

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised August 7, 2024*

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 27, 2024 at 9:00 AM (Items 1-7) and 1:30 PM (Items 8-13)**

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 1 year of today's hearing. 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-389-24-6
 Existing Zoning: RE-24 ACSPD
 Location: 5619 East Monterosa Street
 Quarter Section: Q17-41(H11)
 Proposal: Variance to allow 26% lot coverage. Maximum
 25% allowed.
 Ordinance Sections: 606.B.5
 Applicant: Agnieszka Jastrzebska, AJ Design Studio
 Representative: Agnieszka Jastrzebska, AJ Design Studio
 Owner: Kevin Han and Sara Oles, Hans Family Trust

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the maximum lot coverage of 26% as shown on the site plan date stamped May 28, 2024.

**Approved
w/stips**

3. Application #: ZA-390-24-6
 Existing Zoning: R-3
 Location: 2007 East Turney Avenue
 Quarter Section: Q17-32(H9)
 Proposal: 1) Variance to reduce the front yard setback
 (north) to 0 feet. Minimum 25 feet required.
 2) Variance to allow an over height fence (5 feet)
 in the required front yard (north). Maximum 40
 inches permitted.
 Ordinance Sections: 615.B.Table B 703.A.3.a
 Applicant: Christina Krieger, Platinum Design Studio &
 Consulting, LLC
 Representative: Christina Krieger, Platinum Design Studio &
 Consulting, LLC
 Owner: Julio Dieppa and Lara Fuentes

Stipulations:

- 1) 6 months to apply and pay for building permits.
- 2) Per the front yard reduction as 5 foot front yard fence as shown on the site plan date stamped May 30, 2024.

Approved

4. Application #: ZA-400-24-7
 Existing Zoning: RE-35
 Location: 3032 South 59th Avenue

Quarter Section: Q6-14(E5)
Proposal: Variance to allow 4 microwave dishes on a visible WCF pole. Maximum of 2 microwave dishes permitted on a visible WCF pole.
Ordinance Sections: 715.B.3.b (7)
Applicant: Ashley Scott, Salt River Project
Representative: Ashley Scott, Salt River Project
Owner: SRP AI & PD

Continued 5. Application #: ZA-412-24-8
Existing Zoning: R-3 SPVTABDO
Location: 2549 East Wier Avenue
Quarter Section: Q4-33(E9)
Proposal: 1) Variance to reduce the side building setback (west) to 3 feet. Minimum 10 feet required.;
2) Variance to allow a minimum lot width of 48 feet. Minimum lot width of 60 feet required.;
3) Variance to allow 53% lot coverage not including ADUs or attached shade structures. Maximum 50% allowed.
Ordinance Sections: 615.B.Table B 615.B.Table B 615.B.Table B
Applicant: Diego Munoz, Munoz Complete Drafting Services, LLC
Representative: Diego Munoz, Munoz Complete Drafting Services, LLC
Owner: Kamran Afshari, 123 Flooring Inc.

Continued to August 1, 2024 at 9:00 AM.

***Approved w/stips** 6. Application #: ZA-421-24-6
Existing Zoning: RE-35
Location: 4951 East Rockridge Road
Quarter Section: Q19-39(H11)
Proposal: 1) Use permit to allow an over height tennis court fence (9 feet) in the required side yard (west) setback. Use permit required.
2) Use permit to allow an over height tennis court fence (9 feet) in the required rear yard (south) setback. Use permit required.
Ordinance Sections: 608.E.34 608.E.34
Applicant: Ken Bartels, KCBA Architecture
Representative: Ken Bartels, KCBA Architecture
Owner: Stephen and Jean Nash

Taken out from under advisement on August 7, 2024 and approved with the following stipulations:

- 1) 1 year to apply and pay for any sport court fencing permits that may be required.
- 2) Pickle ball court fencing limited to 3 feet in height.
- 3) Tennis court fencing limited to 9 feet in height.

**Approved
w/stips**

7. Application #: ZA-423-24-2
Existing Zoning: RE-35
Location: 5740 East Shea Boulevard
Quarter Section: Q29-41(K11)
Proposal: Variance to reduce the required side yard (east) setback to 1 foot. Minimum 20 feet required.
Ordinance Sections: 609.B.Table
Applicant: Denisa Istrate, Kontexture, LLC
Representative: Daniel Istrate, Kontexture, LLC
Owner: Michael Read

Stipulations:

- 1) Per the side yard setback reduction per the site plan date stamped May 30, 2024.
- 2) 1 year to apply and pay for building permits.

1:30 PM

**Approved
w/stips**

8. Application #: ZA-362-24-5 (SIGN)
Existing Zoning: C-2
Location: 7851 North Black Canyon Highway
Quarter Section: 705.2.B.4.b 705.G.4
Proposal: 1) Use permit to rebuild a non-conforming off-premise sign to a height of 70 feet. Use permit required.
2) Use Permit to rebuild two faces of a non-conforming off-premise sign to digital display. Use permit required.
Ordinance Sections: 705.2.B.4 705.G.4
Applicant: Cassandra Ayres, Berry Riddell, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Owner: Arya Enterprises, LLC

Stipulations:

- 1) Install a Planning and Development Department (PDD) design-approved, decorative pole cover on the rebuilt sign. Any access ladder, if included, shall be on the east or north side of the pole cover and generally concealed from northbound traffic.
- 2) Electrical service shall be underground. If underground service is demonstrated to PDD be impractical due to excessive costs or other considerations any openings in the required decorative pole cover for electrical service shall be on the east or north side of the pole cover or as otherwise approved by PDD.
- 3) For digital sign faces catwalks and railings shall not be installed on the outside or external side of the sign faces.
- 4) Install a Planning and Development Department design-approved metallic screen treated with a graffiti resistant coating on the open end of the V-shaped sign.
- 5) Maximum height of the rebuilt off-premise sign shall be 65 feet.
- 6) The applicant shall have 12 months to apply and pay for permits for the subject sign.
- 7) Sign illumination to be extinguished daily at 10:00 PM until sunrise.

Approved w/stips	9.	Application #:	ZA-363-24-8 (SIGN)
		Existing Zoning:	PSC
		Location:	4402 East McDowell Road
		Quarter Section:	Q13-38(G11)
		Proposal:	Use permit for major amendment to the Arcadia Gateway Comprehensive Sign Plan for an additional ground sign. Use Permit required.
		Ordinance Sections:	705.E.2.d(2)
		Applicant:	Darshan Dawson, Arizona Commercial Signs
		Representative:	Steve Nelson, Arizona Commercial Signs
		Owner:	David G. Kruft, Kruft Enterprises, LLC
		Stipulations:	
			1) Sign design shall be in accordance with the sign drawings submitted to the Hearing Officer and date-stamped June 27, 2024.
			2) 12 months to obtain sign permits for the ground sign.
Approved w/stip	10.	Application #:	ZA-334-24-4
		Existing Zoning:	UR TOD-1
		Location:	4321 North Central Avenue
		Quarter Section:	Q17-28(H8)
		Proposal:	Time extension for ZA-184-23, variance to reduce the interior property line landscape setback (north) to 2 feet. Minimum 5 feet required.
		Ordinance Sections:	703.B.3.b
		Applicant:	Wade Kempton, Midtown Central Hotel Corporation
		Representative:	Alan Beaudoin, Norris Design
		Owner:	Wade Kempton, Midtown Central Hotel Corporation
		Stipulation:	
			1) 2 years to apply and pay for building permits.
Approved w/stip	11.	Application #:	ZA-360-24-1
		Existing Zoning:	R1-6
		Location:	20843 North 14th Drive
		Quarter Section:	Q41-26(N8)
		Proposal:	1) Use permit to allow the generation of traffic for a home occupation (Arizona Rifleworks, LLC). Use permit required. 2) Use permit for official approval of a home occupation (Arizona Rifleworks, LLC). Use permit required.
		Ordinance Sections:	608.E.3.h.(1) 608.E.3.h.(5)
		Applicant:	Jason Butkowski
		Representative:	Jason Butkowski
		Owner:	Jason Butkowski
		Stipulation:	
			1) Subject to approximately 5 visitors per week.

- Approved w/stips**
12. Application #: ZA-373-24-6
 Existing Zoning: R1-10 NCASPD
 Location: 6120 North Central Avenue
 Quarter Section: Q21-27(I8)
 Proposal: Variance to allow an over height wall/fence (8 feet) within the required 40-foot landscape setback along Central Avenue. Maximum 40 inches permitted.
 Ordinance Sections: 664.D
 Applicant: Tim and Colleen Chester, 6120 N Central, LLC
 Representative: William F. Allison, Withey Morris Baugh, PLC
 Owner: Tim and Colleen Chester, 6120 N Central, LLC
Stipulations:
 1) Per the elevation dated May 29, 2024 with specific regards to the placement, height and materials of the combination wrought iron fence (75 feet in length north and south of, and including, the autogate) and the solid masonry wall (120 feet in length along the remainder of the frontage).
 2) The Central Avenue/east side of the solid masonry wall shall be painted Dunn Edwards Flagstone Quartzite (DEC 517) or comparable.
 3) The existing ornamental citrus and olive tree hedge on the Central Avenue/east side of the solid masonry wall shall be maintained at a height not less than six (6) feet. The hedge shall, as necessary, be replaced only with ornamental citrus, sterile olive, or comparable evergreen landscape material, as approved by the Planning & Development Department. Replacement of hedge plants shall occur within six (6) months of a plant dying. Oleander shall not be used for this live screen.
 4) 1 year to apply and pay for the wall permit.
- Approved w/stip**
13. Application #: ZA-409-24-5
 Existing Zoning: R-4
 Location: 4827 North 41st Drive
 Quarter Section: Q18-19(H6)
 Proposal: 1) Use permit for official approval of a home occupation (sales and repair of firearms). Use permit required.
 2) Use permit to allow the generation of traffic for a home occupation (sales and repair of firearms). Use permit required.
 Ordinance Sections: 608.E.27.h.(5) 608.E.27.h.(1)
 Applicant: Thomas LaVance
 Representative: Thomas LaVance
 Owner: Thomas and Claudia LaVance
Stipulation:
 1) Subject to 4 visitors on average per week.

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.

August 7, 2024