

## 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 22, 2021 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 **1821939289#**, 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=e0689d2c6d5c939ffb32987916790cea0>
  
- **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-34-21-5 (Continued from March 4, 2021)  
Existing Zoning: C-O (Approved R-3A)  
Location: 3031 West Northern Avenue  
Quarter Section: 24-22(J7)  
Proposal: **1)** Variance to reduce the required perimeter setback adjacent to a public street (west) to 8 feet. Minimum 20 foot perimeter setback required. **2)** Variance to reduce the required perimeter landscape setback adjacent to a public street (west) to 8 feet. Minimum 20 foot landscape setback required. **3)** Variance to reduce the required landscape setback adjacent to a public street (east) to 7 feet. Minimum 20 foot landscape setback required.

- Ordinance Sections: 616.B.Table B 616.B.Table B 616.B. Table B  
 Applicant: Russell Black, Northern Lights Holdings, LLC  
 Representative: Jerry Palmer, Palmer Architects, PLLC  
 Owner: Russell Black, Northern Lights Holdings, LLC
2. Application #: ZA-38-21-7 (Continued from March 4, 2021)  
 Existing Zoning: DTC-Downtown Gateway  
 Location: 1418 North Central Avenue  
 Quarter Section: 12-27(G8)  
 Proposal: Use permit to allow outdoor liquor service to a restaurant (Old Spaghetti Factory). Use permit required.  
 Ordinance Sections: 1204.D  
 Applicant: Krisann Kontaxis, Spaghetti Company  
 Representative: Krisann Kontaxis, Spaghetti Company  
 Owner: Michael Pulos, Spaghetti Company
3. Application #: ZA-123-21-1  
 Existing Zoning: C-2  
 Location: 3510 West Peoria Avenue  
 Quarter Section: 29-20(K6)  
 Proposal: **1)** Variance to reduce the required front yard landscape setback (south) to 3 feet. Minimum 25 feet required.  
**2)** Variance to reduce the length of the queueing lane to 135 feet. Minimum 150 feet required.  
 Ordinance Sections: 623.E.4.e. 702-B.6.c.  
 Applicant: Holly Keilman, Eegee's  
 Representative: Ian Brown, Flatiron  
 Owner: PPO Carlsbad, LLC et al
4. Application #: ZA-125-21-6  
 Existing Zoning: IND. PK., P-1, CP/GCP  
 Location: 1110 North 52nd Street  
 Quarter Section: 11-39(F11) 12-39(G11)  
 Proposal: **1)** Variance to allow a building height of 50 feet at 91 feet of setback from a perimeter line (south). Minimum 126 feet of setback required. **2)** Variance to allow a building height of 50 feet at 0 feet of setback from a perimeter line (west). Minimum 126 feet of setback required.  
 Ordinance Sections: 626.H.1.Table 626.H.1.Table  
 Applicant: Wendy Riddell, Berry Riddell, LLC  
 Representative: Wendy Riddell, Berry Riddell, LLC  
 Owner: 1110 North 52nd, LLC
5. Application #: ZA-126-21-8  
 Existing Zoning: A-1, A-2  
 Location: 1851 South 19th Avenue  
 Quarter Section: 7-25(E7) 8-25(F7)  
 Proposal: **1)** Variance to allow an over height wall (6 feet) in the required front yard (west). Maximum 40 inches permitted. **2)** Variance to allow an over height wall (6 feet) in the required front yard (south). Maximum 40 inches permitted.  
 Ordinance Sections: 703.A.3.a. 703.A.3.a.

Applicant: Lesley Partch, Fun Form Architecture, PLLC  
Representative: Lesley Partch, Fun Form Architecture, PLLC  
Owner: Griffin Hurley, GK Hurley Land Company, LLC

6. Application #: ZA-128-21-6  
Existing Zoning: R1-10  
Location: 517 West San Juan Avenue  
Quarter Section: 20-27(I8)  
Proposal: Use permit to allow the expansion of a non-conforming accessory structure (guest house) up to fifty percent. Use permit required.

Ordinance Sections: 902.B  
Applicant: Trevor Penrose, Travek, Inc.  
Representative: Trevor Penrose, Travek, Inc.  
Owner: Luke and Jessica Powell

7. Application #: ZA-132-21-6  
Existing Zoning: R1-14  
Location: 4316 East Buena Terra Way  
Quarter Section: 20-37(I10)  
Proposal: Variance to reduce the side yard setback (east) to 8 feet. Minimum 10 feet required.

Ordinance Sections: 606.B.3.b  
Applicant: Kate Kilhane-Thompson  
Representative: Kate Kilhane-Thompson  
Owner: Kate Kilhane-Thompson

**1:30 PM**

8. Application #: ZA-122-21-7 (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  
Representative: Julie Kulka, Airpark Signs  
Owner: Kyle Frazey, Three E One North First Investment Co.

9. Application #: ZA-124-21-1 (SIGN)  
Existing Zoning: C-2, CP/GCP, S-1  
Location: 1717 West Happy Valley Road  
Quarter Section: 46-25(O7)  
Proposal: Use permit to adopt the Elux at Norterra Comprehensive Sign Plan. Use permit required.

Ordinance Sections: 705.E.2  
Applicant: Cassandra Baumann, TS&G Signs, LLC  
Representative: Cassandra Baumann, TS&G Signs, LLC  
Owner: Snowdon Partners

10. Application #: ZA-40-21-4 (Continued from March 4, 2021)  
Existing Zoning: PAD-10 WSNSPD  
Location: 77 East Missouri Avenue, #4

- Quarter Section: 19-28(H8)  
 Proposal: Variance to reduce the perimeter side setback (east) to 0 feet. Minimum 10 feet required.
- Ordinance Sections: 635.D.1.Table  
 Applicant: Shawn Morris  
 Representative: Ethan Brunson, 511 Design  
 Owner: Shawn Morris
11. Application #: ZA-127-21-6  
 Existing Zoning: RE-35 ACSPD  
 Location: 5353 East Rockridge Road  
 Quarter Section: 18-40(H11)  
 Proposal: Variance to reduce the required rear yard setback (east) to 20 feet. Minimum 40 feet required.
- Ordinance Sections: 609.B.Table  
 Applicant: Jeff Guerin, Guerin T Construction  
 Representative: Jeff Guerin, Guerin T Construction  
 Owner: Robert and Casey Commisso
12. Application #: ZA-129-21-6  
 Existing Zoning: R-3  
 Location: 6220 North 13th Street  
 Quarter Section: 21-30(I9)  
 Proposal: Variance to reduce the required side yard setback (south) to 6 feet. Minimum 10 feet required.
- Ordinance Sections: 615.B.Table B  
 Applicant: Brent Bieser, Blue Lightning Architects  
 Representative: Brent Bieser, Blue Lightning Architects  
 Owner: Betsy Lamm
13. Application #: ZA-133-21-1  
 Existing Zoning: RE-35 (Approved C-2 PCD)  
 Location: 3560 West Happy Valley Road  
 Quarter Section: 47-20(O6)  
 Proposal: **1)** Use Permit to allow for a drive-through as an accessory use to a restaurant (Dutch Bros) when the queuing lane is within 300-feet of a residential district. Use permit required. **2)** Use Permit to allow for outdoor dining as an accessory use to a restaurant (Dutch Bros) when within 500-feet of a residential district. Use permit required.
- Ordinance Sections: 623.D.157.d 623.D.157.c  
 Applicant: Joe Abrams, West Side DB, LLC  
 Representative: Susan E. Demmitt, Gammage & Burnham, PLC  
 Owner: 35th & Happy Valley, LLC
14. Application #: ZA-130-21-7  
 Existing Zoning: A-2  
 Location: 1026, 1034 and 1040 North 21st Avenue  
 Quarter Section: 12-24(G7)  
 Proposal: **1)** Time extension of ZA-407-19, use permit for a medical marijuana cultivation facility. Use permit required. **2)** Time extension of ZA-407-19, use permit for a medical marijuana infusion production facility. use permit required.

**3)** Time extension of ZA-407-19, variance to allow a medical marijuana cultivation facility within 5,280 feet the same type of use. Minimum 5,280 feet of separation required. **4)** Time extension of ZA-407-19, variance to allow a medical marijuana infusion production facility within 5,280 feet the same type of use. Minimum 5,280 feet of separation required. **5)** Time extension of ZA-407-19, variance to allow a medical marijuana cultivation facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet separation required. **6)** Time extension of ZA-407-19, variance to allow a medical marijuana infusion production facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required.

Ordinance Sections: 627.D.91.a. 627.D.93.a. 627.D.91.c. 627.D.93.b.  
627.D.91.d. 627.D.93.c.

Applicant: David Richert, Richert & Associates

Representative: David Richert, Richert & Associates

Owner: Black Rock Venture, LLC

15. Application #: ZA-131-21-7  
Existing Zoning: A-1 CMOD  
Location: 317 South 9th Avenue and 771 West Jackson Street  
Quarter Section: 10-26(F8)  
Proposal: **1)** Time extension of ZA-238-19, use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Time extension of ZA-238-19, use permit to allow a medical marijuana infusion facility. Use permit required. **3)** Time extension of ZA-238-19, variance to allow a medical marijuana cultivation facility located less than 1,320 feet from a school and homeless shelter. Minimum 1,320 feet of separation required. **4)** Time extension of ZA-238-19, variance to allow a medical marijuana infusion facility located less than 1,320 feet from a school and homeless shelter. Minimum 1,320 feet of separation required. **5)** Time extension of ZA-238-19, variance to allow a medical marijuana cultivation facility located less than 1,320 feet from a place of worship. Minimum 1,320 feet of separation required. **6)** Time extension of ZA-238-19, variance to allow a medical marijuana infusion facility located less than 1,320 feet from a place of worship. Minimum 1,320 feet of separation required.

Ordinance Sections: 627.D.91.a. 627.D.93.a. 627.D.91.d. 627.D.93.d.  
627.D.91.f. 627.D.93.f.

Applicant: David E. Richert, Richert & Associates

Representative: David E. Richert, Richert & Associates

Owner: Tokoph Descendants Trust

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 Tamra Ingersoll at 602.534-6648 or TTY: 7-1-1.