

**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 **April 21, 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
Approved
w/stips**

- 9:00 AM**
 1. Application #: ZA-75-22-7
Existing Zoning: PUD
Location: 6775 West McDowell Road
Quarter Section: 12-12(G4)
Proposal: **1)** Use permit to allow a drive through facility as an accessory use to a restaurant (PAD 1). Use permit required. **2)** Use permit to allow a drive through facility as an accessory use to a restaurant (PAD 2). Use permit required. **3)** Use permit to allow a drive through facility as an accessory use to a restaurant (PAD 3). Use permit required.
Ordinance Sections: 671.C 671.C 671.C
Applicant: Kurt Waldier, Beus Gilbert McGroder, PLLC
Representative: Paul Gilbert, Beus Gilbert McGroder, PLLC
Owner: Ben Swenson, Americal Management Company, Inc.
Stipulations:
 - 1) 1 year to apply and pay for building permits.
 - 2) Per the drive-through locations as shown on the plan dated March 3, 2022.
 2. Application #: ZA-77-22-2
Existing Zoning: R1-14
Location: 6901 East Friess Drive
Quarter Section: 33-44(L12)
Proposal: Variance to allow an over height wall (7 feet) in the required side yard (west). Maximum 6 feet permitted.
Ordinance Sections: 703.A.2.c
Applicant: Matthew Swords
Representative: Marti Estey
Owner: Matthew Swords
Stipulations:
 - 1) 1 year to apply and pay for building permits.
 - 2) Per the over height wall locations as shown on the plan dated February 17, 2022.

Approved w/stips	3.	Application #:	ZA-79-22-4
		Existing Zoning:	R1-6
		Location:	2230 West Fairmount Avenue
		Quarter Section:	16-24(H7)
		Proposal:	Variance to reduce the side yard setback (west) to 0 feet. Minimum 10 feet required.
		Ordinance Sections:	613.B.Table B
		Applicant:	Patricia Gonzalez-Sotelo
		Representative:	Miguel Solorio
		Owner:	Patricia Gonzalez-Sotelo
		Stipulation:	
			1) 1 year to apply and pay for building permits.
			2) Per the setback reduction as shown on the site plan dated February 18, 2022.
Approved w/stips	4.	Application #:	ZA-85-22-8
		Existing Zoning:	R-3 SPVTABDO
		Location:	1326 East Wier Avenue
		Quarter Section:	4-30(E9)
		Proposal:	Use permit to allow a dependent care facility for 13 or more dependents. Use permit required.
		Ordinance Sections:	615.C.8
		Applicant:	Mark Abram, Ohana Developmental Homes, LLC
		Representative:	Mark Abram, Ohana Developmental Homes, LLC
		Owner:	Ryan Senters, Friends of Ohana
		Stipulations:	
			1) Maximum of 15 dependents permitted.
			2) 1 year to commence use.
Denied	5.	Application #:	ZA-87-22-6
		Existing Zoning:	R1-10 NCASPD
		Location:	6035 North Central Avenue
		Quarter Section:	21-28(I8)
		Proposal:	Variance to allow a detached accessory structure in the front yard setback (west). Accessory structures are not allowed in the front yard setback.
		Ordinance Sections:	706.A
		Applicant:	Jordan Greenman, JE Greenman Consulting
		Representative:	Jordan Greenman, JE Greenman Consulting
		Owner:	Jeff Moore
Approved w/stips	6.	Application #:	ZA-89-22-6
		Existing Zoning:	RE-35 ACSPD
		Location:	5275 East Arcadia Lane
		Quarter Section:	17-40(H11)
		Proposal:	Variance to reduce the rear yard (west) setback to 20 feet. Minimum 40 feet required.
		Ordinance Sections:	609.B.

Applicant: Ed Bull, Burch & Cracchiolo
Representative: Ed Bull, Burch & Cracchiolo
Owner: Brett & Larissa Polachek, Brett & Larissa Polachek Family Trust

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reduction as shown on the plan dated March 17, 2022.
- 3) The southern perimeter of this lot shall maintain a 40-foot setback for the main building.

**Approved
w/stips**

7. Application #: ZA-90-22-8
Existing Zoning: RE-43 BAOD
Location: 3731 East Saint Anne Avenue
Quarter Section: 2-36(D10)
Proposal: Variance to reduce the side yard setback (west) to 28 feet. Minimum 30 feet required.
Ordinance Sections: 605.B.3
Applicant: Trent Marchuk
Representative: Clifford Ray, Inguz Construction, LLC
Owner: Trent Marchuk

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reduction as shown on the plan dated March 4, 2022.

**Approved
w/stips**

- 1:30 PM**
8. Application #: ZA-70-22-1 (SIGN)
Existing Zoning: A-1
Location: 2723 West Sweetwater Avenue
Quarter Section: 31-22(K7)
Proposal: Use permit to rebuild a nonconforming off-premise sign with one digital face. Use permit required.
Ordinance Sections: 705.2.G.4
Applicant: Jacob Zonn, Becker Boards Small, LLC
Representative: Jacob Zonn, Becker Boards Small, LLC
Owner: RLM Enterprises, LLC

Stipulations:

- 1) Install Planning and Development Department-approved vertical louvers to mitigate light trespass to properties adjacent to the I-17 freeway south of the subject off-premise sign.
- 2) Prior to the issuance of sign permits for the subject sign, the applicant shall completely remove the remaining 672 square feet of nonconforming, off-premise sign face and the entire sign structure located at 5302 West Van Buren Street, (APN # 103-29-002C) prior to the issuance of the permit for the subject digital sign face. (The second sign face at this location was removed as the approval of ZA-713-21.)
An alternative, acceptable nonconforming, off-premise sign face totaling a minimum of 672 square feet may be removed to satisfy

the sign removal requirements of the digital conversion use permit. Acceptable documentation for sign(s) to be removed shall be provided prior to the issuance of the permits to add the digital sign face at 2723 West Sweetwater Avenue.

- 3) The applicant shall have 12 months to apply and pay for permits for the rebuilt, nonconforming sign.

Denied	9.	Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner:	ZA-83-22-8 (SIGN) C-3 TOD-1 1401 East Washington Street 10-30(F9) Variance to increase wall sign letter height to 20 inches. Maximum 12 inches permitted. Section 662.K.1.b Ray Owens, Royal Sign Company Ray Owens, Royal Sign Company Laborers International Union
#1 and 3 Approved w/stips #2 Denied	10.	Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner: Stipulations:	ZA-685-21-7 (Continued from February 17, 2022) R-3 760 West Jones Avenue 5-26(E8) 1) Variance to reduce the front yard setback (south) to 11 feet. Minimum 25 feet required. 2) Variance to reduce the side yard setback (west) to 1 foot. Minimum 3 feet required. 3) Variance to reduce the rear yard setback (north) to 4 feet. Minimum 15 feet required. 615.B.Table B 615.B.Table B 615.B.Table B Cristobal Diosdado Cristobal Diosdado Cristobal Diosdado 1) 18 months to apply and pay for building permits. 2) Per the setback reductions as shown on the site plan dated January 7, 2022.
Denied	11.	Application #: Existing Zoning: Location: Quarter Section: Proposal:	ZA-68-22-3 R1-6 13231 North 18th Street 32-31(L9) 1) Variance to reduce the side yard (north) setback for an open projection to 2 feet. Minimum 3 feet required. 2) Variance to reduce the side yard (south) setback for an open projection to 1 foot. Minimum 3 feet required. 3) Variance to reduce rear yard (east) setback to 8 feet. Minimum 25 feet required. 4) Variance to increase the lot coverage to 60%. Maximum 40% allowed.

	Ordinance Sections:	701.A.3.a.(1).(b) 701.A.3.a.(1).(b) 613.B.TableB 613.B.TableB
	Applicant:	Casey Koldoff
	Representative:	Casey Koldoff
	Owner:	Casey Koldoff
Approved w/stips	12. Application #:	ZA-80-22-6
	Existing Zoning:	R1-10
	Location:	7040 North 23rd Place
	Quarter Section:	23-32(I9)
	Proposal:	1) Variance to increase the retaining wall height to 18 feet within the required side yards (north, south). Individual retaining walls may not exceed a height of 6 feet when located in the interior side or rear yards, with the total combined vertical height of each individual wall not to exceed 20 feet. 2) Variance to increase the retaining wall height to 18 feet within the required rear yard (west). Individual retaining walls may not exceed a height of 6 feet when located in the interior side or rear yards, with the total combined vertical height of each individual wall not to exceed 20 feet. 3) Variance to increase the total combined vertical retaining wall height to 24 feet. Individual retaining walls may not exceed a height of 6 feet when located in the interior side or rear yards, with the total combined vertical height of each individual wall not to exceed 20 feet.
	Ordinance Sections:	703.A.4.e 703.A.4.e 703.A.4.e
	Applicant:	William and Candice Lee
	Representative:	Michael Kolejka, NCARB, AIA, MK Architects, PLC
	Owner:	CB40 Living Trust
	Stipulations:	
		1) 18 months to apply and pay for building permits.
		2) A third retaining wall shall be added between 1B and 1C, west of the terrace and pool as shown on the site plan dated March 23, 2022.
Approved w/stips	13. Application #:	ZA-81-22-2
	Existing Zoning:	C-2
	Location:	7077 East Bell Road
	Quarter Section:	36-44(M12)
	Proposal:	1) Use permit to allow outdoor dining as an accessory use to a restaurant (Uncle Bears Grill and Tap) within 500 feet of a residential district. Use permit required. 2) Use permit to allow outdoor alcohol consumption as an accessory use to a restaurant (Uncle Bears Grill and Tap) within 500 feet of a residential district. Use permit required.

Ordinance Sections: 623.D.157.c 623.D.157.c
Applicant: Vince Dalke, Dalke Design Group, LLC
Representative: Vince Dalke, Dalke Design Group, LLC
Owner: GDC Scottsdale Crossings, LLC

Stipulations:

- 1) Employees must have unobstructed views into the patio area or be present to monitor patron activities.
- 2) The patio area will have adequate lighting and a containment wall or fence to prevent alcohol violations and other illegal activity from occurring outside of the business.
- 3) The hours of operation for the patio will be limited to between 10:30 AM and 10:00 PM Sundays through Thursday, and from 10:30 AM to midnight on Friday and Saturday.
- 4) 1 year to apply and pay for building permits.
- 5) Per the size and location of the patio as shown on the plan dated February 18, 2022.

**Withdrawn
to Amend**

14. Application #: ZA-82-22-7
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 6 spaces required per ZA-249-16.
Ordinance Sections: 624.D.112.c 624.D.112.a.(2) 624.D.112.c 624.D.112.c ZA-249-16
Applicant: Charlie Levy
Representative: Taylor Earl, Earl and Curley
Owner: EQ Seventh and McKinley, LLC

**Approved
w/stips**

15. Application #: ZA-132-22-6
Existing Zoning: RE-35 ACSPD
Location: 4519 North 61st Place
Quarter Section: 18-42(H12)
Proposal: Variance to reduce the required rear yard (east) setback to 20 feet. Minimum 40 feet required.
Ordinance Sections: 609.B.Table

Applicant: Monica Perez, Drattr, LLC
Representative: Monica Perez, Drattr, LLC
Owner: James and Janine Harris

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reduction as shown on the site plan dated March 22, 2022.

ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
PLANNER: ERIC MORALES, 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.

April 22, 2022