

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised March 12, 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 **February 8, 2024 at 9:00 AM (Item 1) and 1:30 PM (Items 2-9)**.

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/stips**

9:00 AM

- | | | |
|----|---------------------|--|
| 1. | Application #: | ZA-284-20-4 (Continued from February 1, 2024) |
| | Existing Zoning: | C-2 SAUMSO |
| | Location: | 4232 North 7th Avenue |
| | Quarter Section: | 17-26(H8) |
| | Proposal: | 1) Use permit to allow outdoor dining as an accessory use to a restaurant/bar within 500 feet of a residential district. Use permit required.
2) Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant/bar within 500 feet of a residential district. Use permit required.
3) Variance to reduce the building setback (north) from a non Seventh Avenue property line that is not adjacent to a residential district to 0-feet. Minimum 5 feet required.
4) Variance to allow an over height fence wall (8 feet) along the rear property line. Maximum 6 feet allowed. |
| | Ordinance Sections: | 623.D.157.c 623.D.157.c 665.H.Table 1 703.A.2.c |
| | Applicant: | Chris Prado, Elemental Architecture |
| | Representative: | Lucas Lindsey, Venue Projects |
| | Owner: | 4232 N 7th, LLC |

Taken out from under advisement on March 12, 2024 and approved with the following stipulations:

- 1) The hours of use for the rear patio outdoor area shall be no later than 12:30 AM every day of the week.
- 2) The rear patio outdoor area shall not emit noise at a decibel level exceeding current ambient conditions. To this end, Sandfish shall hire a professional sound consultant within 30 days of the use permit approval to assess sound propagation. In particular, the professional sound consultant is to determine current ambient sound conditions and an acceptable "do not exceed" decibel level both at the rear alley and adjacent residential property lines in consultation with the adjacent residential properties. The sound consultant shall then review proposed sound mitigation designs and provide feedback and solutions to Sandfish to mitigate noise

levels experienced outside of the property prior to material back patio construction activity. Finally, Sandfish shall install a decibel reader at the rear alley property line to monitor ongoing compliance.

- 3) Prior to the issuance of a certificate of occupancy for Sandfish, an 8-foot high solid wall shall be constructed along the west property line adjoining the rear alley.
- 4) The 8-foot-high solid wall shall have a single gated point of ingress/egress reserved for staff and emergency exit only. Signage shall be posted to indicate ingress/egress it reserved for staff and emergency exit only.
- 5) Landscape speakers and/or lighting shall be directed away from Woodlea-Melrose residents located to the west.
- 6) Odor-controlling carbon filters shall be installed at all applicable building exhaust points.
- 7) Per the site plan submitted to the Hearing Officer and originally date-stamped August 20, 2020 in regards to the location of the patio location/size, building setback reduction, and over height fence location requested in this case.
- 8) 1 year review.

1:30 PM

**Approved
w/stips**

2. Application #: ZA-673-23-6 (SIGN)
Existing Zoning: PUD
Location: 15175 South 50th Street
Quarter Section: Q010-39(A11)
Proposal: 1) Use Permit to build an off-premise sign 439 feet from residential district, where 500 feet is required. Use permit required.
2) Use Permit for an off-premise sign with electronic message displays. Use Permit required.
- Ordinance Sections: 705.2(A)(5) 705.2.E.3
Applicant: Jacob Zonn
Representative: Garry D Hays, Law Offices of Garry D Hays
Owner: PR VW Kyrene, 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 on the north or west side of the pole cover and concealed from northbound traffic. If an opening in the required decorative pole cover for electrical service is necessary, said opening shall be on the south or west side of the pole cover.
- 2) Install a PDD design-approved screening device on the open west end of the V-shaped sign structure.
- 3) Install Planning and Development Department design-approved vertical louvers on the south sign face that effectively reduces digital image visibility for areas outside of westbound Interstate 10 traffic. Prior to final inspection of the sign, effectiveness of vertical louvers to be verified via a sign inspection performed by Planning and Development Department (PDD) staff.
- 4) Sign and pole cover design shall be in accordance with the date-

stamped drawings presented to the Hearing Officer.

- 5) The applicant shall have 12 months to apply and pay for permits for the subject sign.

**Approved
w/stips**

3. Application #: ZA-706-23-2 (SIGN)
Existing Zoning: C-2, R-4A
Location: 2500 East Marco Polo Road
Quarter Section: Q40-33(N9)
Proposal: 1) Variance to increase wall sign area to 78 square feet. Maximum 48 square feet permitted.
2) Variance to increase wall sign height to 48 feet. Maximum 15 feet permitted.
Ordinance Sections: 705.D.3.a; Sec. 705 Table D-1
Applicant: Julie Kulka, Airpark Signs & Graphics
Representative: Julie Kulka, Airpark Signs & Graphics
Owner: Daniel Tilton, LMC Cave Creek Holdings, LLC
Stipulations:
1) Sign design shall be in accordance with the sign drawings submitted to the Hearing Officer and date-stamped February 8, 2024.
2) 12 months to obtain sign permits for the wall sign.

**Approved
w/stips**

4. Application #: ZA-458-23-3 (Continued from January 11, 2024)
Existing Zoning: R1-10
Location: 3531 East Onyx Avenue
Quarter Section: Q28-35(K10)
Proposal: Variance to allow a detached accessory structure (bike/pool storage) in the required front yard (east) setback. Accessory structures are not permitted within the required front yard setback.
Ordinance Sections: 706.B.1.
Applicant: Luke Crosthwaite
Representative: Luke Crosthwaite
Owner: Christina and Jeff Brouwer
Stipulations:
1) Per the detached accessory structure on the stie plan date stamped October 4, 2023.
2) 12 months to apply and pay for building permits.

Approved

5. Application #: ZA-679-23-6
Existing Zoning: R1-10
Location: 1927 East Cactus Wren Drive
Quarter Section: Q23-31(I9)
Proposal: Time extension for ZA-309-22, use permit to allow an over height (17 feet) detached accessory structure within the rear yard setback. Maximum 15 feet in height permitted.
Ordinance Sections: 706.B.2.b
Applicant: Dennis Scully

		Representative:	Dennis Scully
		Owner:	Dennis Scully
Continued	6.	Application #:	ZA-694-23-1
		Existing Zoning:	PSC
		Location:	3440 West Union Hills Drive
		Quarter Section:	Q39-21(M6)
		Proposal:	1) Variance to reduce the building setback (west) to 16 feet. Minimum 25 foot setback required. 2) Variance to reduce the building setback (south) to 17 feet. Minimum 25 foot setback required.
		Ordinance Sections:	637.C.3 637.C.3
		Applicant:	Chris Harty, CEI Engineering & Associates
		Representative:	Chris Harty, CEI Engineering & Associates
		Owner:	Josef S. Wagelaar
		Continued to February 29, 2024 at 1:30 PM.	
Approved	7.	Application #:	ZA-697-23-1
		Existing Zoning:	CP/BP
		Location:	3202 West Behrend Drive
		Quarter Section:	Q40-21(N6)
		Proposal:	Use permit to allow a temporary use (construction storage) for up to 36 months. Use permit required.
		Ordinance Sections:	708.D.1
		Applicant:	Aligned Data Centers Behrend Propco, LLC
		Representative:	Chris Webb, Rose Law Group
		Owner:	Aligned Data Centers Behrend Propco, LLC
Approved w/stips	8.	Application #:	ZA-729-23-8
		Existing Zoning:	R-5 SPVTABDO FCOD
		Location:	2559 East Broadway Road
		Quarter Section:	Q4-33(E9)
		Proposal:	1) Variance to reduce the minimum lot width to 58 feet (Lot 1). Minimum 60 feet required. 2) Variance to reduce the minimum lot width to 58 feet (Lot 2). Minimum 60 feet required. 3) Variance to reduce the minimum lot width to 58 feet (Lot 3). Minimum 60 feet required.
		Ordinance Sections:	618.B.Table B 618.B.Table B 618.B.Table B
		Applicant:	Joel Frechette, Proper Foundation, LLC
		Representative:	Joel Frechette, Proper Foundation, LLC
		Owner:	Joel Frechette, Proper Foundation, LLC
		Stipulations:	
			1) Per the lot widths found on the site plan date stamped January 9, 2024.
			2) 12 months to apply and pay for building permits.

Approved	9. Application #: ZA-1-24-4 Existing Zoning: R-3, R1-6 Location: 1030 East Mitchell Drive Quarter Section: Q16-29(H8) Proposal: 1) Time extension for ZA-590-22, use permit to use the single-family attached development option. Use Permit required. 2) Time extension for ZA-590-22, use permit to allow a less restrictive multi-family use to expand into a more restrictive single-family zoning district on the east side. Use permit required. 3) Time extension for ZA-590-22, use permit to allow a less restrictive multi-family use to expand into a more restrictive single-family zoning district on the west side. Use permit required. 4) Time extension for ZA-590-22, variance to reduce the perimeter setback for units siding on the street right-of-way to 4 feet. Minimum 15 feet required. 5) Time extension for ZA-590-22, variance to reduce the perimeter landscape setback to 4 feet. Minimum 15 feet required. 6) Time extension for ZA-590-22, variance to reduce the required building setback (north) to 16 feet for a 40-foot-tall building. Minimum 35 feet required. 7) Time extension for ZA-590-22, variance to reduce the required landscape setback adjacent to a single-family zoned district to 5 feet (north). Minimum 10 feet required. 8) Time extension for ZA-590-22, variance to reduce the improved common area for bonus density to 0%. Minimum requirement of 18.9% improved open space. Ordinance Sections: 608.F.6 307.A.8 307.A.8 615.B.Table B 608.F.6.c.(2) 615.B.Table B 608.F.6.c.(3) 608.I.2.b.(2) Applicant: Marcela Mora-Yatko, Gilbert Blilie, PLLC Representative: Paul Gilbert, Gilbert Blilie, PLLC Owner: Jay Hartgraves, 1030 East Mitchell Drive, LLC
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ZONING ADJUSTMENT HEARING OFFICER: JON FROKE
PLANNER: NATASHA HUGHES, PLANNER II

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.

March 12, 2024