NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
*** REVISED February 22, 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 **February 4, 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

9:00 AM

Approved /Stip	1.	Application #:	ZA-580-15-4 (Sign)
		Existing Zoning:	C-2 TOD-1
		Location:	51 East Camelback Road
		Quarter Section:	18-28(H8)
		Proposal:	**1)** Variance to exceed the height of pedestrian sign lettering or symbols to 60 inches. The height of pedestrian sign lettering or symbols shall not exceed four inches. **2)** Variance to increase the sign area on an existing nonconforming ground sign by 24 square feet without reducing the height. Excess height and area on existing nonconforming ground signs shall be reduced a minimum of fifty percent at the time of a structural change. **3)** Variance to increase the letter/logo height to 2 feet 6 inches. Maximum letter height is 12 inches for building fronts 30 feet in height or less. **4)** Variance to increase the area of a projecting sign to 9 square feet and to allow direct and internal illumination. Maximum 3 square feet permitted only with indirect illumination.
		Ordinance Sections:	705.D.7. 705.G.3.b., 662.K.10. 662.K.1. 662.K.6.
		Applicant:	Kelly Kvetko, K Squared Consulting
		Representative:	Kelly Kvetko, K Squared Consulting
		Owner:	Makaus Matthew J./ Gladys M Trust
		Taken out from under advisement on February 16, 2016 and approved with the following stipulation:	
		1) 18 months to apply and pay for permits.	

Approved w/ stip

2. Application #: ZA-555-15-6
Existing Zoning: R-4, C-O (pending R-5)
Location: Approximately 165 feet east of the northeast corner of 7th Street and Marlette Avenue
Quarter Section: 21-29(I8)
Proposal: **1)** Use Permit to utilize the PRD option of Section 617 table B. Use permit required. **2)** Use Permit to utilize the PRD option of Section 618 table B. Use permit required. **3)** Variance to reduce the required front yard setback to 0 feet. Minimum 10 feet required. **4)** Variance to reduce the required front yard setback to 0 feet. Minimum 10 feet required. **5)** Variance to allow lots to access via a private driveway. Public street or private access way required. **6)** Variance to allow lots to access via a private driveway. Public street or private access way required. **7)** 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.
Ordinance Sections: 617.B.table B 618.B.tableB 617B.table B 618.B.table B 617.B.table B 618.B.tableB 307.A.8
Applicant: Stephen Earl, Earl, Curley and Lagarde
Representative: Stephen Earl, Earl, Curley and Lagarde
Owner: Irwin Pasternack 700-EM Development
Christo Panagiotakopulos
George Bayles
Georgann Prince
Maria Kaizer
Phillip Ernsberger
Tobias Tekulve
Margaret Elias

Stipulation:
1) 18 months to apply and pay for building permits.

Approved w/ stips

3. Application #: ZA-575-15-5
Existing Zoning: R-3A & R-O (Pending R-3A)
Location: 2139, 2145, 2211, 2223, & 2229 West Northern Avenue
Quarter Section: 24-24(J7)
Proposal: **1)** Use permit to reduce applicable parking requirements for housing which serves households with special needs to 130

parking spaces. Required 216 parking spaces - use permit required. **2)** Variance to allow an over height wall of up to 10 feet tall along the south property line. Maximum 6 feet tall allowed. **3)** Variance to allow an over height wall of up to 10 feet tall along the west property line. Maximum 6 feet tall allowed. **4)** Variance to allow an over height wall of up to 10 feet tall along the east property line. Maximum 6 feet tall allowed.

Ordinance Sections: 702.E.6 703.A.2.c 703.A.2.c 703.A.2.c
Applicant: Bill Spreitzer, WESCAP INVESTMENTS, INC.
Representative: Jenifer Corey, Zoning Strategies, LLC
Owner: Brett Michael McFadden
Vista Northside, LLC
Occhino Alfio
Paul & Amporn Pothis
Northern Ave Day Care Investors

Stipulations:
1) 18 months to apply and pay for building permits. **2)** Zoning Administrator shall approve design of east and west walls, if built higher than eight feet.

Approved w/ stips

4. Application #: ZA-572-15-4
Existing Zoning: R1-6 HP
Location: 124 West Almeria Road
Quarter Section: 13-27(G8)
Proposal: **1)** Variance to allow at 6 foot high site wall (constructed flush with front face of residence) in the front yard in an Historic Preservation (HP) Overlay District. Maximum height 3 feet permitted. **2)** Use Permit to allow an over height detached accessory structure in the rear yard (north) setback. Maximum height 15 feet permitted. **3)** Variance to allow a detached accessory structure used for sleeping or living purposes to be within 4 feet 6 inches of the rear property line. Minimum of 25 feet required for structures used for sleeping or living purposes.
Ordinance Sections: 703.A.2.a.1 706.G 706.G
Applicant: Michael Kolejka, MK Architects
Representative: Michael Kolejka, MK Architects
Owner: Aaron Pratt

Stipulations:
1) There shall be no cooking facilities in the detached accessory structure. **2)** Current wing wall on west side to remain undisturbed. **3)** 6 months to apply and pay for building permits.

Approved w/ stips

5.

Application #:	ZA-578-15-4
Existing Zoning:	C-2
Location:	2223 West Camelback Road
Quarter Section:	18-24(H7)
Proposal:	Use permit to allow a drive-through facility as an accessory use to a restaurant (unknown) three hundred feet from a residential zoning district line. Use permit required.
Ordinance Sections:	623.D.156.d.(2)
Applicant:	Neil Feaser, RKAA Architects, Inc.
Representative:	Neil Feaser, RKAA Architects, Inc.
Owner:	VTC 2223 Camelback, LLC De Rito Partners

Stipulations:
1) 18 months to apply and pay for building permits. **2)** General conformance to site plan dated February 4, 2016 with respect to location of drive-through lanes and landscaping.

Approved w/ stips

6.

Application #:	ZA-582-15-4
Existing Zoning:	C-1
Location:	3509 North 19th Avenue
Quarter Section:	16-25(H7)
Proposal:	**1)** Use permit to allow outdoor dining accessory to a restaurant (Don Francisco's). Use permit required. **2)** Use permit to allow outdoor alcohol service as an accessory to a restaurant (Don Francisco's). Use permit required.
Ordinance Sections:	622.E.146.d. 622.D.146.d
Applicant:	Frank Benites, ACU Financial Services
Representative:	Frank Benites, ACU Financial Services
Owner:	Frank Benites, ACU Financial Services

Stipulations:
1) The hours of use for the outdoor area are to be no earlier than 11:00 a.m. and no later than 10:00 p.m. **2)** The employees must have a clear view of the area in order to supervise the activities and/or be present while patrons utilize the outdoor area. **3)** The area be sufficiently illuminated and contained to discourage any unlawful activity. **4)** The patio area will have a containment wall or fence to prevent the unlawful removal of alcohol.

Approved

7. Application #: ZA-584-15-4

w/ stips

Existing Zoning:	C-1
Location:	3508 North 7th Street
Quarter Section:	16-28(H8)
Proposal:	Use permit to allow packaged liquor sales as an accessory use to a convenience market (Select Imported Wines). Use permit is required.
Ordinance Sections:	622.D.97.a
Applicant:	Liza Smith, Select Imported Wines
Representative:	Liza Smith, Select Imported Wines
Owner:	MPB Realty Services, Inc.

Stipulations:

1) The front windows are to be without advertising banners or painted copy that obstruct the owners or employees view of trespassers, loiterers, and other criminal actors outside the store.

2) The owners shall keep the property sufficiently illuminated and secured to discourage illegal activity from occurring on the property.

***Approved / Stips**

8.

Application #:	ZA-579-15-6
Existing Zoning:	C-2
Location:	1040 East Camelback Road
Quarter Section:	19-29(H8)
Proposal:	Use permit to allow a medical marijuana dispensary facility. Use permit required.
Ordinance Sections:	623.D.122
Applicant:	CCT-Bird, LLC
Representative:	Walter Gilbert, Gilbert Bird Law
Owner:	1040 E. Camelback, LLC

Taken out from under advisement on February 22, 2016 and approved with the following 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) **One 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 1 year of the approval of this 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.

1:30 PM

Approved w/ stips 9.

Application #:	ZA-585-15-4
Existing Zoning:	C-2 TOD-1, Windsor Square NSPD
Location:	10 East Camelback Road
Quarter Section:	19-28(H8)
Proposal:	Use permit to allow outdoor alcohol consumption as an accessory use to a restaurant. Use permit is required.
Ordinance Sections:	623.D.156.c
Applicant:	Lou Malnati's Pizzeria
Representative:	Arizona Liquor Industry Consultants
Owner:	Uptown Plaza Associates, LLC

Stipulations:

1) 9 months to apply and pay for building permits. **2)** Employees must have unobstructed views into the patio area or be present on patio to monitor patron activities. **3)** The patio area will have adequate lighting and a containment wall or fence to prevent the unlawful removal of alcohol. **4)** The hours for use of the outdoor patio area will be no earlier than 8:00 a.m. and no later than 1:00 a.m. Friday and Saturday, and midnight Sunday through Thursday.

Approved w/ stip 10.

Application #:	ZA-586-15-2
Existing Zoning:	R1-8
Location:	18637 North 27th Street
Quarter Section:	39-33(M9)
Proposal:	Variance to create a lot with street frontage of 9 feet. Minimum of 70 feet required.
Ordinance Sections:	612.B. Table B
Applicant:	James I Reed
Representative:	James I Reed
Owner:	James I Reed

Stipulation:

1) 18 months to apply and pay for building permits.

ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER AND XANDON KEATING, PLANNER III
PLANNER: EDWARD KEYSER, 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.