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 **January 24, 2013, 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

Under Advisement	1.	Application #:	ZA-446-12-8
		Existing Zoning:	A-1
		Location:	14 South 41st Place
		Quarter Section:	10-37(F10)
		Proposal:	**1)** Use permit to allow a medical marijuana dispensary. Use permit required. **2)** Variance to allow a medical marijuana dispensary within 5,280 feet of another approved use permit for a medical marijuana facility. A medical marijuana dispensary shall not be located within 5,280 feet of another medical marijuana facility. **3)** Variance to allow a medical marijuana dispensary within 1,320 feet of a school (Gateway Early College High School). A medical marijuana dispensary shall not be located within 1,320 feet of a school.
		Ordinance Sections:	627. D.92.a. 627.D.92.d. 627.D.92.f.
		Applicant:	Arizona Natures Wellness
		Representative:	Adam Baugh Withey Morris, PLC
		Owner:	Shirley Bonafasi Living Trust/ EFG Management LLC
Continued	2.	Application #:	ZA-445-12-3 (Sign)
		Existing Zoning:	RSC PCD
		Location:	12629 North Paradise Village Parkway
		Quarter Section:	31-37(K10)
		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:	Scott Hudson Arizona Commercial Signs
		Representative:	Scott Hudson Arizona Commercial Signs
		Owner:	Surinder Parmar JSPR Investments LLC
		Continued to February 28, 2013 at 9:00 a.m.	
Approved w/ stip	3.	Application #:	ZA-447-12-3 (Sign)
		Existing Zoning:	C-2
		Location:	2011 East Cactus Road
		Quarter Section:	30-32(K9)
		Proposal:	Use permit for an electronic message display as part of a sign. Use permit required.
		Ordinance Sections:	705. C.13.
		Applicant:	Tom Weathers Flasco Signs Co.
		Representative:	Tom Weathers Flasco Signs Co.
		Owner:	Quick N Clean XXIII LLC
		Stipulation:	
		1) Shall be in general conformance to sign rendering approved September 13, 2012.	
Approved w/ stip	4.	Application #:	ZA-458-12-4 (Sign)
		Existing Zoning:	C-2 TOD-1
		Location:	1625 West Camelback Road
		Quarter Section:	18-25(H7)
		Proposal:	**1)** Variance to increase the letter/logo height for a wall sign to 72 inches. Maximum 12 inches allowed for building fronts 30 feet in height or less. **2)** Variance to increase the wall sign area to 400 square feet for Major Tenant 'A' and 250 square feet for Major Tenant 'B'. Maximum 1 square foot for each lineal foot of building elevation to a maximum of 100 square feet per business. **3)** Variance to allow the installation of signage not over leased space for Major Tenant 'A'. Wall signs required to be located over leased space related to the appurtenant

			use.
		Ordinance Sections:	662. K.1.b. 662.K.1.a. 705.D.3.b.
		Applicant:	Garret Buchanan Kinetic Commercial, LLC
		Representative:	Harvey Eisenberg Craft Master Sign Corporation
		Owner:	At Park Lee AZ, LLC c/o Kinetic Commercial, LLC
		Stipulation:	
		1) 1 year to apply and pay for permit.	
Withdrawn	5.	Application #:	ZA-466-11-1 (1-Year Review)
		Existing Zoning:	R1-8
		Location:	3030 West Anderson Drive
		Quarter Section:	37-22(M7)
		Proposal:	**1)** Use permit for official approval of a home occupation (firearm sales). Use permit required. **2)** Use permit to allow for additional traffic of a home occupation. Use permit required.
		Ordinance Sections:	608.C.9.h(5) 608.C.9.h(1)
		Applicant:	Joshua Lee Personal Home Defense Solutions
		Representative:	Joshua Lee Personal Home Defense Solutions
		Owner:	Joshua Lee Personal Home Defense Solutions
Approved w/ stip	6.	Application #:	ZA-448-12-1
		Existing Zoning:	C-1
		Location:	3448 West Peoria Avenue
		Quarter Section:	29-21(K6)
		Proposal:	**1)** Use permit to allow outdoor dining accessory to a restaurant (Panda Express). Use permit required. **2)** Variance to reduce the street side building setback along 35th Avenue to 9 feet. An average of 25 feet is required, minimum of 20 feet permitted for up to 50 percent of structure, including projections. **3)** Variance to reduce the streetscape landscape setback along 35th Avenue to 9 feet. An average of 25 feet is required; minimum of 20 feet is

			permitted for up to 50 percent of the frontage. **4)** Variance to reduce the streetscape landscape setback along Peoria Avenue to 11 feet, 5 inches. An average of 25 feet is required; minimum of 20 feet is permitted for up to 50 percent of the frontage. **5)** Variance to reduce the required on-site parking to 22 spaces. A minimum of 29 parking spaces are required.
		Ordinance Sections:	622.D.144.d. 622.E.4.d. 622.E.4.e. 622.E.4.e. 702.C.
		Applicant:	Justen Cassidy Hengst Streff Bajko Architects and Engin
		Representative:	Justen Cassidy Hengst Streff Bajko Architects and Engin
		Owner:	Jeff Levine 35th Ave and Peoria, LLC
		Stipulation:	
		1) Apply and pay for building permits within 1 year.	
Approved w/ stips	7.	Application #:	ZA-449-12-1
		Existing Zoning:	C-2 PCD
		Location:	3860 West Happy Valley Road Suite 102
		Quarter Section:	47-19(O6) 47-20(O6)
		Proposal:	**1)** Use Permit to allow outdoor dining accessory to a restaurant (Glory Days) that is located 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 alcoholic beverage consumption accessory to a restaurant (Glory Days) that is located within 500 feet of a residential district. Use Permit required, if located within 500 feet of a residential district.
		Ordinance Sections:	623.D.154.c 623.D.154.c
		Applicant:	Kyleigh Merritt Curtis Architecture
		Representative:	Tracy Follmer Pederson Group
		Owner:	Tracy Follmer Pederson Group
		Stipulations:	
		1) Shall be in general conformance with site plan signed and	

dated, January 24, 2013, by the hearing officer. **2)** The hours of use of the outdoor area are to be no earlier than 11:00 A.M. and no later than 12 A.M. **3)** The employees must have a clear view of the area in order to supervise activities and/or be present while patrons utilize the outdoor area. **4)** No live entertainment in the outside area. **5)** Sufficient lighting of the outdoor area. The Precinct Commander or his designee will approve lighting, security personnel and the containment area at their discretion. **6)** Outdoor noise not to exceed 60 decibels.

Approved w/ stips

8.

Application #:	ZA-451-12-1
Existing Zoning:	RE-35
Location:	4902 West Saguaro Park Lane
Quarter Section:	46-17(O5)
Proposal:	Variance to allow an over height (15.9 feet at the peak) accessory structure in the required (east) side yard. Maximum height of accessory structure in side yard is 8 feet
Ordinance Sections:	706.C.
Applicant:	Sorin V and Felicia Milas
Representative:	Sorin V and Felicia Milas
Owner:	Sorin V and Felicia Milas

Stipulations:

1) Shall be in general conformance with site plan signed and dated January 24, 2013, by the hearing officer. **2)** 3 months to apply and pay for building permit.

Continued

9.

Application #:	ZA-452-12-3
Existing Zoning:	C-2
Location:	1102 West Hatcher Road
Quarter Section:	27-26(J8)
Proposal:	Use permit to allow a Pet Care Facility. Use permit required.
Ordinance Sections:	622. D.126.a.
Applicant:	Angi Hopson AZ Small Dog Rescue
Representative:	Angi Hopson AZ Small Dog Rescue
Owner:	Dimitri & Eugenia Zannis

Continued to March 7, 2013 at 9:00 a.m.

Approved w/ stips

10.

Application #:	ZA-453-12-7
Existing Zoning:	C-2 Coronado Neighborhood SPD
Location:	1526 East McDowell Road
Quarter Section:	13-30(G9)

Proposal:	**1)** Use permit to allow outdoor alcoholic beverage consumption accessory to a restaurant located within 500 feet of a residential district. Use permit required, if within 500 feet of a residential district. **2)** Use permit to allow outdoor dining accessory to a restaurant located within 500 feet of a residential district. Use permit required, if within 500 feet of a residential district.
Ordinance Sections:	623.D.154.c. 623.D.154.c.
Applicant:	Lindsey Magee 1526 East McDowell LLC
Representative:	Michael Pearce Carbon Vudu LLC
Owner:	Lindsey Magee 1526 East McDowell LLC

Stipulations:
1) Shall be in general conformance to the site plan signed and dated January 24, 2013, by the hearing officer (not including internal floor plan). **2)** The hours of use for the outdoor area are to be limited to the operating hours of the business. **3)** The employees must have a clear view of the area in order to supervise the activities and/or be present while patrons utilize the outdoor area. **4)** Outside speaker volume to be kept at a reasonable level. **5)** One year to apply and pay for building permit.

1:30 PM

Approved w/ stips 11.

Application #:	ZA-455-12-6
Existing Zoning:	R1-6
Location:	1013 East Oregon Avenue
Quarter Section:	19-29(H8)
Proposal:	Variance to reduce the required side yard setback (east side) to 7 feet. A minimum of 10 feet is required.
Ordinance Sections:	613.B. Table B.
Applicant:	Michael Gilson Accurate Estimating Services
Representative:	Michael Gilson Accurate Estimating Services
Owner:	Bill Knutson

Stipulations:
1) Shall not be any second story additions. **2)** 3 months to apply and pay for building permit. **3)** Shall be in general conformance with the site plan signed and dated January 24, 2013, by the

hearing officer.

Approved w/stip

12.

Application #:	ZA-457-12-2
Existing Zoning:	R1-10 PCD NBCOD
Location:	East of the Intersection of Copperhead Trail and Quail Track Drive
Quarter Section:	50-25(P7)
Proposal:	Use permit to allow for 6-foot tall retaining walls within the subdivision perimeter of a property. Use permit required for a height over 40 inches high.
Ordinance Sections:	703.A.4.c
Applicant:	Randy Christman Pulte Home Corp.
Representative:	Curtis Brown LD-Team
Owner:	Randy Christman Pulte Home Corp.

Stipulation:

1) One year to apply and pay for permits.

Approved w/ stips

13.

Application #:	ZA-459-12-8
Existing Zoning:	A-1
Location:	4116 East Superior Avenue
Quarter Section:	6-37(E10)
Proposal:	**1)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Use permit to allow a medical marijuana infusion production facility. Use permit required. **3)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. A medical marijuana cultivation facility shall not be located within 5,280 feet of another medical marijuana facility. **4)** Variance to allow a medical marijuana infusion production facility within 5,280 feet of another medical marijuana facility. A medical marijuana infusion production facility shall not be located within 5,280 feet of another medical marijuana facility.
Ordinance Sections:	627. D.91.a. 627. D.93.a. 627.D.91.c. 627.D.93.b.
Applicant:	Theodore C. Pappas N+A Enterprises,

	LLC
Representative:	David W. Dow Law Offices of David W. Dow
Owner:	Superior Industrial Center, LLC

Stipulations:

1) No Use Permit or Variance application fees are refundable. **2)** 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. **3)** Obtain a license for medical marijuana use from the Arizona Department of Health Services for a medical marijuana use. 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. **4)** That the applicant has 1 year to apply and pay for building permits. **5)** That the applicant shall submit a security plan approved by the Arizona Department of Health Services to the Planning and Development Department. **6)** That the applicant shall notify in writing the areas Police Precinct Commander of establishing such facility. Notice of this contract shall be submitted in writing to the Planning and Development Department.

ZONING ADJUSTMENT HEARING OFFICER: HEIDI SHORT, LARRY TOM, PRINCIPAL PLANNER AND TERESA HILLNER, PLANNER III
PLANNER: RACELLE ESCOLAR

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.