

**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 **October 26, 2023 9:00 AM (Items 1-8) and 1:30 PM (Items 9-14)**

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

Continued

9:00 AM

1. Application #: ZA-325-23-6 (Continued from September 14, 2023)
Existing Zoning: RE-35 ACSPD
Location: 5040 North Arcadia Drive
Quarter Section: 19-39(H11)
Proposal: Variance to allow an over height fence 7 feet high in the required front yard setback. Maximum 40 inches allowed.
Ordinance Sections: 703.A.2.a
Applicant: Arvin Thomas, LifeDevine5040, LLC
Representative: Alexander Haro, Haro Design
Owner: Arvin Thomas, LifeDevine5040, LLC
Continued to December 7, 2023 at 9:00 AM.

**Approved
w/stips**

2. Application #: ZA-374-23-6
Existing Zoning: R1-6
Location: 4139 North 43rd Street
Quarter Section: 17-37(H10)
Proposal: **1)** Use permit to allow the generation of traffic for a home occupation (P-FIT43 LLC). Use permit required. **2)** Use permit to allow a home occupation to be conducted in an accessory building (P-FIT43 LLC). Use permit required. **3)** Use permit to allow a home occupation (P-FIT43 LLC) to be conducted as in outside use. Use permit required.
Ordinance Sections: 608.E.3.h.(1) 608.E.3.h.(2) 608.E.3.h.(3)
Applicant: Madison Leake, Burch & Cracchiolo, P.A.
Representative: Madison Leake, Burch & Cracchiolo, P.A.
Owner: Charles Straus, P-FIT43, LLC
Stipulations:
1) Classes limited to 10 participants, never will have more than 2 classes running concurrently.
2) Class hours will be 2:00 PM – 8:00 PM Monday – Friday and 8:00 AM – 6:00 PM on Saturdays, Sundays and school holidays.
3) Classes will be limited to accessory structure identified on the site

plan date stamped September 8, 2023 and the backyard area identified on the site plan date stamped September 8, 2023 as the area east of the existing home.

- Approved w/stips**
3. Application #: ZA-379-23-5
Existing Zoning: C-2
Location: 8123 and 8205 West Indian School Road
Quarter Section: 16-9(H3)
Proposal: Use permit to allow package liquor sales accessory to a convenience market located within 300 feet of a residential zoning district. Use permit required.
Ordinance Sections: 622.D.102.a
Applicant: Tres Amigos at Phoenix, LLC
Representative: Harun Ozcan, Epik Inventory
Owner: Terry Nguyen
Stipulations:
1) The applicant shall post signs as permitted and required under applicable City Codes and State Statutes, warning that “No Loitering” and/or “No Trespassing” is permitted upon the property to deter such activity inside and/or surrounding the establishment.
2) The applicant shall complete “Authority to Arrest” forms which will provide enforcement during non-business hours. “No Trespassing” signs will be posted in both English and Spanish.
- Continued**
4. Application #: ZA-380-23-4
Existing Zoning: R-3, C-2
Location: 604 and 608 East Sheridan Road and 2502, 2506, and 2512 North 7th Street
Quarter Section: 14-28(G8)
Proposal: **1)** Variance to reduce the building setback (east) to 17 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure.
2) Variance to reduce the required south perimeter building setback to 2 feet. Minimum 15 feet required for street side setback.
Ordinance Sections: 623.E.4.d 615.B.Table A PRD
Applicant: B. Paul Murphy Jr., Coe and Van Loo Consultants, Inc. (CVL)
Representative: B. Paul Murphy Jr., Coe and Van Loo Consultants, Inc. (CVL)
Owner: Paul Baumgardt, Arizona Public Service (APS)
Continued to December 7, 2023 at 9:00 AM.
- Approved w/stip**
5. Application #: ZA-383-23-2
Existing Zoning: C-2
Location: 3238 East Bell Road
Quarter Section: 37-35(M10)
Proposal: **1)** Variance to allow a tobacco oriented retailer (ISC 3238 LLC) to be located within 1,320 feet of a school. Minimum 1,320 feet separation

			required. 2) Variance to allow a tobacco oriented retailer (ISC 3238 LLC) to be located within 1,320 feet of a church. Minimum 1,320 feet separation required.
		Ordinance Sections:	623.D.194.b 623.D.194.b
		Applicant:	Norman Sharak, ISC 3238, LLC
		Representative:	Norman Sharak, ISC 3238, LLC
		Owner:	Arbor Village Bell Parkway, LLC
		Stipulation:	
			1) 90 days to commence the use.
Withdrawn to Amend	6.	Application #:	ZA-387-23-6
		Existing Zoning:	R1-14
		Location:	4118 East Pasadena Avenue
		Quarter Section:	19-37(H10)
		Proposal:	1) Variance to reduce the required side yard setback (west) to 5 feet. Minimum 10 feet required. 2) Variance to allow a 38 percent lot coverage. Maximum 30 percent lot coverage permitted for one story.
		Ordinance Sections:	607.B.4 607.B.5
		Applicant:	Jim Chartier, Chartier Design
		Representative:	Jim Chartier, Chartier Design
		Owner:	Taylor McCain, Bespoke Investments, LLC
Approved w/stip	7.	Application #:	ZA-388-23-6
		Existing Zoning:	R-O
		Location:	4048 North 40th Place
		Quarter Section:	16-37(H10)
		Proposal:	1) Time Extension for ZA-716-21, Variance to reduce the required front yard setback (east) to 18 feet. Minimum 20 feet required. 2) Time Extension for ZA-716-21, Variance to increase lot coverage to 34%. Maximum 30% lot coverage allowed.
		Ordinance Sections:	620.C.3 620.C.6
		Applicant:	Studio Ma, Inc.
		Representative:	William E. Lally, Tiffany & Bosco, PA
		Owner:	Christopher Alt and Christiana Moss
		Stipulation:	
			1) 18 months to apply for and obtain building permits.
Approved w/stips	8.	Application #:	ZA-391-23-8
		Existing Zoning:	C-1 BAOD, C-2 BAOD
		Location:	2530 East Baseline Road
		Quarter Section:	Q1-33(D9)
		Proposal:	Use permit to allow a drive-through facility as an accessory use to a restaurant (Salad and Go) within 300 feet of a residential zoning district. Use permit required

Ordinance Sections: 622.D.150.e.2
Applicant: Catherine Atchley
Representative: Catherine Atchley
Owner: Baseline 25, LLC

Stipulations:

- 1) Per the location of the drive-through lanes, order box, and drive up window as shown on the site plan dated September 18, 2023.
- 2) 18 months to apply for and obtain building permits.

**#1 and #2
Approved
w/stips**

9.

1:30 PM

Application #: ZA-578-22-4 (SIGN)
Existing Zoning: C-3 TOD-1
Location: 4210 North Central Avenue
Quarter Section: 17-27(H8)
Proposal:

**#3
Denied**

1) Use permit to convert the north face of a nonconforming off-premise sign to digital. Use permit required. **2)** Use permit to reduce minimum spacing from a residential use for a nonconforming off-premise sign to 77 feet. Use permit required. **3)** Variance to increase the area of a nonconforming sign to 382 square feet. The area of a nonconforming sign may not be increased.

Ordinance Sections: 705.2.G.4 705.2.A.5 705.2.G.2
Applicant: Jacob Zonn, Becker Boards Small, LLC
Representative: Jacob Zonn, Becker Boards Small, LLC
Garry Hays
Owner: 2JW Investments, LLC

Stipulations:

- 1) Install a Planning and Development Department design-approved, decorative pole cover on the rebuilt sign. Any access ladder, if included, shall be recessed into the pole cover and on the west or south side of the pole cover.
- 2) Install Planning and Development Department design-approved, vertical louvers to effectively limit visibility of the digital sign face to travelers on Central Avenue and prevent sign face visibility to the areas northwest and west of the sign.
- 3) The height of the rebuilt sign shall be no greater than 37 feet.
- 4) Install a Planning and Development Department design-approved screening devices on the west, south and east sides of the sign that include a graffiti-resistant coating. Application of the coating shall be verified prior to final sign inspection approval.
- 5) Electric service shall utilize underground connections to the off-premise sign where feasible as determined by the Planning and Development Department. Any approved above ground service lines shall be placed in electrical conduit.
- 6) Extinguish sign illumination daily at 10:30 PM via an automatic timer on the rebuilt sign. Timer installation and settings to be verified prior to approval of final sign inspection.
- 7) The applicant shall have 12 months to apply and pay for permits for the subject sign.

- Approved w/stip**
10. Application #: ZA-386-23-4 (SIGN)
Existing Zoning: C-2 TOD-1
Location: 903 West Camelback Road
Quarter Section: 18-26(H8)
Proposal: Variance to increase wall sign letter height to 21 inches. Maximum 12 inches permitted.
Ordinance Sections: 662.K.1.b
Applicant: Mark Sanchez, Rising Sign
Representative: Mark Sanchez, Rising Sign
Owner: Jeffrey Francisco, Window Coffee Bar
Stipulation:
1) Extinguish sign illumination daily at 10:00 PM.
- Approved w/stips**
11. Application #: ZA-323-23-7 (Continued from September 14, 2023)
Existing Zoning: C-2
Location: 7425 South 19th Avenue
Quarter Section: 1-25(D7)
Proposal: Use permit to allow a drive through facility as an accessory to a restaurant (Angie's Lobster) within 300 feet from a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.d.(2)
Applicant: Jeff Williams, R.B. Williams & Associates, Inc.
Representative: Jeff Williams, R.B. Williams & Associates, Inc.
Owner: Nineteen Commons, LLC
Stipulations:
1) 12 months to apply for and obtain building permits.
2) Per the location of the drive-through and tunnel structure as shown on the site plan dated October 13, 2023.
- Approved w/stips**
12. Application #: ZA-389-23-4
Existing Zoning: R-3, C-O
Location: 378 East Palm Lane
Quarter Section: 13-28(G8)
Proposal: Use permit to allow an extension of a use which is permitted in a less restricted district into a more restricted district to a maximum of 25 feet. Use permit required.
Ordinance Sections: 307.A.8
Applicant: Randel Jacob, RJDG Collaborative
Representative: Randel Jacob, RJDG Collaborative
Owner: Casey Family Programs
Stipulations:
1) Per the location of the fencing and monument as shown on the site plan dated September 14, 2023.
2) 18 months to apply for and obtain building permits.

Continued 13. Application #: ZA-395-23-7
Existing Zoning: C-2 PCD
Location: 2640 South 99th Avenue
Quarter Section: Q7-4(E2)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Federico's Mexican Restaurant) within 500 feet of a residential zoning district. Use permit required.
2) Use permit to allow a drive-through as an accessory use to a restaurant (Federico's Mexican Restaurant) within 300 feet of a residential zone. Use permit required.
3) Variance to reduce the required trees to 0 in the landscape setback adjacent to street (east). Minimum 5 trees required.
Ordinance Sections: 623.D.157.c 623.D.157.d.(2) 623.E.4.e
Applicant: Robert Lepore
Representative: Robert Lepore
Owner: LM & Sons III, LLC
Continued to December 7, 2023 at 9:00 AM.

Denied 14. Application #: ZA-399-23-1
Existing Zoning: C-2
Location: 2630 West Deer Valley Road
Quarter Section: Q43-23(N7)
Proposal: **1)** Variance to reduce the landscape setback (south) to 10 feet. Average 25 feet required.
2) Variance to reduce the landscape setback (west) to 10 feet. Average 25 feet required.
Ordinance Sections: 623-E-4.e
Applicant: Bob Eardley
Representative: Bob Eardley
Owner: Tribal Properties, LLC

**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 via electronic mail at zoning.adjustment@phoenix.gov. To request a reasonable accommodation, please contact Teleia Galaviz at 602-291-2559, teleia.galaviz@phoenix.gov TTY: Use 7-1-1.

October 27, 2023