

**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 **October 29, 2020, at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-14).**

Per the most recent guidelines from the federal government, the Zoning Adjustment Hearing Officer meeting was held electronically, via a video conferencing platform.

The results of the meeting were as follows:

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| RESULTS
Approved
w/stip | 9:00 AM | 1. Application #: ZA-515-20-4 (Continued from September 10, 2020)
Existing Zoning: R1-6 HP
Location: 3223 North Randolph Road
Quarter Section: 15-30(G9)
Proposal: Variance to reduce the required side yard (west) setback to 1 foot. Minimum 10 feet required.

Ordinance Sections: 613.B.Table B
Applicant: Mike Munninger, Architectural Alliance, Inc.
Representative: Mike Munninger, Architectural Alliance, Inc.
Owner: Rahaw Revocable Living Trust
Stipulation:
1) 1 year to apply and pay for building permits. |
| Approved
w/stip | 2. | Application #: ZA-526-20-8
Existing Zoning: R-5 RI HP ACOD
Location: 917 and 921 North 8th Street
Quarter Section: 11-29(F8)
Proposal: 1) Variance to reduce the interior property line landscape setback (east) to 0 feet. Minimum 5 feet required. 2) Variance to reduce the interior property line landscape setback (south) to 0 feet. Minimum 5 feet required. 3) Variance to reduce the side yard (south) setback to 5 feet. Minimum 10 feet required. 4) Variance to reduce surface parking landscaping to 0%. Minimum 5% of surface parking lot must be landscaped. 5) Variance to allow maneuvering in the right-of-way (Alley). Maneuvering must be located on private property.

Ordinance Sections: 703.B.3.b.(3) 703.B.3.b.(3) 618.B.Table B 507 Tab A.II.A.6.1.1 702.A.1.b
Applicant: Gregory D. Barlow, Project 2 Holdings, LLC
Representative: Michael Underhill, Michael Underhill, Architect
Owner: Gregory D. Barlow, Project 2 Holdings, LLC
Richard White, Pepper Plaza Money Purchase Plan

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

- Approved w/stip** 3. Application #: ZA-586-20-2
Existing Zoning: RE-24
Location: 6647 East Sharon Drive
Quarter Section: 32-43(L12)
Proposal: Variance to reduce the required front yard setback (north) to 20 feet. Minimum 30 feet required.
Ordinance Sections: 606.B.2
Applicant: Rodney Sherrard, RSA Design Build/RS Architecture, LLC
Representative: Rodney Sherrard, RSA Design Build/RS Architecture, LLC
Owner: Michael Kimbro
Stipulation:
1) 1 year to apply and pay for building permits.
- Approved w/stips** 4. Application #: ZA-589-20-4
Existing Zoning: C-2 WSNSPD
Location: 5126 North 7th Street
Quarter Section: 19-28(H8)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Café Vita Phoenix) within 500 feet of a residential zoning district. Use permit required. **2)** Use permit to allow a drive-through facility as an accessory use to a restaurant (Café Vita Phoenix) less than 300 feet from a residential district zoning line. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.d
Applicant: Brain Facasse, Taylor: Fracasse Architecture, Inc.
Representative: Brain Facasse, Taylor: Fracasse Architecture, Inc.
Owner: Deming Maclise, Café Vita AZ, LLC
Stipulations:
1) 6 month review from the date of the Certificate of Occupancy is issued.
2) 6 foot masonry wall shall be constructed on the west side property line.
3) Drive-through shall have a screen wall and landscaping on the west end of the drive-through.
4) 1 year to apply and pay for building permits.
5) Hours of operation for the patio and drive-through shall be limited to 6:00 AM – 3:30 PM.
- Approved w/stip** 5. Application #: ZA-590-20-6
Existing Zoning: R1-6
Location: 5335 North 34th Street
Quarter Section: 19-35(H10)
Proposal: Variance to reduce the rear yard (north) setback to 5 feet. Minimum 25 feet required.
Ordinance Sections: 613.B.TableB
Applicant: Drew Wood, Grant L. Olds Architects
Representative: Drew Wood, Grant L. Olds Architects
Owner: Joshua and Chelsea Kunde
Stipulation:
1) 1 year to apply and pay for building permits.

Approved w/stip 6. Application #: ZA-592-20-6
 Existing Zoning: R1-6
 Location: 1143 East Oregon Avenue
 Quarter Section: 19-29(H8)
 Proposal: Variance to reduce the side yard setback (east) to 0 feet. Minimum 10 feet required.
 Ordinance Sections: 613.B. Table B
 Applicant: Drew Bryck
 Representative: Drew Bryck
 Owner: Jacob Acevedo and Chan Fanny
Stipulation:
 1) 1 year to apply and pay for building permits.

Approved w/stip 7. Application #: ZA-596-20-4
 Existing Zoning: C-2
 Location: 4802 North 7th Street
 Quarter Section: 18-28(H8)
 Proposal: Use permit to allow a tattoo shop. Use permit required.
 Ordinance Sections: 623.D.187.
 Applicant: John O'Hagan, Golden Rule Tattoo
 Representative: John O'Hagan, Golden Rule Tattoo
 Owner: Joe Best
Stipulation:
 1) 1 year to commence use.

Approved w/stip 8. Application #: ZA-622-20-8
 Existing Zoning: C-2 HP, P-1 HP, WU T5:7 GWY
 Location: Southwest corner of 32nd Street and Fillmore Street
 Quarter Section: 11-34(F10)
 Proposal: Use permit to allow multiple temporary events for up to 36 months (Celebrity Theatre). Use permit required.
 Ordinance Sections: 708.D.1
 Applicant: Andrew Birgensmith, Songbird Entertainment (for Celebrity Theater
 Representative: Andrew Birgensmith, Songbird Entertainment (for Celebrity Theater
 Owner: RH Family Limited Partnership
Stipulation:
 1) 6 months to commence use.

Under Advisement 9. **1:30 PM**
 Application #: ZA-516-20-8 (SIGN) (Continued from September 10, 2020)
 Existing Zoning: C-2
 Location: 3130 East Thomas Road
 Quarter Section: 15-34(G10)
 Proposal: Use permit to rebuild two non-conforming off-premise signs to non-digital signs. Use permit required.

- Ordinance Sections: 705.2.G.5
 Applicant: Ted LeClair, LeClair Calihan Advertising
 Representative: Ted LeClair, LeClair Calihan Advertising
 Owner: SAIA Family Limited Partnership
- Approved w/stip** 10. Application #: ZA-594-20-3 (SIGN)
 Existing Zoning: RSC PCD
 Location: 12440 North Tatum Boulevard
 Quarter Section: 31-38(K11)
 Proposal: Major amendment to the Paradise Valley Mall Comprehensive Sign Plan to add a new ground sign. Use permit required.
- Ordinance Sections: 705.1.E.2.d
 Applicant: Jason Shano, Associated Sign Company
 Representative: Jason Shano, Associated Sign Company
 Owner: Niguel Partners, LLC
Stipulation:
 1) 1 year to apply and pay for sign permits.
- Approved w/stip** 11. Application #: ZA-525-20-2 (Continued from September 10, 2020)
 Existing Zoning: R1-6
 Location: 18658 North 41st Place
 Quarter Section: 39-37(M10)
 Proposal: **1)** Use permit to allow an over height sport court fence (12 feet) in the required side yard (north) setback. Use permit required if over 6 feet in height. **2)** Use permit to allow an over height sport court fence (12 feet) in the required rear yard (west) setback. Use permit required if over 6 feet in height.
- Ordinance Sections: 608.G.5 608.G.5
 Applicant: Joshua Frank Deutsch
 Representative: Joshua Frank Deutsch
 Owner: Joshua Frank Deutsch
Stipulation:
 1) 1 year to apply and pay for building permits.
- Approved w/stip** 12. Application #: ZA-591-20-6
 Existing Zoning: R-5
 Location: 4848 East Thomas Road
 Quarter Section: 15-39(G11)
 Proposal: Use permit to allow a dependent care facility. Use permit required.
- Ordinance Sections: 618.D.9
 Applicant: Karli Roller, Montessori Room, LLC
 Representative: Karli Roller, Montessori Room, LLC
 Owner: Arizona, LLC
Stipulation:
 1) 1 year to commence use.
- Approved w/stip** 13. Application #: ZA-593-20-2
 Existing Zoning: RE-24
 Location: 6747 East Camino De Los Ranchos
 Quarter Section: 32-43(L12)

Proposal: Variance to allow a 35 percent lot coverage. Maximum of 25 percent lot coverage permitted, unless all structures are less than 20 feet in height than a maximum of 30 percent lot coverage permitted.

Ordinance Sections: 606.B.5
Applicant: Joshua Sandor Davidson
Representative: Joshua Sandor Davidson
Owner: Dafna Family Trust

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

**Approved
w/stips**

14. Application #: ZA-588-20-7
Existing Zoning: A-2
Location: 2239 North Black Canyon Highway
Quarter Section: 14-23(G7) 13-23(G7)
Proposal: **1)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Use permit to allow a medical marijuana infusion facility. Use permit required. **3)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **4)** Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **5)** Variance to allow a medical marijuana cultivation facility within 1,320 feet of a homeless shelter. Minimum 1,320 feet of separation required. **6)** Variance to allow a medical marijuana infusion facility within 1,320 feet of a homeless shelter. Minimum 1,320 feet of separation required. **7)** Variance to allow a medical marijuana cultivation facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **8)** Variance to allow a medical marijuana infusion facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **9)** Variance to allow a medical marijuana cultivation facility within 1,320 feet of a school. Minimum 1,320 feet of separation required. **10)** Variance to allow a medical marijuana infusion facility within 1,320 feet of a school. Minimum 1,320 feet of separation required.

Ordinance Sections: 627.D.91.a. 627.D.93.a. 627.D.91.c 627.D.93.b. 627.D.91.e 627.D.93.d 627.D.91.d 627.D.93.c 627.D.91.e 627.D.93.d

Applicant: Theodore Pappas, MIOT Properties, LLC
Representative: David Dow, Dow Law Office
Owner: SAIA Family Limited Partnership

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 18 months 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 30 days of Certificate of Occupancy. 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.

ZONING ADJUSTMENT HEARING OFFICER: BETTY DRAKE
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.adjustment@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.

October 30, 2020