

**NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING**

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 **January 26, 2012, at 9:00 a.m. located in Assembly Room C, Phoenix City Hall, 200 West Washington Street, First Floor, Phoenix, Arizona.**

The results of the hearing were as follows:

RESULTS

Continued

9:00 AM

1.

Application #: ZA-207-11-3 (Continued from 09/29/11)
Existing Zoning: C-2
Location: 12041 North Cave Creek Road
Quarter Section: 30-32(K9)
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required. **2)** Variance to allow a medical marijuana dispensary facility to be located less than 250 feet from a residentially zoned district. Minimum 250 feet from a residentially zoned district required. **3)** Variance to allow a medical marijuana dispensary facility to be located less than 1,320 feet from a public park. Minimum 1,320 feet from a public park required.

Ordinance Sections: 623.D.100.a 623.D.100.f 623.D.100.g
Applicant: Linda Sonder American Healthcare Alternatives
Representative: Chris Webb Rose Law Group
Owner: Jeff Levine C3 Real Estate Investments, LLC

CONTINUED TO MAY 31, 2012 AT 9:00 AM

Continued

2.

Application #: ZA-437-11-6 (Continued from 12/22/11)
Existing Zoning: C-1
Location: 2024 East Camelback Road
Quarter Section: 19-32(H9)
Proposal: Use permit to allow a drive through facility within 300 feet of residential zoning. Use permit required.

Ordinance Sections: 622.D.143.e.(2)
Applicant: Jesse Macias PM Design Group
Representative: Jesse Macias PM Design Group
Owner: C-20 Rodriguez, LLC

CONTINUED TO MARCH 8, 2011 AT 9:00 AM

**Under
Advisement**

3. Application #: ZA-466-11-1
- Existing Zoning: R1-8
Location: 3030 West Anderson Drive
Quarter Section: 37-22(M7)
Proposal: **1)** Use permit for official approval of a home occupation (firearm sales). Use permit required. **2)** Use permit to allow for additional traffic of a home occupation. Use permit required.
- Ordinance Sections: 608.C.9.h(5) 608.C.9.h(1)
Applicant: Joshua Lee Personal Home Defense Solutions
Representative: Joshua Lee Personal Home Defense Solutions
Owner: Joshua Lee Personal Home Defense Solutions

**Approved
w/ stips**

4. Application #: ZA-467-11-3
- Existing Zoning: R1-10
Location: 2530 East Mountain View Road
Quarter Section: 28-33(K9)
Proposal: Variance to increase the height of a fence in the front yard to 54 inches. Maximum 40 inches allowed.
- Ordinance Sections: 703.A.2.a
Applicant: John Schmelzeis
Representative: John Schmelzeis
Owner: John Schmelzeis
- Stipulations:**
1) 6 months to apply and pay for building permits **2)** Per site plan dated December 16, 2011

**Approved
w/ stip**

5. Application #: ZA-468-11-7
- Existing Zoning: R-5, C-3, A-2, RSIOD
Location: 4300 South 10th Avenue and 4001 South 15th Avenue
Quarter Section: 5-26(E8)
Proposal: Use permit to allow a temporary use (storage) for up to one year. Use permit required.
- Ordinance Sections: 708.D.
Applicant: Dustin Jones Dustin C. Jones (Livability Law)

Representative: Shane Alleman Dustin C. Jones
(Livability Law)
Owner: Tom Fisher, Fisher Sand and Gravel
Company

**Denied as
filed**

6. **Stipulation:**
1) For one year from January 26, 2012
Application #: ZA-469-11-8
- Existing Zoning: R-3
Location: 3250 North 37th Street
Quarter Section: 15-36(G10)
Proposal: Variance to allow an over height fence
6 feet high in the required front yard
(East side). Maximum height allowed
40 inches.
- Ordinance Sections: 703.A.2.a
Applicant: John Barakat
Representative: John Barakat
Owner: Barakat Family Living trust

**Approved
w/ stips**

7. **Stipulation:**
1) Unless continuance fee paid within 7 days
Application #: ZA-472-11-4
- Existing Zoning: C-2
Location: 4531 N 7th Street Phoenix, AZ 85014
Quarter Section: 18-29(H8)
Proposal: **1)** Use permit to allow outdoor dining.
Use permit required. **2)** Use permit to
allow outdoor alcoholic beverage
consumption. Use permit
required. **3)** Use permit to allow
expansion of a nonconforming
structure. Use permit required.
- Ordinance Sections: 623.D.153.c. 623.D.153.c. 906.D.
Applicant: Robert Scimeca
Representative: Robert Scimeca
Owner: 1969 Stingray LLC
- Stipulations:**
1) The hours of use for the outdoor area are to be no earlier than
2:00 pm and no later than 2:00 am **2)** Employees must have a
clear view of the area in order to supervise the activities and/or
be present while patrons utilize the outdoor area **3)** Area be
sufficiently illuminated and contained to discourage any unlawful
activity. Precinct Commander or designee may approve lighting,
containment area and security personnel at their discretion **4)** No
live entertainment in the outside area without separate Use

**Approved
w/ stips**

8.

Permit approval **5)** Outside speaker volume to be kept at a reasonable level **6)** 6 months to apply and pay for building permits

Application #: ZA-450-11-8 (Continued from 1/5/12)

Existing Zoning: C-2 HR TOD-1

Location: Southeast corner of Washington and 12th Streets

Quarter Section: 10-30(F9)

Proposal: **1)** Variance to delete the interior setback, adjacent to R-5 zoning. Minimum 31 feet required. **2)** Variance to delete the requirement to orient a main building entry to the adjacent transit platform. Minimum one main building entry shall be oriented to the transit platform. **3)** Variance to reduce the building facade covered by clear windows to 20% along Washington Street and 18% along Jefferson Street. Minimum 60% required. **4)** Variance to delete the structured shading requirement along Washington and Jefferson Streets. **5)** Variance to allow maneuvering in the alley (right-of-way) **6)** Variance to provide less than 50% of the parking structure face along Washington Street and Jefferson Street with a non-parking use. 20% along Washington Street is provided and 18% along Jefferson Street is provided. Minimum 50% is required.

Ordinance Sections: 662.I.1 662.I.2.b 662.I.2.a 662.I.2.c
702.B.1 662.L.4.a(2)

Applicant: Michael Lafferty Lafferty Development

Representative: Michael Lafferty Lafferty Development

Owner: Michael Lafferty Lafferty Development

Stipulations:

1) Three years to apply and pay for building permits **2)** Per site plan dated November 15, 2011

**ZONING ADJUSTMENT HEARING OFFICER WAS: RAY JACOBS, AICP
PLANNER WAS: EDWARD KEYSER**

For further information, please call Ed Keyser, Planner II, Planning and Development Department at 602-495-0382, or contact via electronic mail at zoning@phoenix.gov.

This electronic mail address will not accommodate zoning enforcement/violation complaints.