

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised January 23, 2024*

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 **December 7, 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-36-13-7 (1-Year Review of Use Permit)
Existing Zoning: A-1
Location: 2836 South 49th Avenue
Quarter Section: 6-17(E5)
Proposal: 1) Use permit to allow a Medical Marijuana Cultivation Facility. Use permit required.
2) Use permit to allow a Medical Marijuana Infusion Production Facility. Use permit required.
Ordinance Sections: 627.D.91.a 627.D.93.a
Applicant: The Holistic Center
Representative: James D. Harrison, Harrison Properties
Owner: James D. Harrison, Harrison Properties

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 1 year 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.

**Approved
w/stips**

2. Application #: ZA-70-13-7 (1-Year Review of Use Permit)
Existing Zoning: A-2
Location: 2111 West McDowell Road
Quarter Section: 12-24(G7)
Proposal: 1) Use permit to allow a medical marijuana cultivation facility. Use permit required.
2) Use permit to allow a medical marijuana infusion production facility. Use permit required.
3) Variance to allow a medical marijuana facility within 5,280 feet of another medical marijuana facility. Minimum separation of 5,280 feet.
Ordinance Sections: 627.D.91.a. 627.D.93.a. 623.D.122.e
Applicant: Steven Shapiro
Representative: Steven Shapiro
Owner: Steven Shapiro

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 1 year 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.

Continued

3. Application #: ZA-325-23-6 (Continued from October 26, 2023)
Existing Zoning: RE-35 ACSPD
Location: 5040 North Arcadia Drive

Quarter Section: 19-39(H11)
Proposal: Variance to allow an over height fence 7 feet high in the required front yard setback. Maximum 40 inches allowed.
Ordinance Sections: 703.A.2.a
Applicant: Arvin Thomas, LifeDevine5040, LLC
Representative: Alexander Haro, Haro Design
Owner: Arvin Thomas, LifeDevine5040, LLC

Continued to January 18, 2024 at 9:00 AM.

Continued 4. Application #: ZA-375-23-7 (Continued from October 19, 2023)
Existing Zoning: DTC - Van Buren
Location: 353, 357, 361 North 4th Avenue
Quarter Section: 11-27(F8)
Proposal: 1) Variance to allow 100% lot coverage. Maximum 55% lot coverage allowed.
2) Variance to decrease the minimum side yard primary building setback (north) to 0 feet. Minimum 10 feet required.
3) Variance to decrease the minimum side yard primary building setback (south) to 0 feet. Minimum 10 feet required.
4) Variance to decrease the minimum rear yard primary building setback (east) to 0 feet. Minimum 10 feet required.
Ordinance Sections: 1221.B.3 1221.B.4.a.1 1221.B.4.a.1 1221.B.4.a.1
Applicant: 353 N. 4TH Ave, LLC
Representative: Benjamin Tate, Withey Morris Baugh, PLC
Owner: 353 N. 4TH Ave, LLC

Continued to January 18, 2024 at 9:00 AM.

Approved w/stip 5. Application #: ZA-380-23-4 (Continued from October 26, 2023)
Existing Zoning: R-3, C-2
Location: 604 and 608 East Sheridan Road and 2502, 2506, and 2512 North 7th Street
Quarter Section: 14-28(G8)
Proposal: 1) Variance to reduce the building setback (east) to 17 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure.
2) Variance to reduce the required south perimeter building setback to 2 feet. Minimum 15 feet required for street side setback.
Ordinance Sections: 623.E.4.d 615.B.Table A PRD
Applicant: B. Paul Murphy Jr., Coe and Van Loo Consultants, Inc. (CVL)
Representative: B. Paul Murphy Jr., Coe and Van Loo Consultants, Inc. (CVL)
Owner: Paul Baumgardt, Arizona Public Service (APS)

Stipulation:

1) 180 days to apply for and obtain building permits.

**#1 and #2
Approved
w/stip**

**#3
Denied**

6. Application #: ZA-395-23-7 (Continued from October 26, 2023)
Existing Zoning: C-2 PCD
Location: 2640 South 99th Avenue
Quarter Section: Q7-4(E2)
Proposal: 1) Use permit to allow outdoor dining as an accessory use to a restaurant (Federico's Mexican Restaurant) within 500 feet of a residential zoning district. Use permit required.
2) Use permit to allow a drive-through as an accessory use to a restaurant (Federico's Mexican Restaurant) within 300 feet of a residential zone. Use permit required.
3) Variance to reduce the required trees to 0 in the landscape setback adjacent to street (east). Minimum 5 trees required.
Ordinance Sections: 623.D.157.c 623.D.157.d.(2) 623.E.4.e
Applicant: Robert Lepore
Representative: Robert Lepore
Owner: LM & Sons III, LLC
Stipulations:
1) 180 days to apply for and obtain building permits.

**Approved
w/stip**

7. Application #: ZA-490-23-6
Existing Zoning: R1-6
Location: 3943 East Whitton Avenue
Quarter Section: Q16-36(H10)
Proposal: 1) Time extension of ZA-402-22, variance to reduce the front yard (north) setback to 0 feet. Minimum 20 feet required.
2) Time extension of ZA-402-22, variance to reduce the required side yard setback (west) to 1 foot. Minimum 3 feet required.
3) Time extension of ZA-402-22, variance to allow roof overhang 0 feet from side property line (west). Minimum 2 feet required from property lines.
4) Time extension of ZA-402-22, variance to reduce the required rear yard setback (south) to 8 feet. Minimum 25 feet required.
5) Time extension of ZA-402-22, variance to allow a 46% lot coverage. Maximum 40% lot coverage permitted.
Ordinance Sections: 613.B.Table B 613.B.Table B 613.B.Table B 613.B.Table B 701.A.3.a.(1).(e)
Applicant: Ryan Skiver
Representative: Ryan Skiver
Owner: Ryan Skiver
Stipulation:
1) 6 months to apply for and obtain building permits.

- Approved w/stips**
8. Application #: ZA-565-23-4
Existing Zoning: R1-10
Location: 160 North Country Club Drive
Quarter Section: Q15-29(G8)
Proposal: Variance to allow an over height fence (8 feet) in the required front yard (north). Maximum 40 inches permitted.
Ordinance Sections: 703.2.a
Applicant: Michael Cisek
Representative: Michael Cisek
Owner: Sawyer Grace LLC
Stipulations:
1) Per the proposed location of the CMU wall on site plan date stamped November 1, 2023.
2) 90 days to apply for and obtain building permits.
- 1:30 PM**
- Approved w/stips**
9. Application #: ZA-397-23-3 (SIGN)
Existing Zoning: C-3
Location: 533 East Dunlap Avenue.
Quarter Section: Q26-28(J8)
Proposal: Use permit to convert the east face of a nonconforming off-premise sign to digital. Use permit required.
Ordinance Sections: 705.2.G.4
Applicant: Brian Vaccaro
Representative: Brian Vaccaro
Owner: CubeSmart Self Storage
Stipulations:
1) Install Planning and Development Department designed-approved vertical louvers on the digital sign face that effectively reduces digital image visibility for areas outside the westbound Dunlap Road, southbound Cave Creek Road, and southbound 7th Street traffic. Prior to final inspection of the digital sign face, effectiveness of vertical louvers to be verified via a nighttime sign inspection performed by Planning and Development Department (PDD) Staff.
2) Install a Planning and Development Department designed-approved, decorative pole cover on the rebuilt sign. Any access ladder, if included, shall be on the west or south side of the pole cover and concealed from southbound traffic.
3) If an opening in the required decorative pole cover for electrical service is necessary, said opening shall be on the west or south side of the pole cover.
4) The use permit for the digital sign face shall be reviewed in 1 year via a Zoning Adjustment hearing to evaluate sign lighting and glare impacts on vehicular and pedestrian traffic safety.
5) The applicant shall have 12 months to apply for and obtain permits for the subject sign.

***#1**
Approved
w/stips

#2, 3, 4 5
Denied

10. Application #: ZA-407-23-6 (SIGN)
Existing Zoning: PUD CEPCSP
Location: 1720 East Camelback Road
Quarter Section: Q19-31(H9)
Proposal: 1) Use permit to adopt the Alta Bluewater Comprehensive Sign Plan and amend the boundary of the Camelback Center CSP. Use permit required.
2) Variance to increase the area of wall signs for a multifamily residential use along the east building elevation to 155 square feet. Maximum area permitted is 140 square feet.
3) Variance to increase the area of wall signs for a multifamily residential use along the south building elevation to 66 square feet. Maximum area permitted is 52 square feet.
4) Variance to allow wall signs at the top of the fifth story at a maximum height of 69 feet for two signs. Multi-family buildings shall have wall signs no higher than the top of the second story.
5) Variance to allow wall signs at the top of the fifth story at a maximum height of 51 feet for one sign. Multi-family buildings shall have wall signs no higher than the top of the second story.
Ordinance Sections: 05.D TableD-1 705.D TableD-1 705.E.2.b
Camelback East Primary Core Specific Plan
Camelback East Primary
Applicant: Maggie Dellow
Representative: Maggie Dellow
Owner: Todd Taylor

Stipulations:

- 1) Submittal of a revised 'final' version of the CSP document to the Planning and Development Department incorporating any ZAH0 stipulations of approval and related changes to sign designs contained in the CSP, and any staff comments/corrections with 60 days from the date of the hearing and prior to the issuance of any sign permits for the project. Change shall include a revision to the Alta Bluewater CSP to remove the property where the Camelback Center ground sign is located.
- 2) 1 year to apply for and obtain sign permits.

Approved
w/stips

11. Application #: ZA-501-23-3 (SIGN)
Existing Zoning: R-4A
Location: 11640 North 19th Avenue
Quarter Section: Q30-24
Proposal: Use Permit to allow an electronic message display (EMD) on a ground sign. Use permit required.
Ordinance Sections: 705.C.13
Applicant: Kristi Trisko

Representative: Kristi Trisko
Owner: Kelley Steele. Kingdom in the Valley Christian Church

Stipulations:

- 1) An automatic timer shall be installed to shutoff Electronic Message Display 'EMD' illumination daily between 10:30 PM and sunrise.
- 2) Due to the existing 3 foot screen wall along 19th Avenue, the required street address numbers on the sign shall be relocated to the east edge of the sign cabinet and shall be visible from 19th Avenue.
- 3) 12 months to obtain sign permits for the ground sign.

**Approved
w/stips**

12. Application #: ZA-88-22-8 (1-Year Review of Use Permit)
Existing Zoning: A-1
Location: 2739 East Washington Street
Quarter Section: 10-33(F9)
Proposal: Use permit to allow a shelter for individuals experiencing homelessness. Use permit required if located on a lot within 1,320 feet from a residential district.
Ordinance Sections: 627.D.1.
Applicant: Scott Hall, City of Phoenix, Human Services Dept.
Representative: Scott Hall, City of Phoenix, Human Services Dept.
Owner: City of Phoenix

Stipulations:

- 1) A maximum of 260 program participants ("Residents") shall be permitted on-site.
- 2) An Operational Plan shall be developed to govern operational features of the facility as outlined in the Good Neighbor Agreement. The Plan shall address, at minimum, the following:
 - a. Regular, on-going communication shall be provided to the surrounding communities on any issues, concerns, follow-up requests, etc.
 - b. The facility shall operate as a "Closed Campus" (defined as no walk-up admission to the program with all screening of potential program participants to be held off-site).
 - c. A 247 Public Safety Plan will be implemented to include:
 - i. On-site security 24 hours a day, 7 days per week
 - ii. On-site security monitoring of exterior security cameras to address issues surrounding the facility in a timely fashion
 - iii. Coordination with the Phoenix Police Department with regular communication protocols
 - iv. Monitoring of the grounds of the shelter to ensure compliance with the Neighborhood Preservation Ordinance; and
 - v. v. Drugs and/or alcohol are to be prohibited for possession and/or use.
 - vi. Strict curfew parameters will be implemented to ensure resident and community safety.

- vii. No services will be provided to any individuals that are not program residents.
- viii. To keep a bed at the shelter, every resident must participate with Supportive Services staff daily to ensure continued progress on their housing plan.
- 3) The applicant shall discourage loitering on and around the property by installing signage and conducting community engagement and outreach.
- 4) Final design of site improvements shall incorporate Crime Prevention Through Environmental Design ("CPTED") standards and best practices by:
 - a. Maintaining an existing six (6) foot tall fence and gates to provide access control to the site while permitting visibility out to adjacent properties and rights-of-way.
 - b. Access to the property shall be controlled via a gate. The 28th Street gate shall be the primary point of ingress/egress from the site.
 - c. Adequate site lighting shall be provided to ensure sufficient visibility for security personnel to light parking areas as required by City ordinances and as approved by the Planning and Development Department.
 - d. Security cameras shall be activated to monitor, at minimum, outdoor areas around the building, as approved by the Planning and Development Department.
 - e. Applicant shall enroll in the Virtual Block Watch Program with the Phoenix Police Department.
- 5) The applicant shall maintain updated facility contact information and provide contact information to the community leaders outlined below to address any issues that may arise.
 - a. Wilson Coalition Gaby Duran 3025 East Fillmore Street Phoenix, AZ 85008
 - b. Sky Harbor Neighborhood Association Hilaria Rodriguez 2833 East Monroe Street Phoenix, AZ 85034
 - c. 24th Sky Harbor Business Alliance (24SHBA) Brad Pickering 5227 North 7th Street Phoenix, AZ 85014
 - d. Wilson School District Ernest Rose, Superintendent 3025 East Fillmore Street Phoenix, AZ 85008

**Approved
w/stip**

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| 13. | Application #:
Existing Zoning:
Location:
Quarter Section:
Proposal: | ZA-435-23-4
C-2 TOD-1 WSNSPD
2 East Camelback Road
Q19-28(H8)
1) Use permit to allow outdoor dining as an accessory use to a restaurant (The Henry) with alcoholic beverage consumption. Use permit required.
2) Variance to increase the maximum building setback along Central Avenue to 18 feet. Maximum 6- foot building setback within 1,000 feet of a transit station required.
3) Variance to reduce the minimum building |
|-----|--|--|

frontage along Camelback Road to 19%.
 Minimum 65% building frontage as a percentage of lot frontage along a transit street within 500-2,000 feet of a transit station required.
 4) Variance to not provide a main building entry oriented towards a transit platform. Main building entry shall be oriented toward transit platform and/or primary pedestrian accessway required.
 5) Variance to allow a loading, service, and refuse area to be located at the front of the lot (Central Avenue). Loading, service, and refuse areas shall not be located at the front of the lot.
 6) Variance to reduce the required sidewalk width to 5 feet along Central Avenue. Minimum 8 feet of width required.
 7) Variance to reduce the required sidewalk width to 5 feet along Camelback Road. Minimum 8 feet of width required.
 8) Variance to allow a single row of trees along Central Avenue. A double row of trees spaced 20 feet on center required.
 9) Variance to allow a single row of trees along Camelback Road. A double row of trees spaced 20 feet on center required.

Ordinance Sections: 662.F.1.d. 662.I.1.a. Table 1 662.I.1.a. Table 1
 662.I.2.b. 662.I.2.c.(3) 662.I.2.c.(3) 662.J.1.
 662.J.1. 662.L.6.a.

Applicant: Ed Bull
 Representative: Ed Bull
 Owner: Levine Investments Limited Partnership

Stipulation:

- 1) 18 months to apply for and obtain building permits.

**Approved
w/stips**

14. Application #: ZA-518-23-8
 Existing Zoning: A-1
 Location: 2739 East Washington Street
 Quarter Section: Q10-33(F9)
 Proposal: Use permit to modify Stipulation No. 1 of Case No. ZA-88-22, to increase the number of residents to 260. A maximum of 200 residents permitted on-site per ZA-88-22.
 Ordinance Sections: 307.A
 Applicant: Rachel Milne, City of Phoenix Office or Homeless Solutions
 Representative: Rachel Milne, City of Phoenix Office or Homeless Solutions
 Owner: City of Phoenix

Stipulations:

- 1) A maximum of 260 program participants ("Residents") shall be permitted on-site.
- 2) An Operational Plan shall be developed to govern operational

features of the facility as outlined in the Good Neighbor Agreement. The Plan shall address, at minimum, the following:

- a. Regular, on-going communication shall be provided to the surrounding communities on any issues, concerns, follow-up requests, etc.
- b. The facility shall operate as a "Closed Campus" (defined as no walk-up admission to the program with all screening of potential program participants to be held off-site).
- c. A 247 Public Safety Plan will be implemented to include:
 - i. On-site security 24 hours a day, 7 days per week
 - ii. On-site security monitoring of exterior security cameras to address issues surrounding the facility in a timely fashion
 - iii. Coordination with the Phoenix Police Department with regular communication protocols
 - iv. Monitoring of the grounds of the shelter to ensure compliance with the Neighborhood Preservation Ordinance; and
 - v. v. Drugs and/or alcohol are to be prohibited for possession and/or use.
 - vi. Strict curfew parameters will be implemented to ensure resident and community safety.
 - vii. No services will be provided to any individuals that are not program residents.
 - viii. To keep a bed at the shelter, every resident must participate with Supportive Services staff daily to ensure continued progress on their housing plan.
- 3) The applicant shall discourage loitering on and around the property by installing signage and conducting community engagement and outreach.
- 4) Final design of site improvements shall incorporate Crime Prevention Through Environmental Design ("CPTED") standards and best practices by:
 - a. Maintaining an existing six (6) foot tall fence and gates to provide access control to the site while permitting visibility out to adjacent properties and rights-of-way.
 - b. Access to the property shall be controlled via a gate. The 28th Street gate shall be the primary point of ingress/egress from the site.
 - c. Adequate site lighting shall be provided to ensure sufficient visibility for security personnel to light parking areas as required by City ordinances and as approved by the Planning and Development Department.
 - d. Security cameras shall be activated to monitor, at minimum, outdoor areas around the building, as approved by the Planning and Development Department.
 - e. Applicant shall enroll in the Virtual Block Watch Program with the Phoenix Police Department.
- 5) The applicant shall maintain updated facility contact information and provide contact information to the community leaders outlined below to address any issues that may arise.
 - a. Wilson Coalition Gaby Duran 3025 East Fillmore Street
Phoenix, AZ 85008

- b. Sky Harbor Neighborhood Association Hilaria Rodriguez 2833 East Monroe Street Phoenix, AZ 85034
- c. 24th Sky Harbor Business Alliance (24SHBA) Brad Pickering 5227 North 7th Street Phoenix, AZ 85014
- d. Wilson School District Ernest Rose, Superintendent 3025 East Fillmore Street Phoenix, AZ 85008

Continued 15. Application #: ZA-537-23-8
 Existing Zoning: C-3
 Location: 1738, 1742, and 1746 East Washington Street
 Quarter Section: Q10-31(F9)
 Proposal: 1) Variance to allow maneuvering within an alleyway. All maneuvering must be located entirely on private property.
 2) Variance to allow an over height fence (8 feet) within the required street front setback (east). Maximum 40 inches permitted.
 3) Variance to allow an over height fence (8 feet) within the required street front setback (south). Maximum 40 inches permitted.
 4) Variance to reduce the street side (18th Street) building setback to 0 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections.;
 5) Variance to reduce the street side (Washington Street) building setback to 5 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections.
 6) Variance to reduce the street side (18th Street) landscape setback to 0 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections.
 7) Variance to reduce the street side (Washington Street) landscape setback to 5 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent of the frontage.
 Ordinance Sections: 624.E.4.d 624.E.4.d 624.E.4.d 624.E.4.d 702.A.1.b 703.A.3.a 703.A.3.a
 Applicant: Sarah Prince
 Representative: Sarah Prince
 Owner: Phoenix EV Holdings, LLC
 Continued to January 18, 2024 at 9:00 AM.

Approved w/stips 16. Application #: ZA-568-23-6
 Existing Zoning: PAD-9
 Location: 8201 North 7th Street
 Quarter Section: 703.A.3.a
 Proposal: Variance to allow an over height fence (7 feet) within the required front yard setback (west). Maximum 40 inches permitted.

Ordinance Sections: 703.A.3.a
Applicant: Sandra St Arnault
Representative: Sandra St Arnault
Owner: Hacienda Royale Homeowners Association

Stipulations:

- 1) 7 feet in height only permitted along the northern perimeter. 54 inch max along west perimeter except for 15 linear feet along the drive aisle may be up to 6 feet in height.
- 2) 6 months to apply for and obtain building permits.
- 3) Must be a see-through fence.

ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER
PLANNER: ERIC MORALES, PLANNER III

For further information please call Eric Morales, Planner III, Planning and Development Department at 602-262-7927 or via electronic mail at zoning.adjustment@phoenix.gov. To request a reasonable accommodation, please contact Teleia Galaviz at 602-291-2559, teleia.galaviz@phoenix.gov TTY: Use 7-1-1.

January 23, 2024