

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised May 19, 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 **April 28, 2022 at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-15).**

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
Approved
w/stips

9:00 AM

1. Application #: ZA-361-12-8 (1 year review of use permit)
Existing Zoning: A-1
Location: 4201 East University Drive
Quarter Section: 6-37(E10)
Proposal: Time Extension to Case ZA-159-11. Use permit to allow a medical marijuana dispensary facility. Time extension required.
Ordinance Sections: 307.A.12.
Applicant: Cecilia Wilson, Peace Relief
Representative: David Dow, Law Offices of David W. Dow
Owner: Cecilia Wilson, Peace Relief

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 1 year 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 prior to the commencement of operations. 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-243-19-5 (1 year review of use permit)
Existing Zoning: C-2
Location: 2601 West Dunlap Avenue
Quarter Section: 26-23(J7)
Proposal: **1)** Variance to allow a nonprofit medical marijuana dispensary within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. **2)** Variance to allow a nonprofit medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 feet separation required. **3)** Use Permit to allow a nonprofit medical marijuana dispensary. Use Permit required.
Ordinance Sections: 623.D.124.e 624.D.124.f 624.D.124.a
Applicant: BC Retail Development, LLC
Representative: Benjamin Tate, Withey Morris, PLC
Owner: MP Dunlap, 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 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 1 year 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 prior to the commencement of operations. 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**

3. Application #: ZA-691-21-4 (Continued from February 24, 2022)
Existing Zoning: R1-6 HP
Location: 1111 and 1121 West Heatherbrae Drive
Quarter Section: 17-26(H8)
Proposal: Variance to reduce the side yard (west) setback to 3 feet. Minimum 10 required.

		Ordinance Sections:	613.B.TableB
		Applicant:	Travis Bradley, E5 Design Build
		Representative:	Travis Bradley, E5 Design Build
		Owner:	David Coon
		Stipulation:	
			1) 1 year to apply and pay for building permits.
Approved w/stips	4.	Application #:	ZA-91-22-6
		Existing Zoning:	R1-14 ACSPD
		Location:	5420 East Calle Tuberia
		Quarter Section:	16-40(H11)
		Proposal:	Variance to reduce the required front yard setback (south) to 30 feet. Minimum 40 feet required.
		Ordinance Sections:	606.B.2
		Applicant:	Daniel Plapp
		Representative:	Daniel Plapp
		Owner:	Daniel Plapp
		Stipulations:	
			1) The home shall not exceed 1 story in height and limited to 15 feet in height as measured to the mid-point the roof.
			2) 1 year to apply and pay for building permits.
*Denied	5.	Application #:	ZA-93-22-6
		Existing Zoning:	R1-6
		Location:	5344 East Pinchot Avenue
		Quarter Section:	15-40(G11)
		Proposal:	Variance to reduce side setback (east) to 7 feet. Minimum 10 feet required.
		Ordinance Sections:	613.B.Table B
		Applicant:	Daniel Cifuentes, Cifuentes Studio
		Representative:	Daniel Cifuentes, Cifuentes Studio
		Owner:	Lorie Halverson
		Taken out from under advisement on May 19, 2022 and denied.	
Continued	6.	Application #:	ZA-96-22-6
		Existing Zoning:	R1-10
		Location:	3102 North 61st Place
		Quarter Section:	15-42(G12)
		Proposal:	1) Variance to reduce the rear yard (north) setback to 5 feet. Minimum 25 feet required. 2) Variance to reduce the side yard (east) setback to 5 feet. Minimum 10 feet required. 3) Variance to reduce the side yard (west) setback to 1 foot. Minimum 3 feet required.
		Ordinance Sections:	611.Table.B 611.Table.B 611.Table.B
		Applicant:	Scott King
		Representative:	Scott King
		Owner:	Scott King
		Taken out from under advisement on May 4, 2022 and continued to	

June 23, 2022 at 1:30 PM.

Continued

7. Application #: ZA-97-22-4
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

Continued to June 16, 2022 at 1:30 PM.

**Approved
w/stips**

8. Application #: ZA-94-22-4
Existing Zoning: C-2

Location: 3830 and 3822 North 7th Street
Quarter Section: 16-28(H8)
Proposal: **1)** Time Extension for ZA-660-20, use permit to allow a medical marijuana dispensary. Use permit required. **2)** Time Extension of ZA-660-20, variance to allow a medical marijuana dispensary within 5,280 feet of the same type of use. Minimum 5,280 feet separation required. **3)** Time Extension for ZA-660-20, variance to allow a medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 foot separation required. **4)** Time extension for ZA-660-20, a variance to allow a medical marijuana dispensary within 1,320 feet of a preschool. Minimum 1,320 feet separation required. **5)** Time extension for ZA-660-20, a variance to allow a medical marijuana dispensary within 1,320 feet of a learning center. Minimum 1,320 feet separation required.
Ordinance Sections: 623.D.124.a 623.D.124.e 623.D.124.f 623.D.124.g 623.D.124.g
Applicant: David Richert, Richert and Associates
Representative: David Richert, Richert and Associates
Owner: Troy Hudspeth, Bioceuticals Genesis

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 1 year 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 prior to the commencement of operations. 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.

1:30 PM		
Denied	9.	Application #: ZA-702-21-8 (Continued from February 24, 2022) Existing Zoning: R-5 SPVTABDO FCOD Location: 2511, 2515, 2527, 2531, 2539 and 2535 East Broadway Road Quarter Section: 4-33(E9) Proposal: Variance to allow an over height fence (6 feet) within the front yard setback (north). Maximum 40 inches permitted. Ordinance Sections: 703.A.2.a Applicant: George Alper, Ringo Holdings Co., LLC Representative: Ethan Brunson, 511 Design Owner: George Alper, Ringo Holdings Co., LLC
#2 Approved w/stips	10.	Application #: ZA-33-22-3 Existing Zoning: RE-43 Location: 4102 East Cochise Road Quarter Section: 28-37(K10) Proposal: 1) Variance to reduce the required front yard setback (south) to 15 feet. Minimum 40 feet required. 2) Variance to reduce the side yard setback (west) to 5 feet. Minimum 30 feet required. 3) Variance to reduce the rear yard setback (north) to 15 feet. Minimum 40 feet required. 4) Variance to allow a 40 percent lot coverage. Maximum of 30 percent lot coverage permitted. Ordinance Sections: 605.B.2 605.B.3 605.B.4 605.B.5 Applicant: Tim R. Jones Representative: Tim R. Jones Owner: Matthew Randall, Platinum Builders Group Stipulations: 1) The rear yard setback shall be a minimum of 21 feet. 2) The side yard setback (west) is approved for the existing structure only. 3) The front yard setback shall be a minimum of 36 feet. 4) 1 year to apply and pay for building permits. 5) Per site plan date stamped January 25, 2022. 6) The required parking area must remain a carport or apply for a variance to allow the required within the front yard setback.
#1 and 3 Denied as Filed		
#4 Withdrawn		
Denied	11.	Application #: ZA-86-22-8 Existing Zoning: R1-6 BAOD Location: 623 East Euclid Avenue Quarter Section: 02-28(C8) Proposal: 1) Variance to allow an over height wall (7 feet) within the side yard setback (west). Maximum 6 feet permitted. 2) Variance to allow an over

		height wall (7 feet) within the rear yard setback (south). Maximum 6 feet permitted. 3) Variance to allow an over height wall (7 feet) within the side yard setback (east). Maximum 6 feet permitted.
	Ordinance Sections:	703.A.2.c 703.A.2.c 703.A.2.c
	Applicant:	Deborah Ellison
	Representative:	Deborah Ellison
	Owner:	Deborah Ellison
Approved w/stip	12.	Application #: ZA-92-22-4 Existing Zoning: C-2 TOD-1 (Approved C-2 HR TOD-1) Location: 4700 North Central Avenue, Suite 206 Quarter Section: 18-27(H8) Proposal: Use permit to allow tattoo shop (Too Soon). Use permit required. Ordinance Sections: 623.D.187 Applicant: Sean O'Day Representative: Sean O'Day Owner: Davis Enterprises Stipulation: 1) 1 year to commence the use.
Approved w/stip	13.	Application #: ZA-95-22-7 Existing Zoning: C-2 Location: 2675 South 67th Avenue Quarter Section: 7-13(E4) Proposal: 1) Use permit to allow a drive-through facility as an accessory use to a restaurant (Gravity Coffee) within 300 feet of a residential district. Use permit required. 2) Use permit to allow outdoor dining as an accessory use to a restaurant (Gravity Coffee) within 500 feet of a residential district. Use permit required. Ordinance Sections: 623.D.157.d.(2) 623.D.157.c Applicant: Tuck Bettin, Cobblestone Auto Spa Representative: Jesse Macias, M3 Design Owner: Tina Kelty, Garrett Development Corporation Stipulation: 1) 18 months to apply and pay for building permits.
Approved w/stip	14.	Application #: ZA-98-22-8 Existing Zoning: A-2 Location: 3221 East Elwood Street Quarter Section: 5-34(E10) 5-35(E10) 6-34(E10) 6-35(E10) Proposal: Use permit to allow an 80-foot-tall building. Use permit required. Ordinance Sections: 628.E.2.a Applicant: Wes Balmer, Balmer Architectural Group

Representative: Wes Balmer, Balmer Architectural Group

Owner: Phoenix NAP, LLC

Stipulation:

- 1) 3 years to apply and pay for building permits.

**Approved
w/stips**

15. Application #: ZA-99-22-6
Existing Zoning: RE-35 ACSPD
Location: 5730 and 5740 East Exeter Boulevard, 4330 and 4333 North 57th Way
Quarter Section: 17-41(H11)
Proposal: **1)** Variance to reduce the lot width to 50 feet (Lot 2). Minimum 150 feet required. **2)** Variance to allow an over height (14 feet) detached accessory structure (Lot 2) within the side yard setback (east). Maximum 8 feet permitted. **3)** Variance to reduce the required side yard setback (east) to 9 feet (Lot 1). Minimum 20 feet required.
Ordinance Sections: 609.B.Table 706.C 609.B.Table
Applicant: Kimberly Schroeder, KAEKO
Representative: Ivan Ivish, KAEKO
Owner: Steven Johnson, Ernest Irrevocable 2004 Trust III

Stipulations:

- 1) The approval of variance number 3 is only for the existing structures.
- 2) 18 months to apply and pay for building permits.

**ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
PLANNER: JAZMINE BRASWELL, 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 602-376-3981, les.scott@phoenix.gov
TTY: Use 7-1-1.

May 19, 2022