

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 **August 3, 2023 9:00 AM (Items 1-8) and 1:30 PM (Items 9-16)**

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 **26305137742#**, 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/rab49a184317aaefe0183d383d0fbfa7a>
- **Submit a comment** on an agenda item:
 - At: zoning.adjustment@phoenix.gov by 5:00 PM on **July 28, 2023**
 - Indicate: Item Number and Case Number
- **Register to speak** on an agenda item:
 - Register for the event by 5:00 PM on **July 28, 2023**, at:
<https://cityofphoenix.webex.com/weblink/register/rab49a184317aaefe0183d383d0fbfa7a>
 - If speaking by phone only, please email zoning.adjustment@phoenix.gov by 5:00 PM on **July 28, 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-426-14-7 (1 Year Review of Use Permit) |
| | Existing Zoning: | A-1 |
| | Location: | 15 North 57th Drive |
| | Quarter Section: | 10-15(F5) |
| | Proposal: | 1) Use permit to allow a medical marijuana cultivation facility. Use permit required. 2) Use permit to allow a medical marijuana infusion facility. Use permit required. 3) Variance to allow a medical marijuana cultivation facility located within 5,280 feet from the same type of use. Minimum of 5,280 feet separation is required. 4) Variance to allow a medical marijuana infusion facility located within 5,280 feet from the same type of use. Minimum of 5,280 feet separation is required. |
| | Ordinance Sections: | 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.c |

Applicant: Jace Little, CNCTD, LLC, an Arizona, LLC
Representative: Heather Dukes, Esq.
Owner: David D. Schlecht, JD Parts Master

2. Application #: ZA-572-14-4 (1 Year Review of Use Permit)
Existing Zoning: A-2
Location: 3839 North 35th Avenue
Quarter Section: 16-21(H6)
Proposal: **1)** Use Permit to allow a medical marijuana cultivation facility. Use Permit required. **2)** Use Permit to allow a medical marijuana infusion facility. Use Permit required. **3)** Variance to allow a medical marijuana cultivation facility within 1-mile of a similar type of use. Minimum separation of 5,280 feet required. **4)** Variance to allow a medical marijuana infusion facility within 1-mile of a similar type of use. Minimum separation of 5,280 feet required. **5)** Variance to allow a medical marijuana cultivation facility within 1,000 feet of a residential zoning district. Minimum 1,000 feet separation required. **6)** Variance to allow a medical marijuana infusion facility within 1,000 feet of a residential zoning district. Minimum 1,000 feet separation required.

Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b 627.D.91.d 627.D.93.c

Applicant: Wayne Hansen, Medican Enterprises, Inc.
Representative: Ryan Hurley, Rose Law Group
Owner: DT Arizona Rea Estate, LLC

3. Application #: ZA-237-23-8
Existing Zoning: R-3 RI
Location: 1101 and 1109 East Garfield Street
Quarter Section: 11-29(F8)
Proposal: **1)** Time extension for ZA-221-22, variance to allow vehicle maneuvering within the alley. Maneuvering must be located on private property. **2)** Time extension for ZA-221-22, variance to reduce the required common area to 0% of the gross area. Minimum 5% required. **3)** Time extension for ZA-221-22, variance to reduce the perimeter yard (south) setback to 0 feet. Minimum 10 feet required.

Ordinance Sections: 702.A.1.b 615.B.Table B.d 615.B.Table B.d

Applicant: Tiffany Halperin, Diana James Community Partners
Representative: Tiffany Halperin, Diana James Community Partners
Owner: Kevin Jin, City of Phoenix

4. Application #: ZA-228-23-5
Existing Zoning: C-2
Location: 1675 and 1701 North 99th Avenue
Quarter Section: 13-5(G2)
Proposal: Time extension for ZA-185-22, variance to reduce the required parking to 44 spaces. Minimum 48 spaces required.

Ordinance Sections: 702.C.Table

Applicant: Larry Lazarus, Lazarus & Silvyn, P.C.
Representative: Larry Lazarus, Lazarus & Silvyn, P.C.
Owner: Arvin Saloum, Ninety-Nine Holdings, LLC

5. Application #: ZA-245-23-5
Existing Zoning: C-2
Location: 1675 and 1701 North 99th Avenue
Quarter Section: 13-5(G2)
Proposal: Variance to reduce the landscape setback (west) adjacent to a public street (99th Avenue) to 17 feet. Minimum average 25 feet required.
- Ordinance Sections: 623.E.4.e
Applicant: Larry Lazarus, Lazarus & Silvyn, P.C.
Representative: Larry Lazarus, Lazarus & Silvyn, P.C.
Owner: Arvin Saloum, Ninety-Nine Holdings, LLC
6. Application #: ZA-246-23-2
Existing Zoning: R1-14
Location: 6429 East Friess Drive
Quarter Section: 33-43(L12)
Proposal: Variance to allow an over height wall/fence (6 feet) in the required front yard (west) setback. Maximum 40 inches permitted.
- Ordinance Sections: 703.A.2.a
Applicant: Mandy Dalton
Representative: Mike Maerowitz, Snell & Wilmer, LLP
Owner: Mandy Dalton
7. Application #: ZA-247-23-1
Existing Zoning: C-2 SP
Location: 5051 West Cactus Road
Quarter Section: 30-17(K5)
Proposal: **1)** Variance to allow 34 foot building setback adjacent to R1-6 zoning (northeast). Minimum 50 feet required.
2) Variance to allow 34 foot building setback adjacent to R1-6 zoning (southwest). Minimum 100 feet required.
3) Variance to reduce the landscape setback (northeast) to 0 feet. Minimum 10 foot landscaped setback required for perimeter property lines not adjacent to street.
- Ordinance Sections: 623.E.4.d 623.E.4.d 623.E.4.e
Applicant: Alex Kunen, Lock Safe Storage
Representative: Jessica Sarkissian, Upfront Planning & Entitlements, LLC
Owner: 5051 West Cactus Road, LLC
8. Application #: ZA-248-23-6
Existing Zoning: R-3
Location: 2632 East Glenrosa Ave
Quarter Section: 17-33(H9)
Proposal: **1)** Time extension for ZA-262-22, use permit to utilize the Planned Residential Development (PRD) option. Use permit required. **2)** Time extension for ZA-262-22, variance to reduce the required perimeter setback (west)

adjacent to property line to 3 feet. Minimum 15 feet required. **3)** Time extension for ZA-262-22, variance to reduce the required perimeter landscape width (west) to 3 feet. Minimum 5 feet required. **4)** Time extension for ZA-262-22, variance to reduce the required setback (south) adjacent to a public street to 15 feet. Minimum 20 feet required.

Ordinance Sections: 615.B.Table B 615.B.Table B 703.B.3 615.B.Table B
Applicant: Cam Miller, Brightstar Group
Representative: Cam Miller, Brightstar Group
Owner: Brightstar Group, Brightstar Group

1:30 PM

9. Application #: ZA-250-23-7 (SIGN)
Existing Zoning: A-1
Location: 5150 West Lower Buckeye Road
Quarter Section: 7-16(E5)
Proposal: Use permit to allow an electronic message display (EMD) on two ground signs. Use Permit required.
Ordinance Sections: 705.C.13
Applicant: Gary Spinner, Pearson's Sign, Co.
Representative: Gary Spinner, Pearson's Sign, Co.
Owner: Circle K Stores, Inc.
10. Application #: ZA-242-23-8
Existing Zoning: DTC-Townsend Park
Location: 1411, 1419, 1427 North 3rd Street and 1424 North 5th Street
Quarter Section: 12-28(G8)
Proposal: Variance to allow maneuvering within an alleyway. All maneuvering must be located entirely on private property.
Ordinance Sections: 702.A.1.b
Applicant: Jon Garshick, Alliance Residential
Representative: George Pasquel III, Withey Morris Baugh, PLC
Owner: WEJ Properties, LLC and Jerome Company, LLC
11. Application #: ZA-243-23-2
Existing Zoning: C-2 PCD
Location: 29455 North Cave Creek Road, Suite 132-136
Quarter Section: 52-37(Q10)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Babbo Italian Eatery) located within 500 feet of a residential district zoning line. Use permit required. **2)** Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant (Babbo Italian Eatery) located within 500 feet of a residential district zoning line. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.c
Applicant: Charlotte Pollack, BIEC, Inc., dba Babbo Italian Eatery
Representative: Amy Phillips, Babbo Italian Eatery
Jose Martinez, Form Desert Studio, LTD
Owner: Jennifer Stumph, TP Investors, c/o A&C Properties, Inc.

12. Application #: ZA-244-23-6
Existing Zoning: RE-35 ACSPD
Location: 5023 East Red Rock Drive
Quarter Section: 19-39(H11) 19-40(H11)
Proposal: Variance to reduce the required front yard (north) setback to 10 feet. Minimum 40 feet required.
Ordinance Sections: 609.B.Table
Applicant: Jon Poetzl, Poetzl Architecture + Design
Representative: Jon Poetzl, Poetzl Architecture + Design
Owner: Matt Morstad
13. Application #: ZA-249-23-2
Existing Zoning: R1-14
Location: 7044 East Friess Drive
Quarter Section: 33-44(L12)
Proposal: **1)** Variance to allow an over height wall/fence (8 feet) in the required side yard (east) setback. Maximum 6 feet permitted. **2)** Variance to allow an over height wall/fence (8 feet) in the required rear yard (north) setback. Maximum 6 feet permitted. **3)** Variance to allow an over height wall/fence (8 feet) in the required side yard (west) setback. Maximum 6 feet permitted.
Ordinance Sections: 703.A.2.c 703.A.2.c 703.A.2.c
Applicant: James M. and June E. Tittle
Representative: James M. and June E. Tittle
Owner: James M. and June E. Tittle
14. Application #: ZA-252-23-1
Existing Zoning: C-2 M-R PCD
Location: 2450 West Happy Valley Road
Quarter Section: 47-23(O7)
Proposal: Variance to reduce the minimum parking requirement to 1,957 spaces. Minimum 2,003 spaces required.
Ordinance Sections: 702.C
Applicant: Elizabeth Sorensen, Tesla, Inc.
Representative: Benjamin Dalton, Group Professional Corporation
Owner: Yam Norterra, LLC
15. Application #: ZA-254-23-4
Existing Zoning: R1-6
Location: 1141 West Georgia Avenue
Quarter Section: 19-26(H8)
Proposal: **1)** Variance to reduce the side yard (west) setback to 5 feet. Minimum 10 feet required. **2)** Variance to reduce the rear yard (south) setback to 15 feet. Minimum 25 feet required.
Ordinance Sections: 613.Table.B 613.Table.B
Applicant: Pete Limon, Mariano and Co., LLC
Representative: Pete Limon, Mariano and Co., LLC
Owner: Ellie and Andrew Bensted
16. Application #: ZA-255-23-4
Existing Zoning: C-2, C-2 DNS/WVR CEPCSP
Location: 1615 East Camelback Road

Quarter Section: 18-31(H9)
Proposal: **1)** Variance to reduce the building setback (north) to 5 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure. **2)** Variance to reduce the landscape setback (north) to 5 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure.
Ordinance Sections: 623.E.4.d 623.E.4.e
Applicant: Rudy Rodriguez, RKAA Architects, Inc.
Representative: Rudy Rodriguez, RKAA Architects, Inc.
Owner: LDR-Camelback, LLC

For further information please call Eric Morales, Planner III, Planning and Development Department at 602-262-7927 or to request a reasonable accommodation, please contact Angie Holdsworth at 602-495-5622, angie.holdsworth@phoenix.gov TTY: Use 7-1-1.

7/19/2023