

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised March 10, 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 **February 3, 2022 at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-15)**.

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 Under Advisement	9:00 AM	
	1.	Application #: ZA-117-12-8 (6 month review of use permit) (Continued from October 28, 2022) 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 5280 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
Approved w/stips	2.	Application #: ZA-538-17-6 (1 year review of use permit) Existing Zoning: C-2 Location: 1616 East Glendale Avenue Quarter Section: 23-31(I9) Proposal: 1) Use Permit to allow a medical marijuana dispensary in the C-2 zoning district. Use Permit required. 2) Variance to allow a medical marijuana dispensary facility within 500 feet of residentially zoned property. Minimum 500 feet separation required. 3) Variance to allow a

medical marijuana dispensary facility within 1320 feet of a place of worship. Minimum 1320 feet separation required.

Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.h

Applicant: George Pasquell III, Withey Morris, PLC

Representative: George Pasquell III, Withey Morris, PLC
Larry Lazarus, Lazarus, Silvyn & Bangs, PC

Owner: Mitchell Song, 64 Alpha, 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	3.	Application #:	ZA-353-21-2
		Existing Zoning:	R1-8 PCD
		Location:	2020 West Bajada Road
		Quarter Section:	49-24(P7)
		Proposal:	Use permit for official approval of a home occupation (internet firearms sales). Use Permit required.
		Ordinance Sections:	608.E.h.(5)
		Applicant:	Ruth and Christopher Nastasi, Wide Body, LLC
		Representative:	Ruth and Christopher Nastasi, Wide Body, LLC
		Owner:	Ruth and Christopher Nastasi, Wide Body, LLC
Denied as Filed Approved w/stips	4.	Application #:	ZA-479-21-8 (Continued from October 28, 2021)
		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

Stipulations:

- 1) The west side yard setback shall be a minimum of 6 feet.
- 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

5. Application #: ZA-650-21-3
Existing Zoning: R1-6
Location: 8603 and 8607 North 14th Street
Quarter Section: 26-30(J9)
Proposal: **1)** Variance to reduce the required hillside lot size to 6,050 square feet (north lot). Minimum 18,000 square feet required. **2)** Variance to reduce the required hillside lot size to 7,709 square feet (south lot). Minimum 18,00 square feet required. **3)** Variance to allow a lot with a depth of 101 feet (north lot). Minimum 120 feet depth required. **4)** Variance to allow a lot with a depth of 101 feet (south lot). Minimum 120 feet depth required.
Ordinance Sections: 710.C.2.Table-1.a 710.C.2.Table-1.a
Applicant: Erik and Linda Fjellbo
Representative: Erik and Linda Fjellbo
Owner: Erik and Linda Fjellbo
Stipulations:
1) The lots shall have a width of not less than 60 feet.
2) 1 year to complete the lot split process.

Continued

6. Application #: ZA-651-21-2
Existing Zoning: R1-8
Location: 19819 North 22nd Street
Quarter Section: 40-32(N9)
Proposal: Variance to allow a lot (Lot 3) that does not front onto a public street. Public street frontage required.
Ordinance Sections: 608.H.1
Applicant: Kevin Nguyen
Representative: Kevin Nguyen
Owner: Kevin Nguyen

Continued to April 7, 2022 at 9:00 AM.

**Approved
w/stips**

7. Application #: ZA-652-21-6
Existing Zoning: RE-35 CROD ACSPD
Location: 4453 North 54th Street
Quarter Section: 17-40(H11)

Proposal: 1) Variance to reduce the required front yard (north) setback to 20 feet. Minimum 40 feet required. 2) Variance to reduce the required rear yard (south) setback to 20 feet. Minimum 40 feet required.

Ordinance Sections: 609.B.TableB 609.B.TableB

Applicant: Jason Allen, Skyline Consultants, LLC

Representative: Jason Allen, Skyline Consultants, LLC

Owner: Isaac B. Davis

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) The west and east side building setbacks shall be a minimum of 40 feet.

Continued 8. Application #: ZA-654-21-6

Existing Zoning: R1-6

Location: 3430 East Monterosa Street

Quarter Section: 17-35(H10)

Proposal: Variance to reduce the side yard setback (east) to 5 feet. Minimum 10 feet required.

Ordinance Sections: 613.B.Table B

Applicant: Deleigh Crawford, Southerly Enterprises, LLC

Representative: Deleigh Crawford, Southerly Enterprises, LLC

Owner: Sudanco, LLC

Continued to April 7, 2022 at 9:00 AM.

1:30 PM

Approved w/stips 9. Application #: ZA-563-21-7 (SIGN)

Existing Zoning: A-2

Location: 2045 West Hilton Avenue

Quarter Section: 7-24(E7)

Proposal: Use permit to convert a nonconforming, off-premise sign to digital. Use permit required.

Ordinance Sections: 705.2.G.4

Applicant: William Lally, Tiffany & Bosco

Representative: William Lally, Tiffany & Bosco

Owner: Demund Place, LLC

Stipulations:

- 1) In selecting Option 'b' to satisfy digital conversion of the subject sign, install landscaping in accordance with the standards in Section 705.2.G.4.b along the 624 foot frontage of parcel 122-16-070 where the subject sign is located.
- 2) Adherence to the sign drawing dated stamped 2/3/22 including sign face not to exceed 552 square feet.
- 3) The applicant shall have 12 months to apply and pay for permits for the subject sign.

Denied 10. Application #: ZA-647-21-4 (SIGN)

Existing Zoning: C-2; P-1; TOD-1

Location: 2918 North Central Avenue

	Quarter Section:	15-27(G8)
	Proposal:	Variance to increase the height of three wall sign logos to 19 inches, 40 inches and 46 inches. Maximum 12 inches permitted.
	Ordinance Sections:	662.k.1.b
	Applicant:	Gary Spinner, Pearsons Sign, Co.
	Representative:	Gary Spinner, Pearsons Sign, Co.
	Owner:	Larry Furlong, Pamala, Inc.
*Approved w/stips	11. Application #:	ZA-649-21-4 (SIGN)
	Existing Zoning:	WU T5:6 MT
	Location:	3883 North Central Avenue
	Quarter Section:	16-28(H8)
	Proposal:	1) Variance to allow wall sign height of 34.5 feet. Maximum 15 feet permitted. 2) Variance to allow 32 inch copy height on a projecting sign. Maximum 8 inch copy height permitted. 3) Variance to allow a 39 square foot projecting sign. Maximum 6 square feet permitted.
	Ordinance Sections:	705.D.1 Table D-1 1308.C.1 Table 1308.1 1308.C.1 Table 1308.1
	Applicant:	Ana Jones, Trademark Visual, Inc.
	Representative:	Ana Jones, Trademark Visual, Inc.
	Owner:	Todd Gosselink, TRG Midtown AZ, LLC
	Taken out from under advisement on March 10, 2022 and approved with the following stipulations:	
	1) Adherence to the revised drawings date stamped 2/3/2022 including a maximum copy height of 26 inches, a total sign area of 39 square feet, and a sign height of 34.5 feet.	
	2) The applicant shall have 12 months to apply and pay for the sign permits.	
	3) White illumination of the sign face shall be limited to a maximum color temperature of 4,000 Kelvin and 40 Nit luminance.	
	4) The sign luminance shall be dimmed by 50% at 11p.m. daily until sunrise.	
Approved w/stips	12. Application #:	ZA-446-12-8 (1 year review of use permit)
	Existing Zoning:	A-1
	Location:	14 South 41st Place
	Quarter Section:	10-37(F10)
	Proposal:	1) Use permit to allow a medical marijuana dispensary. Use permit required. 2) Variance to allow a medical marijuana dispensary within 5,280 feet of another approved use permit for a medical marijuana facility. A medical marijuana dispensary shall not be located within 5,280 feet of another medical marijuana facility. 3) Variance to allow a medical marijuana dispensary within 1,320 feet of a school (Gateway Early College High School). A medical marijuana dispensary

shall not be located within 1,320 feet of a school.
Ordinance Sections: 627.D.92.a. 627.D.92.d. 627.D.92.f.
Applicant: Arizona Natures Wellness
Representative: Adam Baugh, Withey Morris, PLC
Owner: Shirley Bonafasi Living Trust/, EFG 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 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**

13. Application #: ZA-655-21-6
Existing Zoning: C-1
Location: 3222 and 3228 East Indian School Road
Quarter Section: 17-35(H10)
Proposal: **1)** Use permit to allow outdoor dining as an accessory to a restaurant (Frasher's Smokehouse). Use permit required. **2)** Use permit to allow outdoor alcoholic beverage consumption as an accessory to a restaurant (Frasher's Smokehouse). Use permit required. **3)** Use permit to allow outdoor recreation as an accessory to a restaurant (Frasher's Smokehouse). Use permit required.
Ordinance Sections: 622.D.150.d 622.D.150.d 622.D.150.d
Applicant: George Frasher, Frasher's Smokehouse
Representative: Jeffrey C. Miller, Arizona Liquor Industry Consultants
Owner: TMC Income Properties XI, LLC

Stipulations:

- 1) Outdoor dining and outdoor alcoholic beverage consumption shall be limited to 11:00 AM to 8:00 PM seven days a week.
- 2) Outdoor recreation is limited to the hours of 2:00 PM to 5:00 PM, Saturday, Sunday, and Holidays.
- 3) No outdoor recreation permitted Monday through Friday.
- 4) The employees must have a clear view of the area to supervise the activities and/or be present while patrons utilize the outdoor area.
- 5) A security camera must be installed to monitor the east patio.
- 6) 1 year to commence the use and/or obtain any required building permits.

**Approved
w/stip**

14. Application #: ZA-656-21-4
Existing Zoning: C-2
Location: 719 West Missouri Avenue
Quarter Section: 19-26(H8)
Proposal: **1)** Variance to reduce the required front yard setback (north) to 0 feet. Minimum 25 feet required. **2)** Variance to reduce the required side yard setback (east) to 0 feet. Minimum 3 feet required. **3)** Variance to reduce the required front yard landscape setback (north) to 0 feet. Minimum 25 feet required. **4)** Variance to reduce the required side yard landscape setback (east) to 0 feet. Minimum 5 feet required. **5)** Variance to reduce the required side yard landscape setback (west) to 0 feet. Minimum 5 feet required. **6)** Variance to reduce the width of the maneuvering aisles for two-way traffic to 17 feet. Minimum 24 feet required.
Ordinance Sections: 615.B.Table B 615.B.Table B 703.B.3.a 703.B.3.a 703.B.3.a 702.B.2.a.(5)
Applicant: Leodra Bowdell, Phoenix Permit Service, LLC
Representative: Leodra Bowdell, Phoenix Permit Service, LLC
Owner: 719 W. Missouri, LLC

Stipulation:

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

**Approved
w/stips**

15. Application #: ZA-657-21-4
Existing Zoning: R1-6
Location: 1842 East Weldon Avenue
Quarter Section: 16-31(H9)
Proposal: Variance to reduce the required rear yard setback (north) to 15 feet. Minimum 25 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Christian Zeitler
Representative: Christian Zeitler
Owner: Christian Zeitler

Stipulation:

- 1) The northern wall of the proposed addition, adjacent to the alley,

and shown on site plan date stamped November 10, 2021 shall not exceed 24 feet in length.

2) 1 year to apply and pay for building permits.

ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
PLANNER: JAZMINE BRASWELL, 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 602-376-3981, les.scott@phoenix.gov TTY: Use 7-1-1.

March 10, 2022