

## 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 27, 2022 9:00 AM (Items 1-8) and 1:30 PM (Items 9-16)**

**Per the most recent social distancing guidelines from the federal government, no residents will be allowed to attend the meeting in-person.**

### OPTIONS TO ACCESS THE MEETING

- **Call-in to listen** to the live meeting: Dial **602-666-0783**, Enter meeting access code [25561732607#](tel:25561732607), 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://cityofphoenixpdd.webex.com/cityofphoenixpdd/onstage/g.php?MTID=edbd76d2d439ff339f83071532bb3f16e>
- **Submit a comment** on an agenda item:
  - At: [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov)
  - Indicate: Item Number and Case Number
- **Register to speak** on an agenda item:
  - At: [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov)
  - By: **48 hours prior to the start of the hearing**. Staff will make every effort to accommodate requests to speak submitted beyond the 48-hour period. Due to the added demands of facilitating the virtual environment for the public, applicants and other staff members, we cannot consider any request less than 6 business hours before the start of the meeting / hearing.
  - Indicate: Item Number and Case Number

### **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-57-16-8 (1 Year Review of Use Permit)  
Existing Zoning: A-1  
Location: 4116 East Superior Avenue  
Quarter Section: 6-37(E10)  
Proposal: **1)** Use permit to allow a medical marijuana cultivation facility. Use permit is required. **2)** Use permit to allow a medical marijuana infusion facility. Use permit is required. **3)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. **4)** Variance to

allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.

Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b  
Applicant: Theodore C. Pappas, N and A Enterprises  
Representative: Adam Baugh, Withey Morris PLC  
Owner: Superior Industrial Center, LLC

2. Application #: ZA-419-22-2  
Existing Zoning: R1-14  
Location: 4220 East Sandra Terrace  
Quarter Section: 36-37(M10)  
Proposal: Use permit to allow an over height (18 feet) detached accessory structure within the rear yard setback. Use permit required.

Ordinance Sections: 706.G  
Applicant: Michael Lucas and Susan Gentilini-Lucas  
Representative: Michael Lucas and Susan Gentilini-Lucas  
Owner: Michael Lucas and Susan Gentilini-Lucas

3. Application #: ZA-422-22-4  
Existing Zoning: C-2 HRI  
Location: 2824 North Central Avenue  
Quarter Section: 14-27(G8)  
Proposal: **1)** Use permit to allow outdoor recreation as an accessory to a restaurant (Little Miss BBQ) within 300 feet of a residential zoning district. Use permit required. **2)** Use permit to allow outdoor dining as an accessory to a restaurant (Little Miss BBQ) within 300 feet of a residential zoning district. Use permit required. **3)** Use permit to allow outdoor alcoholic beverage consumption as an accessory to a restaurant (Little Miss BBQ) within 300 feet of a residential zoning district. Use permit required. **4)** Use permit to allow outdoor cooking as an accessory to a restaurant (Little Miss BBQ) within 300 feet of a residential zoning district. Use permit required. **5)** Variance to reduce the distance for outdoor cooking as an accessory to a restaurant (Little Miss BBQ) from a residential zoning district to 205 feet. Minimum 300 feet required.

Ordinance Sections: 624.D.112.c 624.D.112.c 624.D.112.c 624.D.112.f.(1) 624.D.112.f.(4)  
Applicant: Scott Holmes, Little Miss BBQ - Midtown, LLC  
Representative: Scott Holmes, Little Miss BBQ - Midtown, LLC  
Owner: Midtown One, LLC

4. Application #: ZA-423-22-6  
Existing Zoning: R1-6  
Location: 1030 East Glenn Drive  
Quarter Section: 23-29(I8)

Proposal: **1)** Use permit to allow a closed projection to project 20 feet into the required rear yard. Maximum 5-foot projection permitted. **2)** Variance to reduce the side yard setback (east) to 4 feet. Minimum 10 feet required.  
Ordinance Sections: 701.A.3.a.(2).d 613.B.Table B  
Applicant: Jonathan and Haley Cairns  
Representative: Ethan Brunson, 511 Design  
Owner: Jonathan and Haley Cairns

5. Application #: ZA-424-22-4  
Existing Zoning: C-3  
Location: 710 East Indian School Road  
Quarter Section: 17-29(H8)  
Proposal: **1)** Variance to reduce the landscape setback along 7th Street to 2 feet. Minimum 25 foot average required, 20 feet minimum permitted for up to 50% of the frontage. **2)** Variance to reduce the landscape setback along Indian School Road to 2 feet. Minimum 25 foot average required, 20 feet minimum permitted for up to 50% of the frontage. **3)** Use permit to allow a drive-through facility as an accessory use to a restaurant (Raising Cane's) within 300 feet of a residential district. Use permit required. **4)** Use permit to allow outdoor dining as an accessory use to a restaurant (Raising Cane's) within 500 feet of a residential district. Use permit required. **5)** Use permit to allow outdoor recreation (ambient music) as an accessory use to a restaurant (Raising Cane's) within 500 feet of a residential district. Use permit required.  
Ordinance Sections: 624.E.4.e 624.E.4.e 624.D.112.d.(2) 624.D.112.c 624.D.112.c  
Applicant: Robert Vann, Raising Cane's Chicken Fingers, LLC  
Representative: Chuck Bennett, PM Design Group, Inc  
Owner: Indian School Equities, LLC

6. Application #: ZA-427-22-3  
Existing Zoning: R1-6, R-3, R-5, R-4A  
Location: 128 West Mountain View Road  
Quarter Section: 28-27(K8)  
Proposal: Variance to allow a lot (Parcel 2) that does not front on a public street. Public street frontage required.  
Ordinance Sections: 608.H.1  
Applicant: Darrell and Mary Williams  
Representative: Kirby Godber, Dwellings Realty Group  
Owner: Darrell and Mary Williams

7. Application #: ZA-428-22-8  
Existing Zoning: R-3  
Location: 104 North 29th Street  
Quarter Section: 10-34(F10)

Proposal: Variance to allow maneuvering to occur in the public right-of-way. All maneuvering must be located on private property.  
Ordinance Sections: 702.A.1.b  
Applicant: Alma Uzarraga, RD Design Team, Inc.  
Representative: Alma Uzarraga, RD Design Team, Inc.  
Owner: Dora Castillo, RD Design Team, Inc.

8. Application #: ZA-429-22-4  
Existing Zoning: R-3  
Location: 1102 East Campbell Avenue  
Quarter Section: 18-29(H8)  
Proposal: **1)** Variance to reduce the required open space area width to 4 feet. Minimum 20 feet required. **2)** Use permit to use the Single Family Attached option. Use permit required. **3)** Variance to reduce the interior perimeter setback (east) to 5 feet. Minimum 10 feet required. **4)** Variance to reduce the required landscaping along a public street (11th Street) to 6 feet. Minimum 15 feet required.  
Ordinance Sections: 703.B.4.a.(2) 615.B.Table B 615.B.Table B 703.B.3.a  
Applicant: JAAC Ventures  
Representative: Roy Noggle, Roy Noggle Architects  
Owner: JAAC Ventures

**1:30 PM**

9. Application #: ZA-426-22-7 (SIGN)  
Existing Zoning: DTC-Business Core  
Location: 1 North 1st Street  
Quarter Section: 10-28(F8)  
Proposal: Use permit to adopt the Marketplace One Comprehensive Sign Plan. Use permit required.  
Ordinance Sections: 705.E.2  
Applicant: Julie Kulka, Airpark Signs & Graphics  
Representative: Jim Bolek, Airpark Signs & Graphics  
Owner: Kyle Frazey, Marketplace One, LLC
10. Application #: ZA-324-22-6 (Continued from September 1, 2022)  
Existing Zoning: R1-6  
Location: 4524 East Walatowa Street  
Quarter Section: 05-38(C11)  
Proposal: **1)** Use permit to allow a home occupation that generates traffic. Use permit required. **2)** Use permit for an official approval of a home occupation (Federal Firearms License). Use permit required.  
Ordinance Sections: 608.E.3.h(1) 608.E.3.h(5)  
Applicant: Andrew Hartweck  
Representative: Andrew Hartweck  
Owner: Andrew Hartweck

11. Application #: ZA-420-22-6  
Existing Zoning: RE-35 ACSPD  
Location: 4959 East Red Rock Drive  
Quarter Section: 19-39(H11)  
Proposal: **1)** Variance to reduce the front yard setback (north) to 10 feet. Minimum 40 feet required. **2)** Variance to reduce the required side yard setback (west) to 15 feet. Minimum 20 feet required.  
Ordinance Sections: 609.B.Table 609.B.Table  
Applicant: Nick Bock, YOLO on Camelback, LLC  
Representative: William F. Allison, Withey Morris, PLC  
Owner: Nick Bock, YOLO on Camelback, LLC
12. Application #: ZA-421-22-7  
Existing Zoning: PUD  
Location: Southwest corner of 67th Avenue and McDowell Road  
Quarter Section: 12-12(G4)  
Proposal: Use permit to allow a car wash in an open building. Use permit required.  
Ordinance Sections: 623.D.41  
Applicant: Michael Mosharrafa, Cobblestone Auto Spa  
Representative: Jesse Macias, M3 Design  
Owner: James Alan Weinberg
13. Application #: ZA-425-22-8  
Existing Zoning: R1-6  
Location: 4336 East Vernon Avenue  
Quarter Section: 14-37(G10)  
Proposal: Use permit for official approval of a home occupation (internet firearm sales). Use permit required.  
Ordinance Sections: 608.E.3.h.(5)  
Applicant: Adam Guerry  
Representative: Adam Guerry  
Owner: Adam Guerry
14. Application #: ZA-430-22-4  
Existing Zoning: C-2 TOD-1  
Location: 903 and 915 West Camelback Road  
Quarter Section: 18-26(H8)  
Proposal: Use permit to allow a drive through facility as an accessory to a restaurant (Window Cafe) within 300 feet from a residential zoning district. Use permit required.  
Ordinance Sections: 623.D.157.d.2  
Applicant: John A King, NMI Three, LLC  
Representative: Michael Kolejka, AIA, MK Architects, PLC  
Owner: John A King, NMI Three, LLC

15.           Application #:           ZA-432-22-3  
               Existing Zoning:       R1-10  
               Location:            2260 East Mountain View Road  
               Quarter Section:    28-32(K9)  
               Proposal:            Time extension of ZA-270-21, variance to allow an over height wall (5 feet) in the required front yard (south). Maximum 40 inches permitted.  
   Ordinance Sections: 703.A.2.a  
               Applicant:           John Klee, Klee Design Collaborative  
               Representative:     John Klee, Klee Design Collaborative  
               Owner:               Bruce and Colleen Hallberg
16.           Application #:           ZA-431-22-8  
               Existing Zoning:       C-2  
               Location:            3001 North 24th Street  
               Quarter Section:    15-33(G9)  
               Proposal:            **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required. **2)** Variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. **3)** Variance to allow a medical marijuana dispensary within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.  
   Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.h  
               Applicant:           24 Thomas, LLC  
               Representative:     Nick Wood, Snell & Wilmer, LLP  
               Owner:               24 Thomas, LLC

For further information please call Eric Morales, Planner II, Planning and Development Department at 602-262-7927 or to request a reasonable accommodation, please contact Les Scott at 602-376-3981, [leslie.scott@phoenix.gov](mailto:leslie.scott@phoenix.gov) TTY: Use 7-1-1.

10/12/2022