

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised January 24, 2024*

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 **December 21, 2023 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-313-12-8 (1-Year Review of Use Permit)
Existing Zoning: A-1
Location: 4116 East Superior Avenue, Suite 4D
Quarter Section: 6-37(E10)
Proposal:
1) Time extension for ZA-41-12. Use permit to allow a medical marijuana cultivation facility and infusion production facility. Time extension required.
2) Variance to allow a medical marijuana infusion production facility within 5,280 feet of another medical marijuana facility. Variance required if located within 5,280 feet of another medical marijuana facility.
3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Variance required if located within 5,280 feet of another medical marijuana facility.
Ordinance Sections: 307.A.12. 627.D.93.b. 627.D.91.c.
Applicant: Ted Pappas, N+A Enterprises, LLC
Representative: David Dow
Owner: Superior Industrial Center, 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 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-57-16-8 (1-Year Review of Use Permit)
- Existing Zoning: A-1
- Location: 4116 East Superior Avenue
- Quarter Section: 6-37(E10)
- Proposal:
 - 1) Use permit to allow a medical marijuana cultivation facility. Use permit is required.
 - 2) Use permit to allow a medical marijuana infusion facility. Use permit is required.
 - 3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
 - 4) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
- Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
- Applicant: Theodore C. Pappas, N and A Enterprises
- Representative: Adam Baugh, Withey Morris PLC
David Dow, Dow Law Office
- Owner: Superior Industrial Center, 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.

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-409-22-7 (1-Year Review of Use Permit)
Existing Zoning: DTC-Roosevelt South HP
Location: 822 North 6th Avenue
Quarter Section: 11-27(F8)
Proposal: Use permit to allow outdoor entertainment (amplified music) as an accessory use to a bar (Garden Bar Phoenix). Use permit required.

Ordinance Sections: 1204.D
Applicant: Kim and Kevin Haasarud, Garden Bar PHX/Si
Representative: Kim and Kevin Haasarud, Garden Bar PHX/Si
Owner: Kim and Kevin Haasarud, Garden Bar PHX/Si

Stipulations:

- 1) Outdoor entertainment permitted on Wednesdays, Thursdays, Fridays, and Saturdays until 10:00 PM and Sundays until 6:00 PM.
- 2) 1 year review.
- 3) 6 months to commence use.

Approved w/stips 4. Application #: ZA-533-23-8
Existing Zoning: DTC-Evans Churchill East ACSBO
Location: 915 North 5th Street
Quarter Section: Q11-28(F8)
Proposal: Use permit to allow outdoor liquor service as accessory to a restaurant (LeDu Thai). Use Permit required.

Ordinance Sections: 1204.D
Applicant: Rhonda Rodriguez
Representative: Rhonda Rodriguez
Owner: Niels Kreipke, Desert Viking-Roosevelt Row, LLC

Stipulations:

- 1) 90 days to commence use.
- 2) '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.

Continued 5. Application #: ZA-541-23-2
Existing Zoning: RE-24
Location: 13222 North 64th Street
Quarter Section: Q32-42(L12)

Proposal: Variance to allow an over height fence (6 feet) within the required front yard setback. Maximum 40 inches permitted.

Ordinance Sections: 703.A.2.a

Applicant: Trevor Penrose

Representative: Trevor Penrose

Owner: Paul Gilbert

Continued to February 1, 2024 at 9:00 AM.

***Approved
w/stips**

6. Application #: ZA-578-23-6

Existing Zoning: R1-10

Location: 7040 North 23rd Place

Quarter Section: Q23-32(I9)

Proposal:

- 1) Variance to allow over height retaining walls (10 feet) in the required front yard (east) setback. Maximum 40 inches permitted.
- 2) Variance to increase the retaining wall height to 17 feet within the required rear yard (west). Individual retaining walls may not exceed a height of 6 feet when located in the interior side or rear yards, with the total combined vertical height of each individual wall not to exceed 20 feet.
- 3) Variance to increase the retaining wall height to 17 feet within the required side yard (east). Individual retaining walls may not exceed a height of 6 feet when located in the interior side or rear yards, with the total combined vertical height of each individual wall not to exceed 20 feet.
- 4) Variance to increase the retaining wall height to 17 feet within the required side yard (north). Individual retaining walls may not exceed a height of 6 feet when located in the interior side or rear yards, with the total combined vertical height of each individual wall not to exceed 20 feet.
- 5) Variance to allow a 3-foot separation between retaining walls. One foot of separation is required for each one foot in vertical height of the wall (up to 17 feet).
- 6) Use permit to allow over height retaining walls (17 feet) within 50 feet of the property line (west) of a subdivision perimeter. Maximum 40 inches permitted.
- 7) Use permit to allow over height retaining walls (17 feet) within 50 feet of the property line (north) of a subdivision perimeter. Maximum 40 inches permitted.

Ordinance Sections: 703.A.4.d; 703.A.4.e; 703.A.4.b; 703.A.4.c

Applicant: William and Candice Lee

Representative: Michael Kolejka
Owner: CB40 Living Trust

Taken out from under advisement on January 24, 2024 and approved with the following stipulations:

- 1) Per the location of the proposed over height retaining walls as shown on the site plan dated November 2, 2023.
- 2) Landscaping at a minimum size of 5 gallons shall be provided between retaining walls on the west side of the site at 50% live cover at varying heights and sizes at maturity planted in such a way to mimic natural desert conditions. In addition to vertical accent plantings, there shall also be trailing or climbing plants to help screen the walls. All materials shall be native to the Sonoran Desert. Trees shall be provided in areas between retaining walls that exceed 4 feet clear in width, 2-inch caliper minimum as approved by the Planning and Development Department.
- 3) The retaining walls must have a stucco finish or use decorative block and then painted to blend in with the surrounding terrain in a neutral color.
- 4) 1 year to pay and obtain building permits.

Approved w/stips	7.	1:30 PM	
		Application #:	ZA-419-23-7 (SIGN)
		Existing Zoning:	C-1 SP
		Location:	2121 North 83rd Avenue
		Quarter Section:	Q13-9(G3)
		Proposal:	Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.
		Ordinance Sections:	705.C.13
		Applicant:	Darshan Dawson
		Representative:	Darshan Dawson
		Owner:	City of Phoenix, Parks & Recreation Department

Stipulations:

- 1) Sign design shall be in accordance with the sign drawings submitted for Hearing Officer review and date stamped December 21, 2023.
- 2) On a daily basis the Electronic Message Display shall be shut off at 11:00 PM or at the conclusion of the last performance until sunrise.
- 3) 12 months to apply for and obtain sign permits for the EMD wall sign.

Approved w/stips	8.	Application #:	ZA-513-23-2 (SIGN)
		Existing Zoning:	PUD
		Location:	7190 East Kierland Boulevard
		Quarter Section:	Q35-44(L12)
		Proposal:	Use permit for a major amendment to the Kierland Comprehensive Sign Plan to add a ground sign. Use permit required.
		Ordinance Sections:	705.E.2.d (2) 705.E.2.d(2)
		Applicant:	Julie Kulka

Representative: Julie Kulka
Owner: Kierland Center LLC, Optima Kierland Center

Stipulations:

- 1) Sign design shall be in accordance with the sign drawings submitted for Hearing Officer review and date stamped December 21, 2023.
- 2) 12 months to obtain sign permits for the ground sign.

**Approved
w/stips**

9. Application #: ZA-556-22-6 (1-Year Review of Use Permit)
Existing Zoning: C-2
Location: 5709 North 7th Street
Quarter Section: 20-29(I8)
Proposal: Use permit to allow a drive through facility accessory to a restaurant within 300 feet from a residential zoning district. Use permit required
Ordinance Sections: 623.D.157.d.2
Applicant: Mike Hudson, Atmosphere Architects
Representative: Nico Fricchione, Oneten Rei
Owner: Gary Hewson, Hewson 75th Street, LLC

Stipulations:

- 1) 1 year to pay and obtain building permits.
- 2) 1 year review with a focus on the queuing lane.

**Approved
w/stip**

10. Application #: ZA-560-23-7
Existing Zoning: C-3 DNS/WVR HP
Location: 2262 Grand Avenue
Quarter Section: Q13-24(G7)
Proposal: 1) Variance to reduce the landscape setback adjacent to public street (Grand Ave) to 0 feet. Minimum 20 feet required.
2) Variance to reduce the landscape setback adjacent to public street (Encanto Blvd) to 5 feet. Minimum 20 feet required.
3) Variance to reduce the landscape setback adjacent to property line (east) to 0 feet. Minimum 5 feet required.
4) Variance to reduce the landscape setback adjacent to property line (west) to 0 feet. Minimum 5 feet required.
5) Variance to reduce the perimeter building setback adjacent to public street (Encanto Blvd) to 5 feet. Minimum 20 feet required.
6) Variance to reduce the perimeter building setback adjacent to public street (Grand Ave) to 0 feet. Minimum 20 feet required.
7) Variance to reduce the building setback adjacent to property line (east) to 6 feet. Minimum 15 feet required.
8) Variance to reduce the building setback adjacent to property line (west) to 0 feet. Minimum 15 feet required.

Ordinance Sections: 703.B.3.b; 615.B; Table B; 703.B.3.a;
615.B.Table B
Applicant: Mario Mangiamiele, AICP, Iplan Consulting
Representative: Mario Mangiamiele, AICP, Iplan Consulting
Owner: D & J Investment AZ LLC, c/o Jeff Jacobs

Stipulation:

- 1) 2 years to apply for and obtain building permits.

Continued 11. Application #: ZA-595-23-1
Existing Zoning: R1-8
Location: 13414 North 31st Avenue
Quarter Section: Q32-21(L6)
Proposal: Variance to reduce front yard (east) setback to
11 feet. Minimum 20 feet required.
Ordinance Sections: 612.B.Table B
Applicant: Brian Ruiz Gonzalez
Representative: Brian Ruiz Gonzalez
Owner: Brian Ruiz Gonzalez
Continued to February 1, 2024 at 1:30 PM.

**ZONING ADJUSTMENT HEARING OFFICER: CRAIG TRIBKEN
PLANNER: KIM STEADMAN, PLANNER II**

For further information please call Eric Morales, Planner III, Planning and Development Department at 602-262-7927 or via electronic mail at zoning.adjustment@phoenix.gov. To request a reasonable accommodation, please contact Teleia Galaviz at 602-291-2559, teleia.galaviz@phoenix.gov TTY: Use 7-1-1.

January 24, 2024