

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, April 3, 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 – March 6, 2025

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

Approved B. Approval of Agenda – April 3, 2025

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

No Action C. Requests for Continuance and/or Withdrawal

D. Items for Consideration

**Overtured
ZAHO with
stipulations**

1. Application #: **ZA-530-24-6 (SIGN)**
 Existing Zoning: C-2
 Location: 4204 East Indian School Road
 Quarter Section: Q17-37(H10)
 Proposal: Use permit to rebuild a non-conforming
 off-premise sign with one digital (west)
 face. Use permit required.

 Ordinance Sections: 705.2.G.4
 Applicant: Jacob Zonn, Becker Boards Small, LLC
 Representative: Garry D. Hays, The Law Offices of
 Garry D. Hays, PC

 Owner: Slugbug 42, LLC
 Appellant: Jacob Zonn, Becker Boards Small, LLC

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

- 1) ***Install Planning and Development Department (PDD)
design-approved vertical louvers on the digital sign
face that effectively reduce digital image visibility for
areas to the north of the subject site. Prior to final
inspection of the sign, effectiveness of vertical louvers***

- to be verified via a sign inspection performed by Planning and Development Department (PDD) staff.*
- 2) Off-premise sign illumination shall be extinguished daily at 10 p.m. via an automatic timer.*
 - 3) The west EMD face of the board shall have a maximum square footage of 382 square feet.*
 - 4) The east face shall be constructed of corrugated metal only, with no advertising space and graffiti resistant paint with a maximum square footage of 382 square feet.*
 - 5) Maximum height of the rebuilt off-premise sign shall be 34 feet.*
 - 6) The sign copy changes shall not occur more frequently than every twelve seconds.*
 - 7) The maximum digital sign face luminance shall be no greater than 200 nits. Sign face luminance to be verified prior to final sign inspection by the Planning & Development Department.*
 - 8) The applicant shall have 12 months to apply and pay for permits for the subject sign.*

(Ammon/Hill - Vote of 4-2) (Eigo/Graham) (Beuerlein absent).

**Overtured
#1, Upheld
#2; with a
stipulation**

2. Application #: **ZA-21-25-5**
 Existing Zoning: C-2
 Location: 3550 West Camelback Road
 Quarter Section: Q19-20(H6)
 Proposal: **1)** Use permit to allow a drive through facility accessory to a restaurant (Dutch Bros Coffee) within 300 feet from a residential zoning district. Use permit required.
2) Use permit to allow outdoor dining as an accessory use to a restaurant (Dutch Bros Coffee) within 500 feet of a residential zoning district. Use permit required.
 Ordinance Sections: 623.D.157.d.(2); 623.D.157.c
 Applicant: Mike Hills, PHNX Design, LLC
 Representative: Mitchell Reynolds, Cole Valley Partners
 Owner: Speedway Blvd & 6th Ave, LLC
 Appellant: Edwin C. Bull, Burch & Cracchiolo, P.A.

Overtured the Zoning Adjustment Hearing Officer's decision and approved Request #1 and upheld Request #2, with a stipulation:

- 1) 12 months to apply and pay for building permits.***

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

**Overtured
ZAHO and
approved
with a
stipulation**

3. Application #: **ZA-780-24-8**
Existing Zoning: C-3 RSIOD
Location: 4040 South 16th Street
Quarter Section: Q5-30(E9)
Proposal: **1) Variance to reduce the streetside (Wood Street) building setback to 0 feet. An average of 25 feet is required, minimum of 20 feet permitted for up to 50 percent of structure, including projections.**
2) Variance to reduce the streetside (16th Street) building setback to 0 feet. An average of 25 feet is required, minimum of 20 feet permitted for up to 50 percent of structure, including projections.
3) Variance to reduce the streetside (16th Street) landscape setback to 0 feet. An average of 25 feet is required, minimum of 20 feet permitted for up to 50 percent of structure, including projections.
4) Variance to reduce the streetside (Wood Street) landscape setback to 0 feet. An average of 25 feet is required, minimum of 20 feet permitted for up to 50 percent of structure, including projections.
5) Variance to reduce the required parking to 27 spaces. Minimum 43 spaces required.
Ordinance Sections: 624.E.4.d; 624.E.4.d; 624.E.4.e; 624.E.4.e; 702.C.Table
Applicant: Jordan Greenman, Greenman Law
Representative: Jordan Greenman, Greenman Law
Owner: Brian Madrigal, Sierra Luna, LLC
Appellant: Jordan Greenman, Greenman Law

Overtured the Zoning Adjustment Hearing Officer's decision and approved the variances with a stipulation:

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

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

E. Other Business

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| Updated | 4. Update on next Board of Adjustment agenda. |
| Updated | 5. Update on pending appeals of the Board of Adjustment. |
| No Action | 6. 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.

April 3, 2025