

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
***REVISED April 13, 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 **April 6, 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**
- Approved w/ stips** 1. Application #: ZA-539-15-4 (6-mth review) (Continued from 1/5/17)
- Existing Zoning: C-1 CNSPD
- Location: 2229 North 7th Street
- Quarter Section: 13-29(G8)
- Proposal: **1)** Use permit to allow a pet care facility. Use permit required. **2)** Variance to allow an outdoor animal exercise area within 5 feet of a residential district. Minimum 100 feet required. **3)** Variance to allow a pet care facility within 5 feet of a residential district. Minimum 100 feet required.
- Ordinance Sections: 622.D.127.a 622.D.127.d 622.D.127.d
- Applicant: Jamie Harper, Rockstar Rescue
- Representative: Jamie Harper, Rockstar Rescue
- Owner: La Russa, Family Foundation
- Previous stipulations remain in place:**
- 1)** 6-month review. **2)** No more than one dog outside at any one time. **3)** No more than 7 dogs on site at any one time.
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- Approved w/ stips** 2. Application #: ZA-55-16-3 (Remanded from BOA)
- Existing Zoning: S-1
- Location: 810 East Friess Drive
- Quarter Section: 33-29(L8)
- Proposal: Variance to allow an accessory building within 50 feet of a side or rear property line. Minimum 50 feet setback required.
- Ordinance Sections: 603.B.3
- Applicant: Neal Goodrich
- Representative: Neal Goodrich
- Owner: Neal Goodrich
- Stipulations:**

1) One year to apply and pay for building permits. **2)** No exterior lighting after 9:00 p.m. **3)** Irrigation to be installed to maintain Sissoo trees.

**Denied
as filed,
approved
w/ stips**

3. Application #: ZA-97-17-6
Existing Zoning: R1-14 ACSPD
Location: 5430 East Calle Redonda
Quarter Section: 16-40(H11)
Proposal: Variance to allow a 33 percent lot coverage. Maximum of 30 percent lot coverage permitted.

Ordinance Sections: 607.B.5
Applicant: Jason & Nicole Lenderman
Representative: Jason & Nicole Lenderman
Owner: Jason & Nicole Lenderman
Stipulations:
1) Approved for 32%. **2)** 90 days to apply and pay for building permits.

**Approved
w/ stips**

4. Application #: ZA-98-17-5
Existing Zoning: C-2
Location: 3802 North 53rd Avenue
Quarter Section: 16-16(H5)
Proposal: Variance to allow an over height fence (6 feet high) in the required street side (east) setback. Maximum 40 inches allowed.

Ordinance Sections: 703.A.3.a
Applicant: Elias Hanna, Ninos Realty, LLC
Representative: David II Kenyon, Kenyon Architectural Studio
Owner: Elias Hanna, Stadium Corp Center
Stipulations:
1) 90 days to apply and pay for building permits. **2)** Color of new fence must match current colors of perimeter fence.

**Approved
w/ stips**

5. Application #: ZA-99-17-3
Existing Zoning: approved C-2
Location: 20039 North 19th Avenue
Quarter Section: 40-25(N7)
Proposal: Use permit to allow a drive-through as an accessory to a restaurant (Burger King) within 300 feet of residential zoning. Use permit required.

Ordinance Sections: 623.D.156.d.(2)
Applicant: Brad Flahiff, Barnett Management Company
Representative: Brad Flahiff, Barnett Management Company
Owner: Joe Jackson, Hanover Jacor Deer Valley

Stipulations:

1) A “RIGHT TURN ONLY” sign to be installed at the exit of the drive- through lane, as approved by Zoning Adjustment Hearing Officer.**2)** 120 days to apply and pay for building permits. **3)** One-year review after Certificate of Occupancy has been issued.

**Approved
w/ stip**

6. Application #: ZA-100-17-8
Existing Zoning: C-2
Location: 1919 West Baseline Road
Quarter Section: 01-24(D7)
Proposal: **1)** Use permit to allow outdoor dining accessory to a restaurant (Dunkin Donuts) within 500 feet of a residential zoning district. Use permit required. **2)** Use permit to allow a drive-through facility accessory to a restaurant (Dunkin Donuts) 300 feet from a residential zoning district. Use permit required.

Ordinance Sections: 623.D.156.c 623.D.156.d.(2)
Applicant: Chris Cooper a.d Arizado
Representative: Chris Cooper a.d Arizado
Owner: Tirill Woodring, 1919 Baseline LLC
Stipulation:
1) One-year to apply and pay for building permits.

**Approved
w/ stip**

7. Application #: ZA-101-17-6
Existing Zoning: R1-10
Location: 3314 North Valencia Lane
Quarter Section: 15-41(G11)
Proposal: Variance to reduce the side yard setback (north) to 3 feet. Minimum 10 feet required.

Ordinance Sections: 611.B.TableB
Applicant: Mary Ellen Blinn
Representative: Brain Andrews, Bricon Studio, LLC
Owner: Mary Ellen Blinn
Stipulation:
1) 6 months to apply and pay for building permits.

**Approved
w/ stips**

8. Application #: ZA-103-17-7
Existing Zoning: Approved A-1
Location: Approximately 775 feet east of the SEC of West Lincoln Street and 35th Avenue
Quarter Section: 9-21(F6)
Proposal: Variance to reduce landscaping along an arterial or collector street to 5 feet. Minimum

25 feet required.
Ordinance Sections: 701.D.3.a
Applicant: Joe X Rosell
Representative: Joe Young, Young Design Group
Owner: Joe X Rosell

Stipulations:

1) 120 days to apply and pay for building permits. **2)** Irrigation to be installed to maintain landscaping.

**Approved
w/ stips**

- 1:30 PM**
9. Application #: ZA-106-17-7 (Sign)
Existing Zoning: C-1
Location: 6305 West McDowell Road
Quarter Section: 12-13(G4)
Proposal: Use Permit for an electronic message display as part of a ground sign. Use Permit required.
- Ordinance Sections: 705.C.13
Applicant: Matt Rayes, George Signs, LLC
Representative: Matt Rayes, George Signs, LLC
Owner: Nasir Sulaiman, NS Land Development, Inc.

Stipulations:

1) Sign to be extinguished at 10:00 p.m. **2)** All electronic copy must be related to on site users. **3)** 120 days to apply and pay for sign permits.

**Approved
w/ stip**

10. Application #: ZA-107-17-4 (Sign)
Existing Zoning: C-2 HR,C-2 HR SP,R-5,P-2,C-1
Location: 350 West Thomas Road
Quarter Section: 15-27(G8)
Proposal: Use Permit for a major amendment to the St. Joseph's Hospital and Medical Center Comprehensive Sign Plan. Use Permit required.
- Ordinance Sections: 705.E.2
Applicant: Sarah M Spradlin, SmithCraft
Representative: Sarah M Spradlin, SmithCraft
Owner: Nick Tedesco, Catholic Healthcare West

Stipulation:

1) 120 days to apply and pay for sign permits.

**#1, 2 & 3
Approved
w/ stips
#4 Denied
as filed,**

11. Application #: ZA-109-17-2 (Sign)
Existing Zoning: S-1,R1-10,R1-8,R1-6 & R-2 PCD
Location: Northwest corner of Black Mountain Boulevard & Deer Valley Road
Quarter Section: 43-34(O10)

approved
for 71
square feet

43-34(N10)
44-34(O10)
Proposal: **1)** Use Permit to establish the Sky Crossing Comprehensive Sign Plan. Use Permit required. **2)** Use Permit to allow an illuminated sign within 60 feet of a single-family residential use or undeveloped property with a single-family residential zoning classification. Use Permit required. **3)** Use Permit to allow a common sign structure for multiple subdivisions on an off-site subdivision directional sign. Use Permit required. **4)** Variance to increase the area of a subdivision ground sign to 101 square feet. Maximum 20 square feet allowed through a Comprehensive Sign Plan.
Ordinance Sections: 705.E 705.C.6.d 705.D.9.d 705. D
Applicant: Colin Phipps, Cave Buttes Development Partners, LLC
Representative: Jeremiah Scheffer, Thinking Caps Design
Owner: Colin Phipps, Cave Buttes Development Partners, LLC

Stipulations:

1) Two years to apply and pay for sign permits. **2)** Maximum area of sign type A1 not to exceed 71 square feet. **3)** Maximum area of sign type A2, A3 and A4 not to exceed exhibit on page 2.03 of submittal.

* #1, #3, #4
APPROVED
/ STIPS

#2, #5
DENIED

12. Application #: ZA-102-17-8
Existing Zoning: MUA, BAPOD
Location: 7665 South 32nd Street
Quarter Section: 01-35(D10)
Proposal: **1)** Use permit request to allow a drive-through facility accessory to a restaurant (PAD B). Use permit required. **2)** Use permit request to allow a drive-through facility accessory to a restaurant (Shops A). Use permit required. **3)** Use permit request to allow outdoor dining accessory to a restaurant (between PAD A and Shops A). Use permit required. **4)** Use permit request to allow outdoor dining accessory to a restaurant (PAD B). Use permit required. **5)** Use permit request to allow outdoor dining accessory to a restaurant (Shops A). Use

permit required.
 Ordinance Sections: 649.D.9.e. 649.D.9.e. 649.D.9.d.
 649.D.9.d. 649.D.9.d.
 Applicant: Ron Harris, LVA Urban Design Studio, LLC
 Representative: Craig Esslinger, Wadsworth Development
 Group
 Owner: SBX Spokeane Green, LLC

**Taken out from under advisement on April 13, 2017 and
 decided as follows:**

#1, #3, #4 – Approved with the following stipulations

#2, #5 – Denied

Stipulations:

- 1) **The applicant shall move the dumpsters shown on the site plan presented with the application to locations substantially farther away from the residential subdivision to the south, to locations approved by the hearing officer; and**
- 2) **The applicant shall have 12 months to pay and apply for its building permits.**

**Approved
 w/ stip**

13. Application #: ZA-104-17-5
 Existing Zoning: RE-35
 Location: 5656 North 105th Lane
 Quarter Section: 20-3(I2)
 Proposal: Use permit to allow a detached accessory structure higher than 15 feet within the rear yard setback. Use permit required.

 Ordinance Sections: 706.G.
 Applicant: Michael L & Melanie Bounds
 Representative: Michael L & Melanie Bounds
 Owner: Michael L & Melanie Bounds
Stipulation:
 1) 120 days to apply and pay for building permits.

**Withdrawn
 from this
 agenda to
 modify and
 reschedule**

14. Application #: ZA-105-17-8
 Existing Zoning: R-3, C-3
 Location: 1121 East Apache Street
 Quarter Section: 8-29(F8)
 Proposal: Use Permit to allow a use permitted in a less restricted district into the more restrictive district to a maximum of 25 feet. Use Permit required.

 Ordinance Sections: 307.A.8
 Applicant: Avi Sadole, 3D Printing Co.
 Representative: Avi Sadole, 3D Printing Co.
 Owner: Miriam Benjamin, 3D Printing Co

Approved w/ stips 15. Application #: ZA-108-17-1
Existing Zoning: C-2, CP/BP
Location: 1920 West Alameda Road
Quarter Section: 46-24(O7)
Proposal: Use Permit to allow access for no more than 25 feet from a less restrictive zoning district to a more restrictive zoning district. Use Permit required.

Ordinance Sections: 307.A.8
Applicant: Andrew Armstrong, Beus Gilbert, PLLC
Representative: Paul Gilbert, Beus Gilbert, PLLC
Owner: Ric Fisher, Alameda & 19th, LLC
Stipulations:
1) Two years to apply and pay for building permits. **2)** General conformance to site plan signed and dated by Zoning Hearing Officer.

Approved w/ stip 16. Application #: ZA-111-17-6
Existing Zoning: R1-10
Location: 6040 East Rose Circle Drive
Quarter Section: 15-42(G12)
Proposal: **1)** Variance to reduce front setback (south) to 9 feet. 25 feet required. **2)** Variance to reduce side (east) setback to 0 feet. Minimum 10 feet required. **3)** Variance to reduce rear (west) setback to 4 feet. Minimum 25 feet required. **4)** Variance to allow a 48-inch fence within the front (south) setback. Maximum 40 inches allowed.

Ordinance Sections: 611.B Table B 611.B Table B 611.B Table B 703.A.2.a
Applicant: Lindsay Schube, Gammage & Burnham, PLC
Representative: Lindsay Schube, Gammage & Burnham, PLC
Owner: Jeffery and Emma Spight
Stipulation:
1) 180 days to apply and pay for building permits.

**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.

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

This publication can be made available in alternate format upon request. Contact Tamra Ingersoll at (602) 534-6648, TTY: use 7-1-1.