

**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 **February 2, 2023 at 9:00 AM (Items 1-5) and 1:30 PM (Items 6-10)**.

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-538-17-6 (1-Year Review of Use Permit)
Existing Zoning: C-2
Location: 1616 East Glendale Avenue
Quarter Section: 23-31(I9)
Proposal: **1)** Use Permit to allow a medical marijuana dispensary in the C-2 zoning district. Use Permit required. **2)** Variance to allow a medical marijuana dispensary facility within 500 feet of residentially zoned property. Minimum 500 feet separation required. **3)** Variance to allow a medical marijuana dispensary facility within 1320 feet of a place of worship. Minimum 1320 feet separation required.
Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.h
Applicant: John Haugh, Sunday Goods / The Pharm
Representative: Heather N. Dukes Esq.
Owner: IIP-AZ 2, 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-594-22-6
Existing Zoning: RE-35 ACSPD
Location: 5275 East Arcadia Lane
Quarter Section: 17-40(H11)
Proposal: Variance to allow an over height (12 feet) detached accessory structure within the required side yard setback (south). Maximum 8 feet permitted.

Ordinance Sections: 706.C
Applicant: Ed Bull, Burch & Cracchiolo, P.A.
Representative: Ed Bull, Burch & Cracchiolo, P.A.
Owner: Brett and Larissa Polachek
Stipulations:
1) Per site plan date stamped December 20, 2022 to allow the proposed detached cabana at 12 feet in height along the (south) side yard setback.
2) 1 year to apply and pay for building permits.

Withdrawn

3. Application #: ZA-601-22-7
Existing Zoning: DTC-West Evans Churchill
Location: 1001 North Central Avenue
Quarter Section: 12-28(G8)
Proposal: Use permit to allow a temporary use (outdoor event with amplified sound) for up to 36 months. Use permit required.

Ordinance Sections: 708.D.1
Applicant: Nathan Harris, Llux Group, LLC
Representative: Jeffrey Craig Miller, Arizona Liquor Industry Consultants
Owner: Jonathon Vento, Ro2 Central Roosevelt, LLC

**Approved
w/stips**

4. Application #: ZA-602-22-7
Existing Zoning: DTC-West Evans Churchill
Location: 1014 North 2nd Street
Quarter Section: 12-28(G8)
Proposal: Use permit to allow a temporary use (outdoor event with amplified sound) for up to 36 months. Use permit required.

Ordinance Sections: 708.D.1
Applicant: Nathan Harris, Llux Group, LLC

Representative: Jeffrey Craig Miller, Arizona Liquor Industry Consultants

Owner: Ro2 110, LLC, et. al

Stipulations:

- 1) The temporary use is approved for Monday February 6 through Sunday, February 12, 2023.
- 2) For Monday, February 6 to Wednesday February 8, 2023, the use of the DJ shall end by 12:00 AM (midnight).
- 3) For Thursday February 9 to Sunday February 12, 2023, the use of the DJ shall end by 2:00 AM.
- 4) Applicant shall provide the City of Phoenix area Police Precinct Commander on who to call (business name, contact info, and phone number) in regards to noise complaints.
- 5) 1 week to commence use.

**Approved
w/stips**

5. Application #: ZA-1-23-7
Existing Zoning: R1-6
Location: 309 West Darrow Street
Quarter Section: 1-27(D8)
Proposal: Variance to reduce side yard setback (East) to 1 foot. Minimum 3 feet required.
Ordinance Sections: 613.Table B
Applicant: Jennifer Herbst, Prop1 Investments, LLC
Representative: Jennifer Herbst, Prop1 Investments, LLC
Owner: Jennifer Herbst, Prop1 Investments, LLC

Stipulations:

- 1) Per setback reduction to allow a side yard setback of 1 foot (east) as shown on the site plan date stamped January 3, 2023.
- 2) 1 year to apply and pay for building permit.

1:30 PM

Continued

6. Application #: ZA-480-22-4 (SIGN)
Existing Zoning: C-2 H-R SP; P-2 SP
Location: 2600 North Central Avenue
Quarter Section: 14-27(G8)
Proposal: Use permit for a major amendment to the 2600 North Central Comprehensive Sign Plan. Use permit required.
Ordinance Sections: 705.E.2.
Applicant: Jim Bacher, Trademark Visual
Ana Jones, Trademark Visual
Representative: Jim Bacher, Trademark Visual
Ana Jones, Trademark Visual
Owner: Christina Laing, Townline-2600 Tower, LLC

Continued to February 16, 2023 at 1:30 PM.

**Approved
w/stips**

7. Application #: ZA-575-22-8 (SIGN)
Existing Zoning: A-2 Heavy Industrial
Location: 330 East Maricopa Freeway East Sign

Quarter Section: 7-28(E8)
 Proposal: **1)** Use permit to increase the height of a nonconforming off-premise sign to 70 feet. Use permit required. **2)** Use permit to rebuild a nonconforming off-premise sign with two digital faces. Use permit required.
 Ordinance Sections: 705.2.B.4.b 705.2.G.4
 Applicant: Patrick Lyons, Premier Media, LLC
 Representative: Sean Doyle, Tiffany & Bosco, PA
 Owner: Phoenix E-Z8 Motel Limited Partnership

Stipulations:

1. Install Planning and Development Department approved vertical louvers to mitigate light trespass to properties near the I-17 freeway north of the subject sign.
2. Install a Planning and Development Department design-approved, decorative pole cover on the rebuilt, off-premise sign. Any access ladder, if included, shall be on the west or north side of the pole cover and concealed from westbound freeway traffic.
3. The height of the rebuilt sign shall be no greater than 65 feet.
4. The applicant shall have 12 months to apply and pay for permits for the subject sign.

Continued 8. Application #: ZA-446-12-8 (1-Year Review of Use Permit)
 Existing Zoning: A-1
 Location: 14 South 41st Place
 Quarter Section: 10-37(F10)
 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 approved use permit for a medical marijuana facility. A medical marijuana dispensary shall not be located within 5,280 feet of another medical marijuana facility.
3) Variance to allow a medical marijuana dispensary within 1,320 feet of a school (Gateway Early College High School). A medical marijuana dispensary shall not be located within 1,320 feet of a school.
 Ordinance Sections: 627.D.92.a. 627.D.92.d. 627.D.92.f.
 Applicant: Arizona Natures Wellness
 Representative: Adam Baugh, Withey Morris, PLC
 Owner: Shirley Bonafasi Living Trust/, EFG Management, LLC

Continued to March 16, 2023 at 9:00 AM.

1:30 PM

Approved w/stip 9. Application #: ZA-2-23-4
 Existing Zoning: C-2
 Location: 4111 North 19th Avenue

Quarter Section: 17-25(H7)
Proposal: Use permit to allow packaged liquor sales at a convenience store (Marz Market) within 300 feet of a residential district. Use permit required.
Ordinance Sections: 622.D.102.a
Applicant: Ziyad Faleh Abdulmunem, Marz Market
Representative: David Dow, Dow Law Office
Owner: Ricky Flory, 1850 West Indian School Road, LLC
Stipulation:
1) 1 year to commence use.

**Approved
w/stips**

10. Application #: ZA-3-23-8
Existing Zoning: Ind. Pk.
Location: 3500 East Roeser Road and 5104 South 36th Street
Quarter Section: 4-35(E10)
Proposal: Variance to allow a building height of 38 feet at 30 feet of setback from a perimeter line (south). Minimum 90 feet of setback required.
Ordinance Sections: 626.H.1.Table
Applicant: Brian Vaccaro, Earl and Curley, PC
Representative: Taylor Earl, Earl and Curley, PC
Owner: Don Richardson, Arizona Fireplaces
Stipulations:
1) 2 years to apply and pay for building permits.
2) Per setback reduction as shown on the site plan date stamped January 3, 2023 to allow a building height of 38 feet at 30 feet of setback from the south perimeter line.

**ZONING ADJUSTMENT HEARING OFFICER: CAROL BERRY
PLANNER: PETER KANN, 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 Angie Holdsworth at 602-495-5622, angie.holdsworth@phoenix.gov TTY: Use 7-1-1.

February 3, 2023