

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised July 13, 2022*

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 **June 9, 2022 at 9:00 AM (Items 1-7) and 1:30 PM (Items 8-15).**

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
1 and #3
Denied as
Filed

#2
Approved
w/stips

9:00 AM

1. Application #: ZA-166-22-7
Existing Zoning: R-3 SPVTABDO
Location: 423 East Wier Avenue
Quarter Section: 4-28(E8)
Proposal: **1)** Variance to reduce the surface parking lot landscape to 0 percent. Minimum 5 percent required. **2)** Variance to reduce the landscape setback adjacent to a public street (Wier Ave) to 4 feet. Minimum 10 feet required. **3)** Variance to reduce the required rear yard (south) landscape setback to 0 feet. Minimum 5 feet required.
Ordinance Sections: 507 Tab A.II.A.6.1.1 703.B.3.a 703.B.3.b.3
Applicant: Jerry Reyes, ALC Designers, LLC
Representative: Jerry Reyes, ALC Designers, LLC
Owner: Aaron Nelson, A5 Residential, LLC
Stipulations:
1) 18 months to apply and pay for building permits.
2) The surface parking lot landscaping is approved for 1.5%.
3) The rear yard (south) landscape setback is approved at 2 feet.
4) Per site plan date stamped April 11, 2022.

Denied as
Filed
Approved
w/stips

2. Application #: ZA-169-22-7
Existing Zoning: R1-6
Location: 5222 South 11th Avenue
Quarter Section: 3-26(D8)
Proposal: Variance to allow an over height fence (4 feet) in the required front yard (east). Maximum 40 inches permitted.
Ordinance Sections: 703.A.2.a
Applicant: Brenda Lisbeth Arias Castro
Representative: Brenda Lisbeth Arias Castro
Owner: Brenda Lisbeth Arias Castro
Stipulations:
1) 1 year to apply and pay for building permits.
2) Maximum height allowed shall be 44 inches.

3) The must be constructed out of a mixture of solid block pillars and wrought iron between the pillars.

**#1
Approved
w/stip**

3. Application #: ZA-170-22-8
Existing Zoning: R1-6 HP
Location: 1913 East Brill Street
Quarter Section: 12-31(G9)
Proposal: **1)** Variance to reduce the side yard (east) setback to 4 feet. Minimum 10 feet required. **2)** Variance to reduce the side yard (west) setback to 0 feet for a detached accessory structure. Minimum 3 feet required.
Ordinance Sections: 613.B.Table B 706.B
Applicant: Garrett Martel
Representative: Garrett Martel
Owner: Garrett Martel

**#2
Withdrawn**

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per site plan date stamped April 13, 2022.

**Approved
w/stips**

4. Application #: ZA-171-22-7
Existing Zoning: DTC-Van Buren HP
Location: 747 West Van Buren Street
Quarter Section: 10-26(F8)
Proposal: **1)** Use permit to allow a bar (Thundercat Lounge). Use permit required. **2)** Use permit to allow outdoor entertainment on Mondays through Thursdays. Use permit required. **3)** Use permit to allow outdoor liquor service as an accessory to a bar (Thundercat Lounge). Use permit required. **4)** Use permit to allow a dance hall (Thundercat Lounge). Use permit required.
Ordinance Sections: 1204.D 1204.C.16 1204.D 1204.D
Applicant: Jeremiah Gratza
Representative: Taylor Earl, Earl and Curley
Owner: Chuckie Duff, EQ Van Buren, LLC

Stipulations:

- 1) The employees must have a clear view of the area in order to supervise the activities and/or be present while patrons utilize the outdoor area.
- 2) The area must be sufficiently illuminated and contained to discourage any unlawful activity. The precinct commander, or his designee, may approve lighting, containment area, and security personnel at their discretion.
- 3) Outside speaker volume to be kept at a reasonable level.
- 4) 'No Trespassing' signs must be posted and an authority to arrest trespassers form will be signed to deter loitering/unwanted guests inside and surrounding the establishment.
- 5) The outdoor area entertainment hours to not exceed 2 am.
- 6) The Police Precinct Commander or their designee may require

cameras, licensed security guards or off duty police, or other security measures at the commander's discretion, should periodically reviewed activities at the business warrant it.

7) 1 year to apply and pay for building permits.

**Approved
w/stips**

5. Application #: ZA-173-22-6
Existing Zoning: RE-35 ACSPD
Location: 5023 East Red Rock Drive
Quarter Section: 19-39(H11) 19-40(H11)
Proposal: Time extension for ZA-114-21, variance to reduce the required front yard (north) setback to 10 feet. Minimum 40 feet required.
Ordinance Sections: 609.B.Table
Applicant: Jon Poetzl, Poetzl Architecture and Design
Representative: Jon Poetzl, Poetzl Architecture and Design
Owner: Matt and Lauren Morstad
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per site plan date stamped April 14, 2022.

**Approved
w/stip**

6. Application #: ZA-175-22-8
Existing Zoning: R1-6
Location: 2542 North 28th Place
Quarter Section: 14-34(G10)
Proposal: **1)** Variance to reduce the required lot width to 41 feet (Parcel B). Minimum 60 feet required. **2)** Variance to reduce the minimum lot area to 5,541 square feet for Parcel B. Minimum 6,000 square feet required. **3)** Variance to reduce the required side yard setback (south) to 6 feet (Parcel A). Minimum 10 feet required.
Ordinance Sections: 613.B.Table B 613.B.Table B 613.B.Table B
Applicant: Elizabeth Siebert
Representative: Elizabeth Siebert
Owner: Yunjin Kim
Stipulation:
1) 1 year to complete the lot split process.

**Approved
w/stip**

7. Application #: ZA-176-22-2
Existing Zoning: R1-8
Location: 908 West Kerry Lane
Quarter Section: 39-26(M8)
Proposal: **1)** Use permit to allow a home occupation that generates traffic. Use permit required. **2)** Use permit for an official approval of a home occupation (Federal Firearms License). Use permit required.
Ordinance Sections: 608.E.3.h(1) 608.E.3.h(5)
Applicant: Robert Wolters & Gail Vincent-Wolters

Representative: Robert Wolters & Gail Vincent-Wolters

Owner: Wolters Family Trust

Stipulation:

- 1) Maximum 6 trips of traffic per week, associated with the home occupation.

***Approved w/stips** 8. **1:30 PM**
Application #: ZA-161-22-6 (SIGN)
Existing Zoning: C-2
Location: 4601 East Chandler Boulevard
Quarter Section: 011-38(A11)
Proposal: **1)** Major amendment to the Foothills Gateway Major amendment to the Foothills Gateway Comprehensive Sign Plan. Use permit required. Use permit required. **2)** Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.
Ordinance Sections: 705.E.2.d.(2) 705.C.13
Applicant: Michael Donada, Signs Plus
Representative: Michael Donada, Signs Plus
Owner: Tuck Bettin

Taken out from under advisement on July 13, 2022 and approved with the following stipulations:

- 1) Install an integrated planter on the base of the sign similar to the design shown for this type of ground sign in the adopted Comprehensive Sign Plan.
- 2) Add a brick or block veneer to the structure below the sign face that matches or compliments the color and texture of the screen wall or the base of the car wash building,
- 3) Reduce the width of the sign face and the electronic message display panel display to a maximum of 8 feet to improve the proportions of the sign and to better match ground sign design shown in the adopted Comprehensive Sign Plan.
- 4) Twelve months to apply for and pay for legal sign permits.

Approved w/stips 9) Application #: ZA-179-22-7 (SIGN)
Existing Zoning: A-1
Location: 5701 West Latham Street
Quarter Section: 12-15(G5)
Proposal: **1)** Use permit to increase the height of an off-premise sign to 70 feet. Use permit required. **2)** Use permit to allow an electronic message display on the south face of an off-premise sign. Use permit required. **3)** Use permit to allow an off-premise sign 350 feet from a residential district and use where 500 foot spacing is required. Use permit required.
Ordinance Sections: 705.2.B.4 705.2.E.3 705.2.A.5.c
Applicant: William Allison, Withey Morris, PLC
Representative: William Allison, Withey Morris, PLC

Owner: Arizona Department of Transportation

Stipulations:

- 1) Install a Planning and Development Department design-approved, decorative pole cover on the off-premise sign. Any access ladder shall be on the north or east side of the pole cover and concealed from northbound freeway traffic.
- 2) The applicant shall have 12 months to apply and pay for permits for the subject sign.

**Approved
w/stips**

- 10) Application #: ZA-82-22-7 (Continued from April 21, 2022)
Existing Zoning: C-3
Location: Approximately 85 feet south of the southeast corner of 7th Avenue and McKinley Street
Quarter Section: 11-27(F8)
Proposal: **1)** Use Permit to allow outdoor dining as an accessory use to a bar within 500 feet of a residential district. Use permit required. **2)** Use permit to allow the noise level to exceed 55 dBA at any point on the property. Use permit required. **3)** Use permit to allow outdoor alcohol consumption as an accessory use to a bar within 500 feet of a residential district. Use permit required. **4)** Use permit to allow outdoor recreation uses (live performances and amplified music) as an accessory use to a bar within 500 feet of a residential district. Use permit required. **5)** Variance to reduce the required parking to 2 spaces. Minimum 33 spaces required.
Ordinance Sections: 624.D.112.c 624.D.112.a.(2) 624.D.112.c 624.D.112.c 702.C.Table
Applicant: Charlie Levy
Representative: Taylor Earl, Earl and Curley
Owner: EQ Seventh and McKinley, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) The employees must have a clear view of the area in order to supervise the activities and/or be present while patrons utilize the outdoor area.
- 3) The area must be sufficiently illuminated and contained to discourage any unlawful activity. The precinct commander, or his designee, may approve lighting, containment area, and security personnel at their discretion.
- 4) 'No Trespassing' signs must be posted and an authority to arrest trespassers form will be signed to deter loitering/unwanted guests inside and surrounding the establishment.
- 5) The Police Precinct Commander or their designee may require cameras, licensed security guards or off duty police, or other security measures should periodically reviewed activities at the business warrant it.
- 6) Live music is approved only on a limited basis as follows:
 - a) Live music shall not occur until permits for the subject patio

are finalized, which would include a new wall around the patio.

- b) A review hearing shall occur approximately two months after permits for the subject patio are finalized, at which time the allowance for live music shall be reviewed.
- c) Live music shall only be allowed on the subject patio on up to 6 occasions over a 6-week period, which shall commence after permits for the subject patio are finalized and finish prior to the two-month review hearing, with no more than one event occurring per week and no event occurring outside the hours of 8:00 PM -10:00 PM.
- d) Prior to the 6 live music events, the applicant shall send a letter via First-class mail to owners and residents within 600' of the subject property and the Phoenix Police Department containing the following information: (i) the dates and times of the six events; (ii) information for where to provide feedback and any noise complaints; (iii) the date, time, and location of a neighborhood meeting to be held after the six- week trial period and before the 2-month review hearing; and (iv) the date, time, and location of the two-month review hearing.
- e) During the 6-week trial period, including but not limited to the neighborhood meeting, the applicant shall work in good faith with neighbors to address sound concerns.

Approved w/stips 11) Application #: ZA-162-22-4
Existing Zoning: R-3
Location: 4123 North 21st Street
Quarter Section: 17-32(H9)
Proposal: Use Permit to use the Single-Family Attached (SFA) Development Option. Use Permit required.
Ordinance Sections: 608.F.8
Applicant: Edmir Dzudza, E-Project, LLC
Representative: Leonard Saguid, E-project, LLC
Owner: Biltmore Villas Investments, LLC

Stipulations:

- 1) Per site plan date stamped April 11, 2022.
- 2) 1 year to apply and pay for building permits.

Approved w/stips 12) Application #: ZA-165-22-6
Existing Zoning: RE-35
Location: 5301 East Mariposa Street
Quarter Section: 17-40(H11)
Proposal: Variance to reduce side yard setback to 13 feet for an accessory structure. Minimum 20 feet required.
Ordinance Sections: 609.B.Table
Applicant: Michael Higgins, Higgins Architect
Representative: Michael Higgins, Higgins Architect

Owner: John and Carri Baca

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per site plan date stamped April 11, 2022.

**Approved
w/stips**

13) Application #: ZA-167-22-6
Existing Zoning: RE-35 ACSPD
Location: 4836 East Red Rock Drive
Quarter Section: 19-39(H11)
Proposal: **1)** Time Extension for ZA-168-20, variance to allow 100 percent vehicle parking and maneuvering within the required front yard setback of an area equal to the required front yard setback times the average lot width when the adjoining side property lines are not parallel. Maximum 45 percent allowed. **2)** Time Extension for ZA-168-20, variance to allow over height retaining walls (19 feet) in the required front yard (south) setback. Maximum 40 inches permitted. **3)** Time Extension for ZA-168-20, variance to allow over height fencing (48 inches) in the required front yard (south) setback. Maximum 40 inches permitted. **4)** Time Extension for ZA-168-20, use permit to allow over height retaining walls (6 feet) within 50 feet of a subdivision perimeter. Maximum 40 inches permitted.
Ordinance Sections: 702.F.1.b.2 703.A.4.d 703.A.2.c 703.A.4.c
Applicant: Chris Colyer, Snell and Wilmer, LLP
Representative: Chris Colyer, Snell and Wilmer, LLP
Owner: Kraver and Jue Li Charles

Stipulations:

- 1) General conformance plan date stamped April 12, 2022.
- 2) 2 years to apply and pay for building permits.

**Approved
w/stips**

14) Application #: ZA-172-22-7
Existing Zoning: DTC-Van Buren HP
Location: 345 West Van Buren Street
Quarter Section: 10-27(F8)
Proposal: **1)** Use permit to allow a bar (Quartz). Use permit required. **2)** Use permit to allow alcohol sales and service within 300 feet of a church in an entertainment district. Use permit required.
Ordinance Sections: 1204.D 307.A.17.a.
Applicant: Chuckie Duff
Representative: Taylor Earl, Earl & Curley
Owner: Welnick Marketplace, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) 'No Trespassing' signs must be posted and an authority to arrest trespassers form will be signed to deter loitering/unwanted guests

inside and surrounding the establishment.

- 3) The Police Precinct Commander or their designee may require cameras, licensed security guards or off duty police, or other security measures at the Commander's discretion, should periodic reviews of activities at the business warrant it.

**Approved
w/stip**

- 15) Application #: ZA-174-22-7
Existing Zoning: DTC-Business Core
Location: 30 North 1st Street and 1 East Adams Street
Quarter Section: 10-28(F8)
Proposal: **1)** Time extension of ZA-117-20, variance to reduce the minimum building setback along Central Avenue to 0 feet. Minimum 5 feet required. **2)** Time extension of ZA-117-20, variance to reduce the minimum glazing of ground floor elevations along Central Avenue between 3 and 8 feet above grade to 22 percent. Minimum 75 percent required. **3)** Time extension of ZA-117-20, variance to reduce the minimum shading of a public sidewalk along Central Avenue to 61 percent. Minimum 75 percent required. **4)** Time extension of ZA-117-20, variance to reduce the minimum streetscape zone width along Adams Street to 4 feet. Minimum 6 feet required. **5)** Time extension of ZA-117-20, variance to reduce the minimum sidewalk width along Adams Street to 6 feet. Minimum 10 feet required. **6)** Time extension of ZA-117-20, variance to reduce the minimum building frontage along Adams Street to 40 percent. Minimum 75 percent required. **7)** Time extension of ZA-117-20, variance to reduce the minimum building frontage along 1st Street to 0 percent. Minimum 75 percent required. **8)** Time extension of ZA-117-20, variance to reduce the minimum streetscape zone width along 1st Street to 0 feet. Minimum 6 feet required. **9)** Time extension of ZA-117-20, variance to reduce the minimum shading of a public sidewalk along 1st Street to 0 percent. Minimum 75 percent required. **10)** Time extension of ZA-117-20, variance to reduce the minimum building frontage along Central Avenue to 72 percent. Minimum 75 percent required. **11)** Time extension of ZA-117-20, variance to reduce the minimum streetscape zone width along Central Avenue to 4 feet. Minimum 6 feet required. **12)** Time extension of ZA-117-20, variance to reduce the minimum number of trees required within the streetscape zone along Central Avenue to 0 trees. Minimum 3 trees required. **13)** Time extension of ZA-117-20,

variance to reduce the minimum glazing of the ground floor elevation along Adams Street between 3 and 8 feet above grade to 61 percent for storefront frontage portion. Minimum 75 percent required. **14)** Time extension of ZA-117-20, variance to reduce the minimum number of trees required within the streetscape zone along Adams Street to 8 trees. Minimum 10 trees required. **15)** Time extension of ZA-117-20, variance to reduce the number of on-site loading bays to 1 bay. Minimum 2 bays required.

Ordinance Sections: 1209.D 1205.G.2.a 1207.E.1.a 1209.D 1209.D
1209.D 1209.D 1209.D 1207E.1.a 1209.D
1209.D 1207.I.2.a & 1207.I.2.b 1205.G.2.a
1207.I.2.c 1206.D.1.a.(2)

Applicant: Barry Nidiffer, 30 North First Street, LLC
Representative: Manjula Vaz, Gammage & Burnham, PLC
Owner: City of Phoenix

Stipulation:

- 1) 2 years to apply and pay for building permits.

**ZONING ADJUSTMENT HEARING OFFICER: RAY JACOBS
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.

July 13, 2022