

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
****REVISED February 8, 2024***

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 18, 2024 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:

RESULTS
Approved
w/stips

9:00 AM

1. Application #: ZA-92-13-8 (Continued from July 13, 2023) (1 Year Review of Use Permit)
Existing Zoning: A-2 RSIOD
Location: 2512 East Magnolia Street
Quarter Section: 7-33(E9)
Proposal: 1) Use permit to allow medical marijuana cultivation. Use permit is required.
2) Use permit to allow medical marijuana infusion. Use permit is required.
Ordinance Sections: 627.D.91.a 627.D.91.b
Applicant: Eric Powers, Green Sky Patient Center of Scottsdale
Representative: Lauren Niehaus, Green Sky Patient Center of Scottsdale
Owner: Eric Powers, Green Sky Patient Center of Scottsdale

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 1 year of today's

hearing. 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.

8) 4 month review.

Denied	2.	Application #:	ZA-325-23-6 (Continued from December 7, 2023)
		Existing Zoning:	RE-35 ACSPD
		Location:	5040 North Arcadia Drive
		Quarter Section:	19-39(H11)
		Proposal:	Variance to allow an over height fence 7 feet high in the required front yard setback. Maximum 40 inches allowed.
		Ordinance Sections:	703.A.2.a
		Applicant:	Arvin Thomas, LifeDevine5040, LLC
		Representative:	Alexander Haro, Haro Design
		Owner:	Arvin Thomas, LifeDevine5040, LLC
Continued	3.	Application #:	ZA-375-23-7 (Continued from December 7, 2023)
		Existing Zoning:	DTC - Van Buren
		Location:	353, 357, 361 North 4th Avenue
		Quarter Section:	11-27(F8)
		Proposal:	1) Variance to allow 100% lot coverage. Maximum 55% lot coverage allowed. 2) Variance to decrease the minimum side yard primary building setback (north) to 0 feet. Minimum 10 feet required. 3) Variance to decrease the minimum side yard primary building setback (south) to 0 feet. Minimum 10 feet required. 4) Variance to decrease the minimum rear yard primary building setback (east) to 0 feet. Minimum 10 feet required.
		Ordinance Sections:	1221.B.3 1221.B.4.a.1 1221.B.4.a.1 1221.B.4.a.1
		Applicant:	353 N. 4TH Ave, LLC
		Representative:	Benjamin Tate, Withey Morris Baugh, PLC
		Owner:	353 N. 4TH Ave, LLC
		Continued to February 29, 2024 at 9:00 AM.	
#1 Withdrawn #2, 3, 4, 5, 6, 7 Approved	4.	Application #:	ZA-537-23-8
		Existing Zoning:	C-3
		Location:	1738, 1742, and 1746 East Washington Street
		Quarter Section:	Q10-31(F9)
		Proposal:	1) Variance to allow maneuvering within an alleyway. All maneuvering must be located

w/stips

- entirely on private property.
- 2) Variance to allow an over height fence (8 feet) within the required street front setback (east). Maximum 40 inches permitted.
- 3) Variance to allow an over height fence (8 feet) within the required street front setback (south). Maximum 40 inches permitted.
- 4) Variance to reduce the street side (18th Street) building setback to 0 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections.
- 5) Variance to reduce the street side (Washington Street) building setback to 5 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections.
- 6) Variance to reduce the street side (18th Street) landscape setback to 0 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections.
- 7) Variance to reduce the street side (Washington Street) landscape setback to 5 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent of the frontage.

Ordinance Sections: 624.E.4.d 624.E.4.d 624.E.4.e 624.E.4.e 702.A.1.b 703.A.3.a 703.A.3.a

Applicant: Phoenix EV Holdings, LLC

Representative: Benjamin Tate, Withey Morris Baugh, PLC

Owner: Phoenix EV Holdings, LLC

Stipulations:

- 1) Per the location of the 8 foot walls, landscape setbacks, and building setbacks as show on the site plan date stamped November 1, 2023.
- 2) 18 months to apply for and obtain building permits.

**Approved
w/stips**

5. Application #: ZA-681-23-6
- Existing Zoning: R-O ACSPD
- Location: 4633 North 44th Street
- Quarter Section: Q18-38(H11)
- Proposal:
- 1) Variance to reduce the required front yard setback (west) to 8 feet. Minimum 20 feet required.
 - 2) Variance to reduce the rear yard setback (northeast) to 5 feet. Minimum 25 foot setback required.
 - 3) Variance to delete the required landscape strip around the principal structure to 0 feet. Minimum 3 feet of landscape required.
 - 4) Variance to eliminate requirement for 200 square feet of additional landscaping, including 24-inch box shade trees between the wall and parking area a maximum of 20 feet on center.

Ordinance Sections: 620.C.3 620.C.5 620.C.1.c 620.C.1.e.2
Applicant: Jordan Greenman
Representative: Jordan Greenman
Owner: Chris Morrison, 4633 N 44th Street, LLC, Retsy Real Estate

Stipulations:

- 1) Per the setbacks as shown on the site plan date stamped December 7, 2023.
- 2) 18 months to apply for and obtain building permits.

**Approved
w/stips**

6. Application #: ZA-685-23-4
Existing Zoning: R-3
Location: 4123 North 21st Street
Quarter Section: Q17-32(H9)
Proposal: Use permit to utilize the Single-Family Attached (SFA) development option. Use permit required.
Ordinance Sections: 608.F.6
Applicant: Sara Donnelly
Representative: Sara Donnelly
Owner: Biltmore Villas Investments, LLC

Stipulations:

- 1) General conformance to site plan date stamped December 14, 2023.
- 2) 1 year to apply for and obtain building permits.

**Approved
w/stip**

7. Application #: ZA-693-23-7
Existing Zoning: DTC - Evans Churchill West
Location: Southwest Corner of 1st Street and McKinley Street
Quarter Section: Q11-28(F8)
Proposal: Time Extension for ZA-284-23, use permit to allow a temporary use (construction staging area) for up to 36 months. Use permit required.
Ordinance Sections: 708.D.1
Applicant: Patrick Tarkowski, Clayco
Representative: Patrick Tarkowski, Clayco
Owner: City of Phoenix, Christopher P. McKee for Downtown PHX Resi Owner, LLC

Stipulation:

- 1) 60 days to commence use.

**Approved
w/stips**

8. Application #: ZA-699-23-7
Existing Zoning: DTC - Business Core
Location: Southwest corner of Central Avenue and Adams Street
Quarter Section: Q10-27(F8)
Proposal: Use permit to allow a temporary use (for Wren & Wolf) for up to 36 months. Use permit required.
Ordinance Sections: 708.D.1
Applicant: Kaitlin Myers

Representative: Kaitlin Myers
Owner: City of Phoenix

Stipulations:

- 1) 1 event to be held on February 13, 2024 only.
- 2) Hours are to be from 6:00 PM to 9:00 PM.
- 3) Must notify Precinct Commander of the event and work with them on any additional security measures.
- 4) There will be no sale of merchandise.

1:30 PM

**Approved
w/stips**

9. Application #: ZA-596-23-2 (SIGN)
Existing Zoning: CP/GCP PCD
Location: 16220 North Scottsdale Road
Quarter Section: Q36-44(M12)
Proposal: Use permit for a major amendment to the Max at Kierland Comprehensive Sign Plan to add wall signs. Use permit required.
Ordinance Sections: 705.D.3.i.(1-4)
Applicant: Julie Kulka
Representative: Julie Kulka
Owner: Marie Dunn, Artis REIT c/o AX MAXK LP

Stipulations:

- 1) Within 30 days of use approval, submit revised CSP pages including but not limited to those illustrating the east and south building elevation that note a total of two signs above 56 feet in height are permitted on the Max at Kierland building. Per an approved variance (ZA-125-11), those signs may identify different occupants or identification of the building.
- 2) Per the approved Comprehensive Sign Plan, maximum sign copy and logo height shall be 48 inches.
- 3) 18 months to obtain sign permits for the wall sign.

**Approved
w/stips**

10. Application #: ZA-632-23-2 (SIGN)
Existing Zoning: R-3A PCD
Location: 28575 North Black Canyon Highway
Quarter Section: Q51-22(P7)
Proposal: Use permit for a major amendment to the Dynamite Mountain Ranch Comprehensive Sign Plan to add a ground sign. Use permit required.
Ordinance Sections: 705.E.2.d(2)
Applicant: William Fields
Representative: William Fields
Owner: Marie Dunn, Artis REIT c/o AX MAXK, LP

Stipulations:

- 1) Sign design shall be in accordance with the sign drawings submitted for Hearing Officer review and date-stamped January 18, 2024.
- 2) 12 months to obtain sign permits for the ground sign.

Approved

11. Application #: ZA-691-23-6 (SIGN)
Existing Zoning: PAD-9, RE-35 CROD ACSPD

Location: 5225 East Camelback Road
Quarter Section: Q17-40(H11)
Proposal: Revocation of ZA-454-21-6, a use permit for an electronic message display (EMD) on a ground sign.
Ordinance Sections: 705.C.13
Applicant: Ronald Butler
Representative: Ronald Butler
Owner: Camelback Church of Christ, Inc.

***Approved
w/stips**

12. Application #: ZA-166-19-7 (1 Year Review of Use Permit)
Existing Zoning: DTC-West Evans Churchill HP
Location: 1121 North 2nd Street
Quarter Section: 12-28(G8)
Proposal: 1) Use permit to allow a bar (Pemberton House). Use permit required.
2) Use permit to allow outdoor liquor service accessory to a bar. Use permit required.
3) Use permit to allow liquor service accessory to a restaurant. Use permit required.
4) Use permit to allow alcohol sales and service within 300-feet of a church in an entertainment district. Use permit required.
5) Use permit to allow outdoor entertainment (amplified music or loudspeakers) between the hours of 7:00 AM and 12:00 AM on Friday through Sunday. Use permit required.
6) Use permit to allow outdoor entertainment between the hours of 7:00 AM and 12:00 AM on Friday through Sunday. Use permit required.
7) Variance to allow outdoor entertainment Monday through Thursday, between 7:00 AM and 12:00 AM. Outdoor entertainment permitted on Friday through Sunday only.
Ordinance Sections: 1204.D.Table 1204.D.Table 1204.D.Table 307.A.17.a 1204.C.5 1204.C.18 1204.C.16
Applicant: Nick Wood, Snell & Wilmer, LLP
Representative: Nick Wood, Snell & Wilmer, LLP
Owner: True North Holdings, LLC

Taken out from under advisement on February 8, 2024 and approved with the following stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) General conformance to the location of the outdoor patio spaces shown on the site plan signed and dated May 30, 2019.
- 3) The employees must have a clear view of the area in order to supervise the activities and be present while patrons utilize the outdoor area.
- 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) Outside speaker volume to be kept at a reasonable level.
- 6) "No trespassing" signs must be posted and an authority to arrest trespassers form be signed to deter loitering/unwanted guests inside the surrounding establishment.
- 7) 4 month review.
- 8) Noise level not to exceed 55 decibels at the property line at any given time.
- 9) Amplified sound and loudspeakers limited to 1:00 PM to 12:00 AM on Sundays.

***Approved
w/stips**

13. Application #: ZA-17-21-7 (1 Year Review of Use Permit)
 Existing Zoning: DTC-Evans Churchill West ACOD
 Location: 1109 and 1115 North 2nd Street
 Quarter Section: 12-28(G8)
 Proposal: 1) Use permit to allow a farmer's market with food or beverage dispensed from a vehicle. Use permit required.
 2) Use permit to allow a temporary use for up to 36 months. Use permit required.
- Ordinance Sections: 1204.C.26.b 708.D.1
 Applicant: Nate Sonoskey, True North Studio
 Representative: Nick Wood Esq., Snell & Wilmer, LLP
 Owner: Jonathon Vento, True North Holdings, LLC

Taken out from under advisement on February 8, 2024 and approved with the following stipulations:

- 1) Maximum 16 food trucks allowed. 10 affixed and 6 movable.
- 2) No more than 4 food trucks allowed in the parking area adjacent to the alley.
- 3) The hours of operation shall be limited to Monday through Saturday, 7:00 AM and 12:00 AM and Sunday from 1:00 PM to 12:00 AM for the amplified sound and loudspeakers.
- 4) The temporary events are limited to:
 - Farmers market
 - Outdoor liquor consumption and outdoor dining
 - Outdoor cooking
 - Community and private events
 - The grow house
 - Movie Screen area
 - Fitness uses on the outdoor lawn
 - Outdoor games
 - Outdoor display of crafts and items for sale
 - Outdoor Entertainment

**Approved
w/stips**

14. Application #: ZA-547-23-6
 Existing Zoning: R1-6
 Location: 1201 East Glenn Drive
 Quarter Section: Q23-30(I9)
 Proposal: Variance to reduce front yard setback (west) from 20 feet to 5 feet. Minimum 20 feet required.
 Ordinance Sections: 613.table B

Applicant: Daniel Cifuentes
Representative: Daniel Cifuentes
Owner: Yeshiva High School of Arizona Inc

Stipulations:

- 1) The portion of the wall closest to Glenn Drive and the gate shall be moved back to be in line with the north face of the house.
- 2) The area under the carport structure shall not be used for any activities related to the school.
- 3) 9 months to apply for and obtain building permits.
- 4) The setback reduction is only for the shed, wall, and carport as shown on the site plan date stamped December 14, 2023.

**Approved
w/stip**

15. Application #: ZA-692-23-8
Existing Zoning: R-3, R-4 (Approved C-2 H-R)
Location: 1000 North 44th Street
Quarter Section: Q12-37(G10)
Proposal: Variance to allow an over height wall (6 feet) within the required street front setback (north). Maximum 40 inches permitted.

Ordinance Sections: 703.A.3.a
Applicant: Halsten Ransil
Representative: Michael Maerowitz
Owner: CH DOF I-JLB MF Phoenix Runway, LLC

Stipulation:

- 1) The existing streetscape between back of the curb and sidewalk shall be landscaped with ground cover and shrubs to achieve 50% live coverage for the length of Portland Street where adjacent to the project.

**Withdrawn
to Amend**

16. Application #: ZA-695-23-6
Existing Zoning: R-3
Location: 2001 North 51st Street
Quarter Section: Q13-39(G11)
Proposal: 1) Variance to reduce the perimeter setback (south) to 7 feet. Minimum 15 feet required.
2) Variance to reduce the perimeter setback (east) to 3 feet. Minimum 15 feet required.
3) Variance to allow 3 stories, 34 feet height for structures within 100 feet of the perimeter. Maximum 2 stories or 30 feet for first 150 feet allowed.
4) Variance to reduce the 5 foot wide landscape area to 3 feet along the east side. Minimum 5 feet required.

Ordinance Sections: 615.B.Table 615.B.(c) 703.B.3.b.(3)
Applicant: John Landry
Representative: John Landry
Owner: J Frederic Mays

PLANNER: DOMINIC AMODIO, PLANNER II

For further information, please call Eric Morales, Planner III, 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 Angie Holdsworth at 602-495-5622, angie.holdsworth@phoenix.gov TTY: Use 7-1-1.

February 8, 2024