

**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 **November 12, 2020, at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-16)**.

*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:

- |                         |                |  |
|-------------------------|----------------|--|
| <b>RESULTS</b>          | <b>9:00 AM</b> |  |
| <b>Approved w/stip</b>  | 1.             | Application #: ZA-563-20-7 (SIGN)<br>Existing Zoning: A-2<br>Location: 802 South 59th Avenue<br>Quarter Section: 09-14(B5)<br>Proposal: <b>1)</b> Use permit to rebuild two faces of a nonconforming off-premise sign to digital. Use permit required. <b>2)</b> Use permit to increase the height of a freeway off-premise sign to 60 feet. Use permit required.<br><br>Ordinance Sections: 705.2.G.4 705.2.B.4.b<br>Applicant: Brent Wood, Outfront Media<br>Representative: Marty Aronson, Berry Riddell, LLC<br>Owner: Mark Lawler, ADOT<br><b>Stipulation:</b><br>1) 2 years to apply and pay for sign permits.   |
| <b>Continued</b>        | 2.             | Application #: ZA-111-18-2 (1-year review of use permit)<br>Existing Zoning: C-2<br>Location: 21035 North Cave Creek Road, Suite C3 & C4<br>Quarter Section: 42-33(N9)<br>Proposal: <b>1)</b> Time extension for ZA-37-17, a variance to expand an existing medical marijuana dispensary within 1,320 feet of a public park. Minimum 1,320 foot separation required. <b>2)</b> Time extension for ZA-37-17, a variance to expand an existing medical marijuana dispensary within 1-mile of another medical marijuana facility. Minimum 1-mile separation required. <b>3)</b> Time extension for ZA-37-17, a use permit to expand an existing medical marijuana dispensary. Use permit required.<br><br>Ordinance Sections: 623.D.122.g 623.A.122.e 623.D.122.a<br>Applicant: Benjamin L. Tate, Withey Morris, PLC<br>Representative: Benjamin L. Tate, Withey Morris, PLC<br>Owner: Rose Garden Holden, LLC<br><b>Continued to December 17, 2020 at 1:30 PM.</b> |
| <b>Approved w/stips</b> | 3.             | Application #: ZA-518-19-7 (1-year review of use permit)<br>Existing Zoning: DTC-West Evans Churchill ACSBO<br>Location: 214 East Roosevelt Street   |

Quarter Section: 12-28(G8)  
 Proposal: **1)** Use permit to allow outdoor liquor service as an accessory to a restaurant. Use permit required. **2)** Use permit to allow outdoor entertainment (amplified music or loudspeakers) between the hours of 7:00 AM to 12:00 AM on Friday through Sunday. Use permit required. **3)** Use permit to allow outdoor entertainment between the hours of 7:00 AM and 12:00 AM on Friday through Sunday. Use permit required. **4)** Variance to allow outdoor entertainment on Monday through Thursday, between 7:00 AM and 12:00 AM. Outdoor entertainment permitted Friday through Sunday only.

Ordinance Sections: 1204.D 1204.C.5 1204.C.18 1204.C.16  
 Applicant: Nick Wood, Snell & Wilmer, LLP  
 Representative: Nick Wood, Snell & Wilmer, LLP  
 Owner: RO2 214 LLC

**Stipulations:**

- 1) 1 year to apply and pay for building permits.
- 2) Request #4 approved from 7:00 AM. To 10:00 PM, Monday through Thursday. Holidays and holiday-eve's are allowed to go until 12:00 AM.

**Denied**

4. Application #: ZA-548-20-3  
 Existing Zoning: R1-18  
 Location: 5448 East Cholla Street  
 Quarter Section: 30-40(K11)  
 Proposal: **1)** Variance to increase the lot coverage to 29 percent for primary structure not including attached shade structures. Maximum 25 percent allowed. **2)** Variance to increase the lot coverage to 33 percent for primary structure including attached shade structures. Maximum 30 percent allowed.

Ordinance Sections: 610.B.Table 610.B.Table  
 Applicant: Jason Comer  
 Representative: Jason Comer  
 Owner: David and Christina Wagner Family Trust

**Approved  
w/stips**

5. Application #: ZA-600-20-6  
 Existing Zoning: R-3  
 Location: 1247 East Colter Street  
 Quarter Section: 19-30(H9)  
 Proposal: **1)** Variance to reduce the required common area to 3%. Minimum 5% common area required for PRD option. **2)** Variance to reduce interior perimeter landscape setback (west) to 2 feet. Minimum 5 feet required. **3)** Variance to reduce the width of the open space area to 2 feet. Minimum 20 feet required.

Ordinance Sections: 615.B.Table B 703.B.3.b.(3) 703.B.4.a.(2)  
 Applicant: Nico Howard, 12th & Osborn, LLC

Representative: David Cisiewski, Esq., Law Office of David Cisiewski, PLLC

Owner: Nico Howard, 12th & Osborn, LLC

**Stipulations:**

- 1) 1 year to apply and pay for building permits.
- 2) Each unit's rear yard is required to have a minimum of one 24 inch box tree planted and maintained.

**Approved w/stip**

6. Application #: ZA-614-20-8  
Existing Zoning: S-1  
Location: 9025 South 19th Avenue  
Quarter Section: 02-25(C7)  
Proposal: Variance to reduce the rear yard (north) setback for a detached accessory structure to 30 feet. Minimum 50 feet required.  
  
Ordinance Sections: 603.B.3  
Applicant: Jim Chartier, Chartier Design  
Representative: Jim Chartier, Chartier Design  
Owner: Bill George, Bill George, LLC

**Stipulation:**

- 1) 1 year to apply and pay for building permits.

**#1, 2, and 4**

**Approved w/stip**

**#3 Denied**

7. Application #: ZA-615-20-5  
Existing Zoning: C-1  
Location: 1935 West Northern Avenue  
Quarter Section: 24-24(J7)  
Proposal: **1)** Use permit to allow outdoor dining as an accessory to a restaurant (Rally's). Use permit required. **2)** Use permit to allow a queuing lane for a drive-through facility less than 300 feet from a residential district zoning line. Use permit required. **3)** Variance to reduce the landscaping requirement for trees within the rear setback (south) to 0 trees. Trees at 25 feet on center are required. **4)** Variance to reduce the required perimeter landscape setback (west) to 0 feet. Minimum 10 feet required.  
  
Ordinance Sections: 622.D.150.d 622.D.150.e.(2) 622.E.4.e 622.E.4.e  
Applicant: Dan Leung, Red Point Development  
Representative: Jessica Sarkissian, Upfront Planning and Entitlements  
Owner: GVCL Enterprises, LLC

**Stipulation:**

- 1) 2 years to apply and pay for building permits.

**#1 Approved w/stip**

**#2 Denied**

8. Application #: ZA-618-20-7  
Existing Zoning: R-5 BAOD  
Location: 413 East Southern Avenue  
Quarter Section: 2-28(D8)  
Proposal: **1)** Variance to reduce entry landscaping to 0 square feet. Minimum 250 square feet required. **2)** Variance to reduce the required minimum open space to 2%. Minimum 5% required.  
  
Ordinance Sections: 651.E.3.a.(3) 703.B.4.a.(1)

Applicant: Kris Ontiremos, Southern Avenue Development, LLC  
Representative: Raad Salih, Saif Engineering  
Owner: Southern Avenue Development, LLC

**Stipulation:**

- 1) 1 year to apply and pay for building permits.

**Approved  
w/stips**

**1:30 PM**

9. Application #: ZA-302-12-1 (1-year review of use permit)  
Existing Zoning: A-1 DVAO1 DVAO2  
Location: 21617 North 9th Avenue, Suite 100  
Quarter Section: 42-26(N8)  
Proposal: **1)** Use Permit to allow a medical marijuana cultivation facility. Use Permit required. **2)** Use Permit to allow a medical marijuana dispensary facility. Use Permit required. **3)** Variance to allow a medical marijuana cultivation facility 800 feet from another medical marijuana facility. Minimum 5,280 feet required. **4)** Variance to allow a medical marijuana dispensary facility 800 feet from another medical marijuana facility. Minimum 5,280 feet required.
- Ordinance Sections: 627.D.93 627.D.93 627.D.91.c 627.D.91.c  
Applicant: Gina Berman, The Giving Tree Wellness Center of North  
Representative: Lindsay C. Schube, Gammage & Burnham, PLC  
Owner: Paola Tulliani

**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.

**Approved w/stips** 10. Application #: ZA-431-12-1 (1-year review of use permit)  
Existing Zoning: A-1 DVAO  
Location: 21411 North Central Avenue  
Quarter Section: 43-28(N8)  
Proposal: **1)** Use Permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Variance to allow a medical marijuana cultivation facility within 3,600 feet of a medical marijuana dispensary. A minimum distance of 5,280 feet is required from another medical marijuana facility.  
Ordinance Sections: 627.D.91.a. 627.D.91.c.  
Applicant: Frank Horwich  
Representative: Edward Judice, Bloom Dispensary  
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 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.

**Approved w/stips** 11. Application #: ZA-125-13-1 (1-year review of use permit)  
Existing Zoning: C-2, C-2 HR approved  
Location: 10040 North Metro Parkway  
Quarter Section: 28-21(K7) 28-21(K6) 28-22(K7) 28-22(K6)  
Proposal: **1)** Use Permit to allow a medical marijuana dispensary. Use Permit required. **2)** Variance to allow a medical marijuana dispensary to be within 1,320 feet of a school. 1,320 feet is the minimum spacing required.  
Ordinance Sections: 623.D.122.a 623.D.122.g  
Applicant: Dreem Green Corporation

Representative: Dreem Green Corporation

Owner: J + M Management, 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 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.

**Continued** 12. Application #: ZA-277-19-4 (1-year review of use permit)  
(Continued from October 1, 2020)  
Existing Zoning: R-5 SP TOD-1  
Location: Northwest corner of 2nd Street and Indianola Avenue  
Quarter Section: 16-28(H8)  
Proposal: **1)** Time extension of ZA-242-18, use permit to allow a community residence center in R-5 zoning. Use permit required. **2)** Time extension of ZA-242-18, use permit to allow a hospice in R-5 zoning. Use permit required. **3)** Time extension of ZA-242-18, use permit to a nursing home in R-5 zoning. Use permit required.  
Ordinance Sections: 618.D.7 618.D.13 618.D.17  
Applicant: 40 East Indianola Ave, LLC  
Representative: Benjamin Tate, Withey Morris, PLC  
Owner: 40 East Indianola Ave, LLC  
**Continued to December 17, 2020 at 1:30 PM.**

**Approved w/stips** 13. Application #: ZA-524-19-7 (1-year review of use permit)  
Existing Zoning: A-2  
Location: 702 and 710 North 21st Avenue  
Quarter Section: 11-24(F7)

Proposal: Use permit to allow multiple temporary events for up to 36 months. Use permit required.  
Ordinance Sections: 708.D.1  
Applicant: Venue X F&B, LLC  
Representative: Camila Alarcon, Gammage & Burnham, PLC  
Owner: Venue X, LLC

**Stipulations:**

- 1) No outdoor live performances or amplified sound.
- 2) Limited to 2:00 AM on Friday through Sunday and holidays. Limited to 10:00 PM on Monday through Thursday.
- 3) 1 year review.

**Approved w/stips**

14. Application #: ZA-605-20-2  
Existing Zoning: RE-24  
Location: 6621 East Corrine Drive  
Quarter Section: 31-43(K12)  
Proposal: Variance to reduce the required side yard setback (west) to 2 feet. Minimum 10 feet required.  
Ordinance Sections: 606.B.3.b  
Applicant: Paul Almond, Almond ADG Architects  
Representative: Paul Almond, Almond ADG Architects  
Owner: James Piotrowski

**Stipulations:**

- 1) Garage structure must be detached from main home as originally proposed to be detached accessory structure.
- 2) 1 year to apply and pay for building permits.
- 3) Setback reduction shall only apply to the garage structure encroachment as shown on the plan dated September 29, 2020.

**Approved w/stip**

15. Application #: ZA-616-20-2  
Existing Zoning: R1-8  
Location: 19005 North 28th Street  
Quarter Section: 39-34(M10)  
Proposal: Variance to reduce the perimeter side yard setback (north) to 5 feet. Minimum 15 feet required.  
Ordinance Sections: 612.B.Table A  
Applicant: Joel and Roberta Lewison  
Representative: Jessica Sarkissian, Upfront Planning and Entitlements, LLC  
Owner: Joel and Roberta Lewison

**Stipulation:**

- 1) 2 years to apply and pay for building permits.

**Approved w/stip**

16. Application #: ZA-617-20-6  
Existing Zoning: R1-6  
Location: 3610 and 3614 West Taylor Street  
Quarter Section: 11-20(F6)  
Proposal: **1)** Variance to reduce the required lot width (Parcel 1) to 49 feet. Minimum 60 feet required. **2)** Variance to reduce the required lot width (Parcel 2) to 49 feet. Minimum 60 feet required.  
Ordinance Sections: 613.B.Table B 613.B.Table B

Applicant: Kris Ontiremos, Southern Avenue Development,  
LLC  
Representative: Raad Salih, Salif Engineering, LLC  
Owner: Southern Avenue Development, LLC  
**Stipulation:**  
1) 18 months to complete the lot split process.

**ZONING ADJUSTMENT HEARING OFFICER: MICHAEL MILILLO  
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](mailto: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.

November 13, 2020