

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 **June 15, 2023 9:00 AM (Items 1-7) and 1:30 PM (Items 8-9)**

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-261-18-2 (1-Year Review of Use Permit) |
| | Existing Zoning: | A-1 DVAO |
| | Location: | 1720 East Deer Valley Drive, Suite 101 |
| | Quarter Section: | 43-31(N9) |
| | Proposal: | Use permit to allow a medical marijuana dispensary facility. Use permit required. |
| | Ordinance Sections: | 627.D.92 |
| | Applicant: | Kristen Abelon, KMR Development, LLC |
| | Representative: | Kristen Abelon, KMR Development, LLC |
| | Owner: | Larry Marlin, Landmark Group, 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 1 year 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 180 Days 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-239-20-4 (1-Year Review of Use Permit)
Existing Zoning: A-2
Location: 3006, 3014, 3022 and 3030 North 30th Avenue
Quarter Section: 15-22(G7)
Proposal: **1)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Use permit to allow a medical marijuana infusion facility. Use permit required. **3)** 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)** 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)** Variance to allow a medical marijuana cultivation facility within 1,320 feet of a school. Minimum 1,320 feet of separation required. **6)** 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

Applicant: Brian Greathouse, Burch & Cracchiolo, P. A.
Representative: Brian Greathouse, Burch & Cracchiolo, P. A.
Owner: Chris Arnold, ACP Real Estate, 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 180 days 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 180 Days 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-173-23-3
Existing Zoning: R1-8
Location: 1931 East Greenway Road
Quarter Section: 34-31(L9)
Proposal: Variance to reduce front yard (northwest) setback to 15 feet. Minimum 20 feet required.
Ordinance Sections: 612.B.Table B
Applicant: Nicholas Tsontakis, Dwell Boldly
Representative: Nicholas Tsontakis, Dwell Boldly
Owner: Adam Fish, Erin Yabu, and Lois Yabu
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per setback reduction as shown on the site plan date stamped May 9, 2023.

**Approved
w/stip**

4. Application #: ZA-174-23-2
Existing Zoning: C-2 DVAO, S-1 DVAO
Location: 21222 North Cave Creek Road
Quarter Section: 42-32(N9)
Proposal: **1)** Time extension for ZA-123-22, Use permit to allow a drive-through facility as an accessory use to a restaurant (Whataburger) within 300 feet of a residential district. Use permit required. **2)** Time extension for ZA-123-22, 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. **3)** Time extension for ZA-123-22, Variance to allow a 70 foot encroachment into a more restrictive zoning district. Maximum 25 feet encroachment allowed.
Ordinance Sections: 623.D.157.d.(2) 307.A.8 307.A.8
Applicant: Jeff Geller, Desert De Oro Foods, Inc
Representative: Jenifer Tedrick, Sustainability Engineering Group LLC
Owner: JACA Properties, LLC
Stipulation:
1) 18 months to apply and pay for building permits.

**Approved
w/stip**

5. Application #: ZA-175-23-2
Existing Zoning: C-1
Location: 15030 North Tatum Boulevard, Suite 110
Quarter Section: 34-38(L11)
Proposal: Use permit to allow packaged liquor sales at a convenience store (Crafted Beer and Wine) within 300 feet of a residential district. Use permit required.

Ordinance Sections: 622.D.102.a
Applicant: Marcus Freeland, Crafted Beer and Wine
Representative: Marcus Freeland, Crafted Beer and Wine
Owner: Schulze & Associates LP, c/o Capital Asset Management, LLC

Stipulation:

1) 1 year to commence the use.

**Approved
w/stip**

6. Application #: ZA-178-23-7
Existing Zoning: R-5 RI ACOD
Location: 1315 West Roosevelt Street
Quarter Section: 11-26(F8)
Proposal: Variance to reduce rear yard setback (southwest) to 5 feet. Minimum 15 feet required.

Ordinance Sections: 618.B.Table B
Applicant: Carlos Dominguez, A&E Design Group
Representative: Carlos Dominguez, A&E Design Group
Owner: Contracting Development Company, LLC

Stipulation:

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

**Approved
w/stips**

7. Application #: ZA-179-23-4
Existing Zoning: C-1 CNSPD
Location: 2221 North 7th Street
Quarter Section: 13-29(G8)
Proposal: **1)** Use permit to allow sales of alcoholic beverages as an accessory to a restaurant (Dahlia Tapas Tequila and Wine). Use permit required. **2)** Use permit to allow outdoor dining as an accessory to a restaurant (Dahlia Tapas Tequila and Wine). Use permit required. **3)** Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant (Dahlia Tapas Tequila and Wine). Use permit required.

Ordinance Sections: 622.D.150.a 622.D.150.d 622.D.150.d
Applicant: Audrey Corley, Dahlia Tapas Tequila and Wine, LLC
Representative: Audrey Corley, Dahlia Tapas Tequila and Wine, LLC
Owner: Raymond Mellody, 2M Hospitality, LLC

Stipulations:

1) 1 year to apply and pay for building permits.
2) The use of the outdoor patio shall end by 10:00 PM.

1:30 PM

Continued

8. Application #: ZA-79-23-1
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 (sales of firearms) to generate traffic (sales of firearms). 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
Continued to July 27, 2023 at 1:30 PM.

Denied 9. Application #: ZA-181-23-3
Existing Zoning: RE-35
Location: 5130 East Sunnyside Drive
Quarter Section: 30-39(K11)
Proposal: Variance to allow 33% lot coverage for a single story residence. Maximum 30% lot coverage allowed for a single story residence.
Ordinance Sections: 609.B.Table
Applicant: Kevin and Barbara Nuss
Representative: Carlos Urbalejo, Sagra Finish Carpentry & Remodel, LLC
Owner: Kevin and Barbara Nuss

ZONING ADJUSTMENT HEARING OFFICER: BETTY DRAKE
PLANNER: PETER KANN, 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.

June 16, 2023