

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised May 23, 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 **May 5, 2022 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-92-13-8 (1 year review of use permit)
Existing Zoning: A-2 RSIOD
Location: 2512 East Magnolia Street
Quarter Section: 7-33(E9)
Proposal: **1) Use permit to allow medical marijuana cultivation. Use permit is required. 2) Use permit to allow medical marijuana infusion. Use permit is required.**

Ordinance Sections: 627.D.91.a 627.D.91.b
Applicant: Steve White, Green Sky Patient Center of Scottsdale N.
Representative: Lauren Niehaus, Harvest, Inc.
Owner: Steve White, Green Sky Patient Center of Scottsdale N.

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-707-21-6 (Continued from March 3, 2022)
Existing Zoning: R1-10
Location: 217 West Flynn Lane
Quarter Section: 22-27(I8)
Proposal: Variance to reduce the side yard setback (east) to 3 feet. Minimum 10 feet required.
Ordinance Sections: 611.B.Table B
Applicant: Justin Novak, NVK Design Build
Representative: Justin Novak, NVK Design Build
Owner: William and Paula Wichterman
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per the setback reduction as shown on the plan dated December 22, 2021.

**Approved
w/stips**

3. Application #: ZA-714-21-3 (Continued from March 3, 2022)
Existing Zoning: R1-14
Location: 3112 East Charter Oak Road
Quarter Section: 31-34(K10)
Proposal: **1)** Variance to reduce the side yard setback (east) to 2 feet. Minimum 10 feet required.
2) Variance to reduce the side yard (west) setback for a detached accessory structure to 0 feet. Minimum 3 foot setback from the side property line required.
Ordinance Sections: 607.B.3 706.B
Applicant: Kathleen M. Navarro
Representative: Kathleen M. Navarro
Owner: Kathleen M. Navarro
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per the setback reductions as shown on the site plan dated December 28, 2021.

***Approved
w/stips**

4. Application #: ZA-100-22-6
Existing Zoning: RE-24 ACSPD
Location: 4202 North 58th Street
Quarter Section: 17-41(H11)
Proposal: **1)** Variance to reduce the front yard setback to 32 feet for a detached structure. Minimum 32 feet 5 inches required. **2)** Variance to reduce the side yard (north) setback to 8 feet. Minimum 10 feet required.
Ordinance Sections: 606.B.2 606.B.3.b

Applicant: Natasha Hartrick, Natasha Marie Hartrick Designs, PLLC
Representative: Natasha Hartrick, Natasha Marie Hartrick Designs, PLLC
Owner: Jamie and Kimberly Limber

Taken out from under advisement on May 23, 2022 and approved with the following stipulations:

- 1) One year to pay and gain building permits for the request.
- 2) General conformance with the site plan date stamped March 8, 2022
- 3) The guest house livable area shall not exceed 1,236 feet.

**Denied as
Filed
Approved
w/stips**

5. Application #: ZA-103-22-3
Existing Zoning: R1-8
Location: 1931 East Greenway Road
Quarter Section: 34-31(L9)
Proposal: Variance to reduce front yard (north) setback to 10 feet. Minimum 20 feet required.
Ordinance Sections: 612.B.Table B
Applicant: Michael Claffey, Southwest Construction Services, Inc.
Representative: Michael Claffey, Southwest Construction Services, Inc.
Owner: Adam Fish, Erin and Lois Yabu

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback encroachment as shown on the plan dated April 6, 2022 with a minimum setback of 15 feet.

**Approved
w/stips**

6. Application #: ZA-104-22-4
Existing Zoning: C-2 TOD-1
Location: 5120 North Central Avenue
Quarter Section: 19-27(H8)
Proposal: **1)** Use permit to allow outdoor dining as an accessory to a restaurant (Jinya Ramen Bar). Use permit required. **2)** Use permit to allow outdoor alcohol consumption as an accessory to a restaurant (Jinya Ramen Bar). Use permit required.
Ordinance Sections: 662.F.1.d 662.F.1.d
Applicant: Daradee Olson, Twelve 30 Central DBA Jinya Ramen Bar
Representative: Daradee Olson, Twelve 30 Central DBA Jinya Ramen Bar
Owner: Steven Grady, Latigo Investments, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the size and location of the patio as shown on the plan dated March 8, 2022.
- 3) Patio hours shall be limited to 11:00 AM to 10:00 PM.

- 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**

9. Application #: ZA-58-22-4
 Existing Zoning: R1-6 PPSP
 Location: 1902 East Osborn Road
 Quarter Section: 16-31(H9)
 Proposal: Variance to reduce the rear yard (north) setback to 20 feet. Minimum 25 feet required.
 Ordinance Sections: 613.B.Table B
 Applicant: Jonathon Tyler Wheaton
 Representative: Jonathon Tyler Wheaton
 Owner: Jonathon Tyler Wheaton
- Stipulations:**
- 1) 1 year to apply and pay for building permits.
 - 2) Per the setback reduction as shown on the site plan dated April 8, 2022.

**Approved
w/stips**

10. Application #: ZA-105-22-1
 Existing Zoning: A-1 DVAO
 Location: 21617 North 9th Avenue
 Quarter Section: 42-26(N8)
 Proposal: **1)** Time extension of ZA-42-21, use permit to allow a medical marijuana infusion facility. Use permit required. **2)** Time extension of ZA 42-21, variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.
 Ordinance Sections: 627.D.93.a 627.D.93.b
 Applicant: Lindsay C. Schube, Gammage & Burnham, PLC
 Representative: Lindsay C. Schube, Gammage & Burnham, PLC
 Owner: B & P Property Holdings, 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**

11. Application #: ZA-108-22-6
Existing Zoning: R-3
Location: 906 East Pasadena Avenue
Quarter Section: 19-29(H8)
Proposal: **1)** Variance to reduce the landscape setback requirement along Pasadena Avenue to 0 feet. Minimum 25 feet required. **2)** Variance to allow maneuvering to occur in the public right-of-way. All maneuvering must be located on private property.
Ordinance Sections: 703.B.3.a 702.A.1.b
Applicant: Laith Rabadi
Representative: Paul Almond, Almond ADG Architects
Owner: Laith Rabadi
Stipulations:
1) 1 year to apply and pay for building permits.
2) A 13-foot wide landscape area shall be maintained in the front yard to include the existing mature tree.

**Approved
w/stips**

12. Application #: ZA-109-22-1
Existing Zoning: PUD
Location: Southwest corner of Norterra Parkway and Jomax Road
Quarter Section: 48-22(P7) 48-23(P7)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Someburros) within 500 feet of a residential district zoning. Use

permit required. **2)** Use permit to allow a drive through facility as an accessory use to a restaurant (Someburros) within 300 feet of a residential zoning district. Use permit required.

Ordinance Sections:

623.D.157.c 623.D.157.d.(2)

Applicant:

Justin Gregonis, Upward Architects

Representative:

Justin Gregonis, Upward Architects

Owner:

Kevin Krufft, Someburros

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the size and location of the patio and drive-through as shown on the site plan dated March 10, 2022.
- 3) Drive-through operations shall cease at 10:00 PM.

**Approved
w/stip**

13. Application #: ZA-111-22-7
Existing Zoning: DTC-Business Core
Location: 303 North 2nd Avenue
Quarter Section: 11-27(F8)
Proposal: Use permit to expand a structure that does not conform to existing development standards. Use permit required.

Ordinance Sections: 906.D
Applicant: Jeremy Legg, c/o City of Phoenix
Representative: Jeremy Legg, c/o City of Phoenix
Owner: City of Phoenix

Stipulation:

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

**Approved
w/stips**

14. Application #: ZA-112-22-3
Existing Zoning: R1-10
Location: 504 West Harmont Drive
Quarter Section: 25-27(J8)
Proposal: Variance to reduce the rear yard setback to 8 feet. Minimum 25 feet required.

Ordinance Sections: 611.B.Table B
Applicant: Aaron Michalenko, DBE Surveying, LLC
Representative: Aaron Michalenko, DBE Surveying, LLC
Owner: Aaron Michalenko, DBE Surveying, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reduction as shown on the site plan dated March 14, 2022.

**Approved
w/stips**

15. Application #: ZA-114-22-3
Existing Zoning: R1-10
Location: 921 West Gleneagles Drive
Quarter Section: 34-26(L8)
Proposal: **1)** Variance to delete the stipulation from ZA-578-86 regarding no further construction to the west

or south sides of the house. Variance required.

2) Variance to reduce the rear yard setback to 13 feet. Minimum 25 feet required.

Ordinance Sections: 307.A.9 611.B.Table B

Applicant: Steve Shinn, Homework Remodels

Representative: Steve Shinn, Homework Remodels

Owner: James Patrick and Brianna Bowlus

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reduction as shown on the site plan dated March 15, 2022.

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 602-376-3981, les.scott@phoenix.gov
TTY: Use 7-1-1.

May 23, 2022