

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
***REVISED December 31, 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 **December 17, 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

- | | | | |
|-----------------------------------|----|--|---|
| Approved w/ stip | 1. | 9:00 AM
Application #:
Existing Zoning:
Location:

Quarter Section:
Proposal:

Ordinance Sections:
Applicant:

Representative:

Owner:
Stipulation:
1) 90 days to apply and pay for building permits. | ZA-449-15-6 (Continued from 11/12/15)
R1-6
Northwest corner of 40th Street and Osborn Road
16-36(H10)
1) Variance to allow a wall 8 feet in height along the rear yards of the lots on the north side of the overall development. Maximum 6 foot wall allowed. 2) Variance to allow a wall 8 feet in height along the rear yards of the lots on the east side of the overall development. Maximum 6 foot wall allowed.
703.A.2.c 703.A.2.c
Shelby Duplessis, The Empire Group of Companies
Shelby Duplessis, The Empire Group of Companies
Empire at Arcadia Glen |
| Withdrawn from this agenda | 2. | Application #:
Existing Zoning:
Location:
Quarter Section:
Proposal: | ZA-458-15-7
C-2 SP
6315 West McDowell Road
12-13(G4)
Use permit to reduce the setback for a Wireless Communication Facility (WCF) from another property zoned for residential purposes to 144 feet. Minimum 150 feet required, use permit |

Ordinance Sections: 715.B.2.a.(2).(a).(1)
Applicant: Michelle Dahlke, Shaw & Associates PLC
Representative: Michelle Dahlke, Shaw & Associates PLC
Owner: Everest Storage II, LLC
Continued to January 7, 2016 at 1:30 p.m.

**Approved
w/ stips**

3. Application #: ZA-486-15-8
Existing Zoning: A-1 RSIOD
Location: 320 West Watkins Street
Quarter Section: 7-27 (E8)
Proposal: Use permit to allow residential uses in the A-1 zone. Use permit required.
Ordinance Sections: 627.C.1
Applicant: Maret Webb, Vehr/Webb Studio Architects & Artists
Representative: Stephen C Earl, Earl, Curley & Lagarde
Owner: Steve Zabilski, Society of St. Vincent de Paul

Stipulations:

- 1) General conformance to site plan dated September 8, 2015.
- 2) 18 months to apply and pay for building permits.

**Approved
w/ stip**

4. Application #: ZA-504-15-4
Existing Zoning: R-3
Location: 1033 East Meadowbrook Avenue
Quarter Section: 18-29(H8)
Proposal: **1)** Variance to reduce the east side (street side) setback to 9 feet. Minimum 10 feet required. **2)** Variance to reduce the west side setback to 0 feet. Minimum 3 feet required.
Ordinance Sections: 615.B Table B 615.B Table B
Applicant: Amy Malensek
Representative: Jered Van Houten, Blue Rose Home Improvement, LLC
Owner: Amy Malensek

Stipulation:

- 1) 6 months to apply and pay for building permits.

**Approved
w/ stips**

5. Application #: ZA-505-15-4
Existing Zoning: C-2
Location: 3505 West Thomas Road
Quarter Section: 14-20(G6)

Proposal: Use permit to allow outdoor food preparation and cooking as an accessory use to a restaurant. Use permit required.

Ordinance Sections: 623.D.156.f(1)

Applicant: Mohannad Hamdan, Mo's Quick Stop

Representative: Mohannad Hamdan, Mo's Quick Stop

Owner: Musser Properties

Stipulations:

1) Hours of operation 11:00 a.m. – 9:00 p.m. for outdoor cooking and preparation. **2)** Limited to 80 square feet of grill area.

**Approved
w/ stips**

6. Application #: ZA-506-15-6
Existing Zoning: C-1
Location: 4527 North 40th Street
Quarter Section: 18-37(H10)
Proposal: **1)** Use Permit to use the PRD development option of Section 615. Table B **2)** Variance to reduce the required front yard setback to 0 feet. Minimum 10 feet required. **3)** Variance to allow lots access via a private driveway. Public street or street access way required. **4)** Variance to reduce the required perimeter setback (northern perimeter) to 10 feet. Minimum 15 feet required. **5)** Variance to reduce the required perimeter setback (southern perimeter) to 5 feet. Minimum 15 feet required. **6)** Variance to increase the required lot coverage to 63%. Maximum 45% allowed. **7)** Variance to reduce the required common area to 2.7%. Minimum 5% gross area required.
Ordinance Sections: 615. Table B 615. Table B 615. Table B 615. Table B
Applicant: Steve Earl, Earl, Curley, & Lagarde, P.C.
Representative: Steve Earl, Earl, Curley, & Lagarde, P.C.
Owner: Chris Walton, ROARK, LLC
Stipulations:
1) General conformance to site plan dated July 31, 2015.
2) 18 months to apply and pay for building permits.

**Approved
w/ stips**

7. Application #: ZA-507-15-3
Existing Zoning: C-2 PCD

Location: 12631 North 48th Street
 Quarter Section: 31-39(K11)
 Proposal: Use Permit to allow an auctioneers' auditorium in a C-2 zoning district. Use permit required.

Ordinance Sections: 623.D.10
 Applicant: Jonathan Rarig, Jonathan Roberts Auction House LLC
 Representative: Jonathan Rarig, Jonathan Roberts Auction House LLC
 Owner: Carol Greenwell, Village Fair, LLC

Stipulations:

1) Subject to hours of operation for auction 11:00 a.m. to 10:00 p.m. one day a week. **2)** Auction space limited to maximum 7,500 feet. **3)** 90 days to apply and pay for building permits.

Approved w/ stips

8. Application #: ZA-508-15-6
 Existing Zoning: R1-6
 Location: 3857 North 51st Street
 Quarter Section: 16-39(H11)
 Proposal: Variance to reduce the rear yard setback (south) to 8 feet. Minimum 25 feet required.

Ordinance Sections: (613.B.table B)
 Applicant: Steve Cederstrom
 Representative: Steve Cederstrom
 Owner: Cecil;ia Taylor

Stipulations:

1) 6 months to apply and pay for building permits.
2) In conformance with conceptual site plan dated December 17, 2015.

Withdrawn from this agenda

9. Application #: ZA-503-15-3
 Existing Zoning: A-2
 Location: 4420 North 42nd Avenue
 Quarter Section: 17-19(H6)
 Proposal: **1)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of other medical marijuana facility. 5,280 feet minimum separation required. **2)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **3)** Use permit to allow a medical marijuana infusion facility. Use permit required.

Ordinance Sections: 627.D.91.c 627.D.91.a 627.D.93.a

Applicant: Eric Capranica, Solera Homes, LLC
Representative: Eric Capranica, Solera Homes, LLC
Owner: Vanessa Barton, AVL Properties Limited Partnership

Continued to January 7, 2016 at 1:30 p.m.

- 1:30 PM**
- Approved** 10. Application #: ZA-513-15-8 (Sign)
Existing Zoning: A-1
Location: 4022 East Broadway Road
Quarter Section: 5-37(E10)
Proposal: Variance to increase the size of the east and west faces of the existing nonconforming sign each to 672 square feet. The area of an existing nonconforming off-premise sign shall not be increased.
Ordinance Sections: 705.2.G.2.
Applicant: William Lally, Tiffany & Bosco, PA
Representative: William Lally, Tiffany & Bosco, PA
Owner: Maricopa Business Park, LLC
- Withdrawn from this agenda** 11. Application #: ZA-509-15-2
Existing Zoning: RE-43
Location: 10209 North 56th Street
Quarter Section: 28-41(K11)
Proposal: **1)** Variance to reduce the front yard setback (west) to 40 feet. Minimum 50 feet required. **2)** Variance to reduce the side yard setback (north) to 22 feet. Minimum 30 feet required. **3)** Variance to reduce the side yard setback (south) to 22 feet. Minimum 30 feet required.
Ordinance Sections: 605.B.2 605.B.3 605.B.3
Applicant: Rebecca Morrow
Representative: Scott Morrow
Owner: Scott Morrow
- Continued to January 14, 2016 at 1:30 p.m.**
- *Denied** 12. Application #: ZA-510-15-2
Existing Zoning: R1-6 PCD
Location: 4711 East Juana Court
Quarter Section: 51-38(P11)
Proposal: Variance to allow a 6 foot fence in the front yard setback. 40 inches is allowed.
Ordinance Sections: 703.A.3.a

Applicant: Heidi Middleton
Representative: Heidi Middleton
Owner: Heidi Middleton

Taken out from under advisement on December 31, 2015 and denied.

**Approved
w/ stips**

13. Application #: ZA-511-15-5
Existing Zoning: C-2
Location: 5370 West Indian School Road
Quarter Section: 17-16(H5)
Proposal: **1)** Variance to reduce front yard setback to 6 feet. Minimum 20 foot setback is required. **2)** Variance to reduce side yard setback to 6 feet. Minimum 20 foot setback is required. **3)** Variance to reduce front yard landscape setback to 6 feet. Average 25 foot landscape setback is required. **4)** Variance to reduce side yard landscape setback to 6 feet. Average 25 foot landscape setback is required.
- Ordinance Sections: 623.E.4.d 623.E.4.d 623.E.4.e 623.E.4.e
Applicant: First Bank Holding Company
Representative: William E. Lally, Tiffany & Bosco PA
Owner: John F. Long Family Revocable Living Trust

Stipulations:

- 1)** General conformance to site plan dated November 10, 2015.
2) One year to apply and pay for building permits.

**Approved
w/ stips**

14. Application #: ZA-512-15-6
Existing Zoning: R1-10
Location: 2927 East Campbell Avenue
Quarter Section: 17-34(H10)
Proposal: **1)** Variance to reduce the required rear yard setback to 6 feet. (East property line of the west portion of 163-04-208) **2)** Variance to reduce the required rear yard setback to 10 feet. (West property line of the east portion of 163-04-208)
- Ordinance Sections: 611.Table B. 611. Table B.
Applicant: Villa Montessori, Inc.
Representative: Matt Burbach, Lews Roca Rothgerber, LLP
Owner: Mountain View Christian Church of

Phoenix

Stipulations:

- 1) General conformance to site plan dated December 14, 2015.
- 2) 6 months to apply and pay for building permits.

**Approved
w/ stips**

15. Application #: ZA-514-15-5
Existing Zoning: C-2, RE-43
Location: 9875 West Camelback Road
Quarter Section: 18-5(H2)
Proposal: **1)** Use Permit to allow packaged liquor sales accessory to a convenience market within 300 feet of a residential district. Use Permit required. **2)** Use Permit to allow a less restrictive use (C-2) to extend into a more restrictive district (RE-43) a retail convenience store with automotive fuel sales for no more than 25 feet. Use Permit required.
- Ordinance Sections: 622.D.97.a 307.A.8
Applicant: Suzy Peel, Circle K Stores Inc.
Representative: David Cisiewski
Law Office of David Cisiewski, PLLC
Owner: Suzy Peel, Circle K Stores Inc.

Stipulations:

- 1) The owners will ensure adequate security and additional security if problems arise. Additional security may also be required at the reasonable discretion of the Phoenix Police Precinct Commander or his designee.
- 2) The area be sufficiently lighted and contained to discourage any unlawful activity. Any lighting will not extend past the property into the nearby apartment complex, business or residential homes. The Phoenix Police Precinct Commander or his designee will approve lighting plan for the facility if necessary.
- 3) The owners will discourage loitering on their property with proper signs and monitoring
- 4) One year to apply and pay for building permits.

**Approved
w/ stips**

16. Application #: ZA-515-15-8
Existing Zoning: C-2
Location: 1544 East Southern Avenue
Quarter Section: 3-30(D9)
Proposal: Use Permit to allow packaged liquor sales accessory to a convenience market within 300 feet of a residential district. Use Permit required.
- Ordinance Sections: 622.D.97.a
Applicant: Suzy Peel, Circle K Stores Inc.

Representative: David Cisiewski,
Law Office of David Cisiewski, PLLC
Owner: Suzy Peel, Circle K Stores Inc.

Stipulations:

1) The owners will ensure adequate security and additional security if problems arise. Additional security may also be required at the reasonable discretion of the Phoenix Police Precinct Commander or his designee. **2)** The area be sufficiently lighted and contained to discourage any unlawful activity. Any lighting will not extend past the property into the nearby apartment complex, business or residential homes. The Phoenix Police Precinct Commander or his designee will approve lighting plan for the facility if necessary. **3)** The owners will discourage loitering on their property with proper signs and monitoring **4)** One year to apply and pay for building permits.

**Withdrawn
from this
agenda**

17. Application #: ZA-516-15-3
Existing Zoning: C-2
Location: 1855 West Greenway Road
Quarter Section: 34-25(L7)
Proposal: **1)** Use Permit to allow packaged liquor sales accessory to a convenience market within 300 feet of a residential district. Use Permit required. **2)** Variance to reduce the street side average landscape setback along 19th Avenue to an average of 12 feet. Minimum average of 25 feet required.
Ordinance Sections: 622.D.97.a 623.E.4.d
Applicant: Suzy Peel, Circle K Stores, Inc.
Representative:
Owner: Mr. Duggan Revesco, USA Properties of Greenway, LLLP

Continued to January 14, 2016 at 1:30 p.m.

**ZONING ADJUSTMENT HEARING OFFICER: RAY JACOBS, AICP
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.