

# B | F | S | O

BERGIN, FRAKES, SMALLEY & OBERHOLTZER

November 22, 2022

Dear Neighbor or Neighborhood Association,

The purpose of this letter is to inform you that our office has recently filed a Zoning Adjustment application (Case No. ZA-493-22) for a 20,854 square-foot residential property located at 4227 N. Jokake Drive (APN 172-44-026A). We have requested a variance to increase the maximum allowed lot coverage permitted for a two-story structure in the RE-24 zoning district to 28 percent from 25 percent to accommodate an upstairs addition above the garage portion of an existing single-story home. The application and conceptual site plan are attached to this notice.

**This application has been scheduled for a public hearing, and the information is as follows:**

**Zoning Adjustment Hearing on December 8, 2022, at 9:00 a.m.**

**Meeting will be held virtually.**

To participate, see the instruction on the agenda available on the Public Meeting Notices website:

<https://www.phoenix.gov/cityclerk/publicmeetings/notices>

You may attend the hearing to learn about the case and make your opinions known. Hearing information may also be found on signs posted on the site. You may also make your opinions known on this case by writing to the Planning and Development Department at 200 West Washington, 2nd Floor, Phoenix, Arizona, 85003 and referencing the case number. You can also send an email to [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov). Please reference the above case number and hearing date in your email. Your letter/email will be made part of the case file and shared with the Hearing Officer.

I would be happy to answer any questions or hear any concerns that you may have regarding this proposal. You may reach me by phone at 602-899-0217, by email at [ayancey@bfsolaw.com](mailto:ayancey@bfsolaw.com), or by fax at 602-888-7856. You may also reach the City of Phoenix's Planning and Development Department at 602-262-7131, Option 6 or [Zoning.adjustment@phoenix.gov](mailto:Zoning.adjustment@phoenix.gov). Please reference the above case number and hearing date in your email to expedite a response.

Sincerely,



Andrew D. Yancey, Esq.

Enclosures



# City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING ADJUSTMENT

APPLICATION NO: ZA-493-22

CASE TYPE: Variance  
DATE FILED: 10/10/2022

COUNCIL DISTRICT: 6  
CASE STATUS: Pending

EXISTING ZONING: RE-24 ACSFD  
FILING STAFF: BWylam

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$490.00	\$0.00	10/10/2022		Original Filing Fee

### HEARING DATES

ZA: 12/08/2022 9:00 AM LOCATION: Meeting will be held virtually.

BOA:

PROPERTY LOCATION: 4227 North Jokake Drive

LEGAL DESCRIPTION: See Attached

### CONTACT INFORMATION

NAME	ADDRESS	PHONE	FAX	EMAIL
Andrew Yancey Bergin, Frakes, Smalley & Oberholtzer, P <small>(Applicant)</small>	4343 E Camelback Road, 210 Phoenix AZ 85018	(602) 888-7865		ayancey@bfsolaw.com
Adam Pruett Bergin, Frakes, Smalley & Oberholtzer, P <small>(Representative)</small>	4343 E Camelback Road, 210 Phoenix AZ 85018	(602) 899-0318		apruett@bfsolaw.com apruett@bfsolaw.com
Justin Brandt <small>(Owner)</small>	4227 N Jokake Drive Scottsdale AZ 85251	(602) 888-7856		apruett@bfsolaw.com apruett@bfsolaw.com

If, during the course of review of a pending application, the applicant submits one or more additional applications that are related to the pending application, then and in such event, the substantive review time frame shall be reset on all related applications. In this event there shall be one applicable substantive review time for all of the related applications and the time frame shall be revised to be the longest substantive review time frame that was applicable to any one of the related applications. As a result, the entire substantive review time frame for the related applications shall start over, and a fee may be charged.

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning.mailbox@phoenix.gov or visit our website at <http://phoenix.gov/pdd/licensetimes.html>.

In making this application, I understand that the filing of this application and payment of fees does not entitle me to the relief requested. (See Sec. 307 of City of Phoenix Zoning Ordinance for standards by which the hearing officer will review the application.) I understand the approval of this request does not replace the need for acquiring the appropriate building permits, site plan approval, liquor license or any other licenses required by governmental agencies. I also understand that in the case of liquor request approval of a use permit does not guarantee the CITY OF PHOENIX will recommend approval of the liquor license.

APPLICANT'S SIGNATURE:

DATE: 10/10/2022

NOTE TO APPLICANT: SUCH USE PERMITS AND VARIANCES AS ARE GRANTED BY THE ZONING ADMINISTRATOR SHALL BE VOID IF THE USE IS NOT COMMENCED OR IF A BUILDING PERMIT IS NOT OBTAINED 60 DAYS OF SUCH GRANTING OR WITHIN THE TIME STIPULATED BY THE ADMINISTRATOR.

APPEALS OF DECISIONS OF THE ZONING ADMINISTRATOR MAY BE MADE BY ANY PERSON TO THE BOARD OF ADJUSTMENT WITHIN 15 DAYS AFTER THE DATE OF ACTIONS.

### REQUEST

1. Variance to allow a 28 percent lot coverage. Maximum of 25 percent lot coverage permitted.

ZONING ORD. SECTIONS  
606.B.5

### GEOGRAPHIC INFORMATION

APN: 172-44-026A

Qtr Section(Map Index): 17-42(H12)

