

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised December 20, 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 **October 6, 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-604-17-7 (1 Year Review of Use Permit)
Existing Zoning: RSC
Location: 2330 North 75th Avenue
Quarter Section: 14-10(G4)
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 medical marijuana facility. Minimum 5,280 feet required.

Ordinance Sections: 623.D.124.a 623.D.124.e
Applicant: Sheraz Warraich, SSW Investments I, LLC
Representative: Benjamin Graff, Quarles & Brady, LLP One Renaissance Square
Owner: Parkway 2001, 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.

Denied	2.	Application #:	ZA-384-22-3
		Existing Zoning:	R1-10
		Location:	1002 West Port Au Prince Lane
		Quarter Section:	34-26(L8)
		Proposal:	1) Variance to allow an over height (7.5 feet) fence located in the side yard (west). Maximum 6 feet allowed. 2) Variance to allow an over height (7.5 feet) fence located in the side yard (east). Maximum 6 feet allowed. 3) Variance to allow an over height (7.5 feet) fence located in the rear yard (north). Maximum 6 feet allowed.
		Ordinance Sections:	703.A.2.c 703.A.2.c 703.A.2.c
		Applicant:	Jeffrey J Quatrone, Jeffrey J. Quatrone Living Trust
		Representative:	Jeffrey J Quatrone, Jeffrey J. Quatrone Living Trust
		Owner:	Jeffrey J Quatrone, Jeffrey J. Quatrone Living Trust
Approved w/stips	3.	Application #:	ZA-389-22-8
		Existing Zoning:	C-3
		Location:	4700 East Van Buren Street
		Quarter Section:	11-38(F11)
		Proposal:	1) Use permit to allow for outdoor dining as an accessory use to a restaurant (Paco's Tacos & Sip) within 500 feet of a residential district. Use permit required. 2) Use permit to allow outdoor alcohol consumption accessory to a restaurant (Paco's Tacos & Sip) within 500 feet of a residential district. Use permit required. 3) Use permit to allow outdoor recreation (music speakers) as an accessory use to a restaurant (Paco's Tacos & Sip) within 500 feet of a residential district. Use permit required.
		Ordinance Sections:	624.D.112.c 624.D.112.c 624.D.112.c
		Applicant:	Francisco Javier Perez-Tapia, Pacos Tacos & Sip
		Representative:	Theresa June Morse, Avant Garde Alcohol Training & Education
		Owner:	Troy McNaughton, Sound, LLC
		Stipulations:	
			1) Hours of operation for outdoor dining and liquor service and activities is limited to between 11:00 AM and 9:00 PM.
			2) 1 year to apply and pay for building permits.
			3) Outdoor recreation is limited to ambient music.

Approved w/stip	4.	Application #:	ZA-390-22-5
		Existing Zoning:	C-2
		Location:	7355 West Indian School Road
		Quarter Section:	16-11(H4)
		Proposal:	Use permit to allow the sales of package liquor as an accessory to a convenience market within 300 feet of a residential zoning district. Use permit required.
		Ordinance Sections:	622.D.102.a
		Applicant:	Francisco Alexander Menendez-Argueta
		Representative:	Theresa June Morse, Avant Garde Alcohol Training & Education
		Owner:	Andrew Tavakoli, Phoenix Plaza 75, LLC
		Stipulation:	1) 1 year to commence the use.
Approved w/stip	5.	Application #:	ZA-392-22-6
		Existing Zoning:	R-4
		Location:	2535, 2537, 2545, and 2549 East Clarendon Avenue
		Quarter Section:	16-33(H9)
		Proposal:	1) Time Extension for ZA-112-21, Variance to allow maneuvering in the right-of-way (Clarendon Avenue). Maneuvering must be located on private property. 2) Time Extension for ZA-112-21, Variance to allow maneuvering in the right-of-way (26th Street). Maneuvering must be located on private property. 3) Time Extension for ZA-112-21, Variance to reduce the landscape setback (north) adjacent to a public street right-of-way to 0 feet. Minimum 20 feet required. 4) Time Extension for ZA-112-21, Variance to reduce the average landscape setback (east) adjacent to a public street right-of-way to 6 feet. Minimum 10 feet required. 5) Time Extension for ZA-112-21, Variance to reduce interior perimeter landscape setback (west) to 4 feet. Minimum 5 feet required.
		Ordinance Sections:	702.A.1.b 702.A.1.b 703.B.3.a 703.B.3.a 703.B.3.b.(3)
		Applicant:	Dennis Newcombe, Gammage & Burnham, PLC
		Representative:	Lindsay Schube, Gammage & Burnham, PLC
		Owner:	Nicholas Affronti, Brooklyn AZ Properties, LLC
		Stipulation:	1) Extended for 1 year.
Approved	6.	Application #:	ZA-385-22-6
		Existing Zoning:	C-2
		Location:	1040 East Camelback Road
		Quarter Section:	19-29(H8)

		Proposal:	Revocation of ZA-579-15, a use permit to allow a medical marijuana dispensary facility.
		Ordinance Sections:	307.A.7.g
		Applicant:	Luke Flood, Curaleaf
		Representative:	Larry Lazarus, Lazarus & Silvyn, P.C.
		Owner:	James Kaufman, 1030 ECBR, LLC/1040 ECBR, LLC
Continued	7.	Application #:	ZA-386-22-4
		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 December 1, 2022 at 9:00 AM.	
*Approved w/stip	8.	Application #:	ZA-388-22-7
		Existing Zoning:	A-2
		Location:	2325 West Cypress Street
		Quarter Section:	13-23(G7)
		Proposal:	1) Time Extension for ZA-344-21, use permit to allow a medical marijuana cultivation facility. Use permit required. 2) Time Extension for ZA-344-21, use permit to allow a medical marijuana infusion facility. Use permit required. 3) Time Extension for ZA-344-21, variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. 4) Time Extension for ZA-344-21, variance to allow a medical marijuana cultivation facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. 5) Time Extension for ZA-344-21, variance to allow a medical marijuana cultivation facility within 1,320 feet of a public school. Minimum 1,320 feet of separation required. 6) Time Extension for ZA-344-21, variance to allow a medical marijuana cultivation facility within 1,320

feet of a homeless shelter. Minimum 1,320 feet of separation required. **7)** Time Extension for ZA-344-21, variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **8)** Time Extension for ZA-344-21, variance to allow a medical marijuana infusion facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **9)** Time Extension for ZA-344-21, variance to allow a medical marijuana infusion facility within 1,320 feet of a public school. Minimum 1,320 feet of separation required. **10)** Time Extension for ZA-344-21, variance to allow a medical marijuana infusion facility within 1,320 feet of a homeless shelter. Minimum 1,320 feet of separation required.

Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.91.d
627.D.91.e 627.D.91.e 627.D.93.b 627.D.93.c
627.D.93.d 627.D.93.d

Applicant: Jennifer Hall, Rose Law Group, PC

Representative: Jennifer Hall, Rose Law Group, PC

Owner: David Gwyther, American Green, Inc.

Stipulation:

- 1) Extended for 1 year.
- 2) 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.
- 3) The applicant has 1 year to apply and pay for building permits.
- 4) 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.
- 5) The applicant shall submit a security plan provided to the Arizona Department of Health Services to the Planning and Development Department.
- 6) 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.
- 7) 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.
- 8) 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.

		1:30 PM	
Approved w/stip	9.	Application #:	ZA-293-22-6 (Continued from August 11, 2022)
		Existing Zoning:	R1-6
		Location:	7718 North 13th Place
		Quarter Section:	24-30(J9)
		Proposal:	Variance to reduce the rear yard (north) setback to 3 feet. Minimum 25 feet required.
		Ordinance Sections:	613.B.Table B
		Applicant:	James Meringer, Meripack, Inc.
		Representative:	James Meringer, Meripack, Inc.
		Owner:	Julia Blubaugh Blake
		Stipulation:	
		1)	1 year to apply and pay for building permits.
Withdrawn	10.	Application #:	ZA-312-22-8 (Continued from August 25, 2022)
		Existing Zoning:	R-5 HP
		Location:	1510 East Portland Street
		Quarter Section:	12-30(G9)
		Proposal:	Variance to allow maximum building height of 5 stories and 58 feet. Maximum 4 stories or 48 feet permitted.
		Ordinance Sections:	618.B.Table B
		Applicant:	Reid Butler, Butler Housing Company, Inc.
		Representative:	Reid Butler, Butler Housing Company, Inc.
		Owner:	1110 North 16th Street, LLC, CBC Financial Company
Approved w/stip	11.	Application #:	ZA-387-22-8
		Existing Zoning:	A-2 RSIOD
		Location:	2501 East Magnolia Street
		Quarter Section:	6-33(E9) 7-33(E9)
		Proposal:	Variance to reduce the required parking to 254 spaces. Minimum 390 parking spaces required.
		Ordinance Sections:	702.C.Table
		Applicant:	David Danglard, K1 Speed, Corp.
		Representative:	Paul Klukas, Planning Systems
		Owner:	2501 East Magnolia Investor Company, LLC
		Stipulation:	
		1)	1 year to apply and pay for building permits.
Approved w/stips	12.	Application #:	ZA-391-22-4
		Existing Zoning:	C-3 TOD-1, P-1 TOD-1
		Location:	4240 North Central Avenue
		Quarter Section:	17-27(H8)
		Proposal:	Use permit to allow temporary events (outdoor events) for up to 36 months. Use permit required.
		Ordinance Sections:	708.D.1

Applicant: David Wimberley, George and Dragon Pub
Representative: David Wimberley, George and Dragon Pub
Owner: David Lee Wimberley, Wimberley Investments

Stipulations:

- 1) Approved for a duration of 30 days.
- 2) No activities after 3:00 PM.
- 3) Limited to 1 event.

**Approved
w/stips**

13. Application #: ZA-395-22-8
Existing Zoning: C-3 CCSIOD
Location: 1541 West Grant Street
Quarter Section: 9-25(F7)
Proposal: **1)** Variance to reduce the landscape setback adjacent to a public street (Grant Street) to 20 feet. Minimum 25 feet required. **2)** Variance to reduce front setback to 20 feet (north). Minimum 25 feet required
Ordinance Sections: 703.B.3.a 615.Table B
Applicant: Virginia Senior, CCBG Architects
Representative: Virginia Senior, CCBG Architects
Owner: Deborah Mateen
Stipulations:
1) 18 months to apply and pay for building permits.
2) The entire area from back of sidewalk to the patio wall is to be landscaped.

**Approved
w/stips**

14. Application #: ZA-397-22-3
Existing Zoning: C-1
Location: 1675 East Bell Road
Quarter Section: 36-31(M9)
Proposal: **1)** Variance to reduce the streetscape landscape (north) to 17 feet. Minimum 25 feet required. **2)** Variance to reduce the streetscape landscape (east) to 7 feet. Minimum 25 feet required. **3)** Variance to reduce the building setback on a public street (17th Street) to 10 feet. Minimum 25 feet required. **4)** Variance to allow maneuvering in the right-of-way (alley). Maneuvering must be located on private property. **5)** Variance to reduce required parking to 26 spaces. Minimum 54 parking spaces required.
Ordinance Sections: 622.E.4.e 622.E.4.e 622.E.4.d 702.A.1.b 702.C
Applicant: Brian Vaccaro, Earl & Curley
Representative: Taylor Earl, Earl & Curley
Owner: Octavian Belostecinic
Stipulations:
1) 1 year to apply and pay for building permits.
2) General conformance to the landscape plan date stamped August 24, 2022.

