

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, July 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 – June 5, 2025

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

Approved B. Approval of Agenda – July 3, 2025

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

No Action C. Requests for Continuance and/or Withdrawal

D. Items for Consideration

**Upheld ZAHO
with stips**

1. Application #: **ZA-140-25-6 (SIGN) (Auto-Continued from June 5, 2025)**
Existing Zoning: C-2
Location: 3929 East Indian School Road
Quarter Section: Q16-36(H10)
Proposal: Use permit to rebuild a nonconforming off-premise sign not requesting a digital. Use permit required.

Ordinance Sections: 705.2.G.5
Applicant: Jacob Zonn, Becker Boards Small, LLC

Representative: Garry D. Hays, The Law Offices of Garry D. Hays

Owner: Yee Family Trust
Appellants: Larry Whitesell, The Peak Neighborhood Association
Neal Haddad, Arcadia Osborn Neighborhood Association

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

Stipulations:

- 1) The Sign design and general sign location shall be in accordance with the sign drawings submitted to the Hearing Officer and date-stamped April 24, 2025. The east edge of the board will be 12.3 feet away from the right of way.**
- 2) Maximum sign height shall be 33 feet.**
- 3) The maximum sign face square footage shall be no greater than 238 square feet.**
- 4) There shall be no illumination or lighting on the proposed structure.**
- 5) 12 months to obtain sign permits for the ground sign.**

(Dodds/James - Vote of 4-2) (Eigo/Graham) (Beuerlein absent).

Withdrawn

2. Application #: **ZA-155-25-6 (SIGN) (Auto-Continued from June 5, 2025)**
Existing Zoning: C-2
Location: 3950 East Indian School Road
Quarter Section: Q17-36(H10)
Proposal: Use permit to rebuild a nonconforming off-premise sign not requesting a digital. Use permit required.

Ordinance Sections: 705.2.G.5
Applicant: Jacob Zonn, Becker Boards Small, LLC
Representative: Garry D. Hays, The Law Offices of Garry D. Hays
Owner: NRF-Arcadia Place, LLC
Appellant: Larry Whitesell, The Peak Neighborhood Association

Withdrawn by motion per appellant's request.

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

Upheld ZAHO

3. Application #: **ZA-868-24-1**
Existing Zoning: S-1
Location: 23428 North 64th Avenue
Quarter Section: Q45-13(O4)
Proposal: **1) Variance to allow an over height fence (16 feet) within the required side yard setback (north). Maximum 6 feet permitted. 2) Variance to allow an over height fence (16 feet) within the required rear yard setback (west). Maximum 6 feet permitted.**

Ordinance Sections: 703.A.2.c; 702.A.3.c
Applicant: Denisa Istrate, Kontexture, LLC
Representative: Denisa Istrate, Kontexture, LLC
Owner: Daniel Budure
Appellant: Denisa Istrate, Kontexture, LLC

Upheld the Zoning Adjustment Hearing Officer's decision and denied the variances.

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

Upheld ZAHO

4. Application #: **ZA-295-25-3**
Existing Zoning: R1-10
Location: 15836 North 8th Street
Quarter Section: Q35-29(L8)
Proposal: Variance to allow an over height fence (6 feet) in the required front setback (east). Maximum 40 inches permitted.
- Ordinance Sections: 703.A.2.a
Applicant: Randall Weaver
Representative: Randall Weaver
Owner: Randall Weaver and Scott Greise
Appellant: Randall Weaver

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

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

Upheld #1, 2, 5; Overturned #3, 4, 6 with stipulations

5. Application #: **ZA-235-25-4**
Existing Zoning: C-3
Location: 2922 East McDowell Road
Quarter Section: Q13-34
Proposal: **1)** Variance to reduce the canal side (northeast) building setback to 10 feet. An average of 20 feet is required, minimum of 15 permitted for up to 50 percent, including projections. **2)** Variance to reduce the canal side (northeast) landscape setback to 5 feet and 342 square feet of landscape area. A minimum of 15 feet setback and 1,024 square feet of landscape area are required. **3)** Variance to reduce the front parking lot setback to 10 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections. **4)** Variance to reduce the front parking lot

landscape setback to 10 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections. **5)** Variance to reduce the rear building setback (north) to 10 feet. A minimum of 25 feet is required. **6)** Variance to reduce the parking lot landscape area to 5 percent. A minimum of 10 percent is required.

Ordinance Sections: 624.E.4.c; 624.E.4.c; 624.E.4.d;
624.E.4.e; 624.E.4.d; 624.E.4.e
Applicant: Luis Ayala, KAEKO, Inc.
Representative: Tom Stitt, Pro Steel STR
Owner: Bryan Owen, Starz, LLC
Appellant: Nate Cottrell, KAEKO, Inc.

Upheld the Zoning Adjustment Hearing Officer's decision and approved with stipulations Request #1, 2 and 5, and overturned the denial of Request #3, 4 and 6 with stipulations:

Stipulations:

- 1) Per the site plan date stamped July 3, 2025.***
- 2) Landscaping to be provided along the canal per the landscape plan date stamped July 3, 2025.***
- 3) 18 months to apply for and obtain building permits.***

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

July 3, 2025