

**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 **July 27, 2023 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-305-20-6 (1-Year Review of Use Permit)
Existing Zoning: C-2
Location: 6031 and 6045 North 16th Street
Quarter Section: 21-31(I9)
Proposal: **1)** Variance to reduce the required off-street parking to 47 spaces. Minimum 57 spaces required. **2)** Use permit to allow outdoor dining accessory to a restaurant (Artichoke Pizza, Suite #1) within 500 feet of a residential district. Use permit required if located within 500 feet of a residential district. **3)** Use permit to allow outdoor alcoholic beverage consumption accessory to a restaurant (Artichoke Pizza, Suite #1) within 500 feet of a residential district. Use permit required if located within 500 feet of a residential district. **4)** Use permit to allow outdoor dining accessory to a restaurant (Coffee Shop, Suite #3) within 500 feet of a residential district. Use permit required if located within 500 feet of a residential district. **5)** Use permit to allow outdoor alcoholic beverage consumption accessory to a restaurant (Coffee Shop, Suite #3) within 500 feet of a residential district. Use permit required if located within 500 feet of a residential district.
Ordinance Sections: 702.C.Table. 623.D.157.c. 623.D.157.c 623.D.157.c 623.D.157.c
Applicant: Taylor C. Earl, Earl & Curley
Representative: Taylor C. Earl, Earl & Curley
Owner: Matt Hargis, Point B 16 North, LLC

Stipulations:

- 1) Remove the stipulation for a 1 year review.
- 2) Employees must have a clear view of the area in order to supervise activities and/or be present while patrons utilize the outdoor area.
- 3) The area shall be sufficiently illuminated and contained to discourage any unlawful activity. The precinct commander, or his designee, shall approve lighting, containment area, and security personnel at their discretion.

- 4) The hours of use for the outdoor area shall be no earlier than 9:00 AM and no later than 10:00 PM on Sunday through Thursday and 9:00 AM through midnight on Friday and Saturday for Artichoke Pizza and 6:00 AM through 10:00 PM daily for the Coffee Shop.
- 5) "No Trespassing" Signs must be posted and an authority to arrest trespassers form signed to deter loitering/unwanted guests inside and surrounding the establishment.
- 6) 200 square foot maximum for the patio of the Coffee shop and 300 square foot maximum for the patio of Artichoke Pizza.
- 7) All restaurant uses shall be limited to a total of 3,500 square feet.

**Approved
w/stips**

2. Application #: ZA-602-21-7 (1-Year Review of Use Permit)
Existing Zoning: A-2
Location: 2239 North Black Canyon Highway
Quarter Section: 14-23(G7) 13-23(G7)
Proposal: **1)** Time extension of ZA-588-20, use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Time extension of ZA-588-20, use permit to allow a medical marijuana infusion facility. Use permit required. **3)** Time extension of ZA-588-20, variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **4)** Time extension of ZA-588-20, variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **5)** Time extension of ZA-588-20, variance to allow a medical marijuana cultivation facility within 1,320 feet of a homeless shelter. Minimum 1,320 feet of separation required. **6)** Time extension of ZA-588-20, variance to allow a medical marijuana infusion facility within 1,320 feet of a homeless shelter. Minimum 1,320 feet of separation required. **7)** Time extension of ZA-588-20, variance to allow a medical marijuana cultivation facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **8)** Time extension of ZA-588-20, variance to allow a medical marijuana infusion facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **9)** Time extension of ZA-588-20, variance to allow a medical marijuana cultivation facility within 1,320 feet of a school. Minimum 1,320 feet of separation required. **10)** Time extension of ZA-588-20, variance to allow a medical marijuana infusion facility within 1,320 feet of a school. Minimum 1,320 feet of separation required.

Ordinance Sections: 627.D.91.a. 627.D.93.a. 627.D.91.c 627.D.93.b.
627.D.91.e 627.D.93.d 627.D.91.d 627.D.93.c
627.D.91.e 627.D.93.d
Applicant: Theodore Pappas, MIOT Properties, LLC
Representative: David W. Dow, Dow Law Office
Owner: Saia Family Limited Partnership

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**

3. Application #: ZA-171-23-1 (Continued from June 8, 2023)
Existing Zoning: R-4A DVAO
Location: 22209 North 29th Avenue
Quarter Section: 43-22(N7)
Proposal: Variance to allow an over height wall (6 feet) in the required front yard (west) setback. Maximum 40 inches permitted.
Ordinance Sections: 703.A.2.a
Applicant: James Hawkins
Representative: James Hawkins
Owner: Joshua and Casey Hawkins

Stipulations:

- 1) General conformance to the site plan date stamped May 8, 2023.
- 2) 3 months to apply and pay for building permits.

**Approved
w/stips**

4. Application #: ZA-209-23-8
Existing Zoning: R-3 CCSIOD

		Location:	1115 West Apache Street
		Quarter Section:	8-26(F8)
		Proposal:	1) Variance to reduce the front yard setback (north) to 11 feet. Minimum 25 feet required. 2) Variance to reduce the rear yard setback (south) to 5 feet. Minimum 15 feet required. 3) Variance to allow 56 percent lot coverage. Maximum 45 percent lot coverage permitted.
		Ordinance Sections:	615.B.Table B 615.B.Table B 615.B.Table B
		Applicant:	John Fox, William Seymour Co, Inc.
		Representative:	John Fox, William Seymour Co, Inc.
		Owner:	Laura Kerby, Eaglecrest Hard Power Properties, LLC
		Stipulations:	1) 6 months to apply and pay for building permits. 2) General conformance to the site plan date stamped June 6, 2023.
Approved w/stips	5.	Application #:	ZA-238-23-2
		Existing Zoning:	RE-35
		Location:	20609 North 20th Street
		Quarter Section:	41-32(N9)
		Proposal:	Use permit to allow an over height (17 feet) detached accessory structure within the rear yard setback. Use permit required.
		Ordinance Sections:	706.G
		Applicant:	Heather Teubner
		Representative:	Chris and Heather Teubner
		Owner:	Gary and Dawn Trubisky
		Stipulations:	1) General conformance to the site plan date stamped June 21, 2023. 2) 6 months to apply and pay for building permits.
Approved w/stip	6.	Application #:	ZA-239-23-8
		Existing Zoning:	C-2
		Location:	2444 East Thomas Road
		Quarter Section:	15-33(G9)
		Proposal:	Use permit to allow a tattoo shop (Coven LLC). Use permit required.
		Ordinance Sections:	623.D.187
		Applicant:	Timothy Glanvill, Coven, LLC
		Representative:	Timothy Glanvill, Coven, LLC
		Owner:	Wael Nekho, Nekho 1, LLC
		Stipulation:	1) 1 year to commence the use.
Approved w/stip	7.	Application #:	ZA-240-23-8
		Existing Zoning:	C-1 BAOD
		Location:	7435 South 25th Street and 2620 East Baseline Road

Quarter Section: 1-33(D9)
 Proposal: Time Extension for ZA-549-21. Use permit to allow a drive-through facility as an accessory use to a restaurant (Whataburger) within 300 feet of a residential zoning district. Use permit required.
 Ordinance Sections: 622.D.150.e.2
 Applicant: Abraham Vazquez, Whataburger Real Estate
 Representative: Jenifer Tedrick, Sustainability Engineering Group (SEG)
 Owner: Baseline 25, LLC
Stipulation:
 1) 18 months to apply and pay for building permits.

1:30 PM

**Approved
w/stips**

8. Application #: ZA-189-23-8 (SIGN)
 Existing Zoning: C-3 General Commercial
 Location: 1126 East Maricopa Freeway
 Quarter Section: 7-29(E8)
 Proposal: **1)** Variance to reduce required spacing between off-premise signs to 325 feet. Minimum 1,000 foot spacing required. **2)** Use permit to increase the height of a nonconforming off-premise sign to 62 feet. Use permit required. **3)** Use Permit to rebuild a nonconforming off-premise sign with two digital faces. Use Permit required. **4)** Use permit to reduce off-premise sign separation from a residential district and residential use to 20 feet. Use permit required. required.
 Ordinance Sections: 705.2.B.2 705.2.B.4.b 705.2.G.4 705.2.A.5.c
 Applicant: Brian Vaccaro, Earl & Curley P.C.
 Representative: Taylor Earl, Earl & Curley
 Owner: Eller Acquisition, Inc.

Stipulations:

- 1) Prior to the final sign inspection and operation of the new digital sign faces, obtain demolition permits and completely remove 1,322 square feet of legal, nonconforming off-premise sign face in the City of Phoenix.
- 2) Install Planning and Development Department design-approved vertical louvers on the new digital sign faces that effectively reduce digital image visibility outside of the east and west bound freeway traffic.
- 3) Electric service shall utilize underground connections to the off-premise sign where feasible as determined by the Planning and Development Department.
- 4) The applicant shall have 12 months to apply and pay for permits for subject sign.

**Approved
w/stips**

9. Application #: ZA-227-23-8 (SIGN)
 Existing Zoning: DTC-Evans Churchill East
 Location: 817 North 6th Street
 Quarter Section: 11-28(F8)

Proposal: Use permit to adopt the Skye on 6th Comprehensive Sign Plan for wall signs over fifty-six feet in height. Use permit required.

Ordinance Sections: 705.D.3.i(4)

Applicant: Damien Birski, Signs of the Times

Representative: Damien Birski, Signs of the Times

Owner: 6th and Garfield Owner LLC

Stipulations:

- 1) For the 2 wall signs over 56 feet in height, sign illumination is limited to halo lighting with no white light emitted by the sign faces.
- 2) Tenant wall signs that emit white light shall be dimmed via an automatic timer to a maximum of 80 Nits (when measured at the sign face) daily from 10:30 PM until sunrise. Sign lighting dimmer values (required to dim the sign to a maximum of 80 Nits luminance) shall be submitted in writing to the Planning and Development Department prior to the final sign inspection.
- 3) Submittal of a revised "final" version of the CSP document to the Planning and Development Department incorporation any ZAH0 stipulations of approval and staff comments/corrections within 30 days from the date of the hearing and prior to the issuance of any sign permits for the project.
- 4) Sign design shall be in accordance with the drawings date stamped July 27, 2023.
- 5) 12 months to pay for and obtain sign permits.

**Approved
w/stips**

10. Application #: ZA-79-23-1 (Continued from June 15, 2023)

Existing Zoning: R1-6

Location: 3307 West Christy Drive

Quarter Section: 29-21(K6)

Proposal: **1)** Use permit for official approval of a home occupation (sales of firearms). Use permit required. **2)** Use permit to allow a home occupation to generate traffic. Use permit required.

Ordinance Sections: 608.E.3.h.(5) 608.E.3.h.(1)

Applicant: Ralph Pickett Jr.

Representative: Ralph Pickett Jr.

Owner: Rita McMahon

Stipulations:

- 1) General conformance with the site plan date stamped July 27, 2023.
- 2) Commence the use within 1 year.

**Approved
w/stips**

11. Application #: ZA-192-23-7

Existing Zoning: C-3 CMOD

Location: Southeast corner of 11th Avenue and Jefferson Street

Quarter Section: 10-26(F8)

Proposal: **1)** Variance to reduce the streetside (Jefferson Street) building setback to 0 feet. An average of

25 feet is required, minimum of 20 feet permitted for up to 50 percent of structure, including projections. **2)** Variance to reduce the streetside (10th Avenue) building setback to 0 feet. An average of 25 feet is required, minimum of 20 feet permitted for up to 50 percent of structure, including projections. **3)** Variance to reduce the streetside (11th Avenue) building setback to 4 feet. An average of 25 feet is required, minimum of 20 feet permitted for up to 50 percent of structure, including projections. **4)** Variance to reduce the street side (Jefferson Street) landscape setback to 0 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent of structure, including projections. **5)** Variance to reduce the street side (10th Avenue) landscape setback to 0 feet. An average of 25 feet is required, minimum of 20 feet permitted for up to 50 percent of structure, including projections. **6)** Variance to reduce the street side (11th Avenue) landscape setback to 4 feet. An average of 25 feet is required, minimum of 20 feet permitted for up to 50 percent of structure, including projections. **7)** Use permit to reduce required parking from 30 spaces to 13 spaces for special needs population. Use permit required.

Ordinance Sections: 624.E.4.d 624.E.4.d 624.E.4.d 624.E.4.e
624.E.4.e 624.E.4.e 702.E.6

Applicant: Ed Bull, Burch & Cracchiolo, P.A.

Representative: Ed Bull, Burch & Cracchiolo, P.A.

Owner: Aaron Stouffer, Muchaslinguas, LLC and Architekton

Stipulations:

- 1) General conformance with the site plan date stamped July 27, 2023.
- 2) 2 years to apply and pay for building permits.

**Approved
w/stips**

12. Application #: ZA-210-23-7
- Existing Zoning: C-2
- Location: 5680 South 35th Avenue
- Quarter Section: 3-20(D6)
- Proposal: **1)** Use permit to allow a plant nursery as an outdoor use. Use permit required. **2)** Use permit to allow the outdoor display of new merchandise. Use permit required. **3)** Variance to allow 5,218 square feet of outdoor display area for new merchandise. Maximum 300 square feet permitted. **4)** Variance to allow outdoor display with a maximum depth of 15 feet when measured from the front façade of the building. Maximum 10 feet permitted.

Ordinance Sections: 622.D.141 623.C.2 623.C.2.a 623.C.2.c
Applicant: South Mountain Retail, LLC
Representative: Adam Baugh, Withey Morris Baugh, PLC
Owner: South Mountain Retail, LLC

Stipulations:

- 1) General conformance with the site plan date stamped July 14, 2023.
- 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

13. Application #: ZA-230-23-1
Existing Zoning: C-2
Location: 3502 West Dunlap Avenue
Quarter Section: 27-20(J6)
Proposal: **1)** Use permit to allow package liquor sales as an accessory use to a convenience market (Sunoco Gas Station & Food Market) within 300 feet of a residential district. Use permit required. **2)** Use permit to allow a drive-through window for the sale of alcohol within 300 feet of a residential district. Use permit required.
- Ordinance Sections: 622.D.102.a 622.D.102.b
Applicant: Raad Salih, Saif Engineering, LLC
Representative: Raad Salih, Saif Engineering, LLC
Owner: Saher Isho, Sakoson Gas Limited

Stipulations:

- 1) General conformance to the site plan date stamped July 27, 2023.
- 2) 6 months to apply and pay for building permits.

**Approved
w/stip**

14. Application #: ZA-234-23-6
Existing Zoning: R-5, C-3
Location: 5150 East Van Buren Street
Quarter Section: 11-39(F11)
Proposal: **1)** Use permit to allow over height retaining walls (8 feet) within 50 feet of a subdivision perimeter (west). Use permit required. **2)** Use permit to allow over height retaining walls (9 feet) within 50 feet of a subdivision perimeter (north). Use permit required.
- Ordinance Sections: 703.A.4.c 703.A.4.c
Applicant: Jodi Hamill, Land Development Consultants
Representative: Jodi Hamill, Land Development Consultants
Owner: Circle K Stores, Inc.

Stipulation:

- 1) 1 year to apply and pay for building permits.

**Approved
w/stips**

15. Application #: ZA-241-23-8
Existing Zoning: DTC-Evans Churchill West
Location: 811 North 3rd Street
Quarter Section: 11-28(F8)

Proposal: Use permit to allow outdoor liquor service accessory to a restaurant (Fleet Coffee). Use permit required.

Ordinance Sections: 1204.D.Table

Applicant: Patrick Pierce, Fleet Moontower, LLC dba LV Collective

Representative: Jeffery Miller, Arizona Liquor Industry Consultants

Owner: David Kanner, 3rd Street Phoenix QOZB, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) 1 year to commence the use.

ZONING ADJUSTMENT HEARING OFFICER: JON FROKE
PLANNER: KIM STEADMAN, PLANNER II

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.

July 28, 2023