

**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 **January 27, 2022 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
Approved
w/stips | 1. | 9:00 AM
Application #:
Existing Zoning:
Location:
Quarter Section:
Proposal:

Ordinance Sections:
Applicant:
Representative:
Owner:
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per site plan date stamped October 21, 2021. | ZA-631-21-6
R1-6
2208 East Sells Drive
17-32(H9)
1) Variance to reduce the required side yard setback (east) to 7 feet. Minimum 10 feet required. 2) Use permit to allow a closed projection to project 15 feet into the rear yard (north) setback for no more than one-half the maximum width of the structure. Maximum 5 foot projection allowed.
613.B.Table B 701.A.3.a.(2).(d)
John G. Leonard Jr., KQ Architects
John G. Leonard Jr., KQ Architects
Scott Keith |
| Approved
w/stip | 2. | Application #:
Existing Zoning:
Location:
Quarter Section:
Proposal:

Ordinance Sections:
Applicant:
Representative:
Owner:
Stipulation:
1) Per site plan date stamped October 22, 2021. | ZA-632-21-6
R1-10
5955 East Orange Blossom Lane
15-41(G11)
Variance to reduce the side (south) setback for a detached accessory structure to 0 feet. Minimum 3 feet required.
706.B
Stephen Roach
Stephen Roach
Stephen Roach |
| Approved
w/stip | 3. | Application #:
Existing Zoning:
Location: | ZA-633-21-6
R1-6
5115, 5047 and 5131 East Virginia Avenue and
5048 East Yale Street |

		Quarter Section:	14-39(G11)
		Proposal:	Use Permit to allow public assembly-residential uses with vehicular access on local or minor collector streets (Virginia Avenue and Yale Street). Use permit required.
		Ordinance Sections:	608.E.6
		Applicant:	Ivan Pemberton, Arcadia Montessori Building, LLC
		Representative:	Ivan Pemberton, Arcadia Montessori Building, LLC
		Owner:	Julia Pemberton, Arcadia Montessori Building, LLC
		Stipulation:	
			1) 2 years to apply and pay for building permits.
Denied as Filed Approved w/stips	4.	Application #:	ZA-634-21-2
		Existing Zoning:	R1-14
		Location:	6902, 6944 and 7002 East Friess Drive, 6843, 6943 and 6944 East Ludlow Drive, 6943 East Redfield Drive and 7001 East Sheena Drive
		Quarter Section:	33-44(L12)
		Proposal:	Variance to allow over height walls (up to 8 feet) in the side and rear setbacks for 8 lots. Maximum 6 feet permitted.
		Ordinance Sections:	703.A.2.c
		Applicant:	Peter Wagner & Various others
		Representative:	Peter Wagner & Various others
		Owner:	Peter Wagner & Various others
			Stipulations:
			1) Walls that are identified on site plan date stamped October 25, 2021 shall not exceed a height of 7 feet.
			2) 1 year to apply and pay for building permits.
Withdrawn	5.	Application #:	ZA-635-21-6
		Existing Zoning:	R1-10
		Location:	2012 East State Avenue
		Quarter Section:	23-32(I9)
		Proposal:	1) Use permit for official approval of a home occupation (Federal Firearms License). Use permit required. 2) Use permit to allow the home occupation to generate traffic. Use permit required.
		Ordinance Sections:	608.E.3.h.(5) 608.E.3.h.(1)
		Applicant:	Jason Apfel, Aktive Development, LLC
	Representative:	Jason Apfel, Aktive Development, LLC	
	Owner:	Jason and Tess Apfel, Aktive Development	
Approved	6.	Application #:	ZA-636-21-1
		Existing Zoning:	C-2 M-R PCD
		Location:	2450 West Happy Valley Road
		Quarter Section:	47-23(O7)

		Proposal:	Use permit to reduce parking up to 20 percent based on a shared parking model. Use permit required.
		Ordinance Sections:	702.E.2.c.
		Applicant:	Gary Meyers, Reaction Development, LLC
		Representative:	Gary Meyers, Reaction Development, LLC
		Owner:	YAM Norterra Properties, LLC
Approved w/stips	7.	Application #:	ZA-637-21-8
		Existing Zoning:	R1-6
		Location:	212 West Harwell Road
		Quarter Section:	01-27(D8)
		Proposal:	Variance to reduce the side yard setback (west) to 7 feet. Minimum 10 feet required.
		Ordinance Sections:	613.B.Table B
		Applicant:	Faustina Talabera-Munoz
		Representative:	Ernesto Marquez
		Owner:	Faustina Talabera-Munoz
		Stipulations:	
			1) Per site plan date stamped October 27, 2021.
			2) 1 year to apply and pay for building permits.
			3) The parking space in the rear of the property must be paved or on an alternative dust proofed surface.
Approved w/stips	8.	Application #:	ZA-638-21-7
		Existing Zoning:	DTC - Business Core
		Location:	211 West Monroe Street, 228 West Adams Street, 102 North 2nd Avenue
		Quarter Section:	10-27(F8)
		Proposal:	Use permit to expand a structure that does not conform to existing development standards. Use permit required.
		Ordinance Sections:	906.D
		Applicant:	Daniel Saari, Gensler
		Representative:	Marie Lakey, Turpin and Rattan
		Owner:	AT&T (Mountain States Telephone and Telecommunication)
		Stipulations:	
			1) Per elevations date stamped October 28, 2021, pertaining to the location and quantity of the panels.
			2) 1 year to apply and pay for building permits.
		1:30 PM	
Approved w/stips	9.	Application #:	ZA-639-21-8
		Existing Zoning:	R-4 RSIOD
		Location:	3638 South 12th Street
		Quarter Section:	5-29(E8)
		Proposal:	Use Permit to use the Single-Family Attached (SFA) Development Option. Use Permit required.
		Ordinance Sections:	608.F.8

Applicant: Robert L. Lepore, RLepore Architecture, LLC
Representative: Robert L. Lepore, RLepore Architecture, LLC
Owner: Stacy Lowenschuss, Forever and A Day Properties, Inc.

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per site plan date stamped October 28, 2021.

**Approved
w/stips**

10. Application #: ZA-640-21-4
Existing Zoning: C-1, C-0, P-1
Location: 2817 North 7th Street
Quarter Section: 14-29(G8)
Proposal: **1)** Use permit to allow outdoor dining as an accessory to a restaurant (Birdcall). Use permit required. **2)** Use permit to allow a drive-through facility accessory to a restaurant (Birdcall) within 300 feet from a residential zoning district. Use permit required. **3)** Use permit to allow an extension of a use which is permitted in a less restricted district into a more restricted district to a maximum of 25 feet. Use permit required. **4)** Variance to reduce the required street side landscape setback (Thomas Road) to an average of 12 feet and minimum of 4 feet. Average 25 feet, minimum 20 feet permitted for up to 50% of the frontage. **5)** Variance to reduce the required street side landscape setback (7th Street) to an average of 10 feet and minimum of 3 feet. Average 25 feet, minimum 20 feet permitted for up to 50% of the frontage.
Ordinance Sections: 622.D.150.d 622.D.150.e.(2) 307.A.8 622.E.4.e. 622.E.4.e.
Applicant: Brian Greathouse, Burch & Cracchiolo, P. A.
Representative: Brian Greathouse, Burch & Cracchiolo, P. A.
Owner: Aaron Klusman, AKG 7th and Thomas, LLC

Stipulations:

- 1) 2 years to apply and pay for building permits.
- 2) Per site plan date stamped October 29, 2021.

**Approved
w/stips**

11. Application #: ZA-641-21-4
Existing Zoning: C-2
Location: 2336 West Thomas Road
Quarter Section: 15-23(G7)
Proposal: Use permit to allow outdoor dining as an accessory use to a restaurant (Pizza A Metro) within 500 feet of a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.c
Applicant: Martin Sandino, Martin Sandino Architecture and Planning

Representative: Martin Sandino, Martin Sandino Architecture and Planning

Owner: Larry K. Yee, WY Enterprises, LTD Partnership

Stipulations:

- 1) Per the site plan signed and date by the Hearing Officer on January 27, 2022, pertaining to the location and size of the patio shown.
- 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

12. Application #: ZA-643-21-3
Existing Zoning: R1-6
Location: 10237 North 17th Avenue
Quarter Section: 28-25(K7)
Proposal: **1)** Variance to reduce the required side yard setback (south) to 6 feet. Minimum 10 feet required. **2)** Variance to allow the required parking within the required front yard (west) setback. Required parking not permitted within the front yard setback.
Ordinance Sections: 613.B.Table B 702.F.1.a
Applicant: Viviana M. Gil, Samya Investments, LLC
Representative: Viviana M. Gil, Samya Investments, LLC
Owner: Crowned Life Investments, LLC Samya Investments

Stipulations:

- 1) Per site plan signed and dated by the Hearing Officer on January 27, 2022.
- 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

13. Application #: ZA-644-21-7
Existing Zoning: C-2 PCD
Location: 2640 South 99th Avenue
Quarter Section: 7-4(E2)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Federico's Mexican Restaurant) within 500 feet of a residential zoning district. Use permit required. **2)** Use permit to allow a drive-through as an accessory use to a restaurant (Federico's Mexican Restaurant) within 300 feet of a residential zone. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.d.(2)
Applicant: Robert L. Lepore, RLepore Architecture, LLC
Representative: Robert L. Lepore, RLepore Architecture, LLC
Owner: LM & Sons III, LLC

Stipulations:

- 1) Per site plan date stamped November 1, 2021, pertaining to the location and size of the patio and the location of the drive-through.
- 2) 1 year to apply and pay for building permits.

Approved w/stips	<p>14. Application #: ZA-645-21-1 Existing Zoning: C-2 Location: 4326 West Thunderbird Road Quarter Section: 33-18(L6) Proposal: 1) Variance to allow a 0 foot landscape setback (south) adjacent to a street (West Thunderbird Road). Minimum 25 foot landscape setback required. 2) Use permit to allow a drive-through facility accessory to a restaurant (Angela's Seafood) within 300 feet of a residential zoning district. Use permit required.</p> <p>Ordinance Sections: 623.E.4.e 623.D.157.d.(2) Applicant: Tim Rice, Stewart and Reindersma Architecture Representative: Tim Rice, Stewart and Reindersma Architecture Owner: Tony Christofellis, Angela's Seafood</p> <p>Stipulations: 1) 1 year to apply and pay for building permits. 2) Per the site plan signed and dated by the Hearing Officer on January 27, 2022.</p>
Approved w/stips	<p>15. Application #: ZA-646-21-8 Existing Zoning: S-1 BAOD Location: 3939 East Saint Catherine Avenue Quarter Section: 2-36(D10) Proposal: 1) Variance to reduce the required side yard setback (west) to 15 feet. Minimum 30 feet required. 2) Variance to reduce the required rear yard setback (south) to 12 feet for a detached accessory structure. Minimum 50 feet required. 3) Variance to reduce the side yard setback (west) to 0 feet for a detached accessory structure. Minimum 50 feet required.</p> <p>Ordinance Sections: 603.B.2.b 603.B.3 603.B.3 Applicant: Kaylee Colter, Brooks Colter Trust Representative: Kaylee Colter, Brooks Colter Trust Owner: Kaylee Colter, Brooks Colter Trust</p> <p>Stipulations: 1) Per the site plan date stamped November 2, 2021. 2) 1 year to apply and pay for building permits.</p>
Approved w/stip	<p>16. Application #: ZA-648-21-7 Existing Zoning: C-2 Location: 1717 West Southern Avenue Quarter Section: 2-25(D7) Proposal: Use permit to allow a tattoo shop (Slow N Low Tattoo). Use permit required.</p> <p>Ordinance Sections: 623.D.187 Applicant: Julio Soltero Barraza, Slow N Low Tattoo Representative: Julio Soltero Barraza, Slow N Low Tattoo</p>

Owner: Sushil and Vijay Thukral

Stipulation:

- 1) 1 year to commence the use.

**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 Les Scott at 602-376-3981, les.scott@phoenix.gov
TTY: Use 7-1-1.

January 28, 2022