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 **December 13, 2012, at 9:00 a.m. located in Assembly Room C, Phoenix City Hall, 200 West Washington Street, First Floor, Phoenix, Arizona.**

The results for the meeting were as follows:

RESULTS

9:00 AM

Denied	1.	Application #:	ZA-350-12-3 (Continued from 11/8/12)
		Existing Zoning:	A-1
		Location:	1944 West North Lane
		Quarter Section:	28-24(K7)
		Proposal:	**1)** Use permit to permit a medical marijuana dispensary facility. Use permit required. **2)** Variance to allow a medical marijuana dispensary located within 5,280 feet from another medical marijuana facility. Variance required if a medical marijuana dispensary is located within 5,280 feet from another medical marijuana facility.
		Ordinance Sections:	627.D.92.a 627.D.92.d
		Applicant:	Christina Fortin Dreem Green Corporation
		Representative:	David W. Dow, Law Offices of David W. Dow
		Owner:	Glen James Dobson, Van Buren Investment Company
Approved w/ stips	2.	Application #:	ZA-389-12-8
		Existing Zoning:	C-2
		Location:	1613 North 40th Street
		Quarter Section:	13-37(G10)
		Proposal:	**1)** Time extension for ZA-202-11, a request for a use permit to allow a medical marijuana dispensary. **2)** Time extension for ZA-202-11, a variance to allow a medical marijuana dispensary to be 190 feet away from a residential district. Minimum 250 feet required.

Ordinance Sections:	307.A.12.
Applicant:	Lauren Anton, AZ Compassionate Care
Representative:	Wendy Riddell, Barry & Damore LLC
Owner:	Ramzi Dugum

Stipulations:

1) Maintain previous stipulations (see ZA-202-11):
1-Variance approved to 200 feet
2-No Use Permit or Variance application fees are refundable.
3-That the Use Permit shall be reviewed within 365 days of the issuance of the Arizona Department of Health Services license for a medical marijuana use.
4-Obtain a license for medical marijuana use from the Arizona Department of Health Services. If no license is granted within 180 days of the approval of this Use Permit, the Zoning Administrator shall schedule a revocation hearing for this Use Permit.
5-That the applicant has 180 days to apply for building permits. 180 days shall start from the final court decision surrounding the legal challenge to the Medical Marijuana Act. Staff will issue a written memo announcing the start of the 180 day period.
6-That the applicant shall submit a security plan approved by the Arizona Department of Health Services to the Planning and Development Department.
7-That the applicant shall notify in writing the areas Police Precinct Commander of establishing such facility. Notice of this contact shall be submitted in writing to the Planning and Development Department.
2) Applicant to meet with all those that submitted cards within 180 days of today's date. **3)** These same neighbors will be noticed regarding the one year review.

Approved w/ stips

3.

Application #:	ZA-388-12-4
Existing Zoning:	C-2
Location:	725 West Indian School Road
Quarter Section:	16-26(H8)
Proposal:	**1)** Use permit to allow outdoor dining accessory to a restaurant that is within 500 feet of a residential district. Use permit required if within 500 feet of a residential district. **2)** Use permit to allow a drive-through queuing lane accessory to a restaurant that is less than 300 feet from a residential district. Use permit required if the drive-through queuing lane is less than 300 feet from

			a residential district.
		Ordinance Sections:	623.D.154.c. 623.D.154.d.(2)
		Applicant:	Mark A. Davis, Davis Enterprises
		Representative:	Mark A. Davis, Davis Enterprises
		Owner:	Mark A. Davis, Davis Enterprises

Stipulations:
1) Outdoor area to be closed at 11:00 p.m. Sunday through Thursday and 12:00 p.m. on Friday and Saturday. **2)** Sound level of speaker box not to exceed 50 db at the property line. **3)** Lighting plan to be approved by the Zoning Administrator. **4)** No traffic from restaurant in alleyway that abuts Amelia Avenue. **5)** One year to apply and pay for building permits.

Approved w/ stip	4.	Application #:	ZA-390-12-7
		Existing Zoning:	C-2 SP
		Location:	7525 West McDowell Road
		Quarter Section:	12-10(G4)
		Proposal:	Variance to allow an over height fence of 6 feet in the street side setback of a C-2 property. Maximum 40 inches allowed.
		Ordinance Sections:	703.A.3.a
		Applicant:	Jeff Muckerman, Phoenix Fence Company
		Representative:	Jeff Muckerman, Phoenix Fence Company
		Owner:	Rick Berardi, La Mesa RV

Stipulation:
1) 180 days to apply and pay for building permits.

Approved w/ stip	5.	Application #:	ZA-391-12-8
		Existing Zoning:	C-1
		Location:	3220 East Baseline Road Suite 134
		Quarter Section:	01-35(D10)
		Proposal:	Use permit to allow a queuing lane for a drive-through facility less than 300 feet from a residential district. Use Permit required if the queuing lane for the drive-through is less than 300 feet from a residential district.
		Ordinance Sections:	622.D.145.e.(2)
		Applicant:	Umberto Aguilar, Filbertos
		Representative:	Mark Lewis J. Ivan Rascon, Phoenix Restaurant Desig

		Owner:	Joseph Fitzgerald, ACJ Properties Baseline LLC
		Stipulation:	
		1) 180 days to apply and pay for building permits.	
Under Advisement	6.	Application #:	ZA-394-12-1
		Existing Zoning:	RE-35
		Location:	5031 West Tierra Buena Lane
		Quarter Section:	35-17(M5)
		Proposal:	Variance to allow a semi-tractor with a gross vehicle weight rating of more than 15,000 pounds on a residential lot. Semi-trailer or tractor with a gross vehicle weight rating of more than 15,000 pounds is not permitted on a residential lot.
		Ordinance Sections:	702.F.1.e.
		Applicant:	Charles Carty
		Representative:	Charles Carty
		Owner:	Charles Carty
Approved w/ stips	7.	Application #:	ZA-397-12-8
		Existing Zoning:	C-2
		Location:	2808 East Indian School Road
		Quarter Section:	17-34(H10)
		Proposal:	**1)** Use Permit to allow outdoor alcohol consumption accessory to a restaurant within 500 feet of a residential district (The "O" Bar & Grill). Use permit is required if within 500 feet of a residential district. **2)** Use Permit to allow patron dancing accessory to a restaurant (The "O" Bar & Grill). Use permit required. **3)** Use Permit to allow live entertainment on a stage area greater than 80 square feet (The "O" Bar & Grill). Use permit is required if the stage area is greater than 80 square feet.
		Ordinance Sections:	623.D.154.c., 623.D.154.b., 623.D.154.a.(1)
		Applicant:	Mindy Verdugo, The O LLC
		Representative:	Mindy Verdugo, The O LLC
		Owner:	Rodger Grove, RJ Sprouts Investors,

LLC

Stipulations:
1) Hours of use for the outdoor area to be no earlier than 10:00 a.m. and no later than 1:00 a.m. **2)** Employees must have a clear view of the area in order to supervise the activities and/or be present while patrons use the outdoor area. **3)** Outside speaker volume to be kept at 50 db. **4)** Live entertainment only after 9:00 p.m. on Friday and Saturday nights and only after 8:00 p.m. on Thursdays and Sundays. **5)** Review in one year.

Approved w/ stip

8.

Application #:	ZA-398-12-3
Existing Zoning:	S-1 (approved R1-6)
Location:	2140 East Kings Avenue
Quarter Section:	36-32(M9)
Proposal:	Variance to reduce the required side yard setback (east side) to 9 feet. Minimum 10 feet required.
Ordinance Sections:	613.B.Table A.
Applicant:	Jared Evenson, Courtland Communities LLC
Representative:	Jared Evenson, Courtland Communities LLC
Owner:	Jared Evenson, Courtland Communities LLC

Stipulation:
1) One year to apply and pay for building permits.

Approved w/ stips

9.

Application #:	ZA-399-12-4
Existing Zoning:	C-3
Location:	4727 North 7th Avenue
Quarter Section:	18-27(H8)
Proposal:	**1)** Use permit to allow outdoor alcoholic beverage consumption accessory to a restaurant within 500 feet of a residential district. Use permit required if located within 500 feet of a residential district. **2)** Use permit to allow outdoor dining accessory to a restaurant within 500 feet of a residential district. Use permit required if located within 500 feet of a residential district.
Ordinance Sections:	624.D.112.c, 624.D.112.c.
Applicant:	Leodra Bowdell Phoenix Permit Services

Representative: Leodra Bowdell Phoenix Permit Services
Owner: Catholic Charities Community
Stipulations:
1) Hours of use for the outdoor area to be no earlier than 8:00 a.m. and no later than 10:00 p.m. **2)** Employees must have a clear view of the area in order to supervise the activities and/or be present while patrons use the outdoor area. **3)** These stipulations do not override or change any previous stipulations. **4)** Evidence will be presented to the Zoning Administrator within 90 days that the lot split or combination has been completed. **5)** Present cross parking agreement within 60 days.

Approved w/ stips

10. Application #: ZA-403-12-6

Existing Zoning: C-1
Location: 4502 North 40th Street
Quarter Section: 18-36(H10)
Proposal: **1)** Variance to allow an outdoor patio within the required landscape setback. No accessory uses shall be provided within any required perimeter landscaped setback. **2)** Use Permit to allow sales of alcoholic beverages (Ingo's Burger Shop). Use permit required. **3)** Use Permit to allow outdoor dining accessory to a restaurant (Ingo's Burger Shop). Use permit required. **4)** Use Permit to allow outdoor alcoholic beverage consumption accessory to a restaurant (Ingo's Burger Shop). Use permit required.
Ordinance Sections: 622.E.4.g, 622.D.145.a, 622.D.145.d, 622.D.145.d
Applicant: Will Bruder, Will Bruder Architects
Representative: Will Bruder, Will Bruder Architects
Owner: Robert Lynn Family LLC
Stipulations:
1) Hours of use for outdoor are no later than 11:00 p.m.
2) Employees must have a clear view of the area in order to supervise the activities and/or be present while patrons use the outdoor area. **3)** Outside speaker volume to be kept below 60 db.
4) 180 days to apply and pay for building permit.

ZONING ADJUSTMENT HEARING OFFICERS: MICHAEL WIDENER AND ALAN STEPHENSON, PRINCIPAL PLANNER
PLANNER: EDWARD KEYSER

For further information, please call Ed Keyser, Planner II, Planning and Development Department at 602-495-0382, or contact via electronic mail at zoning@phoenix.gov. This electronic mail address will not accommodate zoning enforcement/violation complaints.