

**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 **March 30, 2023 9:00 AM (Items 1-8) and 1:30 PM (Items 9-14)**.

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

Denied

- 9:00 AM**
1. Application #: ZA-73-23-6
Existing Zoning: C-2 PCD
Location: 4206 East Chandler Boulevard
Quarter Section: 010-37(A10)
Proposal: Use permit to allow a drive through facility as an accessory to a restaurant (Swig) within 300 feet from a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.d.(2)
Applicant: Dawn Fortuna, Bowman
Representative: Allison Paulaitis or Peggy Burgess, Colliers
Owner: Mountain Park Square, LLC

Approved

2. Application #: ZA-74-23-1
Existing Zoning: RE-43
Location: 4144 West Westcott Drive
Quarter Section: 39-19(M6)
Proposal: Use permit for official approval of a home occupation (internet firearm sales). Use permit required.
Ordinance Sections: 605.A.14.h.(5)
Applicant: Adam Boleratzky
Representative: Adam Boleratzky
Owner: Katalin H. & Adam L. Boleratzky

Denied

3. Application #: ZA-78-23-8
Existing Zoning: R-5 RI
Location: 1409 East Polk Street
Quarter Section: 11-30(F9)
Proposal: **1)** Variance to reduce the landscape setback (west) to 0 feet. Minimum 5 feet required.
2) Variance to reduce the front landscape setback (north) to 3 feet. Minimum 20 feet required.
Ordinance Sections: 703.B.3.b.(3) 703.B.3.a

	Applicant:	Jared Lineberger, JCL Design Build
	Representative:	Jared Lineberger, JCL Design Build
	Owner:	Puja Gupta, Filmore AZ, LLC
Approved w/stips	4.	Application #: ZA-80-23-8
		Existing Zoning: R-5 RI
		Location: 903, 907 East Roosevelt Street and 913 North 9th Street
		Quarter Section: 11-29(F8)
		Proposal: 1) Variance to reduce the surface parking lot landscape area to 1%. Minimum 5% required. 2) Variance to reduce the side yard setback (west) to 7 feet. Minimum 10 feet required. 3) Variance to reduce the required landscape setback along a public street (9th Street) to 7 feet. Minimum 10 feet required. 4) Variance to reduce the rear yard setback (south) to 1-foot. Minimum 15 feet required. 5) Variance to reduce the required rear yard (south) landscape setback to 0 feet. Minimum 5 feet required. 6) Variance to reduce the required side yard (east) landscape setback to 4 feet. Minimum 5 feet required. 7) Variance to reduce the front yard setback (north) to 15 feet. Minimum 20 feet required. 8) Variance to reduce the required front yard (north) landscape setback to 2 feet. Minimum 20 feet required. 9) Variance to allow maneuvering in the right-of-way (alley). Maneuvering must be located on private property.
		Ordinance Sections: 507TabA.II.A.6.1.1&6.1.2 618.B.Table B 703.B.3.a 618.B.Table B 703.B.3.b.(3) 703.B.3.b.(3) 618.B.Table B 703.B.3.a 702.A.1.b
		Applicant: Brian Greathouse, Burch and Cracchiolo, PA
		Representative: Brian Greathouse, Burch and Cracchiolo, PA
		Owner: 913 N 9th St Holdings, LLC
		Stipulations: 1) 18 months to apply and pay for building permits. 2) Per the setback reductions as shown on the site plan dated February 23, 2023.
Approved w/stips	5.	Application #: ZA-82-23-7
		Existing Zoning: C-2
		Location: 440 North 67th Avenue
		Quarter Section: 11-12(F4)
		Proposal: Use permit to allow a drive-through facility as an accessory use to a restaurant (Scooter's Coffee) within 300 feet of a residential district. Use permit required.
		Ordinance Sections: 623.D.157.d.(2)
		Applicant: Milan Knezovich II

Representative: Kelcie Christensen, FM Group, Inc.

Owner: Mibonne, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the drive-through location and configuration as shown on the plan dated February 24, 2023.

Continued 6. Application #: ZA-85-23-7
Existing Zoning: C-2
Location: 6016 South 7th Avenue
Quarter Section: 02-26(D8)
Proposal: Time extension for ZA-19-22, use permit to allow a drive-through facility as an accessory use to a restaurant (Carl's Jr.) within 300 feet of a residential district. Use permit required.
Ordinance Sections: 623.D.157.d.(2)
Applicant: Jesse Kent, Guggenheim Retail Real Estate Partners
Representative: Eric Gerster, Sustainability Engineering Group
Owner: Denver Gardens Company, LLC
Continued to May 11, 2023 at 9:00 AM.

Approved w/stips 7. Application #: ZA-91-23-7, 8
Existing Zoning: DTC-Warehouse
Location: Northeast corner of 1st Avenue and Buchanan Street
Quarter Section: 9-27(F8) 10-27(F8)
Proposal: Use permit to allow a temporary event (Motorcycle Show with outdoor entertainment) for up to 36 months. Use permit required.
Ordinance Sections: 708.D.1
Applicant: Ernest Hickman, Forty Eight Foundation
Representative: Ernest Hickman, Forty Eight Foundation
Owner: James Hinton and Jerome Gutkin, Laz Park
Stipulations:
1) 1 year review.
2) Limited to one event per year for the next 36 months.
3) Event hours shall be limited to 6:30 PM to 2:30 AM.

Approved w/stips 8. Application #: ZA-84-23-4
Existing Zoning: C-2
Location: 3830 and 3822 North 7th Street
Quarter Section: 16-28(H8)
Proposal: **1)** Time extension for ZA-94-22, use permit to allow a medical marijuana dispensary. Use permit required. **2)** Time extension for ZA-94-22, variance to allow a medical marijuana dispensary within 5,280 feet of the same type of use. Minimum 5,280 feet of separation required.
3) Time extension for ZA-94-22, variance to allow

a medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 feet of separation required. **4)** Time extension for ZA-94-22, variance to allow a medical marijuana dispensary within 1,320 feet of a preschool. Minimum 1,320 feet of separation required.

5) Time extension for ZA-94-22, variance to allow a medical marijuana dispensary within 1,320 feet of a learning center. Minimum 1,320 feet of separation required.

Ordinance Sections: 623.D.124.a 623.D.124.e 623.D.124.f
623.D.124.h 623.D.124.h

Applicant: David Richert, Richert and Associates

Representative: David Richert, Richert and Associates

Owner: Judy & Michael Onghai, Looksmart 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 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.

1:30 PM

Denied	9.	Application #:	ZA-31-23-5 (SIGN)
		Existing Zoning:	C-2
		Location:	6823 North 35th Avenue
		Quarter Section:	22-21(I6)
		Proposal:	Variance to increase the wall sign area to 223 square feet. Maximum 108 square feet permitted.
		Ordinance Sections:	705.D.1 Table D-1

	Applicant:	Jack Alvord, Royal Sign, Co.
	Representative:	Jack Alvord, Royal Sign, Co.
	Owner:	Michael Provenzano, Pro's Ranch Market, LLC
Approved w/stips	10. Application #:	ZA-72-23-8
	Existing Zoning:	R1-6 BAOD, R-5 BAOD
	Location:	Southwest corner of 8th Place and Euclid Avenue
	Quarter Section:	02-29(C8)
	Proposal:	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.
	Ordinance Sections:	307.A.8
	Applicant:	Ryan Hartman, Avenue North, LLC
	Representative:	William F. Allison, Withey Morris, PLC
	Owner:	Ryan Hartman, Euclid and 7th, LLC
	Stipulations:	
	1)	Two years to apply and pay for the first building permit.
	2)	Development shall be per the site plan dated February 22, 2022 with specific regard to perimeter setbacks.
	3)	At the time of development, the developer shall repair the west walls of the parcels at 8834 South 9th Street (Maricopa County APN300-37-373) and 8838 South 9th Street (Maricopa County APN300-37-374) and, as needed, increase the height of the walls to six feet above grade.
	4)	At the time of development, the developer shall install lush and tall landscaping on the 85+/-feet of shared property wall between the townhome site and the parcels at 8834 and 8838 South 9th Street. The landscaping shall include two-inch caliper trees planted 15 feet on center.
Withdrawn to Amend	11. Application #:	ZA-79-23-1
	Existing Zoning:	R1-6
	Location:	3307 West Christy Drive
	Quarter Section:	29-21(K6)
	Proposal:	Use permit for official approval of a home occupation (sales of firearms). Use permit required.
	Ordinance Sections:	608.E.3.h.(5)
	Applicant:	Ralph Pickett Jr.
	Representative:	Ralph Pickett Jr.
	Owner:	Rita McMahon
Approved w/stips	12. Application #:	ZA-81-23-6
	Existing Zoning:	C-2
	Location:	1525 East Bethany Home Road
	Quarter Section:	20-30(I9)
	Proposal:	Use permit to allow a bar or cocktail lounge (Phoenix City Grille) which exceeds 5,000 square

feet in gross floor area and is located within 300 feet of a residential district. Use permit required.
Ordinance Sections: 623.D.157.e
Applicant: Sheldon Knapp, Phoenix City Grille
Representative: Taylor Earl, Earl & Curley, P.C.
Owner: 16 Bethany Station, LLC

Stipulations:

- 1) 1 year to commence use.
- 2) Per the total square footage as proposed on the site plan dated February 24, 2023.

**Approved
w/stips**

13. Application #: ZA-83-23-2
Existing Zoning: C-2 NBCOD
Location: 2850 West Sonoran Desert Drive
Quarter Section: 55-23(Q7)
Proposal: **1)** Time extension for ZA-693-21, use permit to allow outdoor dining as an accessory use to a restaurant (PAD A, Shops A, PAD B, Shops B) within 500 feet of a residential zoning district. Use permit required. **2)** Time extension for ZA-693-21, use permit to allow a drive-through facility as an accessory use to a restaurant (PAD A, PAD B, Shops B) within 300 feet of a residential zoning district. Use permit required.
- Ordinance Sections: 623.D.157.c 623.D.157.d.(2)
Applicant: Wendy Riddell, Berry Riddell, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Owner: Sonoran Desert Retail, LLC
- Stipulations:**
- 1) 1 year to apply and pay for building permits.
 - 2) All other stipulations of ZA-693-21 shall apply.

**Approved
w/stips**

14. Application #: ZA-87-23-6
Existing Zoning: C-2 CEPCSP, C-2 SP CEPCSP, C-2 H-R SP CEPCSP
Location: 2201 East Camelback Road
Quarter Section: 18-32(H9)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a bar (The Gladly) within 500 feet of a residential zoning district. Use permit required. **2)** Use permit to allow outdoor alcohol consumption as an accessory use to a bar (The Gladly) within 500 feet of a residential zoning district. Use permit required. **3)** Use permit to allow outdoor recreation (including amplified sound) uses as an accessory use to a restaurant (The Gladly) within 500 feet of a residential zoning district. Use permit required.
- Ordinance Sections: 623.D.157.c 623.D.157.c 623.D.157.c
Applicant: Andrew Fritz, The Gladly

Representative: Arizona Liquor Industry Consultants
Owner: Anchor Centre, LLC, TerraCap Management, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Outdoor recreation shall be limited to 5 outdoor speakers playing ambient music.
- 3) No other amplified sound or live performers shall be permitted.

**ZONING ADJUSTMENT HEARING OFFICER: CRAIG TRIBKEN
PLANNER: ERIC MORALES, PLANNER III**

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.

March 30, 2023