

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised September 20, 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 **August 11, 2022 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

**Withdrawn
to Amend**

- 9:00 AM**
1. Application #: ZA-205-22-3
Existing Zoning: R1-10
Location: 13064 North Surrey Circle
Quarter Section: 32-26(L8)
Proposal: Variance to reduce the rear yard setback (north) to 3 feet. Minimum 25 feet required.
Ordinance Sections: 611.B.Table B
Applicant: Chris Lasch, Aranda/Lasch
Representative: Chris Lasch, Aranda/Lasch
Owner: Scott and Elaine McEwen

**Approved
w/stips**

2. Application #: ZA-283-22-6
Existing Zoning: R-5
Location: 4210, 4220, 4248 North 32nd Street
Quarter Section: 17-34(H10)
Proposal: **1)** Time extension for ZA-249-21, use permit to modify stipulation number 2 from case ZA-658-20 regarding access. Use permit required. **2)** Time extension for ZA-249-21, variance to reduce the required west setback (north) to 6 feet. Minimum 10 feet required. **3)** Time extension for ZA-249-21, variance to reduce the required south setback (west) to 2 feet. Minimum 10 feet required.
Ordinance Sections: 307.A.7 618.B.Table B 618.B.Table B
Applicant: Israel Lozoya, Moderna Architects, LLC
Representative: Mike March, Moderna Architects, LLC
Owner: Taylor Robinson, 4220 Holdings, LLC
Stipulations:
1) 1 year to apply and pay for building permits.
2) All other stipulations from ZA-249-21 shall remain.

***Approved
w/stips**

3. Application #: ZA-286-22-3
Existing Zoning: R1-10
Location: 3216 East Shangri La Road
Quarter Section: 29-35(K10)

Proposal: 1) Variance to reduce the front yard setback (southeast) to 10 feet. Minimum 25 feet required.
2) Variance to reduce the rear yard setback (west) to 10 feet. Minimum 25 feet required.

Ordinance Sections: 611.B.Table B 611.B.Table B

Applicant: Brian Cameron

Representative: Jennifer Hall, Rose Law Group

Owner: Brian Cameron

Taken out from under advisement on September 20, 2022 and approved with the following stipulations:

- 1) Six months to pay and gain building permits for the carport and the interior construction previously completed.
- 2) Neighborhood Services shall complete a complete inspection within 90 days to determine the number of dwelling units established on the property.
- 3) The existing carport shall remain an open structure.

**Approved
w/stip**

4. Application #: ZA-288-22-8
Existing Zoning: R-3, R-3 SP (Approved A-1) RSI
Location: 3830 South 18th Street
Quarter Section: 5-31(E9)
Proposal: Use permit to allow a residential use in the A-1 zoning district. Use permit is required.
Ordinance Sections: 627.D.1
Applicant: 18th & Raymond, LLC
Representative: Jennifer Hall, Rose Law Group
Owner: 18th & Raymond, LLC

Stipulation:

- 1) 2 years to apply and pay for building permits.

**Approved
w/stip**

5. Application #: ZA-290-22-7
Existing Zoning: R-2
Location: 4775 West Sothern Avenue and 6208 South 47th Avenue
Quarter Section: 2-17(D5)
Proposal: Variance to reduce the required streetside perimeter building setback (north) for Lot 1 to 10 feet. Minimum 15 feet required.
Ordinance Sections: 614.Table A
Applicant: Benjamin Graff, Quarles & Brady, LLP
Representative: Benjamin Graff, Quarles & Brady, LLP
Owner: Matthew Avrhami, Montana Del Sur Owner, LLC

Stipulation:

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

**Approved
w/stip**

6. Application #: ZA-292-22-8
Existing Zoning: R1-18 PRD
Location: Southwest corner of 35th Avenue and Elliot Road
Quarter Section: 03-20(C6) 04-20(C6)

Proposal: Time extension for ZA-271-20, variance to reduce the front yard setback to 15 feet for 165 lots. Minimum 25 feet required.

Ordinance Sections: 610.B.Table

Applicant: Jason VP Land Entitlements, TriPointe Homes

Representative: Megan Neal, Land Entitlements, TriPointe Homes

Owner: Marakay 91, LLC, TriPointe Homes

Stipulation:

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

**Approved
w/stip**

7. Application #: ZA-320-22-8

Existing Zoning: DTC-Warehouse

Location: Southwest corner of 5th Street and Lincoln Street

Quarter Section: 9-28(F8)

Proposal: **1)** Variance to increase the maximum building setback on Grant Street (south) to 9 feet. Maximum 5 feet permitted. **2)** Variance to reduce the streetscape zone on Grant Street (south) to 5 feet. Minimum 14 feet required. **3)** Variance to increase the maximum building setback on 5th street (east) to 22 feet. Maximum 5 feet permitted. **4)** Variance to decrease the streetscape zone on 5th street (east) to 0 feet. Minimum 8 feet required. **5)** Variance to reduce the minimum sidewalk width on 5th street (east) to 0 feet. Minimum 6 feet required. **6)** Variance to increase the maximum building setback on Lincoln Street (north) to 9 feet. Maximum 5 feet permitted

Ordinance Sections: 1222.E. 1222.E 1222.E 1222.E 1222.E 1222.E

Applicant: Todd Gosselink, Trinsic Residential Group

Representative: Benjamin Tate, Withey Morris, PLC

Owner: HF MAC 475 E Lincoln, LLC

Stipulation:

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

**Approved
w/stips**

8. Application #: ZA-278-22-8

Existing Zoning: A-1

Location: 3303 South 40th Street

Quarter Section: 6-37(E10)

Proposal: **1)** Time extension for ZA-243-21, use permit to allow a medical marijuana dispensary. Use permit required. **2)** Time extension for ZA-243-21, variance to allow a medical marijuana dispensary within 5280 feet of another facility of the same type. Minimum 5280 feet of separation required.

Ordinance Sections: 627.D.92.a 627.D.92.d

Applicant: Proxima C., LLC

Representative: Lindsay Schube, Gammage & Burnham, PLC

Owner: Second Time Around Investments, 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	1:30 PM		
	9.	Application #:	ZA-275-22-2 (SIGN)
		Existing Zoning:	CP/GCP PCD
		Location:	7102 East Acoma Drive
		Quarter Section:	33-44(L12) 34-44(L12)
		Proposal:	1) Use Permit for a major amendment to the Kierland Comprehensive Sign Plan. Use Permit required.
		Ordinance Sections:	705.E.2.d(2) 705.E.2.b(3)
		Applicant:	Darshan Dawson, Arizona Commercial Signs
		Representative:	Darshan Dawson, Arizona Commercial Signs
		Owner:	Dr. Ronald Caniglia, Caniglia Facial Plastic Surgery Center

Stipulations:

- 1) Adherence to the sign drawings date-stamped July 25, 2022.
- 2) Install an automatic timer that extinguishes sign illumination daily no later than 10:00 PM until 4:00 AM.
- 3) Twelve months to obtain sign permits for the subject sign.

Denied as Filed Approved w/stips	10.	Application #:	ZA-255-22-6
		Existing Zoning:	R1-10
		Location:	4531 North 29th Way
		Quarter Section:	18-34(H10)

Proposal: Variance to allow an over height fence (8 feet) located in the required side yards (north and west) and required rear yard (east). Maximum 6 feet allowed.

Ordinance Sections: 703.A.2.c

Applicant: Chris & Christy O'Gara, The O'Gara Family Trust

Representative: Chris & Christy O'Gara, The O'Gara Family Trust

Owner: Chris & Christy O'Gara, The O'Gara Family Trust

Stipulations:

- 1) Approved for a maximum height of 7 feet.
- 2) Per the over height wall locations as shown on the plan dated June 2, 2022.
- 3) 1 year to apply and pay for building permits.

**Approved
w/stip**

11. Application #: ZA-289-22-7

Existing Zoning: DTC-Downtown Gateway

Location: 701 North Central Avenue

Quarter Section: 11-28(F8)

Proposal: Use permit to allow surface parking as an interim use. Use permit required.

Ordinance Sections: 1204.D

Applicant: 701 North Central Owner, LLC

Representative: Nick Wood, Esq., Snell & Wilmer, LLP

Owner: 701 North Central Owner, LLC

Stipulation:

- 1) Approved for a maximum of 1 year.

Continued

12. Application #: ZA-293-22-6

Existing Zoning: R1-6

Location: 7718 North 13th Place

Quarter Section: 24-30(J9)

Proposal: Variance to reduce the rear yard (north) setback to 3 feet. Minimum 25 feet required.

Ordinance Sections: 613.B.Table B

Applicant: James Meringer, Meripack, Inc.

Representative: James Meringer, Meripack, Inc.

Owner: Julia Blubaugh Blake

Continued to October 6, 2022 at 1:30 PM.

Denied

13. Application #: ZA-294-22-4

Existing Zoning: R1-6

Location: 2314 West Missouri Avenue

Quarter Section: 20-23(I7)

Proposal: Variance to allow an over height wall (8 feet in height) in the required side and rear yard setbacks. Maximum 6 feet allowed.

Ordinance Sections: 703.A.2.c

Applicant: Nathan Palmer, Westlyn Law, LLC

Representative: Nathan Palmer, Westlyn Law, LLC

Owner: Nicholas Zalkow, Lucayan Properties, LLC

**Approved
w/stip**

14. Application #: ZA-295-22-6
Existing Zoning: R-O
Location: 701 East Northern Avenue
Quarter Section: 24-29(J8)
Proposal: Time Extension for ZA-267-20, variance to reduce the side yard setback (east) to 5 feet. Minimum 10 feet required.
Ordinance Sections: 620.C.4
Applicant: Coe and Van Loo Consultants, Inc.
Representative: Coe and Van Loo Consultants, Inc.
Owner: Northern Grove Phoenix, LLC

Stipulation:

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

**Approved
w/stips**

15. Application #: ZA-287-22-8
Existing Zoning: C-2
Location: 1621 North 40th Street
Quarter Section: 13-37(G10)
Proposal: 1) Time Extension for ZA-260-20, use permit to allow a medical marijuana dispensary facility. Use permit required. 2) Time Extension for ZA-260-20, variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. Minimum 500 feet of separation required. 3) Time Extension of ZA-260-20, variance to allow a medical marijuana dispensary facility within 5,280 feet of the same type of use. Minimum 5,280 feet of separation required.
Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.e
Applicant: Lindsay C. Schube, Gammage & Burnham, PLC
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: BJRM Enterprises, 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.
- 8) Applicant shall submit revocation of the use permit approved in the matter of ZA-289-12-8 no later than 15 days after the issuance of the approval to operate (ATO) and the Planning and Development Department shall be notified of the issuance of the ATO.

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 602-261-8980, leslie.scott@phoenix.gov TTY: Use 7-1-1.

September 20, 2022