

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised December 21, 2022*

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 **September 15, 2022 at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-17)**.

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/stip

9:00 AM

1. Application #: ZA-344-22-5
Existing Zoning: C-2
Location: 10017 West Camelback Road
Quarter Section: 18-4(H2)
Proposal: Use permit to allow a drive through facility accessory to a restaurant (Salad and Go) within 300 feet from a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.d.2
Applicant: Travis Bousquet, Atwell, LLC
Representative: Shawn Grant, And Go Concepts, LLC
Owner: Newbush Properties, LLC
Stipulation:
1) 1 year to apply and pay for building permits.

Approved
w/stip

2. Application #: ZA-346-22-3
Existing Zoning: R1-10
Location: 10036 North 30th Place
Quarter Section: 28-34(K10)
Proposal: Variance to allow an over height (7 feet) fence located in the side yards (northwest and south) and rear yard (southwest). Maximum 6 feet allowed.
Ordinance Sections: 703.A.2.c
Applicant: Adham Burbar
Representative: Adham Burbar
Owner: Adham Burbar
Stipulation:
1) The wall be painted to match the house.

Approved
w/stip

3. Application #: ZA-347-22-7
Existing Zoning: R-2
Location: 5801 South 51st Avenue
Quarter Section: 3-17(D5)

Proposal: Variance to allow an over height (8 feet) wall located in the side yards (east). Maximum 6 feet allowed.
Ordinance Sections: 703.A.2.c
Applicant: Shelby Duplessis, Village at Liberty Farms, LLC
Representative: Shelby Duplessis, Village at Liberty Farms, LLC
Owner: Village at Liberty Farms, LLC

Stipulation:

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

***Approved
w/stips**

4. Application #: ZA-350-22-8
Existing Zoning: S-1 BAOD
Location: 6075 South 32nd Street
Quarter Section: 2-35(D10)
Proposal: Use permit to allow temporary parking for 3 years. Use permit required.
Ordinance Sections: 708.C.1.b
Applicant: Patricia Christofolo
Representative: Gregory Brownell
Owner: Patricia Christofolo

Taken out from under advisement on December 21, 2022 and approved with the following stipulations:

- 1) Approved for 3 years.
- 2) The applicant shall work in partnership with the City of Phoenix to construct an ADA accessible path from the ADA ramp on the west side of 32nd Street south to the Farm entrance at the time of CFB installation by the Street Transportation Department.
- 3) The applicant shall remove mesquite tree on the west side of 32nd Street to effectively utilize existing lighting on west side of 32nd Street.
- 4) The applicant shall plant and maintain a minimum of 30 shrubs and/or cacti along the 32nd Street frontage.
- 5) The applicant shall submit a formal rezoning application to rezone the subject site for a development of a permanent parking lot no later than 1 year prior to the expiration of this use permit.

**Approved
w/stip**

5. Application #: ZA-354-22-1
Existing Zoning: PUD DVAO
Location: 23600 North 19th Avenue
Quarter Section: 45-24(O7) 45-25(O7) 45-26(O8) 45-28(O8)
Proposal: Use permit to allow over height retaining walls (11 feet) within 50 feet of a subdivision perimeter. Maximum 40 inches permitted. Use permit required.
Ordinance Sections: 703.A.4.c
Applicant: Jeff McCall, McCall and Associates Architects
Representative: Jeff McCall, McCall and Associates Architects
Owner: DV Non-QOF 1, LLC

Stipulation:

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

**#1
Approved
w/stips
#2 Denied**

6. Application #: ZA-355-22-2
Existing Zoning: R1-14 PCD
Location: 13835 North 62nd Street
Quarter Section: 33-42(L12)
Proposal: 1) Variance to reduce the side yard setback (south) to 5 feet. Minimum 10 feet required. 2) Variance to reduce the front yard setback (west) to 20 feet. Minimum 30 feet required.
Ordinance Sections: 606.B.3.b 606.B.2
Applicant: Ray Cronin, M & R Renovation, LLC
Representative: Ray Cronin, M & R Renovation, LLC
Owner: Ray and Mary Cronin
Taken out from under advisement on November 3, 2022 and decided on as follows:
#1 – Approved with the following stipulations:
1) 1 year to obtain and pay for building permits.
2) Addition to match existing house in terms of materials, colors and architectural character.

**Approved
w/stip**

7. Application #: ZA-356-22-6
Existing Zoning: RE-35
Location: 3102 East Palo Verde Drive
Quarter Section: 20-34(I10)
Proposal: 1) Variance to reduce the front yard setback (east) to 20 feet. Minimum 40 feet required. 2) Variance to reduce the rear yard setback (west) to 20 feet. Minimum 40 feet required.
Ordinance Sections: 609.B.Table 609.B.Table
Applicant: Kenneth Bonham
Representative: Jacques LeBlanc, Realm Architecture & Design
Owner: Kenneth Bonham
Stipulation:
1) 1 year to apply and pay for building permits.

**Approved
w/stips**

8. Application #: ZA-358-22-4
Existing Zoning: R1-6
Location: 2933 West Mackenzie Drive
Quarter Section: 17-22(H7)
Proposal: Variance to reduce the side yard setback (east) to 8 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Jared Piper, Gen 5 Investments, LLC
Representative: Jared Piper, Gen 5 Investments, LLC
Owner: Gen 5 Investments, LLC
Stipulations:
1) There are to be no further reductions to setbacks on the east or west sides of the property.
2) 6 months to apply and pay for building permits.

		1:30 PM	
Approved w/stips	9.	Application #:	ZA-258-22-2 (SIGN) (Continued from July 28, 2022)
		Existing Zoning:	PUD
		Location:	4725 East Dynamite Blvd
		Quarter Section:	50-38(P11)
		Proposal:	Use permit for a Major amendment to the Diamond Creek Plaza Comprehensive Sign Plan. Use permit required.
		Ordinance Sections:	705.E.2.d.(2)
		Applicant:	Charlie Gibson, Bootz and Duke Sign Company
		Representative:	Kristi Trisko, Bootz and Duke Sign Company
		Owner:	Tatum & Dynamite Self Storage Partners
		Stipulations:	
			1) Adherence to the sign drawings date stamped August 11, 2022 including sign height and sign design.
			2) 12 months to obtain sign permits for the subject sign.
Approved w/stips	10.	Application #:	ZA-270-22-8 (SIGN) (Continued from July 28, 2022)
		Existing Zoning:	PSC
		Location:	5850 South 19th Avenue
		Quarter Section:	3-24(D7)
		Proposal:	Use permit to allow an electronic message display (EMD) on two ground signs. Use Permit required.
		Ordinance Sections:	705.C.13
		Applicant:	Gary Spinner, Pearson's Signs Company
		Representative:	Gary Spinner, Pearson's Signs Company
		Owner:	Circle K Stores, Inc.
		Stipulations:	
			1) Adherence to the sign drawings date stamped June 7, 2022 including sign height and sign design.
			2) 12 months to obtain sign permits for the subject sign.
Approved w/stips	11.	Application #:	ZA-345-22-1
		Existing Zoning:	C-2
		Location:	4410 West Union Hills Drive
		Quarter Section:	39-18(M6)
		Proposal:	1) Variance to allow a disguised wireless communication facility 80 feet in height. Maximum 65 feet permitted. 2) Variance to allow a disguised wireless communication facility array to extend 36 inches from the structure to which it is attached. Maximum 30 inches permitted.
		Ordinance Sections:	715.B.2.a.(1) 715.B.2.b.(3).(e)
		Applicant:	New Cingular Wireless PCS, LLC (AT&T)
		Representative:	Michael Hanna, SmartLink Communications, LLC

Owner: Union Crossing, LLC, Arcadia Property Management

Taken out from under advisement on November 3, 2022 and approved with the following stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. The website to file online is: <https://oeaaa.faa.gov.oeaaa/external/portal.jsp>.
- 3) The tower shall be disguised using a broadleaf design similar to the Valmont-Larson image of a "broadleaf concealed solution", center image at the top of brochure page 1 provided by applicant. The intent is that the disguise resembled trees in the adjacent open space as closely as possible. Disguise to be approved by Planning and Development Department prior to issuance of permits.

**Denied as
Filed
Approved
w/stips**

12. Application #: ZA-349-22-5
Existing Zoning: C-2 HGT/WVR PCD
Location: 9200 West McDowell Road
Quarter Section: 13-6(G3)
Proposal: 1) Variance to eliminate the requirement to plant trees within the required landscape setback (south) adjacent to public right-of-way. Minimum one fifteen-gallon drought resistant tree for each five hundred square feet of required setback area, less driveways and sidewalks. 2) Variance to eliminate the requirement to plant trees within the required landscape setback (east) adjacent to public right-of-way. Minimum one fifteen-gallon drought resistant tree for each five hundred square feet of required setback area, less driveways and sidewalks.
Ordinance Sections: 703.B.3.a.(1) 703.B.3.a.(1)
Applicant: William E. Lally, Tiffany & Bosco, PA
Representative: William E. Lally, Tiffany & Bosco, PA
Owner: TM BTR of Phoenix, LLC

Stipulations:

- 1) Owner shall work with the City, Roosevelt Irrigation District (RID) and Salt River Project (SRP) to determine areas along 91st Avenue and McDowell Road, where trees and other landscaping acceptable to the City, RID and SRP can be located. The owner shall include landscaping along these street frontages subject to agreement by the City, RID and SRP.
- 2) 1 year to apply and pay for building permits.

**Approved
w/stip**

13. Application #: ZA-351-22-1
Existing Zoning: S-1
Location: 4420 West Saguaro Park Lane

Quarter Section: 46-18(O6)
 Proposal: Time extension for ZA-339-21, a variance to allow an accessory building 12 feet from the (north) rear property line. Minimum 50-foot setback required.
 Ordinance Sections: 603.B.3
 Applicant: Tracy Aiton
 Representative: Tracy Aiton
 Owner: Tracy Aiton
Stipulation:
 1) 1 year to apply and pay for building permits.

**Approved
w/stips**

14. Application #: ZA-352-22-6
 Existing Zoning: C-2
 Location: 1525 East Bethany Home Road
 Quarter Section: 20-30(I9)
 Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a bar (Phoenix City Grille - Wine and Bourbon Bar) within 500 feet of a residential district. Use permit required. **2)** Use permit to allow outdoor alcohol consumption as an accessory use to a bar (Phoenix City Grille - Wine and Bourbon Bar) within 500 feet of a residential district. Use permit required. **3)** Use permit to allow outdoor recreation (outdoor ambient music) as an accessory use to a bar (Phoenix City Grille - Wine and Bourbon Bar) within 500 feet of a residential district. Use permit required.
 Ordinance Sections: 623.D.157.c 623.D.157.c 623.D.157.c
 Applicant: Sheldon Knapp, Phoenix City Grille
 Representative: Taylor Earl, Earl & Curley, PC
 Owner: 16 Bethany Station, LLC
Stipulations:
 1) Hours of outdoor operation are limited to, Sunday – Thursday until 10:00 PM and Friday – Saturday until 11:00 PM.
 2) Outdoor entertainment is limited to ambient music.
 3) 1 year to apply and pay for building permits.

**Approved
w/stips**

15. Application #: ZA-353-22-1
 Existing Zoning: C-2
 Location: 3502 West Northern Avenue
 Quarter Section: 25-20(J6)
 Proposal: **1)** Variance to reduce the street landscape setback (35th Avenue) to 2 feet. Minimum 25 feet required. **2)** Variance to reduce the street landscape setback (Northern Avenue) to 1 foot. Minimum 25 feet required.

Ordinance Sections: 623.E.4.e 623.E.4.e
Applicant: JJ Bazzi, AZ PHX Holdings I, Inc. DBA Mustang Food
Representative: Brian Johns, Associated Architects, Inc.
Owner: JJ Bazzi, AZ PHX Holdings I, Inc. DBA Mustang Food

Stipulations:

- 1) Landscape to be installed and maintained in the required landscape area and extending into the right-of-way to the back of the sidewalk on Northern Avenue, and to the back of the curb on 35th Avenue subject to Planning and Development Department approval.
- 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

16. Application #: ZA-370-22-4
Existing Zoning: C-1
Location: Southwest corner of 7th Avenue and Thomas Road
Quarter Section: 14-26(G8)
Proposal: **1)** Variance to reduce the building setback (east) adjacent to public street (7th Avenue) to 12 feet. Minimum 25 feet required. **2)** Variance to reduce the landscape setback (east) adjacent to public street (7th Avenue) to 12 feet. Minimum 25 feet required. **3)** Variance to reduce the landscape setback (north) adjacent to public street (Thomas Road) to 7 feet. Minimum 25 feet required. **4)** Variance to reduce the landscape setback (west) to 0 feet. Minimum 10 feet required. **5)** Variance to reduce the landscape setback (south) to 0 feet. Minimum 10 feet required. **6)** Variance to reduce the required parking to 37 parking spaces. Minimum 84 spaces required. **7)** Use permit to allow outdoor dining, outdoor alcohol consumption, and outdoor recreation. Use permit required.
Ordinance Sections: 622.E.4.d 622.E.4.e 622.E.4.e 622.E.4.e 622.E.4.e 702.C 622.D.150.d
Applicant: Troy Vincent, 180 Degrees
Representative: Troy Vincent, 180 Degrees
Owner: Aaron Klusman, KFH Duke Thomas, LLC

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) Outdoor recreation is limited to ambient music.

Continued

17. Application #: ZA-371-22-6
Existing Zoning: C-2 PCD
Location: 1241 East Chandler Boulevard
Quarter Section: 010-30(A9) 011-30(A9)
Proposal: **1)** Use permit to allow outdoor alcohol

consumption accessory to a restaurant (Biscuits Restaurant) within 500 feet of a residential district. Use permit required. **2)** Use permit to allow for outdoor dining as an accessory use to a restaurant (Biscuits Restaurant) within 500 feet of a residential district. Use permit required.

Ordinance Sections: 623.D.157.c 623.D.157.c
Applicant: Biscuit Foothills
Representative: Biscuit Foothills
Owner: Dakota Property Management

Continued to November 10, 2022 at 1:30 PM.

**ZONING ADJUSTMENT HEARING OFFICER: BETTY DRAKE
PLANNER: KIM STEADMAN, 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.

December 21, 2022