

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, October 10, 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 – July 11, 2024**
Approval of Minutes – August 1, 2024
- (James/Graham - Vote of 4-0) (Ammon, Beuerlein, Dodds absent).*
- Approved** **B. Approval of Agenda – October 10, 2024**
- (James/Graham - Vote of 4-0) (Ammon, Beuerlein, Dodds absent).*
- C. Requests for Continuance and/or Withdrawal**
- Withdrawn** 1. Application #: **ZA-341-24-2 (Withdrawn)**
Existing Zoning: R1-10
Location: 6127 East Carolina Drive
Quarter Section: Q35-42(L12)
Proposal: Revocation of ZA-553-22, use permit to allow a home occupation (cooking school) that generates traffic. Use permit required.
Ordinance Sections: 307.A.7.g
Applicant: City of Phoenix, Planning and Development Department
Representative: City of Phoenix, Planning and Development Department
Owner: Connie Kircher, Love Nest Trust
Appellant: Madison Leake, Burch and Cracchiolo

Appeal withdrawn per applicant's request.

D. Items for Consideration

**Upheld ZAHO
with a
modified
stipulation**

2. Application #: **ZA-460-24-3**
Existing Zoning: R1-8
Location: 13839 North 12th Street
Quarter Section: Q33-30(L9)
Proposal: Use permit to use the Average Lot Development option. Use permit required.

Ordinance Sections: 612.B.Table B
Applicant: Brian Fracasse, Fracasse Architecture, Inc.
Representative: Alex Hayes, Withey Morris Baugh, PLC
Owner: 13839 North 12th Street, LLC
Appellant: Monta Redd

Upheld the Zoning Adjustment Hearing Officer's decision and approved the use permit with a modified stipulation.

Stipulation:

- 1. 1-year EIGHTEEN MONTHS to apply and pay for building permits.***

(Ammon/James - Vote of 4-1) (Hill) (Beuerlein, Dodds absent).

**Overtured
ZAHO with a
stipulation**

3. Application #: **ZA-537-24-5**
Existing Zoning: C-2
Location: 3415 West Glendale Avenue, #8A
Quarter Section: Q22-21(l6)
Proposal: 1) Variance to allow a tobacco oriented retailer (Smoke & Vape LLC) to be located within 1,320 feet of two schools. Minimum 1,320 feet separation required. 2) Variance to allow a tobacco oriented retailer (Smoke & Vape LLC) to be located within 1,320 feet of a place of worship. Minimum 1,320 feet separation required. 3) Variance to allow a tobacco oriented retailer (Smoke & Vape LLC) to be located within 1,320 feet of a daycare.

Minimum 1,320 feet separation required.
Ordinance Sections: 623.D.194.b
Applicant: Andre Andraos, Smoke & Vape, LLC
Representative: Quacy Smith, Smith & Green Attorneys at Law, PLLC
Owner: Pro's Ranch Market LLC, Capital Asset Management, LLC
Appellant: Andre Andraos

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

Stipulation:

1. 1 year to apply and pay for building permits.

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

**#1 - Upheld
ZAHO; #2 -
Overturned
ZAHO with
deletion of
Stipulations 1
and 2**

4. Application #: **ZA-509-24-1**
Existing Zoning: C-1
Location: 13828 North 35th Avenue
Quarter Section: Q33-20(L6)
Proposal: 1) Use permit to allow package liquor sales accessory to a convenience market (Grab N Go Market) located within 300 feet of a residential zoning district. Use permit required. 2) Variance to allow a drive-through window for the sale of alcohol (Grab N Go Market) within 300 feet of a residential zoning district. Minimum 300 feet required.
Ordinance Sections: 622.D.102.a; 622.D.102.b
Applicant: Haytham Honna Jraisat, Grab N Go Market, LLC
Representative: Sammy Mikhail, Grab N Go Market, LLC
Owner: Nayel Rabadi, Nayel-Chrissy Investments, LLC
Appellant: Ann Marie Goldhammer, Village Animal Clinic

Request #1 - Upheld the Zoning Adjustment Hearing Officer's decision and approved the use permit;

Request #2 - Overturned the Zoning Adjustment Hearing

Officer's decision and denied the variance with the deletion of Stipulations 1 and 2.

Stipulations:

- ~~1. Relocate or remove the trash enclosure away from the north side.~~
- ~~2. At the egress of the drive-through lane onto Galavar Road they shall post and maintain a conspicuous right turn only sign.~~
- ~~3.~~ 1. 1 year to apply and pay for building permits.

(Hill/Eigo - Vote of 4-1) (Ammon) (Beuerlein, Dodds absent).

E. Other Business

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| Updated | 5. Update on next Board of Adjustment agenda. |
| Updated | 6. Update on pending appeals of the Board of Adjustment. |
| No Action | 7. 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.

October 10, 2024