

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
***2nd REVISION December 3, 2015**

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 19, 2015, 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

- | | | |
|--------------------------|----------------|---|
| | 9:00 AM | |
| Approved w/ stips | 1. | Application #: ZA-455-15-2
Existing Zoning: RE-43
Location: 9810 North 58th Street
Quarter Section: 28-41(K11)
Proposal: Variance to reduce the rear yard setback to 20 feet. Minimum 40 feet required.

Ordinance 605.B.4
Sections:
Applicant: Willard Wetterland, Willard Wetterland Architects, PLLC
Representative: Willard Wetterland, Willard Wetterland Architects, PLLC
Owner: Timothy Haegen
Stipulations:
1) One year to apply and pay for building permits. 2) For reduced setbacks per the site plan signed and dated by the Zoning Adjustment Hearing Officer on November 19, 2015. |
| Approved w/ stips | 2. | Application #: ZA-456-15-1
Existing Zoning: R1-6
Location: 3602 West Caribbean Lane
Quarter Section: 34-20(L6)
Proposal: 1) Use permit to allow a home occupation (firearm repair) to generate traffic. Use permit required if home occupation generates traffic. 2) Use permit to allow a home occupation (firearm repair) to be conducted in an accessory building. Use permit required if home occupation is conducted in an accessory building.

Ordinance 608.E.3.h.(1) 608.E.3.h.(2)
Sections: |

Applicant: Larry Stafford, Pearl Firearms Repair, LLC
Representative: Larry Stafford, Pearl Firearms Repair, LLC
Owner: Larry & Joanne Stafford, Pearl Firearms Repair, LLC

Stipulations:

- 1) Firearms to be stored in a gun safe when not worked on.
- 2) No more than 10 customer trips per week on average.

**#1 Denied
#2 Approved
w/ stip**

3. Application #: ZA-459-15-7
Existing Zoning: C-2 SP
Location: 6315 West McDowell Road
Quarter Section: 12-13(G4)
Proposal: **1)** Variance to allow a Cell on Wheels (COW) on a tandem axel utility trailer with a length of 34 feet 6 inches. Maximum 24 feet in length permitted. **2)** Temporary use permit to allow a Cell on Wheels (COW) for a period of one year. Temporary use permit required.

Ordinance 715.B.6.c 715.B.6.a

Sections:

Applicant: Michelle Dahlke, Shaw & Associates, PLC
Representative: Michelle Dahlke, Shaw & Associates, PLC
Owner: Everest Storage II, LLC

Request #1 for the variance denied.

Stipulation:

- 1) 180 days to apply and pay for permits.

Approved

4. Application #: ZA-460-15-2
Existing Zoning: C-2 PCD
Location: 15044 North Scottsdale Road
Quarter Section: 34-44(L12)
Proposal: Variance to reduce the required parking to 1686.84 spaces. 1755 spaces required.

Ordinance 702.C.

Sections:

Applicant: Amy Malloy Macerich/ Kierland Greenway LLC

Representative: Amy Malloy Macerich/ Kierland Greenway LLC

Owner: Amy Malloy Macerich/ Kierland Greenway LLC

Approved

5. Application #: ZA-461-15-4
Existing Zoning: C-2 TOD-1
Location: 4700 North Central Avenue

Quarter Section: 18-27(H8)
Proposal: Use permit to allow outdoor alcohol beverage consumption as an accessory use to a restaurant. Use permit required. 662.E.3.a & 623.D.156.c
Ordinance Sections:
Applicant: Asturmex, LLC
Representative: Andrea Lewkowitz, Lewkowitz Law Office
Owner: Davis Enterprises - 4700 N Central, LLC

*** #1, #2, #3,
#5
APPROVED /
STIPS
#4 DENIED**

6. Application #: ZA-462-15-6
Existing Zoning: C-2
Location: 3934 East Indian School Road
Quarter Section: 17-36(H10)
Proposal: **1) Use Permit to allow outdoor recreation uses. Use Permit required. 2) Use Permit to allow outdoor dining accessory to a restaurant. Use Permit required. 3) Use Permit to allow outdoor alcoholic beverage consumption accessory to a restaurant. Use Permit required. 4) Use Permit to allow outdoor music and entertainment accessory to a restaurant. Use Permit required. 5) Use Permit to allow the display of merchandise outdoors. Use Permit required.**
Ordinance Sections: 623.D.156.c 623.D.156.c 623.D.156.c
623.D.156.c
623.C.2
Applicant: 40th Street Developers LLC
Representative: Stephen Earl, Earl, Curley, & Lagarde
Owner: 40th Street Developers, LLC

Taken out from under advisement on December 3, 2015 and decided as follows:

Requests #1 for outdoor recreation, #2 for outdoor dining, #3 for outdoor alcoholic beverage consumption and #5 for outdoor display of merchandise are approved with the following stipulations:

- 1) Two years to apply and pay for the first building permit;**
- 2) Outdoor recreation use limited to recorded music or live acoustic performances with no more than two (2) performers;**
- 3) Outdoor display of merchandise limited to the sidewalk area on the north side of the building.**

Request #4 for outdoor music and entertainment accessory

to a restaurant is denied as the Zoning Ordinance no longer includes a provision for such outdoor music and entertainment except through a request for an outdoor recreation use permit, which is approved.

*** APPROVED / STIPS** 7.

Application #: ZA-463-15-6
 Existing Zoning: C-2
 Location: 3934 East Indian School Road
 Quarter Section: 17-36(H10)
 Proposal: **1)** Variance to reduce the parking stall dimensions to 18 feet by 8.5 feet. Minimum 18 feet by 9.5 feet. **2)** Variance to reduce the required combined depth of parking space and aisle for a double loaded aisle to 60 feet. Minimum 62 feet required. **3)** Variance to reduce the landscaped setback adjacent to 40th Street to 10 feet. Minimum 20 feet, average 25 required. **4)** Variance to reduce the building setback adjacent to 40th Street to 10 feet. Minimum 20 feet, average 25 required. **5)** Variance to reduce the landscaped setback adjacent to Indian School Road to 10 feet. Minimum 20 feet, average 25 required. **6)** Variance to reduce the building setback adjacent to Indian School Road Street to 10 feet. Minimum 20 feet, average 25 required. **7)** Variance to reduce the interior parking lot landscaping to 3%. Minimum 10% required. **8)** Variance to delete the requirement for parking lot landscape islands every 110-feet in the parking lot. Parking lot landscape island required every 110 feet. **9)** Variance to reduce the required landscape setback at the property perimeter (north property line) to 5 feet. Minimum 10 feet required. **10)** Variance to reduce parking to 110 spaces. 144 required.

Ordinance Sections: 702.B.2.b(1)a 702.B.2.b(5) 623.E.4.e 623.E.4.d 623.E.4.e 623.E.4.d 623.E.4.e 623.E.4.e 623.E.4.e 702.C

Applicant: 40th Street Developers LLC
 Representative: Stephen Earl, Earl, Curley, & Lagarde
 Owner: 40th Street Developers LLC

Taken out from under advisement on December 3, 2015 and approved with the following stipulations:

- 1) Two years to apply and pay for the first building permit;**
- 2) General conformance to the site/landscape plan signed and dated by the hearing officer on December 2, 2015 regarding landscape placement, materials, and numbers of trees and regarding location of outdoor dining areas.**

- 1:30 PM**
- Approved w/ stips**
8. Application #: ZA-467-15-8
Existing Zoning: R-4 RI, P-1, C-2HR, C-2 HR SP
Location: 555 N 18th Street Phoenix, AZ 85006
Quarter Section: 11-31(F9)
Proposal: Time extension for ZA-111-15, a variance to reduce the street side landscape setback along East Villa Street to 0 feet. An average of 25 feet is required, minimum of 20 feet permitted for up to 50% of the frontage.

Ordinance 623.E.4.d
Sections:
Applicant: Paul Dumond, Bioscience Development Partners, LLC
Representative: Chad Drago HDR Engineering, Inc.
Owner: St. Luke's Medical Center, LP (SLMC)
Stipulation:
1) 18 months to apply and pay for building permits.
- Approved w/ stips**
9. Application #: ZA-365-15-6 (Continued from 9/17/15)
Existing Zoning: R1-14
Location: 5525 East Cheery Lynn Road
Quarter Section: 15-40(G11)
Proposal: Variance to reduce the required front yard setback (North) to 15 feet. Minimum 30 feet required.

Ordinance 606.B.2.
Sections:
Applicant: David Ross, Ross Design Group, LLC
Representative: David Ross, Ross Design Group, LLC
Owner: Richard Milder
Stipulations:
1) For an open trellis that is depicted on the site plan signed and dated by the Zoning Adjustment Hearing Officer on November 19, 2015. 2) 180 days to apply and pay for building permits.
- Continued**
10. Application #: ZA-464-15-7
Existing Zoning: R-5

Location: 1244 West Pierce Street
 Quarter Section: 11-26(F8)
 Proposal: **1)** Variance to reduce open space of gross site area to zero percent (0%). Five percent (5%) required. **2)** Variance to reduce the minimum landscaped area to two (2) feet in rear yard. Five (5) feet required. **3)** Variance to reduce the minimum number of five-gallon shrubs for each five feet of linear distance to zero (0) in rear yard. One (1) required. **4)** Variance to reduce the front yard setback to three (3) feet. Twenty (20) feet required. **5)** Variance to reduce the combined depth of the parking space and the aisle width to sixty (60) feet. Sixty-two (62) feet required.
 Ordinance Sections: 703.B.4.a.(1) 703.B.3.b.(3) 703.B.3.b(2) 618.B.Table B 702.B.2.b(5)
 Applicant: Virginia Senior
 Representative: Virginia Senior
 Owner: Pierce Street Holdings, LLC
Continued to December 10, 2015 at 9:00 a.m.

Continued 11. Application #: ZA-465-15-3
 Existing Zoning: RE-43
 Location: 10435 North 40th Street
 Quarter Section: 28-37(K10)
 Proposal: **1)** Variance to allow 35% lot coverage. Maximum 20% lot coverage allowed. **2)** Variance to reduce the required street side setback (north) to 3 feet 8 inches. Minimum 30 feet required. **3)** Variance to reduce the required front setback (west) to 25 feet. Minimum 40 feet required. **4)** Variance to reduce interior side setback (east) to 13 feet 8 inches. Minimum 30 feet required.
 Ordinance Sections: 605.B.5 605.B.3 605.B.2 602.B.3
 Applicant: Dorin Pitut
 Representative: Dorin Pitut
 Owner: Kevin Maftean
Continued to January 7, 2016 at 9:00 a.m.

Approved 12. Application #: ZA-466-15-3

w/ stip

Existing Zoning: R1-10
 Location: 10401 North 22nd Place
 Quarter Section: 28-32(K9)
 Proposal: Variance to reduce the required side yard setback (northwest) to zero feet. Minimum of ten feet required.

Ordinance 710.C.2
 Sections:
 Applicant: Jason Furedy
 Representative: Jason Furedy
 Owner: Jason Furedy

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

Approved w/ stip

13. Application #: ZA-468-15-2
 Existing Zoning: PCD, CP/GCP
 Location: 16430 North Scottsdale Road
 Quarter Section: 36-44(M12)
 Proposal: Use permit to allow outdoor dining accessory to a restaurant. Use permit required.

Ordinance 626.F.2.j.(4)
 Sections:
 Applicant: Edgar Felix, RKAA Architects Inc
 Representative: Edgar Felix, RKAA Architects Inc
 Owner: Scott Cole, Cole Investment Group

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

APPROVED / STIPS

14. Application #: ZA-421-15-3 (Continued from 10/15/15)
 Existing Zoning: C-2 SPFSP
 Location: 10443 North 32nd Street
 Quarter Section: 28-35(K10)
 Proposal: Use permit to allow a nonprofit medical marijuana dispensary facility. Use permit required.

Ordinance 623.D.122.a
 Sections:
 Applicant: Eric Kaufman, Swell Management Systems, LLC
 Representative: Walter Gilbert, Gilbert Bird Law Firm, PC
 Owner: Mohini Hutchins, Shea Rentals, LLC

Taken out from under advisement on November 23, 2015 and approved with the following stipulations:
 1) **The Use Permit shall be reviewed within 365 days of the issuance of the dispensary certificate for a medical**

marijuana from the Arizona Department of Health Services.

- 2) The applicant has 1 year to apply and pay for building permits.**
- 3) Obtain a certificate for medical marijuana use from the Arizona Department of Health Services. If no certificate or approval to operate is granted within 1 year of the approval of this Use Permit, the Zoning Administrator shall schedule a revocation hearing for this Use Permit.**
- 4) The applicant shall submit a security plan provided to the Arizona Department of Health Services to the Planning and Development Department.**
- 5) The applicant shall notify in writing the area's Police Precinct Commander of establishing such facility. Notice of this contact shall be submitted in writing to the Planning and Development Department.**
- 6) The applicant shall provide enhanced landscaping along 32nd Street.**

**ZONING ADJUSTMENT HEARING OFFICERS: WILLIAM ALLISON, TERESA HILLNER, PLANNER III AND XANDON KEATING, PLANNER III
PLANNER: MATTEO MORIC, PLANNER II**

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.