

**NOTICE OF RESULTS**  
**ZONING ADJUSTMENT HEARING**  
**\*\* 2<sup>nd</sup> REVISION September 6, 2017**

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 **July 27, 2017, 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**
- Continued**    1.    Application #:            ZA-275-17-6  
Existing Zoning:        C-2  
Location:                4802 East Van Buren Street  
Quarter Section:       11-39(F11)  
Proposal:                **1)** Time extension for ZA-285-16, variance to allow 39% roof coverage for mechanical equipment. Maximum 25% allowed. **2)** Time extension for ZA-285-16, variance to allow a maximum building height of 59 feet. Maximum 56 feet allowed.  
  
Ordinance                701.B 623.E.3.d  
Sections:  
Applicant:               William F. Allison, Withey Morris PLC  
Representative:       William F. Allison, Withey Morris PLC  
Owner:                    4802 East Van Buren, LLC  
**Continued to August 17, 2017 at 9:00 a.m.**
- Denied**        2.    Application #:            ZA-284-17-3  
Existing Zoning:        R1-6  
Location:                17230 North 20th Street  
Quarter Section:       37-31(M9)  
Proposal:                Time extension for ZA-537-16 for a use permit to allow a home occupation in an accessory building. Use permit required.  
  
Ordinance                608.E.3.h.2  
Sections:  
Applicant:               Mark Mall, Tidy Tree Trimming  
Representative:       Mark Mall, Tidy Tree Trimming  
Owner:                    Mark Mall, Tidy Tree Trimming
- Approved w/ stip**    3.    Application #:            ZA-257-17-2  
Existing Zoning:        RE-35

Location: 5250 East Montgomery Road  
 Quarter Section: 54-40(Q11)  
 Proposal: Use permit to allow wireless communication facility to co-locate on a quasi-public property. Use permit is required.  
 Ordinance Sections: 715.B.2.a.(3).(a)  
 Applicant: Declan Murphy, Coal Creek Consulting for Verizon Wireless  
 Representative: Declan Murphy, Coal Creek Consulting for Verizon Wireless  
 Owner: Cave Creek Unified School District No. 9  
**Stipulation:**  
 1) 12 months to apply and pay for building permits.

**Approved w/ stip**

4. Application #: ZA-273-17-6  
 Existing Zoning: R1-10, Arcadia Camelback SPD  
 Location: 4410 East Calle Allegre  
 Quarter Section: 18-38(H11)  
 Proposal: Variance to reduce the required front (south) yard setback to 4 feet. Minimum 25 feet required.  
 Ordinance Sections: 611.Table B.  
 Applicant: Aaron Mendenhall  
 Representative: Jeff Wagner, Wagner Architects, LLC  
 Owner: Aaron Mendenhall  
**Stipulation:**  
 1) 180 days to apply and pay for building permits.

**Approved w/ stip**

5. Application #: ZA-280-17-6  
 Existing Zoning: RE-24  
 Location: 5132 North 42nd Place  
 Quarter Section: 19-37(H10)  
 Proposal: 1) Variance to reduce front (east) setback to 13 feet. Minimum 30 feet required. 2) Use permit to allow a home occupation (ice cream manufacturing) to be conducted in an accessory building. Use permit required.  
 Ordinance Sections: 606.B.2 608.E.3.h.(2)  
 Applicant: Kale and Shasta Keltz, Keltz Family Trust  
 Representative: Kale and Shasta Keltz, Keltz Family Trust  
 Owner: Kale and Shasta Keltz, Keltz Family Trust  
**Stipulation:**  
 1) 90 days to apply and pay for building permits.

**Approved w/ stip** 6. Application #: ZA-281-17-6  
 Existing Zoning: R1-6 (Arcadia Camelback SPD)  
 Location: 4529 East Turney Avenue  
 Quarter Section: 17-38(H11)  
 Proposal: Variance to allow a closed projection to project 9 feet into the required front yard for no more than one half of the maximum width of the structure. Maximum 5-foot projection permitted.  
 Ordinance Sections: 701.A.3.2.c  
 Applicant: Ramon N Gomez  
 Representative: Ramon N Gomez  
 Owner: Ramon N Gomez  
**Stipulation:**  
 1) 90 days to apply and pay for building permits.

**Approved w/ stips** 7. Application #: ZA-283-17-7  
 Existing Zoning: A-1, R-5, C-1  
 Location: 2602 West Roosevelt Street  
 Quarter Section: 12-23(G7)  
 Proposal: Variance to allow ingress/egress from a less restrictive zoning district to a more restrictive zoning district. Variance required.  
 Ordinance Sections: 600  
 Applicant: David Cawthron, Cawthron Architects  
 Representative: David Cawthron, Cawthron Architects  
 Owner: IFS Arizona  
**Stipulations:**  
 1) Applicant's representative to coordinate landscaping along the northern and northwestern property lines with the owner of 1127-1145 North 27th Avenue with site planning regarding landscaping and ingress and egress to the site. 2) 180 days to apply and pay for necessary permits.

**Approved w/ stip** 8. Application #: ZA-285-17-1  
 Existing Zoning: R1-8PRD  
 Location: 6511 West Gold Mountain Pass  
 Quarter Section: 49-13(P4)  
 Proposal: Use permit to an over height retaining wall (6 feet) within 50 feet of a subdivision perimeter. Use permit required to exceed 40 inches.  
 Ordinance Sections: 703.A.4.c

Applicant: Kevin Hunter, True Custom A Luxury Builder, LLC  
Representative: Kevin Hunter, True Custom A Luxury Builder, LLC  
Owner: True Custom, LLC

**Stipulation:**

1) 90 days to apply and pay for building permits.

**\*Denied as filed, approved for 24 months**

9. Application #: ZA-164-17-1 (Continued from 6/22/17)  
Existing Zoning: A-1 DVAO HL  
Location: 23570 North Central Avenue  
Quarter Section: 45-27(O8)  
Proposal: Use permit to allow temporary grinding and outdoor storage of asphalt shingles for 36 months. Use permit required  
Ordinance 708.D.1  
Sections:  
Applicant: Jason McCullar, JML Energy Resources, LLC  
Representative: Manjula Vaz, Gammage and Burnham, PLC  
Owner: Jeff LaPour, LaPour D.C. One, LLC

**Taken out from under advisement on August 15, 2017 and denied as filed, approved for 24 months with the following stipulations:**

- 1) **Processing and utilization of recycled asphalt shingles shall comply with the following:**
  - a. **No new material shall be brought on-site.**
  - b. **All operators of the equipment shall be trained on the sources, quantities and characteristics of the waste to be processed; the process line start-up procedures; routine monitoring; cleanup procedures; daily processing and equipment maintenance schedules; methods of controlling fires and explosions, use of appropriate safety equipment; methods of controlling access, and windblown materials; and persons to contact concerning operational problems and emergencies.**
  - c. **This use permit approval shall be effective for two (2) years from the lapse of the appeals period or the date of the disposition of the appeal; but the duration may be extended beyond that date and conditions may be modified if justified by experience and feedback from operation of the processing facility prior to that date.**
- 2) **Operation of the area where the shingles are being stored pending grinding shall include:**
  - a. **Appropriate temporary storm water controls shall be implemented as needed to minimize any**

environmental concerns arising out of run-on or run-off conditions.

b. Equipment for processing shall be access-controlled, using a locked entrance and exit.

3) There will be a one (1) year review of the operations at this location to determine whether a third year of this use permit will be granted.

1:30 PM

**\*\*Approved w/stips**

10. Application #: ZA-286-17-7  
Existing Zoning: A-1  
Location: 1801 South 35th Avenue  
Quarter Section: 8-21(F6)  
Proposal: **1)** Use Permit to allow a homeless shelter closer than 1,320 feet from a residential district. Minimum 1,320 feet separation required. **2)** Variance to allow an over height wall (6 feet) in the required street side setback (north). Maximum 40 inches allowed. **3)** Variance to allow an over height wall (6 feet) in the required street side setback (west). Maximum 40 inches allowed.  
Ordinance Sections: 627.B.1 703.A.3.a 703.A.3.a  
Applicant: Wendy Riddell, Berry Riddell, LLC  
Representative: Wendy Riddell, Berry Riddell, LLC  
Owner: Jay Cory, Phoenix Rescue Mission

**Taken out from under advisement on September 6, 2017 and approved with the following stipulations:**

1. Applicant shall have 18 months to pull building permits for the initial new building to undergo construction.  
2. Applicant shall confer with the Community Action Officer of the South Mountain Police Precinct to conduct a crime free multi-housing assessment of the property. The applicant shall provide a summary of recommendations and an implementation plan structured around those recommendations (with implementation timetable) to the ZAHO for review at the first six-month review. The applicant must use off-duty Arizona Peace Officer Standards and Training (AZ POST) certified personnel on the property on a daily basis, to establish a “law enforcement presence” visible to persons living and loitering in the area around the campus.

3. An “authority to arrest” agreement shall be signed and

delivered to the Phoenix Police Department to permit apprehensions of unauthorized persons loitering on Applicant's campus.

4. Video cameras will be mounted atop the wall on the 35<sup>th</sup> Avenue-frontage of the property and will be continually activated to capture images of activities along 35<sup>th</sup> Avenue. The applicant will enroll in the Virtual BlockWatch Program with the Phoenix Police Department.
5. There will be no feeding, hydrating or counseling, whether by the Applicant's employees or by those clients enrolled in a treatment program, administered to persons present on 35<sup>th</sup> Avenue outside the walls of Applicant's property. Applicant affirmatively shall discourage settlement of homeless persons along 35<sup>th</sup> Avenue by communicating to those persons consistently that Applicant makes no services or goods available to the homeless community until (if ever) they become admitted into a PRM treatment program.
6. The applicant shall post at least two signs along 35<sup>th</sup> Avenue directing pedestrian traffic leaving the site to the nearest crosswalk to minimize jaywalking across 35<sup>th</sup> Avenue (from the east side of 35<sup>th</sup> Avenue along the campus frontage). Documentation of the signage placement shall be provided to the ZAHO for review at the time of the first six-month review.
7. There shall be a cap of 250 recovery program residents and no emergency shelter beds available for client use until Applicant has demonstrated full compliance with Stipulations 1-6 above. If and when compliance with these stipulation is demonstrated, there shall be an application to amend this stipulation #7 and a public hearing conducted to seek to modify this stipulation.
8. There shall be hearing officer reviews of progress toward, and continuing compliance with, stipulations 2-7 every six months beginning on the half-year anniversary of the date this use permit's approval becomes final (its appeal decided, if applicable) until the applicant's four-story building (Building "B") has been occupied for a minimum period of 18 months.

**Denied**

11. Application #: ZA-291-17-6  
Existing Zoning: R1-6  
Location: 2540 East Roma Avenue  
Quarter Section: 17-33(H9)  
Proposal: Variance to increase height of perimeter fence to 8 feet in side and rear yards.

- |                              |     |                      |   |
|------------------------------|-----|----------------------|---|
|                              |     | Ordinance            | Maximum 6 feet allowed.<br>703.A.2.c  |
|                              |     | Sections:            |   |
|                              |     | Applicant:           | Antoni Penev  |
|                              |     | Representative:      | Kirby Mayberry  |
|                              |     | Owner:               | Antoni Penev  |
| <b>Approved<br/>w/ stip</b>  | 12. | Application #:       | ZA-292-17-3   |
|                              |     | Existing Zoning:     | R-3A SP   |
|                              |     | Location:            | 13620 North 7th Street  |
|                              |     | Quarter Section:     | 32-28(L8)   |
|                              |     | Proposal:            | Variance to allow 37 percent lot coverage.<br>Maximum of 25 percent lot coverage<br>permitted.  |
|                              |     | Ordinance            | 647.A.2.p   |
|                              |     | Sections:            |   |
|                              |     | Applicant:           | Ed Smith, EJS & Associates Consulting   |
|                              |     | Representative:      | Phil Combs, Philip Graham Combs Architects  |
|                              |     | Owner:               | SKR Holdings, SKR Holdings, LLC   |
|                              |     | <b>Stipulation:</b>  |   |
|                              |     |                      | 1) 18 months to apply and pay for building permits.   |
| <b>Approved<br/>w/ stips</b> | 13. | Application #:       | ZA-295-17-8   |
|                              |     | Existing Zoning:     | C1- and C-2   |
|                              |     | Location:            | 320 North 48th Street   |
|                              |     | Quarter Section:     | 11-38(F11)  |
|                              |     | Proposal:            | Use permit to allow the sales of package<br>liquor sales as an accessory use to a<br>convenience market within 300 feet of<br>residential zoning. Use permit required.                                |
|                              |     | Ordinance            | 622.D.97.a  |
|                              |     | Sections:            |   |
|                              |     | Applicant:           | Jennifer and Charles Davenport, House of<br>Blunts, LLC   |
|                              |     | Representative:      | Jennifer and Charles Davenport, House of<br>Blunts, LLC   |
|                              |     | Owner:               | John M Yee  |
|                              |     | <b>Stipulations:</b> |   |
|                              |     |                      | 1) Front windows are to be cleaned and removed of advertisements<br>and banners that obstruct the owners or employees view of<br>trespassers, loiterers and other criminal actions outside the store. |
|                              |     |                      | 2) Owners keep the property sufficiently illuminated and secured to<br>discourage illegal activity from occurring on the property.  |
|                              |     |                      | 3) Owners maintain video surveillance to monitor activities in and<br>around the store to discourage alcohol violations.  |
|                              |     |                      | 4) Owners will maintain a current authority to arrest form with the   |

Phoenix Police Department with “No Trespassing” signs posted per Phoenix City Code on the exterior of the building in both Spanish and English.

**ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER  
PLANNER: EDWARD KEYSER, 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](mailto:zoning@phoenix.gov). This electronic mail address will not accommodate zoning enforcement/violation complaints.