

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
***Revised February 4, 2014**

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 13, 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

- | | | | |
|--------------------------|----|--|--|
| Approved w/ stips | 1. | 9:00 AM
Application #: | ZA-165-13-6 |
| | | Existing Zoning:
Location:
Quarter Section:
Proposal: | C-2
4144 East Indian School Road
17-37(H10)
1) Use permit to allow outdoor dining accessory to a restaurant (Tee Pee Mexican Foods). Use permit is required. 2) Use permit to allow outdoor alcoholic beverage consumption accessory to a restaurant (Tee Pee Mexican Foods) within 500 feet of a residential district. Use permit is required. 3) Use permit to allow the extension of a use from a less restricted district into a more restricted district for a lot divided by a district boundary. Use permit required. |
| | | Ordinance Sections:
Applicant: | 623.D.156.c, 623.D.156.c, 307.A.8
Michael Curley, Earl, Curley & Lagarde, P.C. |
| | | Representative: | Michael Curley, Earl, Curley & Lagarde, P.C. |
| | | Owner: | Duran Family Trust |
| | | Stipulations: | 1) Employees must have a clear view of the area in order to supervise activities. 2) Area be sufficiently illuminated and contained to discourage any unlawful activity. |
| Approved w/ stip | 2. | Application #: | ZA-170-13-5 |
| | | Existing Zoning: | R1-6 |

Location: 3902 West Glenn Drive
Quarter Section: 23-19(16)
Proposal: **1)** Variance to allow a detached structure (carport) to be 2 feet from the primary structure. All detached accessory structures in the side yard are to maintain a minimum of six feet between structures on the same lot. **2)** Variance to allow an over height accessory structure (carport) in the required side yard at 12 feet, 6 inches. All accessory structures located within the required side yard are not to exceed 8 feet in height. **3)** Variance to reduce the side yard setback for a detached structure (carport) to be 0 feet. On corner lot no detached accessory building over eight feet high shall be closer than 10 feet from the side street property line.

Ordinance Sections: 706.B., 706.C., 706.E.
Applicant: Sammy and Anita Gallegos
Representative: Sammy and Anita Gallegos
Owner: Sammy and Anita Gallegos

Stipulation:
1) One year to apply and pay for building permits.

Approved
#4 Denied
#1, 2, 3, and
5

3. Application #: ZA-174-13-8

Existing Zoning: C-2
Location: 2445 East Thomas Road
Quarter Section: 14-33(G9)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Cantina Rocks) within 500 feet of residential zoning. Use permit required. **2)** Use permit to allow patron dancing as an accessory use to a restaurant (Cantina Rocks). Use permit required. **3)** Use permit to allow a music stage/performance area of 210 square feet. Maximum 80 square feet allowed without use permit. **4)** Variance to delete the front yard landscape

setback. Minimum 25 feet required.
5) Use permit to allow outdoor alcohol consumption as an accessory use to a restaurant (Cantina Rocks) within 500 feet of residential zoning. Use permit required.

Ordinance Sections: 623.D.156.d, 623.D.156.b,
623.D.156.a.(1) 623.E.4.e
623.E.156.c
Applicant: Robert Briggs, Tebo, LLC
Representative: Robert Briggs, Tebo, LLC
Owner: Michelle McGee, Abraw, LLC

**Approved
w/ stips**

4. Application #: ZA-177-13-6
- Existing Zoning: RE-24 ACSPD
Location: 6227 East Calle del Media
Quarter Section: 17-42(H12)
Proposal: **1)** Variance to lot coverage to 30%
Maximum 25% allowed. **2)** Variance to
reduce the rear yard (south) setback to
25 feet. Minimum 30 feet required.
- Ordinance Sections: 606.B.5 606.B.4
Applicant: Lloyd Fox
Representative: Lloyd Fox
Owner: Anis Mitchell Trust (Michelle Mitchell
Trust)
- Stipulations:**
1) Peak height shall not exceed 22 feet, single story home.
2) Site plan to be approved by Zoning Administrator. **3)** Row of
palm trees adjacent to the street to be maintained as part of the
redevelopment. **4)** Signed copy of approved site plan to be
submitted with building permit application to the Planning and
Development Department.

**Approved
w/ stip**

5. Application #: ZA-178-13-7
- Existing Zoning: C-1 PAD
Location: 6007 West Thomas Road
Quarter Section: 14-14(G5)
Proposal: **1)** Variance for the equipment
enclosure on a new monopalm to be
999 square feet. Maximum area 600
square feet allowed. **2)** Variance to
allow a 10 foot wall to screen a
monopalm. Maximum 8 feet allowed.

Ordinance Sections: 715.B.4.b.(1) 715.B.4.b.(2)
Applicant: Chuck Larson, Verizon Wireless
Representative: Micael Campbell, Campbell A&Z, LLC
Owner: Sanders Safou

Stipulations:

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

**Approved
w/ stip**

6. Application #: ZA-180-13-1

Existing Zoning: IND PK DVAO
Location: 2002 West Quail Avenue
Quarter Section: 42-24(N7)
Proposal: Variance to increase the lot coverage to 42.4%. Maximum lot coverage allowed is 40%.

Ordinance Sections: 626.H.1.Table
Applicant: Benjamin Barbes, BBA Architects
Representative:
Owner: Elena Cosmescu, IC Medical, Inc.

Stipulation:

1) Two years to apply and pay for building permits.

**Approved
w/ stips**

7. Application #: ZA-181-13-8

Existing Zoning: R1-6 BAPOD
Location: 915 East Desert Drive
Quarter Section: 02-29(C8)
Proposal: 1) Use permit to allow a public assembly (church) in a residential district. Use permit is required. 2) Use permit to allow a dependent care facility for up to 12 dependents. Use permit is required.

Ordinance Sections: 608.E.6 608.F.1
Applicant: Margaret Bardwell, The Full Gospel House of Prayer Church
Representative: Margaret Bardwell, The Full Gospel House of Prayer Church
Owner: Margaret Bardwell, The Full Gospel House of Prayer Church

Stipulations:

1) One year to meet building and safety codes. 2) Signage to be in compliance with Zoning Ordinance.

#1 & #2

*8. 1:30 PM
Application #: ZA-182-13-7

**Approved
w/ stips
#3 Denied**

Existing Zoning: R1-6
Location: 8902 West Encanto Boulevard
Quarter Section: 14-7(G3)
Proposal: **1)** Variance to allow the detached accessory structure (carport/patio cover) to be within 1 foot of the primary residence. Minimum 6 foot setback required. **2)** Variance to allow a detached accessory structure (carport/patio cover) to be 9 foot one inch in height within 1 foot of the side property line. Minimum 10 foot street side setback (east side) required. **3)** Variance to allow a detached accessory structure (carport/patio cover) to be 1 foot from the rear property line (north side). Minimum 3 foot setback required.
Ordinance Sections: 706.B 706.E 706.B
Applicant: Jessie Mendiola-Hernandez
Representative: Jessie Mendiola-Hernandez
Owner: Jessie Mendiola-Hernandez

Stipulations:

1) 180 days to apply and pay for building permits. **2)** Must meet building fire code requirements.

**Approved
w/ stips**

9. Application #: ZA-183-13-4
Existing Zoning: C-2 and P-1
Location: 1055 East Indian School Road
Quarter Section: 16-29(H8)
Proposal: **1)** Use permit to allow an assembly/banquet hall less than 25,000 square feet. Use permit required. **2)** Use permit to allow an outdoor use as part of the assembly/banquet hall. Use permit required.
Ordinance Sections: 623.D.9.a 623.D.9.b
Applicant: Stuart Melton, Maricopa Packing Company
Representative: Robert Gomez, Robert Gomez Architect AIA
Owner: Lisenmeyer Investment Corporation
Stipulations:
1) All doors will remain closed during banquets or assemblies to

deter any neighborhood disturbance by the means of live entertainment, other instruments, or devices. **2)** The owner and employees ensure adherence to A.R.S. 36-601.01 Smoke Free Arizona Act. **3)** The outdoor area must be sufficiently lighted in compliance with P.C.C. 23-100, outdoor lighting required, to discourage unlawful activity. **4)** Due to previous criminal activity and the potential for future activity, Off-Duty Police Officers or armed security personnel will be used during events. This is to ensure that no loitering, alcohol use, or any violation of criminal law occurs. **5)** The precinct commander, or his designee, will approve lighting, containment area, and security personnel at their discretion. **6)** 120 days to apply and pay for building permits. **7)** General conformance to site plan signed and dated by Zoning Adjustment Hearing Officer.

**Approved
w/ stips**

10. Application #: ZA-184-13-2
- Existing Zoning: RE-24
 Location: 6421 East Jean Drive
 Quarter Section: 32-43(L12)
 Proposal: **1)** Variance to reduce the front yard (north) setback to 20 feet. Minimum 30 feet required. **2)** Variance to reduce the side yard setback (east side) to 9 feet. Minimum 10 feet required. **3)** Variance to increase the lot coverage to 40%. Maximum 25% allowed.
- Ordinance Sections: 606.B.2 606.B.3 606.B.5
 Applicant: Raleigh Hall, Raleigh George Hall/
 Architect
 Representative: Raleigh Hall, Raleigh George Hall/
 Architect
 Owner: Duane & Sandy Church
- Stipulations:**
1) 180 days to apply and pay for building permits. **2)** General conformance to site plan signed and dated by the Zoning Adjustment Hearing Officer. **3)** A copy of signed site plan to be included with building permit submitted.

**Approved
w/ stip**

11. Application #: ZA-185-13-5
- Existing Zoning: R-5
 Location: 6629 West Clarendon Avenue
 Quarter Section: 16-13(H4)
 Proposal: Variance to reduce the parking to 27 spaces. Minimum 189 spaces required.

Ordinance Sections: 702.C
Applicant: Dale Wanek, Boys & Girls Club of Metro Phoenix, Inc.
Representative: Adam Baugh, Withey Morris PLC.
Owner: Dale Wanek, Boys & Girls Club of Metro Phoenix, Inc.

Stipulation:

1) 90 days to apply and pay for building permits.

**Approved
w/ stips**

12. Application #: ZA-116-13-8 (Continued from 5/9/13)

Existing Zoning: DTC-BIOMED
Location: Generally bounded by Garfield, Fillmore, 4th, and 6th Streets

Quarter Section: 11-28(F8)

Proposal: **1)** Use Permit to allow temporary parking/ construction staging in conjunction with the development of the University of Arizona Cancer Center (UACC) and other Phoenix Biomedical Campus (PBC) facilities until November 30, 2015. Use permit required. **2)** Use Permit to allow temporary surface parking to serve patients, visitors, and employees of the UACC in the event a parking garage is not operational on the PBC when the UACC opens, through November 30, 2018. Use permit required.

Ordinance Sections: 1204.D 1204.D
Applicant: Jeremy Legg, City of Phoenix CED
Representative: Jeremy Legg, City of Phoenix CED
Owner: Jeremy Legg, City of Phoenix CED

Stipulations:

1) Properties bounded by 4th, 5th, Fillmore and McKinley Street approved through November 30, 2015. **2)** Properties bounded by 4th, 6th, Garfield and McKinley approved through November 30, 2018. **3)** All properties shall be dust proofed as approved by the Planning and Development Department. **4)** Construction fencing shall not encroach into visibility triangle. **5)** City to install streetscape enhancements to include planting of shade trees, installation of irrigation facilities and sidewalk repairs along 5th Street between Garfield and Fillmore Streets as approved by the Planning and Development Department. Such improvements shall be installed no later than October 31, 2013.

Denied 13. Application #: ZA-120-13-5 (Continued from 5/9/13)
Existing Zoning: C-2
Location: 3601 West Camelback Road Suite 19
Quarter Section: 18-20(H6)
Proposal: Use permit to allow a banquet hall of less than 25,000 square feet in gross floor area. Use Permit required.

Ordinance Sections: 623.D.9.a.
Applicant: Martial & Esther, Mbaikambey FuFu Cuisine

Representative: Mike Marden, WDS Architecture
Owner: Rachel Cisco, Camelback Phoenix Partners LP

Taken out from under advisement on July 1, 2013 and denied.

Denied as filed w/ stip 14. Application #: ZA-118-13-4 (Continued from 5/9/13)

Existing Zoning: R1-6
Location: 1333 East Devonshire Avenue
Quarter Section: 17-30(H9)
Proposal: Variance to reduce the required rear yard setback to 8 feet. 25 foot setback is required.

Ordinance Sections: 613.B
Applicant: Joseph C. Rossi
Representative: David Fitzhenry
Owner: Joseph C. Rossi
Stipulation:
1) Unless a continuance fee is paid within 7 days.

**ZONING ADJUSTMENT HEARING OFFICER: BILL ALLISON 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.