

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised April 11, 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 **March 17, 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-287-15-4 (1 year review of use permit)
Existing Zoning: A-2
Location: 3030 North 30th Avenue
Quarter Section: 15-22(G7)
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 5280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. **4)** Variance to allow a medical marijuana infusion facility within 5280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
Applicant: Nature's Wonder, Inc.
Representative: Nature's Wonder, Inc.
Owner: Son of Bakala, LLC / Harry Ross Industrial

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-64-16-8 (1 year review of use permit)
Existing Zoning: C-3
Location: 3155 East McDowell Road
Quarter Section: 12-34(G10)
Proposal: Use permit to allow a medical marijuana dispensary facility. Use permit is required.
Ordinance Sections: 623.D.122.a
Applicant: Nature's Healing Center, Inc.
Representative: Greta Brandt, Beacon Management
Justin Brandt, Bianchi & Brandt
Owner: Mike Standlee, 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/stip**

3. Application #: ZA-64-21-5 (1 year review of use permit)
Existing Zoning: C-2

Location: 2709 West Northern Avenue, #101
Quarter Section: 24-22(J7)
Proposal: Use permit to allow package liquor sales accessory to a convenience market (West Side Smoke Shop) located within 300-feet of a residential zoning district. Use permit required.
Ordinance Sections: 622.D.102.a.
Applicant: Sarkhdon Yonathan, West Side Smoke Shop, LLC
Representative: Sarkhdon Yonathan, West Side Smoke Shop, LLC
Owner: Westland Investments, LLC

Stipulation:

- 1) All previous stipulations shall remain with the exception of the one-year review.

**Approved
w/stip**

4. Application #: ZA-362-21-2
Existing Zoning: R1-10
Location: 15041 North 49th Street
Quarter Section: 34-39(L11)
Proposal: **1)** Variance to reduce the required rear yard setback (south) to 10 feet. Minimum 25 feet setback required. **2)** Variance to reduce the required side yard setback (49th Street) to 5 feet. Minimum 10 feet required.
Ordinance Sections: 611.B.Table B 701.A.1.b
Applicant: Steven R. Goodstein
Representative: Terry Roach, Design Development Associates
Owner: Steven R. Goodstein

Stipulation:

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

Continued

5. Application #: ZA-11-22-7
Existing Zoning: R1-6
Location: 2122 West Virginia Avenue
Quarter Section: 14-24(G7)
Proposal: Variance to reduce the required side yard setback (east) to 3 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Nicole Wakamatsu
Representative: Nicole Wakamatsu
Owner: Nicole Wakamatsu

Continued to May 19, 2022 at 9:00 AM.

**Approved
w/stips**

6. Application #: ZA-12-22-6
Existing Zoning: R-3
Location: 3130 and 3132 North 37th Street
Quarter Section: 15-36(G10)
Proposal: **1)** Variance to reduce the interior property line

landscape setback (north) to 0 feet. Minimum 5 feet required. **2)** Use permit to use the Planned Residential Development option. Use permit required.

Ordinance Sections: 703.B.3.b.(3) 608.B.3
Applicant: Dario Lorenzo, Trinity Apartments, LP
Representative: Rod Jarvis, Earl & Curley
Owner: Trinity Apartments, LP

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) The developer shall record a notice to prospective purchasers of proximity to airport in order to disclose the existence and operational characteristics of the Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
- 3) Per the site plan date stamped January 10, 2022.

**Approved
w/stips**

7. Application #: ZA-14-22-2
Existing Zoning: C-2 PCD
Location: 2605 West Carefree Highway
Quarter Section: 58-23(R7)
Proposal: Use permit to allow a temporary use for up to 36 months for outdoor entertainment for a restaurant/bar (Connolly's Sports Grill). Use permit required.
Ordinance Sections: 708.D.1
Applicant: Brian Cavender, Connolly's Sports Grill
Representative: Brian Cavender, Connolly's Sports Grill
Owner: Terra Carefree, LLC

Stipulations:

- 1) The hours of use for the outdoor area are to be no earlier than 9:00 AM and no later than 11 :00 PM Sunday through Thursday and 9:00 AM to 1 :00 AM Friday and Saturday.
- 2) The employees must have a clear view of the are to supervise the activities and / or be present while patrons utilize the outdoor area.
- 3) The area must be sufficiently illuminated and contained to discourage any unlawful activity. The precinct commander, or his designee, may approve lighting containment area, and security personnel at their discretion.
- 4) 1 year to commence use
- 5) Per site plan date stamped January 12, 2022.

Continued

8. Application #: ZA-15-22-8
Existing Zoning: R1-6
Location: 3126 East Flower Street
Quarter Section: 15-34(G10)
Proposal: Variance to allow a 45 percent lot coverage. Maximum 40 percent lot coverage permitted.
Ordinance Sections: 613.B.Table B
Applicant: Jonathan Mak and Vy Kieut

Representative: Brett Berger, Lavender Landscape Design Company

Owner: Jonathan Mak and Vy Kieut

Continued to May 19, 2022 at 9:00 AM.

1:30 PM

**Approved
w/stips**

9. Application #: ZA-718-21-8 (SIGN)
Existing Zoning: WU T5:6 EG
Location: 1675 East Villa Street
Quarter Section: 11-31(F9)
Proposal: Variance to increase copy height for a wall sign to 75 inches. Maximum 18 inches permitted.
Ordinance Sections: 1308.C Table 1308.1
Applicant: Brian Greathouse, Burch & Cracchiolo, P.A.
Representative: Brian Greathouse, Burch & Cracchiolo, P.A.
Owner: Reunion Phoenix RE, LLC

Stipulations:

- 1) Illumination of the subject wall sign shall be limited to halo illumination and shall be in accordance with Page 4 of 7 of the sign drawings date-stamped March 14, 2022. White illumination of the sign face is not permitted.
- 2) The applicant shall have 12 months to apply and pay for permits for the proposed sign.

**Approved
w/stip**

10. Application #: ZA-664-21-6
Existing Zoning: C-2 and IND. PK.
Location: 5005 East McDowell Road
Quarter Section: 12-39(G11)
Proposal: Variance to increase lot coverage to 45%. Maximum of 40% allowed for main structure.
Ordinance Sections: 626.H.1.Table
Applicant: Kristjan Sigurdsson, K&I Homes, LLC
Representative: Kristjan Sigurdsson, K&I Homes, LLC
Owner: Jeremy Thorne, Semiconductor Components Industries, LLC

Stipulation:

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

Denied

11. Application #: ZA-16-22-2
Existing Zoning: R1-8
Location: 18054 North Villa Rita Drive
Quarter Section: 38-37(M10)
Proposal: Variance to reduce rear yard (north) setback to 8 feet. Minimum 25 feet required.
Ordinance Sections: 612.B.Table B
Applicant: Amy Munier
Representative: Amy Munier
Owner: Amy Munier

Continued

12. Application #: ZA-17-22-2

Existing Zoning: R1-10
Location: 4517 East Acoma Drive
Quarter Section: 33-38(L11)
Proposal: **1)** Variance to reduce the side yard (west) setback to 0 feet for a detached accessory structure. Minimum 3 feet required. **2)** Variance to allow an over height (10 feet) accessory structure located in the side yard (west) setback. Maximum 8 feet in height permitted.

Ordinance Sections: 706.B 706.C
Applicant: Shawn and Patience Hoffman
Representative: Shawn and Patience Hoffman
Owner: Shawn and Patience Hoffman

Continued to May 26, 2022 at 1:30 PM.

***Approved
w/stip**

13. Application #: ZA-19-22-7
Existing Zoning: C-2
Location: 6016 South 7th Avenue
Quarter Section: 2-26(D8)
Proposal: Use Permit to allow a drive-through facility as an accessory use to a restaurant (Carl's Jr.) within 300-feet of a residential district. Use permit required.

Ordinance Sections: 623.D.157.d
Applicant: Jesse Kent, Guggenheim Retail Real Estate Partners
Representative: Eric Gerster, Sustainability Engineering Group
Owner: Denver Gardens Company, LLC

Taken out from under advisement on April 11, 2022 and approved with the following stipulation:

**Approved
w/stips**

14. 1) The applicant shall have 12 months to apply and pay for permits.
Application #: ZA-20-22-6
Existing Zoning: C-1 PCD
Location: 3113 East Lincoln Drive
Quarter Section: 21-34(I10)
Proposal: **1)** Time extension for ZA-89-21, use permit to allow outdoor dining as an accessory use to a restaurant (Starbucks). Use permit required. **2)** Time extension for ZA-89-21, use permit to allow a drive-through facility accessory to a restaurant (Starbucks) within 300 feet from a residential zoning district. Use permit required.

Ordinance Sections: 622.D.150.d 622.D.150.e.(2)
Applicant: Jessica Sarkissian, Upfront Planning & Entitlements, LLC
Representative: Jessica Sarkissian, Upfront Planning & Entitlements, LLC
Owner: Lincoln View Plaza, LLC

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) Per the site plan dated February 22, 2022 with regards to the drive-through location.

Approved w/stip	15.	Application #:	ZA-21-22-6
		Existing Zoning:	C-1 PCD
		Location:	3115 East Lincoln Drive
		Quarter Section:	21-34(I10)
		Proposal:	Time extension for ZA-738-20, use permit to reduce parking up to 25 percent based on a shared parking model. Use permit required.
		Ordinance Sections:	702.E.2.c.
		Applicant:	Jessica Sarkissian, Upfront Planning & Entitlements, LLC
		Representative:	Jessica Sarkissian, Upfront Planning & Entitlements, LLC
		Owner:	Lincoln View Plaza, LLC & 32nd Medley, LLC
		Stipulation:	
			1) 18 months to apply and pay for building permits.
Denied	16.	Application #:	ZA-22-22-8
		Existing Zoning:	R1-6
		Location:	2238 East Oak Street
		Quarter Section:	14-32(G9)
		Proposal:	Variance to reduce the required side yard setback (east) to 1 foot. Minimum 3 feet required.
		Ordinance Sections:	613.B.Table B
		Applicant:	Todd Thompson, ETODDT Design, Inc
		Representative:	Todd Thompson, ETODDT Design, Inc
		Owner:	Aaron Morales

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 602-376-3981, les.scott@phoenix.gov
TTY: Use 7-1-1.

April 11, 2022