

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised February 16, 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 on **January 19, 2023 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-446-22-7
Existing Zoning: DTC-West Evans Churchill
Location: 1005 North 2nd Street
Quarter Section: 12-29(G8)
Proposal: **1)** Use permit to allow outdoor liquor service as an accessory to a bar/restaurant. Use permit required. **2)** Variance to reduce the minimum building setback along Roosevelt Street to 0 feet. Minimum 5 feet required. **3)** Variance to allow required parking to be located on another lot up to 520 feet away. 300 feet required. **4)** Use permit to allow a bar. Use permit required.
Ordinance Sections: 1204.D 1215.F 702.A.4.a.(1) 1204.D
Applicant: Federales, Federales Phoenix, LLC
Representative: Noel J. Griemsmann, Snell & Wilmer
Owner: HSG Roosevelt & 2nd Street, LLC

Taken out from under advisement on February 16, 2023 approved subject to the following stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per location and size of the building and accessory patio as shown on the site plan date stamped Jan. 3, 2023.
- 3) Hours of operation are limited to: Sunday through Thursday 11:00 AM - 12:00 AM (midnight); Friday and Saturday 11:00 AM - 2:00 AM.
- 4) Employees must have an unobstructed view of the outdoor dining area to supervise the activities or be present while patrons utilize the outdoor area.
- 5) The outdoor dining area shall be sufficiently illuminated and contained (barriers) to discourage any unlawful activity. The precinct Commander or his designee shall approve lighting, containment area, and security personnel at their discretion.

**Approved
w/stips**

2. Application #: ZA-574-22-7
Existing Zoning: C-2 M-R DNS/WVR
Location: 1344 West McKinley Street, Suite #114
Quarter Section: 11-26(F8)

Proposal: Use permit to allow package liquor sales as a primary use within 300 feet of a residential district. Use permit required.
Ordinance Sections: 622.D.102.a
Applicant: Janiero Cathey, Cathey Family, LLC DBA 805 Wine Shop
Representative: Janiero Cathey, Cathey Family, LLC DBA 805 Wine Shop
Owner: Vahak Minassian, Gava, LLC

Stipulations:

- 1) 1 year to commence the use.
- 2) Conformance to site plan date stamped December 7, 2022.

**Approved
w/stip**

3. Application #: ZA-582-22-3
Existing Zoning: C-2
Location: 3217 East Shea Boulevard
Quarter Section: 28-35(K10)
Proposal: Use permit to allow tattoo shop (Devil's Right Hand Tattoo). Use permit required.
Ordinance Sections: 623.D.187
Applicant: Eric Quezara, Devils Right Hand Tattoo, LLC
Representative: Eric Quezara, Devils Right Hand Tattoo, LLC
Owner: Brett Frimmel, BRF Enterprises, LLC

Stipulation:

- 1) 1 year to commence the use.
- 2) Conformance to site plan date stamped January 19, 2023.

Continued

4. Application #: ZA-583-22-3
Existing Zoning: R-4
Location: 734 East Vogel Avenue
Quarter Section: 27-29(J8)
Proposal: **1)** Variance to reduce the side yard (west) setback to 0 feet. Minimum 10 feet required.
2) Variance to reduce the side yard (east) setback to 1 foot. Minimum 3 feet required.
Ordinance Sections: 617.B.Table B 617.B.Table B
Applicant: Alejandro Ramirez
Representative: Jesus Sanchez
Owner: Alejandro Ramirez

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

Continued

5. Application #: ZA-584-22-4
Existing Zoning: R-3, C-2
Location: 4249 North 16th Street
Quarter Section: 17-31(H9)
Proposal: **1)** Variance to reduce the required common area to 0% of the gross area. Minimum 5% required.
2) Use Permit to use the Single-Family Attached (SFA) Development Option. Use Permit required.

Ordinance Sections: 615.B.Table B.d 608.F.8
Applicant: Paul O'Connor, POCA Architecture and Design, LLC
Representative: Paul O'Connor, POCA Architecture and Design, LLC
Owner: Hector Medina

Continued to March 2, 2023 at 9:00 AM.

**Approved
w/stips**

6. Application #: ZA-588-22-4
Existing Zoning: R-4
Location: 1905 East Osborn Road
Quarter Section: 15-31(G9)
Proposal: **1)** Time extension for ZA-608-21, Variance to allow maneuvering in the right-of-way (Alley). Maneuvering must be located on private property. **2)** Time extension for ZA-608-21, Variance to reduce the required open space requirements to 0 percent. Minimum 5 percent required. **3)** Time extension for ZA-608-21, Variance to reduce the required side yard (west) landscape setback to 0 feet. Minimum 5 feet required. **4)** Time extension for ZA-608-21, Variance to reduce the required rear yard (south) landscape setback to 0 feet. Minimum 5 feet required. **5)** Time extension for ZA-608-21, Variance to reduce the required side yard (east) landscape setback to 0 feet. Minimum 5 feet required.
- Ordinance Sections: 702.A.1.b 703.B.4.a.1 703.B.3.b.3 703.B.3.b.3
Applicant: Margot Magnum
Representative: Margot Magnum
Owner: Margot Magnum
- Stipulations:**
1) 1 year time extension to apply and pay for building permits.
2) All other stipulations shall remain in effect.

**Approved
w/stips**

7. Application #: ZA-590-22-4
Existing Zoning: R-3 and R1-6
Location: 1030 East Mitchell Drive
Quarter Section: 16-29(H8)
Proposal: **1)** Time extension for ZA-561-21, use permit to use the single-family attached development option. Use Permit required. **2)** Time extension for ZA-561-21, use permit to allow a less restrictive multi-family use to expand into a more restrictive single-family zoning district on the east side. Use permit required. **3)** Time extension for ZA-561-21, use permit to allow a less restrictive multi-family use to expand into a more restrictive single-family zoning district on the west side.

Use permit required. **4)** Time extension for ZA-561-21, variance to reduce the perimeter setback for units siding on the street right-of-way to 4 feet. Minimum 15 feet required. **5)** Time extension for ZA-561-21, variance to reduce the perimeter landscape setback to 4 feet. Minimum 15 feet required. **6)** Time extension for ZA-561-21, variance to reduce the required building setback (north) to 16 feet for a 40-foot-tall building. Minimum 35 feet required. **7)** Time extension for ZA-408-19, variance to reduce the required landscape setback adjacent to a single-family zoned district to 5 feet (north). Minimum 10 feet required. **8)** Time extension for ZA-561-21, variance to reduce the improved common area for bonus density to 0%. Minimum requirement of 18.9% improved open space.

Ordinance Sections: 608.F.6 307.A.8 307.A.8 615.B.Table B 608.F.6.c.(2) 615.B.Table B 608.F.6.c.(3) 608.I.2.b.(2)

Applicant: Andy Jochums, Beus Gilbert McGroder, PLLC

Representative: Paul E. Gilbert, Beus Gilbert McGroder, PLLC

Owner: Jay Hartgraves, 1030 E. Mitchell Dr., LLC

Stipulations:

- 1) 1 year time extension to apply and pay for building permits.
- 2) All other stipulations shall remain in effect.

**Approved
w/stips**

8.

Application #: ZA-576-22-7

Existing Zoning: A-1

Location: 2601 and 2609 West Holly Street

Quarter Section: 13-23(G7)

Proposal: **1)** Time extension of ZA-556-21, variance to allow a medical marijuana cultivation facility within 5,280 feet of the same type of use. Minimum 5,280 feet of separation required. **2)** Time extension of ZA-556-21, use permit to allow a medical marijuana cultivation facility. Use permit required. **3)** Time extension of ZA-556-21, variance to allow a medical marijuana infusion facility within 5,280 feet of the same type of use. Minimum 5,280 feet of separation required. **4)** Time extension of ZA-556-21, use permit to allow a medical marijuana infusion production facility. Use permit required.

Ordinance Sections: 627.D.91.c 627.D.91.a 627.D.93.b 627.D.93.a

Applicant: Carsten Loelke, Natural Relief Clinic, Inc.

Representative: Dwayne Morris, Natural Relief Clinic, Inc.

Owner: Project PH LLC

Stipulations:

- 1) 2 year time extension to apply and pay for building permits.
- 2) All other stipulations shall remain in effect.

		1:30 PM	
*Approved w/stips	9.	Application #:	ZA-509-22-3 (SIGN)
		Existing Zoning:	C-3
		Location:	10012 North Cave Creek Road
		Quarter Section:	28-30(K9)
		Proposal:	1) Use permit to a rebuild nonconforming off-premise sign not requesting digital to 48 feet in height. Use permit required. 2) Variance to reduce spacing between nonconforming off-premise signs to 307 feet. 1,000 foot spacing required.
		Ordinance Sections:	705.2.G.5 705.2.B.2
		Applicant:	Jacob Zonn, Becker Boards Small, LLC
		Representative:	Jacob Zonn, Becker Boards Small, LLC
		Owner:	Winifred Green
		Taken out from under advisement on February 16, 2023 approved subject to the following stipulations:	
Denied as Filed Approved w/stips		1) The height of the rebuild sign shall be no greater than 35 feet in height and not exceed 672 square feet (the existing sign height and area).	
		2) Install a Planning and Development Department (PDD) design approved decorative pole cover and a design approved screening device on the open portion of the rebuilt V-shaped off-premise sign. Access ladders, if included, shall be on the north or west side of the pole cover and concealed from southbound traffic.	
		3) Sign illumination shall be controlled by an adjustable dimmer and extinguished at 11:00 PM by an automatic timer. The initial illuminance (brightness) setting on the dimmer shall be no greater than 100 NITS maximum measured at the nearest property line. Sign luminance shall be confirmed prior to final inspection approval.	
		4) The applicant will have 12 months to apply and pay for permits for the rebuilt sign.	
	10.	Application #:	ZA-577-22-8
		Existing Zoning:	R-5, C-1
		Location:	1016 North 32nd Street
		Quarter Section:	12-34(G10)
		Proposal:	Variance to allow an over height fence (8 feet) within the required front yard setback. Maximum 40 inches permitted.
		Ordinance Sections:	703.A.3.a
		Applicant:	Steve Tepper, The Arizona Center for the Blind and Vision
		Representative:	William Allison, Withey Morris, PLC
		Owner:	Steve Tepper, The Arizona Center for the Blind and Vision
		Stipulations:	
		1) 1 year to apply and pay for building permits.	
		2) Per location of the wrought iron fence as shown on the site plan	

dated December 9, 2022.

3) Per fence detail as shown on the plans dated December 9, 2022.

4) Approved a fence 7 feet in height.

- Approved w/stip**
11. Application #: ZA-581-22-1
Existing Zoning: RE-43
Location: 4232 West Topeka Drive
Quarter Section: 39-19(M6)
Proposal: Time extension for ZA-421-21. Variance to allow an accessory building 2 feet from the side (east) property line. Minimum 30-foot setback required.
Ordinance Sections: 605.B.3
Applicant: Daniel Sester
Representative: Daniel Sester
Owner: Daniel Sester
Stipulation:
1) 1 year to apply and pay for building permits.
- Approved w/stip**
12. Application #: ZA-585-22-8
Existing Zoning: S-1 BAOD
Location: 3939 East Saint Catherine Avenue
Quarter Section: 2-36(D10)
Proposal: **1)** Time extension for ZA-646-21, variance to reduce the required side yard setback (west) to 15 feet. Minimum 30 feet required. **2)** Time extension for ZA-646-21, variance to reduce the required rear yard setback (south) to 12 feet for a detached accessory structure. Minimum 50 feet required. **3)** Time extension for ZA-646-21, Variance to reduce the side yard setback (west) to 0 feet for a detached accessory structure. Minimum 50 feet required.
Ordinance Sections: 603.B.2.b 603.B.3 603.B.3
Applicant: Kaylee Colter, Brooks Colter Trust
Representative: Kaylee Colter, Brooks Colter Trust
Owner: Kaylee Colter, Brooks Colter Trust
Stipulation:
1) 1 year to apply and pay for building permits.
- Approved w/stips**
13. Application #: ZA-586-22-6
Existing Zoning: R1-6
Location: 4006 North 45th Street
Quarter Section: 16-38(H11)
Proposal: Variance to reduce the rear yard setback (west) to 8 feet. Minimum 25 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Brian Krob, Aline Architecture Concepts
Representative: Brian Krob, Aline Architecture Concepts
Owner: Max Frenkle

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per setback and conformance to the site plan date stamped December 15, 2022 related to this specific addition.

**Approved
w/stips**

14. Application #: ZA-589-22-8
Existing Zoning: WU Code T4:3 GW*
Location: Southwest corner of 24th Street and Loop 202 Freeway
Quarter Section: 12-32(G9)
Proposal: **1)** Variance to reduce the required open space area from 5 percent to 2 percent. Minimum 5 percent required. **2)** Variance to remove requirement for pedestrian ways/paseos providing thoroughfare and pedestrian access improvements. Improvements to thoroughfares and pedestrian access required. **3)** Variance to reduce the interior property line landscape setback (south) to 0 feet. Minimum 5 feet required.
Ordinance Sections: 1304.G.2.c 1304.G.2.d.2 703.B.3.b
Applicant: Wendy Riddell, Berry Riddell, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Owner: BDC Clifton 24th Street, LLC

Stipulations:

- 1) 2 years to apply and pay for building permits.
- 2) General conformance to site plan dated December 14, 2022.

**Approved
w/stips**

15. Application #: ZA-591-22-7
Existing Zoning: DTC-West Evans Churchill
Location: 918 and 922 North 2nd Street
Quarter Section: 11-28(F8)
Proposal: Use permit to allow a temporary event (Tostitos Super Bowl LXII pop up restaurant). Use permit required.
Ordinance Sections: 708.D
Applicant: Sara Anderson, Proxsea, Co.
Representative: Sara Anderson, Proxsea, Co.
Owner: Kendra Lee, Arizona Public Service Company

Stipulations:

- 1) The temporary permit is for February 8, through February 12, 2023.
- 2) Hours of operation 11:00 AM – 9:00 PM.
- 3) Upon completion of the site shall be cleared of all temporary structure and all debris removed from the site, street and alleyways.

**Approved
w/stips**

16. Application #: ZA-592-22-7
Existing Zoning: DTC-West Evans Churchill
Location: 1028 and 1030 North 2nd Street

Quarter Section: 12-28(G8)
Proposal: Use permit to allow a temporary event (Frito Lay's Route to Super Bowl 57). Use permit required.
Ordinance Sections: 708.D
Applicant: Sara Anderson, Proxsea, Co.
Representative: Sara Anderson, Proxsea, Co.
Owner: Debbie Cooper, Portland First Street, LLC

Stipulations:

- 1) The temporary permit is for February 8, through February 12, 2023.
- 2) Hours of operation 11:00 AM – 10:00 PM.
- 3) Upon completion of the site shall be cleared of all temporary structure and all debris removed from the site, street and alleyways.

ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
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 16, 2023