

NOTICE OF PUBLIC MEETING ZONING ADJUSTMENT HEARING

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the **ZONING ADJUSTMENT HEARING OFFICER** and to the general public, that the **CITY OF PHOENIX ZONING ADJUSTMENT HEARING OFFICER** will hold a meeting open to the public on **October 28, 2021 9:00 AM (Items 1-8) and 1:30 PM (Items 9-17)**

Per the most recent social distancing guidelines from the federal government, no residents will be allowed to attend the meeting in-person.

OPTIONS TO ACCESS THE MEETING

- **Call-in to listen** to the live meeting: Dial **602-666-0783**, Enter meeting access code [25586844733#](tel:25586844733), and press # again when prompted for the attendee ID.
- **Observe the live meeting virtually**, by clicking on the following link and registering to join the meeting online:
<https://cityofphoenixpdd.webex.com/cityofphoenixpdd/onstage/g.php?MTID=ec2753f4fa7f6509629b154deedaccbbf>
- **Submit a comment** on an agenda item:
 - At: zoning.adjustment@phoenix.gov
 - Indicate: Item Number and Case Number
- **Register to speak** on an agenda item:
 - At: zoning.adjustment@phoenix.gov
 - By: **48 hours prior to the start of the hearing**. Staff will make every effort to accommodate requests to speak submitted beyond the 48-hour period. Due to the added demands of facilitating the virtual environment for the public, applicants and other staff members, we cannot consider any request less than 6 business hours before the start of the meeting / hearing.
 - Indicate: Item Number and Case Number

Notes:

1. Agenda items may be taken out of order.
2. Comments may be limited due to time constraints and to ensure all viewpoints are heard.

The agenda for the meeting is as follows:

9:00 AM

1. Application #: ZA-117-12-8 (6-month Review of use permit)
Existing Zoning: A-1
Location: 201 South 36th Street
Quarter Section: 10-36(F10) 10-36(F10)
Proposal: **1)** Variance to allow medical marijuana cultivation facility within 5,280 feet of another facility of the same type. 5,280 feet of separation required. **2)** Variance to allow a medical marijuana dispensary within 5,280 feet of another facility of the same type. 5,280 feet of separation required. **3)** Variance to allow a medical marijuana infusion facility within 5,280 feet of another facility of the same type. 5,280

- feet of separation required. **4)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **5)** Use permit to allow a medical marijuana dispensary. Use permit required. **6)** Use permit to allow a medical marijuana infusion facility. Use permit required.
- Ordinance Sections: 627.D.91.c 627.D.92.d. 627.D.93.b 627.D.91.a. 627.D.92.a. 627.D.93.a.
- Applicant: Carsten Loelke, Natural Relief Clinic, Inc.
 Representative: Carsten Loelke, Natural Relief Clinic, Inc.
 Owner: Carsten Loelke, JJ Empire, LLC
2. Application #: ZA-57-16-8 (1-year Review of use permit)
 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 is required. **2)** Use permit to allow a medical marijuana infusion facility. Use permit is required. **3)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. **4)** Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
- Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
 Applicant: Theodore C. Pappas, N and A Enterprises
 Representative: Adam Baugh, Withey Morris, PLC
 Owner: Superior Industrial Center, LLC
3. Application #: ZA-475-21-8
 Existing Zoning: C-2 ACOD
 Location: 1007 North 7th Street
 Quarter Section: 12-29(G8)
 Proposal: **1)** Use permit to allow a medical marijuana dispensary. Use permit required. **2)** Variance to allow a medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 feet of separation required. **3)** Variance to allow a medical marijuana dispensary within 1,320 feet of a high school. Minimum 1,320 feet of separation required. **4)** Variance to allow a medical marijuana dispensary within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.
- Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.g 623.D.124.h
 Applicant: Nicole Stanton, Harvest Health & Recreation Inc.
 Representative: Larry Lazarus, Lazarus & Silvyn, P.C.
 Owner: Hamdan Sharif
4. Application #: ZA-478-21-4
 Existing Zoning: C-3 TOD-1, R-5 TOD-1

Location: 727 West Camelback Road
Quarter Section: 18-26(H8)
Proposal: Use permit to allow a temporary use for up to 36 months for outdoor entertainment for a bar (Charlies Phoenix). Use permit required.
Ordinance Sections: 708.D.1
Applicant: Michael Weidmann, Charlies Phoenix
Representative: Michael Weidmann, Charlies Phoenix
Owner: John King, Nashville Management Inc.

5. Application #: ZA-479-21-8
Existing Zoning: R1-6
Location: 4248 East Oak Street
Quarter Section: 14-37(G10)
Proposal: Variance to reduce the required side yard setback (west) to 4 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Jacob and Amanda Messner
Representative: Jacob and Amanda Messner
Owner: Jacob and Amanda Messner

6. Application #: ZA-481-21-6
Existing Zoning: R1-6
Location: 3817 East Coolidge Street
Quarter Section: 18-36(H10)
Proposal: Variance to reduce the required front yard (north) setback to 12 feet. Minimum 25 feet required.
Ordinance Sections: 611.B.TableB
Applicant: Christiana Moss
Representative: Christiana Moss
Owner: Alt-Moss Revocable Trust

7. Application #: ZA-557-21-8
Existing Zoning: R1-6
Location: 3415 East Sheridan Street
Quarter Section: 14-35(G10)
Proposal: **1)** Variance to reduce side setback (east) to 2 feet. Minimum 3 feet required. **2)** Variance to allow required parking in the front yard setback. Required parking is not allowed within the front yard setback.
Ordinance Sections: 615.B.Table B 702.F.1.a
Applicant: Deanna Milla
Representative: Deanna Milla
Owner: Deanna Milla

8. Application #: ZA-569-21-4
Existing Zoning: WU T6:HWR MT

Location: Northeast corner of 3rd Avenue and Earll Drive Alignment
 Quarter Section: 15-27(G8)
 Proposal: **1)** Variance to eliminate the requirement for one entry per 80 feet of secondary building frontage (west). One entry per 80 feet of secondary building frontage required. **2)** Variance to increase the parking structure to exceed building height. Parking structure cannot exceed building height. **3)** Variance to reduce parking setback along 3rd Avenue to 11 feet. Minimum 20 feet of parking setback required for secondary frontage.
 Ordinance Sections: 1303.2.Transect T6 1303.B.Table1303.2 Transect T6 1303.B.Table1303.2 Transect T6
 Applicant: Lynton Smith, Din/Cal 4, Inc.
 Representative: William F. Allison, Withey Morris, PLC
 Owner: Stan Shafer, HPPC, LLC

1:30 PM

9. Application #: ZA-485-21-3 (SIGN)
 Existing Zoning: C-2 SP*
 Location: 1901 East Bell Road
 Quarter Section: 36-31(M9)
 Proposal: Use permit to adopt the Bell Road Mitsubishi Comprehensive Sign Plan. Use permit required.
 Ordinance Sections: 705.E.2
 Applicant: David Doherty, Doherty Family Trust
 Representative: William Allison, Withey Morris, PLC
 Owner: David Doherty, Doherty Family Trust
10. Application #: ZA-445-21-4 (Continued from October 7, 2021)
 Existing Zoning: C-2
 Location: 5150 West McDowell Road
 Quarter Section: 13-16(G5)
 Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Eegee's) when located within 500 feet of a residential zoning district. Use permit required. **2)** Use permit to allow a drive-through facility accessory to a restaurant (Eegee's) within 300 feet from a residential zoning district. Use permit required.
 Ordinance Sections: 623.D.157.c 623.D.157.d.(2)
 Applicant: Holly Keilman, Eegee's
 Representative: Ian Brown, Flatiron
 Owner: McDowell Square, LLC, an Arizona limited
11. Application #: ZA-476-21-2
 Existing Zoning: R1-6
 Location: 16005 North 34th Way
 Quarter Section: 35-35(L10)

Proposal: **1)** Variance to allow an over height wall (9 feet) bounding the side yard (north). Maximum 6 feet permitted. **2)** Variance to allow an over height wall (9 feet) bounding the rear yard (east). Maximum 6 feet permitted. **3)** Variance to allow an over height wall (9 feet) bounding the side yard (south). Maximum 6 feet permitted.
Ordinance Sections: 703.A.2.c 703.A.2.c 703.A.2.c
Applicant: Tim Marrs
Representative: Tim Marrs
Owner: Lindsay Marrs (Gatti)

12. Application #: ZA-477-21-8
Existing Zoning: A-1 RSIO, A-2 RSIO
Location: 2524 South 4th Avenue, 2501 South 5th Avenue, and 101,113, and 315 West Watkins Street
Quarter Section: 7-27(E8)
Proposal: Use permit to allow development within 500 of the Rio Salado Habitat Restoration Project. Use permit required.
Ordinance Sections: 655.E.4
Applicant: Scott Marshall, LGE Design Group
Representative: Scott Marshall, LGE Design Group
Augustine Arellano, LGE Design Group
Owner: Cemex Construction Materials South, LLC

13. Application #: ZA-482-21-6
Existing Zoning: R1-6
Location: 411 East Orchid Lane
Quarter Section: 26-28(J8)
Proposal: **1)** Variance to reduce the required side yard setback (east) to 4 feet. Minimum 10 feet required. **2)** Variance to allow the required parking within the required front yard (north) setback. Required parking not permitted within the front yard setback.
Ordinance Sections: 613.B.Table B 702.F.1.a
Applicant: Allison Roddan, Berky Holdings LLC
Representative: Allison Roddan, Berky Holdings LLC
Owner: Allison Roddan, Berky Holdings LLC

14. Application #: ZA-483-21-7
Existing Zoning: C-2
Location: 2723 North 73rd Drive
Quarter Section: 14-11(G4)
Proposal: **1)** Use permit for official approval of a home occupation (internet firearms sales). Use permit required. **2)** Use permit to allow the generation of traffic for a home occupation (internet firearms sales). Use permit required.
Ordinance Sections: 608.E.h.(5) 608.E.h.(1)
Applicant: Dwayne Anderson, 602 Firearms Instruction, LLC

Representative: Community Manager AAM, LLC
Owner: Dwayne Anderson, 602 Firearms Instruction, LLC

15. Application #: ZA-484-21-5
Existing Zoning: R1-6
Location: 7522 West Elm Street
Quarter Section: 18-10(H4)
Proposal: Use permit to obtain official approval of a home occupation (internet firearm sales). Use permit required.
Ordinance Sections: 608.E.3.h.(5)
Applicant: Timothy Robert Logue, CastleGuard Security Works, LLC
Representative: Timothy Robert Logue, CastleGuard Security Works, LLC
Owner: Timothy Robert Logue, CastleGuard Security Works, LLC
16. Application #: ZA-473-21-4
Existing Zoning: A-1
Location: 2985 West Whitton Avenue
Quarter Section: 16-22(H7)
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 separation required. **4)** Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. **5)** Variance to allow a medical marijuana cultivation facility within 1,320 feet of a homeless shelter. Minimum 1,320 feet separation required. **6)** Variance to allow a medical marijuana infusion facility within 1,320 feet of a homeless shelter. Minimum 1,320 feet 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
Applicant: MoveOn, LLC
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: Thomas R. and Patty Ann Melton
17. Application #: ZA-480-21-8
Existing Zoning: C-3
Location: 3155 East McDowell Road
Quarter Section: 12-34(G10)
Proposal: **1)** Use permit to allow medical marijuana dispensary. Use permit required. **2)** Variance to allow a medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 feet of separation required. **3)** Variance to allow a medical marijuana dispensary within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.

Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.h
Applicant: Nature's Healing Center, LLC
Representative: Andrew Yancey, Bergin, Frakes, Smalley & Oberholtzer,
PLLC
Owner: Greta Brandt, Zone Land Holdings, LLC

For further information please call Eric Morales, Planner II, Planning and Development Department at 602-262-7927 or to request a reasonable accommodation, please contact Tamra Ingersoll at 602.534-6648 or TTY: 7-1-1.

10/13/2021