

NOTICE OF PUBLIC MEETING ZONING ADJUSTMENT HEARING

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the **ZONING ADJUSTMENT HEARING OFFICER** and to the general public, that the **CITY OF PHOENIX ZONING ADJUSTMENT HEARING OFFICER** will hold a meeting open to the public on **November 18, 2021 9:00 AM (Items 1-7) and 1:30 PM (Items 8-15)**

Per the most recent social distancing guidelines from the federal government, no residents will be allowed to attend the meeting in-person.

OPTIONS TO ACCESS THE MEETING

- **Call-in to listen** to the live meeting: Dial **602-666-0783**, Enter meeting access code [25530474511#](tel:25530474511), and press # again when prompted for the attendee ID.
- **Observe the live meeting virtually**, by clicking on the following link and registering to join the meeting online:
<https://cityofphoenixpdd.webex.com/cityofphoenixpdd/onstage/g.php?MTID=ef4955c2432b8601f357c000455ab3f34>
- **Submit a comment** on an agenda item:
 - At: zoning.adjustment@phoenix.gov
 - Indicate: Item Number and Case Number
- **Register to speak** on an agenda item:
 - At: zoning.adjustment@phoenix.gov
 - By: **48 hours prior to the start of the hearing**. Staff will make every effort to accommodate requests to speak submitted beyond the 48-hour period. Due to the added demands of facilitating the virtual environment for the public, applicants and other staff members, we cannot consider any request less than 6 business hours before the start of the meeting / hearing.
 - Indicate: Item Number and Case Number

Notes:

1. Agenda items may be taken out of order.
2. Comments may be limited due to time constraints and to ensure all viewpoints are heard.

The agenda for the meeting is as follows:

9:00 AM

1. Application #: ZA-389-12-8 (1-year review of use permit)
Existing Zoning: C-2
Location: 1613 North 40th Street
Quarter Section: 13-37(G10)
Proposal: **1)** Time extension for ZA-202-11, a request for a use permit to allow a medical marijuana dispensary. **2)** Time extension for ZA-202-11, a variance to allow a medical marijuana dispensary to be 190 feet away from a residential district. Minimum 250 feet required.
Ordinance Sections: 307.A.12. 307.A.12.
Applicant: Lauren (Anton) Gooding, AZ Compassionate Care

Representative: Lindsay Schube, Gammage & Burnham, PLC
Owner: Ramzi Dugum

2. Application #: ZA-512-21-8
Existing Zoning: R-5 RI ACOD
Location: 1029 East Roosevelt Street
Quarter Section: 11-29(F8)
Proposal: **1)** Variance to reduce the common area to 0%. Minimum 5% of gross area required. **2)** Variance to eliminate the requirement to provide covered or located within a garage parking spaces. Minimum 4 covered or located within a garage parking spaces required. **3)** Variance to eliminate the side yard (west) landscape setback. Minimum 5 feet required. **4)** Variance to eliminate the side yard (east) landscape setback. Minimum 5 feet required. **5)** Variance to eliminate the rear yard (south) landscape setback. Minimum 5 feet required.
Ordinance Sections: 618.B.1.Table B 608.F.8.f.(1) 608.f.8.c.(3) 608.f.8.c.(3) 608.f.8.c.(3)
Applicant: John Meyer, Meyer Nest Holdings, LLC
Representative: Jeffrey Williams, RB Williams and Associates
Owner: John Meyer, Meyer Nest Holdings, LLC

3. Application #: ZA-513-21-7
Existing Zoning: R-5 RI
Location: 602 North 9th Avenue
Quarter Section: 11-26(F8)
Proposal: **1)** Variance to reduce the front (east) building setback to 10 feet. Minimum 20 feet required. **2)** Variance to reduce the rear (west) building setback to 10 feet. Minimum 15 feet required. **3)** Variance to reduce the side (north) landscape setback to 3 feet. Minimum 5 feet required. **4)** Variance to allow an over height wall (6 feet) in the required front yard setback. Maximum 40 inches permitted. **5)** Variance to allow maneuvering in the right-of-way. Maneuvering required to be kept on private property. **6)** Variance to reduce the landscape setback adjacent to public street (Fillmore Street) to 0 feet. Minimum 10 feet required.
Ordinance Sections: 618.B.Table B 618.B.Table B 703.B.3.b 703.A.2.a 702.A.1.b 703.B.3.a
Applicant: Taylor C. Earl, Earl & Curley, P.C.
Representative: Taylor C. Earl, Earl & Curley, P.C.
Owner: Nora Hannah, Savana, LLC

4. Application #: ZA-514-21-5
Existing Zoning: R1-6
Location: 7218 North 23rd Drive
Quarter Section: 23-23(I7)

Proposal: Variance to allow an over height wall (6 feet) in the required front yard (east). Maximum 40 inches permitted.
Ordinance Sections: 703.A.2.a
Applicant: Janet Waibel, Waibel & Associates Landscape Architecture
Representative: Janet Waibel, Waibel & Associates Landscape Architecture
Owner: John Harris, Conservator for Jason Dillon (owner)

5. Application #: ZA-516-21-6
Existing Zoning: R1-6
Location: 3025, 3035, 3045 and 3055 East Coolidge Street
Quarter Section: 18-34(H10)
Proposal: **1)** Use permit to use the Conventional development option. Use permit required. **2)** Variance to reduce the required lot width (Lot 1) to 52 feet. Minimum 55 feet required. **3)** Variance to reduce the required lot width (Lot 2) to 52 feet. Minimum 55 feet required. **4)** Variance to reduce the required lot width (Lot 3) to 52 feet. Minimum 55 feet required.
Ordinance Sections: 613.B.Table A 613.B.Table A 613.B.Table A 613.B.Table A
Applicant: Lauren Proper Potter, Huellmantel & Affiliates
Representative: Lauren Proper Potter, Huellmantel & Affiliates
Owner: Arroyo Properties, LLC

6. Application #: ZA-517-21-4
Existing Zoning: C-2 SAUMSO
Location: 4230 North 7th Avenue
Quarter Section: 17-26(H8)
Proposal: **1)** Variance to reduce the building setback (west) not adjacent to a street to 2 feet. Minimum 25 foot setback required. **2)** Variance to reduce the perimeter landscape setback (west) not adjacent to a street to 0 feet. Minimum 10 feet required. **3)** Variance to reduce the building setback (north) for a non Seventh Avenue property line not adjacent to a residential district to 1 foot. Minimum 5 foot setback required.
Ordinance Sections: 623.E.4.d 623.E.4.e 655.H.6.Table1
Applicant: Michael W. Kelly, Michael Wilson Kelly - Architects, LTD
Representative: Michael W. Kelly, Michael Wilson Kelly - Architects, LTD
Owner: Steve and Richard Strauss, Teetsznity, LLC dba Wag-N-Wash

7. Application #: ZA-518-21-4
Existing Zoning: A-2
Location: 3433 West Earll Drive
Quarter Section: 15-21(G6)

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 of separation required. 4) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. 5) Variance to allow a medical marijuana cultivation facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. 6) Variance to allow a medical marijuana infusion facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. 7) Variance to allow a medical marijuana cultivation facility within 1,320 feet of a school. Minimum 1,320 feet of separation required. 8) Variance to allow a medical marijuana infusion facility within 1,320 feet of a school. Minimum 1,320 feet of separation required.**

Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b 627.D.91.d 627.D.93.c 627.D.91.e 627.D.93.d

Applicant: Lindsay C. Schube, Gammage & Burnham, PLC

Representative: Lindsay C. Schube, Gammage & Burnham, PLC

Owner: VANJKP, LLC

1:30 PM

8. Application #: ZA-81-13-8 (1-year review of use permit)
- Existing Zoning: A-1
- Location: 3303 South 40th Street
- Quarter Section: 6-37(E10)
- Proposal: **1) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. 2) Use Permit to allow a medical marijuana cultivation facility. Use permit required.**
- Ordinance Sections: 627.D.91.c. 627.D.91.a.
- Applicant: Arizona Natures Wellness
- Representative: Adam Baugh, Withey Morris, PLC
- Owner: AMZ, LLC
9. Application #: ZA-243-18-8 (1-year review of use permit)
- Existing Zoning: A-1
- Location: 3303 South 40th Street
- Quarter Section: 6-37(E10)
- Proposal: **1) Use Permit to allow a medical marijuana infusion facility. Use Permit required. 2) Variance to allow a medical marijuana infusion facility within 5280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.**
- Ordinance Sections: 627.D.93.a 627.D.93.b

Applicant: Proxima C, LLC
Representative: Lindsay Schube, Gammage & Burnham
Owner: Second Time Around Investments, LLC

10. Application #: ZA-95-13-5 (1-year review of use permit)
Existing Zoning: A-2
Location: 4215 North 40th Avenue
Quarter Section: 17-19(H6)
Proposal: **1)** Use permit to allow a nonprofit medical marijuana cultivation facility. Use permit required. **2)** Variance to allow a nonprofit medical marijuana cultivation facility to be located within 5,280 feet of the same type of use or a medical marijuana facility. Shall not be located within 5,280 feet of the same type of use. **3)** Use permit to allow a nonprofit medical marijuana infusion facility. Use permit required. **4)** Variance to allow a nonprofit medical marijuana infusion facility to be located within 5,280 feet of the same type of use or a medical marijuana facility. Shall not be located within 5,280 feet of the same type of use.
- Ordinance Sections: 627.D.91.a 627.D.91.c 627.D.93.a 627.D.93.b
Applicant: James Kramer / Jason Ty Nguyen, Herbal Wellness Center, Inc
Representative: Michael Curley, Earl, Curley & Lagarde, P.C.
Owner: Brian W. Leecing, SCF Properties, LLC

11. Application #: ZA-343-15-1 (1-year review of use permit)
Existing Zoning: A-1 DVAO
Location: 22041 North 23rd Avenue
Quarter Section: 43-24(N7)
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required. **2)** Variance to allow a medical marijuana dispensary within 5280 feet of another medical marijuana facility. Minimum of 5280 feet separation required.
- Ordinance Sections: 627.D.92.a 627.D.92.d
Applicant: Shane Howell, AZ Natural Remedies, LLC
Representative: Jenifer Corey, Zoning Strategies, LLC
Owner: 22041 N. 23rd Ave., LLC

12. Application #: ZA-354-21-2 (Continued from August 19, 2021)
Existing Zoning: RE-24
Location: 6702 East Sweetwater Avenue
Quarter Section: 32-43(L12)
Proposal: **1)** Variance to reduce the required front yard setback (south) to 11 feet. Minimum 30 feet required. **2)** Variance to increase the lot coverage to 39 percent. Maximum 30 percent allowed for structures 1 story and under 20 feet in height.
- Ordinance Sections: 606.B.2 606.B.5

- Applicant: Mr. and Mrs. John Elef
 Representative: Scott Neiss, 10 East Studio, LLC
 Owner: Scott Neiss, 10 East Studio, LLC
13. Application #: ZA-362-21-2 (Continued from August 19, 2021)
 Existing Zoning: R1-10
 Location: 15041 North 49th Street
 Quarter Section: 34-39(L11)
 Proposal: Variance to reduce the required rear yard setback (south) to 10 feet. Minimum 25 feet setback required.
 Ordinance Sections: 611.B.Table B
 Applicant: Steven R. Goodstein
 Representative: Terry Roach, Design Development Associates
 Owner: Steven R. Goodstein
14. Application #: ZA-366-21-2 (Continued from August 19, 2021)
 Existing Zoning: C-2 PCD
 Location: 7144 East Acoma Drive
 Quarter Section: 33-44(L12)
 Proposal: Use permit to allow temporary use (shading canopy) for up to 36 months. Use permit required.
 Ordinance Sections: 708.B
 Applicant: Colleen Matsuura, Shane, Co.
 Representative: Julie Valenti, Shane, Co.
 Owner: Craig Farkas, Harold Davidson & Associates, Inc.
15. Application #: ZA-501-21-1
 Existing Zoning: IND. PK.
 Location: 1502 West Williams Drive
 Quarter Section: 44-25(O7)
 Proposal: **1)** Variance to reduce the setback from the interior lot line (east) to 10 feet. Minimum 20 feet required. **2)** Variance to reduce the perimeter landscape setback (east) to 10 feet. Minimum 20 foot landscape setback required. **3)** Variance to allow a building height of 28 feet at 44 feet of setback from a perimeter line (south). Minimum 62 feet of setback required.
 Ordinance Sections: 626.H.1.Table 626.H.2.B 626.H.1.Table
 Applicant: Mark Schouten, Bravo Zulu Holdings, LLC
 Representative: Taylor Earl, Earl & Curley
 Owner: Mark Schouten, Bravo Zulu Holdings, LLC

For further information please call Eric Morales, Planner II, Planning and Development Department at 602-262-7927 or to request a reasonable accommodation, please contact Tamra Ingersoll at 602.534-6648 or TTY: 7-1-1.