

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
** Revised June 8, 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 **May 12, 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-267-15-3 (1 year review of use permit)
Existing Zoning: C-2
Location: 12620 North Cave Creek Road, Suite #10
Quarter Section: 31-32(K9)
Proposal: Use permit to allow non-profit medical marijuana dispensary. Use permit required.
Ordinance Sections: 623.D.122.a
Applicant: Tom Deschamps, Fort Consulting, LLC DBA Muv Dispensary
Representative: Tom Deschamps, Fort Consulting, LLC DBA Muv Dispensary
Owner: Roseann Chiulli

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 prior to the 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.

- | | | | |
|-----------------------------|----|---------------------|---|
| Approved
w/stip | 2. | Application #: | ZA-115-22-8 |
| | | Existing Zoning: | C-1 BAOD |
| | | Location: | 2550, 2600, 2620, and 2624 East Baseline Road |
| | | Quarter Section: | 1-33(D9) |
| | | Proposal: | Use permit to allow a drive-through facility accessory to a restaurant (Popeyes) within 300 feet from a residential zoning district. Use permit required. |
| | | Ordinance Sections: | 622.D.150.e.(2) |
| | | Applicant: | Craig Baker, SBL Engineering, LLC |
| | | Representative: | Craig Baker, SBL Engineering, LLC |
| | | Owner: | Randell Raskin, Baseline 25, LLC |
| | | Stipulation: | |
| | | | 1) 18 months to apply and pay for building permits. |
| | | | |
| Approved
w/stip | 3. | Application #: | ZA-116-22-4 |
| | | Existing Zoning: | R-3 HP CNSPD |
| | | Location: | 2322 North Richland Street |
| | | Quarter Section: | 14-29(G8) |
| | | Proposal: | 1) Variance to reduce the side yard (south) setback to 4 feet. Minimum 10 feet required.
2) Variance to reduce the rear yard (west) setback to 12 feet. Minimum 15 feet required. |
| | | Ordinance Sections: | 615.B.TableB 15.B.TableB |
| | | Applicant: | Rodney Sharrard, RS Architecture, LLC |
| | | Representative: | Rodney Sharrard, RS Architecture, LLC |
| | | Owner: | Ysidro and Sofia Zapata |
| | | Stipulation: | |
| | | | 1) 1 year to apply and pay for building permits. |
| | | | |
| Approved
w/stips | 4. | Application #: | ZA-117-22-7 |
| | | Existing Zoning: | R-3 RSIOD |
| | | Location: | 4110 South 3rd Avenue |
| | | Quarter Section: | 5-27(E8) |
| | | Proposal: | 1) Variance to reduce the interior property line (south) landscape setback to 0 feet. Minimum 5 feet required. 2) Variance to reduce the front (east) building setback to 15 feet. Minimum 25 feet required. 3) Variance to reduce the landscape setback adjacent to a public street right-of-way (3rd Avenue) to 15 feet. Minimum 25 feet required. |
| | | Ordinance Sections: | 703.B.3.b.(3) 615.B.TableB 703.B.3.a |
| | | Applicant: | Paul O'Connor, POCA Architecture |
| | | Representative: | Paul O'Connor, POCA Architecture |

Owner: Erica Barraza, Edee, LLC and, KC 2, LLC

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) The area south and west of the garbage enclosure shall be landscaped, including one shade tree at the street frontage and two additional shade trees located in the open space area west of the trash enclosure with other plant material per a landscaping plan to be approved by the Planning and Development Department.

***Denied** 5. Application #: ZA-118-22-2
Existing Zoning: R1-14
Location: 14014 North 62nd Street
Quarter Section: 33-42(L12)
Proposal: **1)** Variance to allow 36 percent lot coverage. Maximum 30 percent permitted. **2)** Variance to reduce the required front (east) yard setback to 16 feet. Minimum 30 feet required.

Ordinance Sections: 607.B.5 607.B.2
Applicant: Erin & Chad Walter
Representative: Rod Jarvis, Earl & Curley
Owner: Erin & Chad Walter

Taken out from under advisement on June 8, 2022 and denied.

Continued 6. Application #: ZA-124-22-4
Existing Zoning: R1-10 WSN SPD
Location: 505 East Missouri Avenue
Quarter Section: 19-28(H8)
Proposal: Variance to allow an over height wall (6 feet) in the required front yard (east) setback. Maximum 40 inches permitted.

Ordinance Sections: 703.A.2.a
Applicant: Steve Watson, True Performance Construction, Inc.
Representative: Nick Wood, Snell & Wilmer, LLP
Owner: John and Jane Doe

Continued to July 7, 2022 at 9:00 AM.

Approved w/stip 7. Application #: ZA-125-22-6
Existing Zoning: R1-14 ACSPD
Location: 5715 East Calle Tuberia
Quarter Section: 16-41(H11)
Proposal: Variance to reduce the required side yard setback (east) to 10 feet. Minimum 15 feet required.

Ordinance Sections: 606.B.3.a
Applicant: Jeff and Rebecca Collins
Representative: Jeff and Rebecca Collins

Owner: Jeff and Rebecca Collins

Stipulation:

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

1:30 PM

***Approved
w/stip**

8. Application #: ZA-113-22-1 (SIGN)
Existing Zoning: PUD
Location: 26390 North Norterra Parkway
Quarter Section: 48-22(P7) 48-23(P7)
Proposal: Use permit to adopt the Norterra Market Comprehensive Sign Plan. Use permit required.
Ordinance Sections: 705.E.2
Applicant: Andy Gibson, Bootz and Duke Sign Company
Representative: Kristi Trisko, Bootz and Duke Sign Company
Owner: Nalani Fakhouri, Smiths Food & Drug Centers, Inc.
US Real Estate Limited Partnership

Stipulation:

- 1) Twelve months to apply for and pay for sign permits.

**Withdrawn
to Amend**

9. Application #: ZA-126-22-3 (SIGN)
Existing Zoning: C-3
Location: 18444 North Cave Creek Road
Quarter Section: 38-32(M9)
Proposal: **1)** Use permit to convert an existing non-conforming sign to digital. Use permit required. **2)** Use permit to reduce off-premise sign separation from a residential district and residential use to 125 feet. Minimum 500 feet of separation required. **3)** Variance to reduce spacing between off-premise structures to 350 feet. Minimum 1,000 feet required.
Ordinance Sections: 705.2.G.4 705.A..5 705.2.B.2
Applicant: Outfront Media, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Owner: Member REI 18444, LLC

**Approved
w/stips**

10. Application #: ZA-103-14-8 (1 year review of use permit)
Existing Zoning: A-2 RSIOD
Location: 2315 South 15th Avenue
Quarter Section: 7-26(E8)
Proposal: **1)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of the same type of use. Variance required. **2)** Use Permit to allow a medical marijuana cultivation facility. Use Permit required.
Ordinance Sections: 627.D.91.c 627.D.91.a
Applicant: Fred Petermann, Cold Fusion Lighting

Representative: Fred Petermann, Cold Fusion Lighting
Owner: Maschmeier Fuels, 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 prior to the 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.

**Approved
w/stips**

11. Application #: ZA-68-16-1 (1 year review of use permit)
Existing Zoning: C-2
Location: 4244 West Dunlap Avenue
Quarter Section: 27-19(J6)
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit is required.
2) Variance to allow a medical marijuana dispensary within 1320 feet of a preschool. Minimum of 1320 feet of separation required.
Ordinance Sections: 623.D.122.a 623.D.122.g
Applicant: DRH Enterprises
Representative: Withey Morris, PLC
Owner: Angal Dunlap Properties, 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 prior to the 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.

**Approved
w/stips**

12. Application #: ZA-120-22-8
Existing Zoning: A-2
Location: 930 West Magnolia Street
Quarter Section: 7-26(E8)
Proposal: **1)** Time extension of ZA-185-21, use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Time extension of ZA-185-21, variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.
Ordinance Sections: 627.D.91.a. 627.D.91.c.
Applicant: Tom Frenkel, 640 S. Smith, LLC nka 951 W. Watkins, LLC
Representative: David Dow, David Dow Law Office
Owner: 640 S. Smith, LLC nka 951 W. Watkins, 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 prior to the 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.

**Approved
w/stips**

13. Application #: ZA-121-22-2
Existing Zoning: C-2
Location: 2832 East Bell Road
Quarter Section: 37-34(M10)
Proposal: Use permit to allow a temporary use (outdoor fundraising events with amplified sound) for up to 36 months. Use permit required.

Ordinance Sections: 708.D.1
Applicant: Jody Boyd, The Singletons, Inc.
Representative: Jody Boyd, The Singletons, Inc.
Owner: The Singletons, Inc.
Stipulations:
1) 6 month review.
2) Maximum 10 evening events per year, from 6:00 PM to 10:00 PM.
3) Maximum 6 daytime events per year.

Continued

14. Application #: ZA-122-22-7
Existing Zoning: C-2 PCD
Location: 7719 West Lower Buckeye Road
Quarter Section: 6-10(E4)
Proposal: **1)** Time Extension for ZA-52-21, use permit to allow for a drive-through as an accessory use to a restaurant (Dunkin' Baskin Robbins) within 300 feet of a residential district. Use permit required.
2) Time Extension for ZA-52-21, use permit to allow for outdoor dining as an accessory use to a restaurant (Dunkin' Baskin Robbins) within 500 feet of a residential district. Use permit required.
3) Time Extension for ZA-52-21, variance to allow a 0 foot landscape setback (west) not adjacent to a street. Minimum 10 foot landscape setback required.

Ordinance Sections: 623.D.157.d.(2) 623.D.157.c 623.E.4.e
Applicant: Jason Rieke, Bar Napkin Productions, LLC
Representative: Paul Faust, ABDD AZ
Owner: Richard Hearn, Vestar Arizona LXI, LLC

Continued to July 7, 2022 at 1:30 PM.

Approved w/stips 15. Application #: ZA-123-22-2
Existing Zoning: C-2 DVAO, S-1 DVAO
Location: 21222 North Cave Creek Road
Quarter Section: 42-32(N9)
Proposal: **1)** Use permit to allow a drive-through facility as an accessory use to a restaurant (Whataburger) within 300 feet of a residential district. Use permit required. **2)** Use permit to allow an extension of a use which is permitted in a less restricted district into a more restricted district to a maximum of 25 feet. Use permit required. **3)** Variance to allow a 70 foot encroachment into a more restrictive zoning district. Maximum 25 feet encroachment allowed.

Ordinance Sections: 623.D.157.d.(2) 307.A.8 307.A.8
Applicant: Lucien El Asmar, Sustainability Engineering Group, LLC
Representative: Lucien El Asmar, Sustainability Engineering Group, LLC
Owner: Christine Augustine, JACA Properties, LLC
Stipulations:
1) An 8 foot wall must be constructed on the south and west property lines, adjacent to the residential zoning district. The wall shall be connected to the existing perimeter wall and be stepped to match the connection.
2) The lights on the south and west sides of the drive-through shall be back shielded to prevent glare from affecting the adjacent residential area.
3) 1 year to apply and pay for building permits.
4) A filtration system must be installed prior to commencement of use to mitigate any odors.

ZONING ADJUSTMENT HEARING OFFICER: BETTY DRAKE
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.

June 8, 2022