

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 **August 25, 2022 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 [25526471866#](tel:25526471866), 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=e7e4af0e9d32063b5542464c6df0cf67f>
- **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-430-14-7 (1 Year Review of Use Permit)
 Existing Zoning: A-1
 Location: 5436 West Latham Street
 Quarter Section: 12-16(G5)
 Proposal: **1)** Variance to allow a medical marijuana cultivation facility located within 5,280 feet from the same type of use. Minimum of 5,280 feet separation is required. **2)** Variance to allow a medical marijuana cultivation facility located within 1,000 feet of an R-4A zoned property. Minimum 1,000 feet of separation is required. **3)** Use permit to allow a medical marijuana cultivation facility. Use permit required.

Ordinance Sections: 627.D.93.b 627.D.93.c 627.D.93.a
Applicant: Eric Capranica, E&M Alliance, LLC
Representative: Eric Capranica, E&M Alliance, LLC
Benjamin Tate, Withey Morris, PLC
Owner: David and Kathleen Seid, Access Enterprises, LLC

2. Application #: ZA-590-16-7 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 5436 and 5456 West Latham Street
Quarter Section: 12-16(G5)
Proposal: **1)** Time extension of ZA-544-15, a use permit to allow a medical marijuana dispensary. **2)** Time extension of ZA-544-15, a variance to allow a medical marijuana dispensary within 5,280 feet of another medical marijuana facility.

Ordinance Sections: 627.D.92.a 627.D.92.d
Applicant: Adam Baugh, Withey Morris, PLC
Representative: Adam Baugh, Withey Morris, PLC
Owner: Turtle RE Investments Fund 1A, LLC

3. Application #: ZA-107-22-6
Existing Zoning: R1-6
Location: 1329 East Orangewood Avenue
Quarter Section: 23-30(I9)
Proposal: **1)** Variance to reduce the side yard setback for a detached accessory structure (west) to 1 foot. Minimum 3 feet required. **2)** Variance to reduce the rear yard setback for a detached accessory structure (south) to 1 foot. Minimum 3 feet required.

Ordinance Sections: 706.B 706.B
Applicant: Kellye Evans
Representative: Kellye Evans
Owner: Kellye Evans

4. Application #: ZA-311-22-4
Existing Zoning: R1-6 HP WNSPD
Location: 77 West Edgemont Avenue
Quarter Section: 14-27(G8)
Proposal: Variance to allow an over height wall (7 feet) within the rear yard setback. Maximum 6 feet permitted.

Ordinance Sections: 703.A.2.c
Applicant: Amber Harman Newhouse
Representative: Amber Harman Newhouse
Owner: Amber Harman Newhouse

5. Application #: ZA-312-22-8
Existing Zoning: R-5 HP
Location: 1510 East Portland Street
Quarter Section: 12-30(G9)

- Proposal: Variance to allow maximum building height of 5 stories and 58 feet. Maximum 4 stories or 48 feet permitted.
 Ordinance Sections: 618.B.Table B
 Applicant: Reid Butler, Butler Housing Company, Inc.
 Representative: Reid Butler, Butler Housing Company, Inc.
 Owner: 1110 North 16th Street, LLC, CBC Financial Company
6. Application #: ZA-313-22-5
 Existing Zoning: PSCOD
 Location: 1910 West Northern Avenue
 Quarter Section: 25-24(J7)
 Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Coffee Shop). Use permit required. **2)** Use permit to allow a drive-through facility as an accessory use to a restaurant (Coffee Shop). Use permit required.
 Ordinance Sections: 659.B.109.c 659.B.109.d
 Applicant: Nick Sherman, Paradigm Design
 Representative: Nick Sherman, Paradigm Design
 Owner: 19th and Northern Marketplace, LLC
7. Application #: ZA-316-22-8
 Existing Zoning: R-5 RSIOD
 Location: 1614 and 1618 East Wood Street
 Quarter Section: 5-31(E9)
 Proposal: **1)** Variance to reduce the landscape setback requirement along public facing street (Wood Street) to 10 feet. Minimum 25 feet required. **2)** Variance to reduce the front yard setback (south) to 10 feet. Minimum 20 feet required. **3)** Variance to reduce the side yard setback (west) to 5 feet. Minimum 10 feet required. **4)** Variance to allow an over height fence (5 feet) within the front yard setback. Maximum 40 inches permitted.
 Ordinance Sections: 703.B.3.a 618.B.Table B 618.B.Table B 703.A.2.a
 Applicant: Chris Ramsell and Alec Maher
 Representative: Nichole Norman, Studio M Architects, Inc.
 Owner: Chris Ramsell and Alec Maher
8. Application #: ZA-314-22-7
 Existing Zoning: A-2
 Location: 2030 West McDowell Road
 Quarter Section: 13-24(G7)
 Proposal: **1)** Time extension of ZA-376-21, use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Time extension of ZA-376-21, variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **3)** Time extension of ZA-376-21, variance to allow a medical marijuana cultivation facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **4)** Time extension of

ZA-376-21, use permit to allow a medical marijuana infusion facility. Use permit required. **5)** Time extension of ZA-376-21, variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **6)** Time extension of ZA-376-21, variance to allow a medical marijuana infusion facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required.

Ordinance Sections: 627.D.91.a 627.D.91.c 627.D.91.d 627.D.93.a 627.D.93.b 627.D.93.c
Applicant: David Richert, Richert & Associates
Representative: David Richert, Richert & Associates
Owner: Kundan Bala Patel, Kundanbala Patel, LLC

1:30 PM

9. Application #: ZA-272-22-1 (SIGN)
Existing Zoning: C-3 DVAO
Location: 21436 North 24th Drive
Quarter Section: 42-23(N7)
Proposal: **1)** Use permit to increase the height of a nonconforming off-premise sign to 64 feet. Use permit required. **2)** Use permit to convert one nonconforming sign face to digital. Use permit required.

Ordinance Sections: 705.2.B.4.b 705.2.G.4
Applicant: Brent Wood, Outfront Media
Representative: William Allison, Withey Morris, PLC
Owner: Outdoor Systems, Inc.

10. Application #: ZA-227-22-7 (Continued from July 7, 2022)
Existing Zoning: R1-10 BAOD
Location: 39 East Vineyard Road
Quarter Section: 1-28(D8)
Proposal: **1)** Variance to allow an over height fence 6 feet in height in the required front yard (north) setback. Maximum 40 inches permitted. **2)** Variance to allow a detached accessory structure within the required front yard (north) setback. Detached accessory structures not permitted within the required front yard setback.

Ordinance Sections: 703.A.2.a 706.A
Applicant: Ralph A. Carrasco
Representative: Ralph A. Carrasco
Owner: Ralph A. Carrasco

11. Application #: ZA-228-22-4 (Continued from July 7, 2022)
Existing Zoning: R-3 HP CNSPD
Location: 2325 North 8th Street
Quarter Section: 14-29(G8)
Proposal: Variance to reduce the side yard (south) setback to 0 feet. Minimum 10 feet required.

- Ordinance Sections: 615.B.Table B
 Applicant: Marco Ballesteros
 Representative: Marco Ballesteros
 Owner: Guadalupe Ballesteros
12. Application #: ZA-219-22-8 (Continued from July 7, 2022)
 Existing Zoning: C-2
 Location: 1919 West Baseline Road
 Quarter Section: 01-24(D7)
 Proposal: Use permit to allow a drive through facility as an accessory use to a restaurant (Taco Bell) within 300 feet of a residential zoning district. Use permit required.
- Ordinance Sections: 623.D.157.d.(2)
 Applicant: Haulapai Investments, Inc.
 Representative: Ryan Banning, Olsson
 Owner: Haulapai Investments, Inc.
13. Application #: ZA-297-22-2
 Existing Zoning: R1-8
 Location: 19638 North Cave Creek Road
 Quarter Section: 40-33(N9)
 Proposal: **1)** Variance to allow a minimum lot width (Lot No. 1) of 10 feet. Minimum lot width of 70 feet required. **2)** Variance to allow a minimum lot depth (Lot No. 1) of 77 feet. Minimum lot depth of 94 feet required. **3)** Variance to allow a minimum lot depth (Lot No. 2) of 91 feet. Minimum lot depth of 94 feet required. **4)** Variance to allow a minimum lot area (Lot No. 1) of 6,933 square feet. Minimum lot area of 8,000 square feet required. **5)** Variance to allow a minimum lot area (Lot No. 2) of 6,866 square feet. Minimum lot area of 8,000 square feet required.
- Ordinance Sections: 612.B.Table B.(a) 612.B.Table B.(a) 612.B.Table B.(a) 612.B.Table B.(a) 612.B.Table B.(a)
 Applicant: Edmir Dzudza, E-Project, LLC
 Representative: Stella Dzudza, E-Project, LLC
 Owner: Mohammad H. Malik
14. Application #: ZA-299-22-2
 Existing Zoning: R1-8
 Location: 19634 North Cave Creek Road
 Quarter Section: 40-33(N9)
 Proposal: **1)** Variance to allow a minimum lot width (Lot No. 1) of 14 feet. Minimum lot width of 70 feet required. **2)** Variance to allow a minimum lot depth (Lot No. 1) of 74 feet. Minimum lot depth of 94 feet required. **3)** Variance to allow a minimum lot depth (Lot No. 2) of 54 feet. Minimum lot depth of 94 feet required. **4)** Variance to allow a minimum lot area (Lot No. 1) of 7,827 square feet. Minimum lot area of 8,000 square feet required. **5)** Variance to allow a

- minimum lot area (Lot No. 2) of 6,622 square feet.
Minimum lot area of 8,000 square feet required.
- Ordinance Sections: 612.B.Table B.(a) 612.B.Table B.(a) 612.B.Table B.(a)
612.B.Table B.(a) 612.B.Table B.(a)
- Applicant: Edmir Dzudza, E-Project, LLC
Representative: Stella Dzudza, E-Project, LLC
Owner: Mohammad H. Malik
15. Application #: ZA-310-22-1
Existing Zoning: RE-35
Location: 5214 West Park View Lane
Quarter Section: 46-16(O5)
Proposal: Use permit to allow an over height (17 feet) detached accessory structure within the rear yard (north) setback. Maximum 15 feet permitted.
- Ordinance Sections: 706.G
Applicant: Gary Kuenzi
Representative: Gary Kuenzi
Owner: Gary Kuenzi
16. Application #: ZA-315-22-6
Existing Zoning: RE-35
Location: 6302 East Hillcrest Boulevard
Quarter Section: 18-42(H12)
Proposal: **1)** Variance to allow an over height fence (30 feet) in the rear yard setback (north). Maximum height allowed 6 feet. **2)** Variance to allow an over height fence (30 feet) in the side yard setback (west). Maximum height allowed 6 feet.
- Ordinance Sections: 703.A.2.c 703.A.2.c
Applicant: Ben Haught, Red Rock Contractors
Representative: Ben Haught, Red Rock Contractors
Owner: CJB Revocable Trust

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 Leslie Scott at 602-376-3981, leslie.scott@phoenix.gov TTY: Use 7-1-1.

8/10/2022