

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised January 12, 2023*

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 8, 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
Approved
w/stips

- 9:00 AM**
1. Application #: ZA-36-13-7 (1-Year Review of Use Permit)
Existing Zoning: A-1
Location: 2836 South 49th Avenue
Quarter Section: 6-17(E5)
Proposal: **1)** Use permit to allow a Medical Marijuana Cultivation Facility. Use permit required. **2)** Use permit to allow a Medical Marijuana Infusion Production Facility. Use permit required.
Ordinance Sections: 627.D.91.a 627.D.93.a
Applicant: The Holistic Center
Representative: James D. Harrison, Harrison Properties
Owner: James D. Harrison, Harrison Properties

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**

2. Application #: ZA-70-13-7 (1-Year Review of Use Permit)
Existing Zoning: A-2
Location: 2111 West McDowell Road
Quarter Section: 12-24(G7)
Proposal: **1)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Use permit to allow a medical marijuana infusion production facility. Use permit required. **3)** Variance to allow a medical marijuana facility within 5,280 feet of another medical marijuana facility. Minimum separation of 5,280 feet.
Ordinance Sections: 627.D.91.a. 627.D.93.a. 623.D.122.e
Applicant: Steven Shapiro
Representative: Steven Shapiro
Owner: Steven Shapiro

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.

***Denied**

3. Application #: ZA-493-22-6
Existing Zoning: RE-24 ACSPD
Location: 4227 North Jokake Drive
Quarter Section: 17-42(H12)

		Proposal:	Variance to allow 28 percent lot coverage. Maximum of 25 percent lot coverage permitted.
		Ordinance Sections:	606.B.5
		Applicant:	Andrew Yancey, Bergin, Frakes, Smalley & Oberholtzer
		Representative:	Adam Pruett, Bergin, Frakes, Smalley & Oberholtzer
		Owner:	Justin Brandt
		Taken out from under advisement on January 12, 2023 and denied.	
Withdrawn to Amend	4.	Application #:	ZA-508-22-1
		Existing Zoning:	S-1
		Location:	23428 North 64th Avenue
		Quarter Section:	45-13(O4)
		Proposal:	Variance to reduce the required rear yard setback (west) to 30 feet for a detached accessory structure. Minimum 50 feet required.
		Ordinance Sections:	603.B(3)
		Applicant:	Daniel Istrate, Kontexture, LLC
		Representative:	Daniel Istrate, Kontexture, LLC
Approved w/stips	5.	Owner:	Daniel Budure
		Application #:	ZA-510-22-6
		Existing Zoning:	R-4
		Location:	1003 East Pasadena Avenue and 5020 North 10th Place
		Quarter Section:	19-29(H8)
		Proposal:	1) Use permit to utilize the Single-Family Attached development option. Use permit required. 2) Variance to allow the required covered parking spaces to front on street right-of-way (Pasadena Avenue). Required covered parking spaces shall not front on street rights-of-way. 3) Variance to allow parking in the (east) side landscape setback. Minimum 15-foot landscape setback required.
		Ordinance Sections:	608.F.8 608.F.8.b.(2) 608.F.8.c.(2)
		Applicant:	Andrew Nametz, Pasadena 1 Zero, LLC
Approved w/stips	6.	Representative:	William F. Allison, Withey Morris PLC
		Owner:	Brian R. Puziss
		Stipulation:	
			1) 18 months to apply and pay for building permits.
			2) General conformance to the site plan dated October 18, 2022.
		Application #:	ZA-511-22-5
		Existing Zoning:	C-2
		Location:	3602 West Camelback Road
Approved w/stips	6.	Quarter Section:	19-20(H6)
		Proposal:	1) Variance to reduce the building setback (east) to 11 feet. Average 25 feet required, minimum 20

feet permitted for up to 50% of the structure. **2)** Variance to reduce the landscape setback (east) to 8 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure. **3)** Variance to reduce the building setback (south) to 21 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure. **4)** Variance to reduce the landscape setback (south) to 21 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure.

Ordinance Sections: 623.E.4.d 623.E.4.e 623.E.4.d 623.E.4.e
Applicant: Richard Moore, RMA Design Group, LLC
Representative: Heather Roberts, Kimley Horn
Owner: Peterson and Burge, LLC

Stipulation:

- 1) 1 year to apply and pay for building permits.
- 2) General conformance to the site plan dated October 19, 2022.

**Approved
w/stip**

7. Application #: ZA-512-22-8
Existing Zoning: R-3 SPVTABDO
Location: 1326 East Weir Avenue
Quarter Section: 4-30(E9)
Proposal: Use permit to use the Planned Residential Development option in Table B. Use permit required.

Ordinance Sections: 608.B.3
Applicant: Ryan Senters, Friends of Ohana
Representative: Christian Solorio, Architectural Resource Team
Owner: Ryan Senters, Friends of Ohana

Stipulation:

- 1) 18 months to apply and pay for building permits.

**Approved
w/stips**

8. Application #: ZA-514-22-2
Existing Zoning: R1-10
Location: 4058 East Vista Drive
Quarter Section: 34-37(L10)
Proposal: Use permit to allow over height retaining walls (7 feet) within 50 feet of a subdivision perimeter. Use permit required.

Ordinance Sections: 703.A.4.c
Applicant: Mary Anne Kelaghan
Representative: Stephen L. Weber, Weber Law Firm, PLLC
Owner: Mary Anne Kelaghan

Stipulation:

- 1) 1 year to apply and pay for building permits related to the wall.
- 2) Per the location and height of the proposed wall as shown on the plan dated October 21, 2022.

1:30 PM		
Withdrawn to Amend	9.	Application #: ZA-472-22-8 (SIGN) Existing Zoning: A-2 Location: 2544 East University Drive Quarter Section: 7-33(E9) Proposal: 1) Use permit to relocate and rebuild an off-premise sign to 65 feet in height. Use permit required. 2) Use permit to convert the west face of a nonconforming off-premise sign to digital. Use permit required. 3) Variance to reduce spacing between off-premise signs to 926 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: Airport Office Park, LLC
Approved w/stips	10.	Application #: ZA-474-22-8 (SIGN) Existing Zoning: C-2 HP; P-1 HP Location: 440 North 32nd Street Quarter Section: 11-34(F10) Proposal: Use permit to adopt the Celebrity Theater Comprehensive Sign Plan. Use permit required. Ordinance Sections: 705.E.2 Applicant: Jared Segel, Associated Sign Company Representative: Jared Segel, Associated Sign Company Corey Shano, Associated Sign Company Owner: Celebrity Theater, LLC Stipulation: 1) Adherence to the sign drawings, other than changes required to meet Zoning Code standards, date-stamped October 3, 2022 is required. 2) Submit a revised Comprehensive Sign Plan document as needed for Planning and Development Department approval incorporating any stipulated revisions. 3) 12 months to apply for and pay for sign permits.
Approved w/stips	11.	Application #: ZA-485-22-4 (SIGN) Existing Zoning: WU T6: Walkable Urban Code Location: 3150 North Central Avenue Quarter Section: 15-27(G8) Proposal: Use permit for a major amendment to the Park Central Comprehensive Sign Plan. Use permit required. Ordinance Sections: 705.2.E.2.d(2) Applicant: Fayth Hospitality Group, LLC Representative: Bill Allison, Withey Morris, PLC Owner: HPPC II, LLC

Stipulation:

- 1) For the B-9 hi-rise signs that emit white light, prior to sign installation, a signed statement from the sign fabricator verifying correlated color temperature (in degrees Kelvin) lighting modules not exceeding 4,000K where used shall be submitted to the Planning and Development Department.
- 2) B-9 and B-14 signs shall be automatically dimmed to a maximum of 80 Nits luminance at 10:30 PM daily until sunrise.
- 3) Sign lighting dimmer setting values (required to dim the sign to a maximum of 80 Nits luminance (measured at the sign face) shall be submitted in writing to PDD prior to the final sign inspection.
- 4) Adherence to the sign drawings, other than changes required to meet Zoning Code standards, as submitted to the hearing officer is required.
- 5) Submit a revised Comprehensive Sign Plan document as needed for Planning and Development Department approval incorporating any stipulated revisions.
- 6) 12 months to apply for and pay for sign permits.

**Approved
w/stips**

12. Application #: ZA-488-22-8 (SIGN)
Existing Zoning: A-2
Location: 330 East Maricopa Freeway
Quarter Section: 7-28(E8)
Proposal: Time extension for ZA-601-21, use permit to rebuild a nonconforming off-premise sign on the west side of the parcel to a height of 70 feet. Use permit required.
Ordinance Sections: 705.2.B.4.b
Applicant: Patrick Lyons, Premier Media, LLC
Representative: William Lally, Tiffany & Bosco PA
Owner: Phoenix E-Z 8 Motel Limited Partnership

Stipulation:

- 1) Install a Planning and Development Department design-approved, decorative pole cover on the rebuilt, freeway off-premise sign. Any access ladder, if included, shall be on the north or west side of the pole cover and concealed from eastbound freeway traffic.
- 2) The applicant shall have 12 months to apply and pay for permits for the subject sign.

**Approved
w/stips**

13. Application #: ZA-473-22-8
Existing Zoning: C-2
Location: 2611 North 7th Street
Quarter Section: 14-29(G8)
Proposal: Use permit to allow a tattoo shop (Twin Suns Tattoo Studio). Use permit required.
Ordinance Sections: 623.D.187
Applicant: Christopher Kelm, Twin Suns Tattoo Studio
Representative: Christopher Kelm, Twin Suns Tattoo Studio
Owner: Hussam Alyousef, Yousef Team, LLC

Stipulation:

- 1) 3 months to commence use.
- 2) Hours and days shall be limited to 11:00 AM – 7:00 PM, on Thursday – Tuesday.

**Approved
w/stips**

14. Application #: ZA-513-22-5
Existing Zoning: C-2
Location: 2647 West Glendale Avenue
Quarter Section: 22-23(I7)
Proposal: Use Permit to allow a temporary environmental remediation facility within 300 feet of a residential zoning district. Use permit required.
Ordinance Sections: 622.D.168
Applicant: Josh Campbell, Arizona Department of Environmental Quality
Representative: Arianne Godwin, Pinyon Environmental, Inc.
Owner: Elio Espino, E. Espino Investments, LLC

Stipulation:

- 1) A 16-foot setback shall be maintained from the southern property line.
- 2) The container housing the equipment shall be painted to match the existing shopping center building.
- 3) 50 dba shall not be exceeded at the southern property line.
- 4) Approved for a maximum of 3 years.

**Approved
w/stip**

15. Application #: ZA-515-22-1
Existing Zoning: R1-8
Location: 19231 North 44th Drive
Quarter Section: 39-18(M6)
Proposal: Variance to reduce the rear yard (east) setback to 2 feet for a detached accessory structure. Minimum 3 feet required.
Ordinance Sections: 706.B
Applicant: Stewart & Brenda Moore
Representative: Stewart & Brenda Moore
Owner: Stewart & Brenda Moore

Stipulation:

- 1) 6 months to apply and pay for building permits.

**Approved
w/stips**

16. Application #: ZA-516-22-6
Existing Zoning: C-2
Location: 4001 East Indian School Road
Quarter Section: 16-37(H10)
Proposal: Use permit to allow outdoor dining as an accessory use to a restaurant (Eat Up) within 500 feet of a residential district. Use permit required.
Ordinance Sections: 623.D.157.c
Applicant: David R. Richert, Richert & Associates
Representative: David R. Richert, Richert & Associates

Owner: Ryan Schubert, Eat Up, LLC

Stipulation:

- 1) 1 year to apply and pay for building permits.
- 2) Patio hours shall be limited to 10:00 AM – 10:00 PM
- 3) Maximum 600 square feet of patio on site permitted.
- 4) General conformance to the size and location of patio as shown on the plan dated November 15, 2022.

ZONING ADJUSTMENT HEARING OFFICER: RAY JACOBS
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 **Angie Holdsworth** at **602-329-5065**, angie.holdsworth@phoenix.gov. TTY: Use 7-1-1.

January 12, 2023