

## 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 **February 8, 2024 at 9:00 AM (Item 1) and 1:30 PM (Items 2-9)**

**Meeting will be held virtually. To participate, see instructions outlined below.**

### OPTIONS TO ACCESS THE MEETING

- **Call-in to listen** to the live meeting: Dial **602-666-0783**. Enter meeting access code **26340076680#**, 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://cityofphoenix.webex.com/weblink/register/r82227792b212d3095fc0ac51bb91e51f>
- **Submit a comment** on an agenda item:
  - At: [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov) by 5:00 PM on **February 6, 2024**
  - Indicate: Item Number and Case Number
- **Register to speak** on an agenda item:
  - Register for the event by 5:00 PM on **February 6, 2024**, at:  
<https://cityofphoenix.webex.com/weblink/register/r82227792b212d3095fc0ac51bb91e51f>
  - If speaking by phone only, please email [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov) by 5:00 PM on **February 6, 2024**.

### **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-284-20-4 (Continued from February 1, 2024)  
              Existing Zoning:       C-2 SAUMSO  
              Location:            4232 North 7th Avenue  
              Quarter Section:   17-26(H8)  
              Proposal:            1) Use permit to allow outdoor dining as an accessory  
  use to a restaurant/bar within 500 feet of a residential  
  district. Use permit required.  
  2) Use permit to allow outdoor alcoholic beverage  
  consumption as an accessory use to a restaurant/bar  
  within 500 feet of a residential district. Use permit  
  required.  
  3) Variance to reduce the building setback (north) from a  
  non Seventh Avenue property line that is not adjacent to  
  a residential district to 0-feet. Minimum 5 feet required.  
  4) Variance to allow an over height fence wall (8 feet)  
  along the rear property line. Maximum 6 feet allowed.

Ordinance Sections: 623.D.157.c 623.D.157.c 665.H.Table 1 703.A.2.c  
Applicant: Chris Prado, Elemental Architecture  
Representative: Lucas Lindsey, Venue Projects  
Owner: 4232 N 7th, LLC

**1:30 PM**

2. Application #: ZA-673-23-6 (SIGN)  
Existing Zoning: PUD  
Location: 15175 South 50th Street  
Quarter Section: Q010-39(A11)  
Proposal: 1) Use Permit to build an off-premise sign 439 feet from residential district, where 500 feet is required. Use permit required.  
2) Use Permit for an off-premise sign with electronic message displays. Use Permit required.
- Ordinance Sections: 705.2(A)(5) 705.2.E.3  
Applicant: Jacob Zonn  
Representative: Garry D Hays, Law Offices of Garry D Hays  
Owner: PR VW Kyrene, LLC
3. Application #: ZA-706-23-2 (SIGN)  
Existing Zoning: C-2, R-4A  
Location: 2500 East Marco Polo Road  
Quarter Section: Q40-33(N9)  
Proposal: 1) Variance to increase wall sign area to 78 square feet. Maximum 48 square feet permitted.  
2) Variance to increase wall sign height to 48 feet. Maximum 15 feet permitted.
- Ordinance Sections: 705.D.3.a; Sec. 705 Table D-1  
Applicant: Julie Kulka, Airpark Signs & Graphics  
Representative: Julie Kulka, Airpark Signs & Graphics  
Owner: Daniel Tilton, LMC Cave Creek Holdings, LLC
4. Application #: ZA-458-23-3 (Continued from January 11, 2024)  
Existing Zoning: R1-10  
Location: 3531 East Onyx Avenue  
Quarter Section: Q28-35(K10)  
Proposal: Variance to allow a detached accessory structure (bike/pool storage) in the required front yard (east) setback. Accessory structures are not permitted within the required front yard setback.
- Ordinance Sections: 706.B.1.  
Applicant: Luke Crosthwaite  
Representative: Luke Crosthwaite  
Owner: Christina and Jeff Brouwer
5. Application #: ZA-679-23-6  
Existing Zoning: R1-10  
Location: 1927 East Cactus Wren Drive  
Quarter Section: Q23-31(I9)  
Proposal: Time extension for ZA-309-22, use permit to allow an over height (17 feet) detached accessory structure within the rear yard setback. Maximum 15 feet in height permitted.

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|  | Ordinance Sections: | 706.B.2.b     |
|  | Applicant:          | Dennis Scully |
|  | Representative:     | Dennis Scully |
|  | Owner:              | Dennis Scully |
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| Application #:   | ZA-694-23-1   |
| Existing Zoning: | PSC   |
| Location:        | 3440 West Union Hills Drive   |
| Quarter Section: | Q39-21(M6)  |
| Proposal:        | 1) Variance to reduce the building setback (west) to 16 feet. Minimum 25 foot setback required.<br>2) Variance to reduce the building setback (south) to 17 feet. Minimum 25 foot setback required. |
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| Ordinance Sections: | 637.C.3 637.C.3                           |
| Applicant:          | Chris Harty, CEI Engineering & Associates |
| Representative:     | Chris Harty, CEI Engineering & Associates |
| Owner:              | Josef S. Wagelaar                         |
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| Application #:   | ZA-697-23-1  |
| Existing Zoning: | CP/BP  |
| Location:        | 3202 West Behrend Drive  |
| Quarter Section: | Q40-21(N6)   |
| Proposal:        | Use permit to allow a temporary use (construction storage) for up to 36 months. Use permit required. |
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| Ordinance Sections: | 708.D.1                                  |
| Applicant:          | Aligned Data Centers Behrend Propco, LLC |
| Representative:     | Chris Webb, Rose Law Group               |
| Owner:              | Aligned Data Centers Behrend Propco, LLC |
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| Application #:   | ZA-729-23-8   |
| Existing Zoning: | R-5 SPVTABDO FCOD   |
| Location:        | 2559 East Broadway Road   |
| Quarter Section: | Q4-33(E9)   |
| Proposal:        | 1) Variance to reduce the minimum lot width to 58 feet (Lot 1). Minimum 60 feet required.<br>2) Variance to reduce the minimum lot width to 58 feet (Lot 2). Minimum 60 feet required.<br>3) Variance to reduce the minimum lot width to 58 feet (Lot 3). Minimum 60 feet required. |
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| Ordinance Sections: | 618.B.Table B 618.B.Table B 618.B.Table B |
| Applicant:          | Joel Frechette, Proper Foundation, LLC    |
| Representative:     | Joel Frechette, Proper Foundation, LLC    |
| Owner:              | Joel Frechette, Proper Foundation, LLC    |
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| Application #:   | ZA-1-24-4  |
| Existing Zoning: | R-3, R1-6  |
| Location:        | 1030 East Mitchell Drive   |
| Quarter Section: | Q16-29(H8)   |
| Proposal:        | 1) Time extension for ZA-590-22, use permit to use the single-family attached development option. Use Permit required.<br>2) Time extension for ZA-590-22, use permit to allow a less restrictive multi-family use to expand into a more |

restrictive single-family zoning district on the east side.  
Use permit required.

3) Time extension for ZA-590-22, use permit to allow a less restrictive multi-family use to expand into a more restrictive single-family zoning district on the west side.  
Use permit required.

4) Time extension for ZA-590-22, variance to reduce the perimeter setback for units siding on the street right-of-way to 4 feet. Minimum 15 feet required.

5) Time extension for ZA-590-22, variance to reduce the perimeter landscape setback to 4 feet. Minimum 15 feet required.

6) Time extension for ZA-590-22, variance to reduce the required building setback (north) to 16 feet for a 40-foot-tall building. Minimum 35 feet required.

7) Time extension for ZA-590-22, variance to reduce the required landscape setback adjacent to a single-family zoned district to 5 feet (north). Minimum 10 feet required.

8) Time extension for ZA-590-22, variance to reduce the improved common area for bonus density to 0%.

Minimum requirement of 18.9% improved open space.

Ordinance Sections:

608.F.6 307.A.8 307.A.8 615.B.Table B 608.F.6.c.(2)  
615.B.Table B 608.F.6.c.(3) 608.I.2.b.(2)

Applicant:

Marcela Mora-Yatko, Gilbert Blilie, PLLC

Representative:

Paul Gilbert, Gilbert Blilie, PLLC

Owner:

Jay Hartgraves, 1030 East Mitchell Drive, LLC

For further information please call Eric Morales, Planner III, Planning and Development Department at 602-262-7927 or via electronic mail at [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov). To request a reasonable accommodation, please contact Teleia Galaviz at 602-291-2559, [teleia.galaviz@phoenix.gov](mailto:teleia.galaviz@phoenix.gov) TTY: Use 7-1-1.

1/24/2024