NOTICE OF RESULTST
ZONING ADJUSTMENT HEARING
Revised April 20, 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 **March 25, 2021 at 9:00 AM (Items 1-7) and 1:30 PM (Items 8-15).**

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:

RESULTS **9:00 AM**

Approved w/stip 1.

Application #:	ZA-72-21-6
Existing Zoning:	R1-10
Location:	4227 East Calle Tuberia
Quarter Section:	18-37(H10)
Proposal:	Variance to reduce the required rear yard setback (south east) to 3 feet. Minimum 25 feet required.
Ordinance Sections:	611.B.Table B.(a)
Applicant:	Kevin Fulkerson, Cornerstone Design
Representative:	Kevin Fulkerson, Cornerstone Design
Owner:	Tom and Heather Jansen

Stipulation:

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

Approved w/stips 2.

Application #:	ZA-75-21-1
Existing Zoning:	R1-6, S-1
Location:	Northwest corner of 43rd Avenue and Circle Mountain Road
Quarter Section:	71-18(U6)
Proposal:	Use permit to allow over height retaining walls (72 inches) within 50 feet of a subdivision perimeter. Maximum 40 inches permitted.
Ordinance Sections:	703.A.4.c.
Applicant:	Diego Ortiz, HILGARTWILSON, LLC
Representative:	Diego Ortiz, HILGARTWILSON, LLC
Owner:	Mattamy Arizona, LLC

Stipulations:

1) 1 year to apply and pay for building permits.
2) Per the plan indicating the locations of the proposed over height retaining walls dated February 16, 2021.

Denied 3.

Application #:	ZA-77-21-6
Existing Zoning:	R1-6 PCD
Location:	15402 South 4th Avenue
Quarter Section:	010-27(A8)
Proposal:	Variance to reduce the side yard setback (north) to 6 feet for a detached accessory

structure. Minimum 10 feet required.

Ordinance Sections: 706.E
Applicant: Josh and Katie Anderson
Representative: Josh and Katie Anderson
Owner: Josh and Katie Anderson

Approved w/stips

4. Application #: ZA-78-21-1
Existing Zoning: R1-6
Location: 4744 West Poinsettia Drive
Quarter Section: 30-17(K5)
Proposal: **1)** Use permit for official approval of a home occupation (internet firearm sales). Use permit required. **2)** Use permit to allow a home occupation to generate traffic. Use permit required.
Ordinance Sections: 608.E.3.h.(5) 608.E.3.h.(1)
Applicant: Donald Golden
Representative: Donald Golden
Owner: Donald and Rhonda Golden

Stipulations:

1) 1 year to commence use.
2) 1 year review.
3) Hours of operation limited to 9:00 AM – 4:00 PM on Monday, Tuesday, Thursday and Friday. Saturday is limited to 9:00 AM – 12:00 PM.

***Approved w/stip**

5. Application #: ZA-82-21-3
Existing Zoning: R1-10
Location: 12802 North 15th Drive
Quarter Section: 31-25(K7)
Proposal: **1)** Variance to increase the height to 15 feet for a detached accessory in the required side yard setback. Maximum 8 feet permitted. **2)** Variance to reduce the side yard setback (east) for a detached accessory structure to 1 foot. Minimum 3 feet required. **3)** Variance to reduce the rear yard setback (south) for a detached accessory structure to 1 foot. Minimum 3 feet required. **4)** Variance to reduce the side yard setback (north) for a detached accessory structure to 1 foot. Minimum 3 feet required. **5)** Variance to reduce the side yard setback (west) for a detached accessory structure to 1 foot. Minimum 3 feet required.
Ordinance Sections: 706.C 706.B 706.B 706.B 706.B
Applicant: Mark Poulton, Travek
Representative: Mark Poulton, Travek
Owner: Drew Gibson and Trea Mihalovich

Taken out from under advisement on April 20, 2021 and approved with the following stipulation:

1) The non-conforming carport structures shall remain open on all

sides and, except for maintenance, shall not be altered.

Approved w/stips

6.

Application #:	ZA-83-21-8
Existing Zoning:	C-2
Location:	2125 North 24th Street
Quarter Section:	13-33(G9)
Proposal:	Use permit to allow outdoor alcoholic beverage consumption accessory to a restaurant (Wrenhouse Brewing) within 500 feet of a residential district. Use permit required if located within 500 feet of a residential district.
Ordinance Sections:	623.D.157.c
Applicant:	Justin Novak, NVK Design
Representative:	Justin Novak, NVK Design
Owner:	Omar Alvarez, TPG Foods, LLC

Stipulations:

1) Per the size and location of the patio as noted on the site plan dated February 18, 2021.
2) 1 year review.
3) 1 year to apply and pay for building permits.

Approved w/stips

7.

Application #:	ZA-84-21-6
Existing Zoning:	RE-35
Location:	5347 East Wonderview Road
Quarter Section:	18-40(H11)
Proposal:	Variance to reduce the required front yard setback (north) to 25 feet. Minimum of 40 feet required.
Ordinance Sections:	609.B.Table
Applicant:	Juan Gutierrez, Blueprint & Design
Representative:	Juan Gutierrez, Blueprint & Design
Owner:	Anthony Joseph Smith

Stipulation:

1) The setback reduction shall only apply to the northwest portion of the home. The garage must comply with the required building setback of the zoning district.
2) 1 year to apply and pay for building permits.

1:30 PM

Approved w/stips

8.

Application #:	ZA-31-21-8 (SIGN)
Existing Zoning:	C-2 M-R TOD-1
Location:	175 North 44th Street
Quarter Section:	10-38(F11)
Proposal:	**1)** Use Permit for a major amendment to add a new ground sign to the Washington Corporate Center Comprehensive Sign Plan. Use permit required. **2)** Use permit to allow an electronic message display on a new ground sign. Use permit required.
Ordinance Sections:	705.E.2 705.C.13
Applicant:	Ron Broatch, Kraf, Inc.
Representative:	Chris Gunkle, Signarama
Owner:	Ron Broatch, Kraf, Inc.

Stipulations:

1) Install a Planning and Development Department approved, minimum 30-inch wide, decorative pole cover on the sign pole both above and below the Electronic Message Display (EMD) portion of the sign. The pole cover shall match the colors, materials and textures used in the approved building architecture.
2) All remaining aspects of the sign design shall be in accordance with the drawings submitted for the Hearing Officer's review dated March 25, 2021.
3) The applicant shall have 12 months to pay for and obtain permits for the proposed sign including the Electronic Message Display.

Approved w/stips

9.

Application #:	ZA-51-21-4 (SIGN)
Existing Zoning:	R-5
Location:	1366 East Thomas Road
Quarter Section:	15-30(G9)
Proposal:	**1)** Variance to allow a 30 foot high wall sign. Maximum 15 foot height permitted. **2)** Variance to allow a 109.8 square foot sign wall sign. Maximum 28.5 square feet permitted.
Ordinance Sections:	705.D Table D-1 705.D Table D-1
Applicant:	Fred Sullenburger, Arizona Commercial Signs
Representative:	Andrew Chi, Andrew Chi Planning
Owner:	Mary Lynn Kasunic, Antigua, LLC

Stipulations:

1) The proposed wall sign shall not be illuminated.
2) The maximum area of the proposed wall sign shall not exceed 56 square feet and the installation shall be centered on the south elevation of the building.
3) All remaining aspects of the sign shall be in accordance with drawings submitted for the Hearing Officer's review dated January 25, 2021.
4) The applicant shall have 12 months to pay for and obtain permits for the proposed sign.

Approved w/stips

10.

Application #:	ZA-70-21-5 (SIGN)
Existing Zoning:	C-2
Location:	5370 West Indian School Road
Quarter Section:	17-16(H5)
Proposal:	Use permit to allow an electronic message display on a ground sign. Use permit required.
Ordinance Sections:	705.C.13
Applicant:	Michael Donada, Signs Plus
Representative:	Michael Donada, Signs Plus
Owner:	Tuck Bettin, Cobblestone #39

Stipulations:

1) Sign design shall match the colors, materials and textures used in the building and shall be in accordance with drawings submitted for the Hearing Officer's review dated March 25,

2021.

2) The applicant shall have 12 months to pay for and obtain permits for the proposed sign and Electronic Message Display board.

#1 Denied
#2 and #3 Approved w/stips

11.

Application #:	ZA-71-21-7 (SIGN)
Existing Zoning:	A-1
Location:	110 North 59th Avenue
Quarter Section:	10-14(F5)
Proposal:	**1)** Variance to reduce required spacing for off-premise signs to 580 feet. Minimum 1,000 foot spacing required. **2)** Use permit to increase the height of a nonconforming off-premise sign from 48 feet to 65 feet. Use permit required. **3)** Use permit to rebuild two faces of a nonconforming off-premise sign to digital display. Use permit required.
Ordinance Sections:	705.2.B.2 705.2.B.4.b 705.2.G.4
Applicant:	Jacob Zonn, Becker Boards
Representative:	William Lally, Tiffany & Bosco, PA
Owner:	Lark Group, Limited LLC

Stipulations:

1) Install a Planning and Development Department approved, decorative pole cover on the rebuilt nonconforming, digital, off-premise sign. Any access ladder, if included, shall be concealed from adjacent traffic.
2) The applicant shall have 12 months to pay for and obtain permits for the proposed digital sign.

Withdrawn to Amend

12.

Application #:	ZA-76-21-7 (SIGN)
Existing Zoning:	A-1
Location:	5870 West Van Buren Street
Quarter Section:	11-15(F5)
Proposal:	Use permit to allow a new off-premise sign with a 28 foot separation from a residential district and residential use where a 500 foot separation is required. Use permit required.
Ordinance Sections:	705.A.5
Applicant:	Jacob Zonn, Becker Boards
Representative:	William Lally, Tiffany & Bosco, PA
Owner:	Southern Cross, LLC

Continued

13.

Application #:	ZA-56-20-4 (1-year review of use permit)
Existing Zoning:	C-3 TOD-1
Location:	4971 North 7th Avenue
Quarter Section:	18-27(H8)
Proposal:	Use permit to allow outdoor alcoholic beverage consumption accessory to a restaurant (Belly). Use permit required.
Ordinance Sections:	662.F.1.d
Applicant:	Taylor Earl, Earl, Curley and Lagarde, P.C.
Representative:	Taylor Earl, Earl, Curley and Lagarde, P.C.
Owner:	Chuckie Duff, EQ 7th and Camelback, LLC

Continued to September 30, 2021 at 1:30 PM.

Approved w/stip

14.

Application #:	ZA-73-21-1
Existing Zoning:	PUD
Location:	26300 Norterra Parkway
Quarter Section:	48-22(P7) 48-23(P7)
Proposal:	Use permit to allow a car wash in an open building. Use permit required.
Ordinance Sections:	623.D.41
Applicant:	Jason Doty, Cawley Architects
Representative:	Jason Doty, Cawley Architects
Owner:	Bruce Peterson, US Real Estate, LP

Stipulation:

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

#2, 4, 8, 9, 10, & 11 Withdrawn #1, 3, 5, 6, 7, 12, 13, & 14 Approved w/stips

15.

Application #:	ZA-65-21-8
Existing Zoning:	A-1
Location:	1945 West Broadway Road
Quarter Section:	4-24(E7)
Proposal:	**1)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Use permit to allow a medical marijuana dispensary. Use permit required. **3)** Use permit to allow a medical marijuana infusion facility. Use permit required. **4)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. **5)** Variance to allow a medical marijuana cultivation facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet separation required. **6)** Variance to allow a medical marijuana cultivation facility within 1,320 feet of a public park. Minimum 1,320 feet separation required. **7)** Variance to allow a medical marijuana cultivation facility within 1,320 feet of a place of worship. Minimum 1,320 feet separation required. **8)** Variance to allow a medical marijuana dispensary within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. **9)** Variance to allow a medical marijuana dispensary within 1,320 feet of a public park. Minimum 1,320 feet separation required. **10)** Variance to allow a medical marijuana dispensary within 1,320 feet of a place of worship. Minimum 1,320 feet separation required. **11)** Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. **12)** Variance to allow a medical marijuana infusion facility within 1,000 feet of a residentially zoned district. Minimum 1,000

	feet separation required. **13)** Variance to allow a medical marijuana infusion facility within 1,320 feet of a public park. Minimum 1,320 feet separation required. **14)** Variance to allow a medical marijuana infusion facility within 1,320 feet of a place of worship. Minimum 1,320 feet separation required.
Ordinance Sections:	627.D.91.a 627.D.92.a 627.D.93.a 627.D.91.c 627.D.91.d 627.D.91.e 627.D.91.f 627.D.92.d 627.D.92.f 627.D.92.g 627.D.93.b 627.D.93.c 627.D.93.d 627.D.93.e
Applicant:	Desert Verde Partners, LLC
Representative:	Lindsay Schube, Gammage & Burnham, PLC
Owner:	Porlier 1945, Inc.

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 18 months 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 180 days 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 180 Days 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.

ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
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.

April 20, 2021