

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised August 2, 2024*

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 13, 2024 at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-16)**

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 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.

Approved w/stip	2.	Application #: Existing Zoning: Location: Quarter Section: Proposal:	ZA-63-19-8 (1 Year Review of Use Permit) C-1 HP TOD-1 (Pend. WU T5:2) 1110 East Washington Street 10-29(F8) 1) Use permit to allow a microbrewery/winery. Use permit required. 2) Use permit to allow a bar and cocktail lounge. Use permit required. 3) Use permit to allow liquor retail sales. Use permit required. 4) Use permit to allow outdoor dining located within 500 feet of a single-family residential district. Use permit required. 5) Use permit to allow outdoor alcoholic beverage consumption located within 500 feet of a single-family residential district. Use permit required. 6) Use permit to allow outdoor music located within 500 feet of a single-family residential district. Use permit required. Ordinance Sections: 1306.D.Table 1306.D.Table 1306.D.Table 1306.G.5 1306.G.5 1306.G.6.a(1) Applicant: Jennifer Herbert, Superstition Meadery Representative: Jennifer Herbert, Superstition Meadery Owner: Laara VanLoben Sels Stipulation: 1) Outdoor music limited to 12:00 AM on Friday and Saturday and 10:00 PM on Sunday – Thursday.
Approved w/stips	3.	Application #: Existing Zoning: Location: Quarter Section: Proposal:	ZA-239-20-4 (1 Year Review of Use Permit) A-2 3006, 3014, 3022 and 3030 North 30th Avenue 15-22(G7) 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: Chris Arnold, ACP Real Estate, LLC
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 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.

**Approved
w/stips**

4. Application #: ZA-243-19-5 (1 Year Review of Use Permit)
(Continued from April 25, 2024)
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.
2) Variance to allow a nonprofit medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 feet separation required.
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: David Thomas, Greens Goddess Products, Inc.
Representative: Benjamin Tate, Withey Morris, PLC
Owner: MP Dunlap, Inc.

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.

**Withdrawn
to Amend**

5. Application #: ZA-614-23-6 (Continued from May 2, 2024)
Existing Zoning: R1-6
Location: 4135 East Glenrosa Avenue
Quarter Section: Q17-37(H10)
Proposal: Variance to reduce the rear yard (south) setback to 1 foot for detached accessory structures. Minimum 3 feet required.
Ordinance Sections: 706.B.3
Applicant: Daniel Rothenberg and Llissa Lazar
Representative: Luis Ibarra, Territorial L&L Construction
Owner: Daniel Rothenberg and Llissa Lazar

**Approved
w/stips**

6.	Application #:	ZA-352-24-4
	Existing Zoning:	C-2
	Location:	5504 North 7th Avenue
	Quarter Section:	Q20-26(I8)
	Proposal:	1) Use permit to allow outdoor dining as an accessory use to a restaurant (The Bar) 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 restaurant (The Bar) within 500 feet of a residential zoning district. Use permit required.

Ordinance Sections: 623.D.157.c, 623.D.157.c
Applicant: Frank Vairo, Blueprint Hospitality Group
Representative: Pablo Martinez, RKAA Architects, Inc
Owner: Ehab Jeff Francis, F & S Management II, LLC

Stipulations:

- 1) 1 year to apply for and obtain building permits.
- 2) Per the location of the outdoor patio space as shown on site plan date stamped May 16, 2024.
- 3) The employees must have a clear view of the area in order to supervise the activities and or be present while patrons utilize outdoor area.
- 4) "No Trespassing" signs must be posed and an authority to arrest trespassers for be signed to deter loitering/unwanted guest inside the surrounding establishment.
- 5) The area must be sufficiently illuminated and contained to discourage any unlawful activity. The Precinct Commander or their designee may approve lighting containment area and security personnel at their discretion.
- 6) No outdoor activities or speakers.
- 7) Hours of operation for the patio will be limited to 10:00 AM – 10:00 PM Sunday – Thursday and 10:00 AM – Midnight on Friday and Saturday.

**#1, 4, 5, 6
and 7
Approved
w/stips**

7.

Application #: ZA-364-24-4
Existing Zoning: R-5 TOD-1, C-2 TOD-1
Location: 220 East Lexington Avenue, 3304, 3306, 3308, 3316 North 3rd Street and 3305, 3309, 3315 North Morris Drive

**#2 and 3
Denied**

Quarter Section: Q15-28(G8)
Proposal: 1) Use permit to allow outdoor dining or seating as an accessory use to a restaurant with alcoholic beverage consumption. Use permit required.
2) Use permit to allow an extension of a use (surface parking) which is permitted in a less restricted district (C-2) into a more restricted district (R-5) to a maximum of 25 feet. Use permit required.
3) Variance to allow a 125 foot encroachment into a more restrictive zoning district. Maximum 25 feet encroachment allowed.
4) Variance to reduce the required building frontage along a non-transit street (Morris Drive) to 0%. Minimum 50% building frontage required.
5) Variance to reduce the required building frontage along a non-transit street (Lexington Avenue) to 30%. Minimum 50% building frontage required.
6) Variance to reduce the minimum sidewalk width (Morris Drive) to 6 feet. Minimum 8 feet required.
7) Variance to reduce the minimum sidewalk

width (Lexington Drive) to 6 feet. Minimum 8 feet required.

Ordinance Sections: 662.F.1.d 307.A.8 307.A.8 662.I.2.a.Table 2
662.I.2.a.Table 2 662.J.1 662.J.1

Applicant: George Pasquel III, Withey Morris Baugh, PLC

Representative: George Pasquel III, Withey Morris Baugh, PLC

Owner: Ray Zuckerman, Moosedreams Management,
LLC and TGRL 3316 LLC/JTR 3316 LLC

Stipulations:

- 1) 1 year to apply for and obtain building permits.
- 2) Per the location of the outdoor patio space as shown on site plan date stamped May 8, 2024.
- 3) The employees must have a clear view of the area in order to supervise the activities and or be present while patrons utilize outdoor area.
- 4) The area must be sufficiently illuminated and contained to discourage any unlawful activity. The Precinct Commander or their designee may approve lighting containment area and security personnel at their discretion.
- 5) "No Trespassing" signs must be posed and an authority to arrest trespassers for be signed to deter loitering/unwanted guest inside the surrounding establishment.
- 6) Hours of operation for the patio will be limited to 10:00 AM – 10:00 PM Sunday – Thursday and 10:00 AM – Midnight on Friday and Saturday.
- 7) No outdoor activities or speakers.

**Approved
w/stips**

8. Application #: ZA-366-24-2
Existing Zoning: R1-18
Location: 5448 East Windstone Trail
Quarter Section: Q53-40(Q11)
Proposal: Use permit for official approval of a home occupation (Federal Firearms License). Use permit required.
Ordinance Sections: 608.E.27.h.(5)
Applicant: Tyler R. Schacter, SPR Defense LLC., SK Armament LLC.
Representative: Tyler R. Schacter, SPR Defense LLC., SK Armament LLC.
Owner: Tyler R. Schacter

Stipulations:

- 1) 1 year to commence use.
- 2) No storage or delivery of firearms, ammunition, explosive materials and related product with the exception of demo products.
- 3) No fabrication of firearms or related products.
- 4) No onsite sales or displays of firearms.

1:30 PM

**Approved
w/stips**

9. Application #: ZA-67-24-8 (SIGN) (Continued from April 25, 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

Stipulations:

- 1) Sign design shall be in accordance with the sign drawings submitted to the Hearing Officer and date stamped June 13, 2024.
- 2) 12 months to obtain sign permits for ground sign.

**Withdrawn
to Amend**

10. Application #: ZA-122-24-8 (SIGN) (Continued from April 25, 2024)
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

***Denied as
Filed
Approved
w/stips**

11. Application #: ZA-257-24-6 (SIGN)
Existing Zoning: C-3
Location: 5150 East Van Buren Street
Quarter Section: Q11-39(F11)
Proposal: 1) Variance for a ground sign height of 70 feet. Maximum 18 feet permitted.
2) Variance for a ground sign to increase sign area to 194 square feet. Maximum 130 square feet permitted.
Ordinance Sections: 705.D.2.d (2) 705.D.2.d (2)
Applicant: James Carpentier, International Sign Association
Representative: James Carpentier, International Sign Association
Owner: Circle K Stores Inc.

Stipulations:

- 1) Ground sign height of 50 feet maximum.
- 2) Ground sign area of 160 square feet maximum.
- 3) Final sign design shall require Planning and Development approval and shall include an enhanced decorative sign column

cover that utilized actual or simulated materials and textures and matching colors found on the circle K building.

4) 12 months to obtain sign permits for ground sign.

Continued 12. Application #: ZA-333-24-8 (SIGN)
Existing Zoning: C-2 SP
Location: 4730 East Baseline Road
Quarter Section: Q1-38(D11)
Proposal: Variance to reduce the spacing of a ground sign to 68 feet. Minimum 100 feet allowed.
Ordinance Sections: 705.D.1 Table-1
Applicant: Stacie Hicks, Vixxo
Representative: David Mikel, Site Enhancement Services
Owner: Gerald Valle, SST VI 4730 E Baseline Rd LLC
Continued to July 18, 2024 at 1:30 PM.

Continued 13. Application #: ZA-62-24-3 (Continued from May 2, 2024)
Existing Zoning: R1-10
Location: 11011 North 38th Street
Quarter Section: Q29-36(K10)
Proposal: Variance to reduce the side yard (south) setback to 5 feet. Minimum 10 feet required.
Ordinance Sections: 611.B.Table B
Applicant: David Schwinghamer, Third Dimension Design
Representative: David Schwinghamer, Third Dimension Design
Owner: James Wernau
Continued to July 18, 2024 at 1:30 PM.

***Approved w/stips** 14. Application #: ZA-166-19-7 (4 Month Review of Use Permit)
Existing Zoning: DTC-West Evans Churchill HP
Location: 1121 North 2nd Street
Quarter Section: 12-28(G8)
Proposal: 1) Use permit to allow a bar (Pemberton House). Use permit required.
2) Use permit to allow outdoor liquor service accessory to a bar. Use permit required.
3) Use permit to allow liquor service accessory to a restaurant. Use permit required.
4) Use permit to allow alcohol sales and service within 300-feet of a church in an entertainment district. Use permit required.
5) Use permit to allow outdoor entertainment (amplified music or loudspeakers) between the hours of 7:00 AM and 12:00 AM on Friday through Sunday. Use permit required.
6) Use permit to allow outdoor entertainment between the hours of 7:00 AM and 12:00 AM on Friday through Sunday. Use permit required.
7) Variance to allow outdoor entertainment Monday through Thursday, between 7:00 AM and 12:00 AM. Outdoor entertainment permitted

on Friday through Sunday only.
Ordinance Sections: 1204.D.Table 1204.D.Table 1204.D.Table
307.A.17.a 1204.C.5 1204.C.18 1204.C.16
Applicant: Nick Wood, Snell & Wilmer, LLP
Representative: Nick Wood, Snell & Wilmer, LLP
Owner: True North Holdings, LLC

Taken out from under advisement on July 11, 2024 and approved with the following stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) General conformance to the location of the outdoor patio spaces shown on the site plan signed and dated May 30, 2019.
- 3) The employees must have a clear view of the area in order to supervise the activities and be present while patrons utilize the outdoor area.
- 4) The area be sufficiently illuminated and contained to discourage any unlawful activity. The precinct commander, or his designee, may approve lighting containment area and security personnel at their discretion.
- 5) Outside speaker volume to be kept at a reasonable level. Speakers are not permitted within 10 feet of a property line and shall be oriented inward, toward the existing primary structure on the site.
- 6) No trespassing” signs must be posted and an authority to arrest trespassers form “be signed and submitted to the City of Phoenix Police Department to deter loitering/unwanted guests inside the establishment.
- 7) 6 month review of the case.
- 8) Applicant and/or Business Management shall be responsible for all activities at the site, including entertainers and vendors.
- 9) Applicant and/or Business Management shall be responsible to ensure sound levels will not exceed 55 decibels at the property line at any given time. Should sound levels exceed the allowable 55 decibels, or upon receiving a complaint, management will take appropriate action to reduce sound levels to within the allowable limit.
- 10) Amplified sound and loudspeakers limited to 1:00 PM to 12:00 AM on Sundays.
- 11) Flashing/strobe type lighting is prohibited.
- 12) Applicant and/or Business Management shall provide property owners within 200 feet and neighborhood associations within 600 feet current contact information (name, telephone, and text or email) of daytime and evening premises managers to facilitate timely communications between the neighborhood and business management.
- 13) Applicant and/or Business Management shall notify in writing the Planning and Development Department and registered neighborhood associations within 600 feet of the subject site within 30 days of any change in the operator or entity's name and shall request a 6 month review hearing of the case.

Denied 15. Application #: ZA-210-24-2
Existing Zoning: R1-10

Location: 5874 East Le Marche Avenue
Quarter Section: Q35-41(L11)
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.27.h.(5) 608.E.27.h.(1)
Applicant: Chad Finch, Drengers Forge, LLC
Representative: Chad Finch, Drengers Forge, LLC
Owner: Chad Finch

Continued 16. Application #: ZA-341-24-2
Existing Zoning: R1-10
Location: 6127 East Carolina Drive
Quarter Section: Q35-42(L12)
Proposal: Revocation of ZA-553-22, use permit to allow a home occupation (cooking school) that generates traffic. Use permit required.
Ordinance Sections: 307.A.7.g
Applicant: City of Phoenix, Planning and Development Department
Representative: City of Phoenix, Planning and Development Department
Owner: Connie Kircher, Love Nest Trust
Continued to July 2, 2024 at 9:00 AM.

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. 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.

August 2, 2024