

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
***November 3, 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 **September 22, 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-579-15-6 (1 Year Review of Use Permit)
Existing Zoning: C-2
Location: 1040 East Camelback Road
Quarter Section: 19-29(H8)
Proposal: Use permit to allow a medical marijuana dispensary facility. Use permit required.
Ordinance Sections: 623.D.122
Applicant: CCT-Bird, LLC
Representative: Walter Gilbert, Gilbert Bird Law
Owner: 1040 E. Camelback, 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-227-20-8 (1 Year Review of Use Permit)
Existing Zoning: A-2 RSIOD
Location: 951 West Watkins Street
Quarter Section: 7-26(E8)
Proposal: **1)** Time extension for ZA-517-18, use permit to permit a medical marijuana cultivation facility. Use permit required. **2)** Time extension for ZA-517-18, use permit to allow a medical marijuana infusion facility. Use permit required. **3)** Time extension for ZA-517-18, variance to permit a medical marijuana cultivation facility within 5,280 feet from another medical marijuana use. Minimum separation of 5,280 feet from another medical marijuana use required. **4)** Time extension for ZA-517-18, variance to permit a medical marijuana infusion facility within 5,280 feet of another medical marijuana use. Minimum separation of 5,280 feet from another medical marijuana use required.
Ordinance Sections: 627.D.91.a. 627.D.93.a. 627.D.91.c. 627.D.93.b.
Applicant: Tom Frenkel, 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 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-359-22-6
Existing Zoning: RE-35 ACSPD
Location: 4631 North Royal Palm Circle
Quarter Section: 18-39(H11)
Proposal: **1)** Use permit to allow a closed projection to project 33 feet into the rear yard (south) setback. Use permit required. **2)** Variance to reduce the side yard setback (east) for a detached accessory structure to 0 feet. Minimum 3 foot setback required. **3)** Variance to allow an over height (15 feet) detached accessory structure within the required side yard setback. Maximum 8 feet permitted.
Ordinance Sections: 701.A.3.a.(2).(d) 706.B 706.C
Applicant: Lily and Philip Tirone
Representative: Lily and Philip Tirone
Owner: Lily Tirone
Stipulations:
 1) Per the setback reductions as shown in the site plan dated August 4, 2022.
 2) Maximum height of the structure shall not exceed 15 feet.
 3) Shrubs shall be planted to screen detached structure for the neighbor to the east.
 4) 1 year to apply and pay for building permits.
- Approved w/stips** 4. Application #: ZA-360-22-1
Existing Zoning: R1-6
Location: 17026 North 31st Drive
Quarter Section: 37-22(M7)
Proposal: **1)** Use permit for approval of a home occupation (Federal Firearms License). 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: Samuel Rymond, D.O.P.E. Precision
Representative: Samuel Rymond, D.O.P.E. Precision
Owner: Samuel Rymond, D.O.P.E. Precision
Stipulations:
 1) Hours for customer visits are limited to 4:00 PM – 8:00 PM Monday through Thursday and 9:00 AM – 3:00 PM Friday – Saturday.
 2) Maximum of 5 trips per week.
- Approved w/stips** 5. Application #: ZA-363-22-6
Existing Zoning: R1-6
Location: 3643 East Colter Street

Quarter Section: 19-36(H10)
Proposal: **1)** Variance to reduce the required front yard setback (north) to 12 feet. Minimum 20 feet required. **2)** Variance to reduce the required rear yard setback (south) to 4 feet. Minimum 25 feet required.
Ordinance Sections: 613.B.Table B 613.B.Table B
Applicant: Brett Drummond
Representative: Robert Gutierrez, Dezinhead Drawing Company
Owner: Brett Drummond

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reductions as shown on the site plan dated August 16, 2022.

**Approved
w/stips**

6. Application #: ZA-365-22-2
Existing Zoning: R1-14
Location: 12642 North 56th Way
Quarter Section: 31-41(K11)
Proposal: Variance to reduce the front yard setback to 10 feet. Minimum 30 feet required.
Ordinance Sections: 606.B.2
Applicant: Jordan Brett and Sarah Jessica Bronowitz
Representative: Jordan Brett and Sarah Jessica Bronowitz
Owner: Jordan Brett and Sarah Jessica Bronowitz

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reduction as shown on the site plan dated August 23, 2022.

**Approved
w/stip**

7. Application #: ZA-366-22-2
Existing Zoning: A-1
Location: 1610 East Deer Valley Drive
Quarter Section: 43-31(N9)
Proposal: **1)** Time extension of ZA-365-21, variance to allow outdoor uses, outdoor storage, or open buildings 15 feet from a public street (16th Street). Minimum 75 feet required. **2)** Time extension of ZA-365-21, variance to allow outdoor uses, outdoor storage, or open buildings 30 feet from a public street (Deer Valley Drive). Minimum 75 feet required. **3)** Time extension of ZA-365-21, variance to reduce the setback from the interior lot line (west) to 15 feet. Minimum 20 feet required.
Ordinance Sections: 627.F.2.b.(3) 627.F.2.b.(3) 626.H.1.Table
Applicant: Brian Norris, Norris 1610, LLC
Representative: Brian Norris, Norris 1610, LLC
Owner: Brian Norris, Norris 1610, LLC

Stipulation:

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

**Approved
w/stips**

8. Application #: ZA-367-22-4
Existing Zoning: R1-6
Location: 5610 West Cambridge Avenue
Quarter Section: 14-15(G5)
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: Jerron-Khely Lee Grimm, BLou Creations, LLC
Representative: Jerron-Khely Lee Grimm, BLou Creations, LLC
Owner: Deanna Reyes

Stipulations:

- 1) Maximum of 10 trips per week.
- 2) Hours for customer visits are limited to 4:30 PM – 8:00 PM Monday – Thursday and 8:00 AM – 7:00 PM Friday – Sunday.
- 3) No outdoor uses permitted for the home occupation.

**Approved
w/stips**

9. **1:30 PM**
Application #: ZA-357-22-8 (SIGN)
Existing Zoning: C-2 HP, P-1 HP
Location: 440 North 32nd Street
Quarter Section: 11-34(F10)
Proposal: Use permit to allow two electronic message displays (EMD) on a ground sign. Use permit required.
Ordinance Sections: 705.C.13
Applicant: Jared Segel, Associated Sign Company
Representative: Corey Shano, Associated Sign Company
Owner: Celebrity Theater, LLC

Stipulations:

- 1) Adherence to the sign drawings date-stamped September 15, 2022 including sign height and sign design.
- 2) 12 months to obtain sign permits for the subject sign.

**Approved
w/stips**

10. Application #: ZA-276-22-8
Existing Zoning: R1-6
Location: 8025, 8026, 8029 and 8030 South 6th Drive
Quarter Section: 01-27(D8)
Proposal: **1)** Variance to reduce the front yard interior setback for Lot 86, Lot 87, Lot 88, and Lot 89 to 8 feet. Minimum 10 feet required. **2)** Variance to reduce the side yard perimeter setback for Lot 87 to 5 feet. Minimum 15 feet required. **3)** Variance to reduce the side yard perimeter setback for Lot

88 to 4 feet. Minimum 15 feet required.

4) Variance to reduce the rear yard perimeter setback for Lot 86 to 18 feet. Minimum 20 feet required. **5)** Variance to reduce the rear yard perimeter setback for Lot 87 to 18 feet. Minimum 20 feet required. **6)** Variance to reduce the rear yard perimeter setback for Lot 88 to 15 feet. Minimum 20 feet required. **7)** Variance to reduce the rear yard perimeter setback for Lot 89 to 15 feet. Minimum 20 feet required. **8)** Variance to reduce the minimum garage setback to 8 feet from back of sidewalk for a front-loaded garage for lots 86, 87, 88, and 89. Minimum 18 feet of setback required.

Ordinance Sections: 613.B.Table A 613.B.Table A 613.B.Table A
613.B.Table A 613.B.Table A 613.B.Table A
613.B.Table A 613.B.Table A

Applicant: Topher Development Services, LLC

Representative: Christopher P. Colyer, Snell & Wilmer

Owner: Topher Development Services, LLC

Stipulations:

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

2) No vehicle parking on driveways of lots 86, 87, 88, and 89 when driveway is less than 18 feet of depth.

**Approved
w/stip**

11. Application #: ZA-361-22-6
Existing Zoning: R1-6
Location: 1018 East Las Palmaritas Drive
Quarter Section: 25-29(J8)
Proposal: Variance to reduce the side yard (west) setback to 6 feet. Minimum 10 feet required.
Ordinance Sections: 613.Table.B
Applicant: Martin Sandino, Martin Sandino Architecture & Planning LLC
Representative: Martin Sandino, Martin Sandino Architecture & Planning LLC
Owner: Palmaritas, LLC
Stipulation:
1) 1 year to apply and pay for building permits.

**Approved
w/stips**

12. Application #: ZA-362-22-6
Existing Zoning: R1-6
Location: 5642 North 13th Street
Quarter Section: 20-30(I9)
Proposal: **1)** Variance to reduce the front yard setback (north) to 10 feet. Minimum 20 feet required.
2) Variance to modify Stipulation No. 1 from ZA-548-74 regarding the front and side yard setbacks. Variance required.
Ordinance Sections: 613.B.Table B ZA-548-74

Applicant: Ross White, WCG
Representative: Ross White, WCG
Owner: Ross White, WCG

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reductions as shown on the plan dated August 5, 2022.

**Approved
w/stips**

13. Application #: ZA-368-22-4
Existing Zoning: C-2, P-1
Location: 1003 East Indian School Road
Quarter Section: 16-29(H8)
Proposal: **1)** Use permit to allow outdoor dining accessory to a restaurant (Ono Hawaiian BBQ) within 500 feet of a residential zoning district. Use permit required. **2)** Use permit to allow outdoor dining accessory to a restaurant (Coffee Concept) within 500 feet of a residential zoning district. Use permit required. **3)** Use permit to allow a drive-through facility accessory to a restaurant (Ono Hawaiian BBQ) within 300 feet of a residential zoning district. Use permit required. **4)** Use permit to allow a drive-through facility accessory to a restaurant (Coffee Concept) within 300 feet of a residential zoning district. Use permit required.
- Ordinance Sections: 623.D.157.c 623.D.157.c 623.D.157.d.(2)
623.D.157.d.(2)
- Applicant: Tim Rasnake, Archicon, Architecture & Interiors, LLC
Representative: Tim Rasnake, Archicon, Architecture & Interiors, LLC
Owner: Fairway Colima AZ Four, LLC
- Stipulations:**
- 1) 18 months to apply and pay for building permits.
 - 2) Hours of operation for drive-through facilities and patios shall be limited to 5:00 AM – 10:00 PM.
 - 3) Per the drive-through and patio locations as shown on the plan dated August 8, 2022.

***Approved
w/stip**

14. Application #: ZA-372-22-1
Existing Zoning: R1-6
Location: 20425 North 14th Lane
Quarter Section: 41-26(N8)
Proposal: **1)** Variance to reduce the side yard setback (north) for a detached accessory structure to 1 foot. Minimum 3 foot setback required.
2) Variance to reduce the rear yard setback (east) for a detached accessory structure to 2 feet. Minimum 3 foot setback required.

Ordinance Sections: 706.B 706.B
Applicant: Gay Ilo McClain
Representative: Scott McClain
Owner: Gay Ilo McClain

Taken out from under advisement on November 3, 2022 and approved with the following stipulation:

- 1) Neighborhood services shall contact both the applicant and rear yard neighbor within 45 days to establish a limit or restrict communication between the two parties.

***Approved
w/stip**

15. Application #: ZA-373-22-1
Existing Zoning: RE-43
Location: 3847 West Yorkshire Drive
Quarter Section: 39-20(M6)
Proposal: **1)** Variance to reduce the rear yard setback (south) to 10 feet for an accessory structure. Minimum 40 feet required. **2)** Variance to reduce the side yard setback (west) to 0 feet for an accessory structure. Minimum 30 feet required. **3)** Variance to reduce the side yard setback (east) to 10 feet for an accessory structure. Minimum 30 feet required.
Ordinance Sections: 605.B.4 605.B.3 605.B.3
Applicant: Bruce Sandberg
Representative: Bruce Sandberg
Owner: Bruce Sandberg

Taken out from under advisement on November 3, 2022 and approved with the following stipulation.

- 1) Neighborhood Services should determine the status of the property relative to commercial boarding of horses.

**Approved
w/stips**

16. Application #: ZA-394-22-6
Existing Zoning: R1-6, RE-35 SP, C-1
Location: 4700 East Warner Road
Quarter Section: 07-38(B11)
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: Lisa Robinson, Ahwatukee Board of Management
Representative: Lisa Robinson, Ahwatukee Board of Management
Owner: Ahwatukee Board of Management

Stipulations:

- 1) Maximum of 9 events per year.
- 2) 10:00 AM to 9:00 PM limited hours for events.
- 3) Submit a revised parking agreement with the commercial plaza within 60 days.
- 4) Approved for 2 years maximum.

ZONING ADJUSTMENT HEARING OFFICER: RAY JACOBS
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.

November 4, 2022