

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 **April 28, 2022 9:00 AM (Items 1-8) and 1:30 PM (Items 9-15)**

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 [25534067569#](tel:25534067569), 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=e431cb e132cece0086174c10710a3d4be>
- **Submit a comment** on an agenda item:
 - At: zoning.adjustment@phoenix.gov
 - Indicate: Item Number and Case Number
- **Register to speak** on an agenda item:
 - At: 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-361-12-8 (1 year review of use permit)
Existing Zoning: A-1
Location: 4201 East University Drive
Quarter Section: 6-37(E10)
Proposal: Time Extension to Case ZA-159-11. Use permit to allow a medical marijuana dispensary facility. Time extension required.
Ordinance Sections: 307.A.12.
Applicant: Cecilia Wilson, Peace Relief
Representative: David Dow, Law Offices of David W. Dow
Owner: Cecilia Wilson, Peace Relief

2. Application #: ZA-243-19-5 (1 year review of use permit)
Existing Zoning: C-2
Location: 2601 West Dunlap Avenue
Quarter Section: 26-23(J7)
Proposal: **1)** Variance to allow a nonprofit medical marijuana dispensary within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. **2)** Variance to allow a nonprofit medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 feet separation required. **3)** Use Permit to allow a nonprofit medical marijuana dispensary. Use Permit required.
Ordinance Sections: 623.D.124.e 624.D.124.f 624.D.124.a
Applicant: BC Retail Development, LLC
Representative: Benjamin Tate, Withey Morris, PLC
Owner: MP Dunlap, Inc.

3. Application #: ZA-691-21-4 (Continued from February 24, 2022)
Existing Zoning: R1-6 HP
Location: 1111 and 1121 West Heatherbrae Drive
Quarter Section: 17-26(H8)
Proposal: Variance to reduce the side yard (west) setback to 3 feet. Minimum 10 required.
Ordinance Sections: 613.B.TableB
Applicant: Travis Bradley, E5 Design Build
Representative: Travis Bradley, E5 Design Build
Owner: David Coon

4. Application #: ZA-91-22-6
Existing Zoning: R1-14 ACSPD
Location: 5420 East Calle Tuberia
Quarter Section: 16-40(H11)
Proposal: Variance to reduce the required front yard setback (south) to 30 feet. Minimum 40 feet required.
Ordinance Sections: 606.B.2
Applicant: Daniel Plapp
Representative: Daniel Plapp
Owner: Daniel Plapp

5. Application #: ZA-93-22-6
Existing Zoning: R1-6
Location: 5344 East Pinchot Avenue
Quarter Section: 15-40(G11)
Proposal: Variance to reduce side setback (east) to 7 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Daniel Cifuentes, Cifuentes Studio
Representative: Daniel Cifuentes, Cifuentes Studio
Owner: Lorie Halverson

6. Application #: ZA-96-22-6
Existing Zoning: R1-10
Location: 3102 North 61st Place
Quarter Section: 15-42(G12)
Proposal: **1)** Variance to reduce the rear yard (north) setback to 5 feet. Minimum 25 feet required. **2)** Variance to reduce the side yard (east) setback to 5 feet. Minimum 10 feet required. **3)** Variance to reduce the side yard (west) setback to 1 foot. Minimum 3 feet required.

Ordinance Sections: 611.Table.B 611.Table.B 611.Table.B
Applicant: Scott King
Representative: Scott King
Owner: Scott King
7. Application #: ZA-97-22-4
Existing Zoning: C-2 HGT/WVR SP
Location: 4810 and 4822 North Black Canyon Highway
Quarter Section: 18-23(H7)
Proposal: **1)** Time extension for ZA-327-20; Variance to reduce the street side building setback along Mariposa Street (north) to 14 feet. Average of 30 feet is required, minimum 20 feet permitted for up to 50 percent of structure, including projections. **2)** Time extension for ZA-327-20; Variance to reduce the street side building setback along Black Canyon Highway (east) to 8 feet. Average of 30 feet is required, minimum 20 feet permitted for up to 50 percent of structure, including projections. **3)** Time extension for ZA-327-20; Variance to allow a 60-foot building setback adjacent to R-3 zoning district (west). Minimum 100 feet required. **4)** Time extension for ZA-327-20; Variance to reduce the streetscape landscape setback along Mariposa Street (north) to 14 feet. An average of 30 feet for structures exceeding two stories or 30 feet, minimum 20 feet permitted for up to 50 percent of the frontage. **5)** Time extension for ZA-327-20; Variance to reduce the streetscape landscape setback along Black Canyon Highway (east) to 8 feet. An average of 30 feet for structures exceeding two stories or 30 feet, minimum 20 feet permitted for up to 50 percent of the frontage. **6)** Time extension for ZA-327-20; Variance to reduce the street side building setback along Pierson Street (south) to 12 feet. Average of 30 feet is required, minimum 20 feet permitted for up to 50 percent of structure, including projections. **7)** Time extension for ZA-327-20; Variance to reduce the streetscape landscape setback along Pierson Street (south) to 12 feet. An average of 30 feet for structures exceeding two stories or 30 feet, minimum 20 feet permitted for up to 50 percent of the frontage.

Ordinance Sections: 623.E.4.d 623.E.4.d 623.E.4.d 623.E.4.e 623.E.4.e
623.E.4.d 623.E.4.e
Applicant: Benjamin Tate, Withey Morris, PLC

Representative: Benjamin Tate, Withey Morris, PLC
Owner: Mike Kucera, Black Canyon Self Storage, LLC

8. Application #: ZA-94-22-4
Existing Zoning: C-2
Location: 3830 and 3822 North 7th Street
Quarter Section: 16-28(H8)
Proposal: **1)** Time Extension for ZA-660-20, use permit to allow a medical marijuana dispensary. Use permit required. **2)** Time Extension of ZA-660-20, variance to allow a medical marijuana dispensary within 5,280 feet of the same type of use. Minimum 5,280 feet separation required. **3)** Time Extension for ZA-660-20, variance to allow a medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 foot separation required. **4)** Time extension for ZA-660-20, a variance to allow a medical marijuana dispensary within 1,320 feet of a preschool. Minimum 1,320 feet separation required. **5)** Time extension for ZA-660-20, a variance to allow a medical marijuana dispensary within 1,320 feet of a learning center. Minimum 1,320 feet separation required.
- Ordinance Sections: 623.D.124.a 623.D.124.e 623.D.124.f 623.D.124.g 623.D.124.g
- Applicant: David Richert, Richert and Associates
Representative: David Richert, Richert and Associates
Owner: Troy Hudspeth, Bioceuticals Genesis

1:30 PM

9. Application #: ZA-702-21-8 (Continued from February 24, 2022)
Existing Zoning: R-5 SPVTABDO FCOD
Location: 2511, 2515, 2527, 2531, 2539 and 2535 East Broadway Road
Quarter Section: 4-33(E9)
Proposal: Variance to allow an over height fence (6 feet) within the front yard setback (north). Maximum 40 inches permitted.
- Ordinance Sections: 703.A.2.a
- Applicant: George Alper, Ringo Holdings Co., LLC
Representative: Ethan Brunson, 511 Design
Owner: George Alper, Ringo Holdings Co., LLC
10. Application #: ZA-33-22-3
Existing Zoning: RE-43
Location: 4102 East Cochise Road
Quarter Section: 28-37(K10)
Proposal: **1)** Variance to reduce the required front yard setback (south) to 15 feet. Minimum 40 feet required. **2)** Variance to reduce the side yard setback (west) to 5 feet. Minimum 30 feet required. **3)** Variance to reduce the rear yard setback (north) to 15 feet. Minimum 40 feet required. **4)** Variance to allow a 40 percent lot coverage. Maximum of 30 percent lot coverage permitted.

Ordinance Sections: 605.B.2 605.B.3 605.B.4 605.B.5
Applicant: Tim R. Jones
Representative: Tim R. Jones
Owner: Matthew Randall, Platinum Builders Group

11. Application #: ZA-86-22-8
Existing Zoning: R1-6 BAOD
Location: 623 East Euclid Avenue
Quarter Section: 02-28(C8)
Proposal: **1)** Variance to allow an over height wall (7 feet) within the side yard setback (west). Maximum 6 feet permitted.
2) Variance to allow an over height wall (7 feet) within the rear yard setback (south). Maximum 6 feet permitted.
3) Variance to allow an over height wall (7 feet) within the side yard setback (east). Maximum 6 feet permitted.

Ordinance Sections: 703.A.2.c 703.A.2.c 703.A.2.c
Applicant: Deborah Ellison
Representative: Deborah Ellison
Owner: Deborah Ellison

12. Application #: ZA-92-22-4
Existing Zoning: C-2 TOD-1 (Approved C-2 HR TOD-1)
Location: 4700 North Central Avenue, Suite 206
Quarter Section: 18-27(H8)
Proposal: Use permit to allow tattoo shop (Too Soon). Use permit required.

Ordinance Sections: 623.D.187
Applicant: Sean O'Day
Representative: Sean O'Day
Owner: Davis Enterprises

13. Application #: ZA-95-22-7
Existing Zoning: C-2
Location: 2675 South 67th Avenue
Quarter Section: 7-13(E4)
Proposal: **1)** Use permit to allow a drive-through facility as an accessory use to a restaurant (Gravity Coffee) within 300 feet of a residential district. Use permit required. **2)** Use permit to allow outdoor dining as an accessory use to a restaurant (Gravity Coffee) within 500 feet of a residential district. Use permit required.

Ordinance Sections: 623.D.157.d.(2) 623.D.157.c
Applicant: Tuck Bettin, Cobblestone Auto Spa
Representative: Jesse Macias, M3 Design
Owner: Tina Kelty, Garrett Development Corporation

14. Application #: ZA-98-22-8
Existing Zoning: A-2
Location: 3221 East Elwood Street

Quarter Section: 5-34(E10) 5-35(E10) 6-34(E10) 6-35(E10)
Proposal: Use permit to allow an 80-foot-tall building. Use permit required.
Ordinance Sections: 628.E.2.a
Applicant: Wes Balmer, Balmer Architectural Group
Representative: Wes Balmer, Balmer Architectural Group
Owner: Phoenix NAP, LLC

15. Application #: ZA-99-22-6
Existing Zoning: RE-35 ACSPD
Location: 5730 and 5740 East Exeter Boulevard, 4330 and 4333 North 57th Way
Quarter Section: 17-41(H11)
Proposal: **1) Variance to reduce the lot width to 50 feet (Lot 2). Minimum 150 feet required.**
2) Variance to allow an over height (14 feet) detached accessory structure (Lot 2) within the side yard setback (east). Maximum 8 feet permitted.
3) Variance to reduce the required side yard setback (east) to 9 feet (Lot 1). Minimum 20 feet required.
Ordinance Sections: 609.B.Table 706.C 609.B.Table
Applicant: Kimberly Schroeder, KAEKO
Representative: Ivan Ivish, KAEKO
Owner: Steven Johnson, Ernest Irrevocable 2004 Trust III

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, les.scott@phoenix.gov TTY: Use 7-1-1.

4/8/2022