

**NOTICE OF RESULTS**  
**ZONING ADJUSTMENT HEARING**  
*\*Revised April 2, 2019*

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 14, 2019, at 9:00 a.m. Located in Assembly Room C, Phoenix City Hall, 200 West Washington Street, First Floor, Phoenix, Arizona.**

**Notes:**

1. Agenda items may be taken out of order.
2. Anyone wishing to address an agenda item must complete a speaker card.
3. Comments may be limited due to time constraints and to ensure all viewpoints are heard.

The results of the meeting were as follows:

**RESULTS**

**Continued**

**9:00 AM**

1. Application #: ZA-53-19-4 (SIGN)  
Existing Zoning: C-2 H-R TOD-1  
Location: 2020 North Central Avenue  
Quarter Section: 13-27(G8)  
Proposal: Use permit for a major amendment to the Microage Comprehensive Sign Plan. Use permit required.  
  
Ordinance 705.E.2  
Sections:  
Applicant: Randy Riesing, All Weather Sign Services  
Representative: Bryan Sawyer, 1 Stop Signs  
Owner: Arizona Central Credit Union, CBRE Facilitysource  
**Continued to May 2, 2019 at 9:00 AM.**

**Approved  
w/stip**

2. Application #: ZA-2-19-3 (Continued from February 7, 2019)  
Existing Zoning: C-2  
Location: 10443 North 32nd Street  
Quarter Section: 28-35(K10)  
Proposal: Use permit to allow outdoor dining accessory to a restaurant (Press Roastery) within 500 feet of a residential district. Use permit required if located within 500 feet of a residential district.  
  
Ordinance 623.D.157.c  
Sections:  
Applicant: Andy Byrnes, The Construction Zone  
Representative: Drew Bausom, The Construction Zone  
Owner: Andy Byrnes, CZ7, LLC  
**Stipulation:**  
1) Per the location on the approved site plan dated September 5, 2018.

<b>Denied</b>	3.	<p>Application #: ZA-6-19-5 (Continued from February 7, 2019)  Existing Zoning: R1-6  Location: 10108 West Montecito Avenue  Quarter Section: 17-4(H2)  Proposal: <b>1)</b> Variance to reduce the side yard (west) setback to 1 foot 6 inches. Minimum 10 feet required. <b>2)</b> Variance to reduce the front yard (south) setback to 3 feet. Minimum 20 feet required.</p> <p>Ordinance 615.B Table B 615.B Table B  Sections:  Applicant: Jaime Martinez  Representative: Jaime Martinez  Owner: Jaime Martinez</p>
<b>Approved w/stip</b>	4.	<p>Application #: ZA-49-19-7  Existing Zoning: CP/GCP  Location: Southwest corner of 91st Avenue and Buckeye Road  Quarter Section: 8-6(F3)  Proposal: <b>1)</b> Variance to eliminate the 8-foot-high solid wall requirement for loading space or dock located adjacent to a residence district. Minimum 8-foot-high wall required. <b>2)</b> Variance to eliminate the 6-foot solid masonry wall requirement on any lot line which abuts a residential zoning. Minimum 6-foot wall required. <b>3)</b> Variance to allow parking lot and security lighting with a height of 25 feet within 150 feet of a residential district. Maximum 15 feet allowed.</p> <p>Ordinance 626.G.9.c 626.H.3.b 507 Tab A.II.A.8.3  Sections:  Applicant: Marwest Enterprises, LLC  Representative: Henry Chan, Ware Malcomb  Owner: Marwest Enterprises, LLC  <b>Stipulation:</b>  1) 120 days to apply and pay for building permits.</p>
<b>Approved w/stips</b>	5.	<p>Application #: ZA-50-19-4  Existing Zoning: C-2  Location: 1928 East McDowell Road  Quarter Section: 13-31(G9)  Proposal: Variance to reduce the number of parking spaces to 26. Minimum 58 spaces required.</p> <p>Ordinance 703.C  Sections:  Applicant: Michael Hall, Michael A Hall Architect, LLC  Representative: Michael Hall, Michael A Hall Architect, LLC  Owner: Matthew Bingham, Luciano, LLC</p>

**Stipulations:**

- 1) Per the floor layout and square footage as shown on the plan dated March 8, 2019.
- 2) Must comply with the shared parking agreement 20120042779.
- 3) Must maintain a valet service on Friday and Saturday nights.
- 4) Future patio will be closed at 10:00 PM Monday – Thursday and 12:00 AM on Friday – Sunday
- 5) 1 year to apply and pay for building permits.

**Approved  
w/stips**

6. \* Application #: ZA-52-19-3  
Existing Zoning: C-2  
Location: 12230 North Cave Creek Road  
Quarter Section: 31-32(K9)  
Proposal: **1)** Use permit to allow a Pet Care Facility. Use Permit required. **2)** Variance to reduce the required building and outdoor animal exercise run setback (west) to 30 feet. Minimum 100 feet required from any lot line abutting a residential district  
  
Ordinance 622.131.a. 622.131.d.  
Sections:  
Applicant: Kevin Stockard, Stockdoggo, LLC  
Representative: Michael Marden, WDS Architecture, PLLC  
Owner: Hampton Plaza, LLC

**Taken out from under advisement on April 2, 2019 and approved with the following stipulations:**

- 1) No more than 80 dogs (no cats) will be permitted in any part of the facility at one time.
- 2) The hours of operation shall not commence earlier than 6:00 A.M. nor later than 7:00 P.M. daily, except for overnight boarded pets, which will never be more than 20 in number.
- 3) Applicant shall maintain a ratio (at all times, including overnight) of no fewer than one attendant on duty for each 10 dogs present.
- 4) Each 60 minutes during all times when the facility is open, an attendant shall police the area of the dog run to confirm that no solid dog waste remains on the ground. Dogs shall not be let outdoors after 7:00 P.M., except for so long as is needed to allow the dog to relieve himself or herself.
- 5) The urine leaching, and flushing system described by applicant at the hearing shall be installed prior to the applicant's opening for business.
- 6) There shall be a one-year review of the use permit measured from the date of opening.

**Approved  
w/stip**

7. Application #: ZA-54-19-5  
Existing Zoning: R1-6  
Location: 6147 North 17th Avenue  
Quarter Section: 21-25(I7)

Proposal: **1)** Use permit to allow an over height detached accessory structure (24 feet) in the required rear yard setback. Maximum 15 feet allowed. **2)** Variance to reduce the required side yard (north) setback to 8 feet. Minimum 10 feet required.

Ordinance 706.G. 613.B.Table B

Sections:

Applicant: Alex and Janel Vaughan

Representative: Alex and Janel Vaughan

Owner: Alex and Janel Vaughan

**Stipulation:**

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

**Approved  
w/stips**

8. Application #: ZA-429-15-1 (1 year review of use permit) (Continued from February 7, 2019)  
Existing Zoning: A-1 DVAO 1 and 2  
Location: 21407 North Central Avenue  
Quarter Section: 42-28(N8)  
Proposal: **1)** Use Permit to allow a medical marijuana infusion facility. Use Permit required. **2)** Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum separation of 5,280 feet required.

Ordinance 627.D.93.a 627.D.93.b

Sections:

Applicant: Edward Judice, BMF Copper Management LLC/ Pinal County

Representative: Edward Judice, BMF Copper Management LLC/ Pinal County

Owner: EMM RE MGMT, LLC

**Stipulations:**

- 1) The Use Permit shall be reviewed within 365 days of the issuance of the dispensary certificate for a medical marijuana use or approval to operate the cultivation and/or infusion from the Arizona Department of Health Services.
- 2) The applicant has 1 year to apply and pay for building permits.
- 3) Obtain a certificate for medical marijuana use from the Arizona Department of Health Services or approval to operate. If no certificate or approval to operate is granted within 180 days of the approval of this Variance/Use Permit, the Zoning Administrator shall schedule a revocation hearing for this Use Permit.
- 4) The applicant shall submit a security plan provided to the Arizona Department of Health Services to the Planning and Development Department.
- 5) The applicant shall notify in writing the area's Police Precinct Commander of establishing such facility. Notice of this contact shall be submitted in

writing to the Planning and Development Department.

- 6) Applicant shall install and maintain per manufacturer's specifications an odor control system within 180 days of today's hearing. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.
- 7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.

**1:30 PM**

**#1 Denied  
as Filed  
#2  
Approved  
w/stips**

9. Application #: ZA-58-19-1 (SIGN)  
Existing Zoning: PSCOD  
Location: 5050 West Bell Road  
Quarter Section: 37-17(M5)  
Proposal: **1)** Use permit to establish the Cobblestone Auto Spa and Chevron Comprehensive Sign Plan. Use permit required. **2)** Use permit to allow an electronic message board as a part of a ground sign. Use permit required.
- Ordinance 705.E.2 705.C.13  
Sections:  
Applicant: Marja Rovala, Signs Plus  
Representative: Sarah Spradlin, Signs Plus  
Owner: Tuck Bettin, Cobblestone Auto Spa & Market XV, LLC
- Stipulation:**  
1) # 1 approved for a maximum height of 25 feet for sign A.  
2) 180 days to apply and pay for building permits.

**Approved  
w/stips**

10. Application #: ZA-19-19-4 (Continued from February 15, 2019)  
Existing Zoning: C-2 TOD-1  
Location: 4 West Camelback Road  
Quarter Section: 19-27(H8)  
Proposal: **1)** Review and possible revocation of ZA-1014-07-4, a use permit to allow a drive through facility. **2)** Review and possible revocation of ZA-1014-07-4, a use permit to allow outdoor dining. **3)** Review and possible revocation of ZA-1014-07-4, a variance to allow maneuvering within the public right-of-way (alley). **4)** Review and possible revocation of ZA-1014-07-4, a variance to increase the build to line to 17 feet. **5)** Review and possible revocation of ZA-1014-07-4, a variance to reduce the required queuing lane to 100 feet. **6)** Review and possible revocation of ZA-1014-07-4, a variance to reduce the required parking to 6 spaces. **7)** Review and possible revocation of ZA-1014-07-4, a variance to reduce the building frontage to 19% on street frontage. **8)** Review and possible revocation of ZA-1014-07-4, a variance to reduce the required clear glass building façade fronting on

a street to 25%.  
 Ordinance 307.A.7.h. 307.A.7.h. 307.A.7.h. 307.A.7.h. 307.A.7.h.  
 Sections: 307.A.7.h. 307.A.7.h. 307.A.7.h.  
 Applicant: City of Phoenix Planning & Development Department  
 Representative: City of Phoenix Planning & Development Department  
 Owner: Estate of Medlock Natalie Trust

**Stipulations:**

- 1) The use permits for a drive-through facility and outdoor dining as approved per ZA-1014-07-4 shall be revoked upon the sooner of: (1) within 1 year of the Zoning Adjustment Hearing Officer's decision; or (2) confirmation by the City of Phoenix that Dutch Bros Coffee has ceased operations on the property. Dutch Bros. Coffee will provide a written notification to the Zoning Administrator that it has ceased operation on the property.
- 2) Prior to the revocation of the use permit, the walk-up coffee service window shall remain closed.
- 3) Prior to the revocation the use permit, the driveway along Central Avenue shall be for egress only. Temporary barriers and an exit only sign shall be installed along the driveway to prohibit left turns on the site from Central Avenue.

**Withdrawn to Amend Application**

11. Application #: ZA-55-19-2  
 Existing Zoning: R1-8  
 Location: 1310 East Union Hills Drive  
 Quarter Section: 39-30(M9)  
 Proposal: **1)** Variance to reduce the required interior front yard setbacks to 5 feet. Minimum 10 feet required.  
**2)** Variance to reduce the perimeter rear yard setback to 5 feet. Minimum 20 feet required. **3)** Variance to reduce to the interior street side setback to 5 feet. Minimum 10 feet required. **4)** Variance to increase the lot coverage to 59%. Maximum 40% main building, 10% shade structure.  
**5)** Variance to increase the maximum coverage under roof to 59%. Minimum 25% allowed. **6)** Variance to reduce hillside side yard setback to 5 feet. Minimum 10 feet required.  
 Ordinance 612.B.Table A 612.B.Table A 612.B.Table A 612.B. Table  
 Sections: A 710.C.2.Table 2 710.C.2 Table 2  
 Applicant: Rose Law Group  
 Representative: Rose Law Group  
 Owner: Virtua Stone Mountain, LLC

**Approved w/stip**

12. Application #: ZA-56-19-3  
 Existing Zoning: RE-43  
 Location: 4138 East Cochise Road  
 Quarter Section: 28-37(K10)

Proposal: **1)** Variance to reduce the required front yard setback (south) to 20 feet. Minimum 40 feet required. **2)** Variance to reduce the required rear yard setback (north) to 25 feet. Minimum 40 feet required. **3)** Variance to reduce the required side yard setback (east) to 5 feet. Minimum 30 feet required. **4)** Variance to reduce the required side yard setback (west) to 5 feet. Minimum 30 feet required. **5)** Variance to allow 40% lot coverage. Maximum 30% permitted for all structures less than 20 feet and one story in height.

Ordinance 605.B.2 605.B.4 605.B.3 605.B.3 605.B.5

Sections:

Applicant: Jason Comer

Representative: Jason Comer

Owner: Lucas and Camille McKee

**Stipulation:**

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

**Approved  
w/stips**

13. Application #: ZA-62-19-4  
Existing Zoning: R-3  
Location: 4421 and 4423 North 14th Street  
Quarter Section: 17-30(H9)  
Proposal: Use permit to allow SFA (Single Family Attached) option.  
Use permit required.

Ordinance 608.F.8

Sections:

Applicant: Michael Dooley, North Bridge Development, LLC

Representative: USW/CAT Construction

Owner: William A Rhodes Trust

**Stipulations:**

- 1) 180 days to apply and pay for building permits.
- 2) Per the number of units and their location as shown on the site plan dated March 14, 2019.

**Approved  
w/stips**

14. Application #: ZA-66-19-6  
Existing Zoning: R1-6  
Location: 7138 North 14th Street  
Quarter Section: 23-30(I9)  
Proposal: Use permit to expand a structure that does not conform to existing development standards. Use permit required.

Ordinance 906.D.

Sections:

Applicant: Sarah and Joseph Gentry, The Gentry Family Trust

Representative: Troy Strumpter, Modern Building and Design

Owner: Sarah and Joseph Gentry, The Gentry Family Trust

**Stipulations:**

- 1) General conformance to the site plan dated May 14, 2018 regarding the location of the addition.
- 2) The height of the proposed addition will not exceed the height of the current home.
- 3) 90 days to apply and pay for building permits.

**ZONING ADJUSTMENT HEARING OFFICER: MIKE WIDENER**  
**PLANNER: ERIC MORALES, PLANNER II**

For further information, please call Eric Morales, Planner II, Planning and Development Department at 602-262-7927, or contact via electronic mail at [zoning@phoenix.gov](mailto:zoning@phoenix.gov). This electronic mail address will not accommodate zoning enforcement/violation complaints.

This publication can be made available in alternate format upon request. To request a reasonable accommodation, please contact Tamra Ingersoll at the Planning and Development Department at 602.534-6648, TTY: Use 7-1-1.

April 2, 2019