

**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 **July 18, 2024 at 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	9:00 AM		
	Denied as Filed Approved w/stip	1.	Application #: ZA-449-24-1
			Existing Zoning: A-1 DVAO
			Location: 75 East Pinnacle Peak Road
			Quarter Section: Q44-28(O8)
			Proposal: Use permit to allow an over height retaining wall (14 feet) within 50 feet of a subdivision perimeter (south) and the property line (south) of an unplatted parcel. Maximum 40 inches permitted.
			Ordinance Sections: 703.A.4.c
			Applicant: Ryan Berry, WMA Architects
			Representative: Ryan Berry, WMA Architects
			Owner: SLRE 75P, LLC
			Stipulations:
			1) Per the retaining wall shown on the site plan June 18, 2024.
			2) Approved for an 8 foot over height retaining wall.
	Approved w/stips	2.	Application #: ZA-455-24-7
			Existing Zoning: R1-6
			Location: 61 South 64th Avenue
			Quarter Section: Q10-13(F4)
			Proposal: Variance to allow a lot width of 56 feet. Minimum 60 feet required.
			Ordinance Sections: 613.B.Table B
			Applicant: Derek Jacques, Alliance Land Surveying, LLC
			Representative: G. Bryan Goetzenberger, Alliance Land Surveying, LLC
			Owner: Daniel Vargas and Denise Barrios
			Stipulations:
			1) 12 months to apply and pay for building permits.
			2) Per the lot width reduction shown on site plan date stamped June 13, 2024.
	Approved w/stips	3.	Application #: ZA-461-24-7
			Existing Zoning: R1-6
			Location: 6234 West Cheery Lynn Road
			Quarter Section: Q15-14(G5)

		Proposal:	Variance to reduce the front yard setback (south) to 13 feet. Minimum 20 feet required.
		Ordinance Sections:	613.B.Table B
		Applicant:	Lenny A. Garcia Osuna
		Representative:	Lenny A. Garcia Osuna
		Owner:	Lenny A. Garcia Osuna
		Stipulations:	
			1) 12 months to apply and pay for building permits.
			2) Per the front yard setback reduction shown on plans date stamped June 11, 2024.
Withdrawn to Amend	4.	Application #:	ZA-464-24-1
		Existing Zoning:	R-4A DVAO
		Location:	2930 West Robin Lane
		Quarter Section:	Q43-22(N7)
		Proposal:	Variance to allow a minimum lot width of 55 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
Continued	5.	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
		Continued to August 15, 2024 at 9:00 AM.	
#1 Approved	6.	Application #:	ZA-470-24-6
		Existing Zoning:	R1-6 PCD
		Location:	2502 East Silverwood Drive
#2 Withdrawn		Quarter Section:	Q011-33(A9)
		Proposal:	1) Use permit for official approval of a home occupation (sales of firearms). Use permit required. 2) Use permit to allow a home occupation to generate traffic. Use permit required.
		Ordinance Sections:	608.E.27.h.(5) 608.E.27.h.(1)
		Applicant:	James Emson
		Representative:	James Emson
		Owner:	James Emson

		1:30 PM	
Denied	7.	Application #: ZA-333-24-8 (SIGN) (Continued from June 13, 2024) Existing Zoning: C-2 SP Location: 4730 East Baseline Road Quarter Section: Q1-38(D11) Proposal: Variance to reduce the spacing of a ground sign to 68 feet. Minimum 100 feet allowed. Ordinance Sections: 705.D.1 Table-1 Applicant: Stacie Hicks, Vixxo Representative: David Mikel, Site Enhancement Services Owner: Gerald Valle, SST VI 4730 E. Baseline Rd., LLC	
Continued	8.	Application #: ZA-404-24-4 (SIGN) Existing Zoning: C-2 H-R TOD-1 Location: 3200 North Central Avenue Quarter Section: Q15-27(G8) Proposal: Use permit for a major amendment to the 3200 North Central Comprehensive Sign Plan for a wall sign over 56 feet in height. Use permit required. Ordinance Sections: 705.D.3.i Applicant: Gary Spinner, Pearson's Sign Company Representative: Gary Spinner, Pearson's Sign Company Owner: ROC III DPC 3200 N. Central, LLC Continued to August 22, 2024 at 1:30 PM.	
Continued	9.	Application #: ZA-427-24-6 (SIGN) Existing Zoning: PCD Location: 2500 West Chandler Boulevard Quarter Section: Q011-24(A7); Q012-24(A7) Proposal: 1) Use permit to adopt the Upper Canyon Comprehensive Sign Plan. Use permit required. 2) Variance to increase the area of four ground signs for a single-family residential use up to 127 square feet. Maximum 20 square feet permitted with a Comprehensive Sign Plan. Ordinance Sections: 705.E.2 705.D.1 Table D-1 Applicant: Reserve 100, LLC Representative: Alan Beaudoin, Norris Design Owner: Arizona State Land Department Continued to August 22, 2024 at 1:30 PM.	
Approved w/stips	10.	Application #: ZA-432-24-8 (SIGN) Existing Zoning: C-2 Location: 2828 East Thomas Road Quarter Section: Q15-34(G10) Proposal: Use permit to allow an electronic message display (EMD) on a ground sign. Use permit	

required.
Ordinance Sections: 705.C.13
Applicant: Craig Musick, The Sign Company of Arizona
Representative: Craig Musick, The Sign Company of Arizona
Owner: Gary Kiehlbaugh, Eastside Baptist Church of Phoenix

Stipulations:

- 1) An automatic timer shall be installed on the Electronic Message Display (EMD) and EMD illumination shall be shut off daily from 9:30 PM until sunrise.
- 2) The change rate for messages on the EMD sign shall be once per 30 minutes.
- 3) Revise the sign design so the sign column cover either uses the brick material or matches the color and texture of the brick material of the building.
- 4) 12 months to obtain sign permits for the ground sign.

**Approved
w/stips**

11. Application #: ZA-62-24-3 (Continued from June 13, 2024)
Existing Zoning: R1-10
Location: 11011 North 38th Street
Quarter Section: Q29-36(K10)
Proposal: Variance to reduce the side yard (south) setback to 5 feet. Minimum 10 feet required.
Ordinance Sections: 611.B.Table B
Applicant: David Schwinghamer, Third Dimension Design
Representative: David Schwinghamer, Third Dimension Design
Owner: James Wernau

Stipulations:

- 1) 12 months to apply for building permits.
- 2) Per the side yard setback reduction shown on the site plan date stamped April 2, 2024.

**Approved
w/stips**

12. Application #: ZA-420-24-4
Existing Zoning: C-2 TOD-1
Location: 710 West Camelback Road
Quarter Section: Q19-26(H8)
Proposal: Use permit to allow outdoor recreation (outdoor fitness and sports court) as an accessory use to a fitness center (LA Fitness) within 500 feet of a residential district. Use permit required
Ordinance Sections: 662.F.2
Applicant: Wendy Riddell, Berry Riddell, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Owner: Saia Family Limited Partnership

Stipulations:

- 1) Lighting is to be directed downward and screened.
- 2) 12 months to apply and pay for building permits.
- 3) Per the outdoor fitness and sport courts shown on site plan date stamped May 23, 2024.

- Approved w/stips** 13. Application #: ZA-438-24-8
Existing Zoning: C-2
Location: 3435 West Southern Avenue
Quarter Section: Q2-21(D6)
Proposal: 1) Variance to allow an over height fence (6 feet) in the required front yard setback (north). Maximum 40 inches permitted.
2) Variance to reduce the perimeter yard setback adjacent to a public street (north) to 10 feet. Minimum 20 feet required.
Ordinance Sections: 703.A.2.a 615.B.Table B
Applicant: Andrew Biskind, 35th and Southern Land, LLC
Representative: Benjamin Tate, Withey Morris Baugh, PLC
Owner: Andrew Biskind, 35th and Southern Land, LLC
Stipulations:
1) 18 months to apply and pay for building permits.
2) Per the over height fence and perimeter yard setback reduction shown on plans date stamped June 12, 2024.
- Approved w/stips** 14. Application #: ZA-471-24-2
Existing Zoning: C-2 M-R NBCCPOD
Location: 2555 West Sonoran Desert Drive
Quarter Section: Q54-23(Q7)
Proposal: Use permit to allow a drive through facility as an accessory to a restaurant (McDonalds) within 300 feet from a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.d.(2)
Applicant: Matt Updegraff, Kimley-Horn and Associates
Representative: Paul Gilbert, Gilbert Blilie, PLLC
Owner: Gary Davidson, LDR-Sonoran Parkway LLC
Stipulations:
1) 12 months to apply and pay for building permits.
2) Per the drive through facility shown on the site plan date stamped July 16, 2024.

ZONING ADJUSTMENT HEARING OFFICER: CAROL BERRY
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.

July 19, 2024