

**NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING**

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 **June 30, 2022 at 9:00 AM (Items 1-5) and 1:30 PM (Items 6-10).**

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-141-20-7 (1 year review of use permit)
Existing Zoning: A-2
Location: 2220 and 2222 West McDowell Road
Quarter Section: 13-24(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 cultivation facility within 5,280 feet of the same type of use. Minimum 5,280 feet of separation required. **4)** Variance to allow a medical marijuana infusion production facility within 5,280 feet of the same type of use. Minimum 5,280 feet of separation required.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
Applicant: Ben Myer, Arizona Organix
Representative: Tom Galvin, Rose Law Group PC
Owner: Kirk Jienkins, J&M McDowell Properties 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 180 days 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 180 Days 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.

Approved w/stips	2.	Application #:	ZA-106-22-3 (Continued from May 5, 2022)
		Existing Zoning:	RE-43
		Location:	4670 East Sunset Drive
		Quarter Section:	26-38(J11)
		Proposal:	Variance to modify Stipulation No. 1 of Case No. ZA-173-97-2, to allow a structure taller than 3 feet within 30 feet of Sunset Drive. No more than 3 foot high structures within 40 feet of Sunset Drive per ZA-173-97-2.
		Ordinance Sections:	307.A.9
		Applicant:	Braden Santarcangelo, ABL Design Studio
		Representative:	Braden Santarcangelo, ABL Design Studio
		Owner:	Patricia Tate
		Stipulations:	
			1) 1 year to apply and pay for building permits.
			2) Per the setback encroachment along Sunset Drive as shown on the site plan dated March 9, 2022.
Approved w/stips	3.	Application #:	ZA-159-22-8
		Existing Zoning:	R1-6
		Location:	8634 South 3rd Street
		Quarter Section:	02-28(C8)
		Proposal:	Variance to reduce the required side yard setback (east) to 0 feet. Minimum 3 feet required.
		Ordinance Sections:	613.B.Table B
		Applicant:	George Sanchez
		Representative:	George Sanchez
		Owner:	George Sanchez
		Stipulations:	
			1) 1 year to apply and pay for building permits.
			2) Per the setback reduction as shown on the plan dated May 24, 2022.
Approved w/stips	4.	Application #:	ZA-204-22-6
		Existing Zoning:	C-1
		Location:	7100 North 12th Street
		Quarter Section:	23-29(I8)
		Proposal:	1) Use permit to allow outdoor dining as an accessory to a restaurant (Luci's at the Orchard). Use permit required. 2) Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant (Luci's at the Orchard). Use permit required.

Ordinance Sections: 622.D.150.d 622.D.150.d
Applicant: Elder Contracting, LLC
Representative: Shyann Keeney, Elder Contracting, LLC
Owner: Lorenzo Perez, Shady Lane Investors, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Hours of operation on the patio shall be limited to 6:00 AM – 10:00 PM.

**Approved
w/stip**

5. Application #: ZA-206-22-8
Existing Zoning: C-2
Location: 1721 East McDowell Road
Quarter Section: 12-31(G9)
Proposal: Use permit to allow tattoo shop (Valhalla Modifications). Use permit required.
Ordinance Sections: 623.D.187
Applicant: Wesley Norman, Valhalla Modifications, LLC
Representative: Wesley Norman, Valhalla Modifications, LLC
Owner: Neil Mody, Run Pad, LLC

Stipulation:

- 1) 1 year to commence the use.

Continued

6. **1:30 PM**
Application #: ZA-164-22-1 (SIGN)
Existing Zoning: C-2
Location: 1710 West Happy Valley Road
Quarter Section: 47-25(O7)
Proposal: **1)** Use permit to adopt the Happy Valley Crossroads Comprehensive Sign Plan. Use permit required. **2)** Use permit to amend the boundary of the North Valley Plaza Comprehensive Sign Plan. Use permit required. **3)** Use permit to allow electronic message display on two faces of a new ground sign. Use permit required.
Ordinance Sections: 705.E.2 705.E.2 705.C.13
Applicant: Chris Totton, Bootz and Duke Sign Company
Representative: Kristi Trisko, Bootz and Duke Sign Company
Owner: Charles Eckert, 1730 West, LLC

Continued to August 18, 2022 at 1:30 PM.

**Denied as
Filed
Approved
w/stips**

7. Application #: ZA-211-22-8 (SIGN)
Existing Zoning: DTC-Business Core
Location: 651 East Buchanan Street
Quarter Section: 9-28(F8)
Proposal: Variance to increase the area of a nonconforming off-premise sign to 242 square feet. Existing sign area is 144 square feet.
Ordinance Sections: 705.2.G.2
Applicant: Brent Wood, Outfront Media

Representative: William Allison, Withey Morris, PLC

Owner: 6th Street and Lincoln, LLC

Stipulations:

- 1) Utilize colors, materials, and textures from the Baseball stadium structure in designing the already required decorative pole cover for the rebuilt off-premise sign. Planning and Development Department design approval is required. Any access ladder shall be on the east side of the pole cover and concealed from southbound and northbound traffic.
- 2) The applicant shall have 12 months to apply and obtain permits for the subject sign.
- 3) Maximum sign are limited to 200 square feet.

**#2 and 3
Approved
w/stips**

8. Application #: ZA-207-22-8
Existing Zoning: S-2 BAPOD
Location: Approximately 340 feet west of the southwest corner of 26th Street and Southern Avenue
Quarter Section: 2-33(D9) 3-33(D9)
Proposal: **1)** Variance to reduce the required rear yard (south) setback to 20 feet for an accessory structure. Minimum of 50 feet required for an accessory structure. **2)** Variance to reduce the required side yard (west) setback to 15 feet for an accessory structure. Minimum of 50 feet required for an accessory structure. **3)** Variance to allow 24 percent lot coverage. Maximum 10 percent lot coverage permitted.
Ordinance Sections: 604.B.3 604.B.3 604.B.4
Applicant: Ramesh Somaiya
Representative: Arpan B. Tailor, Arun, Inc.
Owner: Ramesh Somaiya
Stipulations:
1) 18 months to apply and pay for building permits.
2) Per the side setback encroachment as shown on the site plan dated May 11, 2022.

**Approved
w/stips**

9. Application #: ZA-209-22-7
Existing Zoning: DTC-Roosevelt South HP
Location: 609 North 5th Avenue
Quarter Section: 11-27(F8)
Proposal: **1)** Use permit to allow outdoor liquor service accessory to a restaurant (YC's Mongolian Grill). Use permit required. **2)** Use permit to allow outdoor entertainment (YC's Mongolian Grill). Use permit required. **3)** Variance to reduce the side yard setback (south) to 1 foot. Minimum 10 feet required when adjacent to an HP lot.
Ordinance Sections: 1204.D 1204.D 1219.B.4.a.1.A
Applicant: Jason Morris, Withey Morris, PLC
Representative: Jason Morris, Withey Morris, PLC
Owner: GW Fillmore, LLC

Stipulations:

- 1) The employees must have a clear view of the area in order to supervise the activities and/ or be present while patrons utilize the outdoor area.
- 2) The area be sufficiently illuminated and contained do discourage any unlawful activity. The precinct commander, or his designee, may approve lighting, containment area, and security personal at their discretion.
- 3) Attend at least 1 (one) neighborhood meeting with the affected area, on a yearly basis, to state transparency and build trust with the surrounding community.
- 4) 'No Trespassing' sign must be posted and an authority to arrest trespasser form be signed to deter loitering/ unwanted guests inside and surrounding the establishment.
- 5) 1 year review from when the Certificate of Occupancy is issued.
- 6) Outdoor speakers limited to Sunday through Thursday from 10:00AM to 10:00PM and Fridays and Saturdays from 10:00AM to midnight.
- 7) Conspicuous "No Parking" signs in the alley shall be posted.
- 8) No live entertainment.
- 9) 1 year to apply and pay for building permits.

**Approved
w/stips**

10. Application #: ZA-210-22-3
Existing Zoning: R1-6
Location: 13642 North 36th Street
Quarter Section: 32-35(L10)
Proposal: Variance to reduce the rear yard (west) setback to 8 feet. Minimum 25 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Edward Chavez, Chavez and Associates
Representative: Edward Chavez, Chavez and Associates
Owner: Nathan Gonzalez, Chavez and Associates

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reduction as shown on the plan dated June 1, 2022.

**ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
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 Les Scott at 602-261-8980, leslie.scott@phoenix.gov TTY: Use 7-1-1.

July 1, 2022