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 **January 17, 2013, at 9:00 a.m. located in Conference Room 10E, Phoenix City Hall, 200 West Washington Street, Tenth Floor, Phoenix, Arizona.**

The results for the meeting were as follows:

RESULTS

9:00 AM

Approved w/ stips 1.

Application #:	ZA-431-12-1
Existing Zoning:	A-1 DVAO
Location:	21411 North Central Avenue
Quarter Section:	43-28(N8)
Proposal:	**1)** Use Permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Variance to allow a medical marijuana cultivation facility within 3,600 feet of a medical marijuana dispensary. A minimum distance of 5,280 feet is required from another medical marijuana facility.
Ordinance Sections:	627. D.91.a, 627.D.91.c
Applicant:	Frank Horwich
Representative:	Adam Baugh, Withey Morris, PLC
Owner:	Bourget Investments, LLC

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 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 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.

Withdrawn 2.

Application #:	ZA-441-12-5
Existing Zoning:	C-2
Location:	1816 West Bethany Home Road
Quarter Section:	21-25(I7)
Proposal:	**1)** Use permit to allow a medical marijuana dispensary. Use permit required. **2)** Variance to allow a medical marijuana dispensary within 145 feet from a residentially zoned district. A minimum of 250 feet is required from a residentially zoned district.
Ordinance Sections:	623.D.121.a, 623.D.121.f
Applicant:	AD, LLC
Representative:	Adam Baugh, Withey Morris, PLC
Owner:	Hoffman Two, LLC

Approved w/ stips 3.

Application #:	ZA-334-12-3 (Continued from 12/06/12)
Existing Zoning:	R1-10
Location:	Southwest corner of Central Avenue and Coral Gables Drive
Quarter Section:	34-27(L8)
Proposal:	Use permit to allow a disguised wireless communications facility on public/quasi-public spaces. Use permit required.
Ordinance Sections:	715.B.2.a.(3).(a)
Applicant:	Ben Feldman, Pinnacle Consulting, Inc.
Representative:	Ben Feldman, Pinnacle Consulting, Inc.
Owner:	Washington Elementary School District No. 6

Stipulations:

1) General conformance to site plan signed and dated by Zoning Adjustment Hearing Officer with regard to location and installation of two palm trees. **2)** A completed Form 7460-1 shall be submitted to the FAA and receive a “No Hazard Determination”. Documentation showing a “No hazard Determination” shall be provided prior to issuance of a building permit. **3)** If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a “No Hazard Determination” obtained prior to the construction start date. **4)** 6 months to apply and pay for building permits.

Denied	4.	Application #:	ZA-387-12-8 (Continued from 12/06/12)
		Existing Zoning:	R1-10
		Location:	Approximately 180 feet east of the southeast corner of the South 36th Street alignment and East Highline Canal Road
		Quarter Section:	01-36(D10)
		Proposal:	Variance to create a lot with 48.45 feet of street frontage and 20 feet for the driveway. Minimum width required is 80 feet.
		Ordinance Sections:	611.B. Table B.
		Applicant:	Mark Goldstein and Liz Warren
		Representative:	Mark Goldstein and Liz Warren
		Owner:	Mark Goldstein and Liz Warren
Under Advisement	5.	Application #:	ZA-439-12-Y
		Existing Zoning:	SP
		Location:	City Wide
		Proposal:	Appeal an informal determination and request that a Special Permit for a golf course be vacated under 504.1.C.3.c allowing for a Special Permit to expire if the use has been discontinued for 12 months or abandoned.
		Ordinance Sections:	504.1.C.3.c
		Applicant:	Larry Lazarus, Lazarus, Silvyn & Bangs, P.C.
		Representative:	Larry Lazarus, Lazarus, Silvyn & Bangs, P.C.
Approved w/ stip	6.	Application #:	ZA-440-12-4
		Existing Zoning:	R1-6
		Location:	1513 West Mitchell Drive
		Quarter Section:	16-25(H7)
		Proposal:	Variance to allow an 8-foot high wall within or bounding the required rear yard. Maximum 6-foot high wall is permitted within or bounding the required rear yard.
		Ordinance Sections:	703. A.2.c.
		Applicant:	Stephen Polizzatto
		Representative:	Stephen Polizzatto

		Owner:	Stephen Polizzatto

Stipulation:
1) 6 months to apply and pay for building permits.

Approved w/ stips	7.	Application #:	ZA-443-12-4
		Existing Zoning:	C-2
		Location:	4249 West Indian School Road
		Quarter Section:	16-19(H6)
		Proposal:	**1)** Variance to reduce the required streetscape landscape setback to 10 feet on the north side (Indian School Road). Average 25 feet required, minimum 20 feet permitted for up to 50 percent of the frontage. **2)** Variance to reduce the required streetscape landscape setback to 10 feet on the west side (43rd Avenue). Average 25 feet required, minimum 20 feet permitted for up to 50 percent of the frontage.
		Ordinance Sections:	623.E.4.e, 623.E.4.e.
		Applicant:	Charles Huellmantel, Huellmantel & Associates
		Representative:	Charles Huellmantel, Huellmantel & Associates
		Owner:	Kathy Nakagawa, Japanese American Citizens League

Stipulations:
1) 12 months to apply and pay for building permits. **2)** Per landscaping plan signed and dated by Zoning Adjustment Hearing Officer.

1:30 PM

Approved w/ stip	8.	Application #:	ZA-437-12-7
		Existing Zoning:	C-3 RSIO
		Location:	3428 South Central Avenue
		Quarter Section:	6-27(E8)
		Proposal:	Use permit to allow a pawn shop. Use permit required.
		Ordinance Sections:	623. D.131.a.
		Applicant:	Law Office of Garry Hays
		Representative:	Law Office of Garry Hays
		Owner:	George and Aaron Hernandez

Stipulation:

1) 180 days to apply and pay for building permits

Approved w/ stips

9.

Application #:	ZA-444-12-3
Existing Zoning:	C-1
Location:	712 West Dunlap Avenue
Quarter Section:	27-26(J8)
Proposal:	**1)** Use permit to allow a nursing home. Use permit required. **2)** Variance to reduce average canal side landscape setback to 14.95 feet for a three story structure. Minimum 20 feet required.
Ordinance Sections:	622.D.114 622.E.4.c.(1)
Applicant:	Tim Rasnake, Archicon Architecture & Interiors, LC
Representative:	Tim Rasnake, Archicon Architecture & Interiors, LC
Owner:	Dunlap Centers, LLC c/o MPB Realty Service

Stipulations:
1) View fencing required. **2)** Landscaping plan to be approved by Zoning Administrator. **3)** 18 months to apply and pay for building permits.

ZONING ADJUSTMENT HEARING OFFICER: WILLIAM ALLISON, LARRY TOM, PRINCIPAL PLANNER
PLANNER: EDWARD KEYSER

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.