

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, August 7, 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

No Action A. Approval of Minutes

There were no minutes to approve.

Approved B. Approval of Agenda – August 7, 2025

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

No Action C. Requests for Continuance and/or Withdrawal

D. Items for Consideration

Upheld ZAHO

1. Application #: **ZA-185-25-6**
 Existing Zoning: C-2
 Location: 535 West Bethany Home Road
 Quarter Section: Q20-27(I8)
 Proposal: Use permit to allow a drive-through
 facility as an accessory use to a
 restaurant (Swig Drinks) within 300
 feet of a residential zoning district.
 Use permit required.
 Ordinance Sections: 623.D.157.d.(2)
 Applicant: Jordan Hill, Swig Drinks
 Representative: Erik Nobel, Barghausen Consulting
 Engineers
 Owner: 535 West Bethany, LLC
 Appellant: Jordan Hill, Swig Drinks

*Upheld the Zoning Adjustment Hearing Officer's decision
and denied the use permit.*

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

**Overtured
ZAHO**

2. Application #: **ZA-225-25-6**
Existing Zoning: R1-6
Location: 7132 North 12th Place
Quarter Section: Q23-30(I9)
Proposal: Use permit to allow an over height (21 feet) detached accessory dwelling unit located in the rear yard setback (west). Maximum 15 feet in height permitted.

Ordinance Sections: 706.A.4.c.(1)
Applicant: Luke Mykytiuk, Rezio LLC
Representative: Randy Marks, Rezio LLC
Owner: Daniel Cummings
Appellant: Joseph Schneider

Overtured the Zoning Adjustment Hearing Officer's decision and denied the use permit.

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

**Overtured
ZAHO with
modified
stipulations**

3. Application #: **ZA-376-25-3**
Existing Zoning: C-2
Location: 8825 North Black Canyon Highway
Quarter Section: Q26-23(J7)
Proposal: Variance to allow an over height fence (8 feet) within the required front yard setback (west). Maximum 40 inches permitted.

Ordinance Sections: 703.A.3.a
Applicant: Darin Garcia, 8825 Black Canyon, LLC
Representative: Darin Garcia, 8825 Black Canyon, LLC
Owner: Darin Garcia, 8825 Black Canyon, LLC
Appellant: Darin Garcia, 8825 Black Canyon, LLC

Overtured the Zoning Adjustment Hearing Officer's decision and approved the variance with modified stipulations:

- 1) ~~Approved for 6 feet maximum.~~THE FENCE SHALL CONSIST OF A MAXIMUM 3-FEET OF SOLID WALL, WITH OPEN VIEW MATERIAL ABOVE.***
- 2) ~~Fence must be setback 11 feet 10 inches from the west property line.~~18 MONTHS TO APPLY AND PAY FOR BUILDING PERMITS.***
- 3) ~~Fence facing the west property line must be at least 50% open.~~***

~~4) Area between the front property line and the fence shall be landscaped with continuous evergreen (broad leaf or conifer) shrubs or hedges spaced 3 feet on center to screen the fence. Screening material shall be a minimum of 3 feet in width and 3 feet in height at the time of installation for effective screening. Landscaping shall be planted to grow as a natural screen and shall be maintained in a living condition. Screening material should be from the Appendix A: Approved Plant Species List for Black Canyon/Maricopa Freeway Specific Plan – Segment 7.~~

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

**Overtaken
ZAHO**

4. Application #: **ZA-348-25-6**
 Existing Zoning: RE-35 ACSPC
 Location: 4545 North 54th Street
 Quarter Section: Q18-40(H11)
 Proposal: Variance to allow a 33% lot coverage. Maximum of 25% lot coverage permitted.
 Ordinance Sections: 609.B.Table
 Applicant: Yanela Nunez Ventura, Architecture-Infrastructure-Research, Inc.
 Representative: Yanela Nunez Ventura, Architecture-Infrastructure-Research, Inc.
 Owner: Clayton Bain
 Appellant: Yanela Nunez Ventura, Architecture-Infrastructure-Research, Inc.

Overtaken the Zoning Adjustment Hearing Officer's decision and approved the variance with stipulations:

- 1) Per the site plan date stamped August 7, 2025.
 2) 24 months to apply and pay for building permits.***

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

E. Other Business

Updated

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

August 7, 2025