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 **April 11, 2013, at 9:00 a.m. located in Assembly Room C, Phoenix City Hall, 200 West Washington Street, First Floor, Phoenix, Arizona.**

The results for the meeting were as follows:

RESULTS

9:00 AM

Continued 1.

Application #:	ZA-70-13-7
Existing Zoning:	A-2
Location:	2111 West McDowell Road
Quarter Section:	12-24(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.
Ordinance Sections:	627.D.91.a., 627.D.93.a.
Applicant:	Steven Shapiro
Representative:	Steven Shapiro
Owner:	Steven Shapiro

Continued to May 23, 2013 at 9:00 a.m.

Approved w/ stips 2.

Application #:	ZA-80-13-4
Existing Zoning:	C-2
Location:	2626 West Indian School Road
Quarter Section:	17-23(H7)
Proposal:	Use permit to allow a medical marijuana dispensary facility. Use permit required.
Ordinance Sections:	623.D.122.a.
Applicant:	Adam Baugh, Withey Morris, PLC
Representative:	Adam Baugh, Withey Morris, PLC
Owner:	Jim Todd, 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 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 contact shall be submitted in writing to the Planning and Development Department.

Approved w/ stips

3.

Application #:	ZA-81-13-8
Existing Zoning:	A-1
Location:	3303 South 40th Street
Quarter Section:	6-37(E10)
Proposal:	**1)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. **2)** Use Permit to allow a medical marijuana cultivation facility. Use permit required.
Ordinance Sections:	627.D.91.c. 627.D.91.a.
Applicant:	Arizona Natures Wellness
Representative:	Adam Baugh, Withey Morris PLC
Owner:	AMZ 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 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 contact shall be submitted in writing to the Planning and Development Department.

Continued

4.

Application #:	ZA-79-13-2
Existing Zoning:	RE-35
Location:	6923 East Larkspur Drive

Quarter Section:	31-44(K12)
Proposal:	**1)** Variance to reduce the side yard setback (west side) to 4 feet 6 inches. Minimum 20 feet required. **2)** Variance to reduce the rear yard setback to 15 feet 2 inches. Minimum 40 feet required. **3)** Variance to increase lot coverage to 31.9 percent. Maximum 25 percent lot coverage allowed.
Ordinance Sections:	609.B.Table B 609.B.Table B 609.B.Table B
Applicant:	Michael Curley, Earl Curley & Lagarde, P.C.
Representative:	Michael Curley, Earl Curley & Lagarde, P.C.
Owner:	Anita Schuchman

Continued to May 23, 2013 at 9:00 a.m.

Approved w/ stips

5.

Application #:	ZA-82-13-4
Existing Zoning:	C-1
Location:	546 East Osborn Road
Quarter Section:	16-28(H8)
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.146.a., 622.D.146.d., 622.D.146.d
Applicant:	Wetta Ventures, LLC
Representative:	Manjula M. Vaz, Gammage & Burnham P.L.C.
Owner:	O7, LLC

Stipulations:

1) Hours of outdoor area to be no earlier than 11:00 a.m. and no later than 10:00 p.m. **2)** Employees must have a clear view of the area in order to supervise the activities and/or be present while patrons utilize the area. **3)** Area be sufficiently illuminated and contained to discourage any unlawful activity. Precinct Commander, or designee, may approve lighting, containment area and security personnel at their discretion. **4)** No live entertainment in outdoor area, unless a Use Permit is requested. **5)** Outside

speaker volume to be kept at a reasonable level. **6)** Compliance with smoking ordinances will be observed. **7)** Compliance with fire ordinance will be observed. **8)** Outside lighting must conform to City Code. **9)** One year to apply and pay for building permits.

Approved w/ stip

6.

Application #:	ZA-83-13-3
Existing Zoning:	R1-8
Location:	14616 North 33rd Street
Quarter Section:	34-35(L10)
Proposal:	Use permit for official approval of a home occupation (Off-road towing & recovery). Use permit required.
Ordinance Sections:	608.E.3.h.(5)
Applicant:	Vicky L. Doravi
Representative:	Vicky L. Doravi
Owner:	Vicky L. Doravi

Stipulation:
1) Review in one year.

Approved w/ stips

7.

Application #:	ZA-84-13-2
Existing Zoning:	RE-24
Location:	6448 East Camino Santo
Quarter Section:	32-43(L12)
Proposal:	Variance to reduce setback requirement between structures on the same lot to 4 feet. Minimum of 6 feet is required.
Ordinance Sections:	706.B.
Applicant:	Lindsay C. Davis
Representative:	Lindsay C. Davis
Owner:	Lindsay C. Davis

Stipulations:
1) 120 days to apply and pay for building permits. **2)** Use of accessory structure limited to recreation and limited to its current size of 20x20 feet.

Approved w/ stips

8.

Application #:	ZA-85-13-3
Existing Zoning:	C-2 PCD
Location:	4505 East Cactus Road
Quarter Section:	31-38(K11)
Proposal:	Variance to reduce landscape setback requirement along street side to 8 feet. Average 25 feet required and minimum 20 feet permitted for up to 50 percent of

			the frontage.
		Ordinance Sections:	623.E.4.e.
		Applicant:	Kelly Ferguson, Robert Brown Architects
		Representative:	Reggie Anderson, McDonald's USA
		Owner:	Julia Howe, McDonald's Real Estate Company

Stipulations:
1) 1 year to apply and pay for building permits. **2)** To the greatest extent possible, all existing landscaping on the eastern property are to be retained. **3)** Landscaping currently on southern end of property to be retained to the fullest extent possible when creating new drive through lanes.

Withdrawn	9.	Application #:	ZA-450-12-7 (Continued from 3/7/13)
		Existing Zoning:	PSC
		Location:	2755 North 91st Avenue Suite 100 & 120
		Quarter Section:	14-7(G3)
		Proposal:	Use permit to allow patron dancing accessory to a restaurant. Use permit required.
		Ordinance Sections:	622.D.144.c.
		Applicant:	Gus's Pizza, M Square Business Ventures LLC
		Representative:	Mustafa Erdem Mm Square Business Ventures LLC
		Owner:	Steve Lenz, Frontera Development 91st Ave LLC
		1:30 PM	
Continued	10.	Application #:	ZA-88-13-3
		Existing Zoning:	PSC
		Location:	1543 East Bethany Home Road
		Quarter Section:	20-30(I9)
		Proposal:	**1)** Use permit to allow a drive-through accessory to a restaurant. Use permit required if the queuing lane for the drive-through facility is less than 300 feet from a residential district zoning line. **2)** Variance to reduce the required queuing length for a restaurant drive-through. Minimum length required is 150 linear feet.
		Ordinance Sections:	622.D.146.e., 702.B.6.c.
		Applicant:	Chris Cooper / a.d. Arizado, Inc

		Representative:	Jim Riley / Dunkin Donuts
		Owner:	Cameron Cook / Louis Maxey (RGM Corner LLC)
		Continued to May 23, 2013 at 9:00 a.m.	
Continued	11.	Application #:	ZA-89-13-7
		Existing Zoning:	C-3 CCSIOD
		Location:	Southwest corner of 21st Avenue and Grant Street
		Quarter Section:	9-24(F7)
		Proposal:	**1)** Variance to allow an 8 foot high wall/fence in the required street side setback. Maximum 40 inches allowed. **2)** Variance to reduce the landscape setback along the north and east street side to 0 feet. Average 25 feet and minimum 20 feet permitted for up to 50 percent of the frontage. **3)** Variance to reduce the landscape setback to 0 feet along the south side. Minimum 10 feet landscape setback required. **4)** Variance to reduce the building setback to 0 feet along the south side. Minimum 10 feet required. **5)** Variance to reduce the building setback to 0 feet along the east side. Average 25 feet and minimum 20 feet permitted for up to 50 percent of structure.
		Ordinance Sections:	703.A.3.a., 624.E.4.e., 624.E.4.e., 624.E.4.d., 624.E.4.d.
		Applicant:	Jerramy Rockman / RWC Building Products
		Representative:	Jerramy Rockman / RWC Building Products
		Owner:	Westside Addition, LLC
		Continued to June 13, 2013 at 9:00 a.m.	
Approved w/ stip	12.	Application #:	ZA-90-13-4
		Existing Zoning:	C-2 TOD-1
		Location:	740 West Camelback Road
		Quarter Section:	19-26 (H8)
		Proposal:	Use Permit to allow an environmental remediation facility. Use Permit

			required.
		Ordinance Sections:	622.D.57.
		Applicant:	Matt Hoffman, MP Environmental Services Inc.
		Representative:	Randy Baue / Brown & Caldwell
		Owner:	Chris Harri Trust
		Stipulation:	
		1) 90 days to apply and pay for building permits.	
Continued	13.	Application #:	ZA-91-13-2
		Existing Zoning:	R1-14
		Location:	15630 North 43rd Street Phoenix, AZ 85032
		Quarter Section:	35-37(L10)
		Proposal:	Use permit to allow a public assembly residential use (school) with vehicular access on local or minor collector street. Use permit required if located on a local or minor collector street.
		Ordinance Sections:	606.A.20.
		Applicant:	Jennifer Maher, E.S.T.E.E.M. Foundation
		Representative:	Jennifer Maher, E.S.T.E.E.M. Foundation
		Owner:	Steve and Charlotte Mosley
		Continued to May 23, 2013 at 9:00 a.m.	

ZONING ADJUSTMENT HEARING OFFICERS: MICHAEL WIDENER AND TERESA HILLNER, PLANNER III
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.