

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised April 6, 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 **March 3, 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/stip

9:00 AM

1. Application #: ZA-37-21-1 (1 year review of use permit)
Existing Zoning: C-2
Location: 6525 West Happy Valley Road
Quarter Section: 46-13(O4)
Proposal: Use permit to allow outdoor alcohol consumption as an accessory use to a restaurant (Times 3) within 500 feet of a residential district. Use permit required.
Ordinance Sections: 623.D.157.c
Applicant: Brian Greathouse, Burch & Cracchiolo, PA
Representative: Brian Greathouse, Burch & Cracchiolo, PA
Owner: Chris Gerardo, 67th Avenue & Happy Valley, LLC
Stipulation:
1) Retain all prior stipulations except the requirement for a 1 year review.

Approved
w/stip

2. Application #: ZA-547-21-3 (Continued from December 2, 2021)
Existing Zoning: C-2
Location: 1818 West Bell Road, Suite 100
Quarter Section: 37-25(M7)
Proposal: Use permit to allow patron dancing as an accessory use to a Private Club (Christopher J. Lapka American Legion Post 105). Use permit required.
Ordinance Sections: 622.D.143.b
Applicant: Michael W. Davison II, CJL American Legion Post 105
Representative: Corinne J. Thompson, CJL American Legion Post 105
Owner: Jeff Geyser, GM 19 Bell, LLC
Stipulation:
1) 1 year to commence the use.

Approved

3. Application #: ZA-705-21-7

w/stips

Existing Zoning: R-5 RI
Location: 821 West McKinley Street
Quarter Section: 11-26(F8)
Proposal: **1)** Variance to reduce the required front yard setback (north) to 10 feet. Minimum 20 feet required. **2)** Variance to reduce the rear (south) building setback to 5 feet. Minimum 15 feet required. **3)** Variance to reduce the required rear yard (south) landscape setback to 0 feet. Minimum 5 feet required. **4)** Variance to reduce the landscape setback adjacent to public street (9th Avenue) to 0 feet. Minimum 10 feet required. **5)** Variance to reduce east side landscape setback to 0 feet. Minimum 5 feet required. **6)** Variance to allow maneuvering in the right-of-way. Maneuvering must be located on private property. **7)** Variance to reduce the required open space to 0 percent. Minimum 5 percent required. **8)** Variance to reduce the minimum required width of open spaces to 0 feet. Minimum 20 feet required. **9)** Variance to reduce the required parking to 7 spaces. Minimum 9 spaces required.

Ordinance Sections: 618.B.Table B 618.B.Table B 703.B.3.b.3 703.B.3.a 703.B.3.b.3 702.A.1.b 703.B.4.a.1 703.B.4.a.2 702.C.Table

Applicant: Taylor C. Earl, Earl and Curley, PC
Representative: Taylor C. Earl, Earl and Curley, PC
Owner: Michael and Mary E. Hall, Mah / Meh Trust

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) General conformance to the site plan signed and dated by the Hearing Officer on March 3, 2022, as it pertains to the subject variance requests.

**Approved
w/stips**

4. Application #: ZA-706-21-4
Existing Zoning: C-2
Location: 4117 and 4131 North 16th Street
Quarter Section: 17-31(H9)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (La Santisima) within 500 feet of a residential district. Use permit required. **2)** Use permit to allow outdoor consumption of alcoholic beverages as an accessory use to a restaurant (La Santisima) within 500 feet of residential zoning. Use permit required. **3)** Variance to reduce the streetscape landscape setback (west) along 16th Street to 0 feet. An average of 25 feet for structures not exceeding two stories or 30 feet, minimum 20 feet permitted for up to 50 percent of the

frontage.
Ordinance Sections: 623.D.157.c 623.D.157.c 623.E.4.e
Applicant: Thomas Durkin, Durkin Architects, LLC
Representative: Thomas Durkin, Durkin Architects, LLC
Owner: Felipe Guzman, Guzman Meillon Properties, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) The hours of use for the outdoor area are to be no earlier than 7:00 AM and no later than 10:00 PM Sunday through Thursday, and no later than 12:00 AM on Friday and Saturday.
- 3) The employees must have a clear view of the area to supervise the activities and/ or 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) No outside speakers.
- 6) The landscape setback reduction shall only apply to the southern portion along the patio.
- 7) Per site plan dated December 21, 2021, pertaining to the new landscape area and the size and location of the patio.

Continued 5. Application #: ZA-707-21-6
Existing Zoning: R1-10
Location: 217 West Flynn Lane
Quarter Section: 22-27(I8)
Proposal: Variance to reduce the side yard setback (east) to 3 feet. Minimum 10 feet required.
Ordinance Sections: 611.B.Table B
Applicant: Justin Novak, NVK Design Build
Representative: Justin Novak, NVK Design Build
Owner: William & Paula Wichterman

Continued to May 5, 2022 at 9:00 AM.

Approved w/stips 6. Application #: ZA-708-21-8
Existing Zoning: DTC-East Evans Churchill ACOD
Location: 917 North 4th Street
Quarter Section: 11-28(F8)
Proposal: Use permit to allow surface parking as an interim use. Use permit required.
Ordinance Sections: 1204.D
Applicant: Patricia Evron-Snyder
Representative: Bryan Watkins, LRA Real Estate Group, LLC
Owner: Patricia Evron-Snyder

Stipulations:

- 1) The site shall be dust proofed and adequately maintained.
- 2) The interim use shall not exceed five years from today's date.

Approved w/stips 7. Application #: ZA-711-21-5
Existing Zoning: C-2
Location: 2150 West Northern Avenue
Quarter Section: 25-24(J7)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Jamba & McAlister's Deli) located within 500 feet of a residential district zoning line. Use permit required. **2)** Use permit to allow a drive through facility as an accessory use to a restaurant (Jamba & McAlister's Deli) within 300 feet of a residential zoning district. Use permit required.

Ordinance Sections: 623.D.157.c 623.D.157.d.(2)
Applicant: Charles Wurl, Kimley-Horn
Representative: Kirk Farrelly, Capital Growth Buchalter
Owner: West Royal Development, LLC
Stipulations:
1) 1 year to apply and pay for building permits.
2) The order board shall be located on the east side of the building, per site plan signed and dated by the Hearing Officer on March 3, 2022.

Continued 8. Application #: ZA-714-21-3
Existing Zoning: R1-14
Location: 3112 East Charter Oak Road
Quarter Section: 31-34(K10)
Proposal: **1)** Variance to reduce the side yard setback (east) to 2 feet. Minimum 10 feet required. **2)** Variance to reduce the side yard (west) setback for a detached accessory structure to 0 feet. Minimum 3 foot setback from the side property line required.

Ordinance Sections: 607.B.3 706.B
Applicant: Kathleen M. Navarro
Representative: Kathleen M. Navarro
Owner: Kathleen M. Navarro
Continued to May 5, 2022 at 9:00 AM.

Approved w/stips 9. Application #: ZA-703-21-5 (SIGN)
Existing Zoning: PSC TOD-1
Location: 1646 West Montebello Avenue
Quarter Section: 20-25(I7)
Proposal: Use permit for a wall-mounted electronic message display (EMD) sign. Use permit required.

Ordinance Sections: 705.C.13
Applicant: Charlie Gibson, Bootz & Duke Sign, Co.

Representative: Kristi Trisko, Bootz & Duke Sign, Co.

Owner: Christown 1755, LLC

Stipulations:

- 1) Electronic Message Display (EMD) panel to be turned off daily by an automatic timer from 11:00 pm until sunrise.
- 2) The applicant shall have 12 months to apply and pay for permits for the proposed sign.

**Approved
w/stips**

10. Application #: ZA-704-21-8 (SIGN)
Existing Zoning: A-2
Location: 3221 East Elwood Street
Quarter Section: 5-34(E10) 5-35(E10) 6-34(E10) 6-35(E10)
Proposal: Use permit to convert two faces of a nonconforming, off-premise freeway sign to digital. Use permit required.

Ordinance Sections: 705.2.G.4
Applicant: Benjamin Graff, Quarles & Brady, LLP
Representative: Benjamin Graff, Quarles & Brady, LLP
Owner: Phoenix NAP, LLC

Stipulations:

- 1) Prior to issuance of sign permits, obtain Planning and Development Department approval of a landscape plan for the subject property (APN 122-03-005) frontage along the ADOT right of way. The landscape plan shall include the landscape elements listed in Section 705.2.G.4.b of the Zoning Ordinance. Landscape improvements shall be satisfactorily installed prior to the final inspection and use of the off-premise sign.
- 2) Prior to the issuance of sign permits for the subject sign, the applicant shall obtain a demolition permit and completely remove the off-premise sign structure located at 1011 S. 43rd Avenue, permit #s 156271 and 156272, (APN 106-17-002F) with sign faces totaling 1,344 square feet.
Alternative, acceptable off-premise sign structures with 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 prior to the issuance of the permits to rebuild the sign at 3221 East Elwood Street.
- 3) The applicant shall have 12 months to apply and pay for permits for the rebuilt, nonconforming sign.

Withdrawn

11. Application #: ZA-19-17-5 (1 year review of use permit)
Existing Zoning: C-2
Location: 2601 West Dunlap Avenue
Quarter Section: 26-23(J7)
Proposal: **1)** Variance to allow a nonprofit medical marijuana dispensary within 5,280 feet of another medical marijuana facility. **2)** Variance to allow a nonprofit medical marijuana dispensary within 500 feet of a residentially zoned district. **3)** Use Permit to allow a nonprofit medical marijuana

		Ordinance Sections:	dispensary. Use Permit required. 623.D.122.e 623.D.122.f 623.D.122.a
		Applicant:	Nick Couturier and Joshua Rosen
		Representative:	Adam Baugh, Withey Morris
		Owner:	MP Dunlap, Inc.
#1 Withdrawn #2 Approved w/stip	12.	Application #:	ZA-695-21-8
		Existing Zoning:	CP/GCP
		Location:	5837 South 36th Street
		Quarter Section:	3-36(D10)
		Proposal:	1) Variance to allow an over height fence (10 feet) in the required front yard (west) setback. Maximum 40 inches permitted. 2) Use permit to allow an over height fence (10 feet) in the required side yard (north) setback along a common property line shared by a residential zoning district. Minimum 8 feet required, up to 12 feet permitted with use permit.
		Ordinance Sections:	703.A.3.a
		Applicant:	Chase Woosley, Cotton Architecture + Design, LLC
		Representative:	Chase Woosley, Cotton Architecture + Design, LLC
		Owner:	Michael W. Neils, Arize Technologies
		Stipulation:	1) 1 year to apply and pay for building permits.
Approved w/stips	13.	Application #:	ZA-709-21-7
		Existing Zoning:	DTC-West Evans Churchill
		Location:	1014 North 2nd Street, Suite C
		Quarter Section:	12-28(G8)
		Proposal:	Use permit to allow outdoor liquor service as an accessory to a restaurant. Use permit required.
		Ordinance Sections:	1204.D.Table
		Applicant:	Justin Keller, The Mixologer, LLC dba The Mixologer
		Representative:	Jeffrey Craig Miller, Arizona Liquor Industry Consultants
		Owner:	Jordan Taylor, JRJ 1014, LLC
		Stipulations:	1) The employees must have a clear view of the area to supervise the activities and/ or be present while patrons utilize the outdoor area. 2) 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. 3) "No Trespassing" signs must be posted and an authority to arrest trespassers form be signed to deter loitering/ unwanted guests inside and surrounding the establishment.

4) 1 year to commence the use.

**Approved
w/stips**

14. Application #: ZA-710-21-6
Existing Zoning: R1-6
Location: 1240 East Gardenia Drive
Quarter Section: 23-30(I9)
Proposal: Use permit to allow a closed projection to project 11 feet into the rear yard (northeast) setback. Maximum 5 foot projection for no more than one-half the width of the structure permitted.

Ordinance Sections: 701.A.3.a.(2).(d)
Applicant: Michael Ryan Hurley, Hurley Family Revocable Trust
Representative: Michael Ryan Hurley, Hurley Family Revocable Trust
Owner: Michael Ryan Hurley, Hurley Family Revocable Trust

Stipulations:

- 1) Per site plan date stamped December 28, 2021.
- 2) 1 year to apply and pay for building permits.

***Denied**

15. Application #: ZA-717-21-1
Existing Zoning: C-2
Location: 3313 West Greenway Road
Quarter Section: 34-21(L6)
Proposal: **1)** Variance to allow a tobacco oriented retailer to be located within 1,320 feet of a church. Minimum 1,320 feet separation required. **2)** Variance to allow a tobacco oriented retailer to be located within 1,320 feet of a school. Minimum of 1,320 feet separation required. **3)** Variance to allow a tobacco oriented retailer to be located within 1,320 feet of a park. Minimum of 1,320 feet separation required. **4)** Variance to allow a tobacco oriented retailer within 1,320 feet of a dependent care facility. Minimum 1,320 feet of separation required.

Ordinance Sections: 623.D.194.b 623.D.194.b 623.D.194.b 623.D.194.b
Applicant: Saif Qudsi, Phoenix Smoke Shop, LLC
Representative: Joseph G. Urtuzuastegui III Esq., Winsor Law Group, PLC
Owner: Southwestern Holding, LLC

Taken out from under advisement on April 6, 2022 and denied.

***#1
Denied**

16. Application #: ZA-1-22-4
Existing Zoning: R1-6
Location: 1211 East Meadowbrook Avenue
Quarter Section: 18-30(H9)

**#2
Withdrawn**

- Proposal: **1)** Variance to reduce the side yard setback (west) to 0 feet. Minimum 3 feet required. **2)** Variance to reduce the rear yard (south)

setback to 8 feet. Minimum 25 feet required.
Ordinance Sections: 613.B.Table B 613.B.TableB
Applicant: Jesse and Marylou Torres
Representative: Mark Horne, Degnan Law Group
Owner: Jesse and Marylou Torres

Taken out from under advisement on April 6, 2022, and Item #1 was denied; Item #2 was withdrawn at the hearing.

**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.

April 6, 2022