

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised January 9, 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 on **December 14, 2023 9:00 AM (Items 1-7) and 1:30 PM (Items 8-14)**

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-94-13-5 (1 Year Review of Use Permit)
Existing Zoning: C-3
Location: 4126 West Indian School Road
Quarter Section: 17-19(H6)
Proposal: 1) Use permit to allow a nonprofit medical marijuana dispensary facility. Use permit required.
2) Variance to allow a nonprofit medical marijuana dispensary facility to be located within 5,280 feet of the same type of use or a medical marijuana facility. Shall not be located within 5,280 feet of the same type of use.
Ordinance Sections: 623.D.122.a 623.D.122.e
Applicant: Nalee Pham, New Gen Real Estate, Services, LLC c/o Herbal Wellness Center
Representative: Fae Sowders, Esq., Bergin, Frakes, Smalley & Oberholtzer
Owner: Nalee Pham, New Gen Real Estate, Services, LLC c/o Herbal Wellness Center

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.

**Withdrawn
to Amend**

2. Application #: ZA-392-23-2
Existing Zoning: C-2 DRSP
Location: 5410 East High Street, Suite 102
Quarter Section: Q41-40(N11)
Proposal: 1) Use permit to allow outdoor dining as an accessory use to a bar (The Mighty Axe) within 500 feet of a residential zoning district. Use permit required.
2) Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a bar (The Mighty Axe) within 500 feet of a residential zoning district. Use permit required.
3) Use permit to allow outdoor recreation (axe throwing) as an accessory use to a bar (The Mighty Axe) within 500 feet of a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.c 623.D.157.c
Applicant: The Mighty Axe Egg Droid Entertainment Inc.
Representative: Amy Nations, Arizona Liquor Industry Consultants
Owner: SKB-HS, LLC City North

**Approved
w/stips**

3. Application #: ZA-400-23-2
Existing Zoning: R1-8
Location: 19833 North 14th Street
Quarter Section: Q40-30(N9)
Proposal: Variance to reduce the required rear yard setback (east) to 16 feet. Minimum 25 feet required.
Ordinance Sections: 612.B.Table B.(a)
Applicant: Kenan Arkawi
Representative: Kenan Arkawi
Owner: Kenan Arkawi
Stipulations:
1) Per setbacks depicted on site plan date stamped December 14, 2023.
2) 6 months to apply and pay for building permits.

**Approved
w/stips**

4. Application #: ZA-539-23-2
Existing Zoning: RE-24
Location: 6721 East Camino De Los Ranchos
Quarter Section: Q32-43(L12)

Proposal: Variance to allow a 32 percent lot coverage.
Maximum of 30 percent lot coverage permitted.
Ordinance Sections: 606.B.5
Applicant: Mitchell Steiman
Representative: Mitchell Steiman
Owner: Karen Marsa

Stipulations:

- 1) Per setbacks depicted on site plan date stamped November 7, 2023.
- 2) 6 months to apply and pay for building permits.

**Approved
w/stips**

5. Application #: ZA-573-23-1
Existing Zoning: PUD
Location: 10100 North Metro Parkway East
Quarter Section: Q28-22(K7)
Proposal: 1) Variance to reduce the required parking to 69 spaces. Minimum 76 parking spaces required.
2) Variance to allow 4% public open space. Minimum 5% public open space required.
3) Variance to reduce the minimum dimension of open space to 16 feet. Minimum dimension of 20 feet required.
Ordinance Sections: 1307.B.2.Table 1307.1 1310.A.2.c 1310.A.Table 1310.1
Applicant: Madison Leake, Burch and Cracchiolo, P.A.
Representative: Madison Leake, Burch and Cracchiolo, P.A.
Owner: Empower Metro Center LLC, Empower Opportunity Zone Fund, LLC, c/o Aleksander Dyo

Stipulations:

- 1) 2 years to apply and pay for building permits.
- 2) Per the parking reduction and open space requests depicted in the site plan date stamped November 8, 2023.

**Approved
w/stips**

6. Application #: ZA-582-23-7
Existing Zoning: C-3 RSIO
Location: 3626 South Central Avenue
Quarter Section: Q5-27(E8)
Proposal: Variance to reduce the minimum parking requirement to 16 spaces. Minimum 39 spaces required.
Ordinance Sections: 702.C
Applicant: Paul Almond, Almond ADG Architects
Representative: Paul Almond, Almond ADG Architects
Owner: Jesus Manuel

Stipulations:

- 1) Per the parking configuration depicted on the site plan date stamped November 3, 2023.
- 2) 1 year to apply and pay for building permits.

Approved w/stips	7.	Application #: ZA-588-23-2 Existing Zoning: RE-24 Location: 7113 East Dreyfus Avenue Quarter Section: Q32-44(L12) Proposal: 1) Variance to reduce the side yard (east) setback to 3 feet. Minimum 10 feet required. 2) Variance to reduce the side yard (west) setback to 3 feet. Minimum 10 feet required. Ordinance Sections: 606.B.3.b 606.B.3.b Applicant: Han Choi Representative: Han Choi Owner: Kyle Shivers for Shivers Family Trust Stipulations: 1) Per the setbacks depicted in the site plan date stamped November 6, 2023. 2) 1 year to apply and pay for building permits.
Withdrawn To Amend	8.	1:30 PM Application #: ZA-296-23-2 (SIGN) (Continued from November 2, 2023) Existing Zoning: C-2 DRSP Location: 20825 North City North Drive Quarter Section: 41-39(N11) 41-40(N11) Proposal: Use permit for a major amendment to the City North Comprehensive Sign Plan. Use permit required. Ordinance Sections: 705.E.2.d (2) Applicant: Ana Jones, Trademark Visual, Inc. Representative: Ana Jones, Trademark Visual, Inc. Owner: Crown Realty and Development, LLC
*Denied	9.	Application #: ZA-453-23-3 (SIGN) Existing Zoning: C-3 Location: 10012 North Cave Creek Road Quarter Section: Q28-30(K9) Proposal: Use permit to rebuild a nonconforming off-premise sign with two digital faces. Use permit required. Ordinance Sections: 705.2.G.4 Applicant: Jacob Zonn, Becker Boards Small, LLC Representative: Garry D. Hays Owner: Winifred Green Taken out from under advisement on January 9, 2023 and denied.
Approved w/stips	10.	Application #: ZA-461-23-8 (SIGN) Existing Zoning: DTC-Commercial Corridor Location: 10 East Buckeye Road Quarter Section: Q9-28(F8) Proposal: Use permit to allow electronic message display (EMD) on a gas canopy (wall sign) for a

			convenient store. Use permit required.
		Ordinance Sections:	705.C.13
		Applicant:	Circle K
		Representative:	Thanh Duong, Royal Sign Company
		Owner:	DBNCH Circle LLC/Skyline Circle Partners, LLC
		Stipulations:	
		1)	Sign design shall be in accordance with the drawings submitted for Hearing Officer review date stamped December 14, 2023.
		2)	1 year to obtain sign permits for the ground sign.
Approved w/stips	11.	Application #:	ZA-497-23-8 (SIGN)
		Existing Zoning:	C-2
		Location:	8050 South 59th Avenue
		Quarter Section:	Q02-14(D5)
		Proposal:	Use permit to adopt a major amendment to the Laveen Park Place Comprehensive Sign Plan to add a new ground sign location. Use Permit required.
		Ordinance Sections:	705.E.2.d (2)
		Applicant:	Cassandra Baumann
		Representative:	Cassandra Baumann
		Owner:	DHIC-South Mountain, LLC
		Stipulations:	
		1)	Sign design shall be in accordance with the drawings submitted for Hearing Officer review date stamped December 14, 2023.
		2)	Within 30 days, submittal of revised sign/site plan for the CSP document showing all approved ground sign locations including the new sign location.
		3)	12 months to pay for and obtain sign permits.
Approved w/stips	12.	Application #:	ZA-503-23-5 (SIGN)
		Existing Zoning:	C-2
		Location:	7544 West Indian School Road
		Quarter Section:	Q17-10(H4)
		Proposal:	Use permit to allow electronic message display on a wall sign. Use permit required.
		Ordinance Sections:	705.C.13
		Applicant:	Victoria Boardman
		Representative:	Victoria Boardman
		Owner:	Premier Charter High School
		Stipulations:	
		1)	An automatic timer shall be installed to shutoff Electronic Message Display (EMD) illumination daily between 10:30 PM and sunrise.
		2)	12 months to pay for and obtain sign permits.
Approved w/stips	13.	Application #:	ZA-111-18-2 (1 Year Review of Use Permit)
		Existing Zoning:	C-2
		Location:	21035 North Cave Creek Road, Suite C3 & C4
		Quarter Section:	42-33(N9)

Proposal: 1) Time extension for ZA-37-17, a variance to expand an existing medical marijuana dispensary within 1,320 feet of a public park. Minimum 1,320 foot separation required.
 2) Time extension for ZA-37-17, a variance to expand an existing medical marijuana dispensary within 1-mile of another medical marijuana facility. Minimum 1-mile separation required.
 3) Time extension for ZA-37-17, a use permit to expand an existing medical marijuana dispensary. Use permit required.

Ordinance Sections: 623.D.122.g 623.A.122.e 623.D.122.a

Applicant: Benjamin L. Tate, Withey Morris, PLC

Representative: Benjamin L. Tate, Withey Morris, PLC

Owner: Rose Garden Holden, LLC

Stipulations:

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- 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.
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**Approved
w/stips**

14. Application #: ZA-586-23-6
 Existing Zoning: R1-6
 Location: 3501 East Hazelwood Street
 Quarter Section: Q18-35(H10)
 Proposal: Variance to reduce the front yard setback (north) to 15 feet. Minimum 20 feet required.
 Ordinance Sections: 613.B.Table B

Applicant: Liridon Ulaj
Representative: Liridon Ulaj
Owner: Liridon Ulaj

Stipulations:

- 1) Per the front yard setback depicted on the site plan date stamped November 3, 2023.
- 2) 1 year to apply and pay for building permits.

ZONING ADJUSTMENT HEARING OFFICER: JON FROKE
PLANNER: KIM STEADMAN, PLANNER II

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 9, 2024