

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised May 2, 2024*

Pursuant to A.R.S. Section 38-431.02, notice is hereby given the **ZONING ADJUSTMENT HEARING OFFICER** and to the general public, that the **CITY OF PHOENIX ZONING ADJUSTMENT HEARING OFFICER** held a meeting open to the public on **April 11, 2024 9:00 AM (Items 1-8) and 1:30 PM (Items 9-13)**

Per the most recent guidelines from the federal government, the Zoning Adjustment Hearing Officer meeting was held electronically, via a video conferencing platform.

The results of the meeting were as follows:

RESULTS

Approved

9:00 AM

1. Application #: ZA-740-23-3 (Continued from March 7, 2024)
Existing Zoning: C-2
Location: 10427 North 19th Avenue
Quarter Section: Q28-25(K7)
Proposal: 1) Variance to allow a tobacco oriented retailer (Adams SS LLC) to be located within 1,320 feet of a community center. Minimum 1,320 feet separation required.
2) Variance to allow a tobacco oriented retailer (Adams SS LLC) to be located within 1,320 feet of a park. Minimum 1,320 feet separation required.
3) Variance to allow a tobacco oriented retailer (Adams SS LLC) to be located within 1,320 feet of a place of worship. Minimum 1,320 feet separation required.
Ordinance Sections: 623.D.194.b 623.D.194.b 623.D.194.b
Applicant: Saed Nasria and Shireen Suleiman, Adams SS, LLC
Representative: Saed Nasria and Shireen Suleiman, Adams SS, LLC
Owner: Edward Dawson, NTA Commercial Properties N. 19th Ave., LLC

Approved w/stips

2. Application #: ZA-65-24-6 (Continued from March 7, 2024)
Existing Zoning: C-1
Location: 3228 East Indian School Road
Quarter Section: Q17-35(H10)
Proposal: Use permit to allow a drive-through facility as an accessory to a restaurant (Angie's Prime Grill) within 300 feet from a residential zoning district. Use permit required.
Ordinance Sections: 622.D.150.e.(2)
Applicant: Jeffrey Williams, R.B. Williams & Associates, Inc.
Representative: Jeffrey Williams, R.B. Williams & Associates, Inc.
Owner: TMC Income Properties XI, LLC

Stipulations:

- 1) Per the location of the drive-through lanes and landscaped area in the northeast corner of the site as shown on site plan date stamped April 5, 2024.
- 2) Right turn exit only at the Indian School Road intersection.
- 3) 18 months to apply for and obtain building permits.

**Approved
w/stips**

3. Application #: ZA-13-24-6
Existing Zoning: RE-35 ACSPD
Location: 4202 North 55th Place
Quarter Section: Q17-40(H11)
Proposal: 1) Variance to reduce the required side yard setback (north) to 10 feet. Minimum 20 feet required.
2) Variance to reduce the required side yard setback (south) to 15 feet. Minimum 20 feet required.
3) Variance to reduce the required front yard setback (east) to 20 feet. Minimum 40 feet required.
Ordinance Sections: 609.B.Table
Applicant: Wendy Riddell, Berry Riddell, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Owner: Brandon and Elizabeth Curtis

Stipulations:

- 1) Any portion of the home within the northern 20 feet of the property shall be setback a minimum of 35 feet from the front property line.
- 2) No lighting shall be installed on the home on the north side.
- 3) Windowsills on the north side of the home within the reduced setback area shall not be any lower than 6 feet high and the top of the glass line shall not exceed 9 feet 5 inches in height.
- 4) Shall only raise the grade the minimum amount needed to accommodate Drainage and Flood Control requirements.
- 5) The highest point of the roof structure shall be no taller than 21 feet in height.
- 6) 2 years to apply for and obtain building permits.

**Approved
w/stips**

4. Application #: ZA-37-24-1
Existing Zoning: RE-35
Location: 4729 West Soft Wind Drive
Quarter Section: Q45-17(O5)
Proposal: 1) Use permit to allow an over height (21 feet) detached accessory structure (RV garage) within the side yard (west) setback. Maximum 15 feet in height permitted.
2) Use permit to allow an over height (21 feet) detached accessory structure (RV garage) within the rear yard (south) setback. Maximum 15 feet in height permitted.
Ordinance Sections: 706.B.2.b, 706.B.2.b

Applicant: John and Jessica Black
Representative: Derrik Easley, Easley Done Construction, LLC
Owner: John and Jessica Black

Stipulations:

- 1) Per the location of the proposed RV garage as shown on site plan date stamped March 15, 2024.
- 2) Prior to obtaining any building permits, relocate the chicken coop a minimum of 3 feet from the east property line as well as comply with Section 8-7a of the City Code.
- 3) Bring western boundary fence into compliance with the Zoning Ordinance.
- 4) 1 year to apply for and obtain building permits.

**Approved
w/stip**

5. Application #: ZA-134-24-6
Existing Zoning: R-3
Location: 2645 East Glenrosa Avenue
Quarter Section: Q17-33 (H9)
Proposal: Variance to allow maneuvering to occur in the public right-of-way (Glenrosa Avenue). All maneuvering must be located on private property.
Ordinance Sections: 702.A.1.b
Applicant: John R. Hansen
Representative: Marty Hall
Owner: John R. Hansen

Stipulation:

- 1) 2 years to apply for and obtain building permits.

**Approved
w/stip**

6. Application #: ZA-164-24-3
Existing Zoning: R1-10
Location: 16223 North 1st Avenue
Quarter Section: Q35-27(L8)
Proposal: Time Extension for ZA-50-23, Variance to reduce the rear setback (northwest) to 10 feet. Minimum 25 feet required.
Ordinance Sections: 611.B.Table B
Applicant: Frank Turk
Representative: Frank Turk
Owner: Turk Family Trust

Stipulation:

- 1) 1 year to apply for and obtain building permits.

Denied

7. Application #: ZA-169-24-3
Existing Zoning: R1-10
Location: 8745 North 7th Avenue
Quarter Section: Q26-27(J8)
Proposal: Variance to allow an over height wall (6 feet) within the required front yard setback (west). Maximum 40 inches permitted.
Ordinance Sections: 703.A.3.a

		Applicant:	Mike Heyberger
		Representative:	Mike Heyberger
		Owner:	Huyen Kim Thai
*Denied	8.	Application #:	ZA-182-24-2
		Existing Zoning:	RE-24
		Location:	12637 North 68th Place
		Quarter Section:	Q31-44(K12)
		Proposal:	Variance to allow an accessory structure (accessory dwelling unit) on a lot without a primary structure. Primary structure required to allow accessory structures on a lot.
		Ordinance Sections:	608.C.7
		Applicant:	Rashied Arekat, Arekat Property Holdings, LLC
		Representative:	Rashied Arekat, Arekat Property Holdings, LLC
		Owner:	Michael Stanton
		Taken out from under advisement on May 2, 2024 and denied.	
		1:30 PM	
Continued	9.	Application #:	ZA-3-24-2
		Existing Zoning:	R1-10
		Location:	14636 North 53rd Place
		Quarter Section:	Q34-40(L11)
		Proposal:	1) Variance to reduce the front (north) setback to 18 feet. Minimum 25 feet required. 2)Variance to reduce the required rear yard setback (southwest) to 5 feet. Minimum 25 feet required.
		Ordinance Sections:	611.Table.B 611.Table.B
		Applicant:	Tyler Green, Green Studio
		Representative:	Tyler Green, Green Studio
		Owner:	Mike and Jeri Case
		Continued to May 23, 2024 at 9:00 AM.	
Approved w/stip	10.	Application #:	ZA-141-24-7
		Existing Zoning:	A-1
		Location:	3541 West Lower Buckeye Road
		Quarter Section:	Q6-20(E6)
		Proposal:	1) Time Extension for ZA-45-23, variance to reduce the required total landscaped area between property lines and abutting public right-of-way to 0 feet. Minimum 8 feet times the lot frontage required. 2) Time Extension for ZA-45-23, variance to allow an over height fence (7 feet) in the required front yard setback. Maximum height of 40 inches permitted. 3) Time Extension for ZA-45-23, variance to allow outdoor storage within 75 feet of a public street. No outdoor storage permitted within 75 feet of a public street.

Ordinance Sections: 701.D.3.a.(1).(a) 703.A.3.a 627.F.2.b.(3)
Applicant: Jorge Pierson
Representative: Jorge Pierson
Dan Hempelman
Owner: Terrell Real Estate LLC, Joyce Terrell

Stipulation:

- 1) 1 year to apply for and obtain building permits.

**Approved
w/stips**

11. Application #: ZA-149-24-1
Existing Zoning: PAD-9 SP
Location: 17233 North 45th Avenue
Quarter Section: Q38-18(M6); Q37-18(M6,M5)
Proposal: 1) Use permit to allow outdoor dining as an accessory to a restaurant (Bellair Golf Park Snack Shack). Use permit required.
2) Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant (Bellair Golf Park Snack Shack). Use permit required.
3) Use permit to allow outdoor dining as an accessory to a restaurant (Bellair Golf Park Clubhouse). Use permit required.
4) Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant (Bellair Golf Park Clubhouse). Use permit required.
Ordinance Sections: 622.D.150.d 622.D.150.d 622.D.150.d
622.D.150.d
Applicant: Michael Maerowitz, Snell & Wilmer, LLP
Representative: Michael Maerowitz, Snell & Wilmer, LLP
Owner: Michael Bennett for Bellair Golf Park LLC

Stipulations:

- 1) 2 years to apply for and obtain building permits.
- 2) No amplification of sound on the outdoor patios.
- 3) "No Trespassing" signs must be posted and an authority to arrest trespassers form be submitted to deter loitering/unwanted guest inside and surrounding the establishment.
- 4) Per the location of the proposed patios as shown on site plan date stamped February 29, 2024.

**Approved
w/stip**

12. Application #: ZA-162-24-1
Existing Zoning: C-2
Location: 15440 North 35th Avenue, Suite 5
Quarter Section: Q35-20(L6)
Proposal: Use permit to allow a tattoo shop (Tattoo the World Ink Studio LLC). Use permit required.
Ordinance Sections: 623.D.187
Applicant: Zachary Putman, Tattoo the World Ink Studio, LLC
Representative: Zachary Putman, Tattoo the World Ink Studio, LLC

Owner: Douglas Quelland, Q Land Enterprises Inc.

Stipulation:

- 1) 60 days to commence the use.

**Approved
w/stips**

13. Application #: ZA-181-24-8
Existing Zoning: C-1 BAOD, C-2 BAOD
Location: Northwest corner of 27th Street and Baseline Road
Quarter Section: Q1-33(D9)
Proposal: Variance to reduce the landscape setback from the property line along Baseline Road to 39 feet. Minimum 50 feet required.
Ordinance Sections: 651.D.2.a
Applicant: Abraham Vazquez, Whataburger Real Estate
Representative: Clint Basham, Sustainability Engineering Group
Owner: Baseline 25, LLC

Stipulations:

- 1) Per the location of the landscape setback reductions as shown on site plan date stamped March 13, 2024.
- 2) 18 months to apply for and obtain building permits.

**ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER
PLANNER: DOMINIC AMODIO, PLANNER II**

For further information, please call Eric Morales, Planner III, Planning and Development Department at 602-262-7927, or contact via electronic mail at zoning.adjustment@phoenix.gov. This electronic mail address will not accommodate zoning enforcement/violation complaints.

This publication can be made available in alternate format upon request. To request a reasonable accommodation, please contact Angie Holdsworth at 602-495-5622, angie.holdsworth@phoenix.gov TTY: Use 7-1-1.

May 2, 2024