

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 on **September 29, 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-100-14-8 (1 Year Review of Use Permit)
Existing Zoning: A-2 RSIOD ANIZO BCMFSP
Location: 2424 South 24th Street
Quarter Section: 7-32(E9)
Proposal: Time extension for ZA-242-13 (Use Permit and Variance for Medical marijuana cultivation and infusion facility).
Ordinance Sections: 307.A.12
Applicant: Brig Burton, Agricann, LLC
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: 2424 S. 24th Street, 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**

2. Application #: ZA-210-14-1 (1 Year Review of Use Permit)
Existing Zoning: A-1 DVAO
Location: 24905 North 7th Avenue
Quarter Section: 46-27(O8)
Proposal: Use Permit to allow a Medical Marijuana Dispensary. Use Permit required.
Ordinance Sections: 627.D.92.a
Applicant: Lindsay Schube, Gammage & Burnham
Representative: Lindsay Schube, Gammage & Burnham
Owner: Wayne Howard, Happy Valley II, 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.

**Withdrawn
to Amend**

3. Application #: ZA-249-22-2
Existing Zoning: R1-8
Location: 18816 North 29th Place
Quarter Section: 39-34(M10)
Proposal: Variance to reduce the rear yard setback (west) to 5 feet. Minimum 25 feet required.
Ordinance Sections: 612.B.TableB
Applicant: Peter Furlow, Rose Law Group
Representative: Peter Furlow, Rose Law Group
Owner: Tim Hammer

Approved w/stip	4.	Application #:	ZA-369-22-8
		Existing Zoning:	R-4 RI and R1-6
		Location:	1377 North 19th Street and 1951 East Willetta Street
		Quarter Section:	12-31(G9)
		Proposal:	Variance to allow vehicle maneuvering within the alley. Maneuvering must be located on private property.
		Ordinance Sections:	702.A.1.b
		Applicant:	Ben Patton, LiveForward Development
		Representative:	Ben Patton, LiveForward Development
		Owner:	Shadley AZ Investments, Shadley AZ Investments
		Stipulation:	
			1) 18 months to apply and pay for building permits.
Approved w/stip	5.	Application #:	ZA-374-22-7
		Existing Zoning:	C-2
		Location:	7211 South 51st Avenue
		Quarter Section:	1-17(D5)
		Proposal:	Use permit to allow a car wash in an open building. Use permit required.
		Ordinance Sections:	623.D.41
		Applicant:	Brian Greathouse, Burch & Cracchiolo, P.A.
		Representative:	Brian Greathouse, Burch & Cracchiolo, P.A.
		Owner:	Cafe Investments, LLC, Super Star Car Wash
		Stipulation:	
			1) 18 months to apply and pay for building permits.
Approved w/stips	6.	Application #:	ZA-375-22-6
		Existing Zoning:	R1-14
		Location:	5515 East Calle Del Paisano
		Quarter Section:	16-40(H11)
		Proposal:	Variance to reduce the side yard setback (east) to 5 feet. Minimum 10 feet required.
		Ordinance Sections:	606.B.3.b
		Applicant:	Neil and Meghan Herbst
		Representative:	Neil and Meghan Herbst
		Owner:	Neil and Meghan Herbst
		Stipulations:	
			1) Limited to general compliance with what is shown on the site plan date stamped August 11, 2022.
			2) 1 year to apply and pay for building permits.
Approved w/stips	7.	Application #:	ZA-377-22-4
		Existing Zoning:	C-2
		Location:	4337 West Indian School Road, Suites 106-107
		Quarter Section:	16-18(H6)

Proposal: 1) Use permit to allow a pawn shop. Use permit required. 2) Variance to allow a pawn shop less than 500 feet from a residential district. Minimum 500 feet of separation required.

Ordinance Sections: 623.D.134.a 623.D.134.b

Applicant: Margaret Moreno-Yanez, My Pawn, LLC

Representative: Margaret Moreno-Yanez, My Pawn, LLC

Owner: Steven Dukatt, Carol Investment Corporation.
Matt Harper, LLC

Stipulations:

- 1) Verify and correctly post the suite numbers.
- 2) 1 year review of the use permit.

**Approved
w/stip**

8. Application #: ZA-378-22-7
Existing Zoning: R-5 RI HP CMOD
Location: 1310 West Monroe Street
Quarter Section: 10-26(F8)
Proposal: Time Extension for ZA-94-21, variance to reduce the required side yard (east) setback to 3 feet. Minimum 10 feet required.
- Ordinance Sections: 618.B.Table B
- Applicant: Aleta and John Lynch
- Representative: Aleta and John Lynch
- Owner: Aleta and John Lynch
- Stipulation:**
- 1) All previous stipulations shall remain in effect except that there are 60 days to apply and pay for building permits.

1:30 PM

**Approved
w/stips**

9. Application #: ZA-364-22-6 (SIGN)
Existing Zoning: C-2 and C-O
Location: 711 and 777 East Missouri Avenue
Quarter Section: 19-29(H8)
Proposal: Use permit to adopt the LINK Comprehensive Sign Plan. Use permit required.
- Ordinance Sections: 705.E.2
- Applicant: Julie Kulka, Airpark Signs
- Representative: Julie Kulka, Airpark Signs
- Owner: Angela Nelson, WL-Mainstreet 7th & Missouri Building Owner, LLC
- Stipulations:**
- 1) Tenant signs shall be no closer than 12 inches to the top of the parapet.
 - 2) Submit a revised CSP document with additional wall sign band detail and tenant sign placement/location detail.
 - 3) 12 months to apply and pay for sign permits.

**Approved
w/stip**

10. Application #: ZA-227-22-7 (Continued from August 25, 2022)
Existing Zoning: R1-10 BAOD

Location: 39 East Vineyard Road
Quarter Section: 1-28(D8)
Proposal: **1)** Variance to allow an over height fence 6 feet in height in the required front yard (north) setback. Maximum 40 inches permitted. **2)** Variance to allow a detached accessory structure within the required front yard (north) setback. Detached accessory structures not permitted within the required front yard setback.

Ordinance Sections: 703.A.2.a 706.A
Applicant: Ralph A. Carrasco
Representative: Ralph A. Carrasco
Owner: Ralph A. Carrasco

Stipulation:
1) 1 year to apply and pay for building permits and complete the lot combination.

**Approved
w/stips**

11. Application #: ZA-463-16-4 (1 Year Review of Use Permit)
Existing Zoning: C-2 TOD-1
Location: 2918 North Central Avenue
Quarter Section: 15-27(G8)
Proposal: **1)** Variance to allow a Medical Marijuana Dispensary to be located within 500 feet of a residentially zoned district. Minimum 500 foot separation from a residential zoning district required. **2)** Use Permit to allow a Medical Marijuana Dispensary. Use Permit required.
- Ordinance Sections: 623.D.122.f 623.D.122.a
Applicant: Thunderbird Partners III, LLC
Representative: Larry Lazarus, Lazarus, Silvyn & Bangs
Doug Jorden, Jorden Hiser & Joy, PLC
Owner: Larry Furlong, Pamala, Inc.
- 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/stip**

12. Application #: ZA-376-22-8
 Existing Zoning: A-1 RSIOD
 Location: 310 West Watkins Street
 Quarter Section: 7-27(E8)
 Proposal: Use permit to allow residential uses in the A-1 zone. Use permit required.
 Ordinance Sections: 627.C.1
 Applicant: Jason Morris, Withey Morris
 Representative: Jason Morris, Withey Morris
 Owner: Society of St. Vincent De Paul
Stipulation:
 1) 18 months to apply and obtain building permits.

**Approved
w/stips**

13. Application #: ZA-380-22-8
 Existing Zoning: DTC East Evans Churchill ACOD
 Location: 914 North 5th Street
 Quarter Section: 11-28(F8)
 Proposal: Use permit to allow outdoor liquor service. Use permit required.
 Ordinance Sections: 1204.D
 Applicant: Justin Novak, HYPE Studio
 Representative: Justin Novak, HYPE Studio
 Owner: David Cameron, 914 N 15th Street, 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 are.
 2) The area be sufficiently illuminated and contained to discourage an unlawful activity. The Precint Commander, or his designee, may approve lighting, containment area, and security personnel at their discretion.
 3) Outside speak volume to be kept at a reasonable level.
 4) 'No Trespassing' signs must be posted and authority to arrest trespassers form be signed to deter loitering/unwanted guests inside and surrounding the establishment.

**Approved
w/stips**

14. Application #: ZA-381-22-8
 Existing Zoning: DTC East Evans Churchill ACOD
 Location: 910 North 5th Street
 Quarter Section: 11-28(F8)

Proposal: Use permit to allow outdoor liquor service. Use permit required.
Ordinance Sections: 1204.D
Applicant: Justin Novak, HYPE Studio
Representative: Justin Novak, HYPE Studio
Owner: David Cameron, 910 North 5th Street, 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 are.
- 2) The area be sufficiently illuminated and contained to discourage an unlawful activity. The Precint Commander, or his designee, may approve lighting, containment area, and security personnel at their discretion.
- 3) Outside speak volume to be kept at a reasonable level.
- 4) 'No Trespassing' signs must be posted and authority to arrest trespassers form be signed to deter loitering/unwanted guests inside and surrounding the establishment.

**Approved
w/stips**

15. Application #: ZA-382-22-4
Existing Zoning: C-3 SAUMSO
Location: 650 West Coolidge Street
Quarter Section: 18-27(H8)
Proposal: **1)** Use Permit to allow outdoor dining as an accessory use to a bar within 500 feet of a residential district. Use permit required. **2)** Use permit to allow outdoor alcohol consumption as an accessory use to a bar within 500 feet of a residential district. Use permit required. **3)** Use permit to allow outdoor recreation uses (live performances and amplified music) as an accessory use to a bar 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: Justin Novak, HYPE Studio
Representative: Justin Novak, HYPE Studio
Owner: David Cameron, Cameron 2, LLC

Stipulations:

- 1) A 1 year review from the date of permitting completion.
- 2) General compliance with site plan date stamped August 12, 2022.
- 3) Employees must have an unobstructed view into the patio area or be present to monitor patron activities.
- 4) The patio area will have adequate lighting and containment wall or fence to prevent alcohol violations and other illegal activity from occurring outside of the business.
- 5) 1 year to apply and obtain building permits.

**Approved
w/stips**

16. Application #: ZA-383-22-4
Existing Zoning: C-3 SAUMSO
Location: 4631 North 7th Avenue

Quarter Section: 18-27(H8)
Proposal: **1)** Use Permit to allow outdoor dining as an accessory use to a bar within 500 feet of a residential district. Use permit required. **2)** Use permit to allow outdoor alcohol consumption as an accessory use to a bar within 500 feet of a residential district. Use permit required.
Ordinance Sections: 624.D.112.c 624.D.112.c
Applicant: Justin Novak, HYPE Studio
Representative: Justin Novak, HYPE Studio
Owner: David Cameron, Cameron 2, LLC

Stipulations:

- 1) Hours of outdoor entertainment is limited to 10:00 PM on weeknights and midnight on Friday and Saturday.
- 2) A 1 year review from the date of permitting completion.
- 3) General compliance with site plan date stamped August 12, 2022.
- 4) Employees must have an unobstructed view into the patio area or be present to monitor patron activities.
- 5) The patio area will have adequate lighting and containment wall or fence to prevent alcohol violations and other illegal activity from occurring outside of the business.
- 6) 1 year to apply and obtain building permits.

ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
PLANNER: KIM STEADMAN, 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.

September 30, 2022