

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 **February 29, 2024 9:00 AM (Items 1-7) and 1:30 PM (Items 8-11)**

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 **26306280437#**, 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/r339236b28ac3634bc812b04925a0b15c>
- **Submit a comment** on an agenda item:
 - At: zoning.adjustment@phoenix.gov by 5:00 PM on **February 27, 2024**
 - Indicate: Item Number and Case Number
- **Register to speak** on an agenda item:
 - Register for the event by 5:00 PM on **February 27, 2024**, at:
<https://cityofphoenix.webex.com/weblink/register/r339236b28ac3634bc812b04925a0b15c>
 - If speaking by phone only, please email zoning.adjustment@phoenix.gov by 5:00 PM on **February 27, 2024**.

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-375-23-7 (Continued from January 18, 2024)
Existing Zoning: DTC - Van Buren
Location: 353, 357, 361 North 4th Avenue
Quarter Section: 11-27(F8)
Proposal:
 - 1) Variance to allow 100% lot coverage. Maximum 55% lot coverage allowed.
 - 2) Variance to decrease the minimum side yard primary building setback (north) to 0 feet. Minimum 10 feet required.
 - 3) Variance to decrease the minimum side yard primary building setback (south) to 0 feet. Minimum 10 feet required.
 - 4) Variance to decrease the minimum rear yard primary building setback (east) to 0 feet. Minimum 10 feet required.

Ordinance Sections: 1221.B.3 1221.B.4.a.1 1221.B.4.a.1 1221.B.4.a.1
Applicant: 353 N. 4TH Ave, LLC
Representative: Benjamin Tate, Withey Morris Baugh, PLC
Owner: 353 N. 4TH Ave, LLC

2. Application #: ZA-715-23-8
Existing Zoning: R-3 SPVTABDO
Location: 5020 South 11th Street
Quarter Section: Q4-29(E8)
Proposal: 1) Variance to allow a minimum lot width of 53 feet (Lot 1). Minimum of 55 feet required.
2) Variance to allow a minimum lot width of 51 feet (Lot 2). Minimum of 55 feet required.
3) Variance to reduce the minimum perimeter building setback (south) for 1-story to 5 feet. Minimum 10 feet is required.

Ordinance Sections: 615.B.Table 615.A
Applicant: Luis Cuellar
Representative: Luis Cuellar
Owner: Maritza Bernal Garcia

3. Application #: ZA-744-23-6
Existing Zoning: C-2 H-R CEPCSP
Location: 2502 East Camelback Road
Quarter Section: Q19-33
Proposal: 1) Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant/bar when located within 500 feet of a residential zoning district zoning line. Use permit required.
2) Use permit to allow outdoor dining as an accessory use to a restaurant/bar when located within 500 feet of a residential zoning district zoning line. Use permit required.

Ordinance Sections: 623.D.157.c 623.D.157.c
Applicant: Biltmore Shopping Center Partners
Representative: Benjamin Graff
Owner: Biltmore Shopping Center Partners

4. Application #: ZA-32-24-5
Existing Zoning: C-2
Location: 2920 North 75th Avenue
Quarter Section: Q15-10(G4)
Proposal: Use permit to allow outdoor dining as an accessory use to a restaurant (Unos Tacos y Birria) within 500 feet of a residential zoning district. Use permit required.

Ordinance Sections: 623.D.157.c
Applicant: Unos Tacos, LLC
Representative: Kurt Waldier and Paul Gilbert, Gilbert Blilie PLLC
Owner: 75th & Thomas, LLC

5. Application #: ZA-51-24-4
Existing Zoning: C-1, C-O, P-1
Location: 2817 North 7th Street
Quarter Section: Q14-29(G8)

Proposal:

- 1) Time extension of ZA-640-21, use permit to allow outdoor dining as an accessory to a restaurant (Birdcall). Use permit required.
- 2) Time extension of ZA-640-21, use permit to allow a drive-through facility accessory to a restaurant (Birdcall) within 300 feet from a residential zoning district. Use permit required.
- 3) Time extension of ZA-640-21, use permit to allow an extension of a use which is permitted in a less restricted district into a more restricted district to a maximum of 25 feet. Use permit required.
- 4) Time extension of ZA-640-21, variance to reduce the required street side landscape setback (Thomas Road) to an average of 12 feet and minimum of 4 feet. Average 25 feet, minimum 20 feet permitted for up to 50% of the frontage.
- 5) Time extension of ZA-640-21, variance to reduce the required street side landscape setback (7th Street) to an average of 10 feet and minimum of 3 feet. Average 25 feet, minimum 20 feet permitted for up to 50% of the frontage.

Ordinance Sections: 307.A.8 622.D.150.d 622.D.150.e.(2) 622.E.4.e 622.E.4.e
 Applicant: Brian Greathouse, Burch & Cracchiolo, P.A.
 Representative: Brian Greathouse, Burch & Cracchiolo, P.A.
 Owner: AKG 7th and Thomas LLC

6. Application #: ZA-57-24-6
 Existing Zoning: RE-24
 Location: 5615 North 45th Street
 Quarter Section: Q20-38(111)
 Proposal: Variance to reduce the required front yard setback (west) to 27 feet. Minimum 40 feet required.

Ordinance Sections: 606.B.2
 Applicant: David E. Richert, Richert & Associates
 Representative: David E. Richert, Richert & Associates
 Owner: Nico and Patrick Fricchione

7. Application #: ZA-58-24-8
 Existing Zoning: C-2 CCSIO
 Location: 1424 South 7th Avenue
 Quarter Section: Q8-26(F8)
 Proposal:

- 1) Variance to reduce the perimeter landscape setback (northeast) adjacent to the R-5 zoning district to 0 feet. Minimum 10 foot setback required.
- 2) Variance to reduce the perimeter landscape setback (south) adjacent to R-3 and R-5 zoning districts to 0 feet. Minimum 10 foot setback required.
- 3) Variance to allow an over height fence (6 feet) within the required front yard setback (south). Maximum 40 inches permitted.

Ordinance Sections: 623.E.4.e 623.E.4.e 703.A.3.a
 Applicant: David Cawthron, Cawthron Architects
 Representative: David Cawthron, Cawthron Architects

Owner: Phoenix Behavioral Health Foundation, Southwest Behavioral Health and Services

1:30 PM

8. Application #: ZA-694-23-1 (Continued from February 8, 2024)
Existing Zoning: PSC
Location: 3440 West Union Hills Drive
Quarter Section: Q39-21(M6)
Proposal: 1) Variance to reduce the building setback (west) to 16 feet. Minimum 25 foot setback required.
2) Variance to reduce the building setback (south) to 17 feet. Minimum 25 foot setback required.
Ordinance Sections: 637.C.3 637.C.3
Applicant: Chris Harty, CEI Engineering & Associates
Representative: Chris Harty, CEI Engineering & Associates
Owner: Josef S. Wagelaar
9. Application #: ZA-623-23-6
Existing Zoning: RE-24 ACSPD
Location: 6102 East Calle Del Media
Quarter Section: Q17-42(H12)
Proposal: 1) Variance to reduce the rear yard setback (east) to 10 feet. Minimum 30 feet required.
2) Variance to reduce the front yard setback (west) for a detached accessory dwelling unit to 15 feet. Minimum 30 feet required.
3) Use permit to allow detached accessory dwelling unit located between the primary dwelling unit and the front property line. Use permit required.
Ordinance Sections: 606.B.4 606.B.2 706.A.6
Applicant: Melissa Campbell
Representative: Melissa Campbell
Owner: Melissa Campbell
10. Application #: ZA-35-24-6
Existing Zoning: RE-35
Location: 6121 North 20th Street
Quarter Section: Q21-32(I9)
Proposal: 1) Variance to reduce the minimum lot width to 26 feet (Lot 1). Minimum 150 feet required.
2) Variance to reduce the minimum lot width to 70 feet (Lot 2). Minimum 150 feet required.
Ordinance Sections: 609.B.Table
Applicant: Reed Dalbik, JLD Engineering
Representative: Reed Dalbik, JLD Engineering
Owner: Bill and Lori J. Olin
11. Application #: ZA-56-24-2
Existing Zoning: RE-35
Location: 6003 East Calle Marita
Quarter Section: Q55-42(Q11,Q12)
Proposal: Variance to allow a 35% lot coverage. Maximum 30% allowed.

Ordinance Sections: 609.Table B
Applicant: David Hay, Extreme Backyards
Representative: David Hay, Extreme Backyards
Owner: Jennifer and Steven Day

For further information please call Eric Morales, Planner III, Planning and Development Department at 602-262-7927 or via electronic mail at zoning.adjustment@phoenix.gov. To request a reasonable accommodation, please contact Teleia Galaviz at 602-291-2559, teleia.galaviz@phoenix.gov TTY: Use 7-1-1.

2/26/2024