

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised October 11, 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 **August 24, 2023 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/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 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-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 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**

3. Application #: ZA-35-21-5 (1-Year Review of Use Permit)
 Existing Zoning: A-1

Location: 4636 North 43rd Avenue
Quarter Section: 18-18(H6)
Proposal: **1)** Time extension of ZA-22-20, use permit to allow a medical marijuana cultivation facility in the A-1 zoning district. Use permit required. **2)** Time extension of ZA-22-20, variance to allow a medical marijuana cultivation facility within 5,280 feet of an existing medical marijuana facility. Minimum 5,280 feet separation required. **3)** Time extension of ZA-22-20, use permit to allow a medical marijuana infusion production facility in the A-1 zoning district. Use permit required. **4)** Time extension of ZA-22-20, variance to allow a medical marijuana infusion production facility within 5,280 feet of an existing medical marijuana facility. Minimum 5,280 feet separation required.

Ordinance Sections: 627.D.91.a 627.D.91.c 627.D.93.a 627.D.93.b
Applicant: Lindsay Schube, Gammage and Burnham
Representative: Lindsay Schube, Gammage and Burnham
Owner: 43rd 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 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**

4. Application #: ZA-275-23-5
Existing Zoning: R1-6
Location: 4802 North 59th Avenue

Quarter Section: 18-14(H5)
Proposal: Use permit to allow a disguised wireless community facility (monopalm) within a residential zoned property that is designated for public or quasi-public space. Use permit required.
Ordinance Sections: 715.B.2.a.(3).(a)
Applicant: Ryan Quintel, Crown Castle
Representative: Michael J. Campbell, Campbell A&Z, LLC
Owner: Henry Wink, Maryvale Bridge United Methodist Church

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Existing wireless community facility is taken down once new one is operational.

***Denied** 5. Application #: ZA-281-23-6
Existing Zoning: R1-6
Location: 5102 East Avalon Drive
Quarter Section: 15-39(G11)
Proposal: Use permit to allow an over height garage with patio on top (23') detached accessory structure within the rear yard setback. Use permit required.
Ordinance Sections: 706.G
Applicant: Mike Lima, Freedom Portfolio, LLC
Representative: Jon Harris, Construction, Licensing & Development
Owner: Mike Lima, Freedom Portfolio, LLC
Taken out from under advisement on October 11, 2023 and denied.

Approved w/stips 6. Application #: ZA-289-23-2
Existing Zoning: S-1
Location: 28432 North 44th Street
Quarter Section: 51-37(P10)
Proposal: **1)** Time extension for ZA-246-22, variance to reduce the required side setback (south) for an accessory building to 5 feet. Minimum 50 feet required. **2)** Time extension for ZA-246-22, variance to reduce the required side setback (west) for an accessory building to 5 feet. Minimum 50 feet required.
Ordinance Sections: 603.B.3 603.B.3
Applicant: Alma Uzarraga, RD Architectural Consultants
Representative: Alma Uzarraga, RD Architectural Consultants
Owner: Gil Valdez
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per the location of the structures as shown in the plan dated April 12, 2021.

Continued 7. Application #: ZA-293-23-3
 Existing Zoning: R4
 Location: 810 East Alice Avenue
 Quarter Section: 26-29(J8)
 Proposal: Variance to reduce the required rear yard setback (north) to 10 feet. Minimum 15 feet required.
 Ordinance Sections: 617.B.Table B
 Applicant: Paul O'Connor, POCA Architecture & Design LLC
 Representative: Paul O'Connor, POCA Architecture & Design LLC
 Owner: Pouya Sardari, NEO Classic Homes LLC

Continued to October 5, 2023 at 9:00 AM.

Approved w/stips 8. Application #: ZA-297-23-8
 Existing Zoning: C-3
 Location: 2922 East McDowell Road
 Quarter Section: 13-34(G10)
 Proposal: **1)** Variance to reduce the canal side (northeast) building setback to 10 feet. An average of 20 feet is required, minimum of 15 permitted for up to 50 percent, including projections. **2)** Variance to reduce the canal side (northeast) landscape setback to 5 feet and 342 square feet of landscape area. A minimum of 15 feet setback and 1,024 square feet of landscape area are required. **3)** Variance to reduce the front parking lot setback to 10 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections. **4)** Variance to reduce the front parking lot landscape setback to 10 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections. **5)** Variance to reduce the rear building setback (north) to 10 feet. An minimum of 25 feet is required. **6)** Variance to reduce the parking lot landscape area to 5.7 percent. A minimum of 10 percent is required.
 Ordinance Sections: 624.E.4.c 624.E.4.c 624.E.4.d 624.E.4.e 624.E.4.d 624.E.4.e
 Applicant: Ryan Lentz, KAEKO, Inc.
 Representative: Kimberly Schroeder, KAEKO, Inc.
 Owner: Tom Stitt, Pro Steel STR
 Owner: Bryan Owen, Starz, LLC
 Stipulations:
 1) 1 year to apply and pay for building permits.
 2) Landscaping must be placed and maintained along the canal within the setback.

		1:30 PM	
Approved w/stips	9.	Application #: ZA-301-23-7 (SIGN) Existing Zoning: C-1 SP and PAD-14 SP Location: 2121 North 83rd Avenue Quarter Section: 13-9(G3) Proposal: Use permit to allow electronic message displays (EMD) on two ground signs. Use permit required. Ordinance Sections: 705.C.13 Applicant: Arizona Commercial Signs Representative: Darshan Dawson, Arizona Commercial Signs Owner: City of Phoenix, Park and Recreation Dep	
		Stipulations: 1) For Sign B1, located on Encanto Boulevard the Electronic Message Display (EMD) panel shall not be illuminated between 12:00 AM and sunrise. 2) For Sign B2, located on 79 th Avenue, the Electronic Message Display (EMD) panel shall not be illuminated between 11:00 PM and sunrise. 3) Maximum sign height for each sign shall be 16 feet. 4) 12 months to obtain sign permits for the ground signs.	
Approved w/stips	10.	Application #: ZA-253-23-1 Existing Zoning: S-1 Location: 3762 West Pinnacle Vista Drive Quarter Section: 50-20(P6) Proposal: 1) Variance to reduce the side yard (west) setback for a detached accessory structure (pool ramada) to 4 feet. Minimum 50 feet required. 2) Variance to reduce the side yard (west) setback for a detached accessory structure (detached livable unit) to 30 feet. Minimum 50 feet required. Ordinance Sections: 603.B.3 603.B.3 Applicant: Dawn Mougel, Dylan & Dawn M. Mougel Revocable Trust Representative: Dawn Mougel, Dylan & Dawn M. Mougel Revocable Trust Owner: Dawn Mougel, Dylan & Dawn M. Mougel Revocable Trust	
		Stipulations: 1) Per the sideyard setback reductions as shown on the site plan date stamped July 10, 2023. 2) 18 months to apply and pay for building permits.	
Approved w/stips	11.	Application #: ZA-255-23-4 Existing Zoning: C-2, C-2 DNS/WVR CEPCSP Location: 1615 East Camelback Road Quarter Section: 18-31(H9) Proposal: 1) Variance to reduce the building setback (north) to 5 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the	

		structure. 2) Variance to reduce the landscape setback (north) to 5 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure.
	Ordinance Sections:	623.E.4.d 623.E.4.e
	Applicant:	Rudy Rodriguez, RKAA Architects, Inc.
	Representative:	Rudy Rodriguez, RKAA Architects, Inc.
	Owner:	LDR-Camelback, LLC
	Stipulations:	
		1) Per the building and landscape setback reductions shown on the site plan date stamped June 29, 2023.
		2) 18 months to apply and pay for building permits.
Approved w/stips	12.	Application #: ZA-278-23-4 Existing Zoning: R1-6 HP Location: 1309 West Holly Street Quarter Section: 13-26(G8) Proposal: Variance to reduce side yard setback (East) to 0 foot. Minimum 10 feet required. Ordinance Sections: 613.Table B Applicant: Kenneth Hallden Representative: Kenneth Hallden Owner: Kenneth Hallden Stipulations: 1) Per the side yard setback reduction shown on the site plan date stamped July 24, 2023. 2) 12 months to apply and pay for building permits.
Approved w/stips	13.	Application #: ZA-285-23-1 Existing Zoning: R1-6 Location: 11620 North 32nd Avenue Quarter Section: 30-21(K6) Proposal: A variance to reduce the rear yard setback (west) to 15 feet. A minimum of 25 feet required. Ordinance Sections: 613.B.Table B Applicant: Thad Cappellino Representative: Thad Cappellino Owner: Thad Cappellino Stipulations: 1) Per the rear yard setback reduction shown in the plan date stamped July 14, 2023. 2) 12 months to apply and pay for building permits.
*Denied	14.	Application #: ZA-290-23-3 Existing Zoning: R1-8 Location: 13831, 13837 and 13839 North 12th Street Quarter Section: 33-30(L9) Proposal: 1) Variance to allow a minimum lot width (Lot No. 1) of 62 feet. Minimum lot width of 70 feet required. 2) Variance to allow a minimum lot

		width (Lot No. 2) of 62 feet. Minimum lot width of 70 feet required.
	Ordinance Sections:	612.B.Table B.(a) 612.B.Table B.(a)
	Applicant:	Brian Fracasse, NCARB, AIA, Taylor Fracasse Architecture, Inc.
	Representative:	Brian Fracasse, NCARB, AIA, Taylor Fracasse Architecture, Inc.
	Owner:	13839 N. 12th St, LLC
	Taken out from under advisement on October 11, 2023 and denied.	
Approved w/stips	15.	Application #: ZA-291-23-2
		Existing Zoning: R1-14
		Location: 15014 North 56th Street
		Quarter Section: 34-40(L11)
		Proposal: Use permit to allow tennis court and outdoor game court lights. Use permit required.
		Ordinance Sections: 608.G.5
		Applicant: Mark Burton, M. Burton Design, LLC
		Representative: Mark Burton, M. Burton Design, LLC
		Owner: Oasis World Outreach Ministry
		Stipulation:
		1) Lighting not to be on after 9:00 PM.
		2) Compliance with all City regulations for lighting in respect to neighboring properties.
Approved w/stips	16.	Application #: ZA-299-23-1
		Existing Zoning: RE-43
		Location: 3701 West Westcott Drive
		Quarter Section: 39-20(M6)
		Proposal: 1) Variance to reduce the required front yard setback (north) to 30 feet. Minimum 40 feet required. 2) Variance to reduce the side yard setback (east) to 5 feet. Minimum 30 feet required. 3) Variance to allow a 30 percent lot coverage. Maximum of 20 percent lot coverage permitted.
		Ordinance Sections: 605.B.2 605.B.3 605.B.5
		Applicant: Benjamin and Estera Bogdan
		Representative: Benjamin and Estera Bogdan
		Owner: Benjamin and Estera Bogdan
		Stipulations:
		1) Per the front yard and side yard setback reductions and the lot coverage allowance shown on the site plan date stamped July 24, 2023.
		2) 18 months to apply and pay for building permits.
Approved w/stips	17.	Application #: ZA-300-23-4
		Existing Zoning: WU T6: HWR MT
		Location: Southeast corner of Osborn Road and 2nd Avenue

Quarter Section: 15-27(G8)
Proposal: Variance to reduce the primary building frontage along Osborn Road to 60%. Minimum 80% frontage required along primary frontage.
Ordinance Sections: 1303.Table 1303.2 Transect T6
Applicant: Charles Wurl, Kimley-Horn
Representative: Kirk Farrelly, Capital Growth Buchalter
Owner: Stanton Shafer, HPPC II, LLC

Stipulations:

- 1) Per the primary building frontage reduction as shown on the site plan date stamped July 24, 2023.
- 2) 18 months to apply and pay for building permits.

ZONING ADJUSTMENT HEARING OFFICER: CAROL BERRY
PLANNER: KIM STEADMAN, 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.

October 11, 2023