continued from
 December 7, 2023)**
 Existing Zoning: R1-6
 Location: 1035 East Ocotillo Road
 Quarter Section: 22-29(I8)

Proposal: 1) Variance to allow an over height fence (5 feet) in the required front yard (north) setback. Maximum height of 40 inches permitted.
 2) Variance to allow a detached accessory structure within the required front yard (north) setback. Detached accessory structures not permitted within the required front yard setback.

Ordinance Sections: 703.A.3.a, 706.A
 Applicant: Yossi Dror
 Representative: Yossi Dror
 Owner: Yossi Dror
 Appellant: Yossi Dror

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

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

**Approved
 second 1-
 year review
 with
 deletion of
 Stip. 3**

3. Application #: **ZA-529-16-6 (Second, 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.
 Proposal: 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.150.a, 622.D.150.d, 622.D.150.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 the second, 1-year review with the deletion of Stipulation 3.

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 to the February 2024 Board of Adjustment hearing.~~***

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

**Upheld #1
with stip
and denied
#2, #3, #4,
#5**

4. Application #: **ZA-407-23-6 (SIGN)**
Existing Zoning: PUD CEPCSP
Location: 1720 East Camelback Road
Quarter Section: Q19-31(H9)
Proposal: **1) Use permit to adopt the Alta Bluewater Comprehensive Sign Plan and amend the boundary of the Camelback Center CSP. Use permit required.**
Proposal: **2) Variance to increase the area of wall signs for a multifamily residential use along the east building elevation to 155 square feet. Maximum area permitted is 140 square feet.**
3) Variance to increase the area of wall signs for a multifamily residential use along the south building elevation to 66 square feet. Maximum area permitted is 52 square feet.
4) Variance to allow wall signs at the top of the fifth story at a maximum height of 69 feet for two signs. Multifamily buildings shall have wall signs no higher than the top of the second story.
5) Variance to allow wall signs at the top of the fifth story at a maximum height of 51 feet for one sign. Multifamily buildings shall have wall signs no higher than the top of the second story.

Ordinance Sections: 705.E.2.b, 705.D.1 Table D-1, 705.D.1
TableD-1,
Camelback East Primary Core
Specific Plan, Camelback East
Primary Core Specific Plan
Applicant: Maggie Dellow, Snell & Wilmer
Representative: Maggie Dellow, Snell & Wilmer
Owner: Todd Taylor
Appellant: Mike Maerowitz, Snell & Wilmer

***Upheld the Zoning Adjustment Hearing Officer's decision
and approved Request #1 with stipulations and denied
Requests #2, #3, #4 and #5.***

Stipulations:

- 1) Submittal of a revised 'final' version of the CSP document to the Planning and Development Department incorporating any ZAH0 stipulations of approval and related changes to sign designs contained in the CSP, and any staff comments/ corrections within 60 days from the date of the hearing and prior to the issuance of any sign permits for the project. Change shall include a revision to the Alta Bluewater CSP to remove the property where the Camelback Center ground sign is located.***
- 2) 1 year to apply for and obtain sign permits.***

(Eigo/Graham - Vote of 5-0) (Beuerlein absent, Ammon recused).

**Overtured
ZAH0 with
additional
stipulation**

5. Application #: **ZA-395-23-7**
Existing Zoning: C-2 PCD
Location: 2640 South 99th Avenue
Quarter Section: Q7-4(E2)
Proposal: **1) Use permit to allow outdoor dining as an accessory use to a restaurant (Federico's Mexican Restaurant) within 500 feet of a residential zoning district. Use permit required.**
2) Use permit to allow a drive-through as an accessory use to a restaurant (Federico's Mexican Restaurant) within 300 feet of a residential zone. Use permit required.

3) Variance to reduce the required trees to 0 in the landscape setback adjacent to street (east). Minimum 5 trees required.

Ordinance Sections: 623.D.157.c, 623.D.157.d(2), 623.E.4.e

Applicant: Robert Lepore

Representative: Robert Lepore

Owner: LM & Sons III, LLC

Appellant: Robert Lepore

Upheld the Zoning Adjustment Hearing Officer's decision and approved Requests #1 and #2 and overturned Request #3 with an additional stipulation.

Stipulations:

- 1) 180 days to apply for and obtain building permits.**
- 2) THE LANDSCAPE SETBACK ALONG THE EAST PROPERTY LINE ON 99TH AVENUE SHALL INCLUDE A MINIMUM OF FIVE SHRUBS, IN ADDITION TO THE MINIMUM QUANTITY OF SHRUBS REQUIRED BY THE ZONING ORDINANCE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

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

Continued

6. Application #: **ZA-558-23-3**
Existing Zoning: PSC
Location: 830 East Greenway Parkway
Quarter Section: Q36-29(M8)
Proposal: Use permit to allow patron dancing as an accessory use to a restaurant (Lookout Tavern). Use permit required.

Ordinance Sections: 622.D.150.c
Applicant: Kevin Stout
Representative: David Dow
Owner: Wael Rabadi
Appellant: Kevin Stout

Continued by motion to the May 2, 2024 Board of Adjustment hearing.

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

**Refused to
Reconsider**

7. Application #: **ZA-290-23-3 (Request for Reconsideration)**
Existing Zoning: R1-8
Location: 13831, 13837 and 13839 North 12th Street
Quarter Section: 33-30(L9)
Proposal: **1)** Variance to allow a minimum lot width (Lot No. 1) of 62 feet. Minimum lot width of 70 feet required.
2) Variance to allow a minimum lot width (Lot No. 2) of 62 feet. Minimum lot width of 70 feet required.
Ordinance Sections: 612.B.Table, B.(a), 612.B.Table, B.(a)
Applicant: Brian Fracasse, NCARB, AIA, Taylor Fracasse Architecture, Inc.
Representative: Brian Fracasse, NCARB, AIA, Taylor Fracasse Architecture, Inc.
Owner: 13839 N. 12th St, LLC
Appellant: Brian Fracasse, NCARB, AIA, Taylor Fracasse Architecture, Inc.

Refused to reconsider the Board of Adjustment's decision of denied.

(Hill/Dodds – Vote of 5-0) (Beuerlein absent, Eigo abstained).

E. Other Business

- Updated** 8. Update on next Board of Adjustment agenda.
Updated 9. Update on pending appeals of the Board of Adjustment.
No Action 10. 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.

February 1, 2024