

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised October 10, 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 **August 25, 2022 at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-16)**.

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-430-14-7 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 5436 West Latham Street
Quarter Section: 12-16(G5)
Proposal: **1)** Variance to allow a medical marijuana cultivation facility located within 5,280 feet from the same type of use. Minimum of 5,280 feet separation is required. **2)** Variance to allow a medical marijuana cultivation facility located within 1,000 feet of an R-4A zoned property. Minimum 1,000 feet of separation is required. **3)** Use permit to allow a medical marijuana cultivation facility. Use permit required.
Ordinance Sections: 627.D.93.b 627.D.93.c 627.D.93.a
Applicant: Eric Capranica, E&M Alliance, LLC
Representative: Eric Capranica, E&M Alliance, LLC
Benjamin Tate, Withey Morris, PLC
Owner: David and Kathleen Seid, Access 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.

**Approved
w/stips**

2. Application #: ZA-590-16-7 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 5436 and 5456 West Latham Street
Quarter Section: 12-16(G5)
Proposal: **1)** Time extension of ZA-544-15, a use permit to allow a medical marijuana dispensary. **2)** Time extension of ZA-544-15, a variance to allow a medical marijuana dispensary within 5,280 feet of another medical marijuana facility.

Ordinance Sections: 627.D.92.a 627.D.92.d
Applicant: Adam Baugh, Withey Morris, PLC
Representative: Adam Baugh, Withey Morris, PLC
Owner: Turtle RE Investments Fund 1A, 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.

Continued

3. Application #: ZA-107-22-6
Existing Zoning: R1-6

		Location:	1329 East Orangewood Avenue
		Quarter Section:	23-30(I9)
		Proposal:	1) Variance to reduce the side yard setback for a detached accessory structure (west) to 1 foot. Minimum 3 feet required. 2) Variance to reduce the rear yard setback for a detached accessory structure (south) to 1 foot. Minimum 3 feet required.
		Ordinance Sections:	706.B 706.B
		Applicant:	Kellye Evans
		Representative:	Kellye Evans
		Owner:	Kellye Evans
		Continued to October 13, 2022 at 9:00 AM.	
Denied as Filed Approved w/stips	4.	Application #:	ZA-311-22-4
		Existing Zoning:	R1-6 HP WNSPD
		Location:	77 West Edgemont Avenue
		Quarter Section:	14-27(G8)
		Proposal:	Variance to allow an over height wall (7 feet) within the rear yard setback. Maximum 6 feet permitted.
		Ordinance Sections:	703.A.2.c
		Applicant:	Amber Harman Newhouse
		Representative:	Amber Harman Newhouse
		Owner:	Amber Harman Newhouse
		Stipulations:	
		1) Fence approved at 78 inches in height.	
		2) 1 year to apply and pay for building permits.	
Continued	5.	Application #:	ZA-312-22-8
		Existing Zoning:	R-5 HP
		Location:	1510 East Portland Street
		Quarter Section:	12-30(G9)
		Proposal:	Variance to allow maximum building height of 5 stories and 58 feet. Maximum 4 stories or 48 feet permitted.
		Ordinance Sections:	618.B.Table B
		Applicant:	Reid Butler, Butler Housing Company, Inc.
		Representative:	Reid Butler, Butler Housing Company, Inc.
		Owner:	1110 North 16th Street, LLC, CBC Financial Company
		Continued to October 6, 2022 at 1:30 PM.	
Approved w/stip	6.	Application #:	ZA-313-22-5
		Existing Zoning:	PSCOD
		Location:	1910 West Northern Avenue
		Quarter Section:	25-24(J7)
		Proposal:	1) Use permit to allow outdoor dining as an accessory use to a restaurant (Coffee Shop). Use permit required. 2) Use permit to allow a

		drive-through facility as an accessory use to a restaurant (Coffee Shop). Use permit required.
	Ordinance Sections:	659.B.109.c 659.B.109.d
	Applicant:	Nick Sherman, Paradigm Design
	Representative:	Nick Sherman, Paradigm Design
	Owner:	19th and Northern Marketplace, LLC
	Stipulation:	
		1) 1 year to apply and pay for building permits.
#1, 2, and 3 Approved w/stips	7.	Application #: ZA-316-22-8 Existing Zoning: R-5 RSIOD Location: 1614 and 1618 East Wood Street Quarter Section: 5-31(E9) Proposal: 1) Variance to reduce the landscape setback requirement along public facing street (Wood Street) to 10 feet. Minimum 25 feet required. 2) Variance to reduce the front yard setback (south) to 10 feet. Minimum 20 feet required. 3) Variance to reduce the side yard setback (west) to 5 feet. Minimum 10 feet required. 4) Variance to allow an over height fence (5 feet) within the front yard setback. Maximum 40 inches permitted. Ordinance Sections: 703.B.3.a 618.B.Table B 618.B.Table B 703.A.2.a Applicant: Chris Ramsell and Alec Maher Representative: Nichole Norman, Studio M Architects, Inc. Owner: Chris Ramsell and Alec Maher Stipulations: 1) Fence along side yard can be 5 feet but fence along Wood Street is limited to 40 inches. 2) 1 year to apply and pay for building permits.
#4 Denied as Filed Approved w/stips		
Approved w/stips	8.	Application #: ZA-314-22-7 Existing Zoning: A-2 Location: 2030 West McDowell Road Quarter Section: 13-24(G7) Proposal: 1) Time extension of ZA-376-21, use permit to allow a medical marijuana cultivation facility. Use permit required. 2) Time extension of ZA-376-21, variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. 3) Time extension of ZA-376-21, variance to allow a medical marijuana cultivation facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. 4) Time extension of ZA-376-21, use permit to allow a medical marijuana infusion facility. Use permit required. 5) Time extension of ZA-376-21, variance to allow a

medical marijuana infusion facility within 5,280 feet of another medical marijuana facility.

Minimum 5,280 feet of separation required.

6) Time extension of ZA-376-21, variance to allow a medical marijuana infusion facility within 1,000 feet of a residentially zoned district.

Minimum 1,000 feet of separation required.

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

Applicant: David Richert, Richert & Associates

Representative: David Richert, Richert & Associates

Owner: Kundan Bala Patel, Kundanbala Patel, 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.

1:30 PM

**Approved
w/stips**

9. Application #: ZA-272-22-1 (SIGN)
Existing Zoning: C-3 DVAO
Location: 21436 North 24th Drive
Quarter Section: 42-23(N7)
Proposal: **1)** Use permit to increase the height of a nonconforming off-premise sign to 64 feet. Use permit required. **2)** Use permit to convert one nonconforming sign face to digital. Use permit required.
- Ordinance Sections: 705.2.B.4.b 705.2.G.4
Applicant: Brent Wood, Outfront Media

Representative: William Allison, Withey Morris, PLC
Owner: Outdoor Systems, Inc.

Stipulations:

- 1) Re-install a Planning and Development Department design-approved, decorative pole cover on the nonconforming off-premise sign. Any access ladder shall be on the north or east side of the pole cover and concealed from northbound freeway traffic.
- 2) Prior to the issuance of sign permits for the subject sign, the applicant shall completely remove 900 square feet of nonconforming, off-premise sign faces including the three sign structures encompassing 300 square feet of sign face located at 4590 North Central Avenue, (Permit# 81703); 300 square feet of sign face located at 4050 North 43rd Avenue (Permit# 463-74); and 300 square feet of sign located 3512 East McDowell Road. Alternative, acceptable nonconforming, off-premise sign faces totaling a minimum of 900 square feet may be removed to satisfy the sign removal requirements of the digital conversion use permit. Acceptable documentation for sign(s) to be removed shall be provided and the sign shall be removed prior to the issuance of the permits to add the digital sign face(s) at 21436 North 24th Drive.
- 3) The applicant shall have 12 months to apply and pay for permits for the digital conversion of the nonconforming sign.

Continued 10. Application #: ZA-227-22-7 (Continued from July 7, 2022)
Existing Zoning: R1-10 BAOD
Location: 39 East Vineyard Road
Quarter Section: 1-28(D8)
Proposal: **1) Variance to allow an over height fence 6 feet in height in the required front yard (north) setback. Maximum 40 inches permitted.**
 2) Variance to allow a detached accessory structure within the required front yard (north) setback. Detached accessory structures not permitted within the required front yard setback.

Ordinance Sections: 703.A.2.a 706.A
Applicant: Ralph A. Carrasco
Representative: Ralph A. Carrasco
Owner: Ralph A. Carrasco
Continued to September 29, 2022 at 1:30 PM.

***Approved w/stips** 11. Application #: ZA-228-22-4 (Continued from July 7, 2022)
Existing Zoning: R-3 HP CNSPD
Location: 2325 North 8th Street
Quarter Section: 14-29(G8)
Proposal: Variance to reduce the side yard (south) setback to 0 feet. Minimum 10 feet required.

Ordinance Sections: 615.B.Table B
Applicant: Marco Ballesteros
Representative: Marco Ballesteros

Owner: Guadalupe Ballesteros

Taken out from under advisement on October 10, 2022 and approved with the following stipulations:

- 1) Per site plan submitted
- 2) An adequate roof drainage gutter system shall be installed to prevent any rainwater from leaving this property.
- 3) The patio shall remain open and shall never be enclosed.
- 4) One year to apply and pay for permits.

**Approved
w/stip**

12. Application #: ZA-219-22-8 (Continued from July 7, 2022)
Existing Zoning: C-2
Location: 1919 West Baseline Road
Quarter Section: 01-24(D7)
Proposal: Use permit to allow a drive through facility as an accessory use to a restaurant (Taco Bell) within 300 feet of a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.d.(2)
Applicant: Haulapai Investments, Inc.
Representative: Ryan Banning, Olsson
Owner: Haulapai Investments, Inc.
Stipulation:
1) 1 year to apply and pay for building permits.

Denied

13. Application #: ZA-297-22-2
Existing Zoning: R1-8
Location: 19638 North Cave Creek Road
Quarter Section: 40-33(N9)
Proposal: **1)** Variance to allow a minimum lot width (Lot No. 1) of 10 feet. Minimum lot width of 70 feet required. **2)** Variance to allow a minimum lot depth (Lot No. 1) of 77 feet. Minimum lot depth of 94 feet required. **3)** Variance to allow a minimum lot depth (Lot No. 2) of 91 feet. Minimum lot depth of 94 feet required. **4)** Variance to allow a minimum lot area (Lot No. 1) of 6,933 square feet. Minimum lot area of 8,000 square feet required. **5)** Variance to allow a minimum lot area (Lot No. 2) of 6,866 square feet. Minimum lot area of 8,000 square feet required.
Ordinance Sections: 612.B.Table B.(a) 612.B.Table B.(a) 612.B.Table B.(a) 612.B.Table B.(a) 612.B.Table B.(a)
Applicant: Edmir Dzudza, E-Project, LLC
Representative: Stella Dzudza, E-Project, LLC
Owner: Mohammad H. Malik

Denied

14. Application #: ZA-299-22-2
Existing Zoning: R1-8
Location: 19634 North Cave Creek Road
Quarter Section: 40-33(N9)

	Proposal:	1) Variance to allow a minimum lot width (Lot No. 1) of 14 feet. Minimum lot width of 70 feet required. 2) Variance to allow a minimum lot depth (Lot No. 1) of 74 feet. Minimum lot depth of 94 feet required. 3) Variance to allow a minimum lot depth (Lot No. 2) of 54 feet. Minimum lot depth of 94 feet required. 4) Variance to allow a minimum lot area (Lot No. 1) of 7,827 square feet. Minimum lot area of 8,000 square feet required. 5) Variance to allow a minimum lot area (Lot No. 2) of 6,622 square feet. Minimum lot area of 8,000 square feet required.
	Ordinance Sections:	612.B.Table B.(a) 612.B.Table B.(a) 612.B.Table B.(a) 612.B.Table B.(a) 612.B.Table B.(a)
	Applicant:	Edmir Dzudza, E-Project, LLC
	Representative:	Stella Dzudza, E-Project, LLC
	Owner:	Mohammad H. Malik
Approved w/stip	15. Application #:	ZA-310-22-1
	Existing Zoning:	RE-35
	Location:	5214 West Park View Lane
	Quarter Section:	46-16(O5)
	Proposal:	Use permit to allow an over height (17 feet) detached accessory structure within the rear yard (north) setback. Maximum 15 feet permitted.
	Ordinance Sections:	706.G
	Applicant:	Gary Kuenzi
	Representative:	Gary Kuenzi
	Owner:	Gary Kuenzi
	Stipulation:	1) 1 year to apply and pay for building permits.
Denied as Filed Approved w/stip	16. Application #:	ZA-315-22-6
	Existing Zoning:	RE-35
	Location:	6302 East Hillcrest Boulevard
	Quarter Section:	18-42(H12)
	Proposal:	1) Variance to allow an over height fence (30 feet) in the rear yard setback (north). Maximum height allowed 6 feet. 2) Variance to allow an over height fence (30 feet) in the side yard setback (west). Maximum height allowed 6 feet.
	Ordinance Sections:	703.A.2.c 703.A.2.c
	Applicant:	Ben Haught, Red Rock Contractors
	Representative:	Ben Haught, Red Rock Contractors
	Owner:	CJB Revocable Trust
	Taken out from under advisement on September 20, 2022 and denied as filed and approved with the following stipulations:	1) The fence shall not exceed 20 feet in height.

- 2) Locations and lengths shall be per the submitted site plan.
- 3) One year to apply and pay for building permit.

ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
PLANNER: KIM STEADMAN, 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.

October 10, 2022