

**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 **February 1, 2024 9:00 AM (Items 1-8) and 1:30 PM (Items 9-12)**

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

Continued

9:00 AM

1. Application #: ZA-284-20-4 (1 Year Review of Use Permit)
(Continued from November 2, 2023)
Existing Zoning: C-2 SAUMSO
Location: 4232 North 7th Avenue
Quarter Section: 17-26(H8)
Proposal: 1) Use permit to allow outdoor dining as an accessory use to a restaurant/bar within 500 feet of a residential district. Use permit required.
2) Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant/bar within 500 feet of a residential district. Use permit required.
3) Variance to reduce the building setback (north) from a non Seventh Avenue property line that is not adjacent to a residential district to 0-feet. Minimum 5 feet required.
4) Variance to allow an over height fence wall (8 feet) along the rear property line. Maximum 6 feet allowed.
Ordinance Sections: 623.D.157.c 623.D.157.c 665.H.Table 1 703.A.2.c
Applicant: Chris Prado, Elemental Architecture
Representative: Lucas Lindsey, Venue Projects
Owner: 4232 N 7th, LLC
Continued to February 8, 2024 at 9:00 AM.

**Approved
w/stips**

2. Application #: ZA-538-17-6 (1 Year Review of Use Permit)
Existing Zoning: C-2
Location: 1616 East Glendale Avenue
Quarter Section: 23-31(I9)
Proposal: 1) Use Permit to allow a medical marijuana dispensary in the C-2 zoning district. Use Permit required.
2) Variance to allow a medical marijuana dispensary facility within 500 feet of residentially zoned property. Minimum 500 feet separation required.
3) Variance to allow a medical marijuana

dispensary facility within 1320 feet of a place of worship. Minimum 1320 feet separation required.
Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.h
Applicant: John Haugh, Sunday Goods / The Pharm
Representative: Heather N. Dukes Esq.
Owner: IIP-AZ 2, 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 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.

Continued 3. Application #: ZA-541-23-2 (Continued from December 21, 2023)
Existing Zoning: RE-24
Location: 13222 North 64th Street
Quarter Section: Q32-42(L12)
Proposal: Variance to allow an over height fence (6 feet) within the required front yard setback. Maximum 40 inches permitted.
Ordinance Sections: 703.A.2.a
Applicant: Trevor Penrose
Representative: Trevor Penrose
Owner: Paul Gilbert

Continued to March 14, 2024 at 9:00 AM.

Approved w/stips 4. Application #: ZA-597-23-8 (Continued from December 21, 2023)
Existing Zoning: C-2 HP, R-5 RI HP ACOD

Location: 717 North 7th Street
Quarter Section: Q11-29(F8)
Proposal: Use permit to allow outdoor dining up to 50 percent. Use permit required.
Ordinance Sections: 669.E.2
Applicant: Carlos Dominguez
Representative: Carlos Dominguez
Owner: Joseph Lewis, Red Bricks on 7th Street, LLC

Stipulations:

- 1) 1 year to commence use.
- 2) Hours for outdoor dining will be Monday – Thursday 10:00 AM – 10:00 PM and Friday – Sunday 10:00 AM – 11:00 PM.
- 3) Per the location of the outdoor dining as shown on site plan date stamped December 15, 2023.

**Approved
w/stips**

5. Application #: ZA-687-23-8
Existing Zoning: R-3
Location: 2930 East Coronado Road
Quarter Section: Q13-33(G10)
Proposal: 1) Time extension for ZA-538-22, Variance to allow a lot with no public street frontage. Frontage on a public street is required.
2) Time extension for ZA-538-22, Variance to reduce the required side yard setback (southwest) to 1 foot. Minimum 10 feet required.
3) Time extension for ZA-538-22, Variance to reduce the required side yard setback (north) to 1 foot. Minimum 3 feet required.
Ordinance Sections: 615.B.Table B 615.B.Table B 615.B.Table B
Applicant: Ayali Delsole Cassel
Representative: Ayali Delsole Cassel
Owner: Ayali Delsole Cassel

Stipulations:

- 1) 1 year to apply for and obtain building permits.
- 2) Per the setback reductions as shown on site plan date stamped November 8, 2022.
- 3) The legal front will be in the southernmost perimeter measuring 20 feet in width.

**Approved
w/stips**

6. Application #: ZA-707-23-4
Existing Zoning: R1-6 HP CNSPD
Location: 1321 East Palm Lane
Quarter Section: Q13-30(G9)
Proposal: 1) Variance to reduce the east setback from an interior property line for ADU to 0 feet. Minimum 3 feet required.
2) Variance to reduce the east side yard setback to 0 feet. Minimum 10 feet required.
Ordinance Sections: 706.A.a.2; 706.A.5
Applicant: Rodney Sherrard, RS Architecture, LLC

Representative: Rodney Sherrard, RS Architecture, LLC

Owner: Boryana Delov, Bold Cactus, LLC

Stipulations:

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

2) Per the setback reductions as shown on site plan date stamped December 27, 2023.

Denied	7.	Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner:	ZA-741-23-8 R1-10 BAOD 8443 South 16th Street Q02-31(C9) Variance to reduce the side yard setback (north) to 0 feet. Minimum 3 feet required. 611.B.Table B Billy Ray Lamb Jr. Billy Ray Lamb Jr. Billy Ray Lamb Jr.
Withdrawn	8.	Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner:	ZA-748-23-7 R-5 RI HP 1310 West Monroe Street Q10-26(F8) Time Extension for ZA-550-22, variance to reduce the required side yard (east) setback to 3 feet. Minimum 10 feet required. 618.B.Table B Aleta and John Lynch Ron Hecht Aleta and John Lynch
Approved w/stips	9.	1:30 PM Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner:	ZA-306-23-8 (SIGN) (Continued from December 28, 2023) C-3 123 East Durango Street 7-28(E8) 1) Variance to reduce required spacing between off-premise signs to 485 feet. Minimum 1,000 foot spacing required. 2) Use permit to increase the height of a nonconforming off-premise sign to 70 feet. Use permit required. 3) Use Permit to rebuild a nonconforming off-premise sign not requesting a digital. Use Permit required. 705.2.B.2 705.2.B.4.b 705.2.G.5 Jacob Zonn, Becker Boards Small, LLC Garry Hays Case Properties, LTD Partnership

Stipulations:

- 1) Install a Planning and development Department design-approved, decorative pole cover on the rebuilt sign. Any access ladder, if included, shall be on the north or west side of the pole cover and concealed from northbound traffic. If an opening in the required decorative pole cover for electrical service is necessary, said opening shall be on the north or west side of the pole cover.
- 2) Install a PDD design-approved screening device on the open north end of the V-shaped sign structure.
- 3) Maximum sign height shall be 60 feet.
- 4) The applicant shall have 12 months to apply and pay for permits for the subject sign.

Withdrawn	10.	Application #:	ZA-595-23-1 (Continued from December 21, 2023)
		Existing Zoning:	R1-8
		Location:	13414 North 31st Avenue
		Quarter Section:	Q32-21(L6)
		Proposal:	Variance to reduce front yard (east) setback to 11 feet. Minimum 20 feet required.
		Ordinance Sections:	612.B.Table B
		Applicant:	Brian Ruiz Gonzalez
		Representative:	Brian Ruiz Gonzalez
Approved w/stip		Owner:	Brian Ruiz Gonzalez
	11.	Application #:	ZA-717-23-8
		Existing Zoning:	RE-35
		Location:	2639 West Elliot Road
		Quarter Section:	Q05-23(C7)
		Proposal:	Variance to reduce the minimum lot area to 34,987 square feet (Lot 2). Minimum 35,000 square feet required.
		Ordinance Sections:	609.B.Table
		Applicant:	Leodra Bowdell
Continued		Representative:	Leodra Bowdell
		Owner:	Sandra Guerrero
		Stipulation:	
		1)	18 months to complete lot split process.
	12.	Application #:	ZA-734-23-7
		Existing Zoning:	A-1
		Location:	11 South 71st Avenue
		Quarter Section:	Q10-12(F4)
		Proposal:	Use permit to allow a shelter for individuals experiencing homelessness. Use permit required if located on a lot within 1,320 feet from a residential district.
		Ordinance Sections:	627.D.1
		Applicant:	Rachel Milne, City of Phoenix Office or Homeless Solutions

Representative: Rachel Milne, City of Phoenix Office or
Homeless Solutions
Owner: City of Phoenix, Attn: Property Management
Continued to February 22, 2024 at 1:30 PM.

ZONING ADJUSTMENT HEARING OFFICER: BETTY DRAKE
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. 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 2, 2024