

**NOTICE OF RESULTS**  
**ZONING ADJUSTMENT HEARING**  
*\*Revised March 12, 2024*

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 **February 29, 2024 9:00 AM (Items 1-7) and 1:30 PM (Items 8-11)**

***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:

<b>RESULTS</b>	<b>9:00 AM</b>		
	<b>Withdrawn to Amend</b>	1.	<div>Application #: ZA-375-23-7 (Continued from January 18, 2024)</div> <div>Existing Zoning: DTC - Van Buren</div> <div>Location: 353, 357, 361 North 4th Avenue</div> <div>Quarter Section: 11-27(F8)</div> <div>Proposal:<div>1) Variance to allow 100% lot coverage. Maximum 55% lot coverage allowed.</div><div>2) Variance to decrease the minimum side yard primary building setback (north) to 0 feet. Minimum 10 feet required.</div><div>3) Variance to decrease the minimum side yard primary building setback (south) to 0 feet. Minimum 10 feet required.</div><div>4) Variance to decrease the minimum rear yard primary building setback (east) to 0 feet. Minimum 10 feet required.</div></div>

Ordinance Sections: 1221.B.3 1221.B.4.a.1 1221.B.4.a.1 1221.B.4.a.1

Applicant: 353 N. 4TH Ave, LLC

Representative: Benjamin Tate, Withey Morris Baugh, PLC

Owner: 353 N. 4TH Ave, LLC

**Stipulations:**

- 1) 1 year to complete lot split process.
- 2) Per the location of the improvements per the site plan date stamped January 24, 2024.

**Approved  
w/stips**

3. Application #: ZA-744-23-6  
Existing Zoning: C-2 H-R CEPCSP  
Location: 2502 East Camelback Road  
Quarter Section: Q19-33  
Proposal: 1) Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant/bar when located within 500 feet of a residential zoning district zoning line. Use permit required.  
2) Use permit to allow outdoor dining as an accessory use to a restaurant/bar when located within 500 feet of a residential zoning district zoning line. Use permit required.  
Ordinance Sections: 623.D.157.c 623.D.157.c  
Applicant: Biltmore Shopping Center Partners  
Representative: Benjamin Graff  
Owner: Biltmore Shopping Center Partners

**Stipulations:**

- 1) Per the location of the outdoor alcohol consumption area as shown on site plan date stamped January 16, 2024.
- 2) 2 year to commence the use.

**Approved  
w/stips**

4. Application #: ZA-32-24-5  
Existing Zoning: C-2  
Location: 2920 North 75th Avenue  
Quarter Section: Q15-10(G4)  
Proposal: Use permit to allow outdoor dining as an accessory use to a restaurant (Unos Tacos y Birria) within 500 feet of a residential zoning district. Use permit required.  
Ordinance Sections: 623.D.157.c  
Applicant: Unos Tacos, LLC  
Representative: Kurt Waldier and Paul Gilbert, Gilbert Blilie PLLC  
Owner: 75th & Thomas, LLC

**Stipulations:**

- 1) Per the location of the outdoor dining as shown on site plan date stamped January 22, 2024.
- 2) 120 days to commence the use.

**Approved  
w/stip**

5. Application #: ZA-51-24-4  
Existing Zoning: C-1, C-O, P-1  
Location: 2817 North 7th Street  
Quarter Section: Q14-29(G8)  
Proposal: 1) Time extension of ZA-640-21, use permit to allow outdoor dining as an accessory to a restaurant (Birdcall). Use permit required.

2) Time extension of ZA-640-21, 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) Time extension of ZA-640-21, 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) Time extension of ZA-640-21, 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) Time extension of ZA-640-21, 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: 307.A.8 622.D.150.d 622.D.150.e.(2) 622.E.4.e 622.E.4.e

Applicant: Brian Greathouse, Burch & Cracchiolo, P.A.

Representative: Brian Greathouse, Burch & Cracchiolo, P.A.

Owner: AKG 7th and Thomas LLC

**Stipulation:**

- 1) 1 year to apply for and obtain building permits.

**Continued**

6.

Application #: ZA-57-24-6

Existing Zoning: RE-24

Location: 5615 North 45th Street

Quarter Section: Q20-38(I11)

Proposal: Variance to reduce the required front yard setback (west) to 27 feet. Minimum 40 feet required.

Ordinance Sections: 606.B.2

Applicant: David E. Richert, Richert & Associates

Representative: David E. Richert, Richert & Associates

Owner: Nico and Patrick Fricchione

**Continued to April 4, 2024 at 9:00 AM.**

**Approved  
w/stips**

7.

Application #: ZA-58-24-8

Existing Zoning: C-2 CCSIO

Location: 1424 South 7th Avenue

Quarter Section: Q8-26(F8)

Proposal: 1) Variance to reduce the perimeter landscape setback (northeast) adjacent to the R-5 zoning district to 0 feet. Minimum 10 foot setback required.

2) Variance to reduce the perimeter landscape setback (south) adjacent to R-3 and R-5 zoning

districts to 0 feet. Minimum 10 foot setback required.

3) Variance to allow an over height fence (6 feet) within the required front yard setback (south). Maximum 40 inches permitted.

Ordinance Sections: 623.E.4.e 623.E.4.e 703.A.3.a

Applicant: David Cawthron, Cawthron Architects

Representative: David Cawthron, Cawthron Architects

Owner: Phoenix Behavioral Health Foundation,  
Southwest Behavioral Health and Services

**Stipulations:**

- 1) Applicant shall maintain the wrought iron portions of the fence as they currently exist within the south front yard setback as shown on site plan date stamped January 29, 2024.
- 2) 1 year to apply for and obtain building permits.

**1:30 PM**

**Approved  
w/stips**

8. Application #: ZA-694-23-1 (Continued from February 8, 2024)

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.

2) Variance to reduce the building setback (south) to 17 feet. Minimum 25 foot setback required.

Ordinance Sections: 637.C.3 637.C.3

Applicant: Chris Harty, CEI Engineering & Associates

Representative: Chris Harty, CEI Engineering & Associates

Owner: Josef S. Wagelaar

**Stipulations:**

- 1) 1 year to apply for and obtain building permits.
- 2) Per the setback reductions and loading zone as shown on site plan date stamped December 12, 2023.

**Approved  
w/stips**

9. Application #: ZA-623-23-6

Existing Zoning: RE-24 ACSPD

Location: 6102 East Calle Del Media

Quarter Section: Q17-42(H12)

Proposal: 1) Variance to reduce the rear yard setback (east) to 10 feet. Minimum 30 feet required.  
2) Variance to reduce the front yard setback (west) for a detached accessory dwelling unit to 15 feet. Minimum 30 feet required.

3) Use permit to allow detached accessory dwelling unit located between the primary dwelling unit and the front property line. Use permit required.

Ordinance Sections: 606.B.4 606.B.2 706.A.6

Applicant: Melissa Campbell

Representative: Melissa Campbell

Owner: Melissa Campbell

**Stipulations:**

- 1) 18 months to apply for and obtain building permits.
- 2) Per the setback reductions as shown on site plan date stamped February 14, 2024.

**Approved  
w/stip**

10. Application #: ZA-35-24-6  
Existing Zoning: RE-35  
Location: 6121 North 20th Street  
Quarter Section: Q21-32(I9)  
Proposal: 1) Variance to reduce the minimum lot width to 26 feet (Lot 1). Minimum 150 feet required.  
2) Variance to reduce the minimum lot width to 70 feet (Lot 2). Minimum 150 feet required.  
Ordinance Sections: 609.B.Table  
Applicant: Reed Dalbik, JLD Engineering  
Representative: Reed Dalbik, JLD Engineering  
Owner: Bill and Lori J. Olin

**Taken out from under advisement on March 12, 2024 and approved with the following stipulation:**

- 1) 9 months to complete the lot split process.

**Continued**

11. Application #: ZA-56-24-2  
Existing Zoning: RE-35  
Location: 6003 East Calle Marita  
Quarter Section: Q55-42(Q11,Q12)  
Proposal: Variance to allow a 35% lot coverage. Maximum 30% allowed.  
Ordinance Sections: 609.Table B  
Applicant: David Hay, Extreme Backyards  
Representative: David Hay, Extreme Backyards  
Owner: Jennifer and Steven Day

**Continued to April 4, 2024 at 9:00 AM.**

**ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER  
PLANNER: DOMINIC AMODIO, PLANNER II**

For further information, please call Eric Morales, Planner III, Planning and Development Department at 602-262-7927, or contact via electronic mail at [zoning.adjustment@phoenix.gov](mailto: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 Angie Holdsworth at 602-495-5622, [angie.holdsworth@phoenix.gov](mailto:angie.holdsworth@phoenix.gov) TTY: Use 7-1-1.

March 12, 2024