

**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 **September 21, 2023 9:00 AM (Items 1-6) and 1:30 PM (Items 7-11)**

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-227-20-8 (1-Year Review of Use Permit)
Existing Zoning: A-2 RSIOD
Location: 951 West Watkins Street
Quarter Section: 7-26(E8)
Proposal: **1)** Time extension for ZA-517-18, use permit to permit a medical marijuana cultivation facility. Use permit required. **2)** Time extension for ZA-517-18, use permit to allow a medical marijuana infusion facility. Use permit required. **3)** Time extension for ZA-517-18, variance to permit a medical marijuana cultivation facility within 5,280 feet from another medical marijuana use. Minimum separation of 5,280 feet from another medical marijuana use required. **4)** Time extension for ZA-517-18, variance to permit a medical marijuana infusion facility within 5,280 feet of another medical marijuana use. Minimum separation of 5,280 feet from another medical marijuana use required.
Ordinance Sections: 627.D.91.a. 627.D.93.a. 627.D.91.c. 627.D.93.b.
Applicant: Tom Frenkel, 951 W. Watkins, LLC
Representative: David Dow, David Dow Law Office
Owner: 640 S Smith, LLC nka 951 W. Watkins, 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-331-23-6
Existing Zoning: R1-6 ACSPD
Location: 4702 East Devonshire Avenue
Quarter Section: 17-38(H11)
Proposal: Variance to reduce side yard setback (west) to 3 feet. Minimum 10 feet required.
Ordinance Sections: 613.Table B
Applicant: Kelly Parent
Representative: Robert Wilkinson, Worksite, Inc.
Owner: Kelly Parent
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per the proposed garage on site plan date stamped August 15, 2023

**Approved
w/stip**

3. Application #: ZA-336-23-8
Existing Zoning: C-2
Location: 1837 East McDowell Road
Quarter Section: 12-31(G9)
Proposal: Use permit to allow a tattoo shop (Inferno Ink LLC). Use permit required.
Ordinance Sections: 623.D.187
Applicant: Alia Cummins, Inferno Ink, LLC
Representative: Alex Rodenburg
Owner: Barca Investments, LLC
Stipulation:
1) 12 months to apply and pay for building permits.

**Approved
w/stips**

4. Application #: ZA-337-23-4
Existing Zoning: R1-6 HP
Location: 31 East Ashland Avenue
Quarter Section: 14-28(G8)
Proposal: **1)** Variance to reduce the side setback (east) for a detached accessory structure to 1 foot. Minimum 3 feet required. **2)** Variance to allow an over height (12 feet) accessory structure within the side yard setback (east). Maximum 8 feet permitted.
Ordinance Sections: 706.B 706.C

Applicant: Robert Walker
Representative: Robert Walker
Owner: Robert Walker

Stipulations:

- 1) 6 months to apply and pay for building permits.
- 2) Per the setbacks shown on site plan date stamped August 16, 2023.

**Approved
w/stips**

5. Application #: ZA-338-23-6
Existing Zoning: RE-43
Location: 6738 North 36th Street
Quarter Section: 22-36(I10)
Proposal: Variance to reduce the required front yard setback (east) to 30 feet. Minimum 40 feet required.

Ordinance Sections: 605.B.2
Applicant: Cathleen Kebert, Kendle Design Collaborative
Representative: Brent Kendle, Kendle Design Collaborative
Owner: Martin and Judith Solomon

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setbacks shown on site plan date stamped August 21, 2023.

**Approved
w/stip**

6. Application #: ZA-340-23-8
Existing Zoning: A-2 CCSIOD
Location: 1510 West Lincoln Street
Quarter Section: 9-25(F7)
Proposal: Time extension for ZA-28-23, use permit to allow an 80-foot-tall building. Use permit required.

Ordinance Sections: 628.E.2.a
Applicant: Robert Cordero, Cemex Construction Materials South, LLC
Representative: Timothy Poe, Civil & Environmental Consultants, Inc.
Owner: Cemex Construction Materials Pacific, LLC

Stipulation:

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

1:30 PM

Withdrawn

7. Application #: ZA-260-23-1 (Continued from August 10, 2023)
Existing Zoning: RE-35
Location: 4602 West Tierra Buena Lane
Quarter Section: 35-18(L6)
Proposal: Use permit to allow an over height (22 feet) two-story detached accessory structure within the rear yard setback. Use permit required.

Ordinance Sections: 706.G
Applicant: Dennis Newcombe, Gammage and Burnham, PLC

		Representative:	Lindsay Schube, Gammage and Burnham, PLC
		Owner:	Ricky L. Lofrese Jr.
Continued	8.	Application #:	ZA-327-23-6
		Existing Zoning:	R1-18
		Location:	4102 East Palo Verde Drive
		Quarter Section:	20-37(I10)
		Proposal:	Variance to allow 28% lot coverage. Maximum 25% permitted.
		Ordinance Sections:	610.B.Table
		Applicant:	Withey Morris Baugh, PLC
		Representative:	Withey Morris Baugh, PLC
		Owner:	Jason Barclay Morris
		Continued to November 21, 2023 at 1:30 PM.	
Approved w/stips	9.	Application #:	ZA-332-23-3
		Existing Zoning:	RE-43
		Location:	4149 East Cochise Road
		Quarter Section:	28-37(K10)
		Proposal:	1) Variance to allow a 41 percent lot coverage. Maximum of 30 percent lot coverage permitted. 2) Variance to reduce the rear yard setback (south) to 30 feet. Minimum 40 feet required.
		Ordinance Sections:	605.B.5 605.B.4
		Applicant:	Paul Winegarner, PBW Design
		Representative:	Ace, Sunset Construction LLC
		Owner:	Christopher and Lindsay Nelson, Christopher and Lindsay Nelson Trust
		Stipulations:	
			1) Proposed building setbacks per site plan date stamped August 15, 2023.
			2) To apply and pay for building permits within 6 months.
Approved w/stips	10.	Application #:	ZA-333-23-2
		Existing Zoning:	S-1, App. R-3A PCD, CP/BP PCD
		Location:	Northwest corner of 64th Street and Mayo Boulevard
		Quarter Section:	39-43(M12)
		Proposal:	1) Variance to allow a building height of 48 feet at 30 feet of setback (west). Minimum 190 feet of setback required. 2) Variance to allow a building height of 48 feet at 100 feet of setback (north). Minimum 190 feet of setback required. 3) Variance to allow a building height of 48 feet at 40 feet of setback (east). Minimum 190 feet of setback required. 4) Variance to allow a building height of 48 feet at 170 feet of setback (south). Minimum 190 feet of setback required. 5) Variance to reduce the required perimeter setback adjacent to a public street (north) to 15

feet. Minimum 20 foot perimeter setback required.
Ordinance Sections: 616.B.Table 616.B.Table 616.B.Table
616.B.Table 616.B.Table
Applicant: Halsten Ransil, JLB Partners
Representative: Mike Maerowitz, Snell and Wilmer, LLP
Owner: 64th and Mayo Bidder, LLC

Stipulations:

- 1) General conformance to setbacks as shown on the stie plan date stamped September 1, 2023.
- 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

11. Application #: ZA-334-23-2
Existing Zoning: RE-35
Location: 11660 North St Andrews Way
Quarter Section: 30-41(K11)
Proposal: Variance to reduce the required side yard (south) setback to 8 feet. Minimum 20 feet required.
Ordinance Sections: 609.B.Table
Applicant: Gregg and Jamie Davis, Davis Revocable Trust
Representative: Gregg and Jamie Davis, Davis Revocable Trust
Owner: Gregg and Jamie Davis, Davis Revocable Trust

Stipulations:

- 1) Per setbacks shown on site plan date stamped August 15, 2023,
- 2) Apply and pay for building permits within 1 year.

**ZONING ADJUSTMENT HEARING OFFICER: JON FROKE
PLANNER: KIM STEADMAN, PLANNER II**

For further information please call Eric Morales, Planner III, Planning and Development Department at 602-262-7927 or via electronic mail at zoning.adjustment@phoenix.gov. To request a reasonable accommodation, please contact Teleia Galaviz at 602-291-2559, teleia.galaviz@phoenix.gov TTY: Use 7-1-1.

September 22, 2023