

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised October 4, 2021*

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 **September 14, 2021, at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-16).**

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:

RESULTS 9:00 AM

Continued

1. Application #: ZA-20-21-8 (4-month review)
Existing Zoning: S-1
Location: 10250 South 39th Avenue
Quarter Section: 04-19(C6)
Proposal: **1)** Time extension of ZA-585-19, variance to create a lot without street frontage. Street frontage required. **2)** Time extension of ZA-585-19, variance to reduce the side yard (east) setback for a detached accessory structure to 39 feet. Minimum 50 foot setback required.
Ordinance Sections: 608.H.1 603.B.3
Applicant: Diego & Maria Herrera
Representative: Diego & Maria Herrera
Owner: Diego & Maria Herrera
Continued to December 23, 2021 at 9:00 AM.

***Approved w/stips**

2. Application #: ZA-255-21-3 (Continued from July 1, 2021)
Existing Zoning: R1-10
Location: 9449 North 35th Place
Quarter Section: 27-35(J10)
Proposal: Variance to reduce the side (south) setback to 3 feet. Minimum 10 feet required.
Ordinance Sections: 611.B.Table B.(a)
Applicant: Scott and Ann Street
Representative: Scott and Ann Street
Owner: Scott and Ann Street
Taken out from under advisement on October 4, 2021 and approved with the following stipulations:
1) Per site plan date stamped April 27, 2021 regarding the conversion of the single car carport to a two-car garage only.
2) One year to apply and pay for building permits.

Withdrawn

3. Application #: ZA-258-21-6 (Continued from July 1, 2021)
Existing Zoning: RE-24

Location: 5231 North 42nd Place
Quarter Section: 19-37(H10)
Proposal: Variance to allow an over height wall (6 feet) in the required front yard (west) setback. Maximum 40 inches permitted.
Ordinance Sections: 703.A.2.a
Applicant: Lucas and Tracy Donahue
Representative: Lucas and Tracy Donahue
Owner: Lucas and Tracy Donahue

Denied

4. Application #: ZA-261-21-4 (Continued from July 1, 2021)
Existing Zoning: R1-6
Location: 1012 West Weldon Avenue
Quarter Section: 16-26(H8)
Proposal: **1)** Variance to reduce the required side yard setback (west) to 1 foot. Minimum 10 feet required. **2)** Variance to reduce the required front yard setback (south) to 18 feet. Minimum 20 feet required. **3)** Variance to increase the lot coverage to 43%. Maximum 40% allowed.
Ordinance Sections: 613.B.Table B 613.B.Table B 613.B.TableB
Applicant: Emmanuel Gomez
Representative: Emmanuel Gomez
Owner: Emmanuel Gomez

Continued

5. Application #: ZA-409-21-7
Existing Zoning: R1-8 PRD
Location: Approximately 1,300 feet north of the northeast corner of 91st Avenue and Broadway Road
Quarter Section: 5-8(E3)
Proposal: Variance to allow an over height wall (8 feet) located in the required rear yard (south) setback for Lots 156-163, 168-170, and 297-321. Maximum 6 feet in height permitted.
Ordinance Sections: 703.A.2.c
Applicant: Natalie Maikoski, EPS Group, Inc.
Representative: Troy Hill, Meritage Homes
Owner: PTH Properties, LLC
Continued to December 23, 2021 at 9:00 AM.

**Approved
w/stips**

6. Application #: ZA-410-21-3
Existing Zoning: R-4
Location: 1112 East Dunlap Avenue
Quarter Section: 27-29(J8)
Proposal: Variance to allow 35 foot maximum building height at 3 feet from east property line. Minimum 30 foot building setback required.
Ordinance Sections: 617.B.Table B

Applicant: Colin Kenyon, Presence Design, PLLC
Representative: Colin Kenyon, Presence Design, PLLC
Owner: NREIF, LLC

Stipulations:

- 1) The building must be setback 10 feet from the east property line.
- 2) 2 years to apply and pay for building permits.

**Approved
w/stips**

7. Application #: ZA-411-21-2
Existing Zoning: RE-24
Location: 6629 East Camino De Los Ranchos
Quarter Section: 32-43(L12)
Proposal: **1)** Variance to reduce the required front yard setback (north) to 23 feet. Minimum 30 feet required. **2)** Variance to reduce the side yard setback (west) to 6 feet. Minimum 10 feet required. **3)** Variance to reduce the rear yard setback (south) to 23 feet. Minimum 30 feet required. **4)** Variance to increase the lot coverage to 37%. Maximum 30% permitted for structures 1 story and under 20 feet in height.
- Ordinance Sections: 606.B.2 606.B.3.b 606.B.4 606.B.5
Applicant: Natasha Hartrick, Natasha Marie Hartrick Designs, PLLC
Representative: Natasha Hartrick, Natasha Marie Hartrick Designs, PLLC
Owner: Jennifer & Chris Walker
- Stipulations:**
- 1) Per site plan date stamped July 6, 2021.
 - 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

8. Application #: ZA-412-21-1
Existing Zoning: R1-8
Location: 16854 North 40th Avenue
Quarter Section: 36-19(M6)
Proposal: Use permit to allow an over height (17 feet) detached accessory structure within the rear yard setback. Maximum 15 feet permitted.
- Ordinance Sections: 706.G
Applicant: Chris Robinson, Sentry Builders LLC
Representative: Chris Robinson, Sentry Builders LLC
Owner: Colin Ware
- Stipulations:**
- 1) Per site plan date stamped July 7, 2021.
 - 2) 1 year to apply and pay for building permits.

1:30 PM

Continued

9. Application #: ZA-413-21-7
Existing Zoning: R-5
Location: 2401 West Maricopa Street

Quarter Section: 9-23(F7)
Proposal: Variance to reduce the required side yard setback (east) to 3 feet. Minimum 10 feet required.
Ordinance Sections: 618.B. Table B
Applicant: Ruben Lopez Pena
Representative: Ruben Lopez Pena
Owner: Ruben Lopez Pena

Continued to December 23, 2021 at 1:30 PM.

Continued 10. Application #: ZA-271-19-3 (2-year review of use permit)
(Continued from July 1, 2021)
Existing Zoning: C-1, C-2, C-2 SP
Location: 4912 East Shea Boulevard, Suite 108
Quarter Section: 29-39(K11)
Proposal: **1)** Use permit to allow sales of alcoholic beverages as an accessory to a restaurant (Little Cay Latin Caribbean Kitchen). Use permit required. **2)** Use permit to allow outdoor dining as an accessory to a restaurant (Little Cay Latin Caribbean Kitchen). Use permit required. **3)** Use permit to allow outdoor alcoholic beverage consumption as an accessory to a restaurant (Little Cay Latin Caribbean Kitchen). Use permit required.
Ordinance Sections: 622.D.150.a. 622.D.150.d. 622.D.150.d.
Applicant: Benjamin Sinon, Little Cay, Corp.
Representative: Benjamin Sinon, Little Cay, Corp.
Owner: S + T Property, LLC

Continued to December 23, 2021 at 1:30 PM.

Approved w/stips 11. Application #: ZA-270-21-3 (Continued from July 1, 2021)
Existing Zoning: R1-10
Location: 2260 East Mountain View Road
Quarter Section: 28-32(K9)
Proposal: Variance to allow an over height wall (5 feet) in the required front yard (south). Maximum 40 inches permitted.
Ordinance Sections: 703.A.2.a
Applicant: John Klee, Klee Design Collaborative
Representative: John Klee, Klee Design Collaborative
Owner: Bruce and Colleen Hallberg
Stipulations:
1) Per site plan date stamped April 30, 2021 pertaining to the location of the wall.
2) 1 year to apply and pay for building permits.

Approved w/stips 12. Application #: ZA-408-21-5
Existing Zoning: R1-6
Location: 7942 West Devonshire Avenue
Quarter Section: 17-9(H3)

Proposal: 1) Use permit for official approval of a home occupation (internet firearms sales). Use Permit required. 2) Use permit to allow the generation of traffic for a home occupation (internet firearms sales). Use permit required.

Ordinance Sections: 608.E.h.(5) 608.E.h.(1)

Applicant: Jason Mosler, Predator Technology Group

Representative: Jason Mosler, Predator Technology Group

Owner: Jason Mosler, Predator Technology Group

Stipulations:

- 1) Customers coming to the site must have an appointment.
- 2) Only 1 customer at a time.
- 3) Customers must park in the driveway.
- 4) Maximum 3 customers a month permitted to visit the site.

**Approved
w/stips**

13. Application #: ZA-414-21-7

Existing Zoning: DTC-West Evans Churchill ACOD

Location: 1125 North 2nd Street

Quarter Section: 12-28(G8)

Proposal: 1) Time extension of ZA-342-19-7, variance to reduce the required parking and loading setback from street right-of-way to 0 feet. Minimum 30 feet required. 2) Time extension of ZA-342-19-7, variance to reduce the required side landscape setback from street right-of-way to 0 feet. Minimum 10 feet required. 3) Time extension of ZA-342-19-7, variance to reduce the required building setback (north) to 0 feet. Minimum 5 feet required. 4) Time extension of ZA-342-19-7, variance to reduce the required parking stall width to 8.5 feet. Minimum 9.5 feet required.

Ordinance Sections: 307.A.12 307.A.12 307.A.12 307.A.12

Applicant: True North Studio

Representative: Nick Wood, Esq., Snell & Wilmer, LLP

Owner: Grace Evangelical Lutheran Church of Phoenix

Stipulations:

- 1) 2 year time extension granted.
- 2) All prior stipulations remain in effect.

Denied

14. Application #: ZA-415-21-5

Existing Zoning: R-16

Location: 6636 North 10th Avenue

Quarter Section: 22-26(I8)

Proposal: Variance to reduce the side yard setback (north) to 4 feet. Minimum 10 feet required.

Ordinance Sections: 613.B.Table B

Applicant: Jorge Alderete, My Way Maintenance, Inc.

Representative: Jorge Alderete, My Way Maintenance, Inc.

Owner: Brandon McMirror, Mirror, LLC (MC Mirror Homes, LLC)

Approved w/stips 15. Application #: ZA-416-21-7
Existing Zoning: C-2
Location: 1838 West Baseline Road
Quarter Section: 1-25(D7)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Chipotle) when located within 500 feet of a residential zoning district. Use permit required. **2)** Use permit to allow a drive-through facility accessory to a restaurant (Chipotle) within 300 feet from a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.d.(2)
Applicant: Kimberly Schroeder, KAEKO, Inc.
Representative: Gavin Melia, Baseline Road Development Group, LLC
Owner: Aaron Wallace, Nineteen Commons, LLC
Stipulations:
1) Maximum 500 square feet for the patio.
2) Patio shall be located at the southwest corner of the building.
3) 1 year to apply and pay for building permits.

Approved w/stips 16. Application #: ZA-417-21-7
Existing Zoning: R1-6
Location: 2439 West Monroe Street
Quarter Section: 10-23(F7)
Proposal: **1)** Variance to reduce the minimum lot width (Lot 1) to 58.6 feet. Minimum 60 feet required. **2)** Variance to reduce the minimum lot width (Lot 2) to 51 feet. Minimum 60 feet required. **3)** Variance to allow an open projection (carport) 1 foot from the side yard (east) property line (Lot 2). Minimum 3 foot setback required. **4)** Variance to allow an accessory structure (fence) on a lot without a primary structure (proposed Lot 1). Primary structure required to allow accessory structures on a lot. **5)** Variance to allow and accessory structure (ramada) on a lot without a primary structure (proposed Lot 1). Primary structure required to allow accessory structures on a lot.
Ordinance Sections: 613.B.Table B 613.B.Table B 701.A.3.a.(1).(b) 608.C.3 608.C.3
Applicant: Ben Graff, Quarles & Brady, LLP
Representative: Ben Graff, Quarles & Brady, LLP
Owner: Armida Arispe
Stipulations:
1) 2 years to apply and pay for building permits.
2) The chain link fence on lot 1 will be removed after the construction of the home and replaced with a fence / wall that meets the current development standards.

**ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
PLANNER: JAZMINE BRASWELL, 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.

October 4, 2021