

## 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, May 2, 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 – February 1, 2024**

*(Ammon/James – Vote of 7-0).*

**Approved      B.    Approval of Agenda – May 2, 2024**

*(Beuerlein/Ammon - Vote of 7-0).*

**No Action      C.    Requests for Continuance and/or Withdrawal**

**D.    Items for Consideration**

**Overtured  
ZAH0**

1.    Application #:            **ZA-717-23-8 (Continued from April 4, 2024)**  
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

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

***(Dodds/Eigo - Vote of 7-0).***

**Overtured  
ZAH0 with  
stipulations**

2. Application #: **ZA-436-23-7 (Continued from April 4, 2024)**  
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

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

**Stipulations:**

- 1) Approval per the railing details (Sheet A42) date stamped May 2, 2024.***  
***2) 12 months to apply and pay for building permits.***

***(Beuerlein/Eigo - Vote of 6-1) (Hill)***

**Continued  
by motion to  
January 2,  
2025**

3. Application #: **ZA-462-15-6 (6-Month Review)**  
Existing Zoning: C-2  
Location: 3934 and 3948 East Indian School Road  
Quarter Section: 17-36(H10)  
Proposal: **1) Use Permit to allow outdoor recreation uses. Use Permit required.**  
**2) Use Permit to allow outdoor dining accessory to a restaurant. Use Permit required.**  
**3) Use Permit to allow outdoor alcoholic beverage consumption accessory to a restaurant. Use Permit required.**  
**4) Use Permit to allow outdoor music**

and entertainment accessory to a restaurant. Use Permit required.

**5)** Use Permit to allow the display of merchandise outdoors. Use Permit required.

Ordinance Sections: 623.D.156.c, 623.D.156.c,  
623.D.156.c, 623.D.156.c, 623.C.2  
Applicant: 40th Street Developers LLC  
Representative: Rodney Jarvis, Gallagher & Kennedy  
Owner: 40th Street Developers LLC  
Appellant: Wallace Graham, Arcadia Osborn  
Neighborhood Association

***Continued by motion to the January 2, 2025 Board of Adjustment hearing.***

***(Dodds/James - Vote of 6-0-1) (Graham abstained)***

**Overtured  
ZAHO with  
stipulations**

4. Application #: **ZA-558-23-3 (Continued from February 1, 2024)**  
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 Ramadi  
Appellant: Kevin Stout

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

**Stipulations:**

- 1) Patron dancing approved for the interior Dining Room area as depicted on the site plan date stamped October 27, 2023.***
- 2) All doors and windows are to remain closed during patron dancing.***
- 3) The business shall designate a manager level staff as a primary point of contact for surrounding neighbors and neighborhood associations. Contact information***

***for the Primary Contact must be provided to any interested neighbors or neighborhood associations and the manager must respond to identified concerns within 7 business days. A copy of the designated 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.***

- 4) The use permit shall be reviewed in three months to ensure noise concerns and neighborhood complaints are being addressed.***

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

**Overtured  
ZAHO with  
stipulations  
for Requests  
1, 2 and 4.  
Request 3  
withdrawn.**

5. Application #: **ZA-34-24-6**  
Existing Zoning: **RE-35**  
Location: **2025 East Missouri Avenue**  
Quarter Section: **Q19-32(H9)**  
Proposal: **1) Variance to allow an over height wall (8 feet) in the required front yard (west) setback. Maximum 40 inches permitted. 2) Variance to allow an over height wall (8 feet) in the required side yard (north) setback. Maximum 6 feet permitted. 3) Variance to allow an over height wall (8 feet) in the required side yard (south) setback. Maximum 6 feet permitted. 4) Variance to allow an over height wall (8 feet) in the required rear yard (east) setback. Maximum 6 feet permitted.**  
Ordinance Sections: **703.A.2.a; 703.A.2.c**  
Applicant: **Alex Hayes, Withey Morris Baugh**  
Representative: **Alex Hayes, Withey Morris Baugh**  
Owner: **Ramandeep Kalra**  
Appellant: **Alex Hayes, Withey Morris Baugh**

***Overtured the Zoning Adjustment Hearing Officer's decision and approved the variances with stipulations for Requests 1, 2 and 4. Request 3 was withdrawn per the applicant's request.***

**Stipulations:**

- 1) The applicant shall submit a landscape plan for review and approval by the Zoning Administrator. The***

***landscape plan shall reflect at a minimum, the existing landscaping along the north and west property lines with the intent of providing screening of the perimeter walls in these locations.***

***2) 12 months to apply and pay for building permits.***

***(Ammon/Beuerlein - Vote of 4-3) (Eigo, Graham, Hill)***

**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](mailto: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](mailto:teleia.galaviz@phoenix.gov), TTY: Use 7-1-1.

May 2, 2024