

NOTICE OF RESULTS ZONING ADJUSTMENT HEARING

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 **June 29, 2023 at 9:00 AM (Items 1-7) and 1:30 PM (Items 8-10).**

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-141-20-7 (1-Year Review of Use Permit)
Existing Zoning: A-2
Location: 2220 and 2222 West McDowell Road
Quarter Section: 13-24(G7)
Proposal: **1)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Use permit to allow a medical marijuana infusion production facility. Use permit required. **3)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of the same type of use. Minimum 5,280 feet of separation required. **4)** Variance to allow a medical marijuana infusion production facility within 5,280 feet of the same type of use. 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: Ben Myer, Arizona Organix
Representative: Tom Galvin, Rose Law Group, PC
Owner: Kirk Jienkins, J&M McDowell 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-194-23-1
Existing Zoning: R1-8, R1-8 PRD
Location: 20010 North 41st Lane
Quarter Section: 40-19(N6)
Proposal: Variance to reduce the minimum parking requirement to 1 space. Minimum 2 parking spaces required.

Ordinance Sections: 703.C.Table
Applicant: Denisa Istrate, Kontexture, LLC
Representative: Denisa Istrate, Kontexture, LLC
Owner: Platinum House Development, LLC
Stipulations:
1) 1 year to apply and pay for building permit.
2) 1 years to obtain a certificate of occupancy.

**Approved
w/stip**

3. Application #: ZA-195-23-6
Existing Zoning: C-1, C-2
Location: 3601 East Indian School Road
Quarter Section: 16-36(H10)
Proposal: Use permit to allow a bar (Trevor's) which exceeds 5,000 square feet in gross floor area and is located within 300 feet of a residential district. Use permit required.

Ordinance Sections: 623.D.157.e
Applicant: Trevor's
Representative: Lauren Proper Potter, Huellmantel & Affiliates
Owner: Gaslight Square Retail LLC
Stipulation:
1) 1 year to apply and pay for building permit.

**Approved
w/stips**

4. Application #: ZA-196-23-8
Existing Zoning: R-3 R1-14 BOAD
Location: 3150 East Baseline Road
Quarter Section: 1-34(D10)
Proposal: **1)** Use permit to extend a use which is a less restricted district (R-3) into a more restricted district (R1-14) to a maximum of 25 feet. Use permit required. **2)** Variance to allow a 110 feet encroachment into a more restrictive zoning district. Maximum 25 feet encroachment allowed. **3)** Variance to reduce the landscape setback

from the property line along Baseline Road to 29 feet. Minimum 50 feet required. **4)** Variance to reduce the landscaped separation between the sidewalk and multi-use trail along Baseline Road to 1 foot. Minimum 5 feet required.

Ordinance Sections: 307.A.8 307.A.8 651.D.2.a 651.E.1.a.(5)

Applicant: Lauren Proper Potter, Huellmantel & Affiliates

Representative: Lauren Proper Potter, Huellmantel & Affiliates

Owner: Phoenix Native on Baseline, LP

Stipulations:

- 1) Per variance exhibit date stamped May 23, 2023 and signed on June 29, 2023.
- 2) 2 years to apply and pay for building permit.

**Approved
w/stips**

5. Application #: ZA-197-23-8
Existing Zoning: R1-6
Location: 2542 North 28th Place
Quarter Section: 14-34(G10)
Proposal: **1)** Time extension for ZA-175-22, variance to reduce the required lot width to 41 feet (Parcel B). Minimum 60 feet required. **2)** Time extension for ZA-175-22, variance to reduce the minimum lot area to 5,541 square feet for Parcel B. Minimum 6,000 square feet required. **3)** Time extension for ZA-175-22, variance to reduce the required side yard setback (south) to 6 feet (Parcel A). Minimum 10 feet required.
- Ordinance Sections: 613.B.Table B 613.B.Table B 613.B.Table B
Applicant: Elizabeth Siebert
Representative: Elizabeth Siebert
Owner: Yun Jin Kim
- Stipulations:**
1) 1 year to apply and pay for building permit.
2) All previous stipulations for the previous case shall apply.

**Approved
w/stip**

6. Application #: ZA-199-23-6
Existing Zoning: R-3
Location: 1114 East El Caminito Drive
Quarter Section: 25-29(J8)
Proposal: **1)** Variance to reduce the required lot width to 57 feet (Lot A). Minimum 120 feet required. **2)** Variance to reduce the required lot width to 75 feet (Lot B). Minimum 120 feet required.
- Ordinance Sections: 710.C.2.Table1 710.C.2.Table1
Applicant: Jordan Greenman, Greenman Law
Representative: Jordan Greenman, Greenman Law
Owner: Ron Davidoff
- Stipulation:**
1) 2 years to complete the re-plat process.

Denied	7.	Application #: ZA-201-23-3 Existing Zoning: RE-43 Location: 10415 North 38th Street Quarter Section: 28-36(K10) Proposal: 1) Variance to reduce the rear yard setback (east) to 10 feet. Minimum 40 feet required. 2) Variance to reduce the side yard setback (north) to 10 feet. Minimum 30 feet required. 3) Variance to allow a guesthouse floor area of 3,555 square feet. Maximum 900 square feet permitted. 4) Variance to allow a guesthouse to provide more than one parking space. A guesthouse shall not provide more parking than the one required space. Ordinance Sections: 605.B.4 605.B.3 605.A.11.a 605.A.11.i.(1) Applicant: Dorin Pitut Representative: Dorin Pitut Owner: Matthew Moldovan
		1:30 PM
Approved w/stip	8.	Application #: ZA-183-23-6 Existing Zoning: C-2 Location: 7025 North 7th Street Quarter Section: 23-29(I8) Proposal: Use permit to allow a drive through facility as an accessory to a restaurant (Birdcall) within 300 feet from a residential zoning district. Use permit required. Ordinance Sections: 623.D.157.d.(2) Applicant: Grant Hildebrandt, Zebra Projects, Inc. Representative: Aaron Collins, Birdcall Owner: Kerik T. and Carol M. Kouklis, Revocable Trust, Roy D. Tennant and Gina Cuclis, Revocable Trust, Kidder Mathews Stipulation: 1) 1 year to apply and pay for building permit.
Withdrawn to Amend	9.	Application #: ZA-198-23-3 Existing Zoning: S-1 Location: 13841 North 12th Street Quarter Section: 33-30(L9) Proposal: 1) Variance to reduce the required side yard setback (north) for a detached accessory structure to 26 feet. Minimum 30 feet required. 2) Variance to reduce the required side yard setback (south) for a detached accessory structure to 10 feet. Minimum 30 feet required. 3) Variance to reduce the rear yard (east) setback for a detached accessory structure to 12 feet. Minimum 50 feet required.

	Ordinance Sections:	603.B.2.b 603.B.2.b 603.B.3
	Applicant:	Kevin Kierce
	Representative:	Kevin Kierce
	Owner:	Kevin Kierce
Approved w/stip	10.	Application #: ZA-200-23-2 Existing Zoning: C-2 Location: 4731 East Union Hills Drive, Suite 118 Quarter Section: 38-38(M11) Proposal: Use permit to allow a drive through facility as an accessory to a restaurant (Bruster's Real Ice Cream) within 300 feet from a residential zoning district. Use permit required. Ordinance Sections: 623.D.157.d.(2) Applicant: Tim Rasnake, Archicon Architecture & Interiors, L.C. Representative: Tim Rasnake, Archicon Architecture & Interiors, L.C. Owner: Shree La Piazza, LLC S&V La Piazza, LLC, Polo La Piazza, LLC Stipulation: 1) 1 year to apply and pay for building permit.

ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
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.

June 30, 2023