

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised August 31, 2023*

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 **August 10, 2023 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
Approved
w/stips

9:00 AM

1. Application #: ZA-256-23-8
Existing Zoning: C-2
Location: 2641 North 44th Street, Suite 100
Quarter Section: 14-38(G11)
Proposal: Use permit to allow outdoor dining as an accessory use to a restaurant (Five Guys) within 500 feet of a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.c
Applicant: Scott Ferris, Five Guys Properties, LLC
Representative: Rachel Russell and Guy Ripley, GPD Group Professional Corporation
Owner: SFRCO, LLC c/o 1st Commercial Property Management
Stipulations:
 - 1) 1 year to apply and pay for building permits.
 - 2) Per the location of the patio as shown on the site plan dated June 29, 2023.

Denied

2. Application #: ZA-261-23-2
Existing Zoning: RE-24
Location: 6202 East Corrine Drive
Quarter Section: 31-42(K12)
Proposal: Variance to reduce the side yard (east) setback to 5 feet. Minimum 10 feet required.
Ordinance Sections: 606.B.3.b
Applicant: John and Carolyn Deegan
Representative: John and Carolyn Deegan
Owner: John and Carolyn Deegan

Approved
w/stip

3. Application #: ZA-263-23-1
Existing Zoning: R1-8
Location: 3833 West Danbury Drive
Quarter Section: 37-20(M6)

		Proposal:	Use permit for official approval of a home occupation (purchase and sales of firearms). Use permit required.
		Ordinance Sections:	608.E.3.h.(5)
		Applicant:	Chad Prawitz
		Representative:	Chad Prawitz
		Owner:	Chad Prawitz
		Stipulation:	
			1) 1 year to commence the use.
Approved w/stips	4.	Application #:	ZA-264-23-7
		Existing Zoning:	R5 RI
		Location:	1529 West Roosevelt Street
		Quarter Section:	11-25(F7)
		Proposal:	1) Time extension for ZA-90-23, variance to reduce the perimeter landscape setback (east) to 0 feet. Minimum 5 feet required. 2) Time extension for ZA-90-23, variance to reduce the perimeter landscape setback (west) to 0 feet. Minimum 5 feet required.
		Ordinance Sections:	703.B.3.(b).(3) 703.B.3.(b).(3)
		Applicant:	Drew Bryck
		Representative:	Drew Bryck
		Owner:	Chad Donnelly
		Stipulations:	
			1) 1 year to apply and pay for building permits.
			2) General conformance to the landscape placement as shown on the site/landscape plan dated March 6, 2023, from ZA-90-23.
Approved w/stips	5.	Application #:	ZA-265-23-4
		Existing Zoning:	R-5 RI
		Location:	2629 North 7th Street
		Quarter Section:	14-29(G8)
		Proposal:	Variance to allow an over height fence (6 feet) in the required front yard (west). Maximum 40 inches permitted.
		Ordinance Sections:	703.A.2.a
		Applicant:	Drew Bryck
		Representative:	Drew Bryck
		Owner:	Drew Bryck
		Stipulations:	
			1) 1 year to apply and pay for building permits.
			2) Per the location of the proposed wall as shown on the site plan dated August 10, 2023.
Denied	6.	Application #:	ZA-267-23-5
		Existing Zoning:	R1-6
		Location:	2934 West Claremont Street
		Quarter Section:	21-22(I7)

		Proposal:	Variance to allow an over height fence (8 feet) located in the rear yard (north). Maximum 6 feet allowed.
		Ordinance Sections:	703.A.2.c
		Applicant:	Christopher Daley
		Representative:	Christopher Daley
		Owner:	Christopher Daley
Approved w/stip	7.	Application #:	ZA-268-23-2
		Existing Zoning:	C-2 M-R PCD
		Location:	15211 North Kierland Boulevard
		Quarter Section:	34-44(L12)
		Proposal:	Variance to allow 18% open space of a project's total net area with appropriate landscaping and other pedestrian-oriented amenities. Minimum 30% open space required.
		Ordinance Sections:	634.B.2.g.
		Applicant:	David Breen, StreetLights Residential
		Representative:	Benjamin Graff, Quarles & Brady, LLP
		Owner:	Jacob Knudsen, PHXAZ Kierland Commons, LLC c/o The Macerich Company
		Stipulation:	
			1) 2 years to apply and pay for building permits.
Withdrawn	8.	Application #:	ZA-273-23-4
		Existing Zoning:	C-1, R-5
		Location:	3310 North 19th Avenue
		Quarter Section:	15-24(G7)
		Proposal:	1) Use permit to allow a community residence center. Use permit required. 2) Variance to allow 29 percent lot coverage for a community residence center. Maximum 25 percent allowed.
		Ordinance Sections:	618.D.7, 622.D.38 618.D.7.d
		Applicant:	Martha Baker, MoD a+p
		Representative:	Martha Baker, MoD a+p
		Owner:	Patrick Stratman, TH-Stratman, LLC
		1:30 PM	
Approved w/stips	9.	Application #:	ZA-149-23-7 (SIGN)
		Existing Zoning:	PUD, PUD HP; DTC-Warehouse, DTC-Warehouse HP
		Location:	101 and 125 East Jackson Street
		Quarter Section:	10-28(F8)
		Proposal:	Use permit for a major amendment to the Cooperstown Comprehensive Sign Plan. Use permit required.
		Ordinance Sections:	705.E.2.d (2)
		Applicant:	Z Hess, D's Signs and Lighting, LLC
		Representative:	Z Hess, D's Signs and Lighting, LLC

Owner: Andy Patel, NIXDT, LLC

Stipulations:

- 1) For wall signs over 56 feet in height that emit white light, prior to sign installation, a signed statement from the sign fabricator verifying correlated color temperature (in degrees Kelvin) lighting modules not exceeding 4,000K were used shall be submitted to the Planning and Development Department (PDD).
- 2) For wall signs over 56 feet in height that emit white light shall be dimmed via an automatic timer to maximum of 80 Nits luminance (when measured at the sign face) daily from 11:00 PM until sunrise. Sign lighting dimmer values (required to dim the sign to a maximum of 80 Nits luminance) shall be submitted in writing to PDD prior to the final sign inspection.
- 3) Sign design shall be in accordance with the wall sign drawings date stamped August 10, 2023.
- 4) Submit a revised CSP document addressing all PDD staff corrections within 30 days of use permit approval.
- 5) 12 months to pay for and obtain sign permits.

Denied

10. Application #: ZA-257-23-1
Existing Zoning: RE-43
Location: 3946 West Morrow Drive
Quarter Section: 39-19(M6)
Proposal: **1)** Variance to allow a guesthouse of 1,560 square feet. Guesthouse larger than 900 square feet not permitted. **2)** Variance to reduce the side yard (east) setback to 25 feet. Minimum 30 feet required.

Ordinance Sections: 605.A.9 605.B
Applicant: Steve Frome, SeFDesign, LLC
Representative: Steve Frome, SeFDesign, LLC
Owner: Otto Scott Reemelin, Reemelin Family Trust

***Approved
w/stips**

11. Application #: ZA-258-23-4
Existing Zoning: C-2 TOD-1 WSNSPD
Location: 100 East Camelback Road, Suite 160
Quarter Section: 19-28(H8)
Proposal: Use permit to allow outdoor dining or seating as an accessory use to a restaurant (Huss Brewing Uptown) with alcoholic beverage consumption. Use permit required.

Ordinance Sections: 662.F.1.d.
Applicant: Dennis Newcombe, Gammage & Burnham, PLC
Representative: Lindsay Schube, Gammage & Burnham, PLC
Owner: Levine Investments Limited Partnership

Taken out from under advisement on August 31, 2023 and approved with the following stipulations:

- 1) The extended area for outdoor dining and seating into the courtyard (Courtyard) shall not exceed 1,000 square feet and located adjacent to the north edge of the existing Huss patio.

- 2) When in use, the Courtyard shall have a containment fence to prevent the unlawful removal of alcohol from the premises. The containment fence shall be in place prior to use of the Courtyard and removed when service is discontinued.
- 3) Employees shall monitor activity in the Courtyard during its use.
- 4) No live or recorded music, televisions, intercom or other sound emitting systems shall be permitted in the Courtyard, prohibiting any mounted devices on the exterior walls of the adjoining patio.
- 5) Hours of operation in the Courtyard shall be limited to Fridays and Saturdays 11:00 AM – 10:00 PM, and Sundays and Holidays 11:00 AM – 8:00 PM.
- 6) Huss shall be responsible for maintenance of the Courtyard during its use.
- 7) Huss shall provide the Windsor Square Association board with current contact information (name, telephone, and text or email) of the daytime and evening premises managers to facilitate timely communications between the neighborhood and Huss.
- 8) Huss shall mail a status update letter annually to property owners within 150 feet and City registered neighborhood associations within 600 feet following approval of the use permit. At the request of the Windsor Square Planning District, the use permit shall be scheduled for a status review by the Zoning Administrator.
- 9) Huss shall notify in writing the Zoning Administrator and the Windsor Square Board within 30 days of any change in tenant/operator and request a review hearing scheduled with the Zoning Administrator.
- 10) Huss shall comply with all applicable ordinances and laws of the City of Phoenix, including section 307 of the Zoning Ordinance that prohibits the emission of noise, vibration, or glare at a level exceeding the ambient condition.

Continued

12.	Application #:	ZA-260-23-1
	Existing Zoning:	RE-35
	Location:	4602 West Tierra Buena Lane
	Quarter Section:	35-18(L6)
	Proposal:	Use permit to allow an over height (22 feet) two-story detached accessory structure within the rear yard setback. Use permit required.
	Ordinance Sections:	706.G
	Applicant:	Dennis Newcombe, Gammage and Burnham, PLC
	Representative:	Lindsay Schube, Gammage and Burnham, PLC
	Owner:	Ricky L. Lofrese Jr.

Continued to September 21, 2023 at 1:30 PM.

Approved w/stips

13.	Application #:	ZA-262-23-6
	Existing Zoning:	RE-35 ACSPD
	Location:	4925 East Grandview Lane
	Quarter Section:	19-39(H11)
	Proposal:	Variance to reduce the required rear yard setback (south) to 20 feet. Minimum 40 feet required.

Ordinance Sections: 609.B.Table
Applicant: Cathleen Kerbert, Kendle Design Collaborative
Representative: Brent Kendle, Kendle Design Collaborative
Owner: Hank Gries, HNG Trust

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) Per the setback reduction as shown on the site plan dated July 5, 2023.

**Approved
w/stips**

14. Application #: ZA-270-23-6
Existing Zoning: C-2
Location: 4204 East Indian School Road and 4111 North 42nd Street
Quarter Section: 17-37(H10)
Proposal: Use permit to allow a pet care facility. Use permit required.
Ordinance Sections: 622.D.131.a
Applicant: Robert Heiple, Rob's Dogs, LLC
Representative: Robert Heiple, Rob's Dogs, LLC
Owner: Terrence Plas, Slugbug 42, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) A solid block wall shall be installed around the outdoor dog area.

**Approved
w/stips**

15. Application #: ZA-271-23-4
Existing Zoning: C-2 TOD-1
Location: 1521 West Camelback Road
Quarter Section: 18-25(H7)
Proposal: **1)** Variance to reduce minimum building frontage to 35% along Camelback Road. Minimum 65% building frontage required. **2)** Variance to increase the blank wall allowance to 41% of street frontage along Camelback Road. Maximum 30% allowed. **3)** Variance to reduce the landscape setback (south) not adjacent to a public street to 2 feet. Minimum 10 feet required.
Ordinance Sections: 662.I.2.a 662.I.2.a 623.E.4.e
Applicant: Anthony Chavez, Spin Cycle Laundromat, LLC
Representative: Jeff Wagner, Wagner Architects, LLC
Owner: Anthony Chavez, Spin Cycle Laundromat, LLC

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) Per the proposed building frontage and landscape reduction as shown on the site plan dated July 7, 2023.

**Approved
w/stips**

16. Application #: ZA-274-23-7
Existing Zoning: R1-6
Location: 2002 West Holly Street
Quarter Section: 13-24(G7)

Proposal: Use permit to allow temporary parking for a civic event (Arizona State Fair). Use permit required.
Ordinance Sections: 708.D
Applicant: Alfredo Tamayo
Representative: Alfredo Tamayo
Owner: Alfredo Tamayo

Stipulations:

- 1) This approval shall only apply to the 2023 Arizona State Fair.
- 2) Driving/parking areas shall be watered as needed to control dust.

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

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. 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 TTY: Use 7-1-1.

August 31, 2023