

**RESULTS OF PUBLIC MEETING
BOARD OF ADJUSTMENT**

*** REVISED 9/19/25**

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, September 4, 2025 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 3, 2025

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

Approved B. Approval of Agenda – September 4, 2025

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

No Action C. Requests for Continuance and/or Withdrawal

D. Items for Consideration

**Approved
review with
deletion of
Stipulation
#27**

1.	Application #:	ZA-350-20-7 (3rd of 3 Annual Reviews)
	Existing Zoning:	DTC-McDowell
	Location:	509 West McDowell Road
	Quarter Section	12-27(G8)
	Proposal:	1) Use permit to allow a microbrewery (Roses by the Stairs Brewing). Use permit required. 2) Use permit to allow outdoor liquor service accessory to a microbrewery. Use permit required. 3) Use permit to allow liquor retail sales. Use permit required.
	Ordinance Sections:	1204.D.Table, 1204.D.Table, 1204.D.Table
	Applicant:	Jordan Ham, Roses by the Stairs Brewing, LLC
	Representative:	Taylor Earl, Earl & Curley
	Owner:	Erick Harrell, 509 West McDowell, LLC

Appellant: Andie Abkarian, Roosevelt Action Association

Approved the 1-year review with deletion of Stipulation #27.

Stipulations:

Brewery and Retail Sales Operations:

1. ***The hours of operation for the brewery and package sales business are to be no earlier than 7:00 a.m. and no later than 10 p.m. on Sunday through Thursday, and midnight Friday and Saturday.***
2. ***Trash pick-up, non-emergency property maintenance, deliveries, and other services shall be limited to the hours of 8:00 a.m. and no later than 10 p.m. and applicant will include these time restrictions in contracts with all vendors and service providers. Applicant will request in contract with each vendor that vendor will turn engines off while delivering and to try to be as quiet as possible.***
3. ***Applicant will install either walls or a wall/gate combination along the south edge of the property that complies with all applicable codes and regulations, as follows:***
 - a. ***The walls or wall/gate combination will be at least 6 feet high and constructed of solid material.***
 - b. ***If accepted in a complete site design by site planning, the wall will have a gate that blocks vehicular access to the alley from the parking lot. Such gate will remain closed except for direct business services requiring access to the alley, and for emergency vehicles.***
 - c. ***If gate is not permitted, the walls will extend along the south edge of the property to the greatest amount permitted consistent with applicable codes and regulations. The applicant will post signage indicating that the alley is to be used for "exit only".***
4. ***Egress into the building for customers shall be limited to north elevation only with the exception of emergency exiting doors.***
5. ***All business will be conducted through the entrance on the north elevation of the premises, with no business transactions conducted from the alley behind the premises.***
6. ***To the extent consistent with all applicable laws, employees may use the parking spots behind the***

premises, and may utilize the alley to access these spots. "No customer parking" signs shall be posted behind premises.

- 7. All rooftop and ground mounted equipment will be screened on all sides, in a manner consistent with or exceeding applicable "buffer alley" regulations.*
- 8. Any rooftop vents will be situated to direct towards north, away from residences, with screening to block view and emanation from residences.*
- 9. All illuminated signage shall be limited to the north elevation.*
- 10. All exterior lighting installed to avoid/minimize visibility to residences and backyards, and a commitment to work with nearby residences to ensure lighting does not disturb.*
- 11. If security cameras are installed, they shall be pointed and mounted in a placement to not view into the residential back yards.*
- 12. Applicant to install and maintain "Good Neighbor" signage in the parking lot and alley behind premises to communicate to customers to keep voices low, no littering, no smoking, discourage use of alley as pedestrian walkway, and to respect the neighbors' property and privacy.*
- 13. Applicant to provide bike/scooter parking along the north side of property.*
- 14. Applicant to provide a smoking area for patrons along the north side of property.*
- 15. Applicant to provide location for dogs to defecate/urinate along the north side of property.*
- 16. Applicant to assume responsibility for maintenance of alleyway adjacent to residences and parking lot (trash pick-up, landscape maintenance, etc.).*
- 17. There will be no amplified music on the patio and music inside building will be maintained at level low enough not to be heard inside adjacent residences.*
- 18. Owner has represented that brewing process will not generate offensive odor. Owner will mitigate any offensive odors generated by brewing process or operations.*

Outdoor Patio Use:

- 19. The hours of use for the outdoor patio area are to be no earlier than 7:00 a.m. and no later than 10:00 p.m. on Sunday through Thursday and midnight on Friday and Saturday.*
- 20. The patio will be situated along the northern elevation of the building adjacent to the entrance and*

will not extend beyond the west elevation of the building, as depicted on the accompanying plan.

- 21. The patio shall have a containment fence to prevent the unlawful removal of alcohol from the premises. There will be only one ingress/egress to/from the patio and one additional gate clearly labeled "exit only" egress, both of which will be on the north side of the building, near the business entrance.*
- 22. Applicant shall construct a wall for sound mitigation and to block visibility of the patio to nearby residences. The wall will extend from the northwest corner of the building in a north or northwestern direction to the edge of the parking, as depicted on the accompanying plan.*
- 23. The premises shall be sufficiently illuminated and contained to discourage unlawful activity but to avoid light and glare spillover to adjacent residences.*
- 24. The patio shall be no larger than 600 square feet.*

Review and Neighborhood Input:

- 25. Applicant will provide neighbors with direct phone contact for owner and managers.*
- 26. The applicant shall host a neighborhood meeting within 60 days of the commencement of the business.*
- ~~27. The use permit will be subject to an annual review for three years, commencing 1 year from the approval of the Certificate of Occupancy and/or no later than April 2022.~~*
- 27. 28. Applicant has 1 year to apply and pay for building permits.*

Roses by the Stairs Brewery and the Owners of the Adjacent Residences who Objected to the Use Permit have Agreed to the Following Conditions to the Use Permit:

- 28. 29. Alley will not be used as a thoroughfare and Applicant will post signs indicating that alley is not to be used by customers as thoroughfare.*
- 29. 30. Employee parking shall not occur on Lynwood Street.*
- 30. 31. Applicant will admonish staff not to (a) smoke or congregate in the alley, (b) gun car engines or play loud music in parking area or elsewhere in neighborhood (c) litter in alley or on neighborhood streets; and (d) put restaurant trash in residential bins. Applicant will post signs with this information in employee area.*

31. ~~32.~~ ***Applicant will institute and pay for aggressive rodent control on premises and in alley behind premises, if needed.***
32. ~~33.~~ ***No brewing waste product or untreated wastewater will be disposed of on-site, including that no waste will be dumped in garbage dumpsters (on-site or on-site at neighboring business).***
33. ~~34.~~ ***All brewing waste will be stored inside the premises until removed. Brewing waste will be stored in containers with bio filters to minimize smell.***
34. ~~35.~~ ***Tour vans of maximum capacity of 24 patrons are allowed to visit the facility. Tour buses are prohibited from visiting the facility. Tour vans shall not be permitted to idle more than 10 minutes per hour on-site.***
35. ~~36.~~ ***Employees shall not deposit glass into the outdoor dumpsters after 8:00 p.m. Dumpster lids shall be opened and closed slowly, so as to minimize noise.***

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

Upheld ZAH0

- * 2. Application #: **ZA-340-25-6 (SIGN)**
Existing Zoning: C-1 & P-1
Location: 1219 East Glendale Avenue
Quarter Section: Q22-30(I9)
Proposal: Use permit to allow 50 square feet of an electronic message display (EMD) on a wall sign at 15 feet of height. Use permit required
Ordinance Sections: 705.C.13
Applicant: Darshan Dawson, Arizona Commercial Signs
Representative: Carl Hawke, Arizona Commercial Signs
Owner: Andrew Klemmer, Stratford, LLC
Appellant: James Carpentier, International Sign Association

**** Motion to uphold the Zoning Adjustment Hearing Officer's decision to deny the use permit failed.***

(Eigo/Dodds - Vote of 3-3) (Ammon, James, Hill) (Beuerlein absent).

No further motion made. The Zoning Adjustment Hearing Officer's decision to deny the use permit was upheld due to lack of a successful vote.

**Upheld ZAHO
with a
modified
stipulation**

3. Application #: **ZA-322-25-4 (SIGN)**
Existing Zoning: C-3 SAUMSO
Location: 4545 North 7th Avenue
Quarter Section: Q18-27(H8)
Proposal: 1) Use permit to rebuild a nonconforming off-premise sign not requesting digital. Use permit required.
2) Use permit to rebuild an off-premise sign 187 feet from residential district. Minimum 500 feet is required.
Ordinance Sections: 705.2.G.5; 705.2.A.5.c
Applicant: Todd Lowder, Harkey Media
Representative: William E. Lally, Tiffany & Bosco P.A.
Owner: Perry Miller Trust, Fry Bread House
Appellant: William E. Lally, Tiffany & Bosco P.A.

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

Stipulations:

1. ***Maximum height of the off-premise sign shall be 35 feet.***
2. ***The north and south faces of the board shall be for an ~~area of 250 square feet~~ 14 FEET BY 48 FEET FOR AN AREA OF 672 SQUARE FEET for each sign face.***
3. ***Off-premise sign illumination shall be extinguished daily at 10:30 PM via an automatic timer.***
4. ***Install a Planning and Development Department (PDD) design-approved, decorative pole cover on the sign.***
5. ***Electric service shall utilize underground connections to the off-premise sign where feasible as determined by the Planning and Development Department. Any approved above ground service lines shall be placed in electrical conduit.***
6. ***The applicant shall have 12 months to apply and pay for permits for the subject sign.***

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

**Upheld ZAHO
with deletion
of Stipulation
#1**

4. Application #: **ZA-82-25-8**
Existing Zoning: C-2, C-2 SP
Location: 2303 North 44th Street
Quarter Section: Q14-38(G11)
Proposal: 1) Use permit to allow outdoor dining as an accessory use to a bar (Dirty Drummer) within 500 feet of a

residential district zoning line. Use permit required.

2) Use permit to allow outdoor alcohol consumption as an accessory use to a bar (Dirty Drummer) within 500 feet of a residential district zoning line. Use permit required.

Ordinance Sections: 623.D.157.c; 623.D.157.c
Applicant: Andrew Smith, Dirty Drummer, Inc.
Representative: Robert Leavitt, Arizona Liquor Industry Consultants
Owner: Josh Katzer, ACD-DO
Appellant: Robert Leavitt, Arizona Liquor Industry Consultants

Upheld the Zoning Adjustment Hearing Officer's decision and approved the use permits with deletion of Stipulation #1.

Stipulations:

- ~~1. Hours of use for the outdoor area are to be no earlier than 7:00 AM and no later 10:00 PM Sunday through Thursday and 12:00 AM on Friday and Saturdays.~~
- ~~1. 2. The employees must have a clear view of the area to supervise the activities and/or be present while patrons utilize the patio area.~~
- ~~2. 3. Per the patio area as shown on site plan date stamped June 25, 2025.~~

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

**Upheld ZAHO
with a
modified
stipulation**

5. Application #: **ZA-382-25-7**
Existing Zoning: R-3 RSIOD, R1-6 RSIOD
Location: 4114 South 3rd Avenue
Quarter Section: Q5-27(E8)
Proposal: **1)** Variance to reduce the landscape setback (north) to 0 feet. Minimum 5 feet required.
2) Variance to reduce the landscape setback (south) to 0 feet. Minimum 5 feet required.
3) Variance to reduce the required open space to 2 percent. Minimum 5 percent required.
Ordinance Sections: 703.B.3.b.(3); 703.B.3.b.(3); 703.B.4.a.(1)
Applicant: Rob Scott
Representative: Andrew Fastle, Design Balance, Inc.

Owner: Rob Scott, 4114 South 3rd Avenue,
LLC
Appellant: Rob Scott, 4114 South 3rd Avenue,
LLC

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

Stipulations:

- 1) 1 year to apply for and obtain building permits.***
- 2) Per the reductions as shown on site plan date
stamped June 17, 2025.***
- 3) Each area labeled retention on the site plan date
stamped June 17, 2025 shall be landscaped with ~~an~~
average of 3-6 inch caliper trees A MINIMUM OF 2-
INCH CALIPER TREES.***

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

E. Other Business

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| Updated | 6. Update on the 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 Saneeya Mir at saneeya.mir@phoenix.gov or 602-686-6461, TTY: Use 7-1-1.

September 4, 2025