**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 **November 15, 2012, at 9:00 a.m. located in Assembly Room C, Phoenix City Hall, 200 West Washington Street, 1st Floor, Phoenix, Arizona.**

The results for the meeting were as follows:

**RESULTS**

**9:00 AM**

**Approved w/ stip** 1.

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| Application #: | ZA-355-12-4 |
| Existing Zoning: | R1-10 |
| Location: | 49 North Country Club Drive |
| Quarter Section: | 15-29(G8) |
| Proposal: | Variance to reduce the required front yard setback to 0 feet. Minimum 15 feet required. |
| Ordinance Sections: | 611.B.Table B |
| Applicant: | Luis Peris / AIA Lupe Design |
| Representative: | Luis Peris / AIA Lupe Design |
| Owner: | Todd McCandless |

**Stipulation:**
**1)** 180 days to apply and pay for building permit.

**Continued** 2.

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| Application #: | ZA-356-12-6 |
| Existing Zoning: | R-3 |
| Location: | 4412 North 28th Street and 2742 East Turney Avenue |
| Quarter Section: | 17-33(H9) |
| Proposal: | **1)** Variance to reduce the required front yard setback to 0 feet. Minimum 10 feet required. **2)** Variance to reduce the required street side setback to 0 feet. Minimum 10 feet required. **3)** Variance to eliminate the requirement to provide 18 feet setback from back of sidewalk for front-loaded garage. Minimum 18 feet required. **4)** Variance to reduce the required common area percentage to less 5%. Minimum 5% open space required. **5)** Variance to eliminate the common perimeter landscape requirement. Average 15 feet common |

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| | | | perimeter landscape required. **6)** Variance to increase lot coverage to 68% percent. Maximum 50% percent lot coverage allowed. **7)** Variance to create lots without legal street frontage. Public street frontage required. |
| | | Ordinance Sections: | 615.B.Table A PRD Development Option |
| | | Applicant: | Ridenour Hienton & Lewis, PLLC |
| | | Representative: | Ben Patton AICP / Ridenour Hienton & Lewis, PLLC |
| | | Owner: | Terrence Plas / Plas Investments |
| | | **Continued to December 6, 2012 at 9:00 AM** | |
| **Approved w/ stips** | 3. | Application #: | ZA-358-12-8 |
| | | Existing Zoning: | DTC-W-EV |
| | | Location: | 108 East Pierce Street |
| | | Quarter Section: | 11-28(F8) |
| | | Proposal: | Use permit to permit outdoor liquor service accessory to a restaurant (The Breadfruit). Use permit required. |
| | | Ordinance Sections: | 1204.D. |
| | | Applicant: | Dwayne Allen / The Breadfruit Restaurant, LLC |
| | | Representative: | Dwayne Allen / The Breadfruit Restaurant, LLC |
| | | Owner: | Harvest Foundation |
| | | **Stipulations:** | |
| | | **1)** The employees must have a clear view of the area in order to supervise activities and/or be present while patrons utilize the outdoor area. **2)** No outdoor music after 10:00 PM. | |
| **Approved w/ stips** | 4. | Application #: | ZA-361-12-8 |
| | | Existing Zoning: | A-1 |
| | | Location: | 4201 East University Drive |
| | | Quarter Section: | 6-37(E10) |
| | | Proposal: | Time Extension to Case ZA-159-11. Use permit to allow a medical marijuana dispensary facility. Time extension required. |
| | | Ordinance Sections: | 307.A.12. |
| | | Applicant: | Cecilia Wilson / Peace Relief |
| | | Representative: | David Dow / Law Offices of David W. Dow |
| | | Owner: | Cecilia Wilson / Peace Relief |
| | | **Stipulations:** | |

**1)** No Use Permit or Variance application fees are refundable. **2)** That the Use Permit shall be reviewed within 365 days of the issuance of the Arizona Department of health Services license for a medical marijuana use. **3)** Obtain a license for medical marijuana use from the Arizona Department of Health Services for a medical marijuana use. If no license is granted within 180 days of the approval of this Use Permit, the Zoning Administrator shall schedule a revocation hearing for this Use Permit. **4)** That the applicant has 1 year to apply and pay for building permits. **5)** That the applicant shall submit a security plan approved by the Arizona Department of Health Services to the Planning and Development Department. **6)** That the applicant shall notify in writing the areas Police Precinct Commander of establishing such facility. Notice of this contract shall be submitted in writing to the Planning and Development Department.

**Approved w/ stips**

5.

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| Application #: | ZA-362-12-2 |
| Existing Zoning: | C-2 |
| Location: | 13610 North Scottsdale Road |
| Quarter Section: | 32-44(L12) |
| Proposal: | Variance to reduce the landscape setback along Scottsdale Road to 10 feet. Average of 25 feet required, minimum of 20 feet permitted for up to 50 percent of the frontage. |
| Ordinance Sections: | 623.E.4.e. |
| Applicant: | Tim Rasnake / Archicon Architecture & Interiors, LC |
| Representative: | Tim Rasnake / Archicon Architecture & Interiors, LC |
| Owner: | Zach Garrett / PWDAF |

**Stipulations:**
**1)** 6 months to apply and pay for building permits. **2)** The existing landscaping along Scottsdale Road to be maintained.

**Approved w/ stips**

6.

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| Application #: | ZA-363-12-8 |
| Existing Zoning: | R-5 RI |
| Location: | 1626 North 24th Street |
| Quarter Section: | 13-32(G9) |
| Proposal: | **1)** Variance to reduce the required building setback adjacent to a street (Almeria Road) to 8 feet. Average of 25 feet required, minimum 20 feet permitted for up to 50 percent of structure. **2)** Variance to reduce |

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| | | | the required landscape setback adjacent to a street (Almeria Road) to 8 feet. Average of 25 feet required, minimum 20 feet permitted for up to 50 percent of the frontage. |
| | | Ordinance Sections: | 622.E.4.d. 622.E.4.e. |
| | | Applicant: | Cox Communications, Inc c/o Sam Ancona |
| | | Representative: | Ryan Weed / Coe & Van Loo Consultants, Inc |
| | | Owner: | Cox Communications, Inc c/o Sam Ancona |

**Stipulations:**
**1)** Facility will not be open to the public. **2)** No employees or others coming to site may park on Almeria Road. **3)** Emergency and service vehicles only to west of site. **4)** 1 year to apply and pay for building permits.

**1:30 PM**

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| **Approved w/ stip** | 7. | Application #: | ZA-364-12-6 |
| | | Existing Zoning: | R-3 |
| | | Location: | 1005 East Sierra Vista Drive |
| | | Quarter Section: | 22-29(I8) |
| | | Proposal: | Variance to reduce the required minimum lot dimension depth to 80 feet. Minimum 94 feet required for the lot depth. |
| | | Ordinance Sections: | 615.B. Table B. |
| | | Applicant: | Fred Stern / Stern & Associates |
| | | Representative: | Fred Stern / Stern & Associates |
| | | Owner: | Asya Bengiyeva |

**Stipulation:**
**1)** 1 year to apply and pay for building permit.

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| **Approved w/ stips** | 8. | Application #: | ZA-365-12-3 |
| | | Existing Zoning: | R1-10 |
| | | Location: | 337 West El Caminito Drive |
| | | Quarter Section: | 25-27(J8) |
| | | Proposal: | Variance to reduce the rear yard setback to10 feet. Minimum 25 feet required. |
| | | Ordinance Sections: | 611.B. Table B. |
| | | Applicant: | Robert D. and Casey Cammisso |
| | | Representative: | John Arlienne, Ball Architects Inc. |
| | | Owner: | Robert D. and Casey Cammisso |

**Stipulations:**
**1)** 1 year to apply for and pay for building permit. **2)** For single story structure only. **3)** Shall be minimum 10 foot setback on the west

side and 25 feet on the south side.

**Approved w/ stips**

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| Application #: | ZA-366-12-6 |
| Existing Zoning: | C-2 |
| Location: | 6025 North 16th Street |
| Quarter Section: | 20-31(I9) |
| Proposal: | **1)** Use permit to allow outdoor dining accessory to a restaurant within 500 feet of a residential district. Use permit required if within 500 feet of a residential district. **2)** Use permit to allow outdoor alcoholic beverage consumption accessory to a restaurant within 500 feet of a residential district. Use permit required if located within 500 feet of a residential district. |
| Ordinance Sections: | 623.D.154.c. 623.D.154.c. |
| Applicant: | Warren Ruttenberg, BH CAPS, LLC |
| Representative: | Tobi Mullany, MPB Realty Services, Inc |
| Owner: | David J. McHenry, Bethany Center Property, LLC |

**Stipulations:**
**1)** Employees must have unobstructed views into the patio area to monitor patron activities. **2)** The hours for use of the outdoor patio area will be no earlier than 6:00 AM and no later than 12:00 AM. **3)** Outdoor speaker volume shall not exceed 55 decibels.

**Denied as filed, Approved w/ stips**

10.

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|---|---|
| Application #: | ZA-367-12-6 |
| Existing Zoning: | R1-14 ACSPD |
| Location: | 5433 East Calle Ventura |
| Quarter Section: | 16-40(H11) |
| Proposal: | Variance to allow 32% lot coverage. Maximum allowed is 25%. |
| Ordinance Sections: | 607.B.5. |
| Applicant: | Neal Jain, Jain Living Trust Neal Jain and Sarah T |
| Representative: | Matthew A. Gorman |
| Owner: | Neal Jain, Jain Living Trust Neal Jain and Sarah T |

**Stipulations:**
**1)** Lot coverage shall be limited to 30%. **2)** Site plan shall be reviewed and approved by the Zoning Administrator. **3)** 180 days to apply and pay for building permit. **4)** Home is limited to single story.

**Approved w/ stips**

11.

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| Application #: | ZA-373-12-8 |
| Existing Zoning: | DTC-E-Ev |
| Location: | 14 East Pierce Street |
| Quarter Section: | 11-28(F8) |
| Proposal: | Use permit to allow outdoor liquor service accessory to a restaurant. Use permit required. |
| Ordinance Sections: | 1204.D. |
| Applicant: | David Chamberlin, Chamberlin & Associates, LLC |
| Representative: | Dan Patry, Patry Building Company |
| Owner: | Kurt Schneider, L.D. Schneider & Associates |

**Stipulations:**
**1)** Employees must have a clear view of the area in order to supervise activities. **2)** No outdoor music after midnight.

**Approved w/ stips**

12.

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| Application #: | ZA-143-12-6 |
| Existing Zoning: | PSC |
| Location: | 3115 East Lincoln Drive Suite 15 |
| Quarter Section: | 21-34(I10) |
| Proposal: | **1)** Use permit to allow sales of alcoholic beverages accessory to a restaurant. Use permit required. **2)** Use permit to allow outdoor dining accessory to a restaurant. Use permit required. **3)** Use permit to allow outdoor alcoholic beverage consumption accessory to a restaurant. Use permit required. |
| Ordinance Sections: | 622.D.143.a 622.D.143.d 622.D.143.d |
| Applicant: | Daniel Malventano, Caffe Daniel, LLC |
| Representative: | Rhonda Rawson, ADC, Inc |
| Owner: | Lincoln View Plaza, LLC |

**Stipulations:**
**1)** Patio will be in general conformance to site plan signed and dated by Hearing Officer. **2)** Employees must have clear view of the area in order to supervise activities. **3)** Area be sufficiently illuminated and contained to discourage any unlawful activity. **4)** Outside speaker volume to be kept at a reasonable level.

**ZONING ADJUSTMENT HEARING OFFICER: WILLIAM ALLISON, ALAN STEPHENSON, PRINCIPAL PLANNER**

**PLANNER: RACELLE ESCOLAR**

For further information, please call Ed Keyser, Planner II, Planning and Development Department at 602-495-0382, or contact via electronic mail at zoning@phoenix.gov. This electronic mail address will not accommodate zoning enforcement/violation complaints.

For reasonable accommodations, call Nici Davidson at Voice/602-495-0256 or the City TTY/602-534-5500 as early as possible to coordinate needed arrangements.

October 30, 2012