

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised September 20, 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 on **August 18, 2022 at 9:00 AM (Items 1-7) and 1:30 PM (Items 8-15).**

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-194-22-6 (Continued from June 23, 2022)
Existing Zoning: RE-35 ACSPD
Location: 5649 East Rockridge Road
Quarter Section: 18-41(H11)
Proposal: **1)** Variance to reduce the required minimum lot depth to 160 feet for Lot K. Minimum 175 feet required. **2)** Variance to reduce the required front setback (north) to 15 feet for Lot K. Minimum 40 feet required. **3)** Variance to reduce the minimum lot width to 20 feet for Lot L. Minimum 150 feet of width required.
Ordinance Sections: 609.B.Table 609.B.Table 609.B.Table
Applicant: Cassandra Ayres, Berry Riddell, LLC
Representative: Cassandra Ayres, Berry Riddell, LLC
Owner: Sam Kendrick, K2 Signature Homes, LLC
Taken out from under advisement on September 20, 2022 and approved with the following stipulations:
1) One year to complete the lot split.
2) Subject to the site plan date stamped April 28, 2022 with the exception the access to Lot L shall be placed along the east side of Lot K.

**Denied as
Filed
Approved
w/stips**

2. Application #: ZA-304-22-6
Existing Zoning: R1-6
Location: 3008 North 53rd Place
Quarter Section: 15-40(G11)
Proposal: Variance to reduce the side yard (north) setback to 4 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Jayton and Jessica Jadlot
Representative: Michael Kolejka, MK Architects, PLC
Owner: Jayton and Jessica Jadlot
Stipulations:
1) Approved at 6 feet 8 inches setback.
2) General conformance to July 5, 2022 date stamped site plan.
3) 1 year to obtain and pay for building permits.

Approved w/stips	3.	Application #:	ZA-305-22-6
		Existing Zoning:	RE-24
		Location:	5735 North 23rd Place
		Quarter Section:	20-32(I9)
		Proposal:	Variance to reduce the required front yard setback (west) to 30 feet. Minimum 40 feet required.
		Ordinance Sections:	606.B.2
		Applicant:	Doug Rusk, Architect, Designline Architects, LLC
		Representative:	Doug Rusk, Architect, Designline Architects, LLC
		Owner:	Matt & Lori Macleod
		Stipulations:	
			1) 1 year to obtain and pay for building permits.
			2) General conformance to site plan date stamped July 6, 2022.
Approved w/stips	4.	Application #:	ZA-306-22-7
		Existing Zoning:	DTC-Roosevelt East
		Location:	629 North 2nd Avenue
		Quarter Section:	11-27(F8)
		Proposal:	1) Variance to reduce the combined depth of the drive aisle and parking space to 60 feet for a double loaded drive aisle. Minimum 62 feet required. 2) Variance to reduce the required parking stall width for non-residential uses to 8.5 feet. Minimum 9.5 feet required.
		Ordinance Sections:	702.B.2.b.(5) 702.B.2.a.(1).(a)
		Applicant:	XSC Phoenix Basecamp Investment, LLC
		Representative:	Nick Wood, Esq., Snell & Wilmer, LLP
		Owner:	XSC Phoenix Basecamp Investment, LLC
		Stipulations:	
			1) 2 years to apply for and pay for building permits.
			2) General conformance to the site plan date stamped July 6, 2022.
Approved w/stip	5.	Application #:	ZA-308-22-6
		Existing Zoning:	C-2
		Location:	3407 North 24th Street
		Quarter Section:	16-33(H9)
		Proposal:	Variance to allow a tobacco oriented retailer to be located within 1,320 feet of a church. Minimum 1,320 feet separation required.
		Ordinance Sections:	623.D.194.b
		Applicant:	Gewarges Janko, 24th Street Cigar Lounge
		Representative:	Gewarges Janko, 24th Street Cigar Lounge
		Owner:	Gewarges Janko, 24th Street Cigar Lounge
		Stipulation:	
			1) 1 year to obtain and pay for building permits.
Approved w/stips	6.	Application #:	ZA-309-22-6
		Existing Zoning:	R1-10

Location: 1927 East Cactus Wren Drive
Quarter Section: 23-31(I9)
Proposal: Use permit to allow an over height (17 feet) detached accessory structure within the rear yard setback.
Ordinance Sections: 706.G
Applicant: Dennis Scully
Representative: Dennis Scully
Owner: Dennis Scully

Stipulations:

- 1) 18 months to obtain and pay for building permits.
- 2) General conformance to site plan date stamped July 7, 2022.

**Approved
w/stips**

7. Application #: ZA-298-22-2
Existing Zoning: C-2
Location: 16635 North Tatum Boulevard
Quarter Section: 36-39(M11)
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required.
2) Variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district.
Ordinance Sections: 623.D.124.a 623.D.124.f
Applicant: Larry Lazarus, Lazarus & Silvyn, P.C.
Representative: Larry Lazarus, Lazarus & Silvyn, P.C.
Owner: Walter Perrine, Per Guy Blockbuster, 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 18 months 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 plan system prior to 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.
- 8) 18 months to obtain permits or begin operations.

1:30 PM

**Approved
w/stips**

8. Application #: ZA-164-22-1 (SIGN) (Continued from June 30, 2022)
 Existing Zoning: C-2
 Location: 1710 West Happy Valley Road
 Quarter Section: 47-25(O7)
 Proposal: **1)** Use permit to adopt the Happy Valley Crossroads Comprehensive Sign Plan. Use permit required. **2)** Use permit to amend the boundary of the North Valley Plaza Comprehensive Sign Plan. Use permit required. **3)** Use permit to allow electronic message display on two faces of a new ground sign. Use permit required.
 Ordinance Sections: 705.E.2 705.E.2 705.C.13
 Applicant: Chris Totton, Bootz and Duke Sign Company
 Representative: Kristi Trisko, Bootz and Duke Sign Company
 Owner: Charles Eckert, 1730 West, LLC
Stipulations:
 - 1) The adoption of the Happy Valley Crossroads Comprehensive Sign Plan (CSP) changes the boundary of the North Valley Plaza CSP. Submit an updated boundary map for the North Valley Plaza CSP.
 - 2) The CSP shall prohibit cabinet style wall signs.
 - 3) The CSP shall limit each tenant to one wall sign per building elevation with the exception of Building #1740.
 - 4) Twelve months to obtain and pay for sign permits for the ground sign.

Continued

9. Application #: ZA-302-22-6 (SIGN)
 Existing Zoning: C-2
 Location: 3545 East Indian School Road
 Quarter Section: 16-35(H10)
 Proposal: Use permit to adopt the Local Board Comprehensive Sign Plan. Use permit required.
 Ordinance Sections: 705.E.2
 Applicant: Ana Jones, Trademark Visual, Inc
 Representative: Ana Jones, Trademark Visual, Inc
 Owner: Katrina Barrett, Local Board, LLC

Continued to October 13, 2022 at 1:30 PM.

**Approved
w/stips**

10. Application #: ZA-286-17-7 (1 Year Review of Use Permit)
 Existing Zoning: A-1
 Location: 1801 South 35th Avenue
 Quarter Section: 8-21(F6)

Proposal: 1) Use Permit to allow a homeless shelter closer than 1,320 feet from a residential district. Minimum 1,320 feet separation required. 2) Variance to allow an over height wall (6 feet) in the required street side setback (north). Maximum 40 inches allowed. 3) Variance to allow an over height wall (6 feet) in the required street side setback (west). Maximum 40 inches allowed.

Ordinance Sections: 627.D.1 703.A.3.a 703.A.3.a

Applicant: Wendy Riddell, Berry Riddell LLC

Representative: Wendy Riddell, Berry Riddell LLC
Paul Gilbert, Beus Gilbert

Owner: Jay Cory, Phoenix Rescue Mission

Stipulations:

- 1) The applicant must use DPS certified security personnel on the property on a daily basis, to establish a "law enforcement presence" visible to persons living and loitering in the area around the campus.
- 2) Video cameras will be mounted atop the wall on the 35th Avenue frontage of the property and will be continually activated to capture images of activities along 35th Avenue. The applicant will enroll in the Virtual Block Watch Program with the Phoenix Police Department.
- 3) There will be no feeding, hydrating or counseling whether the applicant's employees or by clients enrolled in a treatment program, administered to persons present on 35th Avenue outside the walls of applicant's property. Applicant affirmatively shall discourage settlement of homeless persons along 35th Avenue by communicating to those persons that applicant makes no services or goods available to the homeless community (if ever) they become admitted into a PRM treatment program.
- 4) There shall be a cap of 360 recovery program residents and no emergency shelter beds available for client use.

**Approved
w/stips**

11. Application #: ZA-260-18-7 (1 Year Review of Use Permit)
- Existing Zoning: A-1
- Location: 1801 South 35th Avenue
- Quarter Section: 8-21(F6)
- Proposal: Use permit to modify Stipulation 7 of ZA-286-17, to increase the number of recovery program residents from 250 to 400. Maximum 250 recovery program residents per ZA-286-17.
- Ordinance Sections: 307
- Applicant: Wendy Riddell, Berry Riddell, LLC
- Representative: Wendy Riddell, Berry Riddell, LLC
- Owner: Jay Cory, Phoenix Gospel Mission, Inc.
- Stipulations:**
- 1) The applicant must use DPS certified security personnel on the property on a daily basis, to establish a "law enforcement presence" visible to persons living and loitering in the area around

the campus.

- 2) Video cameras will be mounted atop the wall on the 35th Avenue-frontage of the property and will be continually activated to capture images of activities along 35th Avenue. The applicant will enroll in the Virtual Block Watch Program with the Phoenix Police Department.
- 3) There will be no feeding, hydrating or counseling, whether by the Applicant's employees or by those clients enrolled in a treatment program, administered to persons present on 35th Avenue outside the walls of Applicant's property. Applicant affirmatively shall discourage settlement of homeless persons along 35th Avenue by communicating to those persons consistently that Applicant makes no services or goods available to the homeless community until (if ever) they become admitted into a PRM treatment program.
- 4) There shall be a cap of 360 recovery program residents and no emergency shelter beds available for client use.
- 5) An "authority to arrest" agreement shall be signed and delivered to the Phoenix Police Department to permit apprehensions of unauthorized persons loitering on Applicant's campus.
- 6) The applicant shall post at least two signs along 35th Avenue directing pedestrian traffic leaving the site to the nearest crosswalk to minimize jaywalking across 35th Avenue (from the east side of 35th Avenue along the campus frontage). Documentation of the signage placement shall be provided to the ZAHO for review at the time of the first six-month review.

**Approved
w/stips**

12. Application #: ZA-296-22-8
Existing Zoning: R-5
Location: 425 North 32nd Place
Quarter Section: 11-35(F10)
Proposal: Use permit to use the Planned Residential Development (PRD) option. Use permit required.
Ordinance Sections: 618.B.Table B
Applicant: Edmir Dzudza, E-Project, LLC
Representative: Leonard Saguid, E-Project, LLC
Owner: C/O SITI NG, Southwest Property, LLC
Stipulations:
1) 18 months to obtain and pay for building permits.
2) General compliance with site plan date stamped June 29, 2022.

**Approved
w/stips**

13. Application #: ZA-300-22-3
Existing Zoning: A-1
Location: 9414 North 25th Avenue
Quarter Section: 27-23(J7)
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: Dan Hines, Community Bridges, Inc.

Representative: Stephen Anderson, Gammage & Burnham
Owner: Ottawa University, Kansas Non-Profit Corporation

Stipulation:

- 1) A maximum of 100 program participants shall be permitted on-site.
- 2) An Operational Plan shall be developed to govern operational features of the shelter as outlined in the Good Neighbor Agreement. The plan shall address at minimum, the following:
 - a. Development of an Advisory Committee with a minimum of 50 percent community member representation, and regularly scheduled meetings.
 - 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. Strict curfew parameters (on-site from 9:00 PM to 5:00 AM), unless prior authorization for later hours due to work shift commitments.
 - d. Any services, on-site, will be provided only to program participants residing in the shelter.
 - e. Program participants will be screened for eligibility prior to admission.
 - f. A Public Safety Plan will be implemented to include:
 - i. On-site security 24 hours day, 7 days per week.
 - ii. Monitoring of the property to ensure compliance with the Neighborhood Preservation Ordinance.
 - iii. Coordination with the Rose Mofford Park staff to relay any safety issues.
- 3) Drugs and/or alcohol are to be prohibited. Any drugs or alcohol collected from residents shall be turned over to the local law enforcement official.
- 4) Loitering shall be discouraged via signage and/or other methods.
- 5) Final design of site improvements shall incorporate Crime Prevention through Environmental Design ("CEPTED") standards and best practices by:
 - a. Providing adequate lighting to ensure sufficient visibility in parking and other areas, as required by the City ordinances and as approved by the Planning and Development Department.
 - b. Installing security cameras to monitor outdoor areas around the building.
 - c. Enrolling in the Virtual Block Watch Program with the Phoenix Police Department.
 - d. Adhering to an approved site plan by the City of Phoenix.
- 6) There shall be a one-year and two-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 150 feet and registered neighborhood organizations within 600 feet of the subject property.

- 7) The applicant shall maintain updated facility contact information and provide the contact information to the community leaders of registered neighborhood organizations specified in Stipulation 6 to address any issues that may arise.
- 8) The applicant shall have 1 year to apply and pay for building permits.

Approved 14. Application #: ZA-301-22-6
Existing Zoning: C-1
Location: 4730 East Indian School Road, Suites 121 and 123
Quarter Section: 17-38(H11)
Proposal: Use permit to allow the sale of alcoholic beverages. Use permit required.
Ordinance Sections: 622.D.150.a
Applicant: Ryan Field, Wake & Baked, LLC
Representative: Robert Leavitt, Arizona Liquor Industry Consultants
Owner: Jessica Farrow, Proequity

Continued 15. Application #: ZA-303-22-6
Existing Zoning: R1-6
Location: 6539 North 13th Street
Quarter Section: 22-30(I9)
Proposal: Variance to reduce the required side setback (south) to 5 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Daniel Gilkarov
Representative: Gavriel Gilkarov
Owner: Daniel Gilkarov

Continued to October 13, 2022 at 9:00 AM.

**ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
PLANNER: KIM STEADMAN, 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 20, 2022