NOTICE OF RESULTS  
ZONING ADJUSTMENT HEARING

Pursuant to A.R.S. Section 38-431.02, notice is hereby given the ZONING ADJUSTMENT HEARING OFFICER and to the general public, that the CITY OF PHOENIX ZONING ADJUSTMENT HEARING OFFICER held a meeting open to the public on August 20, 2020, at 9:00 a.m. (Items 1-8) and 1:30 p.m. (Items 9-15).

Per the most recent guidelines from the federal government, the Zoning Adjustment Hearing Officer meeting was held electronically, via a video conferencing platform.

The results of the meeting were as follows:

<table>
<thead>
<tr>
<th>RESULTS</th>
<th>9:00 AM</th>
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<tbody>
<tr>
<td>Approved w/stips</td>
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</tbody>
</table>

1. **Application #:** ZA-284-20-4 (Continued from July 16, 2020)

   **Existing Zoning:** C-2 SAUMSO

   **Location:** 4232 North 7th Avenue

   **Quarter Section:** 17-26(H8)

   **Proposal:**
   1) Use permit to allow outdoor dining as an accessory use to a restaurant/bar within 500 feet of a residential district. Use permit required.
   2) Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant/bar within 500 feet of a residential district. Use permit required.
   3) Variance to reduce the building setback (north) from a non-Seventh Avenue property line that is not adjacent to a residential district to 0-feet. Minimum 5 feet required.
   4) Variance to allow an over height fence wall (8 feet) along the rear property line. Maximum 6 feet allowed.

   **Ordinance Sections:** 623.D.157.c 623.D.157.c 665.H.Table 1 703.A.2.c

   **Applicant:** Chris Prado, Elemental Architecture

   **Representative:** Lucas Lindsey, Venue Projects

   **Owner:** 4232 N 7th, LLC

   **Stipulations:**
   1) The hours of use for the rear patio outdoor area shall be no later than 12:30 AM every day of the week.
   2) The rear patio outdoor area shall not emit noise at a decibel level exceeding current ambient conditions. To this end, Sandfish shall hire a professional sound consultant within 30 days of the use permit approval to assess sound propagation. In particular, the professional sound consultant is to determine current ambient sound conditions and an acceptable “do not exceed” decibel level both at the rear alley and adjacent residential property lines in consultation with the adjacent residential properties. The sound consultant shall then review proposed sound mitigation designs and provide feedback and solutions to Sandfish to mitigate noise levels experienced outside of the property prior to material back patio construction activity. Finally, Sandfish shall install a decibel reader at the rear alley property line to monitor ongoing compliance.
3) Prior to the issuance of a certificate of occupancy for Sandfish, an 8-foot high solid wall shall be constructed along the west property line adjoining the rear alley.

4) The 8-foot-high solid wall shall have a single gated point of ingress/egress reserved for staff and emergency exit only. Signage shall be posted to indicate ingress/egress it reserved for staff and emergency exit only.

5) Landscape speakers and/or lighting shall be directed away from Woodlea-Melrose residents located to the west.

6) The use permit shall be reviewed in 12 months from the issuance of certificate of occupancy.

7) The applicant has 1 year to apply and pay for building permits.

8) Odor-controlling carbon filters shall be installed at all applicable building exhaust points.

9) Sandfish agrees to communicate regularly with area residents and neighbors about any upcoming events or proposed changes in business operations due to ongoing Covid-19 conditions.

10) General conformance to the site plan and colored aerial dated August 20, 2020 and signed by the Hearing Officer.

Continued

2. Application #: ZA-337-20-3
   Existing Zoning: R1-10
   Location: 8035, 8037 and 8039 North 7th Avenue
   Quarter Section: 25-27(J8)
   Proposal: Variance to allow a lot that does not front onto a public street. Street frontage required.

   Ordinance Sections: 608.H.1.
   Applicant: Paul Soldo, Rezcom Builders, LLC
   Representative: Paul Soldo, Rezcom Builders, LLC
   Owner: Jordy Tessler, BZRK, LLC

   Continued to September 24, 2020 at 9:00 AM.

Approved w/stips

3. Application #: ZA-338-20-1
   Existing Zoning: R1-6
   Location: 3333 West Banff Lane
   Quarter Section: 34-21(L7)
   Proposal: 1) Use permit to allow a disguised wireless communication facility (monopine) within a residentially zoned property that is designed for public or quasi-public space (public school). Use permit required. 2) Use permit to reduce the setback for a disguised wireless communication facility (monopine) to 87 feet from residentially zone property. Use permit required.

   Ordinance Sections: 715.B.2.3.a. 715.B.2.a.a.i.
   Applicant: Gary Cassel, Clearblue Services
   Representative: School District 6, Washington Elementary
   Owner: School District 6, Washington Elementary

Stipulations:

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

2) Location of the facility per the site plan and elevation signed and dated August 20, 2020.
4. Application #: ZA-339-20-4
   Existing Zoning: R1-6
   Location: 2206 North 37th Avenue
   Quarter Section: 13-20(G6)
   Proposal: 1) Variance request to reduce the side yard setback (south) for an accessory shade structure to 0 feet. Minimum 3 feet required. 2) Variance to reduce the side yard setback (north) to 0 feet. Minimum 10 feet required.
   Ordinance Sections: 706.B 613.B.Table B
   Applicant: Gabriel Tena
   Representative: Gabriel Tena
   Owner: Silvano Tena
   Stipulation:
   1) 1 year to apply and pay for building permits.

5. Application #: ZA-341-20-3
   Existing Zoning: R1-18
   Location: 11243 North 44th Court
   Quarter Section: 29-38(K11)
   Proposal: 1) Variance to reduce the side yard (north) setback to 0 feet for a detached accessory structure. Minimum 3 feet required. 2) Variance to allow a detached accessory structure 9 feet in height in the required side yard. Maximum of 8 feet permitted.
   Ordinance Sections: 706.B 706.C
   Applicant: Michael Howes
   Representative: Michael Howes
   Owner: Michael Howes
   Continued to September 24, 2020 at 9:00 AM.

6. Application #: ZA-345-20-6
   Existing Zoning: RE-35 ACSPD
   Location: 5143 East Calle Del Medio
   Quarter Section: 17-39(H11)
   Proposal: Variance to allow an over height fence (6 feet) in the required front yard (north) setback. Maximum 40 inches permitted.
   Ordinance Sections: 703.A.2.a
   Applicant: James Rustin Roach, Roach Family Trust
   Representative: Heather Dukes, Snell & Wilmer, LLP
   Owner: James Rustin Roach, Roach Family Trust
   Stipulations:
   1) The 6 foot height shall only be approved for the driveway gates and pedestrian gate that include their supporting columns. The remainder of the fencing and columns are limited to 40 inches in height.
   2) 1 year to apply and pay for building permits.

7. Application #: ZA-347-20-4
   Existing Zoning: R1-6
   Location: 3643 West Fillmore Street
Quarter Section: 11-20(F6)
Proposal: Variance to reduce the required street frontage to 53 feet. Minimum 60 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Ubaldo Gutierrez
Representative: Olivia Carranza
Owner: Pamela Grisell Flores Carranza

**Stipulations:**
1) 1 year to complete the lot line adjustment process.
2) Shall comply with the lot width as shown on the site plan signed and dated August 20, 2020.

**Approved w/stip**

8. Application #: ZA-351-20-1
Existing Zoning: C-2
Location: 2310 West Bell Road, Suite 6
Quarter Section: 37-23(M7)
Proposal: Use permit to allow a tattoo shop. Use permit required.
Ordinance Sections: 623.D.187
Applicant: Jessica Fox
Representative: Jessica Fox
Owner: Joan Osselaer, Cindy & Kristys 2310, LLC

**Stipulation:**
1) 1 year to commence use.

1:30 PM

Approved w/stips

9. Application #: ZA-349-20-4 (SIGN)
Existing Zoning: C-1
Location: 702 East Osborn Road
Quarter Section: 16-29(H8)
Proposal: Use permit to establish the 702 E. Osborn Comprehensive Sign Plan. Use Permit required
Ordinance Sections: 705.E.2
Applicant: Andy Gibson, Bootz & Duke Sign Company
Representative: Andy Gibson, Bootz & Duke Sign Company
Owner: Heather Personne, 702 E. Osborn, LLC

**Stipulations:**
1) Each tenant shall have only one sign. Submit a revised document that removes four sign bands on the west building elevation leaving a maximum of 6 sign bands and removing one of the second-floor sign bands on the south elevation leaving a maximum of 4 sign bands.
2) 1 year to apply and pay for building permits.

Continued

10. Application #: ZA-292-20-5
Existing Zoning: R1-6
Location: 2801 West San Juan Avenue
Quarter Section: 20-22(I7)
Proposal: Variance to reduce the required side yard setback (west) to 3 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Hugo Mendoza
<table>
<thead>
<tr>
<th>Approved w/stips</th>
<th>11. Application #:</th>
<th>ZA-342-20-1</th>
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<tbody>
<tr>
<td></td>
<td>Existing Zoning:</td>
<td>R1-8 PRD</td>
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<tr>
<td></td>
<td>Location:</td>
<td>19803 North 42nd Avenue</td>
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<td>Quarter Section:</td>
<td>40-19(N6)</td>
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<tr>
<td>Proposal:</td>
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<td>1) Variance to allow an accessory structure 17.5 feet in height in the required side yard setback (south). Maximum 8 feet permitted. 2) Variance to reduce the side setback for a detached accessory structure contiguous to a key lot in excess of 8 feet in height to 3 feet. Minimum 20 feet of side setback required when detached accessory structure is on a corner lot contiguous to a key lot. 3) Variance to reduce the side yard south setback for an accessory structure to 3 feet. Minimum 10 feet required.</td>
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<tr>
<td>Applicant:</td>
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<td>Tom Galvin, Rose Law Group</td>
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<tr>
<td>Representative:</td>
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<td>Tom Galvin, Rose Law Group</td>
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<td>Owner:</td>
<td></td>
<td>Bonnie and Jeremy Runyan</td>
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<tr>
<td>Stipulation:</td>
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<td>1) General conformance to the location of the structure as shown on the plan signed by the hearing officer and dated July 15, 2020. 2) 1 year to apply and pay for building permits.</td>
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<th>#1 Approved w/stip</th>
<th>12. Application #:</th>
<th>ZA-344-20-4</th>
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<tr>
<td># 2, 3, 4, 5, 6, and 7 Denied</td>
<td>Existing Zoning:</td>
<td>R-3</td>
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<tr>
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<td>Location:</td>
<td>801, 805, and 817 East Roma Avenue</td>
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<tr>
<td></td>
<td>Quarter Section:</td>
<td>17-29(H8)</td>
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<tr>
<td>Proposal:</td>
<td></td>
<td>1) Use permit to allow development under the Planned Residential Development option. Use permit required. 2) Variance to reduce the required perimeter standard (east) to 10 feet. 15 foot perimeter standard adjacent to property line required. 3) Variance to reduce the required perimeter standard (west) to 10 feet. 15 foot perimeter standard adjacent to property line required. 4) Variance to reduce the required perimeter standard (south) to 8 feet. 15 foot perimeter standard adjacent to property line required. 5) Variance to reduce the common area to a minimum of 2.4% of gross area. Minimum 5% of gross area required. 6) Variance to reduce surface parking landscaping to 4%. 5% of surface parking lot must be landscaped. 7) Variance to reduce interior perimeter landscape setbacks (east, west and south) to 0 feet. Minimum 5 feet required.</td>
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<td>Ordinance Sections:</td>
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<td>608.B 615.B.Table B 615.B.TableB 615.B.Table B 703.B.4.a.(1) 507 Tab A.II.A.6.1.1 703.B.3.b.(3)</td>
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Applicant: Chris Doran, SDS Consulting
Representative: Chris Doran, SDS Consulting
Owner: Fen Investments, Inc.

Stipulation:
1) 18 months to apply and pay for building permits.

Approved w/stips

13. Application #: ZA-346-20-6
Existing Zoning: R1-10
Location: 250 West Bethany Home Road
Quarter Section: 21-27(I8)
Proposal: Variance to allow an over height fence (6 feet) in the front yard (south) setback. Maximum 40 inches permitted.

Ordinance Sections: 703.A.2.a

Approved w/stips

14. Application #: ZA-348-20-6
Existing Zoning: R1-6
Location: 4029 East Campus Drive
Quarter Section: 15-37(G10)
Proposal: Variance to reduce the required side yard setback (east) to 3 feet. Minimum 10 feet required.

Ordinance Sections: 613.B.Table B

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15. Application #: ZA-350-20-7
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

Approved w/stips

16. Application #: ZA-352-20-7
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
Owner: Erick Harrell, 509 West McDowell, LLC

Stipulations:
1) Hours of operation are to be no earlier than 7:00 AM and no later than 10:00 PM on Sunday through Thursday, and Midnight on Friday and Saturday.
2) Location of the patio per the site plan dated July 17, 2020 and limited to 600 square feet and screening provided on the plan dated August 20, 2020.
3) The patio must be situated such to provide employees within the business to have a clear view of the entire patio area, in order to supervise the activities and/or be resent while patrons utilize the patio area.
4) Applicant will provide neighbors with direct phone contact for owner and managers.
5) The applicant shall host a neighborhood meeting within 60 days of the commencement of the business.
6) 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.
7) 1 year to apply and pay for building permits.
8) No customer access from the southern doorway of the building.
9) The area shall be sufficiently illuminated and contained to discourage any unlawful activity but to avoid light and glare spillover to adjacent residences.

ZONING ADJUSTMENT HEARING OFFICER: MICHEAL MILILLO
PLANNER: ERIC MORALES, PLANNER II

For further information, please call Eric Morales, Planner II, Planning and Development Department at 602-262-7927, or contact via electronic mail at zoning.adjustment@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 Tamra Ingersoll at the Planning and Development Department at 602.534-6648, TTY: Use 7-1-1.

August 21, 2020