

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 **June 9, 2022 9:00 AM (Items 1-7) and 1:30 PM (Items 8-15)**

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 [25552316984#](tel:25552316984), 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=e9802c25527312f09bbf07d436910ebc0>
- **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-166-22-7
Existing Zoning: R-3 SPVTABDO
Location: 423 East Wier Avenue
Quarter Section: 4-28(E8)
Proposal: **1)** Variance to reduce the surface parking lot landscape to 0 percent. Minimum 5 percent required. **2)** Variance to reduce the landscape setback adjacent to a public street (Wier Ave) to 4 feet. Minimum 10 feet required. **3)** Variance to reduce the required rear yard (south) landscape setback to 0 feet. Minimum 5 feet required.

Ordinance Sections: 507 Tab A.II.A.6.1.1 703.B.3.a 703.B.3.b.3
Applicant: Jerry Reyes, ALC Designers, LLC
Representative: Jerry Reyes, ALC Designers, LLC
Owner: Aaron Nelson, A5 Residential, LLC

2. Application #: ZA-169-22-7
Existing Zoning: R1-6
Location: 5222 South 11th Avenue
Quarter Section: 3-26(D8)
Proposal: Variance to allow an over height fence (4 feet) in the required front yard (east). Maximum 40 inches permitted.

Ordinance Sections: 703.A.2.a
Applicant: Brenda Lisbeth Arias Castro
Representative: Brenda Lisbeth Arias Castro
Owner: Brenda Lisbeth Arias Castro
3. Application #: ZA-170-22-8
Existing Zoning: R1-6 HP
Location: 1913 East Brill Street
Quarter Section: 12-31(G9)
Proposal: **1)** Variance to reduce the side yard (east) setback to 4 feet. Minimum 10 feet required. **2)** Variance to reduce the side yard (west) setback to 0 feet for a detached accessory structure. Minimum 3 feet required.

Ordinance Sections: 613.B.Table B 706.B
Applicant: Garrett Martel
Representative: Garrett Martel
Owner: Garrett Martel
4. Application #: ZA-171-22-7
Existing Zoning: DTC-Van Buren HP
Location: 747 West Van Buren Street
Quarter Section: 10-26(F8)
Proposal: **1)** Use permit to allow a bar (Thundercat Lounge). Use permit required. **2)** Use permit to allow outdoor entertainment on Mondays through Thursdays. Use permit required. **3)** Use permit to allow outdoor liquor service as an accessory to a bar (Thundercat Lounge). Use permit required. **4)** Use permit to allow a dance hall (Thundercat Lounge). Use permit required.

Ordinance Sections: 1204.D 1204.C.16 1204.D 1204.D
Applicant: Jeremiah Gratza
Representative: Taylor Earl, Earl and Curley
Owner: Chuckie Duff, EQ Van Buren, LLC
5. Application #: ZA-173-22-6
Existing Zoning: RE-35 ACSPD
Location: 5023 East Red Rock Drive

Quarter Section: 19-39(H11) 19-40(H11)
Proposal: Time extension for ZA-114-21, 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 and Design
Representative: Jon Poetzl, Poetzl Architecture and Design
Owner: Matt and Lauren Morstad

6. Application #: ZA-175-22-8
Existing Zoning: R1-6
Location: 2542 North 28th Place
Quarter Section: 14-34(G10)
Proposal: **1)** Variance to reduce the required lot width to 41 feet (Parcel B). Minimum 60 feet required. **2)** Variance to reduce the minimum lot area to 5,541 square feet for Parcel B. Minimum 6,000 square feet required. **3)** Variance to reduce the required side yard setback (south) to 6 feet (Parcel A). Minimum 10 feet required.
Ordinance Sections: 613.B.Table B 613.B.Table B 613.B.Table B
Applicant: Elizabeth Siebert
Representative: Elizabeth Siebert
Owner: Yunjin Kim

7. Application #: ZA-176-22-2
Existing Zoning: R1-8
Location: 908 West Kerry Lane
Quarter Section: 39-26(M8)
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: Robert Wolters & Gail Vincent-Wolters
Representative: Robert Wolters & Gail Vincent-Wolters
Owner: Wolters Family Trust

1:30 PM

8. Application #: ZA-161-22-6 (SIGN)
Existing Zoning: C-2
Location: 4601 East Chandler Boulevard
Quarter Section: 011-38(A11)
Proposal: **1)** Major amendment to the Foothills Gateway Major amendment to the Foothills Gateway Comprehensive Sign Plan. Use permit required. Use permit required. **2)** Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.
Ordinance Sections: 705.E.2.d.(2) 705.C.13

Applicant: Michael Donada, Signs Plus
Representative: Michael Donada, Signs Plus
Owner: Tuck Bettin

9. Application #: ZA-179-22-7 (SIGN)
Existing Zoning: A-1
Location: 5701 West Latham Street
Quarter Section: 12-15(G5)
Proposal: **1)** Use permit to increase the height of an off-premise sign to 70 feet. Use permit required. **2)** Use permit to allow an electronic message display on the south face of an off-premise sign. Use permit required. **3)** Use permit to allow an off-premise sign 350 feet from a residential district and use where 500 foot spacing is required. Use permit required.

Ordinance Sections: 705.2.B.4 705.2.E.3 705.2.A.5.c
Applicant: William Allison, Withey Morris, PLC
Representative: William Allison, Withey Morris, PLC
Owner: Arizona Department of Transportation

10. Application #: ZA-82-22-7 (Continued from April 21, 2022)
Existing Zoning: C-3
Location: Approximately 85 feet south of the southeast corner of 7th Avenue and McKinley Street
Quarter Section: 11-27(F8)
Proposal: **1)** Use Permit to allow outdoor dining as an accessory use to a bar within 500 feet of a residential district. Use permit required. **2)** Use permit to allow the noise level to exceed 55 dBa at any point on the property. Use permit required. **3)** Use permit to allow outdoor alcohol consumption as an accessory use to a bar within 500 feet of a residential district. Use permit required. **4)** Use permit to allow outdoor recreation uses (live performances and amplified music) as an accessory use to a bar within 500 feet of a residential district. Use permit required. **5)** Variance to reduce the required parking to 2 spaces. Minimum 33 spaces required.

Ordinance Sections: 624.D.112.c 624.D.112.a.(2) 624.D.112.c 624.D.112.c 702.C.Table
Applicant: Charlie Levy
Representative: Taylor Earl, Earl and Curley
Owner: EQ Seventh and McKinley, LLC

11. Application #: ZA-162-22-4
Existing Zoning: R-3
Location: 4123 North 21st Street
Quarter Section: 17-32(H9)
Proposal: Use Permit to use the Single-Family Attached (SFA) Development Option. Use Permit required.

Ordinance Sections: 608.F.8
Applicant: Edmir Dzudza, E-Project, LLC
Representative: Leonard Saguid, E-project, LLC
Owner: Biltmore Villas Investments, LLC

12. Application #: ZA-165-22-6
Existing Zoning: RE-35
Location: 5301 East Mariposa Street
Quarter Section: 17-40(H11)
Proposal: Variance to reduce side yard setback to 13 feet for an accessory structure. Minimum 20 feet required.
Ordinance Sections: 609.B.Table
Applicant: Michael Higgins, Higgins Architect
Representative: Michael Higgins, Higgins Architect
Owner: John and Carri Baca
13. Application #: ZA-167-22-6
Existing Zoning: RE-35 ACSPD
Location: 4836 East Red Rock Drive
Quarter Section: 19-39(H11)
Proposal: **1)** Time Extension for ZA-168-20, variance to allow 100 percent vehicle parking and maneuvering within the required front yard setback of an area equal to the required front yard setback times the average lot width when the adjoining side property lines are not parallel. Maximum 45 percent allowed. **2)** Time Extension for ZA-168-20, variance to allow over height retaining walls (19 feet) in the required front yard (south) setback. Maximum 40 inches permitted. **3)** Time Extension for ZA-168-20, variance to allow over height fencing (48 inches) in the required front yard (south) setback. Maximum 40 inches permitted. **4)** Time Extension for ZA-168-20, use permit to allow over height retaining walls (6 feet) within 50 feet of a subdivision perimeter. Maximum 40 inches permitted.
Ordinance Sections: 702.F.1.b.2 703.A.4.d 703.A.2.c 703.A.4.c
Applicant: Chris Colyer, Snell and Wilmer, LLP
Representative: Chris Colyer, Snell and Wilmer, LLP
Owner: Kraver and Jue Li Charles
14. Application #: ZA-172-22-7
Existing Zoning: DTC-Van Buren HP
Location: 345 West Van Buren Street
Quarter Section: 10-27(F8)
Proposal: **1)** Use permit to allow a bar (Quartz). Use permit required. **2)** Use permit to allow alcohol sales and service within 300 feet of a church in an entertainment district. Use permit required.
Ordinance Sections: 1204.D 307.A.17.a.

Applicant: Chuckie Duff
Representative: Taylor Earl, Earl & Curley
Owner: Welnick Marketplace, LLC

15. Application #: ZA-174-22-7
Existing Zoning: DTC-Business Core
Location: 30 North 1st Street and 1 East Adams Street
Quarter Section: 10-28(F8)
Proposal: **1)** Time extension of ZA-117-20, variance to reduce the minimum building setback along Central Avenue to 0 feet. Minimum 5 feet required. **2)** Time extension of ZA-117-20, variance to reduce the minimum glazing of ground floor elevations along Central Avenue between 3 and 8 feet above grade to 22 percent. Minimum 75 percent required. **3)** Time extension of ZA-117-20, variance to reduce the minimum shading of a public sidewalk along Central Avenue to 61 percent. Minimum 75 percent required. **4)** Time extension of ZA-117-20, variance to reduce the minimum streetscape zone width along Adams Street to 4 feet. Minimum 6 feet required. **5)** Time extension of ZA-117-20, variance to reduce the minimum sidewalk width along Adams Street to 6 feet. Minimum 10 feet required. **6)** Time extension of ZA-117-20, variance to reduce the minimum building frontage along Adams Street to 40 percent. Minimum 75 percent required. **7)** Time extension of ZA-117-20, variance to reduce the minimum building frontage along 1st Street to 0 percent. Minimum 75 percent required. **8)** Time extension of ZA-117-20, variance to reduce the minimum streetscape zone width along 1st Street to 0 feet. Minimum 6 feet required. **9)** Time extension of ZA-117-20, variance to reduce the minimum shading of a public sidewalk along 1st Street to 0 percent. Minimum 75 percent required. **10)** Time extension of ZA-117-20, variance to reduce the minimum building frontage along Central Avenue to 72 percent. Minimum 75 percent required. **11)** Time extension of ZA-117-20, variance to reduce the minimum streetscape zone width along Central Avenue to 4 feet. Minimum 6 feet required. **12)** Time extension of ZA-117-20, variance to reduce the minimum number of trees required within the streetscape zone along Central Avenue to 0 trees. Minimum 3 trees required. **13)** Time extension of ZA-117-20, variance to reduce the minimum glazing of the ground floor elevation along Adams Street between 3 and 8 feet above grade to 61 percent for storefront frontage portion. Minimum 75 percent required. **14)** Time extension of ZA-117-20, variance to reduce the minimum number of trees required within the streetscape zone along Adams Street to 8 trees. Minimum 10 trees required. **15)** Time extension of ZA-117-20, variance to reduce the number of on-site loading bays to 1 bay. Minimum 2 bays required.

Ordinance Sections: 1209.D 1205.G.2.a 1207.E.1.a 1209.D 1209.D 1209.D
1209.D 1209.D 1207E.1.a 1209.D 1209.D 1207.I.2.a &
1207.I.2.b 1205.G.2.a 1207.I.2.c 1206.D.1.a.(2)
Applicant: Barry Nidiffer, 30 North First Street, LLC
Representative: Manjula Vaz, Gammage & Burnham, PLC
Owner: City of Phoenix

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.

6/6/2022