

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised April 24, 2023*

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 6, 2023 at 9:00 AM (Items 1-6) and 1:30 PM (Items 7-9).**

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-197-19-5 (1-Year Review of Use Permit)
Existing Zoning: A-2
Location: 4210 North 39th Avenue
Quarter Section: 17-19(H6)
Proposal: **1)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Use permit to allow a medical marijuana infusion facility. Use permit required. **3)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of the same type use or medical marijuana dispensary or infusion facility. Minimum 5,280 foot separation required. **4)** Variance to allow a medical marijuana cultivation facility within 1,320 feet of a place of worship. Minimum 1,320 foot separation required. **5)** Variance to allow a medical marijuana infusion facility within 5,280 feet of the same type of use or cultivation facility. Minimum 5,280 foot separation required. **6)** Variance to allow a medical marijuana infusion facility within 1,320 feet of a place of worship. Minimum 1,320 foot separation required.
Ordinance Sections: 627.D.91.a. 627.D.93.a. 627.D.91.c. 627.D.91.f. 627.D.93.b. 627.D.93.e.
Applicant: Andrew D. Yancey, Bergin, Frakes, Smalley & Oberholtzer, P
Representative: Fae Sowders, Bergin, Frakes, Smalley & Oberholtzer, P
Owner: Brian W. Leecing, SCF Properties, 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-37-23-2
Existing Zoning: C-2 M-R PCD
Location: 15211 North Kierland Boulevard
Quarter Section: 34-44(L12)
Proposal: **1)** Variance to reduce the required front yard setback (northwest, Kierland Boulevard) to 10 feet. Minimum 25 feet required. **2)** Variance to reduce the front yard landscape setback (Northwest) to 10 feet. Minimum 25 feet required. **3)** Variance to reduce the interior side yard landscape setback (Southwest) to 0 feet. Minimum 5 feet required. **4)** Variance to reduce the interior side yard landscape setback (East) to 0 feet. Minimum 5 feet required. **5)** Variance to reduce the required open space to 3%. Minimum 5% open space required.
Ordinance Sections: 701.D.2.b 703.B.3.a 703.B.3.b.3 703.B.3.b.3 703.B.4.a.1
Applicant: David Breen, Streetlights Residential
Representative: Benjamin Graff, Quarles & Brady, LLP
Owner: Jacob Knudsen, PHXAZ Kierland Commons, LLC c/o The Mace

Taken out from under advisement on April 24, 2023 and approved with the following stipulations:

- 1) Applicant shall have two years to pay for and obtain building permits to commence the project.
- 2) Applicant generally shall conform to the "Preliminary Landscape Plan" dated April 6, 2023, with respect to the locations along the building's sides and parking areas of the vegetated and otherwise permeable surfaces indicated thereon.

**Approved
w/stip**

3. Application #: ZA-75-23-8
Existing Zoning: R-4, R-5, C-2, C-3 (RI)

		Location:	2334 East Polk Street
		Quarter Section:	11-32(F9)
		Proposal:	Use permit to allow a community residence center. Use permit required.
		Ordinance Sections:	618.D.7
		Applicant:	Tom Shaughnessy
		Representative:	Doug McCord, Architectural Resource Team
		Owner:	Child Crisis Arizona
		Stipulation:	
			1) 12 months to apply and pay for building permits.
Approved w/stips	4.	Application #:	ZA-76-23-8
		Existing Zoning:	R-3
		Location:	104 North 29th Street
		Quarter Section:	10-34(F10)
		Proposal:	1) Variance to reduce the required landscaping along a public street (N. 29th Street) to 0 feet. Minimum 10 feet required. 2) Variance to reduce the landscape setback (west) 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 minimum guest parking requirement to 0 spaces. Minimum 1 parking spaces required.
		Ordinance Sections:	703.B.3.a 703.B.3.b.(3) 703.B.4.a.(1) 702.C.Table
		Applicant:	Alma Uzarraga
		Representative:	Alma Uzarraga
		Owner:	Dora Castillo
		Stipulation:	
			1) General conformance to the landscaping placement as shown on March 1, 2023.
			2) 1 year to apply and pay for building permits.
Denied	5.	Application #:	ZA-89-23-6
		Existing Zoning:	RE-24
		Location:	4601 East Arcadia Lane
		Quarter Section:	18-38(H11)
		Proposal:	Variance to reduce the front yard (west) setback to 9 feet. Minimum 30 feet required.
		Ordinance Sections:	606.B.2
		Applicant:	Fred and Debra V. Beaty
		Representative:	Fred and Debra V. Beaty
		Owner:	Fred and Debra V. Beaty
Approved w/stips	6.	Application #:	ZA-90-23-7
		Existing Zoning:	R-5 RI
		Location:	1529 West Roosevelt Street
		Quarter Section:	11-25(F7)

Proposal: 1) Variance to reduce the perimeter landscape setback (east) to 0 feet. Minimum 5 feet required. 2) Variance to reduce the perimeter landscape setback (west) to 0 feet. Minimum 5 feet required.

Ordinance Sections: 703.B.3.(b).(3) 703.B.3.(b).(3)

Applicant: Drew Bryck

Representative: Drew Bryck

Owner: Chad Donnelly

Stipulations:

- 1) 3 months to apply and pay for building permits.
- 2) General conformance to the landscape placement as shown on the site/landscape plan dated March 6, 2023.

1:30 PM

Continued 7. Application #: ZA-578-22-4 (SIGN)

Existing Zoning: C-3 General Commercial, TOD-1

Location: 4210 North Central Avenue

Quarter Section: 17-27(H8)

Proposal: 1) Use permit to convert the north face of a nonconforming off-premise sign to digital. Use permit required. 2) Use permit to reduce minimum spacing from a residential use for a nonconforming off-premise sign to 77 feet. Use permit required.

Ordinance Sections: 705.2.G.4 705.2.A.5

Applicant: Jacob Zonn, Becker Boards Small, LLC

Representative: Jacob Zonn, Becker Boards Small, LLC
Garry Hays

Owner: 2JW Investments, LLC

Continued to May 18, 2023 at 1:30 PM.

Approved w/stips 8. Application #: ZA-88-23-1

Existing Zoning: R-4A

Location: 2941 West Foothill Drive

Quarter Section: 43-22(N7)

Proposal: Variance to allow an over height wall (6 feet) in the front yard setback (north property line). Maximum 40 inches permitted.

Ordinance Sections: 703.A.2.a

Applicant: John Fox, William Seymour Co. Inc.

Representative: John Fox, William Seymour Co. Inc.

Owner: Ryan Denke, Foothill Developers, LLC

Stipulations:

- 1) 6 foot high wall fronting Foothill Drive shall be constructed with a combination wall. A maximum of 4 foot high solid wall plus a 2 foot high open fence material.
- 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

9. Application #: ZA-92-23-1
Existing Zoning: S-1
Location: 3125 West Oberlin Way
Quarter Section: 50-21(P6)
Proposal: **1)** Variance to reduce the side yard (east) setback for a detached accessory structure to 30 feet. Minimum 50 feet required. **2)** Variance to reduce the rear yard (south) setback for a detached accessory structure to 30 feet. Minimum 50 feet required.
Ordinance Sections: 603.B.3 603.B.3
Applicant: Amy Malloy, Evolve Ventures, LLC
Representative: Vinny Coppola, Remsen, LLC
Owner: Jason Simpson, JDS Invest, LLC
Stipulations:
1) Accessory structure shall match primary structure in color texture and roof material.
2) Maximum height of the accessory structure is 20 feet.
3) Placement of the garage shall conform to the location as shown on the stie plan date stamped March 7, 2023.
4) 9 months to apply and pay for building permits.

**ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER
PLANNER: PETER KANN, PLANNER II**

For further information, please call Eric Morales, Planner III, 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 Angie Holdsworth at 602-495-5622, angie.holdsworth@phoenix.gov TTY: Use 7-1-1.

April 24, 2023