

**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 **September 8, 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-150-13-7 (1 Year Review of Use Permit)
(Continued from July 14, 2022)
- Existing Zoning: A-2
- Location: 1101 North 21st Avenue
- Quarter Section: 12-24(G7)
- Proposal: **1)** Use permit to allow medical marijuana cultivation facility. Use permit required. **2)** Variance to allow medical marijuana cultivation facility within 3,800 feet of another medical marijuana cultivation facility. Minimum of 5,280 feet of separation required.
- Ordinance Sections: 627.D.91.a 627.D.91.c
- Applicant: Chris Pellegrini, CMS Ventures
- Representative: Shawn Falconbridge, CMS Ventures
- Owner: James Harrison Jr., Phoenix Freeway Partners, 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-542-14-7 (1 Year Review of Use Permit)
(Continued from July 14, 2022)
Existing Zoning: A-2
Location: 1101 North 21st Avenue
Quarter Section: 12-24(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 of 5,280 feet of separation required.
Ordinance Sections: 627.D.93.a 627.D.93.b
Applicant: Chris Pellegrini, CMS Ventures
Representative: Shawn Falconbridge, CMS Ventures
Owner: James Harrison Jr., Phoenix Freeway Partners, 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-356-17-7 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 4301 West Buckeye Road
Quarter Section: 8-18(F6)
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.

Ordinance Sections: 627.D.91.a 627.D.93.a
Applicant: MSCP, LLC
Representative: Jenifer Corey, Zoning Strategies, LLC
Owner: MSCP, 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 180 days 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 180 days 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 180 days of today's hearing. 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.
- 8) The applicant shall submit a use permit to revoke ZA-159-15-7 within 15 calendar days of the decision for this case.
- 9) Approval is for building area legally described in attached legal description and depicted in Exhibit 2.

**Approved
w/stips**

4. Application #: ZA-244-22-2 (Continued from July 21, 2022)
Existing Zoning: C-1
Location: 28325 North Tatum Boulevard
Quarter Section: 51-39(P11)
Proposal: Use permit to allow package liquor sales as an accessory use to a convenience market (New York Butcher Shoppe) within 300 feet of a

		residential district. Use permit required.
	Ordinance Sections:	622.D.102.a
	Applicant:	Ninos Lazar, NYBS-AZ1, LLC
	Representative:	Ninos Lazar, NYBS-AZ1, LLC
	Owner:	Jack Padrick, Bengin, LLC
	Stipulations:	
		1) 1 year to apply and pay for building permits.
		2) Approved for 2,400 square feet of suite 1 and 2.
Approved w/stips	5.	Application #: ZA-330-22-3 Existing Zoning: C-2 Location: 4108 East Mitchell Drive Quarter Section: 16-37(H10) Proposal: Variance to reduce the side yard setback (west) to 9 feet. Minimum 10 feet required. Ordinance Sections: 613.B.Table B Applicant: Lauren Proper Potter, Huellmantel and Affiliates Representative: Lauren Proper Potter, Huellmantel and Affiliates Owner: Homesaver Solutions, Inc. Stipulations: 1) 1 year to apply and pay for building permits. 2) Per the setback reduction as shown on the site plan dated July 22, 2022.
Approved w/stips	6.	Application #: ZA-333-22-6 Existing Zoning: RE-43 Location: 7236 North 40th Street Quarter Section: 23-36(I10) Proposal: 1) Variance to reduce the required front yard setback (north) to 22 feet. Minimum 40 feet required. 2) Variance to reduce the side yard setback (west) to 16 feet. Minimum 30 feet required. Ordinance Sections: 605.B.2 605.B.3 Applicant: Ed Henry, Bedbrock Developers, LLC Representative: Ed Henry, Bedbrock Developers, LLC Owner: Kevin Groman, Crown Canyon Capital 6, LLC Stipulations: 1) 1 year to apply and pay for building permits. 2) Per the setback reductions as shown on the site plan dated July 26, 2022.
Approved w/stips	7.	Application #: ZA-337-22-1 Existing Zoning: C-2 Location: 4240 West Union Hills Drive Quarter Section: 39-19(M6) Proposal: 1) Use permit to allow outdoor dining as an accessory use to a restaurant (Dutch Bros Coffee) within 500 feet of a residential district.

Use permit required. **2)** Use permit to allow a drive through facility as an accessory to a restaurant (Dutch Bros Coffee) within 300 feet from a residential zoning district. Use permit required.

Ordinance Sections: 623.D.157.c 623.D.157.d.2

Applicant: Mitchell Reynolds, CVP-Union Hills DB, LLC

Representative: Geraldine Becquart, PHNX Design, LLC

Owner: Mitchell Reynolds, CVP-Union Hills DB, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) General conformance to the site plan dated July 26, 2022.

**Approved
w/stips**

8. Application #: ZA-343-22-3
Existing Zoning: R1-6
Location: 10 East Mountain View Road
Quarter Section: 28-28(K8)
Proposal: **1)** Variance to reduce the rear yard setback (west) to 8 feet. Minimum 25 feet required.
2) Use permit to expand a nonconforming single-family residential use (duplex) up to 50% beyond the floor area that it occupied on the date it was rendered nonconforming. Use permit required.
- Ordinance Sections: 613.B.Table B 902.B
Applicant: Hossein Darmani
Representative: Hossein Darmani
Owner: Hossein Darmani
- Stipulations:**
- 1) 1 year to apply and pay for building permits.
 - 2) Per the proposed development as shown on the site plan dated July 28, 2022.
 - 3) All concrete within the legal front yard (east) setback shall be removed and replaced with landscaping.

**Approved
w/stips**

- 1:30 PM**
9. Application #: ZA-341-22-4 (SIGN)
Existing Zoning: C-1 HRI HGT/WVR TOD-1
Location: 31 East Thomas Road
Quarter Section: 14-28(G8)
Proposal: **1)** Use permit to adopt the Haverly Midtown Comprehensive Sign Plan. Use Permit required.
2) Variance to allow 40 inch letters on a projecting wall sign. Maximum 24 inch letters permitted for wall signs. **3)** Variance to allow 18 inch letters on a canopy sign. Maximum 10 inch letters permitted. **4)** Variance to allow a 10 foot ground sign height. Maximum 6 feet height for a ground signs.
- Ordinance Sections: 705.E.2 662.K.1.b 662.K.7 662.K.10
Applicant: Zelig Hess, D's Signs and Lighting LLC

Representative: Scott Jones, A2Z Signs and Service Inc., dba:
Sign Depot

Owner: Josh Rhodus, Haverly Midtown LLC

Stipulations:

- 1) For the canopy, ground and hi-rise signs that emit white light, prior to sign installation, a signed statement from the sign fabricator verifying correlated color temperature (in degrees Kelvin) lighting modules not exceeding 3,000K were used shall be submitted to Planning and Development.
- 2) All signs shall be automatically dimmed to a maximum of 80 Nits luminance at 10:30 daily until sunrise.
- 3) Sign lighting dimmer setting values (required to dim the sign to a maximum of 80 Nits luminance (measured at the sign face) shall be submitted in writing to PDD prior to the final sign inspection.
- 4) Adherence to the sign drawings, other than changes required to meet Zoning Code standards, as submitted to the Hearing Officer is required.
- 5) Submit a revised CSP document as needed for PDD approval incorporating any stipulated revisions.
- 6) Twelve months to apply and pay for sign permits.

**Approved
w/stip**

10. Application #: ZA-334-22-7
Existing Zoning: A-1
Location: 3500 South 59th Avenue
Quarter Section: 6-14(E5)
Proposal: Variance to reduce the number of required parking spaces to 112. Minimum 164 parking spaces required.

Ordinance Sections: 702.C
Applicant: Robert Winton, Winton Architects, Inc.
Representative: Robert Winton, Winton Architects, Inc.
Owner: Jim Harrison, Jr., Phoenix Jones Partners, LLC

Stipulation:

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

Denied

11. Application #: ZA-335-22-1
Existing Zoning: RE-43
Location: 3714 West Topeka Drive
Quarter Section: 39-20(M6)
Proposal: Variance to reduce the side yard setback (west) for an accessory structure to 15 feet. Minimum 30 feet required.

Ordinance Sections: 605.B.3
Applicant: Christopher Braswell and Barbra Smith
Representative: Christopher Braswell and Barbra Smith
Owner: Christopher Braswell and Barbra Smith

**Approved
w/stips**

12. Application #: ZA-336-22-1
Existing Zoning: S-1, RE-43
Location: 6630 West Pinnacle Peak Road

Quarter Section: 45-13(O4)
Proposal: Variance to allow an over height wall/fence (6 feet) in the front yard setback (Pinnacle Peak Road). Maximum 40 inches permitted.
Ordinance Sections: 703.A.2.a
Applicant: Doug and Nathalie Baughman
Representative: Doug and Nathalie Baughman
Owner: Doug and Nathalie Baughman

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Approved for the east and west perimeter walls within the front yard setback.

**Approved
w/stips**

13. Application #: ZA-338-22-4
Existing Zoning: C-2, P-1 TOD-1
Location: 61 West Thomas Road
Quarter Section: 14-27(G8)
Proposal: Use permit to allow for outdoor dining as an accessory use to a restaurant (First Watch) with alcoholic beverage consumption. Use permit required.
Ordinance Sections: 662.F.1.d
Applicant: First Watch Restaurants, Inc.
Representative: Vicki M. Thomas, Licensing Specialist, Gray Robinson, P.A.
Owner: Roland A. Childs as Trustee of The Childs Family Trust U/T/A dated 4/30

Stipulations:

- 1) 1 year to commence use.
- 2) Per the site plan date stamped July 27, 2022, pertaining to the size and location of the outdoor patio.
- 3) Hour of operation for the patio shall be from 7:00 AM to 2:30 PM.

**Approved
w/stips**

14. Application #: ZA-339-22-4
Existing Zoning: WU T6:HWR MT
Location: 3110 North Central Avenue #179
Quarter Section: 15-27(G8)
Proposal: Use permit to allow outdoor alcoholic beverage service. Use permit required.
Ordinance Sections: 1306.1 Table
Applicant: First Watch Restaurants, Inc.
Representative: Vicki M. Thomas, Licensing Specialist Gray Robinson, P.A.
Owner: HPPC, LLC, c/o Plaza del Rio Mgmt. Co.

Stipulations:

- 1) 1 year to commence use.
- 2) Per the site plan date stamped July 27, 2022, pertaining to the size and location of the outdoor patio.
- 3) Hour of operation for the patio shall be from 7:00 AM to 2:30 PM.

Approved w/stips 15. Application #: ZA-340-22-2
Existing Zoning: C-2 PCD NBCC
Location: 34948 North North Valley Parkway
Quarter Section: 59-21(R6)
Proposal: Use permit to allow outdoor alcohol consumption as an accessory use to a restaurant (First Watch) within 500 feet of a residential district. Use permit required.

Ordinance Sections: 623.D.157.c
Applicant: First Watch Restaurants, Inc.
Representative: Vicki M. Thomas, Licensing Specialist Gray Robinson, P.A.
Owner: BCB Group Investments -, Tramonto Marketplace, LLC

Stipulations:

- 1) 1 year to commence use.
- 2) Per the site plan date stamped July 27, 2022, pertaining to the size and location of the outdoor patio (east patio only).
- 3) Hour of operation for the patio shall be from 7:00 AM to 2:30 PM.

Approved w/stips 16. Application #: ZA-342-22-6
Existing Zoning: R1-6 PRD and R-2 PRD
Location: 7911 South 43rd Place
Quarter Section: 01-37(D10)
Proposal: Variance to reduce the side yard setback (east) to 5 feet. Minimum 10 feet required.

Ordinance Sections: 710.C.2.Table 1
Applicant: Tim and Jeannie Copley
Representative: Joshua Oehler, Arc One Associates, LLC
Owner: Tim and Jeannie Copley

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) Per the setback reduction as shown on the plan dated July 27, 2022.

**ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
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.

September 9, 2022