

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 **June 24, 2021 9:00 AM (Items 1-8) and 1:30 PM (Items 9-17)**

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 [1827918285#](tel:1827918285), 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=e28a5a97a3d669319a303acf5b89bd129>
- **Submit a comment** on an agenda item:
 - At: zoning.adjustment@phoenix.gov
 - Indicate: Item Number and Case Number
- **Register to speak** on an agenda item:
 - At: 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-240-21-8
Existing Zoning: R1-6
Location: 3308 and 3310 North 28th Street
Quarter Section: 15-33(G9)
Proposal: **1) Variance to reduce the required rear yard (west) setback to 6 feet for Lot A. Minimum 25 feet required.**
2) Variance to reduce the required rear yard (west) setback to 12 feet for Lot B. Minimum 25 feet required.
3) Variance to reduce the required side yard (north) setback to 6 feet for Lot B. Minimum 25 feet required.
Ordinance Sections: 613.B.TableB 613.B.TableB 613.B.TableB

- Applicant: Jordan Evan Greenman, JEGreenman Consulting
 Representative: Jordan Evan Greenman, JEGreenman Consulting
 Owner: Gary Elbogen, 3308 N. 28th Street, LLC
2. Application #: ZA-242-21-1
 Existing Zoning: S-1
 Location: 27439 North 39th Avenue
 Quarter Section: 50-20(P6)
 Proposal: Variance to allow 12% lot coverage. Maximum 10% lot coverage permitted.
 Ordinance Sections: 603.B.4
 Applicant: Jeff Suer, Gorilla Builders, LLC
 Representative: Jeff Suer, Gorilla Builders, LLC
 Owner: William Jondahl, Gorilla Builders, LLC
3. Application #: ZA-244-21-6
 Existing Zoning: R1-10
 Location: 5141 North 35th Place
 Quarter Section: 19-35(H10)
 Proposal: Variance to reduce the required side yard (south) setback to 2 feet. Minimum 3 feet required.
 Ordinance Sections: 611.B.Table B.(a)
 Applicant: Albert Fitzpatrick
 Representative: Albert Fitzpatrick
 Owner: Albert and Melissa Fitzpatrick
4. Application #: ZA-245-21-2
 Existing Zoning: R1-8
 Location: 1310 East Union Hills Drive
 Quarter Section: 39-30(M9)
 Proposal: **1)** Time extension for ZA-55-19, variance to reduce the required interior front yard setbacks to 5 feet. Minimum 10 feet required. **2)** Time extension for ZA-55-19, variance to reduce the perimeter rear yard setback to 5 feet. Minimum 20 feet required. **3)** Time extension for ZA-55-19, variance to reduce the interior street side setback to 5 feet. Minimum 10 feet required. **4)** Time extension for ZA-55-19, variance to increase the maximum coverage under roof to 63 percent. Minimum 25 percent allowed. **5)** Time extension for ZA-55-19, variance to reduce hillside side yard setback to 5 feet. Minimum 10 feet required.
 Ordinance Sections: 612.B.Table A 612.B.Table A 612.B.Table A
 710.C.2.Table 2 710.C.2 Table 2
 Applicant: Nick Labadie, Rose Law Group
 Representative: Nick Labadie, Rose Law Group
 Owner: Stone Mountain Property Owner, LLC
5. Application #: ZA-246-21-8
 Existing Zoning: A-1
 Location: 4221 East Raymond Street

Quarter Section: 5-37(E10)
Proposal: Variance to reduce the required landscaped setback along the street frontage (south) to 2 feet. Minimum 5 feet required.
Ordinance Sections: 701.D.3.a.(1).(b)
Applicant: Ed Bull, Burch & Cracchiolo, P.A.
Representative: Ed Bull, Burch & Cracchiolo, P.A.
Owner: Daryl Burton, Raymond Trust Partners, LLC Reliance

6. Application #: ZA-247-21-4
Existing Zoning: R-3
Location: 5102 North 16th Avenue
Quarter Section: 19-26(H7)
Proposal: **1)** Variance to reduce the perimeter (north) landscape setback to 0 feet. Minimum 5 feet required. **2)** Variance to reduce the perimeter (west) landscape setback to 0 feet. Minimum 5 feet required. **3)** Variance to reduce the perimeter (south) landscape setback to 0 feet. Minimum 5 feet required. **4)** Variance to reduce the perimeter front yard (east) setback to 10 feet. Minimum 15 feet required. **5)** Variance to reduce the required common area to 4% of gross area. Minimum 5% required.

Ordinance Sections: 608.F.8.c.(3) 608.F.8.c.(3) 608.F.8.c.(3) 615.B.Table B.d 615.B.Table B.d
Applicant: Massimo Sommacampagna, Trinity Development Partners
Representative: Massimo Sommacampagna, Trinity Development Partners
Owner: Bill Clements, William and Elizabeth Clements

7. Application #: ZA-249-21-6
Existing Zoning: R-5
Location: 4210, 4220, and 4248 North 32nd Street
Quarter Section: 17-34(H10)
Proposal: **1)** Use permit to modify stipulation number 2 from case ZA-658-20 regarding access. Use permit required. **2)** Variance to reduce the required west setback (north) to 6 feet. Minimum 10 feet required. **3)** Variance to reduce the required south setback (west) to 2 feet. Minimum 10 feet required.

Ordinance Sections: 307.A.7 618.B.TableB 618.B.TableB
Applicant: Israel J. Lozoya, Moderna Architects
Representative: Mike March, Moderna Architects
Owner: Taylor Robinson, 4220 Holdings, LLC

8. Application #: ZA-248-21-4
Existing Zoning: A-1
Location: 2960 Grand Avenue
Quarter Section: 15-22(G7)

Proposal: **1)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **2)** Use permit to allow a medical marijuana cultivation facility. Use permit required.
Ordinance Sections: 627.D.91.c 627.D.91.a
Applicant: Burch & Cracchiolo, P.A.
Representative: Burch & Cracchiolo, P.A.
Owner: Greater Century Holdings, LLC

1:30 PM

9. Application #: ZA-184-21-4 (Continued from May 27, 2021)
Existing Zoning: C-1 (C-1, P-1 Approved)
Location: 2002 East Osborn Road
Quarter Section: 16-32(H9)
Proposal: Use permit to allow a hospital (medically supervised detoxification). Use permit required.
Ordinance Sections: 622.D.85
Applicant: Wendy Riddell, Berry Riddell, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Owner: Crossroads, Inc.
10. Application #: ZA-177-21-6
Existing Zoning: C-2
Location: 5301 North 16th Street
Quarter Section: 19-31(H9)
Proposal: Variance to allow a chain link fence visible from public streets. Chain link fencing shall not be used when visible from public street.
Ordinance Sections: 703.D.2.a
Applicant: Scott Moyes, TAPW Investments, LLC, Total Auto Pros Wholesale, LLC
Representative: Jeff Wechir, Benjamin C. Green Law
Owner: Scott Moyes, TAPW Investments, LLC, Total Auto Pros Wholesale, LLC
11. Application #: ZA-241-21-6
Existing Zoning: C-2 PCD
Location: 5010 East Ray Road
Quarter Section: 08-39(B11)
Proposal: Variance to allow a 0 foot landscape setback (west) adjacent to a street (50th Street). Minimum 25 foot landscape setback required.
Ordinance Sections: 623.E.4.e
Applicant: Nordean Moussalem, PM Design Group, Inc.
Representative: Luaron Foster, Raising Cane's Chicken Fingers, LLC
Owner: Foothills Shopping Center, LLC
12. Application #: ZA-250-21-7
Existing Zoning: DTC-East Roosevelt

Location: 100 West Portland Street, Unit 108
Quarter Section: 12-27(G8)
Proposal: Use permit to allow outdoor liquor service as accessory to a restaurant. Use permit required.
Ordinance Sections: 1204.D.Table
Applicant: Stephanie Henschen, Run Run Design
Representative: Stephanie Henschen, Run Run Design
Owner: Donny Peper, 100 W Portland Street, LLC

13. Application #: ZA-251-21-6
Existing Zoning: C-1
Location: 3202 East Indian School Road
Quarter Section: 17-35(H10)
Proposal: **1)** Time extension of ZA-140-20, variance to reduce the streetscape landscape setback along Indian School Road to 5 feet. An average of 25 feet is required, minimum of 20 feet is permitted for up to 50 percent of the frontage. **2)** Time extension of ZA-140-20, variance to reduce the streetscape landscape setback along 32nd Street to 6 feet. An average of 25 feet is required, minimum of 20 feet is permitted for up to 50 percent of the frontage. **3)** Time extension of ZA-140-20, variance to reduce the parking lot interior surface area landscape requirements to 5 percent. Minimum 10 percent required. **4)** Time extension of ZA-140-20, use permit to allow package liquor sales as an accessory use to a convenience market (SpeedSmart) within 300 feet of a residential zoning district. Use permit required.
Ordinance Sections: 622.E.4.e 622.E.4.e 622.E.4.e 622.D.102.a
Applicant: Nicole Lynam, K engineering & Design, LLC
Representative: Nicole Lynam, K engineering & Design, LLC
Owner: SpeedSmart, Inc.

14. Application #: ZA-252-21-8
Existing Zoning: C-2 HP ACOD, R5 RI HP ACOD
Location: 717 North 7th Street
Quarter Section: 11-29(F8)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Vong Restaurant) within 500 feet of a residential district zoning line. Use permit required. **2)** Use permit to allow outdoor recreation uses as an accessory use to a restaurant (Vong Restaurant) within 500 feet of a residential district zoning line. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.c
Applicant: Carlos Dominguez, A&E Design Group
Representative: Carlos Dominguez, A&E Design Group
Owner: Red Bricks on 7th Street, LLC

15. Application #: ZA-253-21-6
Existing Zoning: RE-24 ACSPD
Location: 6234 East Monterosa Avenue
Quarter Section: 17-42(H12)
Proposal: **1)** Variance to reduce the front yard setback (southeast) to 20 feet. Minimum 30 feet required. **2)** Variance to reduce the rear yard setback (north) to 12 feet from the center of the alley. Minimum 30 feet from the center of the alley required.
Ordinance Sections: 606.B.2 606.B.4
Applicant: Brian Stole, Design Services of AZ
Representative: Brian Stole, Design Services of AZ
Owner: Dawn McDowell
16. Application #: ZA-254-21-4
Existing Zoning: R1-6
Location: 5633 North 11th Drive
Quarter Section: 20-26(I8)
Proposal: Variance to reduce the required rear yard setback (east) to 9 feet. Minimum 25 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Anthony and Regina Francis
Representative: Anthony and Regina Francis
Owner: Anthony and Regina Francis
17. Application #: ZA-243-21-8
Existing Zoning: A-1
Location: 3303 South 40th Street
Quarter Section: 6-37(E10)
Proposal: **1)** Use permit to allow a medical marijuana dispensary. Use permit required. **2)** Variance to allow a medical marijuana dispensary within 5280 feet of another facility of the same type. Minimum 5280 feet of separation required.
Ordinance Sections: 627.D.92.a. 627.D.92.d.
Applicant: Proxima C. LLC
Representative: Lindsay C. Shube, Gammage & Burnham, PLC
Owner: Second Time Around Investments, LLC

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.

6/8/2021