

**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 **October 20, 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
Approved
w/stips**

9:00 AM

1. Application #: ZA-122-16-1 (1 Year Review of Use Permit)
Existing Zoning: A-1 DVAO (Area 1 & 2)
Location: 1225 West Deer Valley Drive
Quarter Section: 42-26(N8)
Proposal:
1) Time Extension for ZA-69-15, a time extension of ZA-340-14 a use permit to allow a medical marijuana infusion facility. Use permit required.
2) Time Extension for ZA-69-15, a time extension of ZA-340-14 a variance to allow medical marijuana infusion facility within 5,280 feet of the same type of use. Minimum separation of 5,280 feet required.
Ordinance Sections: 627.D.93.a 627.D.93.b
Applicant: Imran Mirza, Seed Capital, LLC
Representative: Imran Mirza, Seed Capital, LLC
Owner: Imran Mirza, Seed Capital, 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**

2. Application #: ZA-123-16-1 (1 Year Review of Use Permit)
Existing Zoning: A-1 DVAO (Area 1 & 2)
Location: 1225 West Deer Valley Drive
Quarter Section: 42-26(N8)
Proposal: **1)** Time Extension for ZA-50-15, a time extension of ZA-278-14, a use permit to allow a medical marijuana cultivation facility. Use Permit required.
2) Time Extension for ZA-50-15, a time extension of ZA-278-14, a variance to allow a medical marijuana cultivation facility within 5,280 feet of the same type of use. Minimum separation of 5,280 feet required.
Ordinance Sections: 627.D.91.a 627.D.91.c
Applicant: Imran Mirza, Seed Capital, LLC
Representative: Imran Mirza, Seed Capital, LLC
Owner: Imran Mirza, Seed Capital, 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**

3. Application #: ZA-169-16-4 (1 Year Review of Use Permit)
Existing Zoning: C-2

Location: 2626 West Indian School Road
Quarter Section: 17-23(H7)
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required. **2)** Variance to allow a medical marijuana dispensary facility within 1 mile of another medical marijuana use. **3)** Variance to allow a medical marijuana dispensary facility within 500 feet of R-4 and R-4A residential zoning districts. **4)** Variance to allow a medical marijuana dispensary facility within 1,284 feet of a school. 1,320 feet is required between a medical marijuana dispensary facility and a school. **5)** Variance to allow a medical marijuana dispensary facility within 1,320 feet of a place of worship.

Ordinance Sections: 623.D.122 623.D.122.e 623.D.122.f 623.D.122.g 623.D.122.h

Applicant: Brett Carr, Urban Greenhouse
Representative: Brett Carr, Urban Greenhouse
Adam Baugh, Withey Morris, PLC
Owner: ACFC 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**

4. Application #: ZA-402-22-6
Existing Zoning: R1-6

Location: 3943 East Whitton Avenue
Quarter Section: 16-36(H10)
Proposal: **1)** Variance to reduce the front yard (north) setback to 0 feet. Minimum 20 feet required. **2)** Variance to reduce the required side yard setback (west) to 1 foot. Minimum 3 feet required. **3)** Variance to allow roof overhang 0 feet from side property line (west). Minimum 2 feet required from property lines. **4)** Variance to reduce the required rear yard setback (south) to 8 feet. Minimum 25 feet required. **5)** Variance to allow a 46% lot coverage. Maximum 40% lot coverage permitted.
Ordinance Sections: 613.B.Table B 613.B.Table B 701.A.3.a.(1).(e) 613.B.Table B 613.B.Table B
Applicant: Ryan Skiver
Representative: Ryan Skiver
Owner: Ryan Skiver

Stipulations:

- 1) Owner must verify that the carport is on private property.
- 2) 1 year to apply and pay for building permits.
- 3) Per the setback reductions as shown on the plan dated November 26, 2019.

**Approved
w/stip**

5. Application #: ZA-410-22-2
Existing Zoning: CP/GCP PCD
Location: 16220 North Scottsdale Road, Suite 140
Quarter Section: 36-44(M12)
Proposal: **1)** Use permit to allow sale of alcoholic beverages as an accessory use to a restaurant (Lux Max Annex). Use permit required. **2)** Use permit to allow outdoor dining as an accessory use to a restaurant (Lux Max Annex). Use permit required. **3)** Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant (Lux Max Annex). Use permit required.
Ordinance Sections: 626.F.2.k.(1) 626.F.2.k.(4) 626.F.2.k.(4)
Applicant: Katie Calahan, Lux Max Annex, LLC
Representative: Andrea Lewkowitz, Lewkowitz Law Office
Owner: Andrea Richardson, AX MAXK, L. P.

Stipulation:

- 1) 1 year to commence use.

**Approved
w/stips**

6. Application #: ZA-416-22-8
Existing Zoning: R-3 CCSIO
Location: 1434 South 12th Avenue
Quarter Section: 8-26(F8)
Proposal: **1)** Variance to reduce the front yard setback (east) to 15 feet. Minimum 25 feet required. **2)** Variance to reduce the landscape setback requirement along 12th Avenue to 7 feet.

Minimum 25 feet required. **3)** Variance to reduce the required open space to 3 percent. Minimum 5 percent required.

Ordinance Sections: 615.B.Table B 703.B.3.a 703.B.4.a.1

Applicant: Miguel Torres, Towers Properties, LLC

Representative: Kathleen Heather Brakefield, KHB Architectural Studios, PLLC

Owner: Miguel Torres, Towers Properties, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reductions as shown on the site plan dated August 31, 2022.

**Approved
w/stips**

7. Application #: ZA-477-22-2
Existing Zoning: C-2 PCD, C-2 M-R PCD
Location: 15215 North Kierland Boulevard
Quarter Section: 34-44(L12)
Proposal: Use permit to allow a temporary use (outdoor events with live amplified sound) for up to 36 months. Use permit required.
- Ordinance Sections: 708.D.1
Applicant: Mike Pigford, Horses Help Foundation
Representative: Mike Pigford, Horses Help Foundation
Owner: Kierland Commons

Stipulations:

- 1) No more than two events per year. (October and February).
- 2) House shall be limited to 10:00 AM to 8:00 PM on Saturday and 10:00 AM to 5:00 PM on Sunday.

**Approved
w/stips**

8. Application #: ZA-407-22-1
Existing Zoning: CP/GCP
Location: 2415 West Corporate Center Drive
Quarter Section: 45-23(O7)
Proposal: **1)** Variance to allow a building height of 38 feet at 21 feet of setback from a perimeter line (northwest). Minimum 90 feet of setback required. **2)** Variance to reduce the streetscape landscape setback to 20 feet along I-17 Frontage Road. Minimum 30 feet required. **3)** Variance to reduce the streetscape landscape setback to 20 feet along Corporate Center Drive. Minimum 30 feet required.
- Ordinance Sections: 626.H.1.Table 626.H.1.2.b 626.H.1.2.b
Applicant: Josh Tracy, Ryan Companies US, Inc.
Representative: Garry Hays, Law Offices of Gary Hays
Owner: Josh Tracy, Ryan Companies US, Inc.

Stipulations:

- 1) 18 months to apply and pay for permits.
- 2) Per the setback reductions as shown on the site plan dated August 29, 2022.

Approved w/stip	1:30 PM	
	9.	Application #: ZA-408-22-1 Existing Zoning: CP/BP DVAO Location: 24510 North 20th Drive Quarter Section: 46-24(O7) Proposal: Variance to allow a building height of 36 feet at 72 feet of setback from a perimeter line (west). Minimum 84 feet of setback required. Ordinance Sections: 626.H.1.Table Applicant: Andrew Whiteaker, Prologis Representative: Andrew Whiteaker, Prologis Owner: Prologis - Exchange AZ 2000, LLC Stipulation: 1) 1 year to apply and pay for building permits.
Denied as Filed Approved w/stips	10.	Application #: ZA-411-22-2 Existing Zoning: S-1 Location: 21640 North 30th Way Quarter Section: 42-34(N10) Proposal: Variance to allow an over height fence (8 feet) located in the required side yards (west and northeast) and required rear yard (southwest). Maximum 6 feet allowed. Ordinance Sections: 703.A.2.c Applicant: Bob Lang, Design Profiles Inc. Representative: Bob Lang, Design Profiles Inc. Owner: Curtis Anderson Stipulations: 1) Over height walls approved are only those portions highlighted on the site plan signed by the Hearing Officer and dated October 20, 2022. 2) 1 year to apply and pay for building permits.
Approved w/stip	11.	Application #: ZA-412-22-7 Existing Zoning: C-2 Location: 3666 West Southern Avenue Quarter Section: 3-20(D6) Proposal: 1) Use permit to allow outdoor dining as an accessory use to a restaurant (ONO Hawaiian BBQ-PAD A and Future User-PAD B) located within 500 feet of a residential district zoning line. Use permit required. 2) Use permit to allow a drive through facility as an accessory use to a restaurant (ONO Hawaiian BBQ-PAD A & Future User-PAD B) within 300 feet of a residential zoning district. Use permit required. Ordinance Sections: 623.D.157.c 623.D.157.d.(2) Applicant: Tim Rasnake, Archicon Architecture and Interiors, LLC

Representative: Jeff Koski, Archicon Architecture and Interiors, LLC
Owner: South Mountain Retail, LLC, Lamar Companies
Stipulation:
1) 18 months to apply and pay for building permits.

Approved w/stip 12. Application #: ZA-413-22-7
Existing Zoning: C-2 PCD
Location: 2617 South 83rd Avenue
Quarter Section: 7-9(E3)
Proposal: Use permit to allow a drive through facility accessory to a restaurant (Gravity Energy Drinks) within 300 feet from a residential zoning district. Use permit required
Ordinance Sections: 623.D.157.d.2
Applicant: Tim Rasnake, Archicon, Architecture and Interiors, LLC
Representative: Jeff Koski, Archicon, Architecture and Interiors, LLC
Owner: Cobb 2009A Trust
Stipulation:
1) 18 months to apply and pay for building permits.

Approved w/stip 13. Application #: ZA-414-22-8
Existing Zoning: C-2 BAOD
Location: 7750 South 24th Street
Quarter Section: 01-33(D9)
Proposal: Use permit to allow a drive through facility accessory to a restaurant (Swig) within 300 feet from a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.d.2
Applicant: Brian Greathouse, Burch and Cracchiolo PA
Representative: Brian Greathouse, Burch and Cracchiolo PA
Owner: Heights Properties LLP c/o Brake Masters
Stipulation:
1) 18 months to apply and pay for building permits.

#1 Approved w/stips #2 Denied 14. Application #: ZA-415-22-6
Existing Zoning: R1-6
Location: 4637 North 30th Place
Quarter Section: 18-34(H10)
Proposal: **1)** Variance to reduce the side yard (south) setback to 3 feet. Minimum 10 feet required.
2) Variance to reduce front setback (west) to 10 feet. 20 feet minimum required.
Ordinance Sections: 613.B.Table B 613.B.Table B
Applicant: Scott Weiss and Andrea Maron
Representative: Michelle Morris, Michelle Morris Design, LLC

Owner: Scott Weiss and Andrea Maron, Firedancers Ventures LLC, (4637 Series)

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) Per the side setback reduction as shown on the plan dated September 26, 2022.

**Approved
w/stip**

15. Application #: ZA-417-22-3
Existing Zoning: R1-6
Location: 12002 North 25th Avenue
Quarter Section: 30-23(K7)
Proposal: Variance to reduce the number of required parking spaces to 0. Minimum 1 parking spaces required.

Ordinance Sections: 702.C
Applicant: Nadia O. Taft
Representative: Nadia O. Taft
Owner: Nadia O. Taft

Stipulation:

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

**Approved
w/stip**

16. Application #: ZA-418-22-6
Existing Zoning: R1-10
Location: 3808 East Pasadena Avenue
Quarter Section: 19-36(H10)
Proposal: Use permit to allow a 15-foot projection into the rear yard setback (west) for no more than half the width of the home. Use permit required.

Ordinance Sections: 701.A.3.a.(2).(d)
Applicant: Eric and Jana Wood
Representative: Eric and Jana Wood
Owner: Eric and Jana Wood

Stipulation:

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

**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 602-261-8980, leslie.scott@phoenix.gov TTY: Use 7-1-1.

October 21, 2022