

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised November 23, 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 **October 27, 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

Continued

9:00 AM

1. Application #: ZA-57-16-8 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 4116 East Superior Avenue
Quarter Section: 6-37(E10)
Proposal: **1)** Use permit to allow a medical marijuana cultivation facility. Use permit is required. **2)** Use permit to allow a medical marijuana infusion facility. Use permit is required. **3)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. **4)** Variance to allow a medical marijuana infusion facility within 5,280 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: Theodore C. Pappas, N and A Enterprises
Representative: Adam Baugh, Withey Morris PLC
Owner: Superior Industrial Center, LLC
Continued to December 22, 2022 at 1:30 PM.

**Approved
w/stips**

2. Application #: ZA-419-22-2
Existing Zoning: R1-14
Location: 4220 East Sandra Terrace
Quarter Section: 36-37(M10)
Proposal: Use permit to allow an over height (18 feet) detached accessory structure within the rear yard setback. Use permit required.
Ordinance Sections: 706.G
Applicant: Michael Lucas and Susan Gentilini-Lucas
Representative: Michael Lucas and Susan Gentilini-Lucas
Owner: Michael Lucas and Susan Gentilini-Lucas
Stipulations:
1) General compliance with site plan date stamped September 1, 2022.
2) 1 year to apply and pay for building permits.

Approved w/stips	3. Application #: ZA-422-22-4 Existing Zoning: C-2 HRI Location: 2824 North Central Avenue Quarter Section: 14-27(G8) Proposal: 1) Use permit to allow outdoor recreation as an accessory to a restaurant (Little Miss BBQ) within 300 feet of a residential zoning district. Use permit required. 2) Use permit to allow outdoor dining as an accessory to a restaurant (Little Miss BBQ) within 300 feet of a residential zoning district. Use permit required. 3) Use permit to allow outdoor alcoholic beverage consumption as an accessory to a restaurant (Little Miss BBQ) within 300 feet of a residential zoning district. Use permit required. 4) Use permit to allow outdoor cooking as an accessory to a restaurant (Little Miss BBQ) within 300 feet of a residential zoning district. Use permit required. 5) Variance to reduce the distance for outdoor cooking as an accessory to a restaurant (Little Miss BBQ) from a residential zoning district to 205 feet. Minimum 300 feet required. Ordinance Sections: 624.D.112.c 624.D.112.c 624.D.112.c 624.D.112.f.(1) 624.D.112.f.(4) Applicant: Scott Holmes, Little Miss BBQ - Midtown, LLC Representative: Scott Holmes, Little Miss BBQ - Midtown, LLC Owner: Midtown One, LLC Stipulations: 1) The hours of use for the outdoor area are to be no earlier than 8:00 AM and no later than 8:00 PM. 2) The employees must have a clear view of the area to supervise the activities and/or be present while patrons utilize the outdoor area. 3) The area 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) Outside speaker volume to be kept at a reasonable level. 5) 1 year to pay and gain building permits. 6) General conformance to the site plan date stamped September 1, 2022.
Approved w/stips	4. Application #: ZA-423-22-6 Existing Zoning: R1-6 Location: 1030 East Glenn Drive Quarter Section: 23-29(I8) Proposal: 1) Use permit to allow a closed projection to project 20 feet into the required rear yard. Maximum 5-foot projection permitted. 2) Variance to reduce the side yard setback (east) to 4 feet. Minimum 10 feet required.

Ordinance Sections: 701.A.3.a.(2).d 613.B.Table B
Applicant: Jonathan and Haley Cairns
Representative: Ethan Brunson, 511 Design
Owner: Jonathan and Haley Cairns

Stipulations:

- 1) General conformance to the site plan date stamped September 1, 2022.
- 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

5. Application #: ZA-424-22-4
Existing Zoning: C-3
Location: 710 East Indian School Road
Quarter Section: 17-29(H8)
Proposal: **1)** Variance to reduce the landscape setback along 7th Street to 2 feet. Minimum 25 foot average required, 20 feet minimum permitted for up to 50% of the frontage. **2)** Variance to reduce the landscape setback along Indian School Road to 2 feet. Minimum 25 foot average required, 20 feet minimum permitted for up to 50% of the frontage. **3)** Use permit to allow a drive-through facility as an accessory use to a restaurant (Raising Cane's) within 300 feet of a residential district. Use permit required. **4)** Use permit to allow outdoor dining as an accessory use to a restaurant (Raising Cane's) within 500 feet of a residential district. Use permit required. **5)** Use permit to allow outdoor recreation (ambient music) as an accessory use to a restaurant (Raising Cane's) within 500 feet of a residential district. Use permit required.
- Ordinance Sections: 624.E.4.e 624.E.4.e 624.D.112.d.(2) 624.D.112.c 624.D.112.c
Applicant: Robert Vann, Raising Cane's Chicken Fingers, LLC
Representative: Chuck Bennett, PM Design Group, Inc
Owner: Indian School Equities, LLC

Stipulations:

- 1) General conformance to the site plan date stamped October 25, 2022.
- 2) 1 year to apply and pay for building permits.
- 3) Hours for drive-thru and outdoor uses limited to between 9:30 AM through 3:30 AM.

**Approved
w/stip**

6. Application #: ZA-427-22-3
Existing Zoning: R1-6, R-3, R-5, R-4A
Location: 128 West Mountain View Road
Quarter Section: 28-27(K8)
Proposal: Variance to allow a lot (Parcel 2) that does not front on a public street. Public street frontage required.

		Ordinance Sections:	608.H.1
		Applicant:	Darrell and Mary Williams
		Representative:	Kirby Godber, Dwellings Realty Group
		Owner:	Darrell and Mary Williams
		Stipulation:	
			1) 1 year to complete the lot split process.
Approved w/stips	7.	Application #:	ZA-428-22-8
		Existing Zoning:	R-3
		Location:	104 North 29th Street
		Quarter Section:	10-34(F10)
		Proposal:	Variance to allow maneuvering to occur in the public right-of-way. All maneuvering must be located on private property.
		Ordinance Sections:	702.A.1.b
		Applicant:	Alma Uzarraga, RD Design Team, Inc.
		Representative:	Alma Uzarraga, RD Design Team, Inc.
		Owner:	Dora Castillo, RD Design Team, Inc.
		Stipulations:	
			1) General conformance to the site plan date stamped September 7, 2022.
			2) 1 year to apply and pay for building permits.
Approved w/stips	8.	Application #:	ZA-429-22-4
		Existing Zoning:	R-3
		Location:	1102 East Campbell Avenue
		Quarter Section:	18-29(H8)
		Proposal:	1) Variance to reduce the required open space area width to 4 feet. Minimum 20 feet required. 2) Use permit to use the Single Family Attached option. Use permit required. 3) Variance to reduce the interior perimeter setback (east) to 5 feet. Minimum 10 feet required. 4) Variance to reduce the required landscaping along a public street (11th Street) to 6 feet. Minimum 15 feet required.
		Ordinance Sections:	703.B.4.a.(2) 615.B.Table B 615.B.Table B 703.B.3.a
		Applicant:	JAAC Ventures
		Representative:	Roy Noggle, Roy Noggle Architects
		Owner:	JAAC Ventures
		Stipulations:	
			1) General conformance to the site plan date stamped October 4, 2022.
			2) 1 year to apply and pay for building permits.
		1:30 PM	
Approved w/stip	9.	Application #:	ZA-426-22-7 (SIGN)
		Existing Zoning:	DTC-Business Core
		Location:	1 North 1st Street

		Quarter Section:	10-28(F8)
		Proposal:	Use permit to adopt the Marketplace One Comprehensive Sign Plan. Use permit required.
		Ordinance Sections:	705.E.2
		Applicant:	Julie Kulka, Airpark Signs & Graphics
		Representative:	Jim Bolek, Airpark Signs & Graphics
		Owner:	Kyle Frazey, Marketplace One, LLC
		Stipulation:	
		1)	1 year to apply and pay for sign permits.
Withdrawn	10.	Application #:	ZA-324-22-6 (Continued from September 1, 2022)
		Existing Zoning:	R1-6
		Location:	4524 East Walatowa Street
		Quarter Section:	05-38(C11)
		Proposal:	1) Use permit to allow a home occupation that generates traffic. Use permit required. 2) Use permit for an official approval of a home occupation (Federal Firearms License). Use permit required.
		Ordinance Sections:	608.E.3.h(1) 608.E.3.h(5)
		Applicant:	Andrew Hartweck
		Representative:	Andrew Hartweck
		Owner:	Andrew Hartweck
Approved w/stips	11.	Application #:	ZA-420-22-6
		Existing Zoning:	RE-35 ACSPD
		Location:	4959 East Red Rock Drive
		Quarter Section:	19-39(H11)
		Proposal:	1) Variance to reduce the front yard setback (north) to 10 feet. Minimum 40 feet required. 2) Variance to reduce the required side yard setback (west) to 15 feet. Minimum 20 feet required.
		Ordinance Sections:	609.B.Table 609.B.Table
		Applicant:	Nick Bock, YOLO on Camelback, LLC
		Representative:	William F. Allison, Withey Morris, PLC
		Owner:	Nick Bock, YOLO on Camelback, LLC
		Stipulations:	
		1)	General conformance to the site plan date stamped September 1, 2022 with regard to the dimensions of the request for front and west side setbacks.
		2)	2 years to apply and pay for building permits.
Approved w/stips	12.	Application #:	ZA-421-22-7
		Existing Zoning:	PUD
		Location:	Southwest corner of 67th Avenue and McDowell Road
		Quarter Section:	12-12(G4)

Proposal: Use permit to allow a car wash in an open building. Use permit required.
Ordinance Sections: 623.D.41
Applicant: Michael Mosharrafa, Cobblestone Auto Spa
Representative: Jesse Macias, M3 Design
Owner: James Alan Weinberg

Stipulations:

- 1) General conformance to the site plan date stamped September 1, 2022.
- 2) 18 months to apply and pay for building permits.

**Approved
w/stips**

13. Application #: ZA-425-22-8
Existing Zoning: R1-6
Location: 4336 East Vernon Avenue
Quarter Section: 14-37(G10)
Proposal: Use permit for official approval of a home occupation (internet firearm sales). Use permit required.

Ordinance Sections: 608.E.3.h.(5)
Applicant: Adam Guerry
Representative: Adam Guerry
Owner: Adam Guerry
Stipulations:
1) No public access or onsite activity.
2) Limited inventory of firearms stored onsite.

**Approved
w/stips**

14. Application #: ZA-430-22-4
Existing Zoning: C-2 TOD-1
Location: 903 and 915 West Camelback Road
Quarter Section: 18-26(H8)
Proposal: Use permit to allow a drive through facility as an accessory to a restaurant (Window Cafe) within 300 feet from a residential zoning district. Use permit required.

Ordinance Sections: 623.D.157.d.2
Applicant: John A King, NMI Three, LLC
Representative: Michael Kolejka, AIA, MK Architects, PLC
Owner: John A King, NMI Three, LLC
Stipulations:
1) General conformance to the site plan date stamped September 9, 2022.
2) Hours of drive through operation are limited to between 5:00 AM and 9:00 PM.
3) 1 year to apply and pay for building permits.

**Approved
w/stip**

15. Application #: ZA-432-22-3
Existing Zoning: R1-10
Location: 2260 East Mountain View Road
Quarter Section: 28-32(K9)

Proposal: Time extension of ZA-270-21, variance to allow an over height wall (5 feet) in the required front yard (south). Maximum 40 inches permitted.
Ordinance Sections: 703.A.2.a
Applicant: John Klee, Klee Design Collaborative
Representative: John Klee, Klee Design Collaborative
Owner: Bruce and Colleen Hallberg
Stipulation:
1) 1 year to apply and pay for building permit.

***Denied** 16. Application #: ZA-431-22-8
Existing Zoning: C-2
Location: 3001 North 24th Street
Quarter Section: 15-33(G9)
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required. **2)** Variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. **3)** Variance to allow a medical marijuana dispensary within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.
Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.h
Applicant: 24 Thomas, LLC
Representative: Nick Wood, Snell & Wilmer, LLP
Owner: 24 Thomas, LLC
Taken out from under advisement on November 23, 2022 and denied.

ZONING ADJUSTMENT HEARING OFFICER: RAY JACOBS
PLANNER: KIM STEADMAN, 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.

November 23, 2022