

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised July 26, 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 **July 20, 2023 9:00 AM (Items 1-6) and 1:30 PM (Items 7-13)**

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

Continued

9:00 AM

1. Application #: ZA-212-23-6
Existing Zoning: R1-6
Location: 1035 East Ocotillo Road
Quarter Section: 22-29(I8)
Proposal: **1)** Variance to allow an over height fence (5 feet) in the required front yard (north) setback. Maximum height of 40 inches permitted. **2)** Variance to allow a detached accessory structure within the required front yard (north) setback. Detached accessory structures not permitted within the required front yard setback.
Ordinance Sections: 703.A.3.a 706.A
Applicant: Fred Stern, Fred Stern Architect
Representative: Fred Stern, Fred Stern Architect
Owner: Yosi Dror

Continued to September 7, 2023 at 9:00 AM.

**Approved
w/stip**

2. Application #: ZA-224-23-7
Existing Zoning: DTC-Evans Churchill West
Location: 1125 North 2nd Street and 255 East Moreland Street
Quarter Section: 12-28(G8)
Proposal: **1)** Time extension of ZA-414-21-7, variance to reduce the required parking and loading setback from street right-of-way to 0 feet. Minimum 30 feet required. **2)** Time extension of ZA-414-21-7, variance to reduce the required side landscape setback from street right-of-way to 0 feet. Minimum 10 feet required. **3)** Time extension of ZA-414-21-7, variance to reduce the required building setback (north) to 0 feet. Minimum 5 feet required. **4)** Time extension of ZA-414-21-7, variance to reduce the required parking stall width to 8.5 feet. Minimum 9.5 feet required.
Ordinance Sections: 307.A.12 307.A.12 307.A.12 307.A.12
Applicant: True North Studio

Representative: Nick Wood, Snell & Wilmer, LLP
Owner: Grace Evangelical Lutheran Church, Grace Evangelical Lutheran Church of Phoenix

Stipulation:

- 1) 2 years to apply and pay for building permits.

**Approved
w/stips**

3. Application #: ZA-226-23-5
Existing Zoning: R1-10 RPSPD
Location: 1520 West Seldon Way
Quarter Section: 26-25(J7)
Proposal: Use permit to allow a closed projection to encroach 8 feet into the required rear yard setback for no more than half the width of the home. Use permit required.

Ordinance Sections: 701.A.3.a.(2).d
Applicant: William Down, William D Down & Associates, LLC
Representative: William Down, William D Down & Associates, LLC
Owner: Dallas and Nicole Henderson

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback encroachment as shown on the site plan dated March 17, 2023.

**Approved
w/stips**

4. Application #: ZA-233-23-8
Existing Zoning: CP/GCP
Location: 5226 South 32nd Street
Quarter Section: 3-34(D10)
Proposal: **1)** Variance to reduce the required building setback from a street to 26 feet. Minimum 30 feet required. **2)** Use permit to allow outdoor uses as an accessory use to a landscape contractor. Use permit required.

Ordinance Sections: 626.H.1.Table 626.F.2.z
Applicant: Kyle Miller, K Miller, Architecture
Representative: Kyle Miller, K Miller, Architecture
Owner: Clay Zorns, Black Eagle Nurseries & Maintenance, Inc.

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reduction as shown on the site plan dated June 15, 2023.

***Denied**

5. Application #: ZA-235-23-4
Existing Zoning: R1-6 HP
Location: 124 West Granada Road
Quarter Section: 13-27(G8)
Proposal: **1)** Variance to reduce the side yard setback (east) to 1 foot. Minimum 3 feet required.

		2) Variance to reduce the rear yard setback (north) to 15 feet. Minimum 25 feet required. Ordinance Sections: 613.B.Table B 613.B.Table B Applicant: Joseph A. & Deidre Turley Representative: Joseph A. & Deidre Turley Owner: Joseph A. & Deidre Turley Taken out from under advisement on July 26, 2023 and denied.
Approved w/stip	6.	Application #: ZA-236-23-6 Existing Zoning: IND-PK, CP/GCP Location: Northeast corner of 50th Street and Roosevelt Street Quarter Section: 11-39(F11) 12-39(G11) Proposal: 1) Variance to allow a building height of 59 feet at 30 feet of setback from a perimeter line (south). Minimum 153 foot setback required. 2) Variance to allow a building height of 59 feet at 30 feet of setback from a perimeter line (west). Minimum 153 foot setback required. Ordinance Sections: 626.H.1.Table 626.H.1.Table Applicant: Bryan Lamb, Iron Mountain Data Centers Arizona 3, LLC Representative: William F. Allison, Withey Morris Baugh, PLC Owner: Bryan Lamb, Iron Mountain Data Centers Arizona 3, LLC Stipulation: 1) 2 years to apply and pay for building permits.
		1:30 PM
Approved w/stips	7.	Application #: ZA-160-23-6 (SIGN) (Continued from June 8, 2023) Existing Zoning: CP/GCP Location: 14647 South 50th Street Quarter Section: 010-39(A11) 09-39(B11) Proposal: Use permit to rebuild the north face of a nonconforming, off-premise sign to digital. Use permit required. Ordinance Sections: 705.2.G.4 Applicant: Taylor Earl, Earl & Curley Representative: Taylor Earl, Earl & Curley Owner: Mountain Vista Property, LP Stipulations: 1) Install Planning and Development Department design-approved vertical louvers on the new digital sign face that effectively reduce digital image visibility except for southbound freeway traffic. 2) Prior to the final sign inspection and operation of the new digital sing face, obtain a demolition permit and completely remove 672 square feet of legal, nonconforming off-premise sign face in the City of Phoenix. 3) The applicant shall have 12 months to apply an pay for permits for the subject sign.

Approved w/stip	8.	Application #:	ZA-222-23-7
		Existing Zoning:	R-4 SPVTABDO
		Location:	319 and 317 East Roeser Road
		Quarter Section:	3-28(D8)
		Proposal:	1) Variance to allow a lot with a minimum lot width of 53 feet (lot 1). Minimum 60 feet required. 2) Variance to allow a lot with a minimum lot width of 43 feet (lot 2). Minimum 60 feet required.
		Ordinance Sections:	617.Table B 617.Table B
		Applicant:	Glenn Minton
		Representative:	Glenn Minton
		Owner:	Glenn Minton, 317 E. Roeser, LLC
		Stipulation:	1) 1 year to complete the lot split process.
Denied	9.	Application #:	ZA-223-23-7
		Existing Zoning:	R-4 SPVTABDO
		Location:	5225 and 5227 South 3rd Street
		Quarter Section:	3-28(D8)
		Proposal:	Variance to allow a lot with a minimum lot width of 21 feet (Parcel B). Minimum 60 feet required.
		Ordinance Sections:	617.Table B
		Applicant:	Glenn Minton
		Representative:	Glenn Minton
		Owner:	Glenn Minton, 5225 S. 3rd Street, LLC
Approved w/stip	10.	Application #:	ZA-225-23-3
		Existing Zoning:	R1-6
		Location:	9640 North 1st Avenue
		Quarter Section:	27-27(J8)
		Proposal:	Variance to reduce the required rear yard setback (west) to 11 feet. Minimum 25 feet required.
		Ordinance Sections:	613.B.Table B
		Applicant:	Joanna Noonan, Noonan Design Build
		Representative:	Joanna Noonan, Noonan Design Build
		Owner:	Rustin Reidhead and Wade Comeaux
		Stipulation:	1) 1 year to apply and pay for building permits.
Approved w/stip	11.	Application #:	ZA-229-23-4
		Existing Zoning:	C-3
		Location:	1945 East Indian School Road
		Quarter Section:	16-31(H9)
		Proposal:	Time extension for ZA-237-21, use permit to allow a drive-through facility accessory to a restaurant less than 300 feet from a residential zoning district. Use permit required.
		Ordinance Sections:	624.D.112.d.(2)

Applicant: Stephen Collias, West Coast Financial 1945, LLC
Representative: Larry Boardman, DAVIS
Owner: Stephen Collias, West Coast Financial 1945, LLC

Stipulation:

- 1) 18 months to apply and pay for building permits.

Continued 12. Application #: ZA-231-23-4
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 August 31, 2023 at 1:30 PM.

Approved w/stips 13. Application #: ZA-232-23-2
Existing Zoning: CP/GCP PCD
Location: 16500 North Scottsdale Road, Suite 100
Quarter Section: 36-44(M12)
Proposal: **1)** Use permit to allow sale of alcoholic beverages as an accessory use to a restaurant (Boo and Henrys). Use permit required. **2)** Use permit to allow outdoor dining as an accessory use to a restaurant (Boo and Henrys). Use permit required. **3)** Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant (Boo and Henrys). Use permit required.
Ordinance Sections: 626.F.2.k.(1), 626.F.2.k.(4), 626.F.2.k.(4)
Applicant: Daly Thompson, Boo and Henry's Memphis Pit BBQ, Inc
Representative: Rob Barberio, Sixty First Place Architects
Owner: William Corrigan Jr., C&W Holdings, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the location of the proposed patio as shown on the site plan dated June 15, 2023.

**ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER
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.

July 26, 2023