

**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 on **March 23, 2023 9:00 AM (Items 1-6) and 1:30 PM (Items 7-14)**.

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-12-23-4 (Continued from February 9, 2023)
		Existing Zoning: C-3
Approved w/stip		Location: 4033 North 23rd Avenue
		Quarter Section: 16-24(H7)
		Proposal: Variance to allow an over height wall (7 feet) within the required street front setback. Maximum 40 inches permitted.
		Ordinance Sections: 703.A.3.a
		Applicant: Leonard Tichavsky, Shinewell, LLC
		Representative: Leonard Tichavsky, Shinewell, LLC
		Owner: Leonard Tichavsky, Shinewell, LLC
		Stipulation:
		1) 1 year to apply and pay for building permits.
Approved w/stip	2.	Application #: ZA-57-23-2
		Existing Zoning: R1-8
		Location: 2636 East Tonto Lane
		Quarter Section: 40-33(N9)
		Proposal: Variance to allow an over height wall/fence (6 feet) in the front yard setback (south property line). Maximum 40 inches permitted.
		Ordinance Sections: 703.A.2.a
		Applicant: Diane Habener
		Representative: Diane Habener
		Owner: Diane Habener
		Stipulation:
		1) 1 year to apply and pay for building permits.
Approved w/stips	3.	Application #: ZA-63-23-8
		Existing Zoning: R-5 SPVTABDO, C-2 SPVTABDO
		Location: 1803, 1821, and 1823 East Broadway Road
		Quarter Section: 4-31(E9)
		Proposal: 1) Variance to reduce the interior property line landscape setback (west) to 0 feet. Minimum 5 feet required. 2) Variance to reduce the interior property line landscape setback (east) to 0 feet.

Minimum 5 feet required. **3)** Variance to reduce the interior property line landscape setback (south, linear footage of 246) to 0 feet. Minimum 5 feet required. **4)** Variance to reduce rear yard setback (west) to 5 feet. Minimum 15 feet required.

Ordinance Sections: 703.B.3.b 703.B.3.b 703.B.3.b 703.B.3.b
Applicant: Leodra Bowdell, Phoenix Permit Service, LLC
Representative: Leodra Bowdell, Phoenix Permit Service, LLC
Owner: Tanner Properties, LLC

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) Per building and landscape reduction as shown on the site plan date stamped February 10, 2023.

**Approved
w/stip**

4. Application #: ZA-64-23-8
Existing Zoning: R1-6
Location: 205 West McNeil Street
Quarter Section: 03-27(C8)
Proposal: **1)** Use permit to allow over height retaining walls (9 feet) within 50 feet of the property lines of an unplatted parcel (south). Maximum 40 inches permitted. **2)** Use permit to allow over height retaining walls (9 feet) within 50 feet of the property lines of an unplatted parcel (west). Maximum 40 inches permitted. **3)** Use permit to allow over height retaining walls (9 feet) within 50 feet of the property lines of an unplatted parcel (East). Maximum 40 inches permitted.

Ordinance Sections: 703.A.4.c
Applicant: Bob Watt, Innovation Communities at Villas at South
Representative: Benjamin Tate, Withey Morris PLC
Owner: Innovation Communities at Villas at South

Stipulation:

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

**Approved
w/stip**

5. Application #: ZA-65-23-7
Existing Zoning: R1-6
Location: Northwest corner of 15th Avenue and Sunland Avenue
Quarter Section: 3-25(D7)
Proposal: **1)** Use permit to allow an over height retaining wall (54 inches) within 50 feet of a subdivision perimeter (north) for lots 9-20. Use permit required. **2)** Use permit to allow an over height retaining wall (56 inches) within 50 feet of a subdivision perimeter (west) for lots 1-2. Use permit required. **3)** Use permit to allow an over height retaining wall (49 inches) within 50 feet of a subdivision perimeter (south) for lots 29-38.

Use permit required.
Ordinance Sections: 703.A.4.c 703.A.4.c 703.A.4.c
Applicant: Tom Weber, Clouse Engineering, Inc.
Representative: Tom Weber, Clouse Engineering, Inc.
Owner: Chris Brown, PV-V Arcadia Sunland, LLC

Stipulation:

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

**Withdrawn
to Amend**

6. Application #: ZA-71-23-6
Existing Zoning: R1-6
Location: 4027 North 38th Place
Quarter Section: 16-36(H10)
Proposal: Variance to reduce the rear yard setback (east) to 15 feet. Minimum 25 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Devlin McCarty, D. McCarty Construction, LLC
Representative: Devlin McCarty, D. McCarty Construction, LLC
Owner: Cody & Jessica Helgeson

1:30 PM

**Approved
w/stips**

7. Application #: ZA-19-23-4 (SIGN)
Existing Zoning: C-2 Intermediate Commercial
Location: 4409 North 16th Street
Quarter Section: 17-31(H9)
Proposal: **1)** Use permit to rebuild a nonconforming, off-premise sign not requesting digital. Use permit required. **2)** Use permit to decrease the required spacing from a residential use for a nonconforming off-premise sign to 83 feet. Use permit required.
Ordinance Sections: 705.2.G.5. 705.A.5
Applicant: Jacob Zonn, Becker Boards Small, LLC
Representative: Jacob Zonn, Becker Boards Small, LLC
Garry Hays
Owner: David Espinoza, David Espinoza Revocable Trust

Stipulations:

- 1) Extinguish sign illumination daily at 11:00 PM via an automatic timer on the rebuilt sign.
- 2) Restrict advertising content to prohibit alcohol advertising in perpetuity on the rebuild sign.
- 3) Install a Planning and Development Department design-approved, decorative pole cover on the rebuild sign. Any access ladder, if included, shall be on the east or south side of the pole cover and concealed from southbound traffic.
- 4) The height of the rebuilt sign shall be no greater than 27 feet and the rebuild sign face area shall not exceed 300 square feet.
- 5) The applicant shall have 12 months to apply and pay for permits for the subject sign.
- 6) Graffiti resistant paint will be applied to the rear of the sign face.

- 7) Work with Planning and Development Department staff to design and install a screening panel on the east side of the sign face.

**Approved
w/stips**

8. Application #: ZA-58-23-2 (SIGN)
Existing Zoning: R1-18 Single-Family
Location: 32648 North Cave Creek Road
Quarter Section: 56-39(R11) 57-39(R11)
Proposal: Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.

Ordinance Sections: 705.C.13
Applicant: Brent VanDeman, Bootz and Duke Sign Company
Representative: Kristi Trisko, Bootz and Duke Sign Company
Owner: Father Chad, Saint Gabriel The Archangel Roman Catholic Parish

Stipulations:

- 1) Sign design shall be in accordance with the drawings date stamped March 23, 2023.
- 2) 12 months to obtain sign permits for the ground sign.

**Approved
w/stips**

9. Application #: ZA-62-23-4
Existing Zoning: WU T6:HWR MT*
Location: Northeast corner of 3rd Avenue and Earll Drive Alignment
Quarter Section: 15-27(G8)
Proposal: **1)** Time Extension for ZA-569-21, Variance to eliminate the requirement for one entry per 80 feet of secondary building frontage (west). One entry per 80 feet of building frontage required. **2)** Time Extension for ZA-569-21, Variance to increase the parking structure to exceed building height. Parking structure cannot exceed building height. **3)** Time Extension for ZA-569-21, Variance to reduce parking setback along 3rd Avenue to 11 feet. Minimum 20 feet of parking setback required for secondary frontage.

Ordinance Sections: 1303.2. Transect T6 1303.B. Table 1303.2 Transect T6 1303.B. Table 1303.2 Transect T6
Applicant: Lynton Smith, Din/Cal 4, Inc.
Representative: William F. Allison, Withey Morris, PLC
Owner: Stan Shafer, HPPC, LLC

Stipulations:

- 1) 2 years to apply and pay for building permits.
- 2) The parking garage must not exceed 9 stories in height.

Continued

10. Application #: ZA-67-23-4
Existing Zoning: C-2 SAUMSOD
Location: 4343 North 7th Avenue
Quarter Section: 17-27(H8)

Proposal: Use permit to allow a temporary use (outdoor event with amplified sound) for up to 36 months. Use permit required.
Ordinance Sections: 708.D.1
Applicant: Stacy Louis, Stacy's @ Melrose
Representative: Stacy Louis, Stacy's @ Melrose
Owner: Zachary Travis, Apollo Healthcare and Diagnostics, LLC

Continued to April 20, 2023 at 1:30 PM.

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| Denied | 11. | Application #: | ZA-68-23-6 |
| | | Existing Zoning: | R1-6 |
| | | Location: | 6708 North 11th Street |
| | | Quarter Section: | 22-29(I8) |
| | | Proposal: | Variance to allow an over height (13 feet) detached accessory structure within the required side yard setback (north). Maximum 8 feet permitted. |
| | | Ordinance Sections: | 706.C |
| | | Applicant: | Jared Scott |
| | | Representative: | Jared Scott |
| | | Owner: | Jared Scott |
| Approved w/stips | 12. | Application #: | ZA-69-23-6 |
| | | Existing Zoning: | C-1 |
| | | Location: | Northeast corner of 32nd Street and Campbell Avenue |
| | | Quarter Section: | 18-35(H10) |
| | | Proposal: | Time Extension for ZA-363-21, variance to reduce the required setback (north) to 25 feet. Minimum 50 feet required. |
| | | Ordinance Sections: | 622.E.4.D |
| | | Applicant: | Ed Bull, Burch & Cracchiolo, P.A. |
| | | Representative: | Ed Bull, Burch & Cracchiolo, P.A. |
| | | Owner: | Aaron Klusman, KFH Campbell Commons, LLC |
| | | Stipulations: | |
| | | | 1) 18 months to apply and pay for building permits. |
| | | | 2) North building elevation to include screening elements such as a perforated block, fritted or translucent glass or green screenings to provide privacy and noise mitigation for residential lots to the north. |
| | | | 3) Landscaped area between building and north property line to include the existing sour orange hedge, additional trees and landscape materials and a pedestrian path to create a cooling lush environment, subject to approval by the Planning and Development Department. |
| Approved w/stip | 13. | Application #: | ZA-70-23-1 |
| | | Existing Zoning: | R1-10 |
| | | Location: | 5050 West Tonopah Drive |

Quarter Section: 41-17(N5)
Proposal: 1) Variance to reduce the required lot width to 61 feet (Lot No. 4). Minimum 75 feet required.
2) Variance to reduce the required lot width to 40 feet (Lot No. 5). Minimum 75 feet required.
3) Variance to reduce the required lot width to 43 feet (Lot No. 6). Minimum 75 feet required.
Ordinance Sections: 611.B.Table A 611.B.Table A 611.B.Table A
Applicant: Gurbaksh Sandhu, Guru's Faith, LLC
Representative: Elias Felix
Owner: Gurbaksh Sandhu, Guru's Faith, LLC
Stipulation:
1) 12 months to obtain final approval of the plat.

Continued 14. Application #: ZA-59-23-3
Existing Zoning: C-2
Location: 3217 East Shea Boulevard, Suite 1
Quarter Section: 28-35(K10)
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 residential zoning district. Minimum 500 feet of separation required.
Ordinance Sections: 623.D.124.a 623.D.124.f
Applicant: M. Ryan Hurley, CFS Retail, LLC
Representative: Lindsay Schube, Gammage & Burnham
Owner: BRF Enterprises, LLC
Continued to May 18, 2023 at 1:30 PM.

**ZONING ADJUSTMENT HEARING OFFICER: JON FROKE
PLANNER: PETER KANN, 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.

March 24, 2023