

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised January 18, 2023*

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 **December 15, 2022 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

Continued

9:00 AM

1. Application #: ZA-454-22-3
Existing Zoning: C-2
Location: 2150 East Cactus Road, Suite 105
Quarter Section: 31-32(L9)
Proposal: **1)** Variance to allow a tobacco oriented retailer (Smoke Buddies) to be located within 1,320 feet of a park. Minimum 1,320 feet separation required. **2)** Variance to allow a tobacco oriented retailer (Smoke Buddies) within 500 feet of the same type of use. Minimum 500 feet of separation required.
Ordinance Sections: 623.D.194.b 623.D.194.a
Applicant: Tiler Lott, Smoke Buddies
Representative: Jeffrey Beaman, Smoke Buddies
Owner: Redeemed Christian Church of God
Continued to January 12, 2023 at 1:30 PM.

**Approved
w/stips**

2. Application #: ZA-518-22-7
Existing Zoning: PSC
Location: 8320 West Thomas Road
Quarter Section: 15-8(G3)
Proposal: **1)** Use permit to allow outdoor dining as an accessory to a restaurant (Starbucks). Use permit required. **2)** Use permit to allow a drive-through facility as an accessory use to a restaurant within 300 feet of a residential zoning district. Use permit required.
Ordinance Sections: 622.D.150.d 622.D.150.e.(2)
Applicant: Sergio Valencia, Upward Architects
Representative: Matthew Werner, Batis Development
Owner: La Familia Management, LLLP
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per the location and size of the patio and drive-through lane as shown on the site plan dated October 24, 2022.

- Approved w/stips** 3. Application #: ZA-520-22-3
Existing Zoning: RE-43
Location: 3835 East Sahuaro Boulevard
Quarter Section: 27-36(J10)
Proposal: Use permit to allow sport court lights. Use permit required.
Ordinance Sections: 605.A.13.
Applicant: Kristopher & Courtney Gray, In Spite of Ourselves Trust
Representative: Kristopher & Courtney Gray, In Spite of Ourselves Trust
Owner: Kristopher & Courtney Gray, In Spite of Ourselves Trust
Stipulations:
1) 1 year to apply and pay for building permits.
2) No more than one sport court light.
3) The light shall be turned off between 10:00 PM and dawn.
4) Maximum height of 17 feet 6 inches.
- Approved w/stips** 4. Application #: ZA-521-22-8
Existing Zoning: PSC BAOD
Location: 6032 South 16th Street
Quarter Section: 2-30(D9)
Proposal: Use permit to allow a drive-through facility as an accessory use to a restaurant (Starbucks) within 300 feet of a residential district. Use permit required.
Ordinance Sections: 622.D.150.e.(2)
Applicant: Neil Feaser, RKAA Architects
Representative: Neil Feaser, RKAA Architects
Owner: Chris Hinkson, HH-South Mountain, LLC
Stipulations:
1) 18 months lot apply and pay for building permits.
2) Per the location of the queuing lane as shown on the site plan dated October 25, 2022.
- Approved w/stips** 5. Application #: ZA-524-22-7
Existing Zoning: DTC-Downtown Gateway
Location: 888 North 1st Avenue, Suite 114
Quarter Section: 11-27(F8)
Proposal: Use permit to allow outdoor liquor service as an accessory to a restaurant (Hamburguesas Y Cervezas). Use permit required.
Ordinance Sections: 1204.D
Applicant: Randy Bortin, Hamburguesas Y Cervezas
Representative: Randy Bortin, Hamburguesas Y Cervezas
Owner: City of Phoenix
Stipulations:
1) 1 year to apply and pay for building permits.
2) Patio hours shall be limited to no later than 10:00 PM on Monday - Thursday, 11:00 PM on Friday, and 9:00 PM on Sunday.

Approved w/stip	6. Application #: ZA-527-22-1 Existing Zoning: C-2 DNS/WVR PCD Location: 4311 West Anthem Way Quarter Section: 68-18(U6) Proposal: Use permit to allow a car wash in an open building. Use permit required. Ordinance Sections: 623.D.41 Applicant: Brian Greathouse, Burch and Cracchiolo, PA Representative: Brian Greathouse, Burch and Cracchiolo, PA Owner: ED Anthem Vision, LLC Stipulation: 1) 18 months to apply and pay for building permits.
Approved w/stip	7. Application #: ZA-528-22-4 Existing Zoning: A-1 Location: 2950 North 27th Avenue Quarter Section: 15-22(G7) Proposal: 1) Use permit to allow for outdoor dining as an accessory use to a restaurant (Filibertos) within 500 feet of a residential district. Use permit required. 2) Use permit to allow a drive-through facility as an accessory use to a restaurant (Filibertos) within 300 feet of a residential zoning district. Use permit required. Ordinance Sections: 624.D.112.c 624.D.112.d.(2) Applicant: Kali Nelson, RKAA Architects, Inc. Representative: Kali Nelson, RKAA Architects, Inc. Owner: Tony Feiter, Levine Investments, LP Stipulation: 1) 18 months to apply and pay for building permits.
Approved w/stips	8. Application #: ZA-519-22-8 Existing Zoning: C-3 Location: 3155 East McDowell Road Quarter Section: 12-34(G10) Proposal: 1) Time extension for ZA-480-21, use permit to allow a medical marijuana dispensary. Use permit required. 2) Time extension for ZA-480-21, variance to allow a medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 feet of separation required. 3) Time extension for ZA-480-21, variance to allow a medical marijuana dispensary within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required. Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.h Applicant: Nature's Healing Center, Inc. Representative: Andrew Yancey, Bergin, Frakes, Smalley, and Oberholtzer

Owner: Greta Brandt, Zone Land Holdings, 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**

- 1:30 PM**
9. Application #: ZA-499-22-2 (SIGN)
Existing Zoning: PCD NBCCP Overlay District
Location: 2550 West North Foothills Drive
Quarter Section: 55-23(R7) 55-23(Q7)
Proposal: Use permit to adopt the major amendment to the Sonoran Foothills Comprehensive Sign Plan. Major amendment is required.
Ordinance Sections: 705.E.2.d.
Applicant: Jim Bacher, Ana Jones, Trademark Visual
Representative: Jim Bacher, Ana Jones, Trademark Visual
Owner: Josef Pappas, Sonoran Foothills, Inc.

Stipulations:

- 1) Adherence to the sign drawings shown in the Comprehensive Sign Plan amendment date stamped August 9, 2022 is required.
- 2) Submit a revised Comprehensive Sign Plan document as needed for Planning and Development Department corrections requested by the Sign Section.
- 3) 12 months to apply and pay for sign permits.

***Denied**

10. Application #: ZA-502-22-8 (SIGN)
Existing Zoning: A-2 TOD
Location: 2120 South 7th Street

Quarter Section: 7-28(E8)
 Proposal: **1)** Use permit to rebuild billboard with static sign faces. Use permit required. **2)** Use permit to build sign faces with increased height. Use permit required. **3)** Variance to reduce spacing between off-premise signs to 635 feet. Minimum required spacing is 1,000 feet.
 Ordinance Sections: 705.2.G.5 705.2.B.4.(b) 705.2.B.(2)
 Applicant: Jacob Zonn, Becker Boards Small, LLC
 Representative: Jacob Zonn, Becker Boards Small, LLC
 Owner: GKI Industrial Phoenix, LLC
Taken out from under advisement on January 18, 2023 and denied.

#1
Approved
w/stips

11. Application #: ZA-503-22-7 (SIGN)
 Existing Zoning: A-1
 Location: 1904 North Black Canyon Highway
 Quarter Section: 13-23(G7)

#2
Denied

Proposal: **1)** Use permit to rebuild a billboard with two digital displays. Use permit required. **2)** Use permit to increase the height from 55 feet to 70 feet. Use permit required.
 Ordinance Sections: 705.2.G.4 705.2.B.4.b
 Applicant: Gary Spinner, Pearson's Sign, Co,
 Representative: Jacob Zonn, Becker Boards Small, LLC
 Owner: B.J Pearson, Pearson's Sign, Co.

Stipulations:

- 1) No sign face shall exceed 1,200 square feet.
- 2) Adherence to the sign drawings, not including the decorative pole surround, as submitted to the Planning and Development Department date stamped December 15, 2022.
- 3) Install a Planning and Development Department design approved, decorative pole cover on the rebuilt, off-premise sign. Any access ladder, if included, shall be on the west or south side of the pole cover and concealed from southbound freeway traffic.
- 4) The height of the rebuild sign shall be no greater than 55 feet.
- 5) The applicant shall have 12 months to apply and pay for permits for the subject sign.

Approved
w/stips

12. Application #: ZA-94-13-5 (1-Year Review of Use Permit)
 Existing Zoning: C-3
 Location: 4126 West Indian School Road
 Quarter Section: 17-19(H6)
 Proposal: **1)** Use permit to allow a nonprofit medical marijuana dispensary facility. Use permit required. **2)** Variance to allow a nonprofit medical marijuana dispensary facility to be located within 5,280 feet of the same type of use or a medical marijuana facility. Shall not be located within 5,280 feet of the same type of use.
 Ordinance Sections: 623.D.122.a 623.D.122.e
 Applicant: James Kramer, Herbal Wellness center, Inc.

Representative: Carolyn Oberholtzer, Bergin, Frakes, Smalley & Oberholtzer

Owner: William Jachimek, Indian Building, 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**

13. Application #: ZA-111-18-2 (1-Year Review of Use Permit)
Existing Zoning: C-2
Location: 21035 North Cave Creek Road, Suite C3 & C4
Quarter Section: 42-33(N9)
Proposal: **1)** Time extension for ZA-37-17, a variance to expand an existing medical marijuana dispensary within 1,320 feet of a public park. Minimum 1,320 foot separation required. **2)** Time extension for ZA-37-17, a variance to expand an existing medical marijuana dispensary within 1-mile of another medical marijuana facility. Minimum 1-mile separation required. **3)** Time extension for ZA-37-17, a use permit to expand an existing medical marijuana dispensary. Use permit required.
- Ordinance Sections: 623.D.122.g 623.A.122.e 623.D.122.a
Applicant: Benjamin L. Tate, Withey Morris, PLC
Representative: Benjamin L. Tate, Withey Morris, PLC
Owner: Rose Garden Holden, 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**

14. Application #: ZA-522-22-7
Existing Zoning: A-1
Location: 1411 North 27th Avenue
Quarter Section: 12-23(G7)
Proposal: **1)** Use permit to allow outdoor display of new merchandise. Use permit required. **2)** Variance to allow 18,900 square feet of outdoor display area. Maximum 300 square feet permitted. **3)** Variance to allow an over height fence (8 feet) within the required front yard setback. Maximum 40 inches permitted.
Ordinance Sections: 627.C.3 627.C.3.a 703.A.3.a
Applicant: Larry S. Lazarus, Lazarus & Silvyn, PC
Representative: Larry S. Lazarus, Lazarus & Silvyn, PC
Owner: Sonsray Properties, LLC
Stipulations:
1) 18 months to apply and pay for building permits.
2) Per the location of the landscaping, fencing along 27th Avenue, and outdoor display area as shown on the site plan dated October 26, 2022 (Signed by the Hearing Officer).

**Approved
w/stips**

15. Application #: ZA-525-22-3
Existing Zoning: R1-6
Location: 9118 North 14th Street
Quarter Section: 27-30(J9)
Proposal: Variance to reduce the side yard (south) setback to 0 feet. Minimum 10 feet required.
Ordinance Sections: 613.Table.B

Applicant: John and Sonja Adaomwicz
Representative: John and Sonja Adaomwicz
Owner: John and Sonja Adaomwicz

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the location and size of the setback reduction as shown on the plan dated November 15, 2022.

**Approved
w/stip**

16. Application #: ZA-542-22-4
Existing Zoning: R-5 SP TOD-1
Location: 30, 32, 38 and 40 East Indianola Street and 4016 North 2nd Street
Quarter Section: 16-28(H8)
Proposal: **1)** Use permit to allow a community residence center. Use permit required. **2)** Use permit to allow a dependent care facility for 13 or more dependents. Use permit required. **3)** Use permit to allow a group home. Use permit required. **4)** Use permit to allow a hospice. Use permit required. **5)** Use permit to allow a nursing home. Use permit required.
Ordinance Sections: 618.D.7 618.D.9 618.D.11 618.D.13 618.D.17
Applicant: Indianola Acquisition LLC
Representative: Benjamin Tate, Withey Morris, PLC
Owner: Indianola Acquisition LLC
Stipulation:
1) 2 years to apply and pay for building permits or commence use.

**ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
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 Angie Holdsworth at 602-495-5622, angie.holdsworth@phoenix.gov TTY: Use 7-1-1.

January 18, 2023