

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised September 26, 2024*

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 **August 15, 2024 at 9:00 AM (Items 1-6) and 1:30 PM (Items 7-9)**

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-464-24-1 (Continued from July 18, 2024)
Existing Zoning: R-4A DVAO
Location: 2930 West Robin Lane
Quarter Section: Q43-22(N7)
Proposal: Variance to allow a minimum lot width of 20 feet. Minimum 60 feet required.
Ordinance Sections: 619.B.1
Applicant: Kristopher Ontiveros, 312 Architect and Design, LLC
Representative: Vasile Creta, 42nd Street Creta, LLC
Owner: 42nd Street Creta, LLC
Stipulation:
1) 9 months to complete lot split process.

***Denied**

2. Application #: ZA-468-24-4
Existing Zoning: R1-6
Location: 3831 North 8th Street
Quarter Section: Q16-29(H8)
Proposal: Variance to reduce the side yard (south) setback to 3 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Rodney Sherrard, RS Architecture, LLC
Representative: Rodney Sherrard, RS Architecture, LLC
Owner: Boryana Delov
Taken out from under advisement on September 16, 2024 and denied.

Approved
w/stips

3. Application #: ZA-520-24-8
Existing Zoning: C-2 BAOD
Location: 1575 East Baseline Road
Quarter Section: Q01-31(D9)
Proposal: 1) Use permit to allow a drive-through facility as an accessory use to a restaurant (Scooter's Coffee) within 300 feet of a residential district. Use permit required.

- 2) Variance to reduce the required landscape setback adjacent to Baseline Road to 45 feet. Minimum 50 feet required.
- 3) Variance to reduce the required building setback (south) to 43 feet. Minimum 50 feet required.
- 4) Variance to eliminate the requirement for undulating berms and swells within the landscaped setback (north). Undulating berms and swells shall be provided within the landscaped setback.

Ordinance Sections: 623.D.157.d.(2) 651.D.2.a 623.E.4.d
651.E.1.a.(6)

Applicant: Madison Leake, Burch & Cracchiolo, P.A.

Representative: Madison Leake, Burch & Cracchiolo, P.A.

Owner: Baseline Partners and Investment, LLC

Stipulations:

- 1) 18 months to apply for and obtain building permits.
- 2) Per the location of the drive-through as shown on site plan date stamped July 10, 2024.
- 3) Per the landscaping reductions and landscaping provided as shown on landscape plan date stamped July 18, 2024.

**Approved
w/stips**

4. Application #: ZA-525-24-3
Existing Zoning: C-1
Location: 4626 East Shea Boulevard
Quarter Section: Q29-38
Proposal: 1) Use permit to allow outdoor dining as an accessory use to a restaurant (Better Buzz Coffee). Use permit required.
2) Use permit to allow a drive-through facility as an accessory use to a restaurant (Better Buzz Coffee) within 300 feet of a residential zoning district. Use permit required.

Ordinance Sections: 622.D.150.d 622.D.150.e.(2)
Applicant: Taylor C. Earl Attn: Ric Toris, Earl & Curley, P.C.
Representative: Taylor C. Earl Attn: Ric Toris, Earl & Curley, P.C.
Owner: Julian Geller Attn: Randy Titzck, Paradise Corporate & Medical Plaza, LLC

Stipulations:

- 1) 18 months to apply for and obtain building permits.
- 2) Per the location of the drive-through and pick-up window as shown on site plan date stamped July 17, 2024.

**Approved
w/stips**

5. Application #: ZA-526-24-3
Existing Zoning: C-1
Location: 4638 East Shea Boulevard
Quarter Section: Q29-38
Proposal: 1) Use permit to allow outdoor dining as an accessory use to a restaurant (Farmer Boys). Use permit required.

2) Use permit to allow a drive-through facility as an accessory to a restaurant (Farmer Boys) within 300 feet of a residential zoning district. Use permit required.

Ordinance Sections: 622.D.150.d; 622.D.150.e.(2)

Applicant: Taylor C. Earl Attn: Ric Toris, Earl & Curley, P.C.

Representative: Taylor C. Earl Attn: Ric Toris, Earl & Curley, P.C.

Owner: Julian Geller Attn: Randy Titzck, Paradise Corporate & Medical Plaza, LLC

Stipulations:

- 1) 18 months to apply for and obtain building permits.
- 2) Per the location of the drive-through and pick-up window as shown on site plan date stamped July 17, 2024.

**Approved
w/stips**

6. Application #: ZA-535-24-2
Existing Zoning: RE-35
Location: 6221 East Cochise Road
Quarter Section: Q28-42(K12)
Proposal: Use permit to allow a detached ADU located between the primary dwelling unit and the front property line. Use permit required.

Ordinance Sections: 706.A.6
Applicant: Don and Rachel Frye
Representative: Michael Alosi, Alosi Brothers Construction, Inc.
Owner: Don and Rachel Frye, Frye Family Trust

Stipulations:

- 1) 12 months to apply for and obtain building permits.
- 2) ADU shall be setback 40 feet from Cochise Road.

1:30 PM

Continued

7. Application #: ZA-379-24-2
Existing Zoning: C-1, C-2, R-3
Location: 2720 East Greenway Parkway
Quarter Section: Q35-33(L9)
Proposal: 1) Time Extension for ZA-144-23, variance to reduce the front (south) building setback to 10 feet. Minimum 25 feet required.
2) Time Extension for ZA-144-23, variance to reduce the rear (north) building setback to 12 feet. Minimum 15 feet required.
3) Time Extension for ZA-144-23, variance to reduce the landscape setback requirement along Greenway Parkway to 10 feet. Minimum 25 feet required.

Ordinance Sections: 615.B.TableB 615.B.TableB 703.B.3.a
Applicant: Mike Hudson, RA, Atmosphere Architects
Representative: Mike Hudson, RA, Atmosphere Architects
Owner: 2700 Greenway Investco, LLC

Continued to September 26, 2024 at 1:30 PM.

**Approved
w/stips**

8. Application #: ZA-523-24-3
Existing Zoning: R1-10 RPSPD
Location: 700 West Northern Avenue
Quarter Section: Q25-26(J8)
Proposal: Variance to allow an accessory structure (guest house) on a lot without a primary structure (Lot 2). Primary structure required to allow accessory structures.

Ordinance Sections: 608.C.7
Applicant: Virginia Senior, Vida Architects
Representative: Virginia Senior, Vida Architects
Owner: Samuel Nguire
Stipulations:
1) 18 months to apply for and obtain building permits.
2) Per the accessory structure on lot 2 as shown on site plan date stamped July 10, 2024.

**Approved
w/stips**

9. Application #: ZA-524-24-7
Existing Zoning: C-3 CMOD ACOD
Location: 765 Grand Avenue
Quarter Section: Q11-26(F8)
Proposal: Use permit to allow a bar (Egyptian Motor Hotel) which exceeds 5,000 square feet in gross floor area and is located within 300 feet of a residential district. Use permit required.

Ordinance Sections: 624.D.112.e
Applicant: Michael Maerowitz, Snell & Wilmer LLP
Representative: Michael Maerowitz, Snell & Wilmer LLP
Owner: Egyptian Motor Hotel, LLC
Stipulations:
1) Outdoor Events shall be limited to 11:00 AM to 12:00 AM, Sunday through Thursday; and to 10:00 AM to 2:00 AM. Friday, Saturday, and Sunday (early AM only).
2) Outdoor Performances shall be limited to 11:00 AM to 11:00 PM, Sunday through Thursday; and to 10:00 AM to 2:00 AM., Friday, Saturday, and Sunday (early AM only).
3) The maximum noise level for Outdoor Events and Performances will not exceed 88.1DB as measured from the Grand Avenue curb line from the hours of 10:00 AM to 8:00 PM; and 82.4DB from the hours of 8:00 PM to 2:00 AM, except that, up to 24 times per year the DB level may be increased back to 88.1DB during the hours of 8:00 PM to 2:00 AM for "special events."
4) A schedule for "special events," which are performances by groups of three (3) or more people, shall be maintained on a website hosted by the motel that lists all special events for the prior 12 months.
5) The primary use of the property for a motel shall continue as a precursor to the ancillary Outdoor Event and Outdoor Performance uses. Closure of the motel operations nullifies the Use Permit approved herein.

- 6) The indoor and outdoor are by sufficiently lit and contained to discourage any unlawful activity.
- 7) "No Trespassing" signs must be posted and an authority to arrest for trespassers form be signed to deter loitering/unwanted guests.

ZONING ADJUSTMENT HEARING OFFICER: CAROL BERRY
PLANNER: DOMINIC AMODIO, 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.

September 16, 2024