

**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 **July 21, 2022 9:00 AM (Items 1-8) and 1:30 PM (Items 9-16)**.

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
Approved
w/stips**

9:00 AM

1. Application #: ZA-141-22-4 (Continued from May 26, 2022)
Existing Zoning: R1-6 HP
Location: 525 West Almeria Road
Quarter Section: 13-27(G8)
Proposal: **1)** Variance to reduce the side yard (east) setback to 0 feet for a detached accessory structure. Minimum 3 feet required. **2)** Variance to allow an over height (12 feet) accessory structure located in the side yard (east) setback. Maximum 8 feet in height permitted.
Ordinance Sections: 706.B 706.C
Applicant: Rodney Sherrard, RSA Design Build / RS Architecture, LLC
Representative: Rodney Sherrard, RSA Design Build / RS Architecture, LLC
Owner: Rod Granberry, Pure Light Investments
Stipulations:
 - 1) 1 year to apply and pay for building permits.
 - 2) Applicant must receive a Certificate of Appropriateness from the Historic Preservation Office.
 - 3) Per the shape, size, and location of the detached structure as shown on the plan signed and dated July 21, 2022.
 - 4) The height of the structure shall not exceed 10 feet.

**Approved
w/stips**

2. Application #: ZA-232-22-4
Existing Zoning: R1-6
Location: 3021 North Randolph Road
Quarter Section: 15-30(G9)
Proposal: **1)** Variance to reduce the side yard setback (southeast) to 6 feet. Minimum 10 feet required. **2)** Variance to reduce the rear yard setback (northeast) to 14 feet. Minimum 25 feet required.
Ordinance Sections: 613.B.Table B 613.B.Table B
Applicant: JB Property Investment Group, LLC
Representative: Thomas S. Maroun, Esq.
Owner: JB Property Investment Group, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the size and location of the setback reductions as shown on the site plan dated May 23, 2022.

Denied	3.	Application #:	ZA-241-22-1
		Existing Zoning:	R1-8
		Location:	2818 West Wagoner Road
		Quarter Section:	38-22(M7)
		Proposal:	1) Variance to reduce side yard (east) setback to 0 feet. Minimum 3 feet required. 2) Variance to reduce the side yard setback (west) for a detached accessory structure to 0 feet. Minimum 3 foot setback required.
		Ordinance Sections:	612.Table B 706.B
		Applicant:	Ky Minh Le
		Representative:	Ky Minh Le
		Owner:	Ky Minh Le
#1 Approved w/stip	4.	Application #:	ZA-242-22-4
		Existing Zoning:	P-1, R-5, C-2 (Pending WU T5:6
		Location:	402 West Osborn Road, 3404, 3410 and 3500 North 4th Avenue
#2 Withdrawn		Quarter Section:	16-27(H8)
		Proposal:	1) Variance to reduce the required combined depth of the parking space and the drive aisle to 60 feet for a double loaded drive aisle. Minimum 62 feet required. 2) Variance to reduce the width of tandem parking spaces to 8 feet 6 inches. Minimum 9 feet 6 inches required.
		Ordinance Sections:	702.B.2.b.5 702.B.2.a.1.c
		Applicant:	Subtext
		Representative:	Nick Wood, Esq, Snell & Wilmer, LLP
		Owner:	Masyno Osborn, LLC
		Stipulation:	
			1) 2 years to apply and pay for building permits.
Continued	5.	Application #:	ZA-244-22-2
		Existing Zoning:	C-1
		Location:	28325 North Tatum Boulevard
		Quarter Section:	51-39(P11)
		Proposal:	Use permit to allow package liquor sales as an accessory use to a convenience market (New York Butcher Shoppe) within 300 feet of a residential district. Use permit required.
		Ordinance Sections:	622.D.102.a
		Applicant:	Ninos Lazar, NYBS-AZ1, LLC
		Representative:	Ninos Lazar, NYBS-AZ1, LLC
		Owner:	Jack Padrick, Bengin, LLC
		Continued to September 8, 2022 at 9:00 AM.	

Approved w/stips	6.	Application #:	ZA-246-22-2
		Existing Zoning:	S-1
		Location:	28432 North 44th Street
		Quarter Section:	51-37(P10)
		Proposal:	1) Time extension for ZA-210-21, variance to reduce the required side setback (south) for an accessory building to 5 feet. Minimum 50 feet required. 2) Time extension for ZA-210-21, variance to reduce the required side setback (west) for an accessory building to 5 feet. Minimum 50 feet required.
		Ordinance Sections:	603.B.3 603.B.3
		Applicant:	Alma Uzarraga, RD Architectural Consultants
		Representative:	Alma Uzarraga, RD Architectural Consultants
		Owner:	Gil Valdez
		Stipulations:	
			1) 1 year to apply and pay for building permits.
			2) Per the location of the structures as shown on the plan dated April 12, 2021.
Approved w/stips	7.	Application #:	ZA-247-22-4
		Existing Zoning:	WU T6:HWR MT
		Location:	3110 North Central Avenue, Suite 175
		Quarter Section:	15-27(G8)
		Proposal:	1) Use permit to allow outdoor music that exceeds 55 dBa. Use permit required. 2) Use permit to allow outdoor patron dancing. Use permit required.
		Ordinance Sections:	1306.G.6.a(1) 1306.G.6.a(4)
		Applicant:	Jeffery Perales, Kobalt Bar
		Representative:	Jeffery Perales, Kobalt Bar
		Owner:	Plaza Companies
		Stipulations:	
			1) 1 year to commence the use.
			2) No sound levels exceeding 55 dBa are allowed after 10:00 PM.
Approved w/stip	8.	Application #:	ZA-251-22-4
		Existing Zoning:	R-3
		Location:	5020 North 21st Avenue
		Quarter Section:	19-24(H7)
		Proposal:	Use permit to use the Planned Residential Development (PRD) option. Use permit required.
		Ordinance Sections:	615.Table B
		Applicant:	David II Kenyon, Presence Design, PLLC
		Representative:	David II Kenyon, Presence Design, PLLC
		Owner:	John Hsieh, H Cubed Investments, LLC
		Stipulation:	
			1) 18 months to apply and pay for building permits.

Approved w/stips	1:30 PM		
	9.	Application #:	ZA-126-22-3 (SIGN)
		Existing Zoning:	C-3
		Location:	18444 North Cave Creek Road
		Quarter Section:	38-32(M9)
		Proposal:	1) Use permit to rebuild a nonconforming sign to 43 feet in height with one digital face. Use permit required. 2) Use permit to reduce off-premise sign separation from a residential district and residential use to 125 feet. Minimum 500 feet of separation required. 3) Variance to reduce spacing between off-premise structures to 350 feet. Minimum 1,000 feet required.
		Ordinance Sections:	705.2.G.4 705.A..5 705.2.B.2
		Applicant:	Outfront Media, LLC
		Representative:	Cassandra Ayres, Berry Riddell, LLC
		Owner:	Member REI 18444, LLC
		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 south or west side of the pole cover and concealed from southbound traffic.
			2) Prior to the issuance of sign permits for the subject sign, the applicant shall obtain a demolition permit and completely remove 300 square feet of permitted, nonconforming, off-premise sign face and 300 square feet of non-permitted sign face and the entire sign structure located at 364 N. 7th Avenue, (Permit# 77079; APN 111-30-089A) prior to the issuance of the permits for the subject sign.
			3) The applicant shall have 12 months to apply and pay for permits for the rebuilt nonconforming sign.
Approved w/stips	10.	Application #:	ZA-245-22-3 (SIGN)
		Existing Zoning:	C-2
		Location:	9425 North 7th Street
		Quarter Section:	27-29(J8)
		Proposal:	Use permit to convert two faces of a nonconforming off-premise sign to digital. Use permit required.
		Ordinance Sections:	705.2.G.4
		Applicant:	Paul Hickman, Clear Channel Outdoor, LLC
		Representative:	Taylor Earl, Earl & Curley, P.C.
		Owner:	9425 North 7th St., LLC
		Stipulations:	
			1) Install Planning and Development Department-approved vertical louvers on digital sign face(s) to mitigate light trespass to nearby residentially-used properties in general conformance with the VisionIQ Siteline louver panel details submitted by the applicant.
			2) 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 traffic.

- 3) To reduce visual clutter and improve the compatibility of the sign with the surrounding buildings, remove the north and south catwalks on the existing sign structure.
- 4) Prior to the issuance of sign permits for the subject sign, the applicant shall completely remove 900 square feet of nonconforming, off-premise sign face including 300 square feet of sign face and sign structure located at 2645 N. 24th Street, (Permit# 33122; CCO # 003720) and 600 square feet of sign face located at 4015 N. 16th Street (CCO # 002167) prior to the issuance of the permit for the subject digital sign face(s). Alternative, acceptable nonconforming, off-premise sign faces totaling a minimum of 900 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 and the sign shall be removed prior to the issuance of the permits to add the digital sign face(s) at 9427 N. 7th Street.
- 5) The applicant shall have 12 months to apply and pay for permits for the digital conversion of the nonconforming sign.

**Approved
w/stip**

11. Application #: ZA-248-22-5 (SIGN)
Existing Zoning: PUD
Location: 3301 & 3701 North 99th Avenue and 9425 West Indian School Road
Quarter Section: 15-5(G2) 16-5(H2) 16-6(H3)
Proposal: Use permit for a major amendment to the Algodon Center Comprehensive Sign Plan to remove three parcels (102-26-003F, 102-26-004A and 102-25-002S). Use permit required.
Ordinance Sections: 705.E.2.d
Applicant: Stephen Anderson, Gammage & Burnham, PLC
Representative: Stephen Anderson, Gammage & Burnham, PLC
Owner: Algodon AG Revocable Land Trust

Stipulation:

- 1) Within 30 days of use permit approval, submit a drawing showing the entire updated CSP area with a revised boundary excluding the subject property. Include 'Revised CSP Boundary' in the title of the drawing.

Withdrawn

12. Application #: ZA-508-21-7 (Continued from May 26, 2022)
Existing Zoning: R-3 RSIO
Location: 745 West Jones Avenue
Quarter Section: 5-26(E8)
Proposal: **1)** Variance to reduce the required front yard setback (north) to 0 feet. Minimum 25 feet required. **2)** Variance to allow 52 percent lot coverage. Maximum 45 percent lot coverage permitted. **3)** Variance to allow an over height fence (6 feet) in the required front yard (north). Maximum 40 inches permitted.
Ordinance Sections: 615.B.Table B 615.B.Table B 703.A.2.a

	Applicant:	Santos Ugalde, Designer
	Representative:	Santos Ugalde, Designer
	Owner:	Ilse Cardenas Viriada
Denied	13.	Application #: ZA-250-22-6 Existing Zoning: R1-6 CEPCSP Location: 2430 East Pierson Street Quarter Section: 18-33(H9) Proposal: Variance to reduce the side yard setback (east) to 3 feet. Minimum 10 feet required. Ordinance Sections: 613.B.TableB Applicant: Michael and Jaime Finnessey Representative: Bruce Krager, BK Construction Owner: Michael and Jaime Finnessey
Approved w/stip	14.	Application #: ZA-252-22-8 Existing Zoning: R-3 BAOD Location: Northeast and southeast corners of 8th Place and Alta Vista Road alignment Quarter Section: 2-29(D8) Proposal: Use permit to use the Planned Residential Development (PRD) option. Use permit required. Ordinance Sections: 615.B.Table B Applicant: Stuart McPherson, JEK, LLC Representative: Lance Baker, Synectic Design, Inc. Owner: Jon Conelly Stipulation: 1) 2 years to apply and pay for building permits.
Approved w/stip	15.	Application #: ZA-256-22-3 Existing Zoning: R1-6 Location: 10047 North 7th Place Quarter Section: 28-29(K8) Proposal: 1) Variance to reduce the side yard setback (south) for an accessory structure to 0 feet. Minimum 3 feet required. 2) Variance to allow accessory structures on a lot without a primary structure. Primary structure required to allow accessory structures on a lot. Ordinance Sections: 613.B.Table B 608.C.3 Applicant: Don and Kelly Moore Representative: Don and Kelly Moore Owner: Don and Kelly Moore Stipulation: 1) 1 year to apply and pay for building permits.
Approved w/stips	16.	Application #: ZA-257-22-8 Existing Zoning: R1-10 Location: 3728 East Palm Lane

Quarter Section: 13-36(G10)
Proposal: Variance to allow an over height fence (6 feet) in the required front yard setback (west). Maximum 40 inches permitted.
Ordinance Sections: 703.A.2.a
Applicant: Morgan Hawes and Peter Mettler
Representative: Morgan Hawes and Peter Mettler
Owner: Morgan Hawes and Peter Mettler

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) There shall be a minimum of 5 feet of setback from the back of the existing sidewalk and the new wall location.
- 3) The 5 feet of area between the sidewalk and wall location shall be landscaped to include four 2 inch caliper trees and shrubs to buffer the wall. This area shall also have an automatic sprinkler system.

ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
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 602-261-8980, leslie.scott@phoenix.gov TTY: Use 7-1-1.

July 22, 2022