

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised June 9, 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 **May 19, 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-15-19-4 (1 year review of use permit)
Existing Zoning: A-1
Location: 2960 Grand Avenue
Quarter Section: 15-22(G7)
Proposal: **1)** Time extension for ZA-295-18, use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Time extension for ZA-295-18, use permit to allow a medical marijuana infusion facility. Use permit required. **3)** Time extension for ZA-295-18, variance to allow a medical marijuana cultivation facility less than 5,280 feet from another medical marijuana facility. Minimum 5,280 feet of separation required. **4)** Time extension for ZA-295-18, variance to allow a medical marijuana infusion facility less than 5,280 feet from another medical marijuana facility. Minimum 5,280 feet of separation required.

Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
Applicant: R Gary Mesch, Lily Green Management, LLC
Representative: R Gary Mesch, Lily Green Management, LLC
Owner: James & Barbara Knight, Greater Century 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 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-11-22-7 (Continued from March 17, 2022) Existing Zoning: R1-6 Location: 2122 West Virginia Avenue Quarter Section: 14-24(G7) Proposal: Variance to reduce the required side yard setback (east) to 3 feet. Minimum 10 feet required. Ordinance Sections: 613.B.Table B Applicant: Nicole Wakamatsu Representative: Nicole Wakamatsu Owner: Nicole Wakamatsu Stipulations: 1) 1 year to apply and pay for building permits. 2) Per site plan date stamped January 12, 2022. 3) There will be no additional extension of the house into the east side yard setback.
Approved w/stips	3.	Application #: ZA-15-22-8 (Continued from March 17, 2022) Existing Zoning: R1-6 Location: 3126 East Flower Street Quarter Section: 15-34(G10) Proposal: Variance to allow a 45 percent lot coverage. Maximum 40 percent lot coverage permitted. Ordinance Sections: 613.B.Table B Applicant: Jonathan Mak and Vy Kieut Representative: Brett Berger, Lavender Landscape Design Company Owner: Jonathan Mak and Vy Kieut Stipulations: 1) 1 year to apply and pay for building permits. 2) Per site plan date stamped January 13, 2022 regarding the covered patio as shown.
Approved w/stips	4.	Application #: ZA-127-22-6 Existing Zoning: R1-10 Location: 5955 East Orange Blossom Lane Quarter Section: 15-41(G11)

Proposal: 1) Variance to allow a detached accessory structure within the required front yard (west) setback. Detached accessory structures not permitted within the required front yard setback. 2) Variance to allow 100 percent vehicle parking and maneuvering within the required front yard setback (West). Maximum 45 percent allowed. 3) Variance to allow an over height fence 6 feet in height in the required front (west) setback. Maximum 40 inches permitted. 4) Variance to reduce the side yard setback (south) to 2 feet. Minimum 10 feet required.

Ordinance Sections: 706.A 702.F.1.b.2 703.A.2.a 611.B.TableB

Applicant: Stephen Roach

Representative: Stephen Roach

Owner: Stephen Roach

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per site plan date stamped March 21, 2022.

**#1
Approved
w/stips**

5. Application #: ZA-129-22-6

Existing Zoning: PSC, R1-6

Location: 4747 East Elliot Road

Quarter Section: 05-38(C11)

Proposal: 1) Use permit to allow a pet care facility. Use permit required. 2) Variance to reduce the required setback from a residential district to 1 foot for a pet care facility. Minimum 100 feet required.

Ordinance Sections: 622.D.131.a 622.D.131.d

Applicant: Henry Jennings, Surfing Pup Ahwatukee, LLC

Representative: William Allison, Withey Morris, PLC

Owner: WF Ahwatukee Mercado, LLC, Westwood Financial

**#2
Denied as
Filed**

Stipulations:

- 1) 1 year to commence the use.
- 2) 1 year review.
- 3) The setback distance from a residential district is approved for 53 feet.
- 4) There shall be no outdoor activity area for the animals.
- 5) No public access from the rear parking lot.

***Approved
w/stips**

6. Application #: ZA-130-22-8

Existing Zoning: R-3

Location: 104 North 29th Street

Quarter Section: 10-34(F10)

Proposal: 1) Variance to reduce the landscape setback adjacent to a public street right-of-way (29th Street) to 0 feet. Minimum 10 feet required. 2) Variance to reduce west side landscape

setback to 3 feet. Minimum 5 feet required.

3) Variance to reduce the required minimum open space to 0%. Minimum 5% required.

4) Variance to reduce the number of required guest parking spaces to 0 spaces. Minimum 1 guest parking space required.

Ordinance Sections: 703.B.3.a 703.B.3.b.3 703.B.4.a.(1) 608.F.8.f.(1)

Applicant: Alma Uzarraga, RD Design Team, Inc.

Representative: Dora Castillo, RD Design Team, Inc.

Owner: RD Design Team, Inc.

Taken out from under advisement on June 9, 2022 and approved with the following stipulations:

- 1) One year to apply for and obtain building permits.
- 2) Internal stairways for units A-1 and A-2 shall be along the common wall between the units.
- 3) Internal stairways for units A-3 and A-4 shall be along the common wall between the units.
- 4) Driveways to each unit shall not exceed 16 feet in width.
- 5) Front and rear yards shall remain per site plan date stamped March 21, 2022.
- 6) Front and rear yards, and areas between the driveways and along the public streets will be landscaped with shade trees and vegetation as approved by the Planning and Development Department.
- 7) Provide common area amenities in the rear yard as approved by the Planning and Development Department.
- 8) Provide a 6 foot wall along the rear property line.

Withdrawn 7. Application #: ZA-131-22-4
Existing Zoning: R-3
Location: 111 West Missouri Avenue
Quarter Section: 19-27(H8)
Proposal: Use permit for a Community Residence Center in the R-3 zoning district. Use permit required.
Ordinance Sections: 615.C.3
Applicant: Charles Jackson, Cedar Trees Properties, LLC
Representative: Corey Brown, Cedar Trees Properties, LLC
Owner: Torsten Nordstrand, Silver Pine, LLC

1:30 PM

Approved w/stips 8. Application #: ZA-98-19-7 (1 year review of use permit)
Existing Zoning: C-2
Location: 2175 North 83rd Avenue
Quarter Section: 13-9(G3)
Proposal: Time extension of ZA-34-18, use permit to allow a medical marijuana dispensary facility. Use permit required
Ordinance Sections: 623.D.124.a.
Applicant: Steve Cottrell, CLF AZ Management, LLC
Representative: Larry Lazarus, Lazarus, Silvyn & Bangs, PC

Owner: Gilbert Bird Law Firm

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.

Denied

9. Application #: ZA-128-22-6
Existing Zoning: R1-6
Location: 1917 East Montebello Avenue
Quarter Section: 20-31(I9)
Proposal: Variance to reduce the required front yard setback to 10 feet. Minimum 20 feet required.
Ordinance Sections: 613.B.TableB
Applicant: James Haviland
Representative: James Haviland
Owner: James Haviland

Continued

10. Application #: ZA-133-22-4
Existing Zoning: C-2 and C-3 SAUMSO
Location: 4610 North 7th Avenue
Quarter Section: 18-26(H8)
Proposal: **1)** Variance to reduce the building setback to 18 feet adjacent to a street (Hazelwood Street) for structures exceeding two stories or 30 feet in height. Minimum 30 feet required. **2)** Variance to reduce the required parking by 39%. Maximum 15% fifteen percent reduction allowed when a bicycle parking facility is located on site within 50 feet of the primary building's front entrance.

3) Variance to allow maneuvering to occur in the public right-of-way. All maneuvering must be located on private property.

Ordinance Sections: 623.E.4.d 665.H.Table 1 702.A.1.b

Applicant: Natalie Maikoski, EPS Group, Inc.

Representative: Natalie Maikoski, EPS Group, Inc.

Owner: Alicia Hernandez, DAP Management Group, LLC

Continued to July 14, 2022 at 1:30 PM.

**Approved
w/stips**

11. Application #: ZA-134-22-5
Existing Zoning: C-2 and C-3
Location: 9045 West Indian School Road
Quarter Section: 16-7(H3)
Proposal: Use permit to allow an open car wash in an open building (Francis and Sons Express Carwash).
Use permit required
Ordinance Sections: 623.D.41
Applicant: John Reddell, John Reddell Architects
Representative: John Reddell, John Reddell Architects
Owner: Jeff Francis, F & S Oil III, LLC

Stipulations:

- 1) 2 years to apply and pay for building permits.
- 2) Per site plan date stamped March 22, 2022, pertaining to the circulation of traffic movement and location of the building.

**#1
Withdrawn**

12. Application #: ZA-135-22-6
Existing Zoning: R-4
Location: 415 North 53rd Street
Quarter Section: 11-40(F11)

**#2
Approved
w/stip**

- Proposal: **1)** Variance to reduce the required lot width to 50 feet. Minimum 60 feet required. **2)** Variance to allow a lot with no legal street frontage. Public street frontage required.
Ordinance Sections: 617.B.Table B 617.B.Table B
Applicant: Darwin Crawford, Powell Crawford, LLC
Representative: Darwin Crawford, Powell Crawford, LLC
Owner: Darwin Crawford, Powell Crawford, LLC

Stipulation:

- 1) 1 year to complete the lot split process.

**Approved
w/stip**

13. Application #: ZA-136-22-6
Existing Zoning: RE-35 ACSPD
Location: 5347 East Wonderview Road
Quarter Section: 18-40(H11)
Proposal: Time extension for ZA-84-21, variance to reduce the required front yard setback (north) to 25 feet. Minimum 40 feet required.
Ordinance Sections: 609.B.Table
Applicant: Juan Gutierrez, Blueprints & Design

Representative: Juan Gutierrez, Blueprints & Design

Owner: Anthony Joseph Smith

Stipulation:

- 1) Retain all prior stipulations.

**Approved
w/stips**

14. Application #: ZA-138-22-7
Existing Zoning: C-2
Location: 7650 South 35th Avenue
Quarter Section: 01-21(D6)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Black Rock Coffee – Parcel 1) located within 500 feet of a residential district zoning line. Use permit required. **2)** Use permit to allow a drive through facility as an accessory use to a restaurant (Black Rock Coffee – Parcel 1) within 300 feet of a residential zoning district. Use permit required. **3)** Use permit to allow a drive through facility as an accessory use to a restaurant (Salad and Go – Parcel 2) within 300 feet of a residential zoning district. Use permit required.
- Ordinance Sections: 623.D.157.c 623.D.157.d.(2) 623.D.157.d.(2)
Applicant: Neil Feaser, RKAAs Architects, Inc.
Representative: Neil Feaser, RKAAs Architects, Inc.
Owner: Chris Hinkson, Hinkson Company
- Stipulations:**
- 1) Per site plan date stamped March 21, 2022, pertaining to the size and location of the patio and circulation of the vehicular traffic for the drive-throughs.
 - 2) 1 year to apply and pay for building permits.

**ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
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.

June 9, 2022