

**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 **October 13, 2022 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
Approved
w/stips**

9:00 AM

1. Application #: ZA-502-16-4 (1 Year Review of Use Permit)
Existing Zoning: A-2
Location: 2902 and 2908 West Virginia Avenue
Quarter Section: 14-22(G7)
Proposal: **1)** Time extension for ZA-432-15, a use permit to allow a medical marijuana cultivation and infusion facility. **2)** Time extension for ZA-432-15, a variance to allow a medical marijuana cultivation and infusion facility within 1,017 feet of another medical marijuana facility.
Ordinance Sections: 307.A.12 307.A.12
Applicant: American Green, Inc.
Representative: David Williams
Owner: S&S Holdings, 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 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-85-17-1 (1 Year Review of Use Permit)
Existing Zoning: C-2 MR
Location: 20224 North 27th Avenue
Quarter Section: 41-22(N7)
Proposal: Use Permit to allow a medical marijuana dispensary. Use Permit required.
Ordinance Sections: 623.D.122.a
Applicant: Curtis Devine, Devine Holdings
Representative: Larry Lazarus, Lazarus, Silvyn & Bangs, P.C.
Owner: Jatin Daas, AZE Real Estate, 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 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**

3. Application #: ZA-483-17-8 (1 Year Review of Use Permit)
Existing Zoning: C-3
Location: 3411 East Corona Avenue
Quarter Section: 4-35(E10)
Proposal: Time extension for ZA-427-16, a use permit to allow a medical marijuana dispensary. Use permit required.

Ordinance Sections: 623.D.122.a
Applicant: Jon Pilkington, TruMed
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: Corona 3411, 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 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	4.	Application #:	ZA-456-21-1 (1 Year Review of Use Permit)
		Existing Zoning:	C-1
		Location:	4220 West Northern Avenue, Suite 103 & 104
		Quarter Section:	25-19(J6)
		Proposal:	1) Use permit to allow outdoor dining within 500 feet of a residential district zoning line. Use permit required. 2) Use permit to allow outdoor alcohol consumption within 500 feet of a residential district zoning line. Use permit required. 3) Use permit to allow outdoor recreation within 500 feet of a residential district zoning line. Use permit required. 4) Use permit to allow patron dancing. Use permit required. 5) Use permit to allow live entertainment. Use permit required.
	Ordinance Sections:	622.D.143.c 622.D.143.c 622.D.143.c 622.D.143.b 622.143.a.(1)	
	Applicant:	Theresa Miller, Ocho Rios Kerk Spot	

Representative: Theresa Miller, Ocho Rios Kerk Spot

Owner: Mahendra Kardani

Stipulations:

1) 1 year review.

2) All other previous stipulations shall apply.

**Withdrawn
to Amend**

5. Application #: ZA-107-22-6 (Continued from August 25, 2022)
Existing Zoning: R1-6
Location: 1329 East Orangewood Avenue
Quarter Section: 23-30(I9)
Proposal: **1)** Variance to reduce the side yard setback for a detached accessory structure (west) to 1 foot. Minimum 3 feet required. **2)** Variance to reduce the rear yard setback for a detached accessory structure (south) to 1 foot. Minimum 3 feet required.
Ordinance Sections: 706.B 706.B
Applicant: Kellye Evans
Representative: Kellye Evans
Owner: Kellye Evans

Denied

6. Application #: ZA-303-22-6 (Continued from August 18, 2022)
Existing Zoning: R1-6
Location: 6539 North 13th Street
Quarter Section: 22-30(I9)
Proposal: Variance to reduce the required side setback (south) to 5 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Daniel Gilkarov
Representative: Gavriel Gilkarov
Owner: Daniel Gilkarov

**Approved
w/stips**

7. Application #: ZA-396-22-6
Existing Zoning: R1-6
Location: 1942 East Meadowbrook Avenue
Quarter Section: 18-31(H9)
Proposal: Variance to reduce the side yard setback (east) to 7 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Michael Gilson, Accurate Estimating Services
Representative: Michael Gilson, Accurate Estimating Services
Owner: Osborn - Weaver Family Trust

Stipulations:

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

2) Per the setback reduction as shown on the site plan dated September 20, 2022.

Denied	8.	Application #: ZA-400-22-3 Existing Zoning: S-1 Location: 1402 East Sandra Terrace Quarter Section: 36-30(M9) Proposal: Variance to reduce the required side yard setback (east) to 30 feet for a detached accessory structure. Minimum 50 feet required. Ordinance Sections: 603.B.3 Applicant: Michael Stutsman Representative: Eldon Chris Robinson, Sentry Builders, LLC Owner: Michael Stutsman
		1:30 PM
Approved w/stips	9.	Application #: ZA-302-22-6 (SIGN) (Continued from August 18, 2022) Existing Zoning: C-2 Location: 3545 East Indian School Road Quarter Section: 16-35(H10) Proposal: Use permit to adopt the Local Board Comprehensive Sign Plan. Use permit required. Ordinance Sections: 705.E.2 Applicant: Ana Jones, Trademark Visual, Inc Representative: Ana Jones, Trademark Visual, Inc Owner: Katrina Barrett, Local Board, LLC Stipulations: 1) The height and scale of the ground sign shall be consistent with the colors and materials of the building and signage on the building. 2) Maximum ground sign height shall be 19 feet 2 inches. 3) Maximum of one wall sign per tenant per building elevation. 4) Submit a revised comprehensive sign plan document incorporating the stipulations of approval of the use permit for the CSP. 5) 12 months to obtain sign permits for the ground sign.
Approved w/stips	10.	Application #: ZA-393-22-8 (SIGN) Existing Zoning: A-1 Location: 3830 South 38th Street Quarter Section: 5-36(E10) Proposal: Use permit to allow two electronic message displays (EMD's) on a ground sign. Use permit required. Ordinance Sections: 705.C.13 Applicant: Darshan Dawson, Arizona Commercial Signs Representative: Marc Erpenbeck, George Brazil REI, LLC Owner: George Brazil, LLC Stipulations: 1) Electronic message display (EMD) limited to one change per 30 seconds.

- 2) Increase the pole covering width to a minimum of 5 feet and remove red color from the accent stripe and column cap. Colors that match the building colors are acceptable alternatives for the pole cover.
- 3) Adherence to the sign drawings date stamped August 18, 2022.
- 4) 12 months to obtain sign permits for the subject sign.

**Approved
w/stip**

11. Application #: ZA-121-22-2 (6 Month Review of Use Permit)
 Existing Zoning: C-2
 Location: 2832 East Bell Road
 Quarter Section: 37-34(M10)
 Proposal: Use permit to allow a temporary use (outdoor fundraising events with amplified sound) for up to 36 months. Use permit required.
 Ordinance Sections: 708.D.1
 Applicant: Jody Boyd, The Singletons, Inc.
 Representative: Jody Boyd, The Singletons, Inc.
 Owner: The Singletons, Inc.

Stipulation:

- 1) Stipulation 2 and 3 from the original approval shall remain in place.

**Approved
w/stips**

12. Application #: ZA-403-22-2
 Existing Zoning: C-2
 Location: 13802 North Scottsdale Road, #171
 Quarter Section: 33-44(L12)
 Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Matty G's) within 500 feet of a residential zoning district. Use permit required. **2)** Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant (Matty G's) within 500 feet of a residential zoning district. Use permit required. **3)** Use permit to allow outdoor recreation uses as an accessory use to a restaurant (Matty G's) within 500 feet of a residential zoning district. Use permit required.
 Ordinance Sections: 623.D.157.c 623.D.157.c 623.D.157.c
 Applicant: Empire Restaurants AZ, Corp.
 Representative: Matthew Gorman, Matty G's
 Owner: Scottsdale Towne Square, LLC

Stipulations:

- 1) 1 year to commence use of the outdoor dining area, liquor services and outdoor recreation use.
- 2) The outdoor dining area is limited to the existing west patio.
- 3) Hours of operation for the outdoor dining area are limited to 11:00 AM to 9:00 PM.
- 4) Outdoor recreation use shall be limited to 2 TV's on the west patio mounted on the ceiling and facing south. Sound levels shall not exceed the ambient condition.

Approved w/stip	13.	Application #:	ZA-404-22-8
		Existing Zoning:	WU Code T5:3 GW
		Location:	Approximately 240 feet east of the southeast corner of 24th Place and Van Buren Street
		Quarter Section:	10-33(F9)
		Proposal:	Variance to reduce the required parking spaces to 66. Minimum 78 spaces required.
		Ordinance Sections:	702.C Table
		Applicant:	MO 25
		Representative:	Noel Griemsmann, Snell and Wilmer
		Owner:	MO 25
		Stipulation:	
			1) 2 years to apply and pay for building permits.
Approved w/stips	14.	Application #:	ZA-405-22-6
		Existing Zoning:	R1-6
		Location:	4202 East Montecito Avenue
		Quarter Section:	17-37(H10)
		Proposal:	1) Variance to reduce the required side yard setback (west) to 4 feet. Minimum 10 feet required. 2) Variance to reduce the required front yard setback (south) to 17 feet. Minimum 20 feet required.
		Ordinance Sections:	613.B.Table B 613.B.Table B
		Applicant:	Jacques LeBlanc, Realm Architecture & Design
		Representative:	Jacques LeBlanc, Realm Architecture & Design
		Owner:	Brian Evans
		Stipulations:	
			1) 1 year to pay and pull building permits.
			2) Per the setback reduction as shown on the plan dated August 26, 2022.
			3) The existing driveway in the front yard shall be removed and replaced with landscaping.
#2 Approved w/stips	15.	Application #:	ZA-406-22-4
		Existing Zoning:	R-3
		Location:	4239 North 20th Street
		Quarter Section:	17-32(H9)
#1 and 3 Denied		Proposal:	1) Variance to reduce the required rear yard (east) setback to 10 feet. Minimum 15 feet required. 2) Variance to reduce the required side yard (south) setback to 5 feet. Minimum 10 feet required. 3) Variance to allow 59 percent lot coverage. Maximum 45 percent lot coverage permitted.
		Ordinance Sections:	615.B.Table B 615.B.Table B 615.B.Table B
		Applicant:	Paul Brown, Windsor Construction
		Representative:	Paul Brown, Windsor Construction

Owner: Paul Brown, Windsor Construction

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reduction as shown on the site plan dated August 26, 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.

October 14, 2022