

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised February 16, 2021*

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 14, 2021, at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-16)**.

Per the most recent guidelines from the federal government, the Zoning Adjustment Hearing Officer meeting was held electronically, via a video conferencing platform.

The results of the meeting were as follows:

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|------------------------------------|----------------|---|
| RESULTS
Continued | 9:00 AM | |
| | 1. | Application #: ZA-195-14-7 (1-year review of use permit)
Continued from November 24, 2020) |
| | | Existing Zoning: A-1 |
| | | Location: 3333 South Central Avenue |
| | | Quarter Section: 6-28(E8) |
| | | Proposal: 1) Use permit to allow a medical marijuana cultivation facility in A-1 zoning district. Use permit is required. 2) Use permit to allow a medical marijuana infusion facility in A-1 zoning district. Use permit is required. 3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. 4) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. |
| | | Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b |
| | | Applicant: Fred Kaufman, AAA Medical Marijuana |
| | | Representative: Adam Baugh, Withey Morris, PLC |
| | | Owner: Charles Delaney, Arizona Boat |
| | | Continued to February 25, 2021 at 1:30 PM. |
| Continued | 2. | Application #: ZA-567-15-7 (1-year review of use permit)
Continued from November 24, 2020) |
| | | Existing Zoning: A-1 RSIOD |
| | | Location: 3333 South Central Avenue, 14 and 18 East Victory Street |
| | | Quarter Section: 6-28(E8) |
| | | Proposal: 1) Use permit to allow a medical marijuana dispensary facility. Use permit required. 2) Variance to allow a medical marijuana dispensary within 5,280 feet of another medical marijuana facility. Minimum of 5,280 feet separation required. |
| | | Ordinance Sections: 627.D.92.a 627.D.92.d |
| | | Applicant: 3333 South Central, LLC |
| | | Representative: Adam Baugh, Withey Morris, PLC |
| | | Owner: 3333 South Central, LLC |
| | | Continued to February 25, 2021 at 1:30 PM. |

- Continued** 3. Application #: ZA-701-20-1
Existing Zoning: R1-6
Location: 3627 West El Camino Drive
Quarter Section: 25-20(J6)
Proposal: Variance to allow an open projection (porch) to project 9 feet into the front setback. Maximum 5 foot projection permitted.
Ordinance Sections: 701.A.3.a.(1).(a)
Applicant: Diana Garcia Medina
Representative: Diana Garcia Medina
Owner: Diana Garcia Medina
Continued to February 25, 2021 at 9:00 AM.
- Withdrawn** 4. Application #: ZA-707-20-3
Existing Zoning: R-5
Location: 2625 East Cactus Road
Quarter Section: 30-33(K9)
Proposal: Use permit to allow a temporary use (Covid-19 testing site) for up to 36 months. Use permit required.
Ordinance Sections: 708.D
Applicant: Dylan Treger, Rapid Testing Centers, LLC
Representative: Dylan Treger, Rapid Testing Centers, LLC
Owner: 2625 East Cactus Road. LLC
- Approved w/stip** 5. Application #: ZA-708-20-6
Existing Zoning: R1-14
Location: 5415 East Calle Ventura
Quarter Section: 16-40(H11)
Proposal: Variance to increase lot coverage to 30 percent. Maximum 25 percent allowed for a two story.
Ordinance Sections: 607.B.5
Applicant: Dwight & Elizabeth Witherspoon
Representative: Dwight & Elizabeth Witherspoon
Owner: Dwight & Elizabeth Witherspoon
Stipulation:
1) 1 year to apply and pay for building permits.
- Approved w/stips** 6. Application #: ZA-709-20-6
Existing Zoning: R-4
Location: 1020 East Maryland Avenue
Quarter Section: 22-29(I8)
Proposal: **1)** Variance to reduce the lot width to 12 feet (Lot No. 1). Minimum 60 feet required. **2)** Variance to reduce the lot width to 12 feet (Lot No. 2). Minimum 60 feet required. **3)** Variance to reduce the lot depth to 75 feet (Lot No. 3). Minimum 94 feet required. **4)** Variance to reduce the rear yard (north) setback to 13 feet (Lot No. 2). Minimum 15 feet required. **5)** Variance to reduce the side yard (east) setback to 3 feet (Lot No. 3). Minimum 10 feet required. **6)** Variance to reduce

the rear yard (north) setback to 13 feet (Lot No. 3). Minimum 15 feet required.

Ordinance Sections: 617.B.Table B. 617.B.Table B. 617.B.Table B. 617.B.Table B. 617.B.Table B. 617.B.Table B.

Applicant: Mir M. Mirkhah

Representative: Mir M. Mirkhah

Owner: Mir M. Mirkhah

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) General conformance to the site plan dated December 23, 2020.
- 3) Maximum height permitted shall be 28 feet.

**Approved
w/stip**

7. Application #: ZA-713-20-6
Existing Zoning: R1-10
Location: 3611 East Mariposa Street
Quarter Section: 18-36(H10)
Proposal: Variance to allow an over height fence (7 feet) in the required side yard setback (east). Maximum 6 feet permitted.
- Ordinance Sections: 703.A.2.c
Applicant: Simona Maria Tolan
Representative: Simona Maria Tolan
Owner: Simona Maria Tolan
- Stipulation:**
1) 1 year to apply and pay for building permits.

Continued

8. Application #: ZA-674-20-6
Existing Zoning: C-2, P-1
Location: 4532 East Thomas Road
Quarter Section: 15-38(G11)
Proposal: **1)** Use permit to allow a medical marijuana dispensary. Use permit required. **2)** Variance to allow a medical marijuana dispensary within 5,280 feet of the same type of use. Minimum 5,280 of separation required. **3)** Variance to allow a medical marijuana dispensary within 500 feet of residential neighborhood. Minimum 500 foot separation required.
- Ordinance Sections: 623.D.124.a 623.D.124.e 623.D.124.f
Applicant: Edward Judice, Bloom Dispensary
Representative: Tom Galvin, Rose Law Group, PC
Owner: Walt Brown, Jr., WNDG, LLC
- Continued to February 18, 2021 at 1:30 PM.**

1:30 PM

**Approved
w/stips**

9. Application #: ZA-21-16-8 (1-year review of use permit)
Existing Zoning: A-2 RSIOD ANIZO
Location: 2340 E 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 feet of another medical marijuana facility. Minimum 5,280 feet separation required.

4) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet 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 18 months 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 30 days of Certificate of Occupancy. 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/stip**

10. Application #: ZA-710-20-6
Existing Zoning: RE-35
Location: 4519 North 61st Place
Quarter Section: 18-42(H12)
Proposal: Variance to reduce the required rear yard (east) setback to 20 feet. Minimum 40 feet required.
- Ordinance Sections: 609.B.Table
Applicant: Tiffany Durbin, Travek, Inc.
Representative: Tiffany Durbin, Travek, Inc.
Owner: James T. Harris, & Janine Harris

Stipulation:

- 1) 1 year to apply and pay for building permits.

- Approved w/stip** 11. Application #: ZA-712-20-8
Existing Zoning: C-2
Location: 9212 South 18th Avenue
Quarter Section: 03-25(C7)
Proposal: Variance to allow a lot that does not front on a street. Street frontage required.
Ordinance Sections: 608.H.1
Applicant: David Bohn, BFH Group
Representative: David Bohn, BFH Group
Owner: Henry Hurd, Industrial Gardens, LLC
Stipulation:
1) 1 year to complete the lot split process.
- Approved w/stips** 12. Application #: ZA-714-20-8
Existing Zoning: C-3 TOD-2
Location: 210 North 24th Street and 2345 East Van Buren Street
Quarter Section: 10-32(F9)
Proposal: Variance to allow an over height fence (7 feet) in the required front yard. Maximum 40 inches permitted.
Ordinance Sections: 703.A.3.a
Applicant: Dennis Newcombe, Gammage & Burnham, PLC
Representative: Lindsay Schube, Gammage & Burnham, PLC
Owner: Juan Padilla, International Union of Painters/Allied Trades
Stipulations:
1) 1 year to apply and pay for building permits.
2) The view fence shall be removed when the site is redeveloped.
3) The Zoning Administrator shall review and approve the 7-foot decorative/artistic wrought iron view fence design, prior to the issuance of building permit.
- Approved w/stip** 13. Application #: ZA-716-20-1
Existing Zoning: R1-8
Location: 3720 West Hearn Road
Quarter Section: 33-20(L6)
Proposal: Variance to reduce the side yard (east) setback to 1 foot. Minimum 10 feet required.
Ordinance Sections: 612.B.TableB
Applicant: Susan Otto, Representative
Representative: Susan Otto, Representative
Owner: Michael Edward Brown
Stipulation:
1) 1 year to apply and pay for building permits.
- Approved w/stip** 14. Application #: ZA-717-20-8
Existing Zoning: R-2
Location: 3107 North 32nd Way
Quarter Section: 15-35(G10)
Proposal: **1)** Variance to allow an over height wall (8 feet) in the required rear yard (east). Maximum 6 feet

permitted. **2)** Variance to allow an over height wall (8 feet) in the required side yard (north and south). Maximum 6 feet permitted. **3)** Variance to hear application when a period of not less than one year has passed since the previous application was heard.

Ordinance Sections: 703.A.2.c 703.A.2.c 307.A.15
Applicant: Sheldon Aberman
Representative: Sheldon Aberman
Owner: Sheldon Aberman

Stipulation:

- 1) 1 year to apply and pay for building permits.

**Approved
w/stip**

15. Application #: ZA-719-20-2
Existing Zoning: RE-24
Location: 6511 East Corrine Drive
Quarter Section: 31-43(K12)
Proposal: Variance to reduce the side yard (east) setback to 8 feet. Minimum 15 feet required.

Ordinance Sections: 606.B.3.a
Applicant: Edward and Susanne Block
Representative: Edward and Susanne Block
Owner: Edward and Susanne Block

Stipulation:

- 1) 1 year to apply and pay for building permits.

***Denied**

16. Application #: ZA-715-20-3
Existing Zoning: C-3
Location: 701 East Dunlap Avenue
Quarter Section: 26-29(J8)
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required. **2)** Variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. Minimum 500 feet of separation required. **3)** Variance to allow a medical marijuana dispensary facility within 1,320 feet of a school. Minimum 1,320 feet of separation required. **4)** Variance to allow a medical marijuana dispensary facility within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required. **5)** Variance to allow a medical marijuana dispensary facility within 1,320 feet of a dependent care facility. Minimum 1,320 feet of separation required. **6)** Variance to allow a medical marijuana dispensary facility within 1,320 feet of a public park. Minimum 1,320 feet of separation required.

Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.g
623.D.124.h 623.D.124.g 623.D.124.g
Applicant: Lindsay Schube, Gammage & Burnham, PLC
Representative: Lindsay Schube, Gammage & Burnham, PLC

Owner: MCR Dunlap, LLC
Taken out from under advisement on February 16, 2021 and denied.

**ZONING ADJUSTMENT HEARING OFFICER: MICHAEL MILILLO
PLANNER: ERIC MORALES, 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.adjustment@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.

February 16, 2021