

## 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 **September 28, 2023 9:00 AM (Items 1-8) and 1:30 PM (Items 9-15)**

**Meeting will be held virtually. To participate, see instructions outlined below.**

### **OPTIONS TO ACCESS THE MEETING**

- **Call-in to listen** to the live meeting: Dial **602-666-0783**. Enter meeting access code **26346911975#**, 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://cityofphoenix.webex.com/weblink/register/rafc0d1d158ad22f4c40a6c5329d84ba1>
- **Submit a comment** on an agenda item:
  - At: [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov) by 5:00 PM on **September 26, 2023**
  - Indicate: Item Number and Case Number
- **Register to speak** on an agenda item:
  - Register for the event by 5:00 PM on **September 26, 2023**, at:  
<https://cityofphoenix.webex.com/weblink/register/rafc0d1d158ad22f4c40a6c5329d84ba1>
  - If speaking by phone only, please email [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov) by 5:00 PM on **September 26, 2023**.

### **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-100-14-8 (1-Year Review of Use Permit)  
          Existing Zoning:       A-2 RSIO AIO BCMFSP  
          Location:             2424 South 24th Street  
          Quarter Section:     7-32(E9)  
          Proposal:             Time extension for ZA-242-13 (Use Permit and Variance for Medical marijuana cultivation and infusion facility).  
  
          Ordinance Sections:  307.A.12  
          Applicant:            Brig Burton, Agricann, LLC  
          Representative:     Lindsay C. Schube, Gammage & Burnham, PLC  
          Owner:                2424 S. 24th Street, LLC
  
2.       Application #:           ZA-210-14-1 (1-Year Review of Use Permit)  
          Existing Zoning:       A-1 DVAO  
          Location:             24905 North 7th Avenue  
          Quarter Section:     46-27(O8)

- Proposal: Use Permit to allow a Medical Marijuana Dispensary. Use Permit required.  
 Ordinance Sections: 627.D.92.a  
 Applicant: Lindsay Schube, Gammage & Burnham  
 Representative: Lindsay Schube, Gammage & Burnham  
 Owner: Wayne Howard, Happy Valley II, LLC
3. Application #: ZA-463-16-4 (1-Year Review of Use Permit)  
 Existing Zoning: C-2 TOD-1  
 Location: 2918 North Central Avenue  
 Quarter Section: 15-27(G8)  
 Proposal: **1)** Variance to allow a Medical Marijuana Dispensary to be located within 500 feet of a residentially zoned district. Minimum 500 foot separation from a residential zoning district required. **2)** Use Permit to allow a Medical Marijuana Dispensary. Use Permit required.  
 Ordinance Sections: 623.D.122.f 623.D.122.a  
 Applicant: Thunderbird Partners III, LLC  
 Representative: Larry Lazarus, Lazarus, Silvyn & Bangs  
 Owner: Larry Furlong, Pamala, Inc.
4. Application #: ZA-377-22-4 (1-Year Review of Use Permit)  
 Existing Zoning: C-2  
 Location: 4337 West Indian School Road, Suites 106-107  
 Quarter Section: 16-18(H6)  
 Proposal: **1)** Use permit to allow a pawn shop. Use permit required. **2)** Variance to allow a pawn shop less than 500 feet from a residential district. Minimum 500 feet of separation required.  
 Ordinance Sections: 623.D.134.a 623.D.134.b  
 Applicant: Margaret Moreno-Yanez, My Pawn, LLC  
 Representative: Margaret Moreno-Yanez, My Pawn, LLC  
 Owner: Attn: Matt Harper Steven Dukatt, Carol Investment Corporation
5. Application #: ZA-277-23-4 (Continued from August 17, 2023)  
 Existing Zoning: C-2 TOD-1  
 Location: 1925 West Camelback Road  
 Quarter Section: 18-24(H7)  
 Proposal: Use permit to allow packaged liquor sales at a convenience store (Carniceria Los Reyes) within 300 feet of a residential district. Use permit required.  
 Ordinance Sections: 622.D.102.a  
 Applicant: Edel Alcaraz, Carniceria Los Reyes #3, LLC  
 Representative: Alexander Moctezuma, Moctezuma Accounting and Tax Service  
 Owner: Ismail Ataria Investments, LLC
6. Application #: ZA-343-23-1  
 Existing Zoning: C-2, PSC  
 Location: Southeast corner of 35th Avenue and Union Hills Drive  
 Quarter Section: 38-21(M6)

Proposal: **1)** Variance to reduce the building setback (east) to 2 feet from a boundary of the PSC zoning district. Minimum 25 foot setback required. **2)** Variance to reduce the building setback (south) to 0 feet from a boundary of the PSC zoning district. Minimum 25 foot setback required. **3)** Variance to reduce the building setback adjacent to the PSC zoning district to 0 feet. Minimum 10 foot setback required. **4)** Variance to reduce the perimeter landscape setback adjacent to the PSC zoning district to 0 feet. Minimum 10 foot setback required.

Ordinance Sections: 637.C.3 637.C.3 623.E.4.Table 623.E.4.e

Applicant: Jill Kaiser, Land Development Consultants c/o Circle K Stores, Inc.

Representative: David Cisiewski, Land Development Consultants c/o Circle K Stores, Inc.

Owner: 35th Avenue and Union Hills Property  
I.S. Lincoln Oaks Limited Partnership  
I.S. Three Austin/Hunter's Ridge Limited

7. Application #: ZA-345-23-6  
Existing Zoning: C-2  
Location: 4723 East Ray Road  
Quarter Section: 09-38(B11)  
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (First Watch) 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 (First Watch) within 500 feet of a residential zoning district. Use permit required. **3)** Use permit to allow outdoor recreation (outdoor speakers) as an accessory use to a restaurant (First Watch) within 500 feet of a residential zoning district. Use permit required.

Ordinance Sections: 623.D.157.c 623.D.157.c 623.D.157.c

Applicant: First Watch Restaurants, Inc.

Representative: Emily Roberts, CDS Development

Owner: DT Ahwatukee Foothills, LLC

**1:30 PM**

8. Application #: ZA-177-23-6 (SIGN) (Continued from August 17, 2023)  
Existing Zoning: C-2  
Location: 3227 East Indian School Road  
Quarter Section: 16-35(H10)  
Proposal: Use permit to convert the west face of a nonconforming off-premise sign to digital. Use permit required.

Ordinance Sections: 705.2.G.4

Applicant: Jacob Zonn, Becker Boards Small, LLC

Representative: Garry Hays

Owner: Kar Yee Investments, LLC

9. Application #: ZA-269-23-8 (SIGN)  
Existing Zoning: C-2  
Location: 2150 West Camelback Road  
Quarter Section: 19-24(H7)

Proposal: **1)** Use permit to rebuild a nonconforming off-premise sign not requesting digital. Use permit required. **2)** Use permit to reduce off-premise sign separation from a residential district and residential use to 91 feet. Use permit required. **3)** Variance to reduce spacing between off-premise signs to 972 feet. Minimum 1,000 foot spacing required.

Ordinance Sections: 705.2.G.5 705.2.A.5.c 705.2.B.2  
Applicant: Jacob Zonn, Becker Boards Small, LLC  
Representative: Garry Hays  
Owner: Law Office of Christos Agra, PLC

10. Application #: ZA-342-23-1  
Existing Zoning: PUD  
Location: 32200 North 43rd Avenue  
Quarter Section: 55-16(R5) 55-16(Q5) 55-17(R5) 55-17(Q5) 55-18(Q6) 55-18(Q5) 56-16(R5) 56-16(Q5) 56-17(R6) 56-17(R5) 56-18(R6) 56-18(R6) 56-18(R5) 56-18(Q6) 56-18(Q5) 57-16(R5) 57-17(R6) 57-17(R5) 57-18(R6)

Proposal: Variance to allow a 4-foot separation between retaining walls. One foot of separation is required for each one foot in vertical height of the wall (5 feet).

Ordinance Sections: 703.A.4.b  
Applicant: TSMC Arizona Corporation  
Representative: Traver Jones and Dave Burke  
Owner: TSMC Arizona Corporation

11. Application #: ZA-344-23-1  
Existing Zoning: S-1  
Location: 27027 North 35th Avenue  
Quarter Section: 49-21(P6) 49-21(P6)

Proposal: **1)** Variance to allow a lot (Lot 3) that does not front onto a public street. Street frontage required. **2)** Variance to reduce Lot 3 (north) setback for a detached accessory structure to 20 feet. Minimum 50 feet required. **3)** Variance to reduce Lot 3 (east) setback for a detached accessory structure to 16 feet. Minimum 50 feet required.

Ordinance Sections: 608.H.1 603.B.3 603.B.3  
Applicant: Billy and Taralynn Carlson  
Representative: Jason Cleckner  
Owner: Billy and Taralynn Carlson

12. Application #: ZA-346-23-4  
Existing Zoning: R-3  
Location: 510 North 39th Avenue  
Quarter Section: 11-19(F6)

Proposal: Variance to reduce the side setback (north) to 0 feet. Minimum 10 feet required.

Ordinance Sections: 615.B.Table B  
Applicant: Jose G. Campos  
Representative: Jose G. Campos  
Owner: Jose G. Campos

13.           Application #:           ZA-347-23-3  
Existing Zoning:           R1-6  
Location:                 3742 East Sweetwater Avenue  
Quarter Section:         32-36(L10)  
Proposal:                 **1)** Use permit for official approval of a home occupation (Federal Firearms License). Use permit required. **2)** Use permit to allow a home occupation (Federal Firearms License) to be conducted in an accessory building. Use permit required.  
  
Ordinance Sections:     608.E.3.h.(5) 608.E.3.h.(2)  
Applicant:                Trevor Blue, Trevor Blue, LLC  
Representative:         Trevor Blue, Trevor Blue, LLC  
Owner:                    Anthony Saucedo
14.           Application #:           ZA-348-23-2  
Existing Zoning:           R1-18  
Location:                 5861 East Saint John Road  
Quarter Section:         37-41(M11)  
Proposal:                 **1)** Variance to allow 30% lot coverage. Maximum 25% permitted. **2)** Variance to allow an over height (11 feet) accessory structure located in the side yard (northwest) setback. Maximum 8 feet in height permitted.  
  
Ordinance Sections:     610.B.Table 706.C  
Applicant:                Scott Giesen, Giesen Design Studio, LLC  
Representative:         Scott Giesen, Giesen Design Studio, LLC  
Owner:                    Molly Rice, 5861 St. John Road, LLC
15.           Application #:           ZA-349-23-8  
Existing Zoning:           C-1 BAOD  
Location:                 2550, 2600, and 2620 East Baseline Road  
Quarter Section:         1-33(D9)  
Proposal:                 Time extension for ZA-115-22, use permit to allow a drive-through facility accessory to a restaurant (Popeyes) within 300 feet from a residential zoning district. Use permit required.  
  
Ordinance Sections:     622.D.150.e.(2)  
Applicant:                Cassandra Ayres, Berry Riddell, LLC  
Representative:         Cassandra Ayres, Berry Riddell, LLC  
Owner:                    Baseline 25, LLC

For further information please call Eric Morales, Planner III, Planning and Development Department at 602-262-7927 or via electronic mail at [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov). To request a reasonable accommodation, please contact Teleia Galaviz at 602-291-2559, [teleia.galaviz@phoenix.gov](mailto:teleia.galaviz@phoenix.gov) TTY: Use 7-1-1.

9/13/2023