

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 **September 2, 2021 9:00 AM (Items 1-8) and 1:30 PM (Items 9-16)**

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 [1822441945#](tel:1822441945#), 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=eab38eec70d06c07de86b7c6deadaeadf>
- **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-32-21-4
 Existing Zoning: C-2
 Location: 4301 North 7th Avenue
 Quarter Section: 17-26(H8)
 Proposal: **1) Use permit to allow outdoor dining as an accessory use to a restaurant (Boycott Bar) within 500 feet of a residential district zoning line. Use permit required. 2) Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a bar (Boycott Bar) within 500 feet of a residential zoning district. Use permit required if located within 500 feet of a residential zoning district.**

 Ordinance Sections: 623.D.157.c 623.D.157.c

Applicant: Audrey Corley, Boycott Bar
Representative: Stacey Sakala
Owner: Rhonda Walden

2. Application #: ZA-231-21-7 (Continued from June 17, 2021)
Existing Zoning: R-5 RI HP CMOD
Location: 321 North 17th Drive
Quarter Section: 11-25(F7)
Proposal: **1)** Variance to reduce the required interior property line landscape setback (north) to 0 feet. Minimum 5 feet required. **2)** Variance to reduce the required interior property line landscape setback (south) to 0 feet. Minimum 5 feet required. **3)** Variance to reduce the required interior property line landscape setback (east) to 0 feet. Minimum 5 feet required. **4)** Variance to reduce the required landscaping (west) adjacent to a public right-of-way (17th Drive) to 0 feet. Minimum 20 feet required. **5)** Variance to reduce the required open space to 0%. Minimum 5% required. **6)** Variance to reduce the number of required parking spaces to 6. Minimum 11 parking spaces required. **7)** Variance to allow maneuvering in the right-of-way (17th Drive). Maneuvering must be provided entirely on private property.

Ordinance Sections: 703.B.3.b.(3) 703.B.3.b.(3) 703.B.3.b.(3) 703.B.3.a
703.B.4.a 702.C.Table 702.A.1.b

Applicant: Sergio Valencia, Kontexture, LLC
Representative: Jorge Toscano, Kontexture, LLC
Owner: AS702, LLC

3. Application #: ZA-380-21-4
Existing Zoning: R1-6 HP
Location: 78 West Cypress Street
Quarter Section: 13-27(G8)
Proposal: Variance to allow an over height fence (5 feet) in front of the existing structure. Maximum 3 feet permitted.

Ordinance Sections: 703.A.2.a.(1)

Applicant: Zachary Causer
Representative: Zachary Causer
Owner: Zachary Causer

4. Application #: ZA-382-21-2
Existing Zoning: RE-24
Location: 6126 East Aster Drive
Quarter Section: 31-42(K12)
Proposal: Variance to reduce the required side yard setback (east) to 10 feet. Minimum 15 feet required.

Ordinance Sections: 606.B.3.a

Applicant: Emily Wagner
Representative: Scott Avery, Avery Design Group, LLC
Owner: Daniel and Emily Wagner

5. Application #: ZA-383-21-8
 Existing Zoning: DTC-Evans Churchill East ACOD
 Location: 902 North 6th Street
 Quarter Section: 11-28(F8)
 Proposal: **1)** Use permit to allow a bar (Culture An American Yogurt Company). Use permit required. **2)** Use permit to allow outdoor liquor service accessory to a bar (Culture An American Yogurt Company). Use permit required. **3)** Use permit to allow a farmer's market with food or beverage dispensed from a vehicle. Use permit required.
 Ordinance Sections: 1204.D.Table 1204.D.Table 1204.C.26.b
 Applicant: Gino Ammirati, Culture An American Yogurt Company
 Representative: Gino Ammirati, Culture An American Yogurt Company
 Owner: Gino Ammirati, Ace Van Yogurt LLC

6. Application #: ZA-384-21-2
 Existing Zoning: C-2
 Location: 4022 East Greenway Road, Suite 14
 Quarter Section: 35-37(L10)
 Proposal: Use permit to allow a tattoo shop (Capital Tattoo LLC). Use permit required.
 Ordinance Sections: 623.D.187
 Applicant: James Watson, Capital Tattoo, LLC
 Representative: James Watson, Capital Tattoo, LLC
 Owner: 40th & Greenway Partners LLC c/o Oak Rea

7. Application #: ZA-386-21-2
 Existing Zoning: R1-18
 Location: 5432 East Windstone Trail
 Quarter Section: 53-40(Q11)
 Proposal: Variance to allow a 32 percent lot coverage. Maximum of 30 percent lot coverage permitted.
 Ordinance Sections: 610.B.Table A
 Applicant: Bianca DeLeon, Venetian Outdoors
 Representative: Bianca DeLeon, Venetian Outdoors
 Owner: David Mathew, ILG Mellissa May, ILG

8. Application #: ZA-390-21-6
 Existing Zoning: C-2, P-1
 Location: 3101 East Camelback Road
 Quarter Section: 18-34(H10)
 Proposal: Time extension of ZA-11-20, variance to reduce the building setback adjacent to a street (Camelback Road) to 12 feet. Average of 25 feet required, minimum of 20 feet permitted for up to 50% of the structure.
 Ordinance Sections: 623.E.4.d
 Applicant: Hillstone Restaurant Group, Inc.
 Representative: William E. Lally, Tiffany & Bosco, P.A.
 Owner: Hillstone Restaurant Group, Inc.

1:30 PM

9. Application #: ZA-117-21-5 (Continued from June 17, 2021)
Existing Zoning: C-2
Location: 2601 West Dunlap Avenue
Quarter Section: 26-23(J7)
Proposal: Review and possible revocation of ZA-19-17, use permit for a medical marijuana dispensary.

Ordinance Sections: 307.A.7.g
Applicant: David Thomas, Greens Goddess Products, Inc.
Representative: Benjamin Tate, Withey Morris, PLC
Owner: Dunlap Crossings, LLC
10. Application #: ZA-209-21-8 (Continued from June 3, 2021)
Existing Zoning: PUD BAOD
Location: 3333 East Baseline Road
Quarter Section: 01-35(D10)
Proposal: **1)** Use permit to allow outdoor dining accessory to a restaurant (Dunkin' Donuts). Use permit required. **2)** Use permit to allow a drive-through facility accessory to a restaurant (Dunkin' Donuts). Use permit required.

Ordinance Sections: PUD narrative for Z-50-16-8, Section F.2.b.5.d PUD narrative for Z-50-16-8, Section F.2.b.5.e
Applicant: Jason Rieke, Bar Napkin Productions
Representative: Paul Faust, ABDD AZ
Owner: RW 3401 Baseline, LLC
11. Application #: ZA-381-21-7
Existing Zoning: R-3 RSIO
Location: 620 West Jones Avenue
Quarter Section: 5-27(E8)
Proposal: **1)** Time extension for ZA-94-20 variance to reduce the required side yard (east) setback to 2 feet. Minimum 10 feet required. **2)** Time extension for ZA-94-20 variance to reduce the required side yard (west) setback to 2 feet. Minimum 3 feet required. **3)** Time extension for ZA-94-20 variance to reduce the required rear yard (north) setback to 2 feet. Minimum 15 feet required.

Ordinance Sections: 615.B.Table B 615.B.TableB 615.B.TableB
Applicant: Yunyan Huang Allison Sun
Representative: Li Lin
Owner: Yunyan Huang Allison Sun
12. Application #: ZA-385-21-7
Existing Zoning: C-2 PCD
Location: 2710 South 99th Avenue
Quarter Section: 7-4(E2)
Proposal: Use Permit to allow for a drive-through as an accessory use to a restaurant (Whataburger) when the queuing lane is within 300-feet of a residential district. Use permit required.

- Ordinance Sections: 623.D.157.d
 Applicant: Dawn Fortuna, Bowman
 Representative: Clint Saavedra, Whataburger
 Owner: Arizona Federal Credit Union
13. Application #: ZA-387-21-5
 Existing Zoning: R1-10
 Location: 802 West Rose Lane
 Quarter Section: 21-26(I8)
 Proposal: **1)** Time Extension for ZA-267-19, variance to reduce the front yard setback (south) to 10 feet. Maximum 25 feet required. **2)** Time Extension for ZA-267-19, variance to reduce the side yard setback (west) to 0 feet. Minimum 10 feet required.
- Ordinance Sections: 611.B.Table B 611.B.Table B
 Applicant: Stefan Thompson
 Representative: Wolfgang Annerl
 Owner: Stefan Thompson
14. Application #: ZA-388-21-1
 Existing Zoning: C-2 M-R PCD
 Location: 2450 West Happy Valley Road
 Quarter Section: 47-23(O7)
 Proposal: **1)** Use permit to allow outdoor alcoholic beverage consumption as an accessory to a bar (Salt Tacos Y Tequila) within 500 feet of a residential district zoning line. Use permit required. **2)** Use permit to allow outdoor dining as an accessory to a bar (Salt Tacos Y Tequila) within 500 feet of a residential district zoning line. Use permit required. **3)** Use permit to allow outdoor recreation as an accessory to a bar (Salt Tacos Y Tequila) within 500 feet of a residential district zoning line. Use permit required.
- Ordinance Sections: 623.D.157.c 623.D.157.c 623.D.157.c
 Applicant: Dan Dahl, Yam Properties
 Representative: Jeffrey Craig Miller, Arizona Liquor Industry Consultants
 Owner: Cantina Restaurant, LLC
15. Application #: ZA-389-21-6
 Existing Zoning: R1-6
 Location: 417 East Orchid Lane
 Quarter Section: 26-28(J8)
 Proposal: Variance to reduce to the side yard setback (west) to 3 feet. Minimum 10 feet required.
- Ordinance Sections: 613.B.Table B
 Applicant: Hugo Mendoza, Grow Investments, LLC
 Representative: Hugo Mendoza, Grow Investments, LLC
 Owner: Hugo Mendoza, Grow Investments, LLC
16. Application #: ZA-393-21-4

Existing Zoning: C-2
Location: 5105 West Thomas Road
Quarter Section: 14-16(G5)
Proposal: Use permit to allow a drive-through facility accessory to a restaurant within 300 feet of a residential zoning district.
Use permit required.
Ordinance Sections: 623.D.157.d.(2)
Applicant: Raman Kalra
Representative: Brian Johns, Associated Architects, Inc.
Owner: FUQD Environmental Properties, 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.

8/17/2021