

**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 **April 25, 2024 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-361-12-8 (1 Year Review of Use Permit)  
Existing Zoning: A-1  
Location: 4201 East University Drive  
Quarter Section: 6-37(E10)  
Proposal: Time Extension to Case ZA-159-11. Use permit to allow a medical marijuana dispensary facility. Time extension required.  
Ordinance Sections: 307.A.12.  
Applicant: Cecilia Wilson, Peace Relief  
Representative: David Dow, Law Offices of David W. Dow  
Owner: Cecilia Wilson, Peace Relief

**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 1 year 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.

|                 |                 |                                             |                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------|-----------------|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Continue</b> | 2.              | Application #:                              | ZA-243-19-5 (1 Year Review of Use Permit)                                                                                                                                                                                                                                                                                                                                                                         |
|                 |                 | Existing Zoning:                            | C-2                                                                                                                                                                                                                                                                                                                                                                                                               |
|                 |                 | Location:                                   | 2601 West Dunlap Avenue                                                                                                                                                                                                                                                                                                                                                                                           |
|                 |                 | Quarter Section:                            | 26-23(J7)                                                                                                                                                                                                                                                                                                                                                                                                         |
|                 |                 | Proposal:                                   | 1) Variance to allow a nonprofit medical marijuana dispensary within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.<br>2) Variance to allow a nonprofit medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 feet separation required.<br>3) Use Permit to allow a nonprofit medical marijuana dispensary. Use Permit required. |
|                 |                 | Ordinance Sections:                         | 623.D.124.e 624.D.124.f 624.D.124.a                                                                                                                                                                                                                                                                                                                                                                               |
|                 |                 | Applicant:                                  | BC Retail Development, LLC                                                                                                                                                                                                                                                                                                                                                                                        |
|                 | Representative: | David Thomas, Greens Goddess Products, Inc. |                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                 | Owner:          | MP Dunlap, Inc.                             |                                                                                                                                                                                                                                                                                                                                                                                                                   |

**Continued to June 13, 2024 at 9:00 AM.**

|                         |                 |                                         |                                                                                                              |
|-------------------------|-----------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Approved w/stips</b> | 3.              | Application #:                          | ZA-119-23-8 (1 Year Review of Use Permit)                                                                    |
|                         |                 | Existing Zoning:                        | C-2                                                                                                          |
|                         |                 | Location:                               | 2119, 2121, and 2125 North 24th Street                                                                       |
|                         |                 | Quarter Section:                        | 13-33(G9)                                                                                                    |
|                         |                 | Proposal:                               | Use permit to allow multiple temporary events (Wren House Brewing) for up to 36 months. Use permit required. |
|                         |                 | Ordinance Sections:                     | 708.D.1                                                                                                      |
|                         |                 | Applicant:                              | Allister Dueker, Wren House Brewing Co.                                                                      |
|                         | Representative: | Allister Dueker, Wren House Brewing Co. |                                                                                                              |
|                         | Owner:          | Omar Alvarez, TPQ Foods, LLC            |                                                                                                              |

**Stipulations:**

- 1) Limited to 6 events per year.
- 2) Event hours shall be limited to 11:00 AM to 7:00 PM. Limited to Saturdays and Sundays for event dates.
- 3) Approved for 36 months.
- 4) 1 year review.
- 5) No live entertainment or performances shall be permitted.

|                           |    |                  |                                                                                                                                                                                                                                                                                         |
|---------------------------|----|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Withdrawn to Amend</b> | 4. | Application #:   | ZA-151-24-7                                                                                                                                                                                                                                                                             |
|                           |    | Existing Zoning: | DTC-Roosevelt South HP                                                                                                                                                                                                                                                                  |
|                           |    | Location:        | 469 West McKinley Street and 649 North 5th Avenue                                                                                                                                                                                                                                       |
|                           |    | Quarter Section: | Q11-27(F8)                                                                                                                                                                                                                                                                              |
|                           |    | Proposal:        | 1) Variance to increase the lot coverage to 85 percent. Maximum 50 percent is allowed.<br>2) Variance to reduce the side yard setback (west) of the primary building to 2 feet, total combined side yard setback of 5 feet. Minimum required 3 feet side and combined total of 10 feet. |

|                                                       |    |                      |                                                                                                                                                                                |
|-------------------------------------------------------|----|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                       |    | Ordinance Sections:  | 1219.B.3.a 1219.B.4.a(1)                                                                                                                                                       |
|                                                       |    | Applicant:           | LiveForward Development                                                                                                                                                        |
|                                                       |    | Representative:      | Benjamin Patton, LiveForward Development                                                                                                                                       |
|                                                       |    | Owner:               | Bruce and Debby Lubitz TR                                                                                                                                                      |
| <b>Approved<br/>w/stips</b>                           | 5. | Application #:       | ZA-222-24-6                                                                                                                                                                    |
|                                                       |    | Existing Zoning:     | R1-6                                                                                                                                                                           |
|                                                       |    | Location:            | 2926 North 53rd Place                                                                                                                                                          |
|                                                       |    | Quarter Section:     | Q15-40(G11)                                                                                                                                                                    |
|                                                       |    | Proposal:            | Variance to reduce the side yard setback (southeast) to 5 feet. Minimum 10 feet required.                                                                                      |
|                                                       |    | Ordinance Sections:  | 613.B.Table B                                                                                                                                                                  |
|                                                       |    | Applicant:           | Stanley Runnels, The Runnels Company, LLC                                                                                                                                      |
|                                                       |    | Representative:      | Stanley Runnels, The Runnels Company, LLC                                                                                                                                      |
|                                                       |    | Owner:               | Hoppe Family Trust                                                                                                                                                             |
|                                                       |    | <b>Stipulations:</b> |                                                                                                                                                                                |
|                                                       |    |                      | 1) 1 year to apply for and obtain building permits.                                                                                                                            |
|                                                       |    |                      | 2) Per the setback reduction as shown on site plan date stamped March 19, 2024.                                                                                                |
| <b>#1, 2, 3, 5<br/>and 6<br/>Approved<br/>w/stips</b> | 6. | Application #:       | ZA-232-24-1                                                                                                                                                                    |
|                                                       |    | Existing Zoning:     | PSC                                                                                                                                                                            |
|                                                       |    | Location:            | 4930 West Bell Road                                                                                                                                                            |
|                                                       |    | Quarter Section:     | Q37-17(M5)                                                                                                                                                                     |
|                                                       |    | Proposal:            | 1) Variance to reduce building setbacks on the east side to 41 feet from residential zoning. Minimum 75 feet required.                                                         |
|                                                       |    |                      | 2) Variance to reduce building setbacks on the north side to 48 feet from residential zoning. Minimum 75 feet required.                                                        |
|                                                       |    |                      | 3) Variance to allow 296 square feet (13%) of accessory outdoor dining floor area (Building B). Maximum 233 square feet (10%) allowed.                                         |
|                                                       |    |                      | 4) Variance to allow 579 square feet (24%) of accessory outdoor dining floor area (Building C). Maximum 245 square feet (10%) allowed.                                         |
|                                                       |    |                      | 5) Use permit to allow outdoor dining as accessory to three restaurants (Buildings A, B, C). Use permit required.                                                              |
|                                                       |    |                      | 6) Use permit to allow drive-through facilities as accessories to restaurants (Buildings A, B, and C) within 300 feet from a residential zoning district. Use permit required. |
|                                                       |    | Ordinance Sections:  | 637.C.3 637.A.3 622.D.150.d 622.D.150.e                                                                                                                                        |
|                                                       |    | Applicant:           | Patrick Hallman, C & H Associates, LLC                                                                                                                                         |
|                                                       |    | Representative:      | Patrick Hallman, C & H Associates, LLC                                                                                                                                         |
|                                                       |    | Owner:               | Robert Garrett                                                                                                                                                                 |
|                                                       |    | <b>Stipulations:</b> |                                                                                                                                                                                |
|                                                       |    |                      | 1) 1 year to apply for and obtain building permits.                                                                                                                            |
|                                                       |    |                      | 2) Employees must have unobstructed views into the patio area or                                                                                                               |
| <b>#4<br/>Denied as<br/>Filed</b>                     |    |                      |                                                                                                                                                                                |
|                                                       |    |                      |                                                                                                                                                                                |

be present.

- 3) Patio area will have adequate lighting.
- 4) Police Precinct Commander or designee may require licensed security guards or off-duty police at their discretion after periodic reviews of the activities at the businesses.
- 5) No outdoor entertainment.
- 6) Per the setback reductions and locations of the patios and drive-throughs per the site plan date stamped April 3, 2024.
- 7) 2 year review of use permit.
- 8) Request 4 approved for 400 square feet.

**Approved  
w/stips**

7. Application #: ZA-235-24-4  
Existing Zoning: R1-6  
Location: 1635 West Glenrosa Avenue  
Quarter Section: Q17-25(H7)  
Proposal: Use permit to allow a 20 foot tall projection of the main building into the required rear yard (east). Maximum 15 foot tall projection permitted.  
  
Ordinance Sections: 701.A.3.a(2)(d)  
Applicant: Robert Butler and Valeriya Nedeva  
Representative: Robert Butler and Valeriya Nedeva  
Owner: Robert Butler and Valeriya Nedeva  
**Stipulations:**  
1) 1 year to apply for and obtain building permits.  
2) Per the location of the projection as shown on site plan date stamped March 22, 2024.

**Continued**

**1:30 PM**

8. Application #: ZA-67-24-8 (SIGN) (Continued from March 21, 2024)  
Existing Zoning: C-1  
Location: 9170 South 51st Avenue  
Quarter Section: Q02-16  
Proposal: Use permit to adopt a major amendment to the Dobbins Ranch Shopping Center Comprehensive Sign Plan. Use Permit required.  
  
Ordinance Sections: 705.E.2.d(2)  
Applicant: Andrew Chi, Andrew Chi Planning  
Representative: Andrew Chi, Andrew Chi Planning  
Owner: Eric S. Young, Pacific Western Holdings, LLC

**Continued to June 13, 2024 at 1:30 PM.**

**Continued**

9. Application #: ZA-122-24-8 (SIGN)  
Existing Zoning: A-2 AIO RSIO  
Location: 1735 East Maricopa Freeway  
Quarter Section: Q7-31(E9)  
Proposal: 1) Use permit to rebuild a non-conforming off-premise sign to a height of 60 feet. Use permit required.  
2) Use Permit to rebuild two faces of a non-conforming off-premise sign to digital display.

Use permit required.  
Ordinance Sections: 705.2.B.4.b 705.2.G.4  
Applicant: Paul Hickman, Clear Channel Outdoor  
Representative: Taylor C. Earl, Earl & Curley  
Owner: Eller Outdoor Advertising, Clear Channel Outdoor

**Continued to June 13, 2024 at 1:30 PM.**

- Approved w/stip** 10. Application #: ZA-163-24-5 (SIGN)  
Existing Zoning: C-2 PCD  
Location: 1610 North 83rd Avenue  
Quarter Section: Q13-8(G3)  
Proposal: Use permit to allow an electronic message display (EMD) on two ground signs. Use Permit required.  
Ordinance Sections: 705.C.13  
Applicant: Vince Acosta, Royal Sign Company  
Representative: Vince Acosta, Royal Sign Company  
Owner: Barnett Family, LLC  
**Stipulation:**  
1) 12 months to complete all sign permitting requirements for the 2 ground signs.
- Approved w/stips** 11. Application #: ZA-208-24-3 (SIGN)  
Existing Zoning: RSC PCD  
Location: 12500 North Tatum Boulevard  
Quarter Section: Q31-38(K11)  
Proposal: Use permit for a major amendment to the Paradise Valley Mall Comprehensive Sign Plan. Use permit required.  
Ordinance Sections: 705.E.2.d  
Applicant: Patrick Faranal, National Sign & Marketing Corporation  
Representative: Patrick Faranal, National Sign & Marketing Corporation  
Owner: Jeff Moloznik, Red Development, LLC, Michael Ebert, PV Retail I SPE, LLC  
**Stipulations:**  
1) Illuminated signs over 56 feet in height shall emit green light only. No white light shall be emitted by the sign faces.  
2) Sign design shall be in accordance with the drawings date-stamped April 25, 2024.  
3) Prior to issuance of sign permits, submittal of revision pages for the Paradise Valley Mall CSP document in accordance with any case-related, staff comments/corrections or Zoning Adjustment Hearing Officer stipulations.  
4) Twelve months to pay for and obtain sign permits.
- Approved w/stips** 12. Application #: ZA-695-23-6  
Existing Zoning: R-3  
Location: 2001 North 51st Street

Quarter Section: Q13-39(G11)  
Proposal: 1) Variance to reduce the perimeter setback (north) to 7 feet. Minimum 15 feet required.  
2) Variance to allow 3 stories, 30 feet height. Maximum 2 stories or 30 feet allowed.  
Ordinance Sections: 615.B.Table 615.B.(c) 703.B.3.b.(3)  
Applicant: John Landry, Shift AE, LLC  
Representative: John Landry, Shift AE, LLC  
Owner: J Frederic Mays

**Stipulations:**

- 1) 2 years to apply for and obtain building permits.
- 2) Per the setback reductions as shown on site plan date stamped March 21, 2024.
- 3) The duplex on lot 9 will have no windows on the second story on the east side of the building.

**Approved  
w/stips**

13. Application #: ZA-223-24-7  
Existing Zoning: C-2  
Location: 6016 South 7th Avenue  
Quarter Section: Q2-26(D8)  
Proposal: Use permit to allow a drive-through facility as an accessory use to a restaurant (Black Rock Coffee) within 300 feet of a residential district. Use permit required.  
Ordinance Sections: 623.D.157.d.(2)  
Applicant: Steven Bowser, Helix Engineering, LLC  
Representative: Steven Bowser, Helix Engineering, LLC  
Owner: The Denver Gardens Company, LLC

**Stipulations:**

- 1) 18 months to apply for and obtain building permits.
- 2) Per the location of the drive-through as shown on site plan date stamped March 22, 2024.

**Approved  
w/stips**

14. Application #: ZA-224-24-1  
Existing Zoning: PAD-9  
Location: 17828 North 47th Avenue  
Quarter Section: Q38-17(M5)  
Proposal: 1) Variance to increase wall height in the required side (east) yard setback to 9 feet. Maximum 6 feet permitted.  
2) Variance to increase wall height in the required side (west) yard setback to 9 feet. Maximum 6 feet permitted.  
3) Variance to increase wall height in the required rear (north) yard setback to 9 feet. Maximum 6 feet permitted.  
4) Variance to increase fence height to 9 feet in the required front (south) yard setback. Maximum 40 inches allowed.  
Ordinance Sections: 703.A.2.a 703.A.2.c 703.A.2.c 703.A.2.c  
Applicant: Jeff Muckerman

Representative: Jeff Muckerman  
Owner: Strait Warwick, Bellair Association for Parks and Recreation c/o Firstservice Residential

**Stipulations:**

- 1) 1 year to apply for and obtain building permits.
- 2) Per the location and detail of the proposed wrought iron fence as shown on site plan date stamped March 19, 2024.
- 3) The top 12 inches shall be curved in a direction away from the center of the property.
- 4) Shall be painted to match the existing masonry wall.

**Approved  
w/stips**

15. Application #: ZA-228-24-7  
Existing Zoning: C-2  
Location: 3698 West Southern Avenue  
Quarter Section: Q3-20(D6)  
Proposal: 1) Time Extension for ZA-412-22, use permit to allow outdoor dining as an accessory use to a restaurant (ONO Hawaiian BBQ-PAD A and Future User-PAD B) located within 500 feet of a residential district zoning line. Use permit required.  
2) Time Extension for ZA-412-22, use permit to allow a drive through facility as an accessory use to a restaurant (ONO Hawaiian BBQ-PAD A & Future User-PAD B) within 300 feet of a residential zoning district. Use permit required.  
Ordinance Sections: 623.D.157.c; 623.D.157.d.(2)  
Applicant: Tim Rasnake, Archicon, Architecture, and Interiors, LC  
Representative: Jeff Koski, Archicon, Architecture, and Interiors, LC  
Owner: Fairway Colima DE Nine, LLC

**Stipulations:**

- 1) 2 years to apply for and obtain building permits.
- 2) Per the location of the drive-throughs and outdoor dining as shown on site plan date stamped March 25, 2024.

**ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI**  
**PLANNER: DOMINIC AMODIO, 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](mailto: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](mailto:angie.holdsworth@phoenix.gov) TTY: Use 7-1-1.

April 26, 2024