

**RESULTS OF PUBLIC MEETING  
BOARD OF ADJUSTMENT**

Pursuant to A.R.S. Section 38-431.02, notice was hereby given to the members of the **BOARD OF ADJUSTMENT** and to the general public, that the **BOARD OF ADJUSTMENT** held a meeting open to public on **Thursday, January 7, 2021 at 12:00 p.m.**

*Per the most recent guidelines from the federal government, the Board of Adjustment was held virtually, via a video conferencing platform.*

The results of the meeting were as follows:

**RESULTS**

**Approved**      **A. Approval of Minutes  
Approval of December 3, 2020 Minutes  
(James/Eigo - Vote of 4-0) (Knight abstained).**

**Approved**      **B. Approval of January 7, 2021 Agenda  
(Ammon/James - Vote of 5-0).**

**C. Requests for Continuance and/or Withdrawal**

**D. Items for Consideration**

**Upheld  
ZAHO with  
stipulations**

1.    Application #:                    **ZA-323-20-8 (Continued from  
December 3, 2020)**  
  
      Existing Zoning:                R-5 RI HP ACOD  
      Location:                        742 East McKinley Street  
      Quarter Section:                11-29(F8)  
      Proposal:                        **1) Variance to reduce the rear yard  
(north) setback to 10 feet. Minimum 15  
feet required.  
2) Variance to reduce the landscape  
setback (west) to 3 feet. Minimum 5 feet  
required.**  
  
      Ordinance Sections:            618.B.TableB, 703.B.3.b.(3)  
      Applicant:                        Brett and Cory Bonime  
      Representative:                 William Erwin, Erwin A&D  
      Owner:                             Brett and Cory Bonime  
      Appellant:                        Dana Burnett

***Upheld the Zoning Adjustment Hearing Officer's decision and approved the variances with stipulations.***

**Stipulations:**

- 1) **1 year to apply and pay for building permits.**
- 2) **Setback reductions shall be in general conformance to the site plan dated July 6, 2020.**

**(Eigo/Knight – Vote of 5-0).**

**Upheld  
ZAHO with  
modified  
stipulations**

2. Application #: **ZA-605-20-2**  
Existing Zoning: RE-24  
Location: 6621 East Corrine Drive  
Quarter Section: 31-43-24  
Proposal: Variance to reduce the required side yard setback (west) to 2 feet. Minimum 10 feet required.  
  
Ordinance Sections: 606.B.3.b  
Applicant: Paul Almond, Almond ADG Architects  
Representative: Paul Almond, Almond ADG Architects  
Owner: James Piotrowski  
Appellant: Paul Almond, Almond ADG Architects

***Upheld the Zoning Adjustment Hearing Officer's decision and approved the variance with modified stipulations.***

**Stipulations:**

- ~~1) **Garage structure must be detached from main home as originally proposed to be detached accessory structure.**~~
- 1) **1 year to apply and pay for building permits.**
  - 2) **Setback reduction shall only apply to the garage structure encroachment as shown on the plan dated September 29, 2020.**

**(Ammon/James – Vote of 5-0).**

**Overtured  
ZAHO**

3. Application #: **ZA-548-20-3**  
  
Existing Zoning: R1-18  
Location: 5448 East Cholla Street  
Quarter Section: 30-40(K11)  
Proposal: **1) Variance to increase the lot coverage to 29 percent for primary structure not including attached shade structures. Maximum 25 percent allowed.**  
**2) Variance to increase the lot coverage to 33 percent for primary structure**

including attached shade structures.  
Maximum 30 percent allowed.  
Ordinance Sections: 610.B.Table, 610.B.Table  
Applicant: Jason Comer  
Representative: Jason Comer  
Owner: David and Christina Wagner Family  
Trust  
Appellant: Jason Comer

***Overtured the Zoning Adjustment Hearing Officer's decision and approved the variances with stipulations.***

**Stipulations:**

- 1) 1 year to apply and pay for building permits.
- 2) Per the site plan dated October 2, 2020.

***(Eigo/James – Vote of 5-0).***

**Continued**

4. Application #: **ZA-510-20-6**  
Existing Zoning: R1-6  
Location: 751 East Myrtle Avenue  
Quarter Section: 23-29(18)  
Proposal: **1) Variance to reduce the side yard (east) setback to 0 feet for a detached accessory structure. Minimum 3 feet required.**  
**2) Variance to reduce the rear yard (south) setback to 0 feet for a detached accessory structure. Minimum 3 feet required.**  
Ordinance Sections: 706.B, 706.B  
Applicant: Alana Wingfield  
Representative: Alana Wingfield  
Owner: Alana Wingfield  
Appellant: Carolyn Oberholtzer

***Continued to March 4, 2021.***

***(James/Eigo – Vote of 3-2) (Knight, Cole).***

**Overtured  
ZAH0**

5. Application #: **ZA-324-20-6 (Continued from December 3, 2020)**  
Existing Zoning: C-2  
Location: 4456 East Thomas Road  
Quarter Section: 15-38(G11)

Proposal: 1) Use permit to allow a medical marijuana dispensary facility. Use permit required.  
2) Variance to allow a medical marijuana dispensary facility within 30 feet of a residential zoning district. Minimum 500 feet of separation required.

Ordinance Sections: 623.D.124.a, 623.D.124.f  
Applicant: Carsten Loelke, Natural Relief Clinic, Inc.  
Representative: Heather Dukes, Snell & Wilmer, LLP  
Owner: Cole MF Phoenix AZ, LLC  
Appellant: Heather Dukes, Snell & Wilmer, LLP

***Overtured the Zoning Adjustment Hearing Officer's decision and approved the use permit and variance with stipulations.***

**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 within 1 year of today's hearing. 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.***

***(Cole/Ammon – Vote of 3-2) (Knight, Eigo).***

**Continued**

6. Application #: **ZA-526-19-Y (Continued from November 5, 2020)**  
Existing Zoning: GC  
Location: Citywide  
Quarter Section: 20-33(19)  
Proposal: Determination: What is the breadth of uses permitted within the Golf Course District?  
Ordinance Sections: 641  
Applicant: Jason Morris, Withey Morris PLC  
Representative: Jason Morris, Withey Morris PLC  
Owner: Jason Morris, Withey Morris PLC  
Appellant: Nick Wood, Snell & Wilmer, LLP

***Continued to March 18, 2021 at 1:00 p.m.***

***(Eigo/James – Vote of 4-1) (Knight).***

**Continued**

7. Application #: **ZA-547-19-Y (Continued from November 5, 2020)**  
Existing Zoning: GC  
Location: Citywide  
Proposal: **1) Determination: Does a "Golf Course" land use zoning district ("GC Zoning District") include of all the uses, structures and improvements, including, without limitation, all accessory and analogous uses, that were in existence and implemented by golf courses in Phoenix (as well as throughout the Phoenix Metropolitan area) prior to the creation of the GC Zoning District?**  
**2) Determination: Does the GC Zoning District include all of the uses, structures and improvements, including, without limitation, all accessory and analogous uses, that are currently in existence and implemented by golf courses in Phoenix (as well as throughout the Phoenix Metropolitan area)?**  
Ordinance Sections: 641, 641  
Applicant: Nick Wood, Snell & Wilmer, LLP

Representative: Nick Wood, Snell & Wilmer, LLP  
Owner: Nick Wood, Snell & Wilmer, LLP  
Appellant: Nick Wood, Snell & Wilmer, LLP

***Continued to March 18, 2021 at 1:0 p.m.***

***(Eigo/James – Vote of 4-1) (Knight).***

**E. Other Business**

- Updated** 8. Update on next Board of Adjustment agenda.
- Updated** 9. Update on pending appeals of the Board of Adjustment.
- No Action** 10. Q & A: Procedure and Process - Board of Adjustment case law.
- No Action** 11. The Board may vote to go into Executive Session pursuant to A.R.S Section 38-431.03.A.3. for the purpose of receiving legal advice regarding any of the above Items A-E.

**Adjourned F. Adjournment**

For further information, please call Julie Garcia in the Planning and Development Department at 602-495-7029 or contact us via electronic mail at [pdd.boardofadjust@phoenix.gov](mailto:pdd.boardofadjust@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 602-534-6648, TTY: Use 7-1-1.

January 7, 2021