

**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 **November 21, 2013, at 9:00 a.m. located in Assembly Room C, Phoenix City Hall, 200 West Washington Street, First Floor, Phoenix, Arizona.**

The results for the meeting were as follows:

RESULTS

- | | | | |
|-------------------------|----|----------------------------------|--|
| Approved w/ stip | 1. | 9:00 AM
Application #: | ZA-340-13-3 (Sign) |
| | | Existing Zoning: | PSC |
| | | Location: | 10602 North 32nd Street |
| | | Quarter Section: | 29-34(K10) |
| | | Proposal: | Use permit to establish the Paradise Hills Shopping Center Comprehensive Sign Plan. Use permit required. |
| | | Ordinance Sections: | 705.E.2. |
| | | Applicant: | Bill Gibson, Bootz and Duke Sign Company |
| | | Representative: | Bill Gibson, Bootz and Duke Sign Company |
| | | Owner: | Gordon Keig, Paradise Hills Shopping Center LTRL, LLC |
| | | Stipulation: | |
| | | 1) | One year to apply and pay for sign permits. |
| Approved w/ stip | 2. | Application #: | ZA-360-13-6 |
| | | Existing Zoning: | R1-10 |
| | | Location: | 15 East Glenn Drive |
| | | Quarter Section: | 23-28(I8) |
| | | Proposal: | Variance to increase height of wall rear yard property line wall to 7 feet. 6 feet maximum allowed. |
| | | Ordinance Sections: | 703.A.2.c. |
| | | Applicant: | Steven Jones, 15 East Glenn Drive LLC |
| | | Representative: | Steven Jones, 15 East Glenn Drive LLC |
| | | Owner: | Steven Jones, 15 East Glenn Drive LLC |
| | | Stipulation: | |
| | | 1) | One year to apply and pay for building permits. |

Approved w/ stip 3. Application #: ZA-362-13-3
Existing Zoning: C-2
Location: 1711 West Bell Road
Quarter Section: 36-25(M7)
Proposal: Use permit to allow trailers for storage during remodeling. Use permit required.
Ordinance Sections: 708.D.1
Applicant: Raied Francis, Bell Road Lodge, LLC
Representative: Raied Francis, Bell Road Lodge, LLC
Owner: Jamal Garmo, Bell Road Lodge, LLC
Stipulation:
1) Allowed for one year.

Approved w/ stip 4. Application #: ZA-363-13-7
Existing Zoning: R1-8 PRD
Location: Northwest of the northwest corner of Durango Street and 103rd Avenue
Quarter Section: 8-3(F2)
Proposal: 1) Variance to increase wall height to 8 feet along rear (north) property line. Maximum 6 feet allowed. 2) Variance to increase lot coverage to 45% for primary structures for 207 lots. Maximum 40% lot coverage allowed.
Ordinance Sections: 703.A.2.c 612.B Table A
Applicant: Brennan Ray, Burch & Cracchiolo
Representative: Brennan Ray, Burch & Cracchiolo
Owner: John Popoff c/o Josh Castillo, Mattamy Arizona, LLC
Stipulation:
1) Two years to apply and pay for building permits.

Approved w/ stips 5. Application #: ZA-364-13-2
Existing Zoning: C-2
Location: 13610 North Scottsdale Road
Quarter Section: 32-44(L12)
Proposal: 1) Use permit to allow outdoor alcohol service as an accessory to a restaurant within 500 feet of residential zoning. Use permit required. 2) Use permit to allow outdoor dining as an accessory to a restaurant within 500 feet off residential zoning. Use permit

required.
Ordinance Sections: 623.D.156.c 623.D.156.c
Applicant: Michael Nemeth, Foosia1, LLC
Representative: Michael Nemeth, Foosia1, LLC
Eric Coffee, Omega Contracting
Owner: PWDAF Scottsdale and Thunderbird, LLC

Stipulations:

1) Employees must have clear view of the patio area or be present to monitor patron activities. 2) Hours of outdoor patio no earlier than 6:00 a.m. and no later than 10:00 p.m.

#1
Approved
w/ stips
#2
Withdrawn

6. Application #: ZA-365-13-6

Existing Zoning: C-2
Location: 5502 North 7th Street
Quarter Section: 20-28(I8)
Proposal: 1) Use permit to allow package liquor sales as an accessory use to a convenience market less than 300 feet from residential zoning. Use permit required. 2) Use permit to allow outdoor dining as an accessory use within 500 feet of residential zoning. Use permit required.

Ordinance Sections: 622.C.97.a 623.D.156.c
Applicant: Circle K Stores, Inc.
Representative: David Cisiewski, MD Partners, LLC
Owner: Suzy Pee, I Circle K Properties, Inc.
Mark Todes, MFP Holdings, LLC

Stipulations:

1) Any new trees must have a minimum 3 inch caliper in landscaped area. 2) Construct minimum 6 foot solid wall along east / west property line located just south of the Circle K structure along the north edge of the daycare center. 3) 1 year to apply and pay for building permits.

Continued 7.

Application #: ZA-366-13-2
Existing Zoning: RE-24
Location: 12634 North 65th Place
Quarter Section: 31-43(K12)
Proposal: Variance to increase wall height in the required side yard setback to 7 feet 4

Ordinance Sections: 703.A.2.c
Applicant: David Uribe NA
Representative: David Uribe NA
Owner: David Uribe NA

Continued to January 2, 2014 at 9:00 a.m.

**Approved
w/ stip**

8. Application #: ZA-367-13-8

Existing Zoning: C-2
Location: 4119 East Thomas Road
Quarter Section: 14-37(G10)
Proposal: Use permit to allow a car wash in an open building. Use Permit required.

Ordinance Sections: 623.D.41
Applicant: Richard Karle, Quick N Clean XXVII,LLC

Representative: Michael E. Scarbrough, 3K1 Consulting Services, LLC

Owner: Richard Karle, Quick N Clean XXVII,LLC

Stipulation:

1) One year to apply and pay for building permits.

**Approved
w/ stips**

9. Application #: ZA-323-13-6 (Continued from 10/17/13)

Existing Zoning: R-3/R1-10
Location: 240 West Missouri Avenue
Quarter Section: 20-27(I8)
Proposal: **1)** Use permit to use the PRD option of section 615 Table B. Use permit required. **2)** Variance to reduce the required front yard setback to 0 feet. Minimum 10 feet required. **3)** Variance to reduce the required side yard setback to 0 feet. Minimum 10 feet required. **4)** Variance to eliminate the requirement to provide 18' setback from back of sidewalk for front loaded garages. Minimum 18 feet required. **5)** Variance to increase lot coverage to 100%. Maximum 45% allowed. **6)** Variance to allow lots with no street frontage. Public street or street access way required. **7)** Variance to reduce perimeter standards to 0'.

Minimum 15' required. **8)** Variance to increase maximum height limit when adjacent to a single family residential district to 30'. Maximum 15' tall within 10' of a single family residential district with a one foot to one foot height increase with additional 1' of increased setback.

Ordinance Sections: 615 Table B. 615 Table B 615 Table B
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Applicant: Ben Patton Urban Land Advisors, LLC
Representative: Ben Patton Urban Land Advisors, LLC
Owner: 240 Missouri Development, LLC

Stipulations:

1) Per site plan date stamped October 17, 2013. **2)** One year to apply and pay for building permits. **3)** No rooftop decks will be constructed on the north and west perimeter residential buildings. **4)** The residential buildings shall be set back 20 feet along the north property line. There shall be a 17-foot building setback along the west property line for buildings B & C, and a 15-foot setback for building A along the west side. **5)** The building heights for the north and west perimeter units will be 22 feet as measured at the roofline, from "natural grade" as defined in the City of Phoenix Zoning Ordinance. **6)** 36-inch box trees will be planted along the north and west perimeters per a landscape plan to be submitted and approved by the Planning and Development Department. **7)** The proposed picnic area shall include pavers and a table which shall be centered between the perimeter wall and the nearest residential unit. **8)** There shall be no bicycle and pedestrian connection along the property's north boundary, at the 3rd Avenue alignment. **9)** To the extent not already existing, the applicant shall construct a 6-foot high CMU wall along the north and west property lines. **10)** Copy of site plan to be submitted with building permit application.

**Approved
w/ stip** 10.

Application #: ZA-325-13-2 (Continued from 10/17/13)

Existing Zoning: C-2 M-R, approved R-3A NBCCOD
Location: Approximately 1300 feet south of the
SWC of North Valley Parkway and
Sonoran Desert Drive (Sonoran
Parkway)

Quarter Section: 54-23(Q7)

Proposal: **1)** Use permit to allow retaining walls

greater than 40 inches within 50 feet of a subdivision perimeter for multiple parcels. Use permit required for retaining walls greater than 40 Inches. **2)** Variance to allow a 10 foot perimeter wall for multiple parcels. Maximum 6 feet allowed.

Ordinance Sections: 703.A.4.c 703.A.2.c
Applicant: Shelby Duplessis, Bowman Consulting Group
Representative: Shelby Duplessis, Bowman Consulting Group
Owner: Greg Abrams, Taylor Morrison

Stipulation:

1) One year to apply and pay for building permits.

**Approved
w/ stips**

11.

1:30 PM

Application #: ZA-372-13-8 (Sign)

Existing Zoning: A-1
Location: 4022 East Broadway Road
Quarter Section: 5-37(E10)
Proposal: **1)** Use permit to rebuild an existing nonconforming off-premise sign to non-digital. Use permit required. **2)** Use permit to increase the height of the off-premise sign to 70 feet. Use permit required.

Ordinance Sections: 705.2.G.5. 705.2.B.4.b.
Applicant: Joseph White, White Media, LLC
Representative: William Lally, Tiffany & Bosco
Owner: Maricopa Business Park, LLC

Stipulations:

1) Limited to not more than 2 sign faces. **2)** Pole cover design to be approved by Planning and Development. **3)** One year to apply and pay for sign permits.

**Approved
w/ stip**

12.

Application #: ZA-373-13-7 (Sign)

Existing Zoning: DTC - Townsend Park
Location: 1202 North 3rd Street
Quarter Section: 12-28(G8)
Proposal: Use permit for an electronic message display as part of a sign. Use permit required.

Ordinance Sections: 705.C.13.

Applicant: Bryan Billeter, Mountain States
Specialties, Inc.
Representative: Mel Corley, For Your Sign Permit
Needs, LLC
Owner: State of Arizona

Stipulation:

1) Existing ground sign on 3rd Street to be removed before final inspection of the new sign.

**Approved
w/ stip** 13.

Application #: ZA-368-13-8
Existing Zoning: R1-6
Location: 1727 West Sonora Street
Quarter Section: 8-25(F7)
Proposal: Variance to increase the lot coverage to
44%. Maximum 40% permitted.
Ordinance Sections: 613.B. Table B.
Applicant: Rob Burttram, Dusty Creek Builders,
Inc.
Representative: Rob Burttram, Dusty Creek Builders,
Inc.
Owner: Sarah Cobbs

Stipulation:

1) Two years to apply and pay for building permits.

**Approved
w/ stip** 14.

Application #: ZA-369-13-4
Existing Zoning: C-3
Location: 3020 West Thomas Road
Quarter Section: 15-22(G7)
Proposal: Use Permit for a pawn shop in a C-3
zone. Use Permit required.
Ordinance Sections: 623.D.132.a
Applicant: Craig McCall, USA Pawn & Jewelry
Co./Pawn Shop Managem
Representative: Charles Huellmantel, Huellmantel &
Associates
Owner: Mark Chulew

Stipulation:

1) One year to apply and pay for building permits.

**Approved
w/ stips** 15.

Application #: ZA-370-13-3
Existing Zoning: A-1
Location: 2046 West Ironwood Drive
Quarter Section: 28-24(K7)

Proposal: Use permit to allow a medical marijuana cultivation facility.
Ordinance Sections: 627.D.91.a.
Applicant: Nolan Ryan
Representative: Adam Baugh Withey Morris, PLC
Owner: Nolan Ryan

Stipulations:

1) No Use Permit or Variance application fees are refundable.
2) That the Use Permit shall be reviewed within 365 days of the issuance of the Arizona Department of Health Services license for a medical marijuana use. **3)** Obtain a license for medical marijuana use from the Arizona Department of Health Services for a medical marijuana use. If no license is granted within 180 days of the approval of this Use Permit, the Zoning Administrator shall schedule a revocation hearing for this Use Permit. **4)** That the applicant has 1 year to apply and pay for building permits. **5)** That the applicant shall submit a security plan approved by the Arizona Department of Health Services to the Planning and Development Department. **6)** That the applicant shall notify in writing the areas Police Precinct Commander of establishing such facility. Notice of this contact shall be submitted in writing to the Planning and Development Department. **7)** ZA-83-11 revocation proceedings must be initiated. **8)** Revocation of ZA-83-11 must be complete prior to issuance of Certificate of Occupancy.

**ZONING ADJUSTMENT HEARING OFFICER: HEIDI SHORT, SANDRA HOFFMAN,
ZONING ADMINISTRATOR AND TRICIA GOMES, PLANNER III
PLANNER: 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.