

**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 **January 12, 2023 9:00 AM (Items 1-9) and 1:30 PM (Items 10-17)**

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-21-16-8 (1-Year Review of Use Permit)
Existing Zoning: A-2 RSIOD ANIZO
Location: 2340 East University Drive
Quarter Section: 7-32(E9)
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 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. **4)** Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
Applicant: Anthony Rein
Representative: Adam Baugh, Withey Morris, PLC
Owner: Verdes Family Investment Partnership, LP

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.

Withdrawn	2.	Application #:	ZA-386-22-4 (Continued from December 1, 2022)
		Existing Zoning:	C-2 TOD-1, P-1 TOD-1
		Location:	2918 North Central Avenue
		Quarter Section:	15-27(G8)
		Proposal:	1) Use Permit to allow a medical marijuana dispensary. Use Permit required. 2) Variance to allow a medical marijuana dispensary to be located within 500 feet of a residentially zoned district. Minimum 500 foot separation required. 3) Variance to allow a medical marijuana dispensary within 5,280 feet of another medical marijuana dispensary. Minimum 5,280 foot separation required.
		Ordinance Sections:	623.D.124.a 623.D.124.f 623.D.124.e
		Applicant:	Luke Flood, Catalina Hills Botanical Care, Inc.
		Representative:	Larry Lazarus, Lazarus & Silvyn, Inc.
		Owner:	Larry Furlong, PAMALA, Inc.
Continued	3.	Application #:	ZA-506-22-3 (Continued from December 1, 2022)
		Existing Zoning:	R1-10 PCD
		Location:	4735 East Voltaire Avenue
		Quarter Section:	32-38(L11)
		Proposal:	1) Variance to reduce the side yard (west) setback for an open carport to 0 feet. Minimum 3 feet required. 2) Variance to allow an over height (7 feet) fence located in the side yard (west) setback. Maximum 6 feet allowed.
		Ordinance Sections:	701.A.3.a.(1).(b) 703.A.2.c
		Applicant:	Steve Hoffmann
		Representative:	Steve Hoffmann
		Owner:	Steve Hoffmann
		Continued to February 23, 2023 at 9:00 AM.	
Continued	4.	Application #:	ZA-532-22-4
		Existing Zoning:	R-3
		Location:	2608 West Campbell Avenue
		Quarter Section:	18-23(H7)
		Proposal:	1) Variance to reduce the landscape setback adjacent to a public street (Campbell Ave) to 0 feet. Minimum 25 feet required. 2) Variance to reduce the required parking to 4 parking spaces. Minimum 6 spaces required. 3) Variance to

reduce the required combined depth of the parking space and the drive aisle to 42 feet for a double loaded drive aisle. Minimum 62 feet required.

Ordinance Sections: 703.B.3.a 702.C 702.B.2.b.5
Applicant: Wilson Ejim, Design Group
Representative: Wilson Ejim, Design Group
Owner: Joel Thomas

Continued to February 16, 2023 at 1:30 PM.

Continued 5. Application #: ZA-553-22-2
Existing Zoning: R1-10
Location: 6127 East Carolina Drive
Quarter Section: 35-42(L12)
Proposal: Use permit to allow a home occupation (cooking school) that generates traffic. Use permit required.

Ordinance Sections: 608.E.3.h.1
Applicant: Cassandra Ayres, Berry Riddell LLC
Representative: Cassandra Ayres, Berry Riddell LLC
Owner: Connie Kirchner, Love Nest Trust

Continued to March 9, 2023 at 9:00 AM.

Denied 6. Application #: ZA-567-22-2
Existing Zoning: R1-18
Location: 5917 East Anderson Drive
Quarter Section: 37-41(M11)
Proposal: Variance to allow 28% lot coverage. Maximum 25% permitted.

Ordinance Sections: 610.B.Table
Applicant: Alan Christensen, A Christensen Architect, LLC
Representative: Alan Christensen, A Christensen Architect, LLC
Owner: Norman M. and April D. Kvalvik Trust

Approved w/stip 7. Application #: ZA-569-22-5
Existing Zoning: PUD PCD
Location: Southeast corner of 99th Avenue and Indian School Road
Quarter Section: 16-5(H2)
Proposal: Use permit to allow a temporary event (Fanfest). Use permit required.

Ordinance Sections: 708.D.1
Applicant: Legends Fanfest, LLC
Representative: Dave Richert, Diversified Partners, LLC
Owner: Algodon AG Revocable Land Trust

Stipulation:

1) Approved for 1 event related to the 2023 Super Bowl.

Continued	8.	Application #:	ZA-571-22-7
		Existing Zoning:	DTC-Warehouse HP
		Location:	401 West Harrison Street
		Quarter Section:	9-27(F8) 10-27(F8)
		Proposal:	1) Use permit to allow outdoor entertainment on Mondays through Thursdays. Use permit required. 2) Use permit to allow outdoor dining as an accessory use to general assembly/event center use. Use permit required. 3) Use permit to allow outdoor liquor service as an accessory use to general assembly/event center use. Use permit required. 4) Use permit to allow outdoor cooking as an accessory use to general assembly/event center use. Use permit required.
		Ordinance Sections:	1204.D 1204.C.16
		Applicant:	KFH Union Station, LLC
		Representative:	Noel Griemsmann, AICP, Snell & Wilmer, LLP
		Owner:	KFH Union Station, LLC
		Continued to February 16, 2023 at 9:00 AM.	
Approved w/stip	9.	Application #:	ZA-572-22-6
		Existing Zoning:	RE-35 SP
		Location:	4700 East Warner Road
		Quarter Section:	07-38(B11)
		Proposal:	Use permit to allow a temporary use (Farmers Market) for up to 36 months. Use permit required.
		Ordinance Sections:	708.D.1
		Applicant:	Robert Blakesley, Ahwatukee Board of Management, Inc.
		Representative:	Robert Blakesley, Ahwatukee Board of Management, Inc.
		Owner:	Robert Blakesley, Ahwatukee Board of Management, Inc.
		Stipulation:	1) Framers marked permitted to operate only on Sundays.
		1:30 PM	
Withdrawn to Amend	10.	Application #:	ZA-563-22-5 (SIGN)
		Existing Zoning:	R-5
		Location:	2333 West Northern Avenue
		Quarter Section:	24-23(J7)
		Proposal:	Variance to increase the height of a ground sign to 13 feet. Maximum 8 feet permitted.
		Ordinance Sections:	705.D.2.c
		Applicant:	Chad Keller, Christy Signs
		Representative:	Chad Keller, Christy Signs
		Owner:	Northern Ave Office Court, LLC
Continued	11.	Application #:	ZA-454-22-3 (Continued from December 15, 2022)
		Existing Zoning:	C-2

Location: 2150 East Cactus Road, Suite 105
Quarter Section: 31-32(L9)
Proposal: **1)** Variance to allow a tobacco oriented retailer (Smoke Buddies) to be located within 1,320 feet of a park. Minimum 1,320 feet separation required. **2)** Variance to allow a tobacco oriented retailer (Smoke Buddies) within 500 feet of the same type of use. Minimum 500 feet of separation required.
Ordinance Sections: 623.D.194.b 623.D.194.a
Applicant: Tiler Lott, Smoke Buddies
Representative: Jeffrey Beaman, Smoke Buddies
Owner: Redeemed Christian Church of God

Continued to February 23, 2023 at 9:00 AM.

Continued 12. Application #: ZA-498-22-8 (Continued from December 1, 2022)
Existing Zoning: App. C-2 HR and C-3
Location: 938, 1010, and 1020 East Van Buren Street and 316 and 318 North 11th Street
Quarter Section: 11-29(F8)
Proposal: **1)** Variance to reduce the front yard setback (north) along Polk Street to 9 feet. Minimum 35 feet required. **2)** Variance to reduce the front yard setback (south) along Van Buren Street to 13 feet. Minimum 35 feet required.
Ordinance Sections: 701.D.2.a 701.D.2.a
Applicant: Ian Swiergol, Alliance Residential Company
Representative: Nick Wood and Noel Griemsmann, Snell & Wilmer, LLP
Owner: Dharam Ahir Investments of Arizona, Inc.

Continued to February 16, 2023 at 1:30 PM.

Under Advisement 13. Application #: ZA-549-22-1
Existing Zoning: RE-35
Location: 4602 West Tierra Buena Lane
Quarter Section: 35-18(L6)
Proposal: **1)** Variance to reduce the required side yard setback (west) to 10 feet. Minimum 20 feet required. **2)** Variance to reduce the rear yard setback (north) to 18 feet. Minimum 40 feet required. **3)** Variance to allow a 3,504 square foot guest home. Maximum of 900 square feet allowed. **4)** Variance to allow a guesthouse that exceeds the height and stories (24 feet and 2 stories) of the primary dwelling unit. Maximum 12 feet and 1 story permitted.
Ordinance Sections: 609.B.Table 609.B.Table 609.C.1
Applicant: Ricky Louis LoFrese Jr.
Representative: Ricky Louis LoFrese Jr.
Owner: Ricky Louis LoFrese Jr.

Approved w/stip	14.	Application #:	ZA-568-22-6
		Existing Zoning:	C-2
		Location:	4855 East Warner Road, Suites A29 & A30
		Quarter Section:	07-38(B11) 07-39(B11)
		Proposal:	1) Variance to allow a tobacco oriented retailer (Castro's Cigar Bar) within 500 feet of the same type of use. Minimum 500 feet of separation required. 2) Variance to allow a tobacco oriented retailer (Castro's Cigar Bar) to be located within 1,320 feet of a school. Minimum 1,320 feet separation required. 3) Variance to allow a tobacco oriented retailer (Castro's Cigar Bar) to be located within 1,320 feet of a park. Minimum 1,320 feet separation required. 4) Variance to allow a tobacco oriented retailer (Castro's Cigar Bar) to be located within 1,320 feet of a dependent care facility. Minimum 1,320 feet separation required. 5) Use permit to allow outdoor dining as an accessory use to a bar (Castro's Cigar Bar) within 500 feet of a residential zoning district. Use permit required. 6) Use permit to allow outdoor alcohol consumption as an accessory use to a bar (Castro's Cigar Bar) within 500 feet of a residential zoning district. Use permit required.
		Ordinance Sections:	623.D.194.a 623.D.194.b 623.D.194.b 623.D.194.b 623.D.157.c 623.D.157.c
		Applicant:	James Wallin, Castro's Cigar Bar
		Representative:	James Wallin, Castro's Cigar Bar
		Owner:	David Maltzman, Maltzman Ahwatukee, LLC
		Stipulation:	1) 1 year to obtain building permits.
Approved w/stips	15.	Application #:	ZA-570-22-8
		Existing Zoning:	R-4
		Location:	3638 South 12th Street
		Quarter Section:	5-29(E8)
		Proposal:	Time extension for ZA-639-21, use permit to use the Single-Family Attached (SFA) Development Option. Use permit required.
		Ordinance Sections:	608.F.8
		Applicant:	Robert Lepore, RLepore Architecture, LLC
		Representative:	Robert Lepore, RLepore Architecture, LLC
		Owner:	Forever and A Day Properties, Inc.
		Stipulations:	1) 1 year to apply and pay for building permits. 2) All other stipulations from ZA-639-21 shall apply.
Approved w/stip	16.	Application #:	ZA-587-22-8
		Existing Zoning:	R1-6, C-2 SPVTABDO
		Location:	Southwest corner of 24th Street and Broadway

Road
Quarter Section: 4-32(E9)
Proposal: **1)** Use permit to allow a farmers market with food or beverage dispensed from a vehicle. Use permit required. **2)** Use permit to allow farmers market. Use permit required.
Ordinance Sections: 622.D.23 608.F.7
Applicant: Angela Gragg, MAA Wellness Center
Representative: Angela Gragg, MAA Wellness Center
Owner: City of Phoenix Neighborhood Services Department

Stipulation:

- 1) Approved for a maximum of 3 years.

**Approved
w/stips**

17. Application #: ZA-536-22-4
Existing Zoning: C-3
Location: 2640 West Adams Street and 147 North 27th Avenue
Quarter Section: 10-23(F7)
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required. **2)** Variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. Minimum 500 feet of separation required. **3)** Variance to allow a medical marijuana dispensary within 1,320 feet of a public park. Minimum 1,320 feet of separation required. **4)** Variance to allow a medical marijuana dispensary within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required. **5)** Variance to allow a medical marijuana dispensary within 5,280 feet from another medical marijuana facility. Minimum 5,280 feet of separation required.
Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.g 623.D.124.h
Applicant: Eivan Shahara, Shahara Properties, LLC
Representative: David Cisiewski, Esq., Law Office of David Cisiewski, PLLC
Owner: Eivan Shahara, Shahara Properties, 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.
- 8) Minimum of 50% of the required landscape setbacks along both street frontages shall consist of live plant materials.

ZONING ADJUSTMENT HEARING OFFICER: BETTY DRAKE
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 Angie Holdsworth at 602-495-5622, angie.holdsworth@phoenix.gov TTY: Use 7-1-1.

January 13, 2023