

NOTICE OF PUBLIC MEETING ZONING ADJUSTMENT HEARING

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the **ZONING ADJUSTMENT HEARING OFFICER** and to the general public, that the **CITY OF PHOENIX ZONING ADJUSTMENT HEARING OFFICER** will hold a meeting open to the public on **October 26, 2023 9:00 AM (Items 1-8) and 1:30 PM (Items 9-14)**

Meeting will be held virtually. To participate, see instructions outlined below.

OPTIONS TO ACCESS THE MEETING

- **Call-in to listen** to the live meeting: Dial **602-666-0783**. Enter meeting access code **26339424133#**, and press # again when prompted for the attendee ID.
- **Observe the live meeting virtually**, by clicking on the following link and registering to join the meeting online:
<https://cityofphoenix.webex.com/weblink/register/rc7d0322c29f04a819fa2a21934f04dd9>
- **Submit a comment** on an agenda item:
 - At: zoning.adjustment@phoenix.gov by 5:00 PM on **October 24, 2023**
 - Indicate: Item Number and Case Number
- **Register to speak** on an agenda item:
 - Register for the event by 5:00 PM on **October 24, 2023**, at:
<https://cityofphoenix.webex.com/weblink/register/rc7d0322c29f04a819fa2a21934f04dd9>
 - If speaking by phone only, please email zoning.adjustment@phoenix.gov by 5:00 PM on **October 24, 2023**.

Notes:

1. Agenda items may be taken out of order.
2. Comments may be limited due to time constraints and to ensure all viewpoints are heard.

The agenda for the meeting is as follows:

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
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
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
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)
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

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

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

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

1:30 PM

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

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

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.

10/11/2023