

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised April 6, 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 on **March 2, 2023 at 9:00 AM (Items 1-5) and 1:30 PM (Items 6-11).**

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	9:00 AM		
	Approved	1.	Application #: ZA-584-22-4 (Continued from January 19, 2023)
w/stip			Existing Zoning: R-3, C-2
			Location: 4249 North 16th Street
			Quarter Section: 17-31(H9)
			Proposal: 1) Variance to reduce the required common area to 0% of the gross area. Minimum 5% required. 2) Use Permit to use the Single-Family Attached (SFA) Development Option. Use Permit required.
			Ordinance Sections: 615.B.Table B.d 608.F.8
			Applicant: Paul O'Connor, POCA Architecture and Design, LLC
			Representative: Paul O'Connor, POCA Architecture and Design, LLC
			Owner: Hector Medina
			Stipulation:
			1) 1 year to apply and pay for building permits.
*#1 and #2	Approved	2.	Application #: ZA-33-23-3
			Existing Zoning: RE-43
w/stip			Location: 3801 East Shea Boulevard
			Quarter Section: 28-36(K10)
#3 and #4	Denied		Proposal: 1) Use permit to allow a home occupation (Studio Artise) to generate traffic. Use permit required. 2) Use permit to allow a home occupation (Studio Artise) to be conducted in an accessory structure. Use permit required. 3) Variance to allow a home occupation (Studio Artise) to display an exterior sign. Exterior display of signage is not permitted. 4) Variance to allow a home occupation (Studio Artise) to have outside employees. No one outside the family residing in the dwelling unit shall be employed in the home occupation.
			Ordinance Sections: 605.A.14.(h).(1) 605.A.14.(h).(2) 605.A.14.(b) 605.A.14.(a)
			Applicant: Pauline Thomas
			Representative: Pauline Thomas

Owner: Pauline Thomas, 3801 Shea, LLC

Taken out from under advisement on April 6, 2023 and decided on as follows:

#1 and #2 – Approved with the following stipulations:

- 1) All visitor and delivery access shall be from Shea Boulevard. A sign shall be posted at the west driveway to 38th Street that states, “No Exit, all traffic must exit on Shea Boulevard”.
- 2) There shall be no more than 10 visitors per day, not to exceed 2 per hour.
- 3) There shall be no signage visible to a public street other than the address numbers.
- 4) The applicant has 1 year to obtain the appropriate “Certificate of Occupancy” and commence use.

**Approved
w/stips**

3. Application #: ZA-39-23-4
Existing Zoning: C-2 HP CNSPD, C-2 CNSPD
Location: 2337 North 7th Street
Quarter Section: 14-29(G8)
Proposal: **1)** Use permit to allow outdoor recreation (outdoor speakers) as an accessory use to a restaurant (The Main Ingredient) within 500 feet of a residential zoning district. Use permit required. **2)** Use permit to allow outdoor dining as an accessory use to a restaurant within 500 feet of a residential zoning district. Use permit required. **3)** Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant within 500 feet of a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.c 623.D.157.c
Applicant: Daniel Cifuentes, Cifuentes Studio
Representative: Daniel Cifuentes, Cifuentes Studio
Owner: 7th + Commercial, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Limited to 4 outdoor speakers.
- 3) Outdoor speakers shall be shut off by 10:00 PM on Monday – Saturday and 8:00 PM on Sunday.

**Approved
w/stips**

4. Application #: ZA-41-23-8
Existing Zoning: R-3
Location: 1233, 1235, and 1241 South 15th Avenue
Quarter Section: 8-26(F8)
Proposal: Time Extension of ZA-674-21, use permit to use the Single-Family Attached development option. Use permit required.
Ordinance Sections: 615. Table B
Applicant: Lee Crawford, Arizona Central Properties, LLC
Representative: Clint Scherf, SSE
Owner: Lee Crawford, Arizona Central Properties, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the number of lots as shown on the plan dated January 30, 2023.

**Approved
w/stip**

5. Application #: ZA-42-23-8
Existing Zoning: C-1
Location: 3320 West Southern Avenue, Suite 120
Quarter Section: 3-21(D6)
Proposal: Use permit to allow sales of alcoholic beverages as an accessory to a restaurant (ATL Wings).
Use permit required.
Ordinance Sections: 622.D.150.a
Applicant: Devern Woodard, KOA Foods, LLC. dba ATL Wings
Representative: Devern Woodard, KOA Foods, LLC. dba ATL Wings
Owner: MBB Laveen, LLC c/o Main Street Real Est

Stipulation:

- 1) 1 year to commence use.

**Approved
w/stip**

6. **1:30 PM**
Application #: ZA-596-22-3 (Continued from January 26, 2023)
Existing Zoning: PCD (Approved C-2 PCD)
Location: 2001 West Bell Road
Quarter Section: 36-24(M7)
Proposal: Use permit to allow a carwash in an open building. Use permit required.
Ordinance Sections: 623.D.41
Applicant: Eduardo Soto, Foresite Group, LLC
Representative: Ben Sims, Creed Commercial Development
Owner: Tyler Smith, VP Construction, Sunbelt Investment Holdings, Inc.

Stipulation:

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

**Approved
w/stip**

7. Application #: ZA-597-22-4 (Continued from January 26, 2023)
Existing Zoning: R-3
Location: 2939 West Fillmore Street
Quarter Section: 11-22(F7)
Proposal: Variance to allow a minimum lot width of 30 feet.
Minimum lot width of 60 feet required.
Ordinance Sections: 615.B.Table B
Applicant: Mario A. Olvera
Representative: Mario A. Olvera
Owner: Ramon A. Castro, Enfor Systems, LLC

Stipulation:

- 1) 1 year to complete the lot split process.

Approved w/stip	8. Application #: ZA-580-22-5 (Continued from January 26, 2023) Existing Zoning: R-4A, R-5 Location: 1717 West Glendale Avenue Quarter Section: 22-25(I7) Proposal: 1) Variance to allow an over height wall/fence (8 feet) in the front yard setback (northwest property line). Maximum 40 inches permitted. 2) Variance to allow an over height fence (8 feet) located in the required side yards (west and northwest) and required rear yard (southwest). Maximum 6 feet allowed. Ordinance Sections: 703.A.2.a 703.A.2.c Applicant: Jaime Garrido, City of Phoenix Engineer Office Representative: Jaime Garrido, City of Phoenix Engineer Office Owner: Phoenix Residential Investment Dev Effort Stipulation: 1) 1 year to apply and pay for building permits.
Approved w/stips	9. Application #: ZA-34-23-6 Existing Zoning: C-2 Location: 5749 North 7th Street Quarter Section: 20-29(I8) Proposal: 1) Use permit to allow outdoor dining as an accessory use to a bar (The Womack) within 500 feet of a residential zoning district. Use permit required. 2) Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a bar (The Womack) within 500 feet of a residential zoning district. Use permit required. 3) Use permit to allow outdoor recreation (ambient music) use as an accessory use to a bar (The Womack) within 500 feet of a residential zoning district. Use permit required. Ordinance Sections: 623.D.157.c 623.D.157.c 623.D.157.c Applicant: Tucker Woodbury, Genuine Concepts Representative: Taylor Earl, Earl and Curley Owner: DV-DWG Palo Verde, LLC Stipulations: 1) Speakers on the eastern portion of the patio shall be oriented west. 2) Speakers on the southern portion of the patio shall not be oriented due east or due west. Southeast and Southwest is allowed. 3) No outdoor live performers allowed. 4) Limited to 5 speakers on the patio space. 5) 1 year to apply and pay for building permits.
Approved w/stips	10. Application #: ZA-36-23-7 Existing Zoning: A-1 RSIO, A-2 RSIO Location: Northeast corner of 7th Avenue and Elwood Street

Quarter Section: 6-27(E8)
Proposal: Use permit to allow development within 500 feet of the Rio Salado Habitat Restoration Project. Use permit required.
Ordinance Sections: 655.E.4
Applicant: George Pasquel III, Withey Morris PLC
Representative: George Pasquel III, Withey Morris PLC
Owner: Sky Harbor BP Realty Company LLC

Taken out from under advisement on April 5, 2023 and approved with the following stipulations:

- 1) The location of the proposed Rio Salado Park Drive shall maintain a minimum setback from the north property line of at least 80-feet, or equal to the width of the proposed roadway, whichever is the greater.
- 2) A minimum 40-foot-wide landscape setback shall be provided along the north property line shared with the Rio Salado Habitat Restoration Area, except as noted in stipulation #1
- 3) Plant materials in the required landscape setbacks along the Rio Salado Habitat Restoration Area shall be limited to those listed on the "Approved Plants and Top-Dressing Application for Development Adjacent to the Rio Salado" plant list, or as approved by the Planning and Development Department.
- 4) All buildings shall have a minimum 80-foot building setback from the northern property line along the Rio Salado Habitat Restoration Area.
- 5) Buildings between Rio Salado Park Drive and Rio Salado Habitat Restoration Area shall not exceed 30 feet in height. All other buildings south of Rio Salado Park Drive shall comply with Ordinance 626.H, for Commerce Park District Standards.
- 6) Fencing, walls, and screening material within all setback areas or visible from a public street shall have a finished appearance and contain decorative elements including not but not limited to adobe, glass, metal (including rusted metal), stone (stone veneer), wood, or other material consistent with a natural environment, as approved by the Planning and Development Department.
- 7) There shall be no outdoor storage, sheds, shipping containers or accessory structures north of the Rio Salado Park Drive. Any outdoor storage south of Rio Salado Park Drive shall be completely screened from public view as approved by the Planning and Development Department.
- 8) All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade at maturity, as approved by Planning and Development Department.
- 9) To mitigate emission of glare into the Rio Salado Habitat Restoration Area, all outdoor lighting shall be appropriately shielded as approved by the Planning and Development Department.
- 10) A minimum of two public pedestrian pathways shall be provided on this site, connecting to the public pathway on the adjacent Habitat Restoration Area. The pathways shall connect Rio Salado

Park Drive to the Rio Salado Habitat Restoration Area, as approved, or modified by the Planning and Development and Parks and Recreation Department. These pathways shall be maintained by the property owner.

- 11) Sidewalks, bikeways, and pathways shall be detached a minimum 5-feet from driveways, roadways, and parking areas. This separation space shall be landscaped in accordance with stipulation 3 above.
- 12) On-street parking is not allowed on Rio Salado Park Drive between Central Avenue and 7th Avenue.
- 13) The developer shall work with the Street Transportation Department to design a vertically protected two-way cycle track on the north side of Rio Salado Park Drive between Central Avenue and 7th Avenue, connecting to a pedestrian crossing on Central Avenue, as approved by the Street Transportation Department.
- 14) 2 years to apply and pay for building permits.

Denied	11. Application #:	ZA-38-23-8
	Existing Zoning:	R-3
	Location:	1808 North 31st Street
	Quarter Section:	13-34(G10)
	Proposal:	Variance to reduce the minimum parking requirement to 15 spaces. Minimum 16 parking spaces required.
	Ordinance Sections:	702.C.Table
	Applicant:	Jeff Muckerman, Permits Made Easy
	Representative:	Jeff Muckerman, Permits Made Easy
	Owner:	Heather Trommald

ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
PLANNER: ERIC MORALES, PLANNER II

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.

April 6, 2023