

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised December 28, 2022*

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 **December 1, 2022 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

Continued

9:00 AM

1. Application #: ZA-386-22-4 (Continued from October 6, 2022)
Existing Zoning: C-2 TOD-1, P-1 TOD-1
Location: 2918 North Central Avenue
Quarter Section: 15-27(G8)
Proposal: **1)** Use Permit to allow a Medical Marijuana Dispensary. Use Permit required. **2)** Variance to allow a Medical Marijuana Dispensary to be located within 500 feet of a residentially zoned district. Minimum 500 foot separation required. **3)** Variance to allow a Medical Marijuana Dispensary within 5,280 feet of another Medical Marijuana Dispensary. Minimum 5,280 foot separation required.
Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.e
Applicant: Luke Flood, Catalina Hills Botanical Care, Inc.
Representative: Larry Lazarus, Lazarus & Silvyn, Inc.
Owner: Larry Furlong, PAMALA, Inc.
Continued to January 12, 2023 at 9:00 AM.

**Approved
w/stip**

2. Application #: ZA-494-22-8
Existing Zoning: R1-6
Location: 2215 East Palm Lane
Quarter Section: 13-32(G9)
Proposal: Variance to reduce the required lot width to 55 feet (Lot 1 & Lot 2). Minimum 60 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Efrain Verduzco, Job 867 Investments, LLC
Representative: Efrain Verduzco, Job 867 Investments, LLC
Owner: Job 867 Investments, LLC
Stipulation:
1) 1 year to apply and pay for building permits.

Withdrawn

3. Application #: ZA-496-22-8
Existing Zoning: DTC Warehouse
Location: 600 West Lincoln Street

		Quarter Section:	9-27(F8)
		Proposal:	Variance to allow an over height wall (8 feet) in a dooryard frontage type along the 7th Avenue Frontage (west). Maximum 6 feet permitted.
		Ordinance Sections:	1205.E.3
		Applicant:	Taylor Earl, Earl and Curley, PC
		Representative:	Taylor Earl, Earl and Curley, PC
		Owner:	Alta Warehouse LLC
Denied	4.	Application #:	ZA-497-22-1
		Existing Zoning:	S-1
		Location:	3762 West Pinnacle Vista Drive
		Quarter Section:	50-20(P6)
		Proposal:	1) Variance to reduce the side yard (west) setback for an accessory structure (pool ramada and covered sunken pool bar) to 5 feet. Minimum 50 feet required. 2) Variance to reduce the side yard (west) setback for an accessory structure to 40 feet. Minimum 50 feet required.
		Ordinance Sections:	603.B.3 603.B.3
		Applicant:	Robert Long, Design Profile, Inc.
		Representative:	Robert Long, Design Profile, Inc.
		Owner:	Dylan Mougel
*Denied	5.	Application #:	ZA-500-22-7
		Existing Zoning:	DTC - Gateway
		Location:	721 North Central Avenue
		Quarter Section:	11-28(F8)
		Proposal:	1) Variance to reduce the required combined depth of the parking space and the drive aisle to 60 feet for a double loaded drive aisle. Minimum 62 feet required. 2) Variance to reduce the required combined depth of the parking space and the drive aisle to 42 feet for a single loaded drive aisle. Minimum 43 feet required. 3) Variance to reduce the required parking stall width for non-residential uses to 8.5 feet. Minimum 9.5 feet required. 4) Variance to reduce the width of tandem parking spaces to 9 feet 3 inches. Minimum 9 feet 6 inches required.
		Ordinance Sections:	702.B.2.b.5 702.B.2.b.5 702.B.2.a.(1).(a) 702.B.2.a.(1).(c)
		Applicant:	Nick Benjamin, Vela Development Partners
		Representative:	Nick Wood, Esq., Snell & Wilmer
		Owner:	701 N Central Owner, LLC
		Taken out from under advisement on December 28, 2022 and denied.	
Approved w/stips	6.	Application #:	ZA-501-22-4
		Existing Zoning:	C-2

Location: 4326 West Thomas Road
Quarter Section: 15-18(G6)
Proposal: Use permit to allow an assembly/banquet hall of less than 25,000 square feet in gross floor area. Use permit required.
Ordinance Sections: 623.D.9.a
Applicant: Mark Phillips, Arrowhead Plaza Enterprises, LLC
Representative: William F. Allison, Withey Morris, PLC
Owner: Mark Phillips, Arrowhead Plaza Enterprises, LLC

Stipulations:

- 1) All doors will remain closed during banquets or assemblies to deter any neighborhood disturbance by the means of live entertainment, other instruments or devices.
- 2) The outdoor area must be sufficiently lighted to discourage unlawful activity.
- 3) Off-Duty Police Officers must be used during events involving the consumption of alcoholic beverages.
- 4) The precinct commander, or his designee, will approve lighting, containment area, and security personnel at their discretion.
- 5) No live entertainment or amplified music outside of the banquet hall.
- 6) No outdoor speakers.
- 7) Parking for the banquet hall shall be confined to the existing parking lot so as to prevent patron parking in the surrounding residential neighborhood.
- 8) 12 months to apply and pay for building permits.

**Approved
w/stips**

7. Application #: ZA-505-22-4
Existing Zoning: C-3
Location: 3227 West McDowell Road
Quarter Section: 12-21(G6)
Proposal: **1)** Variance to reduce the landscape setback to 10 feet along McDowell Road (north). Average 25 feet for structures not exceeding two stories or 30 feet, minimum 20 feet permitted for up to 50% of the frontage. **2)** Variance to reduce the landscape setback to 10 feet along 33rd Avenue (west). Average 25 feet for structures not exceeding two stories or 30 feet, minimum 20 feet permitted for up to 50% of the frontage. **3)** Variance to reduce the landscape setback (south) not adjacent to a street to 0 feet. Minimum 10 feet required.
Ordinance Sections: 624.E.4.e 624.E.4.e 624.E.4.e
Applicant: Jorge Diaz, Major Auto Sales, LLC
Representative: Miguel Berastequi, DS3 Architecture
Owner: Jorge Diaz, Major Auto Sales, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Applicant shall construct a separated sidewalk along McDowell Road similar to other properties in the area designed to allow the

existing trees to remain in place, with landscaping on both sides of the sidewalk per Section 1609.B.

- 3) Planning and development staff shall approve the landscape plan.

Continued	8.	Application #:	ZA-506-22-3
		Existing Zoning:	R1-10 PCD
		Location:	4735 East Voltaire Avenue
		Quarter Section:	32-38(L11)
		Proposal:	1) Variance to reduce the side yard (west) setback for an open carport to 0 feet. Minimum 3 feet required. 2) Variance to allow an over height (7 feet) fence located in the side yard (west) setback. Maximum 6 feet allowed.
		Ordinance Sections:	701.A.3.a.(1).(b) 703.A.2.c
		Applicant:	Steve Hoffmann
		Representative:	Steve Hoffmann
		Owner:	Steve Hoffmann
		Continued to January 12, 2023 at 9:00 AM.	
		1:30 PM	
Approved w/stips	9.	Application #:	ZA-453-22-7 (SIGN)
		Existing Zoning:	C-1; R1-6
		Location:	722 West Southern Avenue
		Quarter Section:	3-26(E8)
		Proposal:	Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.
		Ordinance Sections:	705.C.13
		Applicant:	Chris Totton, Bootz and Duke Sign Company
		Representative:	Kristi Trisko, Bootz and Duke Sign Company
		Owner:	NASS2 Property, LLC
		Stipulations:	
		1) The electronic message display shall be shut off daily from 12:00 AM until sunrise via an automatic timer. Timer installation and operation to be verified at the time of final sign inspection.	
		2) Red accent lighting along the sides of the sign cabinet to be revised to blue lighting or removed from the sign design.	
		3) Temporary banner signs on the building front, fencing and ground signs to be removed prior to permit issuance and not replace without obtaining a temporary sign permit.	
		4) 12 months to obtain sign permits for ground sign.	
*Denied	10.	Application #:	ZA-461-22-1 (SIGN)
		Existing Zoning:	C-2 Intermediate Commercial
		Location:	3510 West Cactus Road
		Quarter Section:	3-26(D8)
		Proposal:	1) Use permit to rebuild a nonconforming off-premise sign to a height of 48 feet and convert two faces of a nonconforming off-premise sign to digital. Use permit required. 2) Use permit to

			rebuild a nonconforming off-premise sign 350 feet from a residential district and use where 500 feet is required. Use permit required.
		Ordinance Sections:	705.2.G.4 705.2.A.5
		Applicant:	Brent Wood, Outfront Media, LLC
		Representative:	William Allison, Withey Morris, PLC
		Owner:	Paulies Family Car Wash, Inc.
		Taken out from under advisement on December 28, 2022 and denied.	
Approved w/stips	11.	Application #:	ZA-469-22-8 (SIGN)
		Existing Zoning:	C-2
		Location:	2841 North 28th Place
		Quarter Section:	14-34(G10)
		Proposal:	1) Use permit to rebuild a non conforming off-premise sign to a height of 37 feet. Use permit required. 2) Variance to reduce required spacing between off-premise signs to 802 feet. Minimum 1,000 foot spacing required. 3) Use permit to reduce required spacing of a nonconforming off-premise sign from a residential district or use from 80 feet to 78 feet. Use permit required.
		Ordinance Sections:	705.2.G.5 705.2.B.2 705.2.A.5
		Applicant:	Jacob Zonn, Becker Boards Small, LLC
		Representative:	Jacob Zonn, Becker Boards Small, LLC
		Owner:	Sun Valley Stereo, Inc.
		Stipulations:	
		1) Install a Planning and Development Department (PDD) design-approved pole cover and a design-approved screening device on the open portion of the rebuilt V-shaped sign. Access ladders, if any, shall be recessed into the pole cover and located on the south or west side of the sign column and concealed from eastbound traffic.	
		2) The maximum height of the rebuilt sign shall be 32 feet.	
		3) 12 months to obtain sign permits for the proposed sign.	
*#1 Denied as Filed	12.	Application #:	ZA-471-22-8 (SIGN)
		Existing Zoning:	A-1
		Location:	3232 South 48th Street
		Quarter Section:	6-38(E11)
#2 and #3 Approved w/stips		Proposal:	1) Use permit to increase the height of an off-premise sign to 70 feet. Use permit required. 2) Use permit to convert two faces of a non-conforming off-premise sign to digital. Use permit required. 3) Variance to reduce spacing between off-premise structures to 250 feet. Minimum 1,000 feet required.
		Ordinance Sections:	705.2.B.4.b 705.2.G.4 705.2.B.2
		Applicant:	Outfront Media, LLC
		Representative:	Cassandra Ayres, Berry Riddell, LLC

Owner: VWP 48th St Owner, LLC

Taken out from under advisement on December 28, 2022 and decided on as follows:

#1 – Denied as filed:

#2 and #3 – Approved with the following stipulations:

- 1) The maximum height of the rebuilt sign shall be 65 feet.
- 2) Prior to the issuance of sign permits for the subject sign, the applicant shall completely remove 1,344 square feet of legal nonconforming, off-premise sign faces including the sign structure and 1,344 square feet of sign face located 617 North Central Avenue (Permit # 24721 APN# 111-45-041). Alternative, acceptable legal nonconforming, off-premise sign faces totaling a minimum of 1,344 square feet may be removed to satisfy the sign removal requirements of the digital conversion use permit. Acceptable documentation for sign(s) to be removed shall be provided and the sign shall be removed prior to the issuance of the permits to add the digital sign face(s) at 3232 S. 48th Street.
- 3) Install a Planning and Development Department (PDD) design-approved pole cover on the rebuilt off-premise sign. Access ladders, if any, shall be recessed into the pole cover and located on the west or south side of the sign column and concealed from southbound traffic.
- 4) 12 months to obtain sign permits for the ground sign.

**Approved
w/stips**

13. Application #: ZA-654-20-8 (1-Year Review of Use Permit)
Existing Zoning: A-2 RSIOD ANIZO
Location: 2424 South 24th Street
Quarter Section: 7-32(E9)
Proposal: **1)** Use permit to allow Medical Marijuana Cultivation facility. Use permit required. **2)** Use permit to allow Medical Marijuana Infusion facility. Use permit required. **3)** Use permit to allow Medical Marijuana Dispensary. Use permit required. **4)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **5)** Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **6)** Variance to allow a medical marijuana dispensary facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.
Ordinance Sections: 627.D.91.a 627.D.92.a 627.D.93.a 627.D.91.c 627.D.91.d 627.D.93.b
Applicant: A&R Consultants, LLC
Representative: Lindsay Schube, Gammage & Burnham, PLC
Owner: A&R Consultants, 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 1 year 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 prior to the commencement of operations. 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**

14. Application #: ZA-495-22-3
Existing Zoning: C-1 RPSPD
Location: 701 West Dunlap Avenue
Quarter Section: 26-26(J8)
Proposal: **1)** Variance to reduce the landscape setback (north) adjacent to a public street (Dunlap Avenue) to 10 feet. Minimum 25 feet required. **2)** Variance to reduce the landscape setback (east) adjacent to a public street (7th Avenue) to 10 feet. Minimum 25 feet required. **3)** Variance to reduce the landscape setback (south) to 4 feet. Minimum 10 feet required. **4)** Variance to reduce the landscape setback (west) to 5 feet. Minimum 10 feet required. **5)** Variance to increase parapet height to allow 6 feet. Maximum 5 feet permitted if the roof height is 20 feet or less. **6)** Use permit to allow outdoor dining as an accessory to a restaurant (Dunkin'). Use permit required. **7)** Use permit to allow a drive-through facility accessory to a restaurant (Dunkin') within 300 feet from a residential zoning district. Use permit required.
- Ordinance Sections: 622.E.4.e 622.E.4.e 622.E.4.e 622.E.4.e 507 Tab A.II.B.2.(2.2) 622.D.150.d 622.D.150.e.(2)
- Applicant: Tim Rasnake, Archicon Architecture & Interiors, L.C.
- Representative: Tim Rasnake, Archicon Architecture & Interiors, L.C.

Owner: Atlas BL Dunlap, LLC, Atlas BL Dunlap, LLC

Stipulations:

- 1) Height of south and west perimeter walls to be increased to 6 feet.
- 2) Landscaping to include:
 - a) Dunlap Avenue frontage – 4 trees, minimum 2 inch caliper.
 - b) Seventh Avenue frontage – 3 trees, minimum 2 inch caliper.
 - c) Entire site – minimum 50% living vegetation in all landscaped areas.
- 3) General conformance with the site plan date stamped October 11, 2022.
- 4) 18 months to apply and pay for building permits.

Continued 15. Application #: ZA-498-22-8
Existing Zoning: App. C-2 HR and C-3
Location: 938, 1010, and 1020 East Van Buren Street and 316 and 318 North 11th Street
Quarter Section: 11-29(F8)
Proposal: **1)** Variance to reduce the front yard setback (north) along Polk Street to 9 feet. Minimum 35 feet required. **2)** Variance to reduce the front yard setback (south) along Van Buren Street to 13 feet. Minimum 35 feet required.

Ordinance Sections: 701.D.2.a 701.D.2.a
Applicant: Ian Swiergol, Alliance Residential Company
Representative: Nick Wood and Noel Griemsmann, Snell & Wilmer, LLP
Owner: Dharam Ahir Investments of Arizona, Inc

Continued to January 12, 2023 at 1:30 PM.

Approved w/stip 16. Application #: ZA-507-22-4
Existing Zoning: C-3 and A-1
Location: 1845 Grand Avenue
Quarter Section: 12-25(G7)
Proposal: **1)** Variance to reduce the street side (19th Avenue) building setback to 0 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections. **2)** Variance to reduce the street side (Grand Avenue) building setback to 0 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections. **3)** Variance to reduce the street side (19th Avenue) landscape setback to 0 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections. **4)** Variance to reduce the street side (Grand Avenue) landscape setback to 0 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections.

Ordinance Sections: 624.E.4.d 624.E.4.d 624.E.4.e 624.E.4.e
Applicant: Andrew Hinderliter, Motley Design Group, LLC
Representative: Andrew Hinderliter, Motley Design Group, LLC
Owner: Chad Christison, Grateful 4, LLC
Stipulation:
1) 18 months to apply and pay for building permits.

ZONING ADJUSTMENT HEARING OFFICER: BETTY DRAKE
PLANNER: KIM STEADMAN, 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 Les Scott at 602-261-8980, leslie.scott@phoenix.gov TTY: Use 7-1-1.

December 28, 2022