

**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 **January 12, 2017, 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**
- Withdrawn** 1. Application #: ZA-546-16-4
Existing Zoning: C-1
Location: 3345 North 19th Avenue
Quarter Section: 15-25(G7)
Proposal: **1)** Use Permit to allow second hand/ used merchandise sales (N.A.N.A. Mart). Use Permit required. **2)** Variance to allow a Second Hand or Used Merchandise Sales (N.A.N.A Mart) within 1,320 feet of a similar use. Minimum 1,320 foot separation requirement.
Ordinance Sections: 622.D.150.c. 622.D.150.b
Applicant: Ramon Montoya, N.A.N.A
Representative: Ramon Montoya, N.A.N.A
Owner: Cheryl Ireland, Ireland Family Trust
- Approved w/ stips** 2. Application #: ZA-561-16-5
Existing Zoning: R-3A
Location: 2139 West Northern Avenue
Quarter Section: 24-24(J7)
Proposal: Variance to reduce the side yard setback (east) to 5 feet. Minimum 15 feet required.
Ordinance Sections: 616.B.table b
Applicant: Bill Spreitzer, Wescap Investments Inc.
Representative: Jenifer Corey, Zoning Strategies LLC
Owner: Bill Spreitzer, Northern Gardens/ Phoenix, LP
Stipulations:
1) Subject to general conformance of the plan dated January 12, 2017. **2)** One year to apply and pay for building permits.
- Approved w/ stips** 3. Application #: ZA-562-16-6
Existing Zoning: R1-14 ACSPD
Location: 5415 East Calle Ventura

Quarter Section: 16-40(H11)
Proposal: Variance to reduce the street side setback along 54th Way to 10 feet. Minimum 15 feet required.

Ordinance Sections: 607.B.3
Applicant: Angelyn Bayless
Representative: Angelyn Bayless
Owner: Angelyn Bayless

Stipulations:

1) One year to apply and pay for building permits. **2)** In general conformance with the site plan dated January 12, 2017.

**Approved
w/ stips**

4. Application #: ZA-563-16-2
Existing Zoning: A-1 DVAOD
Location: 1175 East Lone Cactus Drive
Quarter Section: 42-29(N8)
Proposal: **1)** Variance to allow for outdoor uses within 75 feet of a public street. No outdoor uses within 75 feet of a public street. **2)** Variance to allow for open buildings or uses for side and rear yards adjacent to a residential district for a setback of one hundred fifty (150) feet. Minimum 150 feet required.

Ordinance Sections: 627.F.2.b(3) 627.F.2.b(2)
Applicant: Edward Chavez, Chavez AIA
Representative: Edward Chavez, Chavez AIA
Owner: EESHVAR, LLC.

Stipulations:

1) 6 months to apply and pay for building permits. **2)** Per site plan dated September 6, 2016. **3)** Hours of operation 7:00 a.m. to midnight.

**Approved
w/ stips**

5. Application #: ZA-564-16-4
Existing Zoning: R1-6
Location: 2952 North 45th Drive
Quarter Section: 15-18(G6)
Proposal: Variance to reduce the required front yard setback to 10 feet. Minimum 20 feet required.

Ordinance Sections: 613.B.Table B
Applicant: Lance Boyjin, Boyjin Development, LLC
Representative: Lance Boyjin, Boyjin Development, LLC
Owner: Johnny Avina

Stipulations:

1) 6 months to apply and pay for building permits. **2)** Subject to site plan dated October 23, 2016.

**Approved
w/ stips**

6. Application #: ZA-100-14-8 (review)
Existing Zoning: A-2 RSIOD ANIZO BCMFSP
Location: 2424 South 24th Street
Quarter Section: 7-32(E9)
Proposal: Time extension for ZA-242-13 (Use Permit and Variance for Medical marijuana cultivation facility).

Ordinance Sections: 307.A.12
Applicant: Brig Burton, Agricann LLC
Representative: Adam Baugh, Withey Morris, PLC
Owner: Andrew & Linda Thompson
Stipulations:
1) The Use Permit(s) shall be reviewed within 1 year. **2)** 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.
3) 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.

**Approved
w/ stips**

7. Application #: ZA-543-14-8 (review)
Existing Zoning: A-1
Location: 4116 East Superior Avenue
Quarter Section: 6-37(E10)
Proposal: **1)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. A medical marijuana cultivation facility shall not be located within 5,280 feet of another medical marijuana facility.

Ordinance Sections: 627.D.91.a 627.D.91.c
Applicant: Theodore C. Pappas, N & A Enterprises
Representative: David Dow, David Dow Law Office
Owner: Superior Industrial Center
Stipulations:
1) The Use Permit(s) shall be reviewed within 1 year. **2)** 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.
3) 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.

**Approved
w/ stip**

8. Application #: ZA-339-15-1 (review)
Existing Zoning: C-2 BCMFSP
Location: 2841 West Thunderbird Road
Quarter Section: 32-22(L7)
Proposal: Use Permit to allow a medical marijuana dispensary. Use Permit required.

Ordinance Sections: 623.D.122.a
Applicant: Carsten Loelke, NRC Inc
Representative: Carsten Loelke, NRC Inc
Owner: Thunder 17, LLC
Stipulation:
1) There shall be a 3-month review from today's hearing for this case for the applicant to comply with the Zoning Ordinance requirements for dispensary size. **2)** 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. **3)** 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.

Approved

1:30 PM

9. Application #: ZA-568-16-8 (Sign)
Existing Zoning: R-5
Location: 901 East Van Buren Street
Quarter Section: 10-29(F8)
Proposal: Variance to reduce the minimum spacing between ground signs to 83 feet. Minimum 150-foot spacing required between ground signs for multi-family residential land uses.

Ordinance Sections: 705.D
Applicant: Jason Shano, Associated Sign Company
Representative: Jason Shano, Associated Sign Company
Owner: Camden USA

**Approved
w/ stips**

10. Application #: ZA-510-16-4 (Continued from 12/8/16)
Existing Zoning: C-1
Location: Northwest corner of 18th Place and Thomas Road

Quarter Section: 15-31(G9)
Proposal: **1)** Use Permit to allow a drive-through facility within 300 feet of a residential district. Use Permit required. **2)** Use Permit to allow outdoor dining accessory to a restaurant. Use Permit required. **3)** Variance to delete the

landscape setback along the east side.
 Minimum 25 feet required.
 Ordinance Sections: 622.D.146.e 622.D.146.d 622.E.4.e
 Applicant: Aaron Klusman, Klusman Family Holdings
 Representative: Jonathan Ammon, Design-build collaborative,
 LLC
 Owner: Aaron Klusman, Klusman Family Holdings
Stipulations:
1) Subject to site plan dated January 12, 2017. **2)** Outdoor activities
 to operate from 5:00 a.m. to 9:00 p.m. **3)** One year to apply and pay
 for building permits.

**Approved
 w/ stips**

11. Application #: ZA-565-16-5
 Existing Zoning: R1-6
 Location: 4705 North 75th Avenue
 Quarter Section: 18-11(H4)
 Proposal: Use permit to use the PRD development
 option. Use permit required.
 Ordinance Sections: 613.B. Table A
 Applicant: Steve Bargeloh D&M Engineering
 Representative: Steve Bargeloh D&M Engineering
 Owner: Sheri Ranger
Stipulations:
1) Subject to the site plan dated October 25, 2016. **2)** 18 months to
 apply and pay for building permits.

**Approved
 w/ stips**

12. Application #: ZA-566-16-4
 Existing Zoning: C-2 HRI TOD-1
 Location: Southeast corner of Central Avenue and
 Virginia Avenue
 Quarter Section: 14-28(G8)
 Proposal: **1)** Use Permit to increase setback for outdoor
 seating and patio dining where ground level
 retail uses occur to 12 feet. Use Permit
 required for setback greater than 6
 feet. **2)** Use Permit to allow the outdoor
 consumption of alcoholic beverages as an
 accessory to a restaurant. Use Permit
 required. **3)** Variance to increase setback
 (west) to 10 feet. Maximum 6-foot setback
 allowed. **4)** Variance to increase setback
 (north) to 28 feet. Maximum 6-foot setback
 allowed. **5)** Variance to reduce building
 frontage to 40%. Minimum 50% building
 frontage required. **6)** Variance to allow
 vehicle access from pedestrian-oriented

streets where other reasonable access is available. Vehicle access from pedestrian streets is prohibited. **7)** Variance to reduce the number of required parking spaces to 19 spaces. Minimum 65 spaces required.

Ordinance Sections: 662.I.1.a(1) 662.E.3.a. 662.I.1.Table 1
662.I.1.Table 1

662.I.2.Table 2 662.L.5.a 702.C

Applicant: Jason Morris, Withey Morris PLC

Representative: Jason Morris, Withey Morris PLC

Owner: Gordon Keig, Pennant Virginia, LLC

Stipulations:

1) In general conformance with the site plan dated January 12, 2017.

2) Hours of operation for the outdoor use from 7:00 a.m. to 11:30 p.m. **3)** Parking plan for the project to be submitted with the preliminary site plan. **4)** The area be sufficiently illuminated and contained to discourage any unlawful activity. The Precinct Commander, or his designee, may approve lighting, containment area, and security personnel at their discretion. **5)** The employees must have a clear view of the outdoor area in order to supervise the activities and/or be present while patrons utilize the outdoor area.

6) 2 years to apply and pay for building permits.

**Approved
w/ stips**

13. Application #: ZA-567-16-2
Existing Zoning: PCD NBCCPOD
Location: 2750 West Dove Valley Road
Quarter Section: 57-23(R7)
Proposal: Use permit to allow a drive through as an accessory to a restaurant (Burger King) within 300 feet of residential. Use permit required.

Ordinance Sections: 624.D.112.d.(2)
Applicant: Brad Flahiff, Barnett Management Company
Representative: Scott Phillips, Carefree Partners Investments, LLC
Owner: Canyon Crossroads Retail, LLC

Stipulations:

1) Subject to hours of operation for the drive through facility from 5:00 a.m. to 1:00 a.m. **2)** One year to apply and pay for building permits. **3)** In general conformance with the site plan dated July 15, 2016.

**ZONING ADJUSTMENT HEARING OFFICER: RAY JACOBS, AICP
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.