

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised February 14, 2022*

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 13, 2022 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:

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|-------------------------|----------------|---|
| RESULTS | 9:00 AM | |
| Denied as Filed | 1. | Application #: ZA-452-21-6 (Continued from October 7, 2021) |
| Approved w/stips | | Existing Zoning: RE-24 |
| | | Location: 2326 East Montebello Ave |
| | | Quarter Section: 20-32(I9) |
| | | Proposal: Variance to reduce the front yard setback (east) to 15 feet. Minimum 30 feet required. |
| | | Ordinance Sections: 606.B.2 |
| | | Applicant: Paul O'Connor, POCA Architecture |
| | | Representative: Paul O'Connor, POCA Architecture |
| | | Owner: Cordell Conway and Denise Mills |
| | | Stipulations: |
| | | 1) 1 year to apply and pay for building permits. |
| | | 2) Per the setback reduction as shown on the site plan dated January 13, 2022 for a 22 foot setback. |
| Approved w/stips | 2. | Application #: ZA-548-21-7 (Continued from December 9, 2021) |
| | | Existing Zoning: R-4, R-5, C-3 |
| | | Location: 2605 and 2515 West Van Buren Street |
| | | Quarter Section: 10-23(F7) |
| | | Proposal: 1) Time extension for ZA-370-19, variance to allow an over height fence (8 feet) in the required front yard setback (south). Maximum 40 inches allowed. 2) Time extension for ZA-370-19, variance to allow an over height fence (8 feet) in the required front yard setback (north). Maximum 40 inches allowed. |
| | | Ordinance Sections: 703.A.3.a 703.A.3.a |
| | | Applicant: Juan Carlos Ramirez, Good Living Ventures |
| | | Representative: Juan Carlos Ramirez, Good Living Ventures |
| | | Owner: Juan Carlos Ramirez, Good Living Ventures |
| | | Stipulations: |
| | | 1) 1 year to apply and pay for building permits. |
| | | 2) All other stipulations from ZA-370-19 shall apply. |

Withdrawn	3.	<p>Application #: ZA-605-21-6 Existing Zoning: R1-6 Location: 4711 North 33rd Street Quarter Section: 18-35(H10) Proposal: 1) Variance to reduce the required rear yard setback (east) to 6 feet. Minimum 25 feet required. 2) Variance to reduce the side yard (north) setback to 0 feet. Minimum 3 feet required.</p> <p>Ordinance Sections: 613.B.Table B 613.B.Table B Applicant: David Schwinghamer, Third Dimension Design Representative: David Schwinghamer, Third Dimension Design Owner: Corey Wisdom</p>
Denied as Filed Approved w/stips	4.	<p>Application #: ZA-606-21-6 Existing Zoning: R1-6 Location: 4847 East Clarendon Avenue Quarter Section: 16-39(H11) Proposal: Variance to reduce the side yard setback (west) to 3 feet. Minimum 10 feet required.</p> <p>Ordinance Sections: 613.B.Table B Applicant: Jorge Ramirez, JBR Design Concepts, LLC Representative: Jorge Ramirez, JBR Design Concepts, LLC Owner: Doug Bauguss, 1881 Investments</p> <p>Stipulations: 1) 1 year to apply and pay for building permits. 2) Approved for 5 feet for the west side setback.</p>
Approved w/stips	5.	<p>Application #: ZA-608-21-4 Existing Zoning: R-4 Location: 1905 East Osborn Road Quarter Section: 15-31(G9) Proposal: 1) Variance to allow maneuvering in the right-of-way (Alley). Maneuvering must be located on private property. 2) Variance to reduce the required open space requirements to 0 percent. Minimum 5 percent required. 3) Variance to reduce the required side yard (west) landscape setback to 0 feet. Minimum 5 feet required. 4) Variance to reduce the required rear yard (south) landscape setback to 0 feet. Minimum 5 feet required. 5) Variance to reduce the required side yard (east) landscape setback to 0 feet. Minimum 5 feet required.</p> <p>Ordinance Sections: 702.A.1.b 703.B.4.a.1 703.B.3.b.3 703.B.3.b.3 Applicant: Margot Magnum Representative: Margot Magnum</p>

Owner: Margot Magnum

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reductions as shown on the site plan dated October 12, 2021.

***Denied** 6. Application #: ZA-609-21-3
Existing Zoning: R1-6
Location: 1619 West North Lane
Quarter Section: 28-25(K7)
Proposal: **1)** Variance to allow a 66 percent lot coverage. Maximum of 40 percent lot coverage permitted. **2)** Variance to reduce the required side yard setback (east) to 0 feet. Minimum 3 feet required. **3)** Variance to eliminate the side yard (east) setback for an accessory structure. Minimum 3 feet required. **4)** Variance to eliminate the side yard (west) setback for an accessory structure. Minimum 3 feet required. **5)** Variance to allow an over height wall (7 feet) in the required rear (south) yard. Maximum 6 feet permitted.
Ordinance Sections: 613.b.Table B 613.b.Table B 706.B 706.B 703.C
Applicant: Shane and Tammy McWilliams
Representative: Shane and Tammy McWilliams
Owner: Shane and Tammy McWilliams
Taken out from under advisement on February 14, 2022 and denied.

***#1**
Approved
w/stip

7. Application #: ZA-610-21-6
Existing Zoning: R1-10
Location: 5507 North 2nd Place, 240 and 130 East Missouri Avenue
Quarter Section: 20-28(I8)
Proposal: **1)** Variance to allow an over height wall (8 feet) within the required side yard (south) setback. Maximum 6 feet permitted. **2)** Variance to allow an over height wall (8 feet) within the required rear yard (east) setback. Maximum 6 feet permitted.
Ordinance Sections: 703.A.2.c 703.A.2.c
Applicant: Lauren Proper Potter, Huellmantel & Affiliates
Representative: Lauren Proper Potter, Huellmantel & Affiliates
Owner: Augusta Revocable Living Trust and One30
Taken out from under advisement on February 14, 2022 and decided on as follows:
#1 – Approved with the following stipulation.
1) 6 months to pay and gain building permits.
#2 – Withdrawn.

#2
Withdrawn

		1:30 PM	
Withdrawn to Amend	8.	<p>Application #: ZA-597-21-8 (SIGN) Existing Zoning: DTC - Warehouse Location: 602 East Grant Street Quarter Section: 9-28(F8) Proposal: 1) Use permit to rebuild two faces of a nonconforming, digital, off-premise sign with each face attached to a new building. Use permit required. 2) Variance to relocate a nonconforming off-premise sign within 102 feet of another off-premise sign. Minimum 1,000 foot spacing required. 3) Variance to reduce the required setback for an off-premise sign to 0 feet. Minimum 25 foot setback from public right-of-way required.</p> <p>Ordinance Sections: 705.2.G.4 705.2.B.2 705.2.B.1 Applicant: Paul Hickman, Clear Channel Outdoor Representative: Taylor Earl, Earl & Curley Owner: Eller Media Company</p>	
Approved w/stips	9.	<p>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 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.</p> <p>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</p> <p>Stipulations:</p> <ol style="list-style-type: none"> 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/stips 10. Application #: ZA-436-21-6 (Continued from October 7, 2021)
Existing Zoning: R-3
Location: 5535 East Earll Drive
Quarter Section: 15-40(G11)
Proposal: **1)** Variance to reduce the side yard (east) setback to 5 feet for Lot 1. Minimum 10 feet required. **2)** Variance to reduce the side yard (west) setback to 5 feet for Lot 2. Minimum 10 feet required. **3)** Variance to reduce the lot width to 40 feet (Lot 1). Minimum 60 feet required. **4)** Variance to reduce the lot width to 40 feet (Lot 2). Minimum 60 feet required.
Ordinance Sections: 615. Table B 615. Table B 615. Table B 615. Table B
Applicant: Russell E. Moore
Representative: Russell E. Moore
Owner: Russell E. Moore
Stipulations:
1) 1 year to complete the lot split process.
2) Per the lot split proposal as shown on the plan dated January 13, 2022.
3) Both side yard setbacks from each lot shall be a minimum of 5 feet.

Approved w/stip 11. Application #: ZA-444-21-7 (Continued from October 7, 2021)
Existing Zoning: R-5 RI HP CMOD
Location: 117 North 11th Avenue
Quarter Section: 10-26(F8)
Proposal: Variance to eliminate the landscape requirement for an interior property line (south). Minimum 5 feet required.
Ordinance Sections: 703.B.3.b.3

Applicant: Benjamin Hall, Benjamin Hall Design
Representative: Benjamin Hall, Benjamin Hall Design
Owner: John Saccoman

Stipulation:

- 1) 18 months to apply and pay for building permits.

Continued 12. Application #: ZA-607-21-6
Existing Zoning: R1-10 NCASPD
Location: 6120 North Central Avenue
Quarter Section: 21-28(I8)
Proposal: Variance to reduce the required rear yard (west) setback to 8 feet. Minimum 25 feet required.
Ordinance Sections: 611.B.TableB
Applicant: Michael Higgins, Higgins Architects
Representative: Michael Higgins, Higgins Architects
Owner: Tim and Colleen Chester

Continued to March 10, 2022 at 1:30 PM.

Approved w/stip 13. Application #: ZA-612-21-7
Existing Zoning: R-5 RI
Location: 1541 West Pierce Street
Quarter Section: 11-25(F7)
Proposal: **1)** Variance to reduce the front building setback (north) to 15 feet. Minimum 20 feet required. **2)** Variance to reduce the required open space area width to 4 feet. Minimum 20 feet required. **3)** Variance to reduce the side yard setback (east) to 7 feet. Minimum 10 feet required. **4)** Variance to reduce the required parking to 6 spaces. Minimum 9 parking spaces required. **5)** Variance to allow vehicle Maneuvering within the alley. Maneuvering must be located on private property. **6)** Variance to reduce the required interior rear (south) landscape setback to 0 feet. Minimum 5 feet required. **7)** Variance to reduce the required interior (west) landscape setback to 0 feet. Minimum 5 feet required.
Ordinance Sections: 618.B.1.Table B 703.B.4.a.(2) 618.B.1.Table B 02.C.Table 702.A.1.b 703.B.3.b.(3) 703.B.3.b.(3)
Applicant: Kevin Fulkerson, Cornerstone Design
Representative: Kevin Fulkerson, Cornerstone Design
Owner: MBG2, LLC

Stipulation:

- 1) 1 year to apply for building permits.

Approved w/stip 14. Application #: ZA-613-21-7
Existing Zoning: R-5 RI
Location: 1538 West Pierce Street
Quarter Section: 11-25(F7)

Proposal: **1)** Variance to reduce the required front yard setback (south) to 15 feet. Minimum 20 feet required. **2)** Variance to reduce the required open space area width to 4 feet. Minimum 20 feet required. **3)** Variance to reduce the side yard setback (West) to 7 feet. Minimum 10 feet required. **4)** Variance to reduce the required parking to 6 spaces. Minimum 9 parking spaces required. **5)** Variance to allow vehicle maneuvering within alley. Maneuvering must be located on private property. **6)** Variance to reduce the required interior rear (North) landscape setback to 0 feet. Minimum 5 feet required. **7)** Variance to reduce the required interior (East) landscape setback to 0 feet. Minimum 5 feet required.

Ordinance Sections: 618.B.1.Table B 703.B.4.a.(2) 618.B.1.Table B 02.C.Table 702.A.1.b 703.B.3.b.(3) 703.B.3.b.(3)

Applicant: Kevin Fulkerson, Cornerstone Design

Representative: Kevin Fulkerson, Cornerstone Design

Owner: MBG2, LLC

Stipulation:

- 1) 1 year to apply for building permits.

**Approved
w/stips**

15. Application #: ZA-602-21-7

Existing Zoning: A-2

Location: 2239 North Black Canyon Highway

Quarter Section: 14-23(G7) 13-23(G7)

Proposal: **1)** Time extension of ZA-588-20, use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Time extension of ZA-588-20, use permit to allow a medical marijuana infusion facility. Use permit required. **3)** Time extension of ZA-588-20, 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)** Time extension of ZA-588-20, 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)** Time extension of ZA-588-20, variance to allow a medical marijuana cultivation facility within 1,320 feet of a homeless shelter. Minimum 1,320 feet of separation required. **6)** Time extension of ZA-588-20, variance to allow a medical marijuana infusion facility within 1,320 feet of a homeless shelter. Minimum 1,320 feet of separation required. **7)** Time extension of ZA-588-20, variance to allow a medical marijuana cultivation

facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **8)** Time extension of ZA-588-20, variance to allow a medical marijuana infusion facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **9)** Time extension of ZA-588-20, variance to allow a medical marijuana cultivation facility within 1,320 feet of a school. Minimum 1,320 feet of separation required. **10)** Time extension of ZA-588-20, 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.e 627.D.93.d 627.D.91.d 627.D.93.c
627.D.91.e 627.D.93.d

Applicant: Theodore Pappas, MIOT Properties, LLC

Representative: David W. Dow, Dow Law Office

Owner: Saia Family Limited Partnership

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.

ZONING ADJUSTMENT HEARING OFFICER: RAY JACOBS
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 Les Scott at the Planning and Development Department at 602.376-3981, TTY: Use 7-1-1.

February 14, 2022