

## NOTICE OF PUBLIC MEETING ZONING ADJUSTMENT HEARING

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the **ZONING ADJUSTMENT HEARING OFFICER** and to the general public, that the **CITY OF PHOENIX ZONING ADJUSTMENT HEARING OFFICER** will hold a meeting open to the public on **October 29, 2020, at 9:00 a.m. (Items 1-8) and 1:30 p.m. (Items 9-14)**

**Per the most recent social distancing guidelines from the federal government, no residents will be allowed to attend the meeting in-person.**

### **OPTIONS TO ACCESS THE MEETING**

- **Call-in to listen** to the live meeting: Dial **602-666-0783**, Enter meeting access code **1265939499#**, and press # again when prompted for the attendee ID.
- **Observe the live meeting virtually**, by clicking on the following link and registering to join the meeting online:  
<https://cityofphoenixpdd.webex.com/cityofphoenixpdd/onstage/g.php?MTID=e3d4fb44bf944486dc5f2ae370a3d2058>
- **Submit a comment** on an agenda item:
  - At: [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov)
  - Indicate: Item Number and Case Number
- **Register to speak** on an agenda item:
  - At: [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov)
  - By: **48 hours prior to the start of the hearing**. Staff will make every effort to accommodate requests to speak submitted beyond the 48-hour period. Due to the added demands of facilitating the virtual environment for the public, applicants and other staff members, we cannot consider any request less than 6 business hours before the start of the meeting / hearing.
  - Indicate: Item Number and Case Number

### **Notes:**

1. Agenda items may be taken out of order.
2. Comments may be limited due to time constraints and to ensure all viewpoints are heard.

The agenda for the meeting is as follows:

### **9:00 AM**

1. Application #: ZA-515-20-4 (Continued from September 10, 2020)  
Existing Zoning: R1-6 HP  
Location: 3223 North Randolph Road  
Quarter Section: 15-30(G9)  
Proposal: Variance to reduce the required side yard (west) setback to 1 foot. Minimum 10 feet required.  
Ordinance Sections: 613.B.Table B  
Applicant: Mike Munninger, Architectural Alliance, Inc.  
Representative: Mike Munninger, Architectural Alliance, Inc.  
Owner: Rahaw Revocable Living Trust

2.           Application #:           ZA-526-20-8  
Existing Zoning:           R-5 RI HP ACOD  
Location:                 917 and 921 North 8th Street  
Quarter Section:         11-29(F8)  
Proposal:                 **1)** Variance to reduce the interior property line landscape setback (east) to 0 feet. Minimum 5 feet required. **2)** Variance to reduce the interior property line landscape setback (south) to 0 feet. Minimum 5 feet required. **3)** Variance to reduce the side yard (south) setback to 5 feet. Minimum 10 feet required. **4)** Variance to reduce surface parking landscaping to 0%. Minimum 5% of surface parking lot must be landscaped. **5)** Variance to allow maneuvering in the right-of-way (Alley). Maneuvering must be located on private property.
- Ordinance Sections:     703.B.3.b.(3) 703.B.3.b.(3) 618.B.Table B 507 Tab A.II.A.6.1.1 702.A.1.b
- Applicant:               Gregory D. Barlow, Project 2 Holdings, LLC  
Representative:         Michael Underhill, Michael Underhill, Architect  
Owner:                    Gregory D. Barlow, Project 2 Holdings, LLC  
Richard White, Pepper Plaza Money Purchase Plan
3.           Application #:           ZA-586-20-2  
Existing Zoning:           RE-24  
Location:                 6647 East Sharon Drive  
Quarter Section:         32-43(L12)  
Proposal:                 Variance to reduce the required front yard setback (north) to 20 feet. Minimum 30 feet required.
- Ordinance Sections:     606.B.2
- Applicant:               Rodney Sherrard, RSA Design Build/RS Architecture, LLC  
Representative:         Rodney Sherrard, RSA Design Build/RS Architecture, LLC  
Owner:                    Michael Kimbro
4.           Application #:           ZA-589-20-4  
Existing Zoning:           C-2 WSNSPD  
Location:                 5126 North 7th Street  
Quarter Section:         19-28(H8)  
Proposal:                 **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Café Vita Phoenix) within 500 feet of a residential zoning district. Use permit required. **2)** Use permit to allow a drive-through facility as an accessory use to a restaurant (Café Vita Phoenix) less than 300 feet from a residential district zoning line. Use permit required.
- Ordinance Sections:     623.D.157.c 623.D.157.d
- Applicant:               Brain Facasse, Taylor: Fracasse Architecture, Inc.  
Representative:         Brain Facasse, Taylor: Fracasse Architecture, Inc.  
Owner:                    Deming Maclise, Café Vita AZ, LLC
5.           Application #:           ZA-590-20-6  
Existing Zoning:           R1-6  
Location:                 5335 North 34th Street  
Quarter Section:         19-35(H10)  
Proposal:                 Variance to reduce the rear yard (north) setback to 5 feet. Minimum 25 feet required.

Ordinance Sections: 613.B.TableB  
Applicant: Drew Wood, Grant L. Olds Architects  
Representative: Drew Wood, Grant L. Olds Architects  
Owner: Joshua and Chelsea Kunde

6. Application #: ZA-592-20-6  
Existing Zoning: R1-6  
Location: 1143 East Oregon Avenue  
Quarter Section: 19-29(H8)  
Proposal: Variance to reduce the side yard setback (east) to 0 feet. Minimum 10 feet required.

Ordinance Sections: 613.B. Table B  
Applicant: Drew Bryck  
Representative: Drew Bryck  
Owner: Jacob Acevedo and Chan Fanny

7. Application #: ZA-596-20-4  
Existing Zoning: C-2  
Location: 4802 North 7th Street  
Quarter Section: 18-28(H8)  
Proposal: Use permit to allow a tattoo shop. Use permit required.

Ordinance Sections: 623.D.187.  
Applicant: John O'Hagan, Golden Rule Tattoo  
Representative: John O'Hagan, Golden Rule Tattoo  
Owner: Joe Best

8. Application #: ZA-622-20-8  
Existing Zoning: C-2 HP, P-1 HP, WU T5:7 GWY  
Location: Southwest corner of 32nd Street and Fillmore Street  
Quarter Section: 11-34(F10)  
Proposal: Use permit to allow multiple temporary events for up to 36 months (Celebrity Theatre). Use permit required.

Ordinance Sections: 708.D.1  
Applicant: Andrew Birgensmith, Songbird Entertainment (for Celebrity Theater)  
Representative: Andrew Birgensmith, Songbird Entertainment (for Celebrity Theater)  
Owner: RH Family Limited Partnership

**1:30 PM**

9. Application #: ZA-516-20-8 (SIGN) (Continued from September 10, 2020)  
Existing Zoning: C-2  
Location: 3130 East Thomas Road  
Quarter Section: 15-34(G10)  
Proposal: Use permit to rebuild two non-conforming off-premise signs to non-digital signs. Use permit required.

Ordinance Sections: 705.2.G.5  
Applicant: Ted LeClair, LeClair Calihan Advertising  
Representative: Ted LeClair, LeClair Calihan Advertising  
Owner: SAIA Family Limited Partnership

10. Application #: ZA-594-20-3 (SIGN)  
Existing Zoning: RSC PCD  
Location: 12440 North Tatum Boulevard  
Quarter Section: 31-38(K11)  
Proposal: Major amendment to the Paradise Valley Mall Comprehensive Sign Plan to add a new ground sign. Use permit required.  
Ordinance Sections: 705.1.E.2.d  
Applicant: Jason Shano, Associated Sign Company  
Representative: Jason Shano, Associated Sign Company  
Owner: Niguel Partners, LLC
11. Application #: ZA-525-20-2 (Continued from September 10, 2020)  
Existing Zoning: R1-6  
Location: 18658 North 41st Place  
Quarter Section: 39-37(M10)  
Proposal: **1)** Use permit to allow an over height sport court fence (12 feet) in the required side yard (north) setback. Use permit required if over 6 feet in height. **2)** Use permit to allow an over height sport court fence (12 feet) in the required rear yard (west) setback. Use permit required if over 6 feet in height.  
Ordinance Sections: 608.G.5 608.G.5  
Applicant: Joshua Frank Deutsch  
Representative: Joshua Frank Deutsch  
Owner: Joshua Frank Deutsch
12. Application #: ZA-591-20-6  
Existing Zoning: R-5  
Location: 4848 East Thomas Road  
Quarter Section: 15-39(G11)  
Proposal: Use permit to allow a dependent care facility. Use permit required.  
Ordinance Sections: 618.D.9  
Applicant: Karli Roller, Montessori Room, LLC  
Representative: Karli Roller, Montessori Room, LLC  
Owner: Arizona, LLC
13. Application #: ZA-593-20-2  
Existing Zoning: RE-24  
Location: 6747 East Camino De Los Ranchos  
Quarter Section: 32-43(L12)  
Proposal: Variance to allow a 35 percent lot coverage. Maximum of 25 percent lot coverage permitted, unless all structures are less than 20 feet in height than a maximum of 30 percent lot coverage permitted.  
Ordinance Sections: 606.B.5  
Applicant: Joshua Sandor Davidson  
Representative: Joshua Sandor Davidson  
Owner: Dafna Family Trust

14.           Application #:           ZA-588-20-7  
Existing Zoning:           A-2  
Location:                2239 North Black Canyon Highway  
Quarter Section:        14-23(G7) 13-23(G7)  
Proposal:                **1)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Use permit to allow a medical marijuana infusion facility. Use permit required. **3)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **4)** Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **5)** Variance to allow a medical marijuana cultivation facility within 1,320 feet of a homeless shelter. Minimum 1,320 feet of separation required. **6)** Variance to allow a medical marijuana infusion facility within 1,320 feet of a homeless shelter. Minimum 1,320 feet of separation required. **7)** Variance to allow a medical marijuana cultivation facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **8)** Variance to allow a medical marijuana infusion facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **9)** Variance to allow a medical marijuana cultivation facility within 1,320 feet of a school. Minimum 1,320 feet of separation required. **10)** Variance to allow a medical marijuana infusion facility within 1,320 feet of a school. Minimum 1,320 feet of separation required.

                  Ordinance Sections:   627.D.91.a. 627.D.93.a. 627.D.91.c 627.D.93.b.  
  627.D.91.e 627.D.93.d 627.D.91.d 627.D.93.c 627.D.91.e  
  627.D.93.d

                  Applicant:                Theodore Pappas, MIOT Properties, LLC  
                  Representative:       David Dow, Dow Law Office  
                  Owner:                        SAIA Family Limited Partnership

For further information please call Eric Morales, Planner II, Planning and Development Department at 602-262-7927 or to request a reasonable accommodation, please contact Tamra Ingersoll at 602.534-6648 or TTY: 7-1-1.

10/14/2020