

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised May 4, 2022*

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 **April 7, 2022 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-197-19-5 (1 year review of use permit)
Existing Zoning: A-2
Location: 4210 North 39th Avenue
Quarter Section: 17-19(H6)
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 the same type use or medical marijuana dispensary or infusion facility. Minimum 5,280 foot separation required. **4)** Variance to allow a medical marijuana cultivation facility within 1,320 feet of a place of worship. Minimum 1,320 foot separation required. **5)** Variance to allow a medical marijuana infusion facility within 5,280 feet of the same type of use or cultivation facility. Minimum 5,280 foot separation required. **6)** Variance to allow a medical marijuana infusion facility within 1,320 feet of a place of worship. Minimum 1,320 foot separation required.
Ordinance Sections: 627.D.91.a. 627.D.93.a. 627.D.91.c. 627.D.91.f. 627.D.93.b. 627.D.93.e.
Applicant: Taylor C. Earl, Earl, Curley & Lagarde, P.C.
Representative: Taylor C. Earl, Earl, Curley & Lagarde, P.C.
Owner: Brian W. Leecing, SCF Properties, LLC

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.
- 8) Emergency access only from/to 39th Avenue.

**Approved
w/stips**

2. Application #: ZA-651-21-2 (Continued from February 3, 2022)
Existing Zoning: R1-8
Location: 19819 North 22nd Street
Quarter Section: 40-32(N9)
Proposal: Variance to allow a lot (Lot 3) that does not front onto a public street. Public street frontage required.
Ordinance Sections: 608.H.1
Applicant: Kevin Nguyen
Representative: Kevin Nguyen
Owner: Kevin Nguyen
Stipulations:
1) 1 year to complete the lot split process.
2) Per the lot split proposal as shown on the plan dated November 8, 2021.

**Approved
w/stips**

3. Application #: ZA-654-21-6 Continued from February 3, 2022)
Existing Zoning: R1-6
Location: 3430 East Monterosa Street
Quarter Section: 17-35(H10)
Proposal: Variance to reduce the side yard setback (east) to 5 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Deleigh Crawford, Southerly Enterprises, LLC
Representative: Deleigh Crawford, Southerly Enterprises, LLC
Owner: Sudanco, LLC
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per the setback reduction as shown on the plan dated November 9, 2021.

Approved w/stips	4.	Application #:	ZA-50-22-8
		Existing Zoning:	C-2 BAOD
		Location:	7750 South 24th Street
		Quarter Section:	01-33(D9)
		Proposal:	Variance to reduce the perimeter landscape setback (24th Street) to 26 feet. Minimum 40 feet required.
		Ordinance Sections:	651.E.2.i
		Applicant:	Brian Greathouse, Burch & Cracchiolo, P.A.
		Representative:	Brian Greathouse, Burch & Cracchiolo, P.A.
		Owner:	Heights Properties, LLP
		Stipulations:	
			1) 18 months to apply and pay for building permits.
			2) General conformance to the setback reduction as shown on the plan dated February 3, 2022.
Approved w/stip	5.	Application #:	ZA-53-22-7
		Existing Zoning:	R-5 RI
		Location:	1244 West Pierce Street
		Quarter Section:	11-26(F8)
		Proposal:	Time extension of ZA-741-20, variance to reduce the required interior (east) landscape setback to 0 feet. Minimum 5 feet required.
		Ordinance Sections:	703.B.3.b.(3)
		Applicant:	Greg Barlow, Pierce Street Holdings, LLC
		Representative:	Greg Barlow, Pierce Street Holdings, LLC
		Owner:	Greg Barlow, Pierce Street Holdings, LLC
		Stipulation:	
			1) 18 months to apply and pay for building permits.
Approved w/stip	6.	Application #:	ZA-55-22-6
		Existing Zoning:	RE-24
		Location:	5604 North 24th Street
		Quarter Section:	20-32(I9)
		Proposal:	Time Extension for ZA-27-21, use permit to allow a disguised wireless communication facility within 150 feet of a property zoned for residential purposes. Use permit required.
		Ordinance Sections:	715.B.2.a.(2).(a).(i)
		Applicant:	Ashley Iriondo, Verizon Wireless
		Representative:	Michael J Campbell, Campbell A&Z, LLC
		Owner:	Pastor Gentry, Biltmore Church of the Nazarene
		Stipulation:	
			1) 1 year to apply and pay for building permits.
Approved w/stip	7.	Application #:	ZA-57-22-8
		Existing Zoning:	C-3 AIO EBRO
		Location:	819 and 825 East Buckeye Road

Quarter Section: 8-29(F9)
Proposal: Variance to allow an over height fence (6 feet) within the required front yard setback (north). Maximum 40 inches permitted.

Ordinance Sections: 703.A.3.a

Applicant: Cameron Duggan, Sierra Verde Construction

Representative: Cameron Duggan, Sierra Verde Construction

Owner: Jesus Encinas, Arroyo Vista Properties, LLC

Stipulation:

- 1) 1 year to complete the lot combination process.

**Approved
w/stips**

8. Application #: ZA-110-22-7
Existing Zoning: C-3 CMOD, R-3 CMOD
Location: 320 North 20th Drive
Quarter Section: 11-24(F7)
Proposal: **1)** Variance to allow an over height fence (6 feet) within the required street front setback (west, south, and east). Maximum 40 inches permitted.
2) Variance to allow an over height fence (6 feet) in the required front yard (east and west). Maximum 40 inches permitted.
Ordinance Sections: 703.A.3.a 703.A.2.a
Applicant: John P. Minieri, The Roman Catholic Church of the Diocese
Representative: Christine Tax, M.Ed., St. Mathew Catholic School
Owner: The Roman Catholic Church of the Diocese

Stipulations

- 1) 1 year to apply and pay for building permits.
- 2) Per the over height fence locations as shown on the plan dated March 11, 2022.
- 3) Fencing on the corner of 21st Avenue and Van Buren Street shall meet visibility requirements.

***Approved
w/stips**

- 1:30 PM**
9. Application #: ZA-49-22-8 (SIGN)
Existing Zoning: A-2
Location: 2802 East Old Tower Road
Quarter Section: 7-34(E10)
Proposal: **1)** Use permit to increase the height of an off-premise sign to 68 feet. Use permit required.
2) Use permit to convert two faces of a non-conforming off-premise sign to digital. Use permit required.
Ordinance Sections: 705.2.B.4.b 705.2.G.4
Applicant: Jacob Zonn, Becker Boards Small, LLC
Representative: Jacob Zonn, Becker Boards Small, LLC
Owner: Thomas Sawyer. City of Phoenix

Taken out from under advisement on May 4, 2022 and approved with the following stipulations:

- 1) Install a Planning and Development Department design-approved, decorative pole cover on the rebuilt, off-premise sign. An exposed support column, painted or unpainted, is not permitted. If the pole cover incorporates a round design, any access ladder shall be concealed from east and west bound freeway traffic. If an alternative design is utilized, any access ladder shall be on the west or north side of the pole cover and concealed from westbound freeway traffic.
- 2) The off-premise sign structure shall utilize an aeronautical design theme including the propeller or wing element depicted in the rendering date-stamped November 4, 2021. The final design, including the location and size of any company logo sign, shall require Planning and Development Department approval. A revised rendering with updated sign height, dimensions and showing all design elements, including company logo signs, shall be submitted to the Planning and Development Department.
- 3) Maximum sign height shall be 64 feet.
- 4) The applicant shall have 12 months to apply and pay for permits for the subject sign.

**Approved
w/stips**

10. Application #: ZA-51-22-7 (SIGN)
 Existing Zoning: A-1
 Location: 1220 North 25th Avenue
 Quarter Section: 05-15(B5)
 Proposal: Use permit to rebuild one face of a nonconforming off-premise sign to digital. Use permit required.
 Ordinance Sections: 705.2.G.4
 Applicant: Pearson's Sign, Co.
 Representative: William Lally, Tiffany & Bosco, PA
 Owner: WLP Properties, LLC

Stipulations:

- 1) Prior to final inspection and operation of the digital sign, install landscaping in accordance with a Planning and Development Department approved landscape plan for the entire frontage along 27th Avenue between the property line and the existing wrought iron fence. The landscape plan shall, at a minimum, contain the quantity of trees and shrubs specified in Section 705.2.G.4.b. Five existing mature palm trees may remain however shall not be included in calculating the required tree quantity. All other existing plants in the proposed landscape area shall be removed.
- 2) The existing on-premise ground sign located at the northeast corner of the property shall be removed.
- 3) Maximum digital sign face area, including any edge, border or frame is limited to 627 square feet.
- 4) The applicant shall have 12 months to apply and pay for permits for the subject sign.
- 5) Install the louver panel on the digital sign face.

**Approved
w/stip**

11. Application #: ZA-52-22-4
 Existing Zoning: C-3 SAUMSO

Location: 720 West Highland Avenue
Quarter Section: 18-26(H8)
Proposal: Use permit to allow package liquor sales within 300 feet of a residential district. Use permit required.
Ordinance Sections: 622.D.102.a
Applicant: Ignacio Garat, West Highland Avenue LH, LLC
Representative: Louie Cano and Soline Orlina, Cano Liquor License Consulting
Owner: 720 West Highland Avenue PHO, LLC

Stipulation:

- 1) 6 months to commence use.

**Approved
w/stips**

12. Application #: ZA-54-22-8
Existing Zoning: C-1 DNS/WVR, R1-6
Location: Approximately 175 feet south of the southeast corner of 16th Street and Wier Avenue
Quarter Section: 4-31(E9)
Proposal: **1)** Use Permit to use the Single-Family Attached (SFA) Development Option. Use permit required. **2)** Variance to allow 6 lots with no legal street frontage. Public street frontage required.
Ordinance Sections: 608.F.8 613.B.Table B
Applicant: Ran Edelman
Representative: Jon Conelly
Owner: Ran Edelman

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) General conformance to the site plan dated February 7, 2022.

**Approved
w/stip**

13. Application #: ZA-60-22-7
Existing Zoning: DTC-West Evans Churchill HP
Location: 817 North 1st Street
Quarter Section: 11-28(F8)
Proposal: **1)** Use permit to allow outdoor liquor service as an accessory to a restaurant. Use permit required. **2)** Use permit to allow outdoor entertainment on Mondays through Thursdays. Use permit required. **3)** Use permit to allow outdoor entertainment (amplified music or loudspeakers) until 12:00AM on Sunday through Thursday and until 2:00AM on Friday through Saturday. Use permit required.
Ordinance Sections: 1204.D 1204.C.16 1204.C.5
Applicant: SOBO Restaurant, LLC
Representative: Taylor Earl, Earl & Curley
Owner: Andrew Mirtich, Point Three, LLC

Stipulation:

- 1) 1 year to commence use.

**Approved
w/stips**

14. Application #: ZA-88-22-8
Existing Zoning: A-1
Location: 2739 East Washington Street
Quarter Section: 10-33(F9)
Proposal: Use permit to allow a shelter for individuals experiencing homelessness. Use permit required if located on a lot within 1,320 feet from a residential district.

Ordinance Sections: 627.D.1.
Applicant: Scott Hall, City of Phoenix, Human Services Dept.
Representative: Scott Hall, City of Phoenix, Human Services Dept.
Owner: City of Phoenix

Stipulations:

- 1) A maximum of 200 program participants ("Residents") shall be permitted on-site.
- 2) An Operational Plan shall be developed to govern operational features of the facility as outlined in the Good Neighbor Agreement. The Plan shall address, at minimum, the following:
 - a. Regular, on-going communication shall be provided to the surrounding communities on any issues, concerns, follow-up requests, etc.
 - b. The facility shall operate as a "Closed Campus" (defined as no walk-up admission to the program with all screening of potential program participants to be held off-site).
 - c. A 247 Public Safety Plan will be implemented to include:
 - i. On-site security 24 hours a day, 7 days per week;
 - ii. On-site security monitoring of exterior security cameras to address issues surrounding the facility in a timely fashion;
 - iii. Coordination with the Phoenix Police Department with regular communication protocols;
 - iv. Monitoring of the grounds of the shelter to ensure compliance with the Neighborhood Preservation Ordinance; and
 - v. Drugs and/or alcohol are to be prohibited for possession and/or use.
 - d. Strict curfew parameters will be implemented to ensure resident and community safety.
 - e. No services will be provided to any individuals that are not program residents.
 - f. To keep a bed at the shelter, every resident must participate with Supportive Services staff daily to ensure continued progress on their housing plan.
- 3) The applicant shall discourage loitering on and around the property by installing signage and conducting community engagement and outreach.
- 4) Final design of site improvements shall incorporate Crime Prevention Through Environmental Design ("CPTED") standards and best practices by:
 - a. Maintaining an existing six (6) foot tall fence and gates to provide access control to the site while permitting visibility out to

- adjacent properties and rights-of-way.
 - b. Access to the property shall be controlled via a gate. The 28th Street gate shall be the primary point of ingress/egress from the site.
 - c. Adequate site lighting shall be provided to ensure sufficient visibility for security personnel to light parking areas as required by City ordinances and as approved by the Planning and Development Department.
 - d. Security cameras shall be activated to monitor, at minimum, outdoor areas around the building, as approved by the Planning and Development Department.
 - e. Applicant shall enroll in the Virtual Block Watch Program with the Phoenix Police Department.
- 5) There shall be a one-year review from issuance of the certificate of occupancy. The Zoning Adjustment Hearing Officer may require subsequent reviews at an interval of their choosing as established at the review hearing. The applicant shall send written notification per the notification requirements outlined in the Zoning Adjustment Application handout, at least 30 calendar days prior to the scheduled review hearing, to all property owners within a 150-foot, registered neighborhood associations within 600-feet of the subject property, and the following neighborhood groups.
- a. Wilson Coalition
Gaby Duran
3025 East Fillmore Street
Phoenix, AZ 85008
 - b. Sky Harbor Neighborhood Association
Hilaria Rodriguez
2833 East Monroe Street
Phoenix, AZ 85034
 - c. 24th Sky Harbor Business Alliance (24SHBA)
Brad Pickering
5227 North 7th Street
Phoenix, AZ 85014
 - d. Wilson School District
Ernest Rose, Superintendent
3025 East Fillmore Street
Phoenix, AZ 85008
- 6) The applicant shall maintain updated facility contact information and provide the contact information to the community leaders outlined in Stipulation 5 to address any issues that may arise.
- 7) The applicant shall have 1 year to apply and pay for building permits.

Approved w/stips	15. Application #:	ZA-56-22-4
	Existing Zoning:	A-1 and A-2
	Location:	3648 North 36th Avenue
	Quarter Section:	16-20(H6)
	Proposal:	1) Variance to allow a medical marijuana infusion facility within 5,280 feet of another similar type of use. Minimum 5,280 feet of separation required.

2) Variance to allow a medical marijuana infusion facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **3)** Use permit to allow a medical marijuana infusion facility. Use permit required. **4)** Variance to allow a medical marijuana infusion facility within 1,320 feet of a school. Minimum 1,320 feet of separation required. **5)** Variance to allow a medical marijuana infusion facility within 1,320 feet of a dependent care facility. Minimum 1,320 feet of separation required. **6)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **7)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another similar type of use. Minimum 5,280 feet of separation required. **8)** Variance to allow a medical marijuana cultivation facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **9)** Variance to allow a medical marijuana cultivation facility within 1,320 feet of a dependent care facility. Minimum 1,320 feet of separation required. **10)** Variance to allow a medical marijuana cultivation facility within 1,320 feet of a school. Minimum 1,320 feet of separation required.

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

Applicant: Hooman Nikzad, Cypress Verde, LLC

Representative: Larry Lazarus , Lazarus & Silvyn, P.C.

Owner: Charles Kirkland, Green Home Rentals, LLC

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.

**Approved
w/stips**

16. Application #: ZA-59-22-8
Existing Zoning: A-1
Location: 1841 West Buchanan Street
Quarter Section: 9-25(F7)
Proposal: **1)** Use Permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Use Permit to allow a medical marijuana dispensary facility. Use permit required. **3)** Use Permit to allow a medical marijuana infusion production facility. Use permit 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 dispensary facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **6)** Variance to allow a medical marijuana infusion production facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **7)** 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. **8)** Variance to allow a medical marijuana dispensary facility to be located within 1,320 feet of a public park. Minimum 1,320 feet of separation required. **9)** Variance to allow a medical marijuana infusion production facility to be located within 1,320 feet of a public park. Minimum 1,320 feet of separation required. **10)** 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. **11)** Variance to allow a medical marijuana dispensary facility to be located within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **12)** Variance to allow a medical marijuana infusion production facility to be located within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required.
- Ordinance Sections: 627.D.91.a 627.D.92.a 627.D.93.a 627.D.91.c

627.D.92.d 627.D.93.b 627.D.91.e 627.D.92.f
627.D.93.d 627.D.91.d 627.D.92.e 627.D.93.c
Applicant: David Richert, Richert and Associates
Representative: David Richert, Richert and Associates
Owner: Parminder Singh, Management Investments, LLC

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.

ZONING ADJUSTMENT HEARING OFFICER: RAY JACOBS
PLANNER: ERIC MORALES, PLANNER II

For further information, please call Eric Morales, Planner II, Planning and Development Department at 602-262-7927, or contact via electronic mail at zoning.adjustment@phoenix.gov. This electronic mail address will not accommodate zoning enforcement/violation complaints.

This publication can be made available in alternate format upon request. To request a reasonable accommodation, please contact Les Scott at 602-376-3981, les.scott@phoenix.gov
TTY: Use 7-1-1.

May 4, 2022