

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised April 18, 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 **March 9, 2023 9:00 AM (Items 1-8) and 1:30 PM (Items 9-15).**

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-429-15-1 (1-Year Review of Use Permit)
Existing Zoning: A-1 DVAO 1 and 2
Location: 21407 North Central Avenue
Quarter Section: 42-28(N8)
Proposal: **1)** Use Permit to allow a medical marijuana infusion facility. Use Permit required. **2)** Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum separation of 5280 feet required.

Ordinance Sections: 627.D.93.a 627.D.93.b
Applicant: Edward Judice, BMF Copper Management, LLC/ Pinal County
Representative: Edward Judice, BMF Copper Management, LLC/ Pinal County
Owner: EMM RE MGMT, 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.

***Denied**

2. Application #: ZA-553-22-2 (Continued from January 12, 2023)
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

Taken out from under advisement on April 18, 2023 and denied.

***Denied**

3. Application #: ZA-583-22-3 (Continued from January 19, 2023)
Existing Zoning: R-4
Location: 734 East Vogel Avenue
Quarter Section: 27-29(J8)
Proposal: **1)** Variance to reduce the side yard (west) setback to 0 feet. Minimum 10 feet required.
2) Variance to reduce the side yard (east) setback to 1 foot. Minimum 3 feet required.
Ordinance Sections: 617.B.Table B 617.B.Table B
Applicant: Alejandro Ramirez
Representative: Jesus Sanchez
Owner: Alejandro Ramirez

Taken out from under advisement on April 18, 2023 and denied.

Continued

4. Application #: ZA-35-23-7
Existing Zoning: C-3
Location: 3120 and 3130 West Yuma Street
Quarter Section: 8-21(F6)
Proposal: Use permit to allow for new and used car sales. Use permit required.
Ordinance Sections: 624.D.136
Applicant: Colin Kenyon, Presence Design, PLLC
Representative: Colin Kenyon, Presence Design, PLLC
Owner: Gary Barno, 3125 West Land Development, LLC

Continued to April 20, 2023 at 9:00 AM.

**Approved
w/stip**

5. Application #: ZA-43-23-8
Existing Zoning: DTC-Warehouse, DTC-Warehouse HP
Location: Southwest corner of 3rd Street and Grant Street

Quarter Section: 9-28(F8)
 Proposal: **1)** Use permit to allow outdoor liquor service as an accessory to an assembly use (warehouse 215). Use permit required. **2)** Use permit to allow interim surface parking. Use permit required.
 Ordinance Sections: 1204.D 1204.D
 Applicant: Cassandra Ayres, Berry Riddell, LLC
 Representative: Cassandra Ayres, Berry Riddell, LLC
 Owner: Arizona Warehouse Holdings / Jaba Group LLC
Stipulation:
 1) 18 months to apply and pay for building permits.

***Denied**

6. Application #: ZA-44-23-6
 Existing Zoning: R1-10
 Location: 2912 East Sherran Lane
 Quarter Section: 16-34(H10)
 Proposal: **1)** Variance to allow accessory structures on a lot without a primary structure. Primary structure required to allow accessory structures. **2)** Variance to reduce the rear yard (north) setback for an accessory structure on lot 2. Minimum 3 feet required. **3)** Variance to reduce the side yard (west) setback for an accessory structure on lot 2. Minimum 3 feet required.
 Ordinance Sections: 608.C.3 706.B 706.B
 Applicant: Steve Bargeloh, Earthline Civil Engineering
 Representative: Steve Bargeloh, Earthline Civil Engineering
 Owner: Thomas & Abigail Hammond
Taken out from under advisement on April 18, 2023 and denied.

**Approved
w/stips**

7. Application #: ZA-45-23-7
 Existing Zoning: A-1
 Location: 3541 West Lower Buckeye Road
 Quarter Section: 6-20(E6)
 Proposal: **1)** Variance to reduce the required total landscaped area between property lines and abutting public right-of-way to 0 feet. Minimum 8 feet times the lot frontage required. **2)** Variance to allow an over height fence (7 feet) in the required front yard setback. Maximum height of 40 inches permitted. **3)** Variance to allow outdoor storage within 75 feet of a public street. No outdoor storage permitted within 75 feet of a public street.
 Ordinance Sections: 701.D.3.a.(1).(a) 703.A.3.a 627.F.2.b.(3)
 Applicant: Jorge Pierson, Arrington Watkins Architects, LLC
 Representative: Dan Hempelman, Saguaro Steel Industries, LLC
 Owner: Dave Terrell, Terrell Real Estate, LLC
Stipulations:
 1) 1 year to apply and pay for building permits.

2) Per setback reduction as shown on the site plan date stamped February 1, 2023.

- Approved w/stip** 8. Application #: ZA-46-23-5
Existing Zoning: C-2
Location: 2150 West Northern Avenue
Quarter Section: 25-24(J7)
Proposal: **1)** Time Extension for ZA-711-21, use permit to allow outdoor dining as an accessory use to a restaurant (Jamba & McAlister's Deli) located within 500 feet of a residential district zoning line. Use permit required. **2)** Time Extension for ZA-711-21, use permit to allow a drive through facility as an accessory use to a restaurant (Jamba & McAlister's Deli) within 300 feet of a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.d.(2)
Applicant: Charles Wurl, Kimley-horn
Representative: Kirk Farrelly, Capital Growth Buchalter
Owner: MC Phoenix W Northern, LLC
Stipulation:
1) 18 months to apply and pay for building permits.
- Approved w/stips** 9. **1:30 PM**
Application #: ZA-40-23-2 (SIGN)
Existing Zoning: PUD Mixed Use
Location: 7000 East Mayo Boulevard
Quarter Section: 39-43(M12) 39-44(M12)
Proposal: Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.
Ordinance Sections: 705.C.13
Applicant: Michael Donada, Sign Plus
Representative: Michael Donada, Sign Plus
Owner: 101 & Scottsdale, LLC, Yam Properties
Stipulations:
1) Sign design shall be in accordance with the drawings date stamped March 9, 2023. Display be changed at a minimum of every 8 seconds.
2) 12 months to obtain sign permits for the ground sign.
- Approved w/stip** 10. Application #: ZA-47-23-8
Existing Zoning: R1-6
Location: 2530 North 28th Place
Quarter Section: 14-34(G10)
Proposal: Variance to reduce the required lot width to 50 feet (Parcels 1 and 2). Minimum 60 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Paul OConnor, POCA Architecture and Design, LLC

Representative: Paul OConnor, POCA Architecture and Design, LLC
Owner: Pouya Sardari, Neoclassic Home
Stipulation:
1) 1 year to apply and pay for building permits.

Approved w/stip 11. Application #: ZA-48-23-3
Existing Zoning: R1-6
Location: 13246 North 18th Street
Quarter Section: 32-31(L9)
Proposal: **1)** Variance to reduce the rear yard setback (south) to 15 feet. Minimum 25 feet required.
2) Variance to reduce the side yard setback (east) to 5 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B 613.B.Table B
Applicant: James Rothrock
Representative: Todd Rothrock
Owner: James and Jayden Rothrock, 48TH Productions, LLC
Stipulation:
1) 1 year to apply and pay for building permits.

Approved w/stip 12. Application #: ZA-50-23-3
Existing Zoning: R1-10
Location: 16223 North 1st Avenue
Quarter Section: 35-27(L8)
Proposal: Variance to reduce the rear setback (northwest) to 10 feet. Minimum 25 feet required.
Ordinance Sections: 711.B.Table 2
Applicant: Frank Turk
Representative: Frank Turk
Owner: Frank Turk
Stipulation:
1) 1 year to apply and pay for building permits.

Approved w/stip 13. Application #: ZA-51-23-3
Existing Zoning: R-3
Location: 1339 West Peoria Avenue
Quarter Section: 28-26(K8)
Proposal: Time extension for ZA-332-21, variance to reduce the required front yard setback (north) to 6 feet. Minimum 25 feet required.
Ordinance Sections: 615.B.Table B
Applicant: Jeff Wagner, Wagner Architects, LLC
Representative: Jeff Wagner, Wagner Architects, LLC
Owner: James Lee, Capital, LLLP G&J
Stipulation:
1) 18 months to apply and pay for building permits.

Approved w/stips 14. Application #: ZA-52-23-3
Existing Zoning: R1-6
Location: 13204 North 19th Street
Quarter Section: 32-31(L9)
Proposal: **1)** Time extension for ZA-670-21, Variance to reduce the required rear yard setback (west) to 19 feet. Minimum 25 feet required. **2)** Time extension for ZA-670-21, Variance to reduce the required rear yard setback (east) to 15 feet. Minimum 20 feet required. **3)** Time extension for ZA-670-21, Variance to allow a 45 percent lot coverage. Maximum of 40 percent lot coverage permitted.
Ordinance Sections: 613.B.Table B 613.B.Table B 613.B.Table B
Applicant: Jeff and Dawn Fuller
Representative: Jeff and Dawn Fuller
Owner: Jeff and Dawn Fuller
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per setback reductions as shown on the site plan date stamped November 19, 2021.

Continued 15. Application #: ZA-53-23-7
Existing Zoning: DTC-Business Core
Location: 200 West Monroe Street
Quarter Section: 10-27(F8)
Proposal: Use permit to allow outdoor liquor service as an accessory to a bar/restaurant. Use permit required.
Ordinance Sections: 1204.D
Applicant: Andrew Kerr, The X Company
Representative: Michael Maerowitz, Snell & Wilmer, LLP
Owner: Economic Development Department, City of Phoenix

Continued to April 13, 2023 at 1:30 PM.

**ZONING ADJUSTMENT HEARING OFFICER: BETTY DRAKE
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.

April 18, 2023