

## 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 **August 31, 2023 9:00 AM (Items 1-4) and 1:30 PM (Items 5-10)**

**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 **26312048591#**, 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/r4bb48dc41ef9fd9b43b96e62e5157302>
- **Submit a comment** on an agenda item:
  - At: [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov) by 5:00 PM on **August 28, 2023**
  - Indicate: Item Number and Case Number
- **Register to speak** on an agenda item:
  - Register for the event by 5:00 PM on **August 28, 2023**, at:  
<https://cityofphoenix.webex.com/weblink/register/r4bb48dc41ef9fd9b43b96e62e5157302>
  - If speaking by phone only, please email [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov) by 5:00 PM on **August 28, 2023**.

### **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-295-23-6  
          Existing Zoning:       R-O ACSPD  
          Location:               4633 North 44th Street  
          Quarter Section:      18-38(H11)  
          Proposal:               Time extension for ZA-338-21, variance to reduce the required rear yard setback (northwest) to 10 feet. Minimum 25 feet required.  
  
          Ordinance Sections:   620.C.5  
          Applicant:             Jordan Evan Greenman, Greenman Law Firm  
          Representative:       Jordan Evan Greenman, Greenman Law Firm  
          Owner:                 Chris Morrison, 4633 N. 44th St., LLC
2.       Application #:            ZA-307-23-1  
          Existing Zoning:        C-2  
          Location:                3233 West Peoria Avenue

Quarter Section: 28-21(K6)  
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Dunkin') within 500 feet of a residential zoning district. Use permit required. **2)** Use permit to allow a drive through facility as an accessory to a restaurant (Dunkin') within 300 feet from a residential zoning district. Use permit required.  
Ordinance Sections: 623.D.157.c 623.D.157.d.(2)  
Applicant: Dominic Ghaby, SimonCRE Buddy III, LLC  
Representative: Michele McCoy, FM Group, Inc.  
Owner: Dominic Ghaby, SimonCRE Buddy III, LLC

3. Application #: ZA-309-23-6  
Existing Zoning: R1-6 ACSPD  
Location: 4457 East Campbell Avenue  
Quarter Section: 17-38(H11)  
Proposal: Variance to reduce the side yard setback (southeast) to 3 feet. Minimum 10 feet required.  
Ordinance Sections: 613.B.Table B  
Applicant: Andrew Thruston and Valeria Lopez, Rental Renovators Inc. dba P.J. Hussey Construction  
Representative: Andrew Thruston and Valeria Lopez, Rental Renovators Inc. dba P.J. Hussey Construction  
Owner: Martin Moran and Cara Gallagher

4. Application #: ZA-311-23-2  
Existing Zoning: C-2 DRSP  
Location: 21001 North Tatum Boulevard, Suite 93  
Quarter Section: 41-39(N11) 42-39(N11)  
Proposal: **1)** Use permit to allow patron dancing as an accessory use to a restaurant (Foley Ranch Bar & Grill). Use permit required. **2)** Use permit to allow a stage or performance area larger than 80 square feet (165 square feet) as an accessory use to a restaurant (Foley Ranch Bar & Grill). Use permit required.  
Ordinance Sections: 623.D.157.b 623.D.157.a.(1)  
Applicant: Don Talbot, Icon Hospitality Group  
Representative: Greg McBride, DXU Architects  
Owner: Scott Henson, Vestar

**1:30 PM**

5. Application #: ZA-292-23-6 (SIGN)  
Existing Zoning: C-2  
Location: 3545 East Indian School Road  
Quarter Section: 16-35(H10)  
Proposal: Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.  
Ordinance Sections: 705.C.13  
Applicant: Ana Jones, Trademark Visual, Inc.  
Representative: Ana Jones, Trademark Visual, Inc.  
Owner: Katrina Barrett, Local Commercial, LLC

6. Application #: ZA-231-23-4 (Continued from July 20, 2023)  
Existing Zoning: R-3 HP  
Location: 319 West Mariposa Street  
Quarter Section: 18-27(H8)  
Proposal: **1)** Variance to reduce the rear building setback (south) to 8 feet. Minimum 15 feet required. **2)** Variance to reduce the side building setback (west) to 5 feet. Minimum 10 feet required.
- Ordinance Sections: 615.B.Table B 615.B.Table B  
Applicant: Sam Shapiro  
Representative: Sam Shapiro  
Owner: Sam Shapiro
7. Application #: ZA-303-23-4  
Existing Zoning: A-2 HGT/WVR  
Location: 3441 Grand Avenue  
Quarter Section: 010-15(B5)  
Proposal: **1)** Variance to reduce the required setback along the street frontage (35th Avenue) to 0 feet. Minimum 25 feet required. **2)** Variance to reduce the required setback along the street frontage (Grand Avenue) to 0 feet. Minimum 25 feet required.
- Ordinance Sections: 701.D.3.a 701.D.3.c  
Applicant: Michelle Santoro, Gammage & Burnham, PLC  
Representative: Ashley Z. Marsh, Gammage & Burnham, PLC  
Owner: Drake Switching Company, LLC
8. Application #: ZA-304-23-8  
Existing Zoning: C-1 BAOD  
Location: 2626 East Baseline Road  
Quarter Section: 1-33(D9)  
Proposal: **1)** Use permit to allow a drive-through facility as an accessory to a restaurant (Dutch Bros) within 300 feet from a residential zoning district. Use permit required. **2)** Use permit to allow outdoor dining as an accessory to a restaurant (Dutch Bros). Use permit required.
- Ordinance Sections: 622.D.150.e.(2) 622.D.150.d  
Applicant: Josh Hayes, 27th/Baseline DB, LLC  
Representative: Stephen W. Anderson, Gammage & Burnham, PLC  
Owner: Baseline 25, LLC
9. Application #: ZA-305-23-3  
Existing Zoning: A-1, R1-6  
Location: 9414 North 25th Avenue  
Quarter Section: 27-23(J7)  
Proposal: Time extension for ZA-300-22, use permit to allow a shelter for individuals experiencing homelessness. Use permit required if located on a lot within 1,320 feet from a residential district.
- Ordinance Sections: 627.D.1.  
Applicant: Dan Hines, Community Bridges, Inc.  
Representative: Stephen W. Anderson, Gammage & Burnham, PLC  
Owner: Dan Hines, Community Bridges, Inc.

10.           Application #:           ZA-310-23-7  
              Existing Zoning:       C-2  
              Location:            4908 West Baseline Road  
              Quarter Section:    1-17(D5)  
              Proposal:           **1) Use permit to allow a medical marijuana dispensary facility. Use permit required. 2) Variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. Minimum 500 feet of separation required. 3) Variance to allow a medical marijuana dispensary within 1,320 feet of a public park. Minimum 1,320 feet of separation required.**  
  
              Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.g  
              Applicant:           Michelle Santoro, Gammage & Burnham, PLC  
              Representative:    Lindsay Schube, Gammage & Burnham, PLC  
              Owner:              All Other Property Limited Liability Partnership

For further information please call Eric Morales, Planner III, Planning and Development Department at 602-262-7927 or to request a reasonable accommodation, please contact Angie Holdsworth at 602-495-5622, [angie.holdsworth@phoenix.gov](mailto:angie.holdsworth@phoenix.gov) TTY: Use 7-1-1.

8/16/2023