

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised July 13, 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 **June 16, 2022 at 9:00 AM (Items 1-7) and 1:30 PM (Items 8-14)**.

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
Approved
w/stips

- 9:00 AM**
1. Application #: ZA-261-18-2 (1 year review of use permit)
Existing Zoning: A-1 DVAO
Location: 1720 East Deer Valley Drive, Suite 101
Quarter Section: 43-31(N9)
Proposal: Use permit to allow a medical marijuana dispensary facility. Use permit required.
Ordinance Sections: 627.D.92
Applicant: Kristen Abelon, KMR Development, LLC
Representative: Kristen Abelon, KMR Development, LLC
Owner: Larry Marlin, Landmark Group, LLC

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/stips** 2. Application #: ZA-178-22-8
Existing Zoning: R1-6
Location: 3628 East Palm Lane
Quarter Section: 13-36(G10)
Proposal: Variance to reduce the side yard setback (west) to 5 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Jason Boatman
Representative: Dejan Rajic
Owner: Jason Boatman
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per the setback reduction as shown on the plan dated May 13, 2022.
- Approved w/stip** 3. Application #: ZA-182-22-6
Existing Zoning: C-2 PCD
Location: 1241 East Chandler Boulevard. Suite 127
Quarter Section: 010-30(A9) 011-30(A9)
Proposal: **1)** Use permit to allow for outdoor dining as an accessory use to a restaurant (Shinko Sushi House) within 500 feet of a residential district. Use permit required. **2)** Use permit to allow outdoor alcohol consumption accessory to a restaurant (Shinko Sushi House) within 500 feet of a residential district. Use permit required. **3)** Use permit to allow outdoor recreation (music speakers) as an accessory use to a restaurant (Shinko Sushi House) within 500 feet of a residential district. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.c 623.D.157.c
Applicant: Ngun Hlei Soi, Shinko Sushi House
Representative: Theresa J. Morse, Avant Garde Alcohol Training and Education
Owner: George Boukather, F H Plaza Ahwatukee, LLC
Stipulation:
1) Outdoor recreation shall be limited to the two 5 inch speakers discussed in the presentation and shall only play ambient music.
- Approved w/stips** 4. Application #: ZA-183-22-7
Existing Zoning: CP/GCP (Approved C-2 SP)
Location: 1950 and 2150 South 91st Avenue
Quarter Section: 7-6(E3)
Proposal: **1)** Variance to eliminate the 8 foot high solid wall requirement for loading space or dock located adjacent to a residence district. Minimum 8 foot high wall required. **2)** Variance to eliminate the 6 foot solid masonry wall requirement on any lot line which abuts a residential zoning. Minimum 6 foot wall required. **3)** Variance to allow parking

lot and security lighting with a height of 28 feet within 150 feet of a residential district. Maximum 15 feet allowed. **4)** Variance to allow a building height of 44 feet at a 61 foot setback from a perimeter line (north). Minimum 111 foot setback required.

Ordinance Sections: 626.G.9.c 626.H.3.b 507 Tab A.II.A.8.3
626.H.1.Table

Applicant: Dale Couture, AIA, Ware Malcomb

Representative: Dale Couture, AIA, Ware Malcomb

Owner: Buckeye 65A, LLLP, Marwest Enterprises, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) The over height lighting shall only be permitted on the west side of the building.

**Approved
w/stip**

5. Application #: ZA-185-22-5
Existing Zoning: C-2
Location: 1701 North 99th Avenue
Quarter Section: 13-5(G2)
Proposal: Variance to reduce the required parking to 44 spaces. Minimum 48 spaces required.
Ordinance Sections: 702.C.Table
Applicant: Larry Lazarus, Lazarus & Silvyn, P.C.
Representative: Larry Lazarus, Lazarus & Silvyn, P.C.
Owner: Arvin Saloum, Ninety-Nine Holdings, LLC

Stipulation:

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

**Approved
w/stip**

6. Application #: ZA-186-22-3
Existing Zoning: C-3/P-1
Location: 1545 East Yucca Street
Quarter Section: 29-30(K9)
Proposal: Variance to reduce the number of required parking spaces to 20. Minimum 24 parking spaces required.
Ordinance Sections: 702.C.Table
Applicant: Jack Leonard, KQ Architects
Representative: Jack Leonard, KQ Architects
Owner: Jim and Desiree Garthe, Misty Girls House, LLC

Stipulation:

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

Denied

7. Application #: ZA-189-22-3
Existing Zoning: R1-10
Location: 521 West Townley Avenue
Quarter Section: 26-27(J8)
Proposal: Variance to reduce the required front (north) yard setback to 12 feet. Minimum 25 feet required.

Ordinance Sections: 611.Table B
Applicant: Primitivo Wancho, Wancho's Project
Representative: Primitivo Wancho, Wancho's Project
Owner: Annamarie Nieblas

1:30 PM

Denied 8. Application #: ZA-72-22-5 (Continued from April 14, 2022)
Existing Zoning: R1-6
Location: 4228 North 82nd Avenue
Quarter Section: 17-9(H3)
Proposal: Variance to reduce the required side yard setback (south) to 1 foot for a detached accessory structure. Minimum 3 feet required.

Ordinance Sections: 706.B
Applicant: Unique Cad and Design
Representative: Unique Cad and Design
Owner: Uribe Legacy, LLC

Approved w/stip 9. Application #: ZA-97-22-4 (Continued from April 28, 2022)
Existing Zoning: C-2 HGT/WVR SP
Location: 4810 and 4822 North Black Canyon Highway
Quarter Section: 18-23(H7)
Proposal: **1)** Time extension for ZA-327-20; Variance to reduce the street side building setback along Mariposa Street (north) to 14 feet. Average of 30 feet is required, minimum 20 feet permitted for up to 50 percent of structure, including projections. **2)** Time extension for ZA-327-20; Variance to reduce the street side building setback along Black Canyon Highway (east) to 8 feet. Average of 30 feet is required, minimum 20 feet permitted for up to 50 percent of structure, including projections. **3)** Time extension for ZA-327-20; Variance to allow a 60-foot building setback adjacent to R-3 zoning district (west). Minimum 100 feet required. **4)** Time extension for ZA-327-20; Variance to reduce the streetscape landscape setback along Mariposa Street (north) to 14 feet. An average of 30 feet for structures exceeding two stories or 30 feet, minimum 20 feet permitted for up to 50 percent of the frontage. **5)** Time extension for ZA-327-20; Variance to reduce the streetscape landscape setback along Black Canyon Highway (east) to 8 feet. An average of 30 feet for structures exceeding two stories or 30 feet, minimum 20 feet permitted for up to 50 percent of the frontage. **6)** Time extension for ZA-327-20; Variance to reduce the street side building setback along Pierson Street (south) to 12 feet.

Average of 30 feet is required, minimum 20 feet permitted for up to 50 percent of structure, including projections. **7)** Time extension for ZA-327-20; Variance to reduce the streetscape landscape setback along Pierson Street (south) to 12 feet. An average of 30 feet for structures exceeding two stories or 30 feet, minimum 20 feet permitted for up to 50 percent of the frontage.

Ordinance Sections: 623.E.4.d 623.E.4.d 623.E.4.d 623.E.4.e
623.E.4.e 623.E.4.d 623.E.4.e

Applicant: Benjamin Tate, Withey Morris, PLC

Representative: Benjamin Tate, Withey Morris, PLC

Owner: Mike Kucera, Black Canyon Self Storage, LLC

Stipulation:

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

**Approved
w/stip**

10. Application #: ZA-168-22-6
Existing Zoning: R-3
Location: 2601 East Clarendon Avenue
Quarter Section: 16-33(H9)
Proposal: Use permit to allow single family attached development option. Use permit required.
Ordinance Sections: 608.F.8
Applicant: David Ross, Ross Design Group, LLC
Representative: David Ross, Ross Design Group, LLC
Owner: Brandon Hampton, Clarendon Townhomes, LLC

Stipulation:

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

**Approved
w/stip**

11. Application #: ZA-177-22-1
Existing Zoning: S-1
Location: 24425 North 67th Avenue
Quarter Section: 46-13(O4)
Proposal: **1)** Variance to allow the addition of a wireless communication facility to an existing public utility pole that will increase the height by 12 feet. Maximum additional 10 feet in height allowed. **2)** Use permit to reduce the setback from a property zoned or used for residential purpose for a wireless communication facility co-locating on public utilizes. Use permit required.
Ordinance Sections: 715.B.2.b.(6).(b).(iv) 715.B.2.a.(2).(a).(ii)
Applicant: Vince Adams, Tower Engineering Professionals
Representative: Karla Richards, Tower Engineering Professionals
Owner: Arizona Public Service, Co.

Stipulation:

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

- Approved w/stips** 12. Application #: ZA-181-22-5
Existing Zoning: C-2
Location: 5301 West Indian School Road
Quarter Section: 16-16(H5)
Proposal: Use permit to allow outdoor recreation uses (ambient music) as an accessory use to a restaurant (Raising Caine's) within 500 feet of a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.c
Applicant: LuAron Foster, Raising Cane's Restaurants, LLC
Representative: Maurissa Muha, PM Design Group, Inc.
Owner: Scott Whittington, Avalon Development
Stipulations:
1) 6 months to commence the use.
2) Music shall be turned off at 11:00 PM.
- Denied** 13. Application #: ZA-184-22-2
Existing Zoning: R1-18 PCD NBCOD
Location: 2429 West Restin Road
Quarter Section: 60-23(S7)
Proposal: Variance to allow a 29 percent lot coverage. Maximum 25 percent lot coverage permitted.
Ordinance Sections: 610.B.Table
Applicant: Dale Newman
Representative: Dale Newman
Owner: Dale Newman
- *Denied** 14. Application #: ZA-188-22-3
Existing Zoning: R1-14
Location: 5019 East Emile Zola Avenue
Quarter Section: 32-39(L11)
Proposal: **1)** Variance to reduce the side yard (east) setback for a detached accessory structure to 0 feet. Minimum 3 feet required. **2)** Variance to allow an over height (10 feet) detached accessory structure within the required side yard setback. Maximum 8 feet permitted.
Ordinance Sections: 706.B 706.C
Applicant: Tyler Tse
Representative: Tyler Tse
Owner: Tyler Tse
Taken out from under advisement on July 13, 2022 and denied.

**ZONING ADJUSTMENT HEARING OFFICER: BETTY DRAKE
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 602-261-8980, leslie.scott@phoenix.gov TTY: Use 7-1-1.

July 13, 2022