

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised June 1, 2023*

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 **April 27, 2023 at 9:00 AM (Items 1-7) and 1:30 PM (Items 8-15).**

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-361-12-8 (1-Year Review of Use Permit)
Existing Zoning: A-1
Location: 4201 East University Drive
Quarter Section: 6-37(E10)
Proposal: Time Extension to Case ZA-159-11. Use permit to allow a medical marijuana dispensary facility. Time extension required.
Ordinance Sections: 307.A.12.
Applicant: Cecilia Wilson, Peace Relief
Representative: David Dow, Law Offices of David W. Dow
Owner: Cecilia Wilson, Peace Relief

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 1 year 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-243-19-5 (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. Minimum 5,280 feet separation required. **2)** Variance to allow a nonprofit medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 feet separation required. **3)** Use Permit to allow a nonprofit medical marijuana dispensary. Use Permit required.
Ordinance Sections: 623.D.124.e 624.D.124.f 624.D.124.a
Applicant: BC Retail Development, LLC
Representative: David Thomas, Greens Goddess Products, Inc.
Owner: MP Dunlap, 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 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 1 year 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**

3. Application #: ZA-113-23-7
Existing Zoning: R-5 RI HP CMOD
Location: 1107 West Woodland Avenue
Quarter Section: 10-26(F8)
Proposal: **1)** Variance to reduce front (north) setback to 9 feet. Minimum 20 feet required. **2)** Variance to

		reduce rear (south) setback to 2 feet. Minimum 15 feet required. 3) Variance to reduce side setback (east) to 2 feet. Minimum 10 feet required. 4) Variance to reduce side setback (west) to 1-foot. Minimum 3 feet required.
	Ordinance Sections:	618.B.Table B 618.B.Table B 618.B.Table B 618.B.Table B
	Applicant:	Sara Beshe
	Representative:	Ethan Brunson, 511 Design
	Owner:	Sara Beshe
	Stipulations:	
		1) 1 year to apply and pay for building permits.
		2) Per the setback reductions as shown on the site plan dated March 21, 2023.
#1, #2 Approved w/stips	4.	Application #: ZA-118-23-2
		Existing Zoning: R1-14
		Location: 6072 East Thunderbird Road
		Quarter Section: 33-42(L12)
#3, #5, #6 Denied		Proposal:
		1) Variance to reduce the required front (south) yard setback to 15 feet. Minimum 30 feet required. 2) Variance to reduce the required rear (north) yard setback to 10 feet. Minimum 30 feet required. 3) Variance to allow a 29 percent lot coverage. Maximum 25 percent lot coverage permitted. 4) Variance to allow an over height wall/fence (8 feet) in the required front yard (south) setback. Maximum 40 inches permitted. 5) Variance to allow an over height wall/fence (8 feet) in the required side yard (east) setback. Maximum 6 feet permitted. 6) Variance to allow an over height wall/fence (8 feet) in the required rear yard (north) setback. Maximum 6 feet permitted.
#4 Denied as Filed Approved w/stips		Ordinance Sections: 607.B.2 607.B.4 607.B.5 703.A.2.a 703.A.2.c 703.A.2.c
		Applicant: David Castello, Castello & Co. Architects
		Representative: David Castello, Castello & Co. Architects
		Owner: Bennie Martinez, Martinez & Son, LLC
	Stipulations:	
		1) The southern perimeter wall shall be limited to 6 feet in height.
		2) No windows shall be on the second story of the northern elevation if located within 30 feet of the northern property line.
		3) Minimum of 30 feet of setback shall be required from the east and west property lines for the main building. Accessory structures are not permitted between the house and western property line.
		4) Per the setback reductions as shown on the site plan dated March 21, 2023.
		5) 1 year to apply and pay for building permits.
Approved w/stips	5.	Application #: ZA-119-23-8
		Existing Zoning: C-2

Location: 2119, 2121, and 2125 North 24th Street
Quarter Section: 13-33(G9)
Proposal: Use permit to allow multiple temporary events (Wren House Brewing) for up to 36 months. Use permit required.
Ordinance Sections: 708.D.1
Applicant: Allister Dueker, Wren House Brewing, Co.
Representative: Allister Dueker, Wren House Brewing, Co.
Owner: Omar Alvarez, TPQ Foods, LLC

Stipulations:

- 1) Limited to 6 events per year.
- 2) Event hours shall be limited to 11:00 AM to 7:00 PM. Limited to Saturday and Sunday for event dates.
- 3) Approved for 36 months.
- 4) 1 year review.
- 5) No live entertainment or performances shall be permitted.
- 6) 1 year to commence use.

**Approved
w/stips**

6. Application #: ZA-120-23-3
Existing Zoning: R1-14
Location: 3005 East Bloomfield Road
Quarter Section: 31-34(K10)
Proposal: Variance to reduce the rear yard (south) setback to 10 feet. Minimum 30 feet required.
Ordinance Sections: 606.B.4
Applicant: Jillian Ricker
Representative: Jillian Ricker
Owner: Jillian Ricker

Stipulations:

- 1) Per the setback reduction as shown on the site plan dated March 30, 2023.
- 2) 1 year to apply and pay for building permits.

**Denied as
Filed
Approved
w/stips**

7. Application #: ZA-123-23-4
Existing Zoning: R1-6
Location: 2102 East Whitton Avenue
Quarter Section: 16-32(H9)
Proposal: Variance to allow 47% lot coverage. Maximum 40% lot coverage permitted.
Ordinance Sections: 613.B.Table B
Applicant: John Matthews, Martenson Construction, LLC
Representative: John Matthews, Martenson Construction, LLC
Owner: Del Scott Martenson, DSM PV, LLC

Stipulations:

- 1) Limited to 42% lot coverage.
- 2) 1 year to apply and pay for building permits.

1:30 PM

**Approved
w/stips**

8. Application #: ZA-17-23-8 (SIGN)
Existing Zoning: A-1

Location: 2621 South 47th Place
Quarter Section: 7-38(E11)
Proposal: Use Permit to rebuild an off-premise sign with two digital faces. Use permit required.
Ordinance Sections: 705.2.E.3
Applicant: Jacob Zonn, Becker Boards Small, LLC
Representative: Jacob Zonn, Becker Boards Small, LLC
Garry Hays
Owner: Kuber-Patel Brothers

Stipulations:

- 1) Install a Planning and Development Department design-approved, decorative pole cover on the rebuilt sign. Any access ladder, if included, shall be on the west or south side of the pole cover and concealed from southbound traffic.
- 2) Electric service connections shall be underground for the off-premise sign.
- 3) Install a Planning and Development Department design-approved V-screen on the open side of the V-shaped sign.
- 4) The applicant shall have 12 months to apply and pay for permits for the subject sign.

**Approved
w/stips**

9. Application #: ZA-86-23-4 (SIGN)
Existing Zoning: C-2
Location: 1101 East Camelback Road
Quarter Section: 18-29(H8)
Proposal: Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.
Ordinance Sections: 705.C.13
Applicant: Michael Donada, Signs Plus
Representative: Michael Donada, Signs Plus
Owner: CBS 1101, LLC / Greulich's Automotive

Stipulations:

- 1) Provide a minimum of 24-inch wide decorative column/pole covers that match building colors and textures.
- 2) Maximum sign height shall be 21 feet.
- 3) Revise sign drawings to show a maximum sign height and proposed sign area for both sign panels.
- 4) 12 months to obtain sign permits for the ground sign.
- 5) Electronic Message display (EMD) panel to shut off at 11:00 PM daily via an automatic timer.

**Approved
w/stips**

10. Application #: ZA-98-23-3 (SIGN)
Existing Zoning: C-3 General Commercial
Location: 533 East Dunlap Avenue
Quarter Section: 26-28(J8)
Proposal: Use permit to rebuild a nonconforming off-premise sign not requesting digital. Use permit required
Ordinance Sections: 705.2.G.5.
Applicant: Jacob Zonn, Becker Boards Small, LLC

Representative: Jacob Zonn, Becker Boards Small, LLC

Garry Hays

Owner: Cubesmart, LP

Stipulations:

- 1) Install a Planning and Development Department design-approved, decorative pole cover on the rebuilt sign. The pole cover shall match the texture and color of building materials on the adjacent storage facility building. Any access ladder, if included, shall be on the west or south side of the pole cover and concealed from traffic on Dunlap Road.
- 2) Electric service shall utilize under ground connections to the off-premise sign where feasible as determined by the Planning and Development Department.
- 3) The rear of the sign face shall be treated with a graffiti-resistant coating. Application of the coating shall be verified prior to the final sign inspection approval.
- 4) The applicant shall have 12 months to apply and pay for permits for the subject sign.

Continued

11. Application #: ZA-101-23-6 (SIGN)
Existing Zoning: CP/GCP
Location: 14415 South 50th Street
Quarter Section: 09-39(B11)
Proposal: Use permit to rebuild the south face of a nonconforming, off-premise sign to digital. Use permit required.
Ordinance Sections: 705.2.G.4
Applicant: Paul Hickman, Clear Channel, LLC
Representative: Taylor Earl, Earl & Curley
Owner: Foothill CC, LLC

Continued to June 8, 2023 at 1:30 PM.

**Approved
w/stips**

12. Application #: ZA-105-23-4 (SIGN)
Existing Zoning: C-2 H-R SP
Location: 350 West Thomas Road
Quarter Section: 15-26(G8) 15-27(G8)
Proposal: Use permit for a major amendment to the St. Joseph's Hospital and Medical Center Comprehensive Sign Plan. Use permit required.
Ordinance Sections: 705.E.2
Applicant: Matthew Brown, Takeform
Representative: Matthew Brown, Takeform
Owner: Peter Hollingsworth, Common Spirit Health

Stipulations:

- 1) For both hi-rise signs that emit white light, prior to sign installation, a signed statement for the sign fabricator verifying correlated color temperature (in degrees Kelvin) lighting modules not exceeding 4,000K were used shall be submitted to Planning and Development Department.
- 2) All signs shall be automatically dimmed to a maximum of 80 Nits luminance at 10:30 PM daily to sunrise.

- 3) Sign lighting dimmer setting values (required to dim the sign to a maximum of 80 Nits luminance measured at the sign face) shall be submitted in writing to Planning and Development Department prior to the final sign inspection.
- 4) Adherence to the sign drawings, other than changes required to meet Zoning Code standards, as submitted to the Hearing Officer is required.
- 5) Submit a revised CSP pages as needed for Planning and Development Department approval incorporating any stipulated revisions.
- 6) 12 months to apply and pay for sign permits.

***Approved
w/stips**

13. Application #: ZA-16-23-4
 Existing Zoning: C-2 and P-1
 Location: 3243 North 3rd Street
 Quarter Section: 15-28(G8)
 Proposal: **1)** Use permit to allow outdoor recreation (Patron Dancing/Amplified Music/DJ's/Live Bands/Stage) as an accessory use to a restaurant (Ocotillo Restaurant) within 500 feet of a residential zoning district. Use permit required. **2)** Use permit to allow patron dancing as an accessory use to a restaurant (Ocotillo). Use permit required.
 Ordinance Sections: 623.D.157.c 623.D.157.b
 Applicant: Fae Sowders, Bergin, Frakes, Smalley & Oberholtzer, P
 Representative: Mitchell Willard, Bergin, Frakes, Smalley & Oberholtzer, P
 Owner: Jonathan E. Labahn, Urban-Flower, LLC

Taken out from under advisement on June 1, 2023 and approved with the following stipulations:

- 1) Subject to the outdoor area as shown on the site plan submitted and date stamped April 27, 2023.
- 2) Outdoor recreation activities (Patron Dancing/ Amplified Music/ DJ's/ Live Music /Stage) and indoor patron dancing shall be limited to 10:00 a.m. to 9:00 p.m. Sunday through Thursday, and 10:00 AM. to 10:00 PM. Friday and Saturday.
- 3) Employees must have a clear view of the outdoor area and monitor activities or be present while patrons utilize the area.
- 4) The outdoor area shall be sufficiently illuminated and contained to discourage any unlawful activity.
- 5) Lighting shall comply with all applicable City of Phoenix light-spillage standards and be shielded downward and away from the adjacent properties. Flashing/strobe type lighting is prohibited.
- 6) The stage at the southeast corner of the outdoor area shall be used for all live entertainment. Bands are limited to four performers, including a vocalist.
- 7) Sound levels from within the main building and/or the outdoor area shall not exceed 55 dBA as measured at the property lines at any time.
- 8) Improvements which are necessary to control increased sound levels shall be completed and tested prior to the scheduling of the

initial outdoor event/activity. A copy of the report shall be submitted to the Planning and Development Department for approval.

- 9) All outdoor speakers shall be oriented toward the middle of the outdoor area, and away from the property lines. No speakers shall be positioned within 10 feet of the walls of the outdoor area.
- 10) During recreational activities, sound levels will be monitored and recorded every hour. Records shall include sound levels at the restaurant's indoor entrance, outdoor speakers, and along each property line.
- 11) The restaurant will identify a designated contact person for sound complaints. The contact person's name and contact information will be posted on the restaurant's website. The name of the contact person will also be registered with the City Planning and Development Department.
- 12) Should sound levels exceed the allowable 55 dBA, or upon receiving a complaint, the designated contact person will immediately record the sound levels at all locations (stipulation #9) and take appropriate action to reduce sound levels to the allowable limit.
- 13) All restaurant employees will receive training on sound level limitations and allowable hours for outdoor recreation activities. The training will include the restaurant's sound control plan and how to operate the sound control system.
- 14) Restaurant management will request bus drivers to park away from the residential areas and not allow motors to idle.
- 15) The use permits shall be reviewed in one year to evaluate compliance with stipulations, complaints, sound records and measures taken to control sound emissions.
- 16) 1 year to submit the sound test report for the initial outdoor activity/event.

**Approved
w/stips**

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| 14. | Application #: | ZA-121-23-8 |
| | Existing Zoning: | R-3, C-3 ANIZ EBROD |
| | Location: | 911 East Buckeye Road |
| | Quarter Section: | 8-29(F8) |
| | Proposal: | <p>1) Variance to reduce the front yard setback (west) to 20 feet. Minimum 25 feet required.</p> <p>2) Variance to reduce the street side (Buckeye Road) building setback to 20 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections.</p> <p>3) Variance to reduce the street side (Buckeye Road) landscape setback to 20 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections.</p> <p>4) Variance to reduce the street side (9th Street) building setback to 20 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections. 5) Variance to extend a use permitted in a less restricted district into a more restricted district 90 feet. Variance</p> |

required for extending more than 25 feet. **6)** Use permit to allow an extension of a use which is permitted in a less restricted district into a more restricted district to a maximum of 25 feet. Use permit required. **7)** Variance to reduce the street side (9th Street) landscape setback to 20 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections.

Ordinance Sections: 615.B.Table B 624.E.4.d 624.E.4.e 624.E.4.d 307.A.8 307.A.8 624.E.4.e

Applicant: William Down

Representative: William Down

Owner: Jess Encinas, Arroyo Vista Properties, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reductions as shown on the site plan dated March 22, 2023.

**Approved
w/stips**

15. Application #: ZA-122-23-2

Existing Zoning: R1-8

Location: 18830 North 29th Place

Quarter Section: 39-34(M10)

Proposal: **1)** Variance to allow a lot (Lot 30) that does not front onto a public street. Street frontage required. **2)** Variance to allow a lot (Lot 31) that does not front onto a public street. Street frontage required.

Ordinance Sections: 608.H.1 608.H.1

Applicant: Tim Hammer

Representative: Nick Labadie, Rose Law Group

Owner: Olga Raney

Stipulations:

- 1) 1 year to complete the lot split process.
- 2) The front of lot 30 and 31 shall be the southern lot line for each parcel.

**ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
PLANNER: ERIC MORALES, PLANNER III**

For further information, please call Eric Morales, Planner III, 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 Angie Holdsworth at 602-495-5622, angie.holdsworth@phoenix.gov TTY: Use 7-1-1.

June 1, 2023