

**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 on **July 13, 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

Continued

9:00 AM

1. Application #: ZA-92-13-8 (1 Year Review of Use Permit)
Existing Zoning: A-2 RSIOD
Location: 2512 East Magnolia Street
Quarter Section: 7-33(E9)
Proposal: **1)** Use permit to allow medical marijuana cultivation. Use permit is required. **2)** Use permit to allow medical marijuana infusion. Use permit is required.
Ordinance Sections: 627.D.91.a 627.D.91.b
Applicant: Eric Powers, Green Sky Patient Center of Scottsdale
Representative: Lauren Niehaus, Green Sky Patient Center of Scottsdale
Owner: Eric Powers, Green Sky Patient Center of Scottsdale

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

**Approved
w/stip**

2. Application #: ZA-165-23-4
Existing Zoning: C-2 H-R, P-2
Location: 2800 North Central Avenue, Suite A100
Quarter Section: 14-27(G8)
Proposal: Use permit to allow outdoor alcohol consumption as an accessory use to a bar (CC's on Central) within 500 feet of a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.c
Applicant: Sharon Cunningham, CC's on Central, LLC dba CC's on Central
Representative: Jeffrey Craig Miller, Arizona Liquor Industry Consultants
Owner: Laura Crosby, Gaedeke Group, LLC

Stipulation:

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

**Withdrawn
to Amend**

3. Application #: ZA-202-23-2
Existing Zoning: RE-43
Location: 5731 East Shea Boulevard
Quarter Section: 28-41(K11)

		Proposal:	1) Variance to allow a minimum lot depth of 110 feet. Minimum lot depth of 175 feet required. 2) Variance to allow a minimum lot area of 39,647 square feet. Minimum lot area of 44,055 square feet required. 3) Use permit to allow public assembly residential use with vehicular access on a local or minor collector street. Use permit required.
		Ordinance Sections:	605.B.1 605.B.1 605.A.21
		Applicant:	Shaine T. Alleman, Tiffany & Bosco, P.A.
		Representative:	Shaine T. Alleman, Tiffany & Bosco, P.A.
		Owner:	Balencia Viking Revocable Living Trust
Approved w/stip	4.	Application #:	ZA-214-23-7
		Existing Zoning:	R-3
		Location:	2746 West Pima Street
		Quarter Section:	8-22(F7)
		Proposal:	Variance to allow an over height (10 feet) accessory structure within the side yard setback (west). Maximum 8 feet permitted.
		Ordinance Sections:	706.C
		Applicant:	Stephanno Salazar, Group Development, LLC
		Representative:	Stephanno Salazar, Group Development, LLC
		Owner:	Stephanno Salazar, Group Development, LLC
		Stipulation:	1) 1 year to apply and pay for building permits.
Continued	5.	Application #:	ZA-216-23-3
		Existing Zoning:	R1-14
		Location:	5438 East Sweetwater Avenue
		Quarter Section:	32-40(L11)
		Proposal:	1) Variance to reduce the required side yard (west) setback to 5 feet. Minimum 10 feet required. 2) Variance to allow an accessory structure 26 feet in height in the required side yard (east) setback. Maximum of 8 feet in height allowed. 3) Use permit to allow a 20 foot tall accessory structure to be located in the rear yard (north) setback. Maximum of one story or 15 feet permitted.
		Ordinance Sections:	606.B.3. 706.C. 706.G
		Applicant:	Jason R. Scott and Keri K. Amrhein-Scott, Amrhein-Scott Trust
		Representative:	Jason R. Scott and Keri K. Amrhein-Scott, Amrhein-Scott Trust
		Owner:	Jason R. Scott and Keri K. Amrhein-Scott, Amrhein-Scott Trust
		Continued to August 17, 2023 at 9:00 AM.	
Approved w/stip	6.	Application #:	ZA-218-23-7
		Existing Zoning:	C-2 PUD

		Location:	2710 South 99th Avenue
		Quarter Section:	7-4(E2)
		Proposal:	Time Extension for ZA-385-21 - Use Permit to allow for a drive-through as an accessory use to a restaurant (Whataburger) when the queuing lane is within 300-feet of a residential district. Use permit required.
		Ordinance Sections:	623.D.157.d
		Applicant:	Abraham Vazquez, Whataburger
		Representative:	Jenifer Tedrick, SEG
		Owner:	Tony Padilla
		Stipulation:	
			1) 18 months to apply and pay for building permits.
Approved w/stip	7.	Application #:	ZA-220-23-8
		Existing Zoning:	R-5 RI, C-3, A-1
		Location:	1401 East Van Buren Street
		Quarter Section:	10-30(F9)
		Proposal:	Use permit to allow an extension of a use which is permitted in a less restricted district into a more restricted district to a maximum of 25 feet. Use permit required.
		Ordinance Sections:	307.A.8
		Applicant:	Patrick Hallman, C & H Associates, LLC
		Representative:	Patrick Hallman, C & H Associates, LLC
		Owner:	CPLC Pickle House, LLC
		Stipulation:	
			1) 1 year to complete the lot combination process.
		1:30 PM	
Approved w/stips	8.	Application #:	ZA-176-23-6 (SIGN)
		Existing Zoning:	A-2 Heavy Industrial
		Location:	802 South 56th Street
		Quarter Section:	9-40(F11)
		Proposal:	Use permit to rebuild an off-premise sign with two digital faces. Use permit required.
		Ordinance Sections:	705.2.E.3
		Applicant:	Jacob Zonn, Becker Boards Small, LLC
		Representative:	Garry Hays
		Owner:	SRP Agricultural Improvement and Power District
		Stipulations:	
			1) Remove catwalk and railing on the east sign face where digital sign face is to be installed.
			2) The applicant shall have 12 months to apply and pay for permits for the subject sign.
Continued	9.	Application #:	ZA-177-23-6 (SIGN)
		Existing Zoning:	C-2 Intermediate Commercial
		Location:	3227 East Indian School Road

Quarter Section: 16-35(H10)
Proposal: Use permit to convert the west face of a nonconforming off-premise sign to digital. Use permit required.
Ordinance Sections: 705.2.G.4
Applicant: Jacob Zonn, Becker Boards Small, LLC
Representative: Garry Hays
Owner: Kar Yee Investments LLC

Continued to August 17, 2023 at 1:30 PM.

**Approved
w/stip**

10. Application #: ZA-211-23-6
Existing Zoning: RE-35
Location: 4848 East Red Rock Drive
Quarter Section: 19-39(H11)
Proposal: Variance to reduce the required front yard setback (south) to 22 feet. Minimum 40 feet required.
Ordinance Sections: 609.B.Table
Applicant: Scott Young, The Scott W Young Trust/Andrew Bridge
Representative: William F. Allison, Withey Morris Baugh, LLC
Owner: Scott Young, The Scott W. Young Trust/Andrew Bridge

Stipulation:

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

**Approved
w/stips**

11. Application #: ZA-215-23-7
Existing Zoning: DTC-Van Buren
Location: 337, 333, and 331 North 7th Avenue and 324 North 6th Avenue
Quarter Section: 11-27(F8)
Proposal: **1)** Variance to reduce the minimum streetscape zone width along 7th Avenue to 5 feet. Minimum 7 feet required. **2)** Variance to reduce the required combined depth of the parking spaces and the drive aisle to 60 feet for a double loaded drive aisle. Minimum 62 feet required. **3)** Variance to reduce the required combined depth of the parking space and the drive aisle to 42 feet for a single loaded drive aisle. Minimum 43 feet required.
Ordinance Sections: 1221.G 702.B.2.b.5 702.B.2.b.5
Applicant: Michael Sansone, Ridgehouse Capital
Representative: Mike Maerowitz, Snell & Wilmer, LLP
Owner: Milum Textile Services, Co.

Stipulations:

1) 18 months to apply and pay for building permits.
2) Per landscape setback as shown on the site plan date stamped June 7, 2023.

Approved w/stips	12.	Application #:	ZA-219-23-6
		Existing Zoning:	R-3
		Location:	2619 East Glenrosa Avenue
		Quarter Section:	17-33(H9)
		Proposal:	Variance to allow the required parking within the required front yard (north) setback. Required parking not permitted within the front yard setback.
		Ordinance Sections:	702.F.1.a
		Applicant:	Michael Gilson, Accurate Estimating Services
		Representative:	Michael Gilson, Accurate Estimating Services
		Owner:	Sergio E. Hueck & Olga E. Fernandez
		Stipulations:	
			1) 1 year to apply and pay for building permits.
			2) Parking is allowed and limited to the existing configuration of the driveway as shown the site plan date stamped June 9, 2023.
Approved w/stip	13.	Application #:	ZA-221-23-7
		Existing Zoning:	A-2
		Location:	2229 West Roosevelt Street
		Quarter Section:	11-24(F7)
		Proposal:	Variance to allow a fence topped with razor wire in non-residential development where visible from public streets (Roosevelt Street and North Black Canyon Highway East). Fences topped with razor, concertina, or barbed wire not allowed.
		Ordinance Sections:	703.D.2.c
		Applicant:	B & S Roosevelt, LLC
		Representative:	Timothy A. La Sota, Timothy A. La Sota, PLC
		Owner:	B & S Roosevelt, LLC
		Stipulation:	
			1) 6 months to commence the use.
Approved w/stips	14.	Application #:	ZA-213-23-1
		Existing Zoning:	PUD
		Location:	13610 North Black Canyon Highway
		Quarter Section:	32-23(L7)
		Proposal:	1) Time Extension for ZA-163-21, use permit to allow a medical marijuana cultivation facility. Use permit required. 2) Time Extension for ZA-163-21, variance to allow medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. 3) Time Extension for ZA-163-21, variance to allow medical marijuana cultivation facility within 1,000 feet of a residential zoning district. Minimum 1,000 feet of separation required. 4) Time Extension for ZA-163-21, use permit to allow a medical marijuana

infusion facility. Use permit required. **5)** Time Extension for ZA-163-21, variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.

6) Time Extension for ZA-163-21, variance to allow a medical marijuana infusion facility within 1,000 feet of a residential zoning district. Minimum 1,000 feet of separation required.

Ordinance Sections: 627.D.91.a 627.D.91.c 627.D.91.d 627.D.93.a 627.D.93.b 627.D.93.c

Applicant: David Richert, Richert and Associates

Representative: David Cisiewski, Law Office of David Cisiewski, PLLC

Owner: Jerry Tokoph, CMB III, LLC

Stipulations:

- 1) 2 years to apply and pay for building permits.
- 2) All other stipulations shall apply.

ZONING ADJUSTMENT HEARING OFFICER: CRAIG TRIBKEN
PLANNER: PETER KANN, PLANNER II

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.

July 14, 2023