

**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 **August 31, 2023 9:00 AM (Items 1-4) and 1:30 PM (Items 5-10)**

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:

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| RESULTS
Approved
w/stip | 9:00 AM |
| 1. | Application #: ZA-295-23-6
Existing Zoning: R-O ACSPD
Location: 4633 North 44th Street
Quarter Section: 18-38(H11)
Proposal: Time extension for ZA-338-21, variance to reduce the required rear yard setback (northwest) to 10 feet. Minimum 25 feet required.

Ordinance Sections: 620.C.5
Applicant: Jordan Evan Greenman, Greenman Law Firm
Representative: Jordan Evan Greenman, Greenman Law Firm
Owner: Chris Morrison, 4633 N. 44th St., LLC
Stipulation:
1) 18 months to apply and pay for building permits. |
| Approved
w/stips | 2. |
| | Application #: ZA-307-23-1
Existing Zoning: C-2
Location: 3233 West Peoria Avenue
Quarter Section: 28-21(K6)
Proposal: 1) Use permit to allow outdoor dining as an accessory use to a restaurant (Dunkin') within 500 feet of a residential zoning district. Use permit required. 2) Use permit to allow a drive through facility as an accessory to a restaurant (Dunkin') within 300 feet from a residential zoning district. Use permit required.

Ordinance Sections: 623.D.157.c 623.D.157.d.(2)
Applicant: Dominic Ghaby, SimonCRE Buddy III, LLC
Representative: Michele McCoy, FM Group, Inc.
Owner: Dominic Ghaby, SimonCRE Buddy III, LLC
Stipulations:
1) 18 months to apply and pay for building permits.
2) Per the location of the drive-through isle as shown on the plan dated July 27, 2023. |
| Approved
w/stips | 3. |
| | Application #: ZA-309-23-6
Existing Zoning: R1-6 ACSPD
Location: 4457 East Campbell Avenue |

Quarter Section: 17-38(H11)
Proposal: Variance to reduce the side yard setback (southeast) to 3 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Andrew Thruston and Valeria Lopez, Rental Renovators Inc. dba P.J. Hussey Construction
Representative: Andrew Thruston and Valeria Lopez, Rental Renovators Inc. dba P.J. Hussey Construction
Owner: Martin Moran and Cara Gallagher

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reduction as shown on the site plan dated July 28, 2023.

**Approved
w/stips**

4. Application #: ZA-311-23-2
Existing Zoning: C-2 DRSP
Location: 21001 North Tatum Boulevard, Suite 93
Quarter Section: 41-39(N11) 42-39(N11)
Proposal: **1)** Use permit to allow patron dancing as an accessory use to a restaurant (Foley Ranch Bar & Grill). Use permit required. **2)** Use permit to allow a stage or performance area larger than 80 square feet (165 square feet) as an accessory use to a restaurant (Foley Ranch Bar & Grill). Use permit required.
Ordinance Sections: 623.D.157.b 623.D.157.a.(1)
Applicant: Don Talbot, Icon Hospitality Group
Representative: Greg McBride, DXU Architects
Owner: Scott Henson, Vestar
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per the size and location of the stage as shown on the site plan dated July 7, 2023.

Denied

- 1:30 PM**
5. Application #: ZA-292-23-6 (SIGN)
Existing Zoning: C-2
Location: 3545 East Indian School Road
Quarter Section: 16-35(H10)
Proposal: Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.
Ordinance Sections: 705.C.13
Applicant: Ana Jones, Trademark Visual, Inc.
Representative: Ana Jones, Trademark Visual, Inc.
Owner: Katrina Barrett, Local Commercial, LLC

Continued

6. Application #: ZA-231-23-4 (Continued from July 20, 2023)
Existing Zoning: R-3 HP
Location: 319 West Mariposa Street

Quarter Section: 18-27(H8)
Proposal: **1)** Variance to reduce the rear building setback (south) to 8 feet. Minimum 15 feet required.
2) Variance to reduce the side building setback (west) to 5 feet. Minimum 10 feet required.
Ordinance Sections: 615.B.Table B 615.B.Table B
Applicant: Sam Shapiro
Representative: Sam Shapiro
Owner: Sam Shapiro
Continued to October 12, 2023 at 1:30 PM.

**Approved
w/stips**

7. Application #: ZA-303-23-4
Existing Zoning: A-2 HGT/WVR
Location: 3441 Grand Avenue
Quarter Section: 010-15(B5)
Proposal: **1)** Variance to reduce the required setback along the street frontage (35th Avenue) to 0 feet. Minimum 25 feet required. **2)** Variance to reduce the required setback along the street frontage (Grand Avenue) to 0 feet. Minimum 25 feet required.
Ordinance Sections: 701.D.3.a 701.D.3.c
Applicant: Michelle Santoro, Gammage & Burnham, PLC
Representative: Ashley Z. Marsh, Gammage & Burnham, PLC
Owner: Drake Switching Company, LLC
Stipulations:
1) 18 months to apply and pay for building permits.
2) Per the setback reduction as shown on the site plan dated July 25, 2023.

**Approved
w/stips**

8. Application #: ZA-304-23-8
Existing Zoning: C-1 BAOD
Location: 2626 East Baseline Road
Quarter Section: 1-33(D9)
Proposal: **1)** Use permit to allow a drive-through facility as an accessory to a restaurant (Dutch Bros) within 300 feet from a residential zoning district. Use permit required. **2)** Use permit to allow outdoor dining as an accessory to a restaurant (Dutch Bros). Use permit required.
Ordinance Sections: 622.D.150.e.(2) 622.D.150.d
Applicant: Josh Hayes, 27th/Baseline DB, LLC
Representative: Stephen W. Anderson, Gammage & Burnham, PLC
Owner: Baseline 25, LLC
Stipulations:
1) 18 months to apply and pay for building permits.
2) Per the drive-through design as shown in the site plan dated July 26, 2023. Patio size and location shall also be developed as proposed on this plan.

**Approved
w/stips**

9. Application #: ZA-305-23-3
Existing Zoning: A-1, R1-6
Location: 9414 North 25th Avenue
Quarter Section: 27-23(J7)
Proposal: Time extension for ZA-300-22, use permit to allow a shelter for individuals experiencing homelessness. Use permit required if located on a lot within 1,320 feet from a residential district.
Ordinance Sections: 627.D.1.
Applicant: Dan Hines, Community Bridges, Inc.
Representative: Stephen W. Anderson, Gammage & Burnham, PLC
Owner: Dan Hines, Community Bridges, Inc.

Stipulations:

- 1) A maximum of 100 program participants shall be permitted on-site.
- 2) An Operational Plan shall be developed to govern operational features of the shelter as outlined in the Good Neighbor Agreement. The plan shall address at minimum, the following:
 - a. Development of an Advisory Committee with a minimum of 50 percent community member representation, and regularly scheduled meetings.
 - b. The facility shall operate as a "Closed Campus" (defined as no walk-up admission to the program with all screening of potential program participants to be held off-site).
 - c. Strict curfew parameters (on-site from 9:00 PM to 5:00 AM), unless prior authorization for later hours due to work shift commitments.
 - d. Any services, on-site, will be provided only to program participants residing in the shelter.
 - e. Program participants will be screened for eligibility prior to admission.
 - f. A Public Safety Plan will be implemented to include:
 - i. On-site security 24 hours day, 7 days per week.
 - ii. Monitoring of the property to ensure compliance with the Neighborhood Preservation Ordinance.
 - iii. Coordination with the Rose Mofford Park staff to relay any safety issues.
- 3) Drugs and/or alcohol are to be prohibited. Any drugs or alcohol collected from residents shall be turned over to the local law enforcement official.
- 4) Loitering shall be discouraged via signage and/or other methods.
- 5) Final design of site improvements shall incorporate Crime Prevention through Environmental Design ("CEPTED") standards and best practices by:
 - a. Providing adequate lighting to ensure sufficient visibility in parking and other areas, as required by the City ordinances and as approved by the Planning and Development Department.
 - b. Installing security cameras to monitor outdoor areas around the building.
 - c. Enrolling in the Virtual Block Watch Program with the Phoenix Police Department.

- d. Adhering to an approved site plan by the City of Phoenix.
- 6) There shall be a one-year and two-year review from issuance of the certificate of occupancy. The Zoning Adjustment Hearing Officer may require subsequent reviews at an interval of their choosing as established at the review hearing. The applicant shall send written notification per the notification requirements outlined in the Zoning Adjustment Application handout, at least 30 calendar days prior to the scheduled review hearing to all property owners within 150 feet and registered neighborhood organizations within 600 feet of the subject property.
 - 7) The applicant shall maintain updated facility contact information and provide the contact information to the community leaders of registered neighborhood organizations specified in Stipulation 6 to address any issues that may arise.
 - 8) The applicant shall have 1 year to apply and pay for building permits.

Continued

10. Application #:	ZA-310-23-7
Existing Zoning:	C-2
Location:	4908 West Baseline Road
Quarter Section:	1-17(D5)
Proposal:	1) Use permit to allow a medical marijuana dispensary facility. Use permit required. 2) Variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. Minimum 500 feet of separation required. 3) Variance to allow a medical marijuana dispensary within 1,320 feet of a public park. Minimum 1,320 feet of separation required.
Ordinance Sections:	623.D.124.a 623.D.124.f 623.D.124.g
Applicant:	Michelle Santoro, Gammage & Burnham, PLC
Representative:	Lindsay Schube, Gammage & Burnham, PLC
Owner:	All Other Property Limited Liability Partnership

Continued to October 12, 2023 at 1:30 PM.

ZONING ADJUSTMENT HEARING OFFICER: CAROL BERRY
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.

September 1, 2023