

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 24, 2022 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/stip

9:00 AM

1. Application #: ZA-78-21-1 (1 year review of use permit)
Existing Zoning: R1-6
Location: 4744 West Poinsettia Drive
Quarter Section: 30-17(K5)
Proposal: **1)** Use permit for official approval of a home occupation (internet firearm sales). Use permit required. **2)** Use permit to allow a home occupation to generate traffic. Use permit required.
Ordinance Sections: 608.E.3.h.(5) 608.E.3.h.(1)
Applicant: Donald Golden
Representative: Donald Golden
Owner: Donald and Rhonda Golden
Stipulation:
1) All previous stipulations shall remain with the exception of the 1 year review.

Approved
w/stip

2. Application #: ZA-83-21-8 (1 year review of use permit)
Existing Zoning: C-2
Location: 2125 North 24th Street
Quarter Section: 13-33(G9)
Proposal: Use permit to allow outdoor alcoholic beverage consumption accessory to a restaurant (Wrenhouse Brewing) within 500 feet of a residential district. Use permit required if located within 500 feet of a residential district.
Ordinance Sections: 623.D.157.c
Applicant: Justin Novak, NVK Design
Representative: Justin Novak, NVK Design
Owner: Omar Alvarez, TPG Foods, LLC
Stipulation:
1) All previous stipulations shall apply with the exception of the 1 year review.

Approved

3. Application #: ZA-24-22-4

w/stips	Existing Zoning: C-2 Location: 2637 North 16th Street Quarter Section: 14-31(G9) Proposal: 1) Variance to reduce the building setback (south) not adjacent to a street to 0 feet. Minimum 10 feet required. 2) Variance to reduce the landscape setback (south) not adjacent to a public street to 0 feet. Minimum 10 feet required. Ordinance Sections: 623.E.4.d 623.E.4.e Applicant: Javier Verdugo, Ahincos Living Trust Representative: James Easton, Elk River Studio Owner: Javier Verdugo, Ahincos Living Trust Stipulations: 1) 1 year to apply and pay for building permits. 2) Per the setback reduction as shown on the plan dated January 20, 2022.		
Withdrawn to Amend	4.	Application #: ZA-25-22-7 Existing Zoning: R-5 RI Location: 801, 838 and 846 West Roosevelt Street Quarter Section: 11-26(F8) Proposal: 1) Variance to allow vehicle maneuvering within the alley. Maneuvering must be located on private property. 2) Variance to reduce the required perimeter landscape setback (south) to 0 feet. Minimum 5 feet required. 3) Variance to reduce the required perimeter landscape setback (west) to 0 feet. Minimum 5 feet required. 4) Variance to reduce the required off-street guest parking to 2 spaces. Minimum 3 guest parking spaces required. 5) Variance to reduce the lot width to 19 feet for Lots 1-12. Minimum 20 feet required. 6) Variance to reduce the common area to 0%. Minimum 5% of gross area required. Ordinance Sections: 702.A.1.b 608.F.8.c.3 608.F.8.c.3 608.F.8.f.1 618.B.Table B 618.B.1.Table B Applicant: Andy Nametz, Roosevelt 8 Zero 1, LLC Representative: William F. Allison, Withey Morris, PLC Owner: Andy Nametz, Roosevelt 8 Zero 1, LLC	
Approved w/stips	5.	Application #: ZA-26-22-2 Existing Zoning: R-5 Location: 19226 North Cave Creek Road Quarter Section: 39-32(M9) Proposal: 1) Use permit to allow over height retaining walls (6 feet) within 50 feet of a subdivision perimeter (north). Maximum 40 inches permitted. 2) Variance to increase the retaining wall height to 8 feet within the required rear yard (west). 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. **3)** Use permit to allow over height retaining walls (6 feet) within 50 feet of a subdivision perimeter (east). Maximum 40 inches permitted.

Ordinance Sections: 703.A.4.c 703.A.4.e 703.A.4.c
Applicant: Nick Labadie, Rose Law Group, PC
Representative: Nick Labadie, Rose Law Group, PC
Owner: Cave Creek Road Partners, LLC

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) Per the locations of the over height wall requests as shown on the plan dated January 21, 2022.

#1
Approved
w/stips

6. Application #: ZA-27-22-6
Existing Zoning: RE-24
Location: 4438 East Arlington Road
Quarter Section: 20-38(I11)

#2
Denied

Proposal: **1)** Variance to reduce the required side yard setback (east) to 10 feet. Minimum 15 feet required. **2)** Variance to allow an over height wall (6 feet) in the required front yard (south). Maximum 40 inches permitted.

Ordinance Sections: 606.B.3.a 703.A.2.a
Applicant: Maximo Cabellos, MXD Solutions, LLC
Representative: Maximo Cabellos, MXD Solutions, LLC
Owner: Brian Lisko

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) The setback reduction shall only apply to the encroachment as shown on the plan dated January 21, 2022.

#1
Approved
w/stip

7. Application #: ZA-32-22-6
Existing Zoning: R1-6
Location: 3031 East Weldon Avenue
Quarter Section: 16-34(H10)

#2
Denied

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 fence (10 feet) in the rear yard setback. Maximum 8 feet permitted per ZA-612-68.

Ordinance Sections: 706.B ZA-612-68
Applicant: Mark and Diane Monty
Representative: Mark and Diane Monty
Owner: Mark and Diane Monty

Stipulation:

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

**Approved
w/stips**

8. Application #: ZA-28-22-4
Existing Zoning: A-2
Location: 2949 North 31st Avenue
Quarter Section: 15-22(G7)
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 5,280 feet of separation required.
- Ordinance Sections: 627.D.93.a 627.D.93.b
Applicant: Brian Greathouse, Burch and Cracchiolo, PA
Representative: Brian Greathouse, Burch and Cracchiolo, PA
Owner: ACP Real 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.

1:30 PM

**Approved
w/stips**

9. Application #: ZA-712-21-7 (SIGN)
Existing Zoning: A-2
Location: 715 North Black Canyon Highway
Quarter Section: 11-24(F7)
Proposal: Use Permit to rebuild, with two digital faces, a nonconforming, off-premise sign. Use permit

required.
Ordinance Sections: 705.2.G.4
Applicant: Paul Hickman, Clear Channel Outdoor
Representative: Taylor Earl, Earl & Curley
Owner: ASE Management, 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 north or east side of the pole cover and concealed from northbound 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 9330 North 19th Avenue, permit #s 164337, (within SRP Canal right of way) with sign faces totaling 1,344 square feet.
Alternative, acceptable off-premise sign structures with sign faces totaling a minimum of 1,344 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 715 North Black Canyon Highway.
- 3) The applicant shall have 24 months to apply and pay for permits for the rebuilt, nonconforming sign.

**Approved
w/stips**

10. Application #: ZA-9-22-6 (SIGN)
Existing Zoning: C-2
Location: 3538 East Indian School Road
Quarter Section: 17-35(H10)
Proposal: **1)** Use permit to rebuild a nonconforming sign off-premise sign to 35 feet in height and 302 square feet in area. Use Permit required. **2)** Use permit to reduce spacing from residential use to 223 feet. Use Permit required.
Ordinance Sections: 705.2.G.5 705.2.A.5
Applicant: Jacob Zonn, Becker Boards Small, LLC
Representative: Jacob Zonn, Becker Boards Small, LLC
Owner: Five Chans, LLC

Stipulations:

- 1) The rebuild of the sign is approved for a single sign face (west) and maximum height of 27 feet.
- 2) 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 north or west side of the pole cover and concealed from westbound traffic.
- 3) All sign illumination shall be extinguished daily from 10:00 PM. until sunrise.
- 4) Sign illumination shall be controlled by an adjustable dimmer. The initial luminance (brightness) setting on the dimmer shall be at the same NIT level as existing illumination and in no case greater than 100 NITs maximum.

- 5) The rear of the sign face shall be coated in a graffiti-resistant material approved by the Planning and Development Department.
- 6) The applicant shall have 12 months to apply and pay for permits for the rebuilt, building mounted sign.

***Approved
w/stips**

11. Application #: ZA-10-22-6 (SIGN)
Existing Zoning: A-2
Location: 802 South 56th Street
Quarter Section: 9-40(F11)
Proposal: Variance to increase the height of a new off-premise sign on the east side of the parcel to 95 feet. Maximum 48 feet permitted.
Ordinance Sections: 705.2.B.4.a
Applicant: Jacob Zonn, Becker Boards Small, LLC
Representative: Jacob Zonn, Becker Boards Small, LLC
Owner: SRP Agricultural Improvement and Power District

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

- 1) Maximum sign height shall not exceed 95 feet.
- 2) Install a decorative pole cover with a design approved by the Planning and Development Department. Any access ladder, if included, shall be on north side of the pole concealed from freeway traffic.
- 3) The applicant shall have 12 months to apply and pay for permits.

**Approved
w/stips**

12. Application #: ZA-29-22-7
Existing Zoning: DTC-Roosevelt North HP
Location: 301 West Latham Street
Quarter Section: 12-27(G8)
Proposal: Variance to allow an over height (7 feet) fence located in the side yards (north and east) and rear yard (south). Maximum 6 feet allowed.
Ordinance Sections: 703.A.2.c
Applicant: Derek C. Figg
Representative: Brian Cosper, Fidelity National Law Group
Owner: Derek C. Figg

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the over height wall locations as shown on the plan dated January 24, 2022.

**Approved
w/stips**

13. Application #: ZA-30-22-7
Existing Zoning: DTC-Warehouse
Location: 401 South 1st Avenue
Quarter Section: 9-27(F8) 10-27(F8)
Proposal: Use permit to allow a temporary event (Forty Eight Foundation). Use permit required.
Ordinance Sections: 708.D
Applicant: Ernest Hickman, Forty Eight Foundation
Representative: Ernest Hickman, Forty Eight Foundation
Owner: Adam Deyden, LAZ Parking

Stipulations:

- 1) Approved for April 1, 2022 and April 2, 2022.
- 2) Hours of operation permitted from 6:00 PM to 2:00 AM.

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| Denied | 14. Application #: ZA-31-22-2
Existing Zoning: R-3A
Location: 10640 North 28th Drive
Quarter Section: 29-22(K7)
Proposal: Variance to reduce the minimum parking requirement to 75 spaces. Minimum 98 parking spaces required.

Ordinance Sections: 702.C.Table
Applicant: Ken Losch, Trillium Residential SFR, LLC
Representative: Ken Losch, Trillium Residential SFR, LLC
Owner: Matthew Luxenberg Family Trust |
| Approved
w/stips | 15. Application #: ZA-37-22-7
Existing Zoning: R-5 RI HP CMOD
Location: 1510 West Monroe Street
Quarter Section: 10-25(F7)
Proposal: 1) Variance to allow maneuvering in the right-of-way (alley). Maneuvering must be provided entirely on private property. 2) Variance to reduce the rear setback to 0 feet (north). Minimum 15 feet required. 3) Variance to reduce the required side yard (west) landscape setback to 3 feet. Minimum 5 feet required. 4) Variance to reduce the required side yard (east) landscape setback to 3 feet. Minimum 5 feet required. 5) Variance to reduce the required rear yard (north) landscape setback to 0 feet. Minimum 5 feet required.

Ordinance Sections: 702.A.1.b 618.B.Table B 703.B.3.b.3 703.B.3.b.3
Applicant: Mark Burton, M. Burton Design, LLC
Representative: Mark Burton, M. Burton Design, LLC
Owner: Amir Ran, Ear Houses, LLC
Stipulations:
<ol style="list-style-type: none">1) 1 year to apply and pay for building permits.2) Per the setback reductions as shown on the plan dated January 26, 2022. |

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

April 11, 2022