

NOTICE OF PUBLIC MEETING ZONING ADJUSTMENT HEARING

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the **ZONING ADJUSTMENT HEARING OFFICER** and to the general public, that the **CITY OF PHOENIX ZONING ADJUSTMENT HEARING OFFICER** will hold a meeting open to the public on **October 21, 2021 9:00 AM (Items 1-7) and 1:30 PM (Items 8-15)**

Per the most recent social distancing guidelines from the federal government, no residents will be allowed to attend the meeting in-person.

OPTIONS TO ACCESS THE MEETING

- **Call-in to listen** to the live meeting: Dial **602-666-0783**, Enter meeting access code [25585677527#](tel:25585677527), and press # again when prompted for the attendee ID.
- **Observe the live meeting virtually**, by clicking on the following link and registering to join the meeting online:
<https://cityofphoenixpdd.webex.com/cityofphoenixpdd/onstage/g.php?MTID=e98f1a4b21f39917d2974ae0a814d7c1e>
- **Submit a comment** on an agenda item:
 - At: zoning.adjustment@phoenix.gov
 - Indicate: Item Number and Case Number
- **Register to speak** on an agenda item:
 - At: zoning.adjustment@phoenix.gov
 - By: **48 hours prior to the start of the hearing**. Staff will make every effort to accommodate requests to speak submitted beyond the 48-hour period. Due to the added demands of facilitating the virtual environment for the public, applicants and other staff members, we cannot consider any request less than 6 business hours before the start of the meeting / hearing.
 - Indicate: Item Number and Case Number

Notes:

1. Agenda items may be taken out of order.
2. Comments may be limited due to time constraints and to ensure all viewpoints are heard.

The agenda for the meeting is as follows:

9:00 AM

1. Application #: ZA-122-16-1 (1-year review of use permit)
Existing Zoning: A-1 DVAO (Area 1 & 2)
Location: 1225 West Deer Valley Drive
Quarter Section: 42-26(N8)
Proposal: **1)** Time Extension for ZA-69-15, a time extension of ZA-340-14 a use permit to allow a medical marijuana infusion facility. Use Permit required. **2)** Time Extension for ZA-69-15, a time extension of ZA-340-14 a variance to allow medical marijuana infusion facility within 5,280 feet of the same type of use. Minimum separation of 5,280 feet required.

Ordinance Sections: 627.D.93.a 627.D.93.b
Applicant: Brent Nerguizian, Scientific Botanical Leasing, LLC
Representative: Brent Nerguizian, Scientific Botanical Leasing, LLC
Owner: Brent Nerguizian, Scientific Botanical Leasing, LLC

2. Application #: ZA-123-16-1 (1-year review of use permit)
Existing Zoning: A-1 DVAO (Area 1 & 2)
Location: 1225 West Deer Valley Drive
Quarter Section: 42-26(N8)
Proposal: **1)** Time Extension for ZA-50-15, a time extension of ZA-278-14, a use Permit to allow a medical marijuana cultivation facility. Use Permit required. **2)** Time Extension for ZA-50-15, a time extension of ZA-278-14, a variance to allow a medical marijuana cultivation facility within 5,280 feet of the same type of use. Minimum separation of 5,280 feet required.

Ordinance Sections: 627.D.91.a 627.D.91.c
Applicant: Brent Nerguizian, Scientific Botanical Leasing, LLC
Representative: Brent Nerguizian, Scientific Botanical Leasing, LLC
Owner: Brent Nerguizian, Scientific Botanical Leasing, LLC

3. Application #: ZA-169-16-4 (1-year review of use permit)
Existing Zoning: C-2
Location: 2626 West Indian School Road
Quarter Section: 17-23(H7)
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required. **2)** Variance to allow a medical marijuana dispensary facility within 1 mile of another medical marijuana use. **3)** Variance to allow a medical marijuana dispensary facility within 500 feet of R-4 and R-4A residential zoning districts. **4)** Variance to allow a medical marijuana dispensary facility within 1,284 feet of a school. 1,320 feet is required between a medical marijuana dispensary facility and a school. **5)** Variance to allow a medical marijuana dispensary facility within 1,320 feet of a place of worship.

Ordinance Sections: 623.D.122 623.D.122.e 623.D.122.f 623.D.122.g
623.D.122.h
Applicant: Brett Carr, Urban Greenhouse
Representative: Brett Carr, Urban Greenhouse
Adam Baugh, Withey Morris, PLC
Owner: ACFC Holdings, LLC

4. Application #: ZA-464-21-6
Existing Zoning: R1-6
Location: 4214 East Whitton Avenue
Quarter Section: 16-37(H10)
Proposal: Variance to reduce the front yard setback (east) to 3 feet. Minimum 20 feet required.

Ordinance Sections: 613.B.Table B
Applicant: L. William III and Heidi Staudenmaier
Representative: Carlos Rodriquez, Virtual Space, LLC
Owner: L. William III and Heidi Staudenmaier

5. Application #: ZA-465-21-6
Existing Zoning: R1-6
Location: 4820 North 35th Street
Quarter Section: 18-35(H10)
Proposal: **1)** Time extension for ZA-231-20, variance to allow a lot that does not front onto a public street (Lot 1). Public street frontage required. **2)** Time extension for ZA-231-20, variance to allow a lot that does not front onto a public street (Lot 2). Public street frontage required.

Ordinance Sections: 608.H.1 608.H.1
Applicant: John and Alta Shinnors, Alta Design
Representative: John and Alta Shinnors, Alta Design
Owner: John and Alta Shinnors, Alta Design

6. Application #: ZA-467-21-6
Existing Zoning: CP/GCP
Location: 5022 East Chandler Boulevard
Quarter Section: 010-39(A11)
Proposal: **1)** Use permit to allow sales of alcoholic beverages as an accessory use to restaurant (Cracker Barrel). Use permit required. **2)** Use permit to allow packaged liquor sales as an accessory use. Use Permit required. **3)** Use permit to allow outdoor dining as an accessory to a restaurant (Cracker Barrel). Use permit required. **4)** Use permit to allow outdoor alcoholic consumption as an accessory to a restaurant (Cracker Barrel). Use permit required.

Ordinance Sections: 626.E.2.k(1) 626.E.2.k(3) 626.E.2.k.(4).(a) 626.E.2.k.(4).(a)
Applicant: Cindy Overton, CBOCS West, Inc. Cracker Barrel #335
Representative: Andrea Lewkowitz, Lewkowitz Law Office
Owner: CB Portfolio Owner, LLC

7. Application #: ZA-468-21-8
Existing Zoning: R-3 RI HP
Location: 1330 East Pierce Street
Quarter Section: 11-30(F9)
Proposal: **1)** Variance to reduce the required rear yard (north) landscape setback to 0 feet. Minimum 5 feet required. **2)** Variance to allow maneuvering in the right-of-way (alley). Maneuvering must be provided entirely on private property. **3)** Variance to reduce the required side yard (west) landscape setback to 0 feet. Minimum 5 feet required. **4)** Variance to reduce the required open space to 4 percent. Minimum 5 percent required.

Ordinance Sections: 703.B.3.b.3 702.A.1.b 703.B.3.b.3 703.B.4.a.1

Applicant: Tazmine Khatri Loomans, Taz Khatri Loomans
Representative: Tazmine Khatri Loomans, Taz Khatri Loomans
Owner: David Agado

1:30 PM

8. Application #: ZA-316-21-1 (SIGN) (Continued from July 29, 2021)
Existing Zoning: A-1 M-R
Location: 2355 West Pinnacle Peak Road
Quarter Section: 45-23(O7)
Proposal: **1)** Use permit to increase the height of a freeway, off-premise sign to 70 feet. Use permit required. **2)** Use permit to reduce required spacing between an off-premise sign and residential uses to 215 and 450 feet. Use permit required to reduce spacing to less than 500 foot minimum.
Ordinance Sections: 705.2.B.4.b 705.2.A.5
Applicant: Ted LeClair, LeClair Calihan Advertising
Representative: Ted LeClair, LeClair Calihan Advertising
Owner: Arizona State Credit Union
9. Application #: ZA-503-21-7 (SIGN)
Existing Zoning: DTC Roosevelt East
Location: 601 North 3rd Avenue
Quarter Section: 11-27(F8)
Proposal: Use permit to adopt the Aspire on Fillmore Comprehensive Sign Plan. Use permit required.
Ordinance Sections: 705.E.2
Applicant: Damien Birski, Sign of the Times, Inc.
Representative: Damien Birski, Sign of the Times, Inc.
Owner: Aspire on Fillmore, Empire Group
10. Application #: ZA-319-21-6 (Continued from July 29, 2021)
Existing Zoning: R1-10
Location: 205 West San Juan Avenue
Quarter Section: 20-27(I8)
Proposal: Variance to reduce the required side yard setback (west) to 3 feet. Minimum 10 feet required.
Ordinance Sections: 611.B.Table B
Applicant: Jason Comer, Jason Comer, Architect
Representative: Jason Comer, Jason Comer, Architect
Owner: Shannon and Joe Lijek
11. Application #: ZA-469-21-6
Existing Zoning: R1-14
Location: 5602 East Calle Del Paisano
Quarter Section: 16-40(H11)
Proposal: **1)** Variance to reduce required front yard (west) setback to 15 feet. Minimum 30 feet required. **2)** Variance to reduce the required rear yard (east) to 12 feet. Minimum 30 feet required.

- Ordinance Sections: 606.B.2 606.B.4
 Applicant: Drew Bryck
 Representative: Drew Bryck
 Owner: Michael Rafi
12. Application #: ZA-471-21-7
 Existing Zoning: C-2
 Location: 3648 West Southern Avenue, Suites 148-150
 Quarter Section: 3-20(D6)
 Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant. Use permit required. **2)** Use permit to allow outdoor alcohol consumption as an accessory use to a restaurant. Use permit required.
- Ordinance Sections: 622.D.150.d 622.D.150.d
 Applicant: Ohana Coffee & Wine, LLC
 Representative: Jeffrey Craig Miller, Arizona Liquor Industry Consultants
 Owner: Lamar Companies, South Mountain Retail, LLC
13. Application #: ZA-472-21-6
 Existing Zoning: R-3
 Location: 4215 North 26th Street
 Quarter Section: 17-33(H9)
 Proposal: **1)** Variance to reduce the side (north) landscape setback to 4 feet. Minimum 5 feet required. **2)** Variance to reduce the side (south) landscape setback to 0 feet. Minimum 5 feet required.
- Ordinance Sections: 703.B.3.b. 703.B.3.b.
 Applicant: Jason Cone, PATRY building company
 Representative: Jason Cone, PATRY building company
 Owner: Adam & Joe McCallum
14. Application #: ZA-474-21-3
 Existing Zoning: R1-6
 Location: 1536 East Sunnyslope Lane
 Quarter Section: 27-30(J9)
 Proposal: Variance to allow an over height wall (7 feet) in the side yard (east). Maximum 6 feet permitted.
- Ordinance Sections: 703.A.2.c
 Applicant: Lezlie Kennedy
 Representative: Tiffany Kirby
 Owner: Lezlie Kennedy
15. Application #: ZA-466-21-4
 Existing Zoning: A-2
 Location: 2929 and 2935 Grand Avenue and 3030 and 3020 North 29th Drive
 Quarter Section: 15-22(G7)

Proposal: **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 infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. 4) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. 5) Variance to allow a medical marijuana infusion facility within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required. 6) Variance to allow a medical marijuana cultivation facility within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.**

Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.93.b 627.D.91.c 627.D.91.e 627.D.91.f

Applicant: MSC Grand

Representative: Lindsay C. Schube, Gammage & Burnham, PLC

Owner: 2929 Grand Property, LLC

For further information please call Eric Morales, Planner II, Planning and Development Department at 602-262-7927 or to request a reasonable accommodation, please contact Tamra Ingersoll at 602.534-6648 or TTY: 7-1-1.

10/6/2021