

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised January 31, 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 **January 11, 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-21-16-8 (1 Year Review of Use Permit)
Existing Zoning: A-2 RSIOD ANIZO
Location: 2340 East University Drive
Quarter Section: 7-32(E9)
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 cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
 - 4) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
- Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
- Applicant: Anthony Rein
- Representative: Adam Baugh, Withey Morris, PLC
- Owner: Verdes Family Investment Partnership, LP

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 30 days of Certificate of Occupancy. 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.

Denied	2.	Application #:	ZA-506-23-3 (Continued from November 21, 2023)
		Existing Zoning:	R-5
		Location:	9216 North 8th Street
		Quarter Section:	Q27-29(J8)
		Proposal:	1) Variance to reduce the front yard setback (east) to 10 feet. Minimum 20 feet required. 2) Variance to reduce the landscape setback requirement along 8th Street to 10 feet. Minimum 20 feet required. 3) Variance to reduce the surface parking lot landscaping to 2%. Minimum 5% required.
		Ordinance Sections:	618.B.Table B 703.B.3.a 507 Tab A.II.A.6.1.1
		Applicant:	Stephanno Salazar
		Representative:	Stephanno Salazar
		Owner:	Stephanno Salazar, Long Mountain Investments, LLC
Approved w/stips	3.	Application #:	ZA-78-22-4
		Existing Zoning:	R1-6
		Location:	3933 West Encanto Boulevard
		Quarter Section:	13-19(G6)
		Proposal:	Variance to reduce the required side yard setback (west) to 3 feet. Minimum 10 feet required.
		Ordinance Sections:	613.B.Table B
		Applicant:	Kendra Chavez, NEAH Designs, LLC
		Representative:	Kendra Chavez, NEAH Designs, LLC
		Owner:	Ana Maria Flores
		Stipulations:	
			1) 1 year to apply and pay for building permits. 2) 2 years to obtain a Certificate of Occupancy.
Approved w/stips	4.	Application #:	ZA-561-23-6
		Existing Zoning:	R-3
		Location:	2645 East Glenrosa Avenue
		Quarter Section:	Q17-33(H9)

Proposal: 1) Time extension for ZA-534-22, use permit to allow the Planned Residential Development (PRD) option. Use permit required.
2) Time extension for ZA-534-22, variance to reduce the perimeter building setback (north) to 15 feet. Minimum 20 feet required.
3) Time extension for ZA-534-22, variance to reduce the perimeter landscape setback (north) to 15 feet. Minimum 20 feet required.
4) Time extension for ZA-534-22, Variance to reduce the perimeter building setback (south) to 10 feet. Minimum 15 feet required.

Ordinance Sections: 608.B 615.B.Table B 703.B.3.a 615.B.Table B

Applicant: John R. Hansen

Representative: Marty Hall

Owner: John R. Hansen

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reductions as shown on the site plan dated November 17, 2022.

***Approved
w/stips**

5. Application #: ZA-587-23-7
Existing Zoning: R-5 RI
Location: 817 North 10th Avenue
Quarter Section: Q11-26(F8)
Proposal: 1) Variance to reduce the front landscape setback (west) to 10 feet. Minimum 20 feet required.
2) Variance to reduce the landscape setback adjacent to an interior property line (north) to 0 feet. Minimum 5 feet required.
3) Variance to reduce the landscape setback adjacent to an interior property line (south) to 0 feet. Minimum 5 feet required.
4) Variance to reduce the landscape setback adjacent to the rear property line (east) to 0 feet. Minimum 5 feet required.
5) Variance to reduce the front setback (west) to 10 feet. Minimum 20 feet required.

Ordinance Sections: 703.B.3.a 703.B.3.b 703.B.3.b 703.B.3.b 618.B.Table B

Applicant: Michael Buschbacher II

Representative: Taylor Earl

Owner: Amir Ran, Ran Holdings, LLC

Taken out from under advisement on January 31, 2024 and approved with the following stipulations:

- 1) 2 years to apply and pay for the required permits.
- 2) General conformance to the landscape plan date stamped April 14, 2021, with a minimum of three trees in the front yard having a trunk diameter of at least 3-inches.
- 3) On-site parking shall be accessed from the alley.

Approved w/stips	6.	<p>Application #: ZA-661-23-3</p> <p>Existing Zoning: C-2</p> <p>Location: 13805 North 19th Avenue</p> <p>Quarter Section: Q33-25(L7)</p> <p>Proposal: Use permit to allow package liquor sales accessory to a convenience market (M & M Convenience Store) located within 300 feet of a residential zoning district. Use permit required.</p> <p>Ordinance Sections: 622.D.102.a</p> <p>Applicant: Alvin Oraha</p> <p>Representative: Alvin Oraha</p> <p>Owner: Moon Mountain Plaza, LLC</p> <p>Stipulations:</p> <ol style="list-style-type: none"> 1) Owner must post no trespassing signs prescribed by the Police Department. 2) Must have authority to arrest on file with the local Police Precinct. 3) Must post no loitering signs. 4) 1 year review.
Approved w/stips	7.	<p>Application #: ZA-663-23-8</p> <p>Existing Zoning: A-2 RSIOD</p> <p>Location: 2121 South 15th Avenue</p> <p>Quarter Section: Q7-26(E8)</p> <p>Proposal: <ol style="list-style-type: none"> 1) Time Extension for ZA-538-21, Use permit to allow a medical marijuana cultivation facility. Use permit required. 2) Time Extension for ZA-538-21, Use permit allow a medical marijuana infusion facility. Use permit required. 3) Time Extension for ZA-538-21, Variance to allow a medical marijuana cultivation facility to be located within 5,280 feet of the same type of use. Minimum 5,280 feet of separation required. 4) Time Extension for ZA-538-21, Variance to allow a medical marijuana infusion facility to be located within 5,280 feet of the same type of use. Minimum 5,280 feet of separation required. 5) Time Extension for ZA-538-21, Variance to allow a medical marijuana cultivation facility to be located within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. 6) Time Extension for ZA-538-21, Variance to allow a medical marijuana infusion facility to be located within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. 7) Time Extension for ZA-538-21, Variance to allow a medical marijuana cultivation facility to be located within 1,320 feet of a public park. Minimum 1,320 feet of separation required. </p>

8) Time Extension for ZA-538-21, Variance to allow a medical marijuana infusion facility to be located within 1,320 feet of a public park. 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.d 627.D.93.c 627.D.91.e 627.D.93.d

Applicant: Benjamin Graff on behalf of SSW Investments, LLC, Quarles & Brady, LLP

Representative: Benjamin Graff on behalf of SSW Investments, LLC, Quarles & Brady, LLP

Owner: Phoenix Freeway Partners, LLC

Stipulations:

- 1) The Use Permit shall be reviewed within 365 days of the issuance of the dispensary certificate for a medical marijuana use from the Arizona Department of Health Services.
- 2) The applicant has 2 years 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 2 years 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 prior to the commencement of operations. 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**

8. Application #: ZA-682-23-3

Existing Zoning: PUD

Location: 12820 North Tatum Boulevard

Quarter Section: 31-38(K11)

Proposal: Use permit to allow package liquor sales (Trevor's) as a primary use within 300 feet of a residential zoning district. Use permit required.

Ordinance Sections: PV Land PUD narrative for Z-57-21, Section C. List Of Uses

Applicant: Lauren Proper Potter

Representative: Lauren Proper Potter

Owner: PV Land II SPE, LLC

Stipulation:

- 1) 1 year to apply and pay for building permits.

1:30 PM

Withdrawn to Amend	9.	Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner:	ZA-434-23-7 (SIGN) PUD 8444 South 63rd Avenue Q01-14(C5,D5) Use permit to allow off-premise sign to have digital display. Use permit required. 705.2.E.3 Paul Hickman, Clear Channel Outdoor Brian Vaccaro, Earl & Curley, P.C. Ruskin Lines Jr., Dairy 51.8, LLC
	10.	Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner:	ZA-441-23-7 (SIGN) PUD 8725 South 63rd Avenue 02-14(C5) Use permit to build a new off-premise sign with two digital faces. Use permit required. 705.2.E.3 Paul Hickman, Clear Channel Outdoor Brian Vaccaro, Earl & Curley, P.C. Ruskin Lines Jr., Dairy 51.8, LLC
Withdrawn to Amend	11.	Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner:	ZA-443-23-7 (SIGN) PUD 6250 West Dobbins Road Q02-14(C5) 1) Use permit to build a new off-premise sign with two digital faces. Use permit required. 2) Use permit to build an off-premise sign to 55 feet. Use permit required. 705.E.3 705.2.B.4 Paul Hickman, Clear Channel Outdoor Brian Vaccaro, Earl & Curley, P.C. Ruskin Lines Jr., Dairy 51.8, LLC
Denied	12.	Application #: Existing Zoning: Location: Quarter Section: Proposal:	ZA-363-23-1 (Continued from November 21, 2023) C-2 SP 4139 West Bell Road Suite 13 36-19(M6) 1) Variance to allow a tobacco oriented retailer (MAH Smoke Shop) within 500 feet of the same type of use. Minimum 500 feet of separation required. 2) Variance to allow a tobacco-oriented retailer (MAH Smoke Shop) to be located within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.

			3) Variance to allow a tobacco-oriented retailer (MAH Smoke Shop) to be located within 1,320 feet of a school. Minimum 1,320 feet of separation required.
			4) Variance to allow a tobacco-oriented retailer (MAH Smoke Shop) to be located within 1,320 feet of a daycare. Minimum 1,320 feet of separation required.
		Ordinance Sections:	623.D.194.a 623.D.194.b 623.D.194.b
		Applicant:	Ali Al-Hasnawi, MAH Smoke Shop
		Representative:	Ali Al-Hasnawi, MAH Smoke Shop
		Owner:	Butterfield Trail, LLC
Approved w/stip	13.	Application #:	ZA-542-23-3 (Continued from November 30, 2023)
		Existing Zoning:	C-2
		Location:	15206 North Cave Creek Road
		Quarter Section:	Q34-32(L9)
		Proposal:	Use permit to allow package liquor sales as an accessory to a convenience market located within 300 feet of a residential zoning district. Use permit required.
		Ordinance Sections:	622.D.102.a
		Applicant:	Jim Khnanisho
		Representative:	Jim Khnanisho
		Owner:	Gordon Property Holdings
		Stipulation:	
			1) Use must commence within 60 days.
Denied	14.	Application #:	ZA-436-23-7
		Existing Zoning:	DTC-Business Core
		Location:	101 North 1st Avenue
		Quarter Section:	Q10-27(F8)
		Proposal:	1) Variance to allow an over height fence (10 feet) along Adams Street (south). Maximum 40 inches permitted. 2) Variance to allow an over height fence (10 feet) along 1st Avenue (west). Maximum 40 inches permitted.
		Ordinance Sections:	1205.F.3 1205.F.3
		Applicant:	George Catone, Reset Studios
		Representative:	George Catone, Reset Studios
		Owner:	101 North First Ave., LLC
Continued	15.	Application #:	ZA-458-23-3
		Existing Zoning:	R1-10
		Location:	3531 East Onyx Avenue
		Quarter Section:	Q28-35(K10)

Proposal: Variance to allow a detached accessory structure (bike/pool storage) in the required front yard (east) setback. Accessory structures are not permitted within the required front yard setback.

Ordinance Sections: 706.B.1

Applicant: Christina and Jeff Brouwer

Representative: Luke Crosthwaite, Crosthwaite Custom Construction

Owner: Christina and Jeff Brouwer

Continued to February 8, 2024 at 1:30 PM.

Denied 16. Application #: ZA-689-23-5

Existing Zoning: R1-6

Location: 8839 West Osborn Road

Quarter Section: Q15-7(G3)

Proposal: Variance to allow an open projection (carport) to project 20 feet into the required front yard (north) setback. Maximum 5 foot projection allowed.

Ordinance Sections: 701.A.3.a.(1).(a)

Applicant: Luis Carlos Castro

Representative: Norma Castro

Owner: Luis Carlos Castro

ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
PLANNER: NATASHA HUGHES, PLANNER II

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. To request a reasonable accommodation, please contact Teleia Galaviz at 602-291-2559, teleia.galaviz@phoenix.gov TTY: Use 7-1-1.

January 31, 2024