

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised May 18, 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 **April 13, 2023 at 9:00 AM (Items 1-6) and 1:30 PM (Items 7-12).**

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-71-23-6 (Continued from March 23, 2023)
Existing Zoning: R1-6
Location: 4027 North 38th Place
Quarter Section: 16-36(H10)
Proposal: Variance to reduce the rear yard setback (east) to 10 feet. Minimum 25 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Devlin McCarty, D. McCarty Construction, LLC
Representative: Devlin McCarty, D. McCarty Construction, LLC
Owner: Cody & Jessica Helgeson
Stipulations:
 - 1) Per the setback reduction as shown on the site plan dated April 13, 2023.
 - 2) 1 year to apply and pay for building permits.

Approved
w/stips

2. Application #: ZA-94-23-6
Existing Zoning: R1-6
Location: 5118 East Osborn Road
Quarter Section: 16-39(H11)
Proposal: Variance to reduce the side yard (east) setback to 5 feet. Minimum 10 feet required.
Ordinance Sections: 613.Table.B
Applicant: Jonathan Cowles, Cowles Design
Representative: Jonathan Cowles, Cowles Design
Owner: Adam and Kristen Valente
Stipulations:
 - 1) Per the setback reduction as shown on the site plan dated March 9, 2023.
 - 2) 1 year to apply and pay for building permits.

Approved
w/stips

3. Application #: ZA-96-23-6
Existing Zoning: R-O
Location: 3326 North 44th Street
Quarter Section: 15-37(G10)
Proposal: Variance to allow access to an R-O site from a local street. Access must be from an arterial or

		collector street.
	Ordinance Sections:	620.C.8
	Applicant:	Patrick Hallman, C&H Associates, LLC
	Representative:	Patrick Hallman, C&H Associates, LLC
	Owner:	Bart Del Duca, North 44th Street, LLC
	Stipulations:	
		1) A sign shall be posted at the driveway exit to indicate a "Right Turn Only" onto the local street.
		2) 1 year to apply and pay for building permits.
Approved w/stips	4.	Application #: ZA-102-23-3 Existing Zoning: R1-10 RPSPD Location: 1208 West Ruth Avenue Quarter Section: 26-26(J8) Proposal: 1) Variance to reduce the front yard (east) setback to 10 feet. Minimum 25 feet required. 2) Variance to reduce the required rear yard setback (west) to 8 feet. Minimum 25 feet required. Ordinance Sections: 611.B.Table.B 611.B.Table.B Applicant: Jorge Macias Representative: Jorge Macias Owner: Jorge Macias Stipulations: 1) A 25-foot building setback shall be maintained along the southern perimeter (Ruth Avenue). 2) A 25-foot main building setback shall be maintained from the northern property line. Accessory structures are permitted within this setback. 3) 1 year to apply and pay for building permits.
*Denied	5.	Application #: ZA-104-23-4 Existing Zoning: R1-6 Location: 1514 East Clarendon Avenue Quarter Section: 16-30(H9) Proposal: Use permit to allow an over height (21 feet) two-story detached accessory structure within the rear yard setback. Use permit required. Ordinance Sections: 706.G Applicant: Benjamin Walls Representative: Benjamin Walls Owner: Benjamin Walls Taken out from under advisement on May 18, 2023 and denied.
Approved w/stips	6.	Application #: ZA-97-23-8 Existing Zoning: A-1 CCSIO Location: 1833, 1837 and 1841 West Buchanan Street Quarter Section: 9-25(F7) Proposal: 1) Time extension for ZA-59-22, use permit to allow a medical marijuana cultivation facility. Use

permit required. **2)** Time extension for ZA-59-22, use permit to allow a medical marijuana dispensary facility. Use permit required. **3)** Time extension for ZA-59-22, use permit to allow a medical marijuana infusion production facility. Use permit required. **4)** Time extension for ZA-59-22, variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **5)** Time extension for ZA-59-22, variance to allow a medical marijuana dispensary facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **6)** Time extension for ZA-59-22, variance to allow a medical marijuana infusion production facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **7)** Time extension for ZA-59-22, variance to allow a medical marijuana cultivation facility to be located within 1,320 feet of a public park. Minimum 1,320 feet of separation required. **8)** Time extension for ZA-59-22, variance to allow a medical marijuana dispensary facility to be located within 1,320 feet of a public park. Minimum 1,320 feet of separation required. **9)** Time extension for ZA-59-22, variance to allow a medical marijuana infusion production facility to be located within 1,320 feet of a public park. Minimum 1,320 feet of separation required. **10)** Time extension for ZA-59-22, variance to allow a medical marijuana cultivation facility to be located within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **11)** Time extension for ZA-59-22, variance to allow a medical marijuana dispensary facility to be located within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **12)** Time extension for ZA-59-22, variance to allow a medical marijuana infusion production facility to be located within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required.

Ordinance Sections: 627.D.91.a 627.D.92.a 627.D.93.a 627.D.91.c
627.D.92.d 627.D.93.b 627.D.91.e 627.D.92.f
627.D.93.d 627.D.91.d 627.D.92.e 627.D.93.c

Applicant: David Richert, Richert and Associates

Representative: David Richert, Richert and Associates

Owner: Mangat 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 6 months 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 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		
	7.	Application #:	ZA-53-23-7 (Continued from March 9, 2023)
		Existing Zoning:	DTC-Business Core
		Location:	200 West Monroe Street
		Quarter Section:	10-27(F8)
		Proposal:	Use permit to allow outdoor liquor service as an accessory to a bar/restaurant. Use permit required.
		Ordinance Sections:	1204.D
		Applicant:	Andrew Kerr, The X Company
		Representative:	Michael Maerowitz, Snell & Wilmer, LLP
		Owner:	Economic Development Department, City of Phoenix
		Stipulations:	
		1) Outdoor liquor service is not permitted past 10:00 PM.	
		2) Limited to the 8th and 9th floor of the building.	
		3) 1 year to commence use.	
Approved w/stip	8.	Application #:	ZA-93-23-5
		Existing Zoning:	RE-35
		Location:	5554 North 105th Lane
		Quarter Section:	20-3(I2)
		Proposal:	1) Use permit for official approval of a home occupation (sales and repair of firearms). Use permit required. 2) Use permit to allow a home occupation to be conducted in an accessory building (sales and repair of firearms). Use permit required. 3) Use permit to allow the generation of traffic for a home occupation (sales and repair of

		firearms). Use permit required.
	Ordinance Sections:	608.E.3.H.5 608.E.3.H.(2) 608.E.3.H.(1)
	Applicant:	Charles V. Griffis, Tactical Practical Firearms
	Representative:	Charles V. Griffis, Tactical Practical Firearms
	Owner:	Mary E. Klopping
	Stipulation:	
		1) Limited to 2 customers per day on the property.
Approved w/stips	9.	Application #: ZA-95-23-5 Existing Zoning: C-2 Location: 7241 West Indian School Road Quarter Section: 16-11(H4) Proposal: Variance to reduce the minimum parking requirement to 235 spaces. 356 spaces required. Ordinance Sections: 702.C Applicant: Joseph Osborn, J-Squared Construction and Design Representative: Joseph Osborn, J-Squared Construction and Design Owner: Josh Rios, Exclusivo Stipulations: 1) 18 months to obtain a Certificate of Occupancy. 2) Must post "No Trespassing" signs and submit an authority to arrest with the local police precinct. 3) 1 year to apply and pay for building permits.
Approved w/stips	10.	Application #: ZA-99-23-3 Existing Zoning: R1-10 Location: 1913 East Beck Lane Quarter Section: 35-31(L9) Proposal: Variance to allow an over height (10 feet) accessory structure located in the side yard (southeast) setback. Maximum 8 feet in height permitted. Ordinance Sections: 706.C Applicant: Douglas Gettman Representative: Douglas Gettman Owner: Douglas Gettman and Heather Brienza Stipulations: 1) Per the location of the structure and elevation proposed on the site plan dated March 7, 2023. 2) 1 year to apply and pay for building permits.
Approved w/stip	11.	Application #: ZA-103-23-3 Existing Zoning: R1-6 Location: 1619 West North Lane Quarter Section: 28-25(K7) Proposal: 1) Time extension for ZA-609-21, variance to allow a 66 percent lot coverage. Maximum of 40 percent lot coverage permitted. 2) Time extension for ZA-609-21, variance to reduce the

required side yard setback (east) to 0 feet.
Minimum 3 feet required. **3)** Time extension for
ZA-609-21, variance to eliminate the side yard
(east) setback for an accessory structure.
Minimum 3 feet required. **4)** Time extension for
ZA-609-21, variance to eliminate the side yard
(west) setback for an accessory structure.
Minimum 3 feet required. **5)** Time extension for
ZA-609-21, variance to allow an over height wall
(7 feet) in the required rear (south) yard.
Maximum 6 feet permitted.

Ordinance Sections: 613.B.Table B 613.B.Table B 706.B 706.B 703.C
Applicant: Shane and Tammy McWilliams
Representative: Shane and Tammy McWilliams
Owner: Shane and Tammy McWilliams

Stipulation:

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

**Approved
w/stip**

12. Application #: ZA-106-23-3
Existing Zoning: C-2
Location: 12839 North Cave Creek Road
Quarter Section: 31-32(K9)
Proposal: Use permit to allow package liquor sales as an
accessory use to a convenience market (The
One Stop & Shop) when located within 300 feet
of a residential zoning district. Use permit
required.

Ordinance Sections: 622.D.102.a
Applicant: Madison Leake, Burch & Cracchiolo, P.A.
Representative: Madison Leake, Burch & Cracchiolo, P.A.
Owner: C & CP Investments, LLC / University Winston,
LLC

Stipulation:

- 1) 90 days to commence use.

**ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
PLANNER: ERIC MORALES, PLANNER III**

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.

May 18, 2023