

**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 **January 16, 2020, at 9:00 a.m. Located in Conference Room 10E, Phoenix City Hall, 200 West Washington Street, 10th Floor, Phoenix, Arizona.**

**Notes:**

1. Agenda items may be taken out of order.
2. Anyone wishing to address an agenda item must complete a speaker card.
3. Comments may be limited due to time constraints and to ensure all viewpoints are heard.

The results of the meeting were as follows:

<b>RESULTS</b>	<b>9:00 AM</b>	
<b>Approved w/stip</b>	1.	Application #: ZA-621-19-2 (SIGN) Existing Zoning: R1-10 and R-2 Location: 17150 North 52nd Street Quarter Section: 37-39(M11) Proposal: Variance to increase to increase the sign area on a ground sign to 60 square feet. Maximum 16 square feet permitted.  Ordinance Sections: 705.D. Table D-1 Applicant: Patrick Brown, DR Horton Representative: Thomas Durant, Anderson Baron Owner: Patrick Brown, DR Horton <b>Stipulation:</b> 1) 6 months to apply and pay for building permits.
<b>Denied</b>	2.	Application #: ZA-607-19-4 Existing Zoning: C-1 Location: 392 and 396 East Palm Lane Quarter Section: 13-28(G8) Proposal: <b>1)</b> Use permit to allow outdoor dining as an accessory to a restaurant. Use permit required. <b>2)</b> Use permit to allow a queuing lane for a drive-through facility less than 300 feet from a residential zoning district line. Use permit required.  Ordinance Sections: 622.D.150.d 622.D.150.e.(2) Applicant: George Pasquell III, Withey Morris, PLC Representative: George Pasquell III, Withey Morris, PLC Owner: Ali Fakih, 2000 North 7th, LLC
<b>Denied</b>	3.	Application #: ZA-608-19-6 Existing Zoning: R1-6 Location: 1702 East Rancho Drive Quarter Section: 20-31(I9) Proposal: <b>1)</b> Variance to allow a detached accessory structure (pergola) within the required front yard (south) setback. Detached accessory structures not

		permitted within the required front yard setback.
		<b>2)</b> Variance to allow required parking spaces within the required front yard setback (south). Required parking not permitted within the front yard setback.
	Ordinance Sections:	706.A. 702.F.1.a.
	Applicant:	Camille Monroe-Nelson
	Representative:	Rey Palmer Nelson III, Camille Monroe-Nelson
	Owner:	Rey Palmer Nelson III
<b>Approved</b>	4.	Application #: ZA-613-19-6
		Existing Zoning: RE-35
		Location: 4971 East Palomino Road
		Quarter Section: 18-39(H11)
		Proposal: <b>1)</b> Use permit to allow an over height tennis court fence (10 feet) in the required rear yard (south) setback. Use permit required. <b>2)</b> Use permit to allow an over height tennis court fence (10 feet) in the required side yard (east) setback. Use permit required. <b>3)</b> Use permit to allow tennis court lights. Use permit required.
	Ordinance Sections:	608.G.5 608.G.5 608.G.5
	Applicant:	Ken Brown Jr., Ken Brown Designs, LLC
	Representative:	Ken Brown Jr., Ken Brown Designs, LLC
	Owner:	William W. Horsley
<b>Denied</b>	5.	Application #: ZA-617-19-2
		Existing Zoning: R-2, R1-10
		Location: 17150 North 52nd Street
		Quarter Section: 37-39(M11)
		Proposal: <b>1)</b> Use permit to allow an ornamental entry to be up to 29 feet in height. Use permit required to exceed 40 inches. <b>2)</b> Variance to allow an over height wall (9 feet) in a residential subdivision. Maximum 6 feet permitted.
	Ordinance Sections:	703.A.2.b. 703.A.2.c.
	Applicant:	Dan Bonow / Patrick Brown, DR Horton
	Representative:	Thomas Durant, Anderson Baron
	Owner:	Dan Bonow / Patrick Brown, DR Horton
<b>Approved w/stips</b>	6.	Application #: ZA-619-19-4
		Existing Zoning: R1-6
		Location: 2302 West Osborn
		Quarter Section: 16-23(H7)
		Proposal: Variance to reduce the required rear yard setback (west) to 10 feet. Minimum 25 feet required.
	Ordinance Sections:	613.B. Table B.
	Applicant:	Reza Farrokh, Farco, PLLC, Design-Builders
	Representative:	Reza Farrokh, Farco, PLLC, Design-Builders
	Owner:	Alicia Sanchez
	<b>Stipulations:</b>	
		1) 6 months to apply and pay for building permits.
		2) Per site plan date stamped December 12, 2019.

**Approved  
w/stips**

7. Application #: ZA-616-19-7  
Existing Zoning: A-1  
Location: 5436 West Latham Street  
Quarter Section: 12-16(G5)  
Proposal: **1)** Use Permit to allow a medical marijuana cultivation facility in the A-1 zoning district. Use permit required. **2)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of an existing medical marijuana facility. Minimum 5,280 feet separation required. **3)** Variance to allow a medical marijuana cultivation facility within 1,000 feet of a residentially zoned property. Minimum 1,000 feet separation required.
- Ordinance Sections: 627.D.91.a 627.D.91.c 627.D.91.d  
Applicant: 5436 West Latham Street, LLC  
Representative: Benjamin Tate, Withey Morris, PLC  
Owner: 5436 West Latham Street, LLC

**Stipulations:**

- 1) The Use Permit shall be reviewed within 365 days of the issuance of the dispensary certificate for a medical marijuana use or approval to operate the cultivation and/or infusion from the Arizona Department of Health Services.
- 2) The applicant has 2 years to apply and pay for building permits.
- 3) Obtain a certificate for medical marijuana use from the Arizona Department of Health Services or approval to operate. If no certificate or approval to operate is granted within 2 years of the approval of this Variance/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) Applicant shall install and maintain per manufacturer's specifications an odor control system prior to the commencement of operations. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.
- 7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.

**Approved  
w/stips**

8. Application #: ZA-561-19-7 (SIGN) (Continued from December 12, 2019)  
Existing Zoning: A-1  
Location: 2439 West McDowell Road  
Quarter Section: 12-23(G7)  
Proposal: Use Permit to allow an electronic message board. Use permit required.
- Ordinance Sections: 705.C.13  
Applicant: Jason Gilbert, Associated Signs

Representative: Jason Gilbert, Associated Signs

Owner: Susan Mobley, AMMA, LLC

**Stipulations:**

- 1) The sign shall be dimmed between midnight to sun up.
- 2) 6 month review.

**1:30 PM**

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

9. Application #: ZA-609-19-7 (SIGN)  
Existing Zoning: DTC-Warehouse HP  
Location: 27 West Madison Street  
Quarter Section: 10-27(F8)  
Proposal: **1)** Variance to allow 70 square feet of signage where the maximum allowed is 47 square feet. **2)** Variance to allow tenant signage to be installed not over the leased space. Variance required.

Ordinance Sections: 1222.B.7.a.(3).(A) 1222.B.7.a, 705.D.3.b

Applicant: Anthony Chumita, Christy Signs

Representative: Anthony Chumita, Christy Signs

Owner: Rajan Hansji, Hansji Corporation

**Stipulation:**

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

**Denied**

10. Application #: ZA-611-19-4 (SIGN)  
Existing Zoning: C-2 SP  
Location: 2601 West Camelback Road  
Quarter Section: 18-23(H7)  
Proposal: Use Permit to rebuild a nonconforming off-premise sign to digital. Use permit required.

Ordinance Sections: 705.2.G.4

Applicant: Eleven/Twenty-Four Trust

Representative: William Lally, Tiffany & Bosco, PA

Owner: Eleven/Twenty-Four Trust

**Continued**

11. Application #: ZA-610-19-8  
Existing Zoning: PUD  
Location: 4040 East McDowell Road  
Quarter Section: 13-37(G10)  
Proposal: Variance to allow a disguised wireless communication facility 85 feet in height. Maximum 65 feet permitted.

Ordinance Sections: 715.B.2.a.(1)

Applicant: Mikhaill Allayev, Real Estate & More, LLC

Representative: Robert Klob, RKD INC

Owner: Mikhaill Allayev, Real Estate & More, LLC

**Continued to March 12, 2020 at 1:30 PM.**

**#1  
Denied  
as  
Filed  
#2  
Approved  
w/stips**

12. Application #: ZA-612-19-6  
Existing Zoning: R1-6  
Location: 4302 East Devonshire Avenue  
Quarter Section: 17-37(H10)  
Proposal: **1)** Variance to allow 45 percent lot coverage. Maximum 40 percent lot coverage permitted. **2)** Variance to reduce the rear yard

setback (east) to 5 feet. Minimum 25 feet required.  
Ordinance Sections: 613.B.Table B 613.B.Table B  
Applicant: Louie Rocha, Interior Innovations, LLC  
Representative: Louie Rocha, Interior Innovations, LLC  
Owner: Jeremy & Megan Livengood

**Stipulations:**

- 1) Maximum 43 percent lot coverage allowed.
- 2) 6 months to apply and pay for building permits.

**Approved  
w/stip**

13. Application #: ZA-615-19-6  
Existing Zoning: R1-6  
Location: 4238 East Whitton Avenue  
Quarter Section: 16-37(H10)  
Proposal: **1)** Variance to reduce the required side yard setback (east) to 4 feet. Minimum 10 feet required. **2)** Variance to allow a 42% lot coverage. Maximum 40% lot coverage permitted.  
Ordinance Sections: 613.B.Table B 613.B.Table B  
Applicant: Michael Gilson, Accurate Estimating Services  
Representative: Michael Gilson, Accurate Estimating Services  
Owner: Nicholas and Casey Hensley

**Stipulation:**

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

**Approved  
w/stip**

14. Application #: ZA-618-19-6  
Existing Zoning: R1-6  
Location: 4740 East Windsor Avenue  
Quarter Section: 14-38(G11)  
Proposal: Variance to reduce the required side yard setback (east) to 3 feet. Minimum 10 feet required.  
Ordinance Sections: 613.B.Table B.  
Applicant: Tim Rasnake, Archicon, AAI, LC  
Representative: Jere Planck, Archicon, AAI, LC  
Owner: Jere W. & Mary Christine Planck Family R

**Stipulation:**

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

**Approved  
w/stips**

15. Application #: ZA-21-16-8 (1-year review of use permit)  
Existing Zoning: A-2 RSIOD ANIZO  
Location: 2340 East University Drive  
Quarter Section: 7-32(E9)  
Proposal: **1)** Use Permit to allow a medical marijuana cultivation facility. Use Permit required. **2)** Use Permit to allow a medical marijuana infusion facility. Use Permit required. **3)** Variance to allow a medical marijuana cultivation facility within 5,280' of another medical marijuana facility. Minimum 5,280' separation required. **4)** Variance to allow a medical marijuana infusion facility within 5,280' of another medical marijuana facility. Minimum 5,280' separation required.  
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b  
Applicant: Patrick Kimbrough

Representative: Adam Baugh, Withey Morris, PLC  
Owner: Verdes Family Investment Partnership, LP

**Stipulations:**

- 1) The Use Permit shall be reviewed within 365 days of the issuance of the dispensary certificate for a medical marijuana use or approval to operate the cultivation and/or infusion 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 or approval to operate. If no certificate or approval to operate is granted within 1 year of the approval of this Variance/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) Applicant shall install and maintain per manufacturer's specifications an odor control system prior to the commencement of operations. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.
- 7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.

**ZONING ADJUSTMENT HEARING OFFICER: BETTY DRAKE**  
**PLANNER: JAZMINE BRASWELL, PLANNER II**

For further information, please call Eric Morales, Planner II, Planning and Development Department at 602-262-7927, or contact via electronic mail at [zoning@phoenix.gov](mailto: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. To request a reasonable accommodation, please contact Tamra Ingersoll at the Planning and Development Department at 602.534-6648, TTY: Use 7-1-1.

January 17, 2020