

**NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
*REVISED April 5, 2016**

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 **March 29, 2016, 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 #:
Existing Zoning:
Location:
Quarter Section:
Proposal:

Ordinance Sections:
Applicant:

Representative:
Owner:
Stipulations:
1) Landscape plan shall be amended to relocate plant material to eliminate conflict with the off-premise sign, as approved by the Planning and Development Department. 2) Pole cover shall be provided to be compatible with the buildings on site as approved by the Planning and Development Department. 3) Off-premise sign shall be rebuilt as a monopole. 4) 180 days to apply and pay for sign permits. | ZA-93-16-8 (Sign)
C-3 / A-2 ANIZO
901 South 7th Street
9-29(F8)
Use permit to rebuild a nonconforming off-premise sign not requesting digital. Use permit required.
705.2.G.5.
Joseph White, Becker Boards Small, LLC
William Lally, Tiffany & Bosco
Thomas Porter, 901 S 7th Street, LLC |
| Continued | 2. | Application #:
Existing Zoning:
Location:
Quarter Section:
Proposal: | ZA-97-16-6 (Sign)
C-2
5132 East Elliot Road
04-39(C11)
1) Use permit to rebuild an existing nonconforming off-premise sign to digital (north face). Use permit required. 2) Use permit to increase the height of an off-premise sign to 50 feet. Use permit required for off-premise signs between 48 and 70 feet in height. 3) Variance to |

increase the area of each face of an off-premise sign from 372 square feet to 672 square feet. Area of a nonconforming off-premise sign shall not be increased.

Ordinance Sections: 705.2.G.4. 705.2.B.4.b. 705.2.G.2.
Applicant: Joseph White, Becker Boards Small, LLC

Representative: William Lally Tiffany & Bosco
Owner: Nizar Somji, ETC10PHX, LLC

Continued to April 28, 2016 1:30 p.m.

Denied

3. Application #: ZA-88-16-8
Existing Zoning: R-4
Location: 2303 North 29th Street
Quarter Section: 14-34(G10)
Proposal: Variance to reduce the required street frontage to 49.11 feet. Minimum 60 feet required.

Ordinance Sections: 617.B.TableB
Applicant: Dora Castillo, RD Design Team, Inc
Representative: Dora Castillo, RD Design Team, Inc
Owner: RD Design Team, Inc

Continued

4. Application #: ZA-89-16-6
Existing Zoning: R1-14
Location: 5509 North 40th Street
Quarter Section: 20-37(I10)
Proposal: **1)** Variance to reduce the front yard setback to 30 feet. Front yard must have a setback depth not less than that established by an existing main building on the nearest lot within one hundred feet. **2)** Variance to reduce the side yard (south) setback to 3 feet. 10 feet required. **3)** Variance to reduce the rear yard (east) setback to 10 feet (non-alley portion) and 20 feet (for alley portion). 30 feet required. **4)** Variance to reduce the required lot depth to 110 feet. 120 feet required.

Ordinance Sections: 606.B.2 606.B.3.b 606.B.4 607.B.1
Applicant: Robert Banovac RMB Realty LLC
Representative: John Svehovsky Echo Engineering, P.C.

Owner: Robert Banovac RMB Realty LLC

Continued to May 5, 2016 at 9:00 a.m.

Continued 5. Application #: ZA-92-16-5
Existing Zoning: R1-6, R-3
Location: 911 West Glendale Avenue
Quarter Section: 22-26(I8)
Proposal: 1) Use Permit to allow access for no more than 25 feet from a less restrictive zoning district to a more restrictive zoning district. Use Permit required. 2) Use permit to allow the use of PRD option. Use permit required. 3) Variance to allow encroachment 30 feet from a less restrictive zoning district to a more restrictive zoning district. 25 feet is allowed. 4) Variance to reduce required landscape setback to 3 feet. 5 feet is required. 5) Variance to create lots that do not front on a public street. 20 feet minimum is required. 6) Variance to reduce perimeter setback to 10 feet. 15 feet is required 7) Variance to reduce front yard setback to 0 feet. 10 feet is required.

Ordinance Sections: 307.A.8 615.B.Table B 307.A.8
608.F.5.C.3
608.H.1 615.B.Table B 615.B.Table B

Applicant: Yotam Shochat, Red Rock AM
Representative: Jeff Stephens, No. 8 Enterprises
Owner: West Glen

Continued to May 5, 2016 at 9:00 a.m.

Approved w/ stips 6. Application #: ZA-94-16-8
Existing Zoning: DTC EEC ACSBOD
Location: 914 North 5th Street
Quarter Section: 11-28(F8)
Proposal: Use Permit to allow outdoor alcohol consumption accessory to a bar (Lost Leaf Gallery) in the Downtown Code East Evans Churchill character area

Ordinance Sections: 1204
Applicant: Eric Taylor Dahl, Lost Leaf Gallery
Representative: Jeff Wolford, Lost Leaf Gallery
Owner: Mike and Muriel Elliot

Stipulations:
1) The employees must have a clear view of the area in order to supervise activities and/or be present while patrons are at the

business. **2)** “No trespassing” signs must be posted and an authority to arrest for trespassers form must be signed to deter loitering. **3)** No outdoor recorded music above 55 db.

**Approved
w/ stips**

7. Application #: ZA-96-16-7
Existing Zoning: DTC-West Evans Churchill
Location: 815 North 2nd Street
Quarter Section: 11-28(F8)
Proposal: Use Permit to allow outdoor liquor service as an accessory to a bar (FilmBar). Use permit required

Ordinance Sections: 1204.D.
Applicant: Kelly James, Aubey Teneo, LLC
Representative: Kelly James, Aubey Teneo, LLC
Owner: Dixie Lee Cook
Stipulations:
1) The employees must have a clear view of the area in order to supervise activities and/or be present while patrons are at the business. **2)** “No trespassing” signs must be posted and an authority to arrest for trespassers form must be signed to deter loitering. **3)** No outdoor recorded music above 55 db.

Continued

8. Application #: ZA-95-16-1
Existing Zoning: C-2
Location: 10040 North Metro Parkway
Quarter Section: 28-22(K7)
28-22(K6)
Proposal: Variance to extend the hours of operation for a medical marijuana dispensary to 10PM. 7pm allowed.

Ordinance Sections: 623.D.122.i
Applicant: Horizon THC
Representative: Ryan Hurley, Rose Law Group PC
Owner: Yuri Downing, AZRE1, LLC
Continued to April 28, 2016 at 1:30 p.m.

Denied

- 1:30 PM**
9. Application #: ZA-29-16-2 (Continued from 2/25/16)
Existing Zoning: RE-35
Location: 6120 East Desert Cove Avenue
Quarter Section: 29-42(K12)
Proposal: **1)** Use permit to allow an over height accessory structure (proposed RV Garage and Workshop) of 20 feet in the required rear yard. Use permit required when it exceeds 15 feet in

height. **2)** Variance to allow an over height accessory structure (proposed RV Garage and Workshop) of 20 feet in the required side yard. Maximum height allowed is 8 feet.

Ordinance Sections: 706.G 706.C
Applicant: Joseph Maher Jr. Architect
Representative: Joseph Maher Jr. Architect
Owner: Stephen Jackson

***Withdrawn to amend** 10.

Application #: ZA-98-16-7
Existing Zoning: R-3 CMOD
Location: 9 South 20th Avenue
Quarter Section: 10-24(F7)
Proposal: Variance to create a lot with a minimum lot width of 40 feet. Minimum 60 feet is required.

Ordinance Sections: 615.B.Table B
Applicant: Sam Habbo
Representative: Sam Habbo
Owner: Sam Habbo

Taken out from under advisement on April 5, 2016 and withdrawn from the March 29, 2016 agenda, the request amended, and rescheduled for May 5, 2016 at 9:00 a.m.

Approved w/ stips 11.

Application #: ZA-99-16-6
Existing Zoning: R1-14
Location: 5936 East Paisano Circle
Quarter Section: 16-41(H11)
Proposal: Variance to reduce the required rear yard (west) setback to 10 feet. 30 feet required.

Ordinance Sections: 606.B.4
Applicant: Michael Krogh KKMM, LLC
Representative: Michael Krogh KKMM, LLC
Owner: Michael Krogh KKMM, LLC

Stipulations:

1) The maximum height of the ridgeline (top of the roof, not the total building height) shall be no more than 20 feet from finished grade. **2)** The width of the driveway shall be no wider than 15 feet for the first 25 feet, measured from the back of curb. **3)** Driveway shall generally conform to that indicated on plan by TBA Architecture as signed by the Hearing Officer on March 29, 2016. **4)** The large tree located at the southeastern corner of the property is to be removed. **5)** 6 months to apply and pay for building permits.

- Approved w/ stip** 12. Application #: ZA-100-16-8
Existing Zoning: R-3 SPVTABDOD
Location: 4817 South 10th Street
Quarter Section: 4-29(E8)
Proposal: **1)** Variance to create a lot width of 52.5 feet. 60 feet required. **2)** Variance to reduce front yard (south) setback to 12 feet for Lot A. 15 feet required. **3)** Variance to reduce rear yard (north) setback to 10 feet. 15 feet required.
Ordinance Sections: 615. Table B 615. Table A. 615. Table A.
Applicant: Kevin Fulkerson, Cornerstone Design
Representative: Kevin Fulkerson, Cornerstone Design
Owner: Alan Guritzky
Stipulation:
1) 120 days to complete the lot split.
- Approved w/ stips** 13. Application #: ZA-102-16-7
Existing Zoning: DTC-Business Core
Location: 1 West Washington Street
Quarter Section: 10-27(F8)
Proposal: Use permit to allow a Farmer's Market. Use permit required.
Ordinance Sections: 1204.D.
Applicant: RED Property Management, LLC
Representative: Nyssa Miccio, Cityscape/RED Development
Owner: City of Phoenix
Stipulations:
1) Provide accessibility in locations shown on Cityscape site plan dated on March 29, 2016 reserving access for people with disabilities. **2)** One year review after the date of initial use when the farmer's market commences.
- Continued** 14. Application #: ZA-103-16-6
Existing Zoning: C-2
Location: 4046 East Thomas Road
Quarter Section: 15-37(G10)
Proposal: **1)** Use permit to allow outdoor food preparation and cooking. Use Permit required. **2)** Variance to allow outdoor cooking to be less than 300 feet from a residential district.
Ordinance Sections: 623.D.156.f.(1) 623.D.156.f.(4).

Applicant: Joe Waugh, Confederated Builders, Inc
Representative: Jim Allen, Confederated Builders, Inc
Owner: Joel Levitt, Nellis Corp
Continued to April 28, 2016 at 1:30 p.m.

**ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER AND XANDON
KEATING, PLANNER III
PLANNER: MATTEO MORIC, PLANNER II**

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.