

**NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING**

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 **March 10, 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-429-15-1 (1 year review of use permit)
Existing Zoning: A-1 DVAO 1 and 2
Location: 21407 North Central Avenue
Quarter Section: 42-28(N8)
Proposal: **1)** Use Permit to allow a medical marijuana infusion facility. Use Permit required.
2) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum separation of 5280 feet required.

Ordinance Sections: 627.D.93.a 627.D.93.b
Applicant: Edward Judice, BMF Copper Management, LLC/
Pinal County
Representative: Edward Judice, BMF Copper Management, LLC/
Pinal County
Owner: EMM RE MGMT, 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 1 year 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-587-21-8 (Continued from December 30, 2021)
		Existing Zoning:	R-4 RI
		Location:	2224 East Fillmore Street
		Quarter Section:	11-32(F9)
		Proposal:	Variance to allow an over height wall (8 feet) in the required side yard (east). Maximum 6 feet permitted.
		Ordinance Sections:	703.A.2
		Applicant:	Sam Leyvas, HomeAid Phoenix
		Representative:	Aubrey Shumaker, Rick Engineering
		Owner:	Sojourner Center
		Stipulations:	
			1) Per site plan date stamped October 1, 2021, pertaining to the location of the new wall.
			2) 1 year to apply and pay for building permits.
Approved w/stips	3.	Application #:	ZA-716-21-6
		Existing Zoning:	R-O
		Location:	4048 North 40th Place
		Quarter Section:	16-37(H10)
		Proposal:	1) Variance to reduce the required front yard setback (east) to 18 feet. Minimum 20 feet required. 2) Variance to increase lot coverage to 34%. Maximum 30% lot coverage allowed.
		Ordinance Sections:	620.C.3 620.C.6
		Applicant:	Studio Ma, Inc.
		Representative:	William E. Lally, Tiffany & Bosco, PA
		Owner:	Christopher Alt, and Christiana Moss
		Stipulations:	
			1) 18 months to apply and pay for building permits.
			2) Per site plan date stamped December 28, 2021, pertaining to the subject requests only.
Approved w/stips	4.	Application #:	ZA-2-22-8
		Existing Zoning:	R1-6 MPNSPD
		Location:	505 West Siesta Way
		Quarter Section:	02-27(C8)
		Proposal:	1) Variance to reduce the required side yard setback (west) to 19 feet. Minimum 25 feet required. 2) Variance to reduce the required side yard setback (east) to 10 feet. Minimum 25 feet required. 3) Variance to reduce the front yard setback (north) to 40 feet. Minimum 50 feet required.

Ordinance Sections: MPNSPD MPNSPD MPNSPD

Applicant: Priscilla Rae Cazares

Representative: Priscilla Rae Cazares

Owner: Priscilla Rae Cazares

Stipulations:

- 1) Per site plan date stamped January 3, 2022, pertaining to the subject variance requests.
- 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

5. Application #: ZA-3-22-2
Existing Zoning: R1-14
Location: 5201 East Ludlow Drive
Quarter Section: 33-40(L11)
Proposal: Variance to allow a 33 percent lot coverage.
Maximum 30 percent lot coverage permitted.
Ordinance Sections: 607.B.5
Applicant: Taufa Anau
Representative: Taufa Anau
Owner: Taufa Anau

Stipulations:

- 1) Per site plan date stamped January 3, 2022, pertaining to the subject variance requests.
- 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

6. Application #: ZA-4-22-8
Existing Zoning: R-5 RI HP ACOD
Location: 909 North 8th Street
Quarter Section: 11-29(F8)
Proposal: **1)** Variance to reduce the required combined depth of the parking space and the drive aisle to 37 feet. Minimum 43 combined feet required.
2) Variance to reduce the length of a parking space to 16 feet for each space. Minimum 18 feet required.
Ordinance Sections: 702.B.2.b.(5) 702.B.2.b.(1).(b)
Applicant: Tyler Green, Tyler Green Architect
Representative: Tyler Green, Tyler Green Architect
Owner: Tanguy Beyens, Kwack Real Estate, LLC

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) Per site plan date stamped January 4, 2022, as it pertains to the subject variance requests.

**Approved
w/stips**

7. Application #: ZA-5-22-1
Existing Zoning: C-2 DVAOD
Location: 2501 West Happy Valley Road, Building 12
Quarter Section: 46-23(O7)
Proposal: **1)** Use permit to allow a stage or performance area larger than 80 square feet accessory to a restaurant (The Stillery). Use permit required.

2) Use permit to allow patron dancing accessory to a restaurant (The Stillery). Use permit required.

Ordinance Sections: 623.D.157.a.(1) 623.D.157.b

Applicant: Steve Sargent, STILLAZ II, LLC dba The Stillery Phoenix
Steve Kovach, STILLAZ II, LLC dba The Stillery Phoenix

Representative: Jules Laurey III, FM Group, Inc.

Owner: Rick Hearn, Vestar

Stipulations:

- 1) The stage shall not exceed 204 square feet.
- 2) Per the plan date stamped January 4, 2022, pertaining to the location of the state.
- 3) 1 year to apply and pay for building permits.

1:30 PM

**Approved
w/stips**

8. Application #: ZA-611-21-4 (SIGN) (Continued from December 30, 2021)
Existing Zoning: C-O
Location: 2001 North 3rd Street
Quarter Section: 13-28(G8)
Proposal: Use permit to adopt the 2001 North 3rd Street Comprehensive Sign Plan. Use permit required.
Ordinance Sections: 705.E.2
Applicant: Jose Villanueva, Indie Signage
Representative: Jose Villanueva, Indie Signage
Owner: 2001 N. 3rd Street, LLC

Stipulations:

- 1) The applicant must submit a final revised CSP incorporating all requested revisions.
- 2) 1 year to apply and pay for sign permit.

**Approved
w/stips**

9. Application #: ZA-663-21-8 (SIGN)
Existing Zoning: DTC-Business Core
Location: 651 East Buchanan Street
Quarter Section: 9-28(F8)
Proposal: **1)** Use permit to rebuild a nonconforming, off-premise sign to 48 feet in height, 242 square feet in area and two digital sign faces. Use permit required. **2)** Variance to reduce the spacing between off-premise signs to 213 feet. Minimum 1,000 foot spacing required.
Ordinance Sections: 705.2.G.4 705.2.B.2
Applicant: Brent Wood, Outfront Media
Representative: William Allison, Withey Morris, PLC
Owner: 6th Street and Lincoln, LLC

Stipulations:

- 1) 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 south or west side

of the pole cover and concealed from southbound traffic.

- 2) Prior to the issuance of sign permits for the subject sign, the applicant shall obtain a demolition permit and completely remove the off-premise sign structure located at 1130 North 35th Avenue, permit #s 48259, (APN 106-08-052) with sign faces totaling 600 square feet.

Alternative, acceptable off-premise sign structures with sign faces totaling a minimum of 600 square feet may be removed to satisfy the sign removal requirements of the digital conversion use permit. Acceptable documentation for sign(s) to be removed shall be provided prior to the issuance of the permits to rebuild the sign at 651 East Buchanan Street.

- 3) The applicant shall have 12 months to apply and pay for permits for the rebuilt, nonconforming sign.

**Approved
w/stips**

10. Application #: ZA-715-21-4 (SIGN)
Existing Zoning: WU T6:HWR MT
Location: 3110 and 3112 North Central Avenue
Quarter Section: 15-27(G8)
Proposal: Use permit for a major amendment to the Park Central Comprehensive Sign Plan (CSP) for a new ground sign. Use permit required.

Ordinance Sections: 705.E.2 d.2
Applicant: Stan Shafer, HPPC, LLC
Representative: William Allison, Whithey Morris, PLC
Owner: Stan Shafer, HPPC, LLC
Stipulations:
 - 1) Adherence to the revised sign drawings and CSP amendment pages dated stamped February 22, 2022.
 - 2) The applicant shall have 12 months to apply and pay for permits for the subject sign.

**Approved
w/stip**

11. Application #: ZA-599-21-1 (Continued from January 6, 2022)
Existing Zoning: S-1 (Approved R1-8)
Location: 6423 West Tombstone Trail
Quarter Section: 49-13(P4)
Proposal: A variance to increase the retaining wall height to 8 feet within the required rear yard. Individual retaining walls may not exceed a height of 6 feet when located in the interior side or rear yards, with the total combined vertical height of each individual wall not to exceed 20 feet.

Ordinance Sections: 703.A.4.e
Applicant: Daniel Istrate, Kontexture, LLC
Representative: Daniel Istrate, Kontexture, LLC
Owner: Theodor Radu
Stipulation:
 - 1) 1 year to apply and pay for building permits.

Approved w/stips	12.	Application #:	ZA-607-21-6 (Continued from January 13, 2022)
		Existing Zoning:	R1-10 NCASPD
		Location:	6120 North Central Avenue
		Quarter Section:	21-28(I8)
		Proposal:	Variance to reduce the required rear yard (west) setback to 8 feet. Minimum 25 feet required.
		Ordinance Sections:	611.B.TableB
		Applicant:	Michael Higgins, Higgins Architects
		Representative:	Michael Higgins, Higgins Architects
		Owner:	Tim and Colleen Chester
		Stipulations:	
			1) Per site plan signed and date by the Hearing Officer on March 10, 2022, pertaining to the new garage as shown.
			2) 1 year to apply and pay for building permits.
Approved w/stips	13.	Application #:	ZA-6-22-7
		Existing Zoning:	R-5 CMOD
		Location:	114 South 22nd Avenue
		Quarter Section:	10-24(F7)
		Proposal:	Variance to reduce the landscape setback (west) to 0 feet. Minimum 5 feet required.
		Ordinance Sections:	703.B.3.b.(3)
		Applicant:	Rosalio Mondragon, ARQM, LLC
		Representative:	Rosalio Mondragon, ARQM, LLC
		Owner:	Roberto Vargas, Excavator Brothers Inc.
		Stipulations:	
			1) Per site plan date stamped January 4, 2022, pertaining to the landscape setback (west) only.
			2) 1 year to apply and pay for building permits.
Approved w/stips	14.	Application #:	ZA-7-22-8
		Existing Zoning:	R1-6
		Location:	9833 South 7th Avenue
		Quarter Section:	03-27(C8)
		Proposal:	Use permit to use the Planned Residential Development (PRD) option. Use permit required.
		Ordinance Sections:	608.B
		Applicant:	Rosalio Mondragon, ARQM, LLC
		Representative:	Rosalio Mondragon, ARQM, LLC Wendy Jimenez, ARQM, LLC
		Owner:	Roberto Vargas, C & V Investments, LLC
		Stipulations:	
			1) Per site plan date stamped January 5, 2022.
			2) 18 months to apply and pay for building permits.
Approved w/stips	15.	Application #:	ZA-8-22-6
		Existing Zoning:	R1-6
		Location:	3638 East Colter Street
		Quarter Section:	19-36(H10)

Proposal: 1) Variance to allow a detached accessory structure within the required front yard (south) setback. Detached accessory structures not permitted within the required front yard setback.
2) Use permit to allow a closed projection to project 6 feet into the rear yard (north) setback. Use permit required.

Ordinance Sections: 706.A 701.A.3.a.(2).(d)

Applicant: Martin Sandino, Martin Sandino Architecture and Planning

Representative: Martin Sandino, Martin Sandino Architecture and Planning

Owner: Soni Jatinder and Selena Kay

Stipulations:

- 1) Per site plan date stamped January 6, 2022 as it relates to the subject request.
- 2) 1 year to apply and pay for building permits.

ZONING ADJUSTMENT HEARING OFFICER: RAY JACOBS
PLANNER: JAZMINE BRASWELL, 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.

March 11, 2022