

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised September 8, 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 **August 4, 2022 at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-15).**

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-426-14-7 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 15 North 57th Drive
Quarter Section: 10-15(F5)
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 located within 5,280 feet from the same type of use. Minimum of 5,280 feet separation is required. **4)** Variance to allow a medical marijuana infusion facility located within 5,280 feet from the same type of use. Minimum of 5,280 feet separation is required.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.c
Applicant: James Tantillo, CNCTD, LLC, an Arizona, LLC
Representative: Heather Dukes, Esq.
Owner: David D. Schlecht, JD Parts Master

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**

2. Application #: ZA-572-14-4 (1 Year Review of Use Permit)
- Existing Zoning: A-2
- Location: 3839 North 35th Avenue
- Quarter Section: 16-21(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 1-mile of a similar type of use. Minimum separation of 5,280 feet required. **4)** Variance to allow a medical marijuana infusion facility within 1-mile of a similar type of use. Minimum separation of 5,280 feet required. **5)** Variance to allow a medical marijuana cultivation facility within 1,000 feet of a residential zoning district. Minimum 1,000 feet separation required. **6)** Variance to allow a medical marijuana infusion facility within 1,000 feet of a residential zoning district. Minimum 1,000 feet 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
- Applicant: Wayne Hansen, Medican Enterprises, Inc.
- Representative: Ryan Hurley, Rose Law Group
- Owner: DT Arizona Rea Estate, 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.

**Withdrawn
to Amend**

3. Application #: ZA-276-22-8
 Existing Zoning: R1-6
 Location: 8025, 8026, 8029 and 8030 South 6th Drive
 Quarter Section: 01-27(D8)
 Proposal: **1)** Variance to reduce the front yard interior setback for Lot 86, Lot 87, Lot 88, and Lot 89 to 8 feet. Minimum 10 feet required. **2)** Variance to reduce the side yard perimeter setback for Lot 87 to 5 feet. Minimum 15 feet required. **3)** Variance to reduce the side yard perimeter setback for Lot 88 to 4 feet. Minimum 15 feet required. **4)** Variance to reduce the rear yard perimeter setback for Lot 86 to 18 feet. Minimum 15 feet required. **5)** Variance to reduce the rear yard perimeter setback for Lot 87 to 18 feet. Minimum 20 feet required. **6)** Variance to reduce the rear yard perimeter setback for Lot 88 to 15 feet. Minimum 20 feet required. **7)** Variance to reduce the rear yard perimeter setback for Lot 89 to 15 feet. Minimum 15 feet required.
 Ordinance Sections: 613.B.Table A 613.B.Table A 613.B.Table A 613.B.Table A 613.B.Table A 613.B.Table A 613.B.Table A
 Applicant: Topher Development Services, LLC
 Representative: Christopher P. Coyler, Snell & Wilmer
 Owner: Topher Development Services, LLC

**Approved
w/stip**

4. Application #: ZA-279-22-4
 Existing Zoning: R-3
 Location: 2843 West Almeria Road
 Quarter Section: 13-22(G7)
 Proposal: Variance to reduce the landscape setback requirement along 29th Avenue to 0 feet. Minimum 25 feet required.

Ordinance Sections: 703.B.3.a
Applicant: Susan Phelan and Stefani Sacco
Representative: Susan Phelan and Stefani Sacco
Owner: Susan Phelan and Stefani Sacco

Stipulation:

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

Denied

5. Application #: ZA-281-22-4
Existing Zoning: C-2 TOD-1
Location: 1812 West Camelback Road
Quarter Section: 19-25(H7)
Proposal: Use permit to allow food and beverage to be dispensed from a vehicle within a farmers market. Use permit required.
Ordinance Sections: 622.D.63.b
Applicant: Luis Gonzalez
Representative: Luis Gonzalez
Owner: Luis Gonzalez

Denied

6. Application #: ZA-282-22-6
Existing Zoning: R1-10
Location: 4713 East Virginia Avenue
Quarter Section: 14-38(G11)
Proposal: Variance to reduce the side yard (west) setback to 4 feet. Minimum 10 feet required.
Ordinance Sections: 611.B.Table B
Applicant: Richard Dance, Richard C Dance Living Trust
Representative: Andrew Chi, Andrew Chi Planning
Owner: Richard Dance, Richard C Dance Living Trust
Taken out from under advisement on August 24, 2022 and denied.

**Approved
w/stip**

7. Application #: ZA-284-22-4
Existing Zoning: R-3
Location: 1106 East Campbell Avenue
Quarter Section: 18-29(H8)
Proposal: **1)** Use permit to allow the Single-Family Attached development option. Use permit required. **2)** Variance to reduce the required perimeter landscape setback (east) to 0 feet. Minimum 5 feet required.
Ordinance Sections: 608.F.8 608.F.8.c.3
Applicant: Larry Lazarus, Lazarus & Silvyn, PC
Representative: Larry Lazarus, Lazarus & Silvyn, PC
Owner: Michael Dooley, Signal Mountain, LLC
Stipulation:
1) 18 months to apply and pay for building permits.

**Approved
w/stips**

8. Application #: ZA-285-22-6
Existing Zoning: R1-10
Location: 3808 East Pasadena Avenue
Quarter Section: 19-36(H10)
Proposal: Variance to allow an over height detached accessory structure (11 feet) in the side yard setback (south). Maximum 8 feet permitted.

Ordinance Sections: 706.C
Applicant: Eric and Jana Wood
Representative: Eric and Jana Wood
Owner: Eric and Jana Wood

Taken out from under advisement on August 24, 2022 and approved with the following stipulations:

- 1) 90 days to apply and pay for building permits.
- 2) Structure to be finished to be similar to the house in terms of color and surface textures.

**Approved
w/stips**

- 1:30 PM**
9. Application #: ZA-238-22-6 (SIGN)
Existing Zoning: A-2
Location: 402 South 54th Place
Quarter Section: 9-40(F11) 10-40(F11)
Proposal: Use permit to convert one sign face to digital. Use permit required.

Ordinance Sections: 705.2.E.3
Applicant: Tom LeClair, American Outdoor Advertising, LLC
Representative: Ben Graff, Quarles & Brady
Owner: Youngs Market Company of Arizona, LLC

Stipulations:

- 1) Install a Planning and Development Department design-approved, decorative pole cover on the conforming off-premise sign. Any access ladder shall be on the north or east side of the pole cover and concealed from westbound freeway traffic.
- 2) The applicant shall have 12 months to apply and pay for permits for the subject sign.

Continued

10. Application #: ZA-270-22-8 (SIGN)
Existing Zoning: PSC
Location: 5850 South 19th Avenue
Quarter Section: 3-24(D7)
Proposal: Use permit to allow an electronic message display (EMD) on two ground signs. Use Permit required.

Ordinance Sections: 705.C.13
Applicant: Gary Spinner, Pearson's Signs Company
Representative: Gary Spinner, Pearson's Signs Company
Owner: Circle K Stores, Inc.

Continued to September 15, 2022 at 1:30 PM.

*Denied	11.	Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner:	ZA-273-22-3 C-2 12019 North 19th Avenue 30-25(K7) 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. 623.D.134.a 623.D.134.b Mary Renee Pomeroy Mary Renee Pomeroy Quanzhi Liu and Oi Hing Chan
Denied	12.	Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner:	ZA-274-22-6 RE-24 5610 East Monterosa Street 17-41(H11) Variance to allow a 37 percent lot coverage. Maximum of 30 percent lot coverage permitted. 606.B.5 Travis Reid, Travis Custom Homes Travis Reid, Travis Custom Homes 5610 East Monterosa Street LLC
Denied	13.	Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner:	ZA-277-22-8 R1-6 401 West Winston Drive 02-27(C8) Variance to reduce the side yard setback (west) to 4 feet. Minimum 10 feet required. 613.B.Table B Jose Luiz Angulo-Lopez and Myrna Angelo Jose Luiz Angulo-Lopez and Myrna Angelo Jose Luiz Angulo-Lopez and Myrna Angelo
Approved w/stip	14.	Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner: Stipulation:	ZA-280-22-3 A-1 9630 North 25th Avenue 27-23(J7) 28-23(K7) Use permit to allow a residential use. Use permit required. 627.C.1 David Ehrman, Diamond Elite Park LLC Ashley Z. Marsh, Gammage & Burnham, PLC David Ehrman, Diamond Elite Park, LLC 1) 2 years to apply and pay for building permits.

**Approved
w/stips**

15. Application #: ZA-271-22-8
Existing Zoning: A-1 TOD-2
Location: 2312 East Washington Street
Quarter Section: 10-32(F9)
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required. **2)** Variance to allow a medical marijuana dispensary facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **3)** Variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. Minimum 500 feet of separation required. **4)** Variance to allow a medical marijuana dispensary facility within 1,320 feet of a school. Minimum 1,320 feet of separation required.
Ordinance Sections: 627.D.92.a. 627.D.92.d 627.D.92.e. 627.D.92.f.
Applicant: 2312 Washington, LLC
Representative: Joseph G. Urtuzuastegui III, Winsor Law Group, PLC
Owner: 2312 Washington, LLC

Stipulations:

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- 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: BETTY DRAKE
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 602-261-8980, leslie.scott@phoenix.gov TTY: Use 7-1-1.

September 8, 2022