

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised August 24, 2023*

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 **August 3, 2023 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-426-14-7 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 15 North 57th Drive
Quarter Section: 10-15(F5)
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. **3)** Variance to allow a medical marijuana cultivation facility located within 5,280 feet from the same type of use. Minimum of 5,280 feet separation is required. **4)** Variance to allow a medical marijuana infusion facility located within 5,280 feet from the same type of use. Minimum of 5,280 feet separation is required.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.c
Applicant: Jace Little, CNCTD, LLC, an Arizona, LLC
Representative: Heather Dukes, Esq.
Owner: David D. Schlecht, JD Parts Master

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-572-14-4 (1 Year Review of Use Permit)
Existing Zoning: A-2
Location: 3839 North 35th Avenue
Quarter Section: 16-21(H6)
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. **3)** Variance to allow a medical marijuana cultivation facility within 1-mile of a similar type of use. Minimum separation of 5,280 feet required. **4)** Variance to allow a medical marijuana infusion facility within 1-mile of a similar type of use. Minimum separation of 5,280 feet required. **5)** Variance to allow a medical marijuana cultivation facility within 1,000 feet of a residential zoning district. Minimum 1,000 feet separation required. **6)** Variance to allow a medical marijuana infusion facility within 1,000 feet of a residential zoning district. Minimum 1,000 feet separation required.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b 627.D.91.d 627.D.93.c
Applicant: Wayne Hansen, Medican Enterprises, Inc.
Representative: Ryan Hurley, Rose Law Group
Owner: DT Arizona Real Estate, 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/stip	3. Application #: ZA-237-23-8 Existing Zoning: R-3 RI Location: 1101 and 1109 East Garfield Street Quarter Section: 11-29(F8) Proposal: 1) Time extension for ZA-221-22, variance to allow vehicle maneuvering within the alley. Maneuvering must be located on private property. 2) Time extension for ZA-221-22, variance to reduce the required common area to 0% of the gross area. Minimum 5% required. 3) Time extension for ZA-221-22, variance to reduce the perimeter yard (south) setback to 0 feet. Minimum 10 feet required. Ordinance Sections: 702.A.1.b 615.B.Table B.d 615.B.Table B.d Applicant: Tiffany Halperin, Diana James Community Partners Representative: Tiffany Halperin, Diana James Community Partners Owner: Kevin Jin, City of Phoenix Stipulation: 1) 1 year to apply and pay for building permits.
Approved w/stip	4. Application #: ZA-228-23-5 Existing Zoning: C-2 Location: 1675 and 1701 North 99th Avenue Quarter Section: 13-5(G2) Proposal: Time extension for ZA-185-22, variance to reduce the required parking to 44 spaces. Minimum 48 spaces required. Ordinance Sections: 702.C.Table Applicant: Larry Lazarus, Lazarus & Silvyn, P.C. Representative: Larry Lazarus, Lazarus & Silvyn, P.C. Owner: Arvin Saloum, Ninety-Nine Holdings, LLC Stipulation: 1) 1 year to apply and pay for building permits.

- Approved w/stip** 5. Application #: ZA-245-23-5
 Existing Zoning: C-2
 Location: 1675 and 1701 North 99th Avenue
 Quarter Section: 13-5(G2)
 Proposal: Variance to reduce the landscape setback (west) adjacent to a public street (99th Avenue) to 17 feet. Minimum average 25 feet required.
 Ordinance Sections: 623.E.4.e
 Applicant: Larry Lazarus, Lazarus & Silvyn, P.C.
 Representative: Larry Lazarus, Lazarus & Silvyn, P.C.
 Owner: Arvin Saloum, Ninety-Nine Holdings, LLC
 Stipulation:
 1) 1 year to apply and pay for building permits.
- Continued** 6. Application #: ZA-246-23-2
 Existing Zoning: R1-14
 Location: 6429 East Friess Drive
 Quarter Section: 33-43(L12)
 Proposal: Variance to allow an over height wall/fence (6 feet) in the required front yard (west) setback. Maximum 40 inches permitted.
 Ordinance Sections: 703.A.2.a
 Applicant: Mandy Dalton
 Representative: Mike Maerowitz, Snell & Wilmer, LLP
 Owner: Mandy Dalton
 Continued to September 14, 2023 at 1:30 PM.
- Approved w/stip** 7. Application #: ZA-247-23-1
 Existing Zoning: C-2 SP
 Location: 5051 West Cactus Road
 Quarter Section: 30-17(K5)
 Proposal: **1)** Variance to allow 34 foot building setback adjacent to R1-6 zoning (northeast). Minimum 50 feet required. **2)** Variance to allow 34 foot building setback adjacent to R1-6 zoning (southwest). Minimum 100 feet required. **3)** Variance to reduce the landscape setback (northeast) to 0 feet. Minimum 10 foot landscaped setback required for perimeter property lines not adjacent to street.
 Ordinance Sections: 623.E.4.d 623.E.4.d 623.E.4.e
 Applicant: Alex Kunen, Lock Safe Storage
 Representative: Jessica Sarkissian, Upfront Planning & Entitlements, LLC
 Owner: 5051 West Cactus Road, LLC
 Stipulation:
 1) 2 years to apply and pay for building permits.

Approved w/stips	8.	Application #:	ZA-248-23-6
		Existing Zoning:	R-3
		Location:	2632 East Glenrosa Ave
		Quarter Section:	17-33(H9)
		Proposal:	1) Time extension for ZA-262-22, use permit to utilize the Planned Residential Development (PRD) option. Use permit required. 2) Time extension for ZA-262-22, variance to reduce the required perimeter setback (west) adjacent to property line to 3 feet. Minimum 15 feet required. 3) Time extension for ZA-262-22, variance to reduce the required perimeter landscape width (west) to 3 feet. Minimum 5 feet required. 4) Time extension for ZA-262-22, variance to reduce the required setback (south) adjacent to a public street to 15 feet. Minimum 20 feet required.
		Ordinance Sections:	615.B.Table B 615.B.Table B 703.B.3 615.B.Table B
		Applicant:	Cam Miller, Brightstar Group
		Representative:	Cam Miller, Brightstar Group
		Owner:	Brightstar Group, Brightstar Group
		Stipulations:	1) 1 year to apply and pay for building permits. 2) Subject to the site plan date stamped June 8, 2022, from ZA-262-22.
Approved w/stips	9.	Application #:	ZA-250-23-7 (SIGN)
		Existing Zoning:	A-1
		Location:	5150 West Lower Buckeye Road
		Quarter Section:	7-16(E5)
		Proposal:	Use permit to allow an electronic message display (EMD) on two ground signs. Use Permit required.
		Ordinance Sections:	705.C.13
		Applicant:	Gary Spinner, Pearson's Sign, Co.
		Representative:	Gary Spinner, Pearson's Sign, Co.
		Owner:	Circle K Stores, Inc.
		Stipulations:	1) Sign design, including sign height of 18 feet, shall be in accordance with the drawings date-stamped August 3, 2023. 2) 12 months to obtain sign permits for the ground sign.
Approved w/stip	10.	Application #:	ZA-242-23-8
		Existing Zoning:	DTC-Townsend Park
		Location:	1411, 1419, 1427 North 3rd Street and 1424 North 5th Street
		Quarter Section:	12-28(G8)

Proposal: Variance to allow maneuvering within an alleyway. All maneuvering must be located entirely on private property.
Ordinance Sections: 702.A.1.b
Applicant: Jon Garshick, Alliance Residential
Representative: George Pasquel III, Withey Morris Baugh, PLC
Owner: WEJ Properties, LLC and Jerome Company, LLC
Stipulation:
1) 2 years to apply and pay for building permits.

**Approved
w/stips**

11. Application #: ZA-243-23-2
Existing Zoning: C-2 PCD
Location: 29455 North Cave Creek Road, Suite 132-136
Quarter Section: 52-37(Q10)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Babbo Italian Eatery) located within 500 feet of a residential district zoning line. Use permit required. **2)** Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant (Babbo Italian Eatery) located within 500 feet of a residential district zoning line. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.c
Applicant: Charlotte Pollack, BIEC, Inc., dba Babbo Italian Eatery
Representative: Amy Phillips, Babbo Italian Eatery
Jose Martinez, Form Desert Studio, LTD
Owner: Jennifer Stumph, TP Investors, c/o A&C Properties, Inc.
Stipulations:
1) Per the location and size of the patio as shown on the plan dated June 22, 2023.
2) 1 year to apply and pay for building permits.

**Approved
w/stips**

12. Application #: ZA-244-23-6
Existing Zoning: RE-35 ACSPD
Location: 5023 East Red Rock Drive
Quarter Section: 19-39(H11) 19-40(H11)
Proposal: Variance to reduce the required front yard (north) setback to 10 feet. Minimum 40 feet required.
Ordinance Sections: 609.B.Table
Applicant: Jon Poetzl, Poetzl Architecture + Design
Representative: Jon Poetzl, Poetzl Architecture + Design
Owner: Matt Morstad
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per the setback reduction as shown on the site plan dated June 22, 2023.

#1 Approved w/stip #2 and 3 Denied	13.	Application #:	ZA-249-23-2
		Existing Zoning:	R1-14
		Location:	7044 East Friess Drive
		Quarter Section:	33-44(L12)
		Proposal:	1) Variance to allow an over height wall/fence (8 feet) in the required side yard (east) setback. Maximum 6 feet permitted. 2) Variance to allow an over height wall/fence (8 feet) in the required rear yard (north) setback. Maximum 6 feet permitted. 3) Variance to allow an over height wall/fence (8 feet) in the required side yard (west) setback. Maximum 6 feet permitted.
		Ordinance Sections:	703.A.2.c 703.A.2.c 703.A.2.c
		Applicant:	James M. and June E. Tittle
		Representative:	James M. and June E. Tittle
		Owner:	James M. and June E. Tittle
		Stipulation:	
			1) 1 year to apply and pay for building permits.
Withdrawn	14.	Application #:	ZA-252-23-1
		Existing Zoning:	C-2 M-R PCD
		Location:	2450 West Happy Valley Road
		Quarter Section:	47-23(O7)
		Proposal:	Variance to reduce the minimum parking requirement to 1,957 spaces. Minimum 2,003 spaces required.
		Ordinance Sections:	702.C
		Applicant:	Elizabeth Sorensen, Tesla, Inc.
		Representative:	Benjamin Dalton, Group Professional Corporation
		Owner:	Yam Norterra, LLC
*Denied	15.	Application #:	ZA-254-23-4
		Existing Zoning:	R1-6
		Location:	1141 West Georgia Avenue
		Quarter Section:	19-26(H8)
		Proposal:	1) Variance to reduce the side yard (west) setback to 5 feet. Minimum 10 feet required. 2) Variance to reduce the rear yard (south) setback to 15 feet. Minimum 25 feet required.
		Ordinance Sections:	613.Table.B 613.Table.B
		Applicant:	Pete Limon, Mariano and Co., LLC
		Representative:	Pete Limon, Mariano and Co., LLC
		Owner:	Ellie and Andrew Bensted
		Taken out from under advisement on August 24, 2023 and denied.	
Withdrawn to Amend	16.	Application #:	ZA-255-23-4
		Existing Zoning:	C-2, C-2 DNS/WVR CEPCSP
		Location:	1615 East Camelback Road

Quarter Section:	18-31(H9)
Proposal:	1) Variance to reduce the building setback (north) to 5 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure. 2) Variance to reduce the landscape setback (north) to 5 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure.
Ordinance Sections:	623.E.4.d 623.E.4.e
Applicant:	Rudy Rodriguez, RKAA Architects, Inc.
Representative:	Rudy Rodriguez, RKAA Architects, Inc.
Owner:	LDR-Camelback, LLC

ZONING ADJUSTMENT HEARING OFFICER: BETTY DRAKE
PLANNER: ERIC MORALES, PLANNER III

For further information, please call Eric Morales, Planner III, 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 Angie Holdsworth at 602-495-5622, angie.holdsworth@phoenix.gov TTY: Use 7-1-1.

August 24, 2023