

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised December 7, 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 on **November 21, 2023 9:00 AM (Items 1-6) and 1:30 PM (Items 7-12)**

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-475-22-6 (1-Year Review of Use Permit)
Existing Zoning: R1-6
Location: 3831 North 34th Street
Quarter Section: 16-35(H10)
Proposal: Use permit to allow a dependent care facility for 7 to 12 dependents. Use permit required.
Ordinance Sections: 608.F.4
Applicant: Monika Phillips, Blossom Family Preschool
Representative: Monika Phillips, Blossom Family Preschool
Owner: Scott and Monika Phillips
Stipulations:
 - 1) Hours of operation are Monday through Friday between the hours of 8:30 AM to 3:30 PM.
 - 2) Employees must park on the property.

Approved
w/stips

2. Application #: ZA-425-23-4 (Continued from November 2, 2023)
Existing Zoning: C-2 SAUMSO
Location: 4130 North 7th Avenue
Quarter Section: Q17-26(H8)
Proposal:
 - 1) Use permit to allow outdoor dining as an accessory use to a restaurant (Modern Manor) within 500 feet of a residential zoning district. Use permit required.
 - 2) Use permit to allow outdoor alcohol consumption as an accessory use to a restaurant (Modern Manor) within 500 feet of a residential zoning district. Use permit required.
 - 3) Use permit to allow outdoor recreation (outdoor speakers) as an accessory use to a restaurant (Modern Manor) 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: Troy Vincent
Representative: Troy Vincent

Owner: Aaron Klusman

Stipulations:

- 1) 1 year to apply for and obtain building permits.
- 2) General conformance to the location of the outdoor patio space as shown on the site plan date stamped September 27, 2023.
- 3) The employees must have a clear view of the area in order to supervise the activities and/or be present while patrons utilize the outdoor area.
- 4) The area must be sufficiently illuminated and contained to discourage any unlawful activity. The Precinct Commander or their designee may approve lighting containment area and security personnel at their discretion.
- 5) "No Trespassing" signs must be posted and Authority to Arrest Trespassers form be signed to deter loitering/unwanted guests.
- 6) Noise level not to exceed 55 decibels at the property line.
- 7) Hours of operation for outdoor patio are to be no earlier than 7:00 AM and no later than 12:00 AM.
- 8) 1 year review of use permit.

Denied

3. Application #: ZA-487-23-1
Existing Zoning: R1-8
Location: 4601 West Sweetwater Avenue
Quarter Section: Q31-18(K6)
Proposal: 1) Variance to reduce the side yard setback (east) to 0 feet. Minimum 3 feet required.
2) Variance to reduce the side yard setback (west) to 0 feet. Minimum 10 feet required.
Ordinance Sections: 612.B.Table B 612.B.Table B
Applicant: Teresa A. Ricker
Representative: Teresa A. Ricker
Owner: Teresa A. Ricker

#1 Denied

4. Application #: ZA-491-23-1
Existing Zoning: RE-35
Location: 4803 West Park View Lane
Quarter Section: Q46-17(O5)
Proposal: 1) Variance to allow an over height (18 feet) accessory structure located in the side yard (east) setback. Maximum 8 feet in height permitted.
2) Use permit to allow an over height (18 feet) accessory structure located in the rear yard (south) setback. Maximum 15 feet in height permitted.
Ordinance Sections: 706.C 706.G
Applicant: McKenna Dunivant
Representative: McKenna Dunivant
Owner: Larry Spitali

**#2
Approved
w/stips**

Stipulations:

- 1) 1 year to apply for and obtain building permits.
- 2) Per the proposed structure with respect to the rear yard setback

- only per the site plan date stamped October 20, 2023.
- 3) Remove the structure labeled “pole barn” per the site plan date stamped October 20, 2023.

Continued 5. Application #: ZA-506-23-3
Existing Zoning: R-5
Location: 9216 North 8th Street
Quarter Section: Q27-29(J8)
Proposal: 1) Variance to reduce the front yard setback (east) to 10 feet. Minimum 20 feet required.
 2) Variance to reduce the landscape setback requirement along 8th Street to 10 feet. Minimum 20 feet required.
 3) Variance to reduce the surface parking lot landscaping to 2%. Minimum 5% required.
Ordinance Sections: 618.B.Table B 703.B.3.a 507 Tab A.II.A.6.1.1
Applicant: Stephanno Salazar
Representative: Stephanno Salazar
Owner: Stephanno Salazar, Long Mountain Investments, LLC

Continued to January 11, 2024 at 9:00 AM.

Approved w/stips 6. Application #: ZA-520-23-3
Existing Zoning: C-1
Location: 1502 West Bell Road
Quarter Section: Q37-25(M7)
Proposal: Use permit to allow a drive-through facility as an accessory to a restaurant (Scooter’s Coffee) within 300 feet from a residential zoning district. Use permit required.
Ordinance Sections: 622.D.150.e.(2)
Applicant: Dan Hendrick
Representative: Christine Smith
Owner: Bell Center, LLC

Stipulations:

- 1) 1 year to apply for and obtain building permits.
- 2) General conformance to the site plan date stamped October 19, 2023.

1:30 PM

Approved w/stips 7. Application #: ZA-481-22-7 (1-Year Review of Use Permit)
Existing Zoning: C-3 ACOD CMOD
Location: 749 West Taylor Street and 750 West Polk Street
Quarter Section: 11-26(F8)
Proposal: 1) Use permit to allow an assembly/banquet hall of less than 25,000 square feet in gross floor area. Use permit required.
 2) Use permit to allow outdoor uses as an accessory use to a public assembly hall. Use permit is required.

Ordinance Sections: 623.D.9.a 623.D.9.b
 Applicant: Jennifer Hall, Rose Law Group, LLC
 Representative: Jennifer Hall, Rose Law Group, LLC
 Owner: Mark and Dee Dee Daus, American Lifestyle 48, LLC

Stipulations:

- 1) There shall be a review of this use permit in 1 year.
- 2) 1 year to apply and pay for building permits, and a Certificate of Occupancy appropriate for this use shall be issued.
- 3) General conformance to the submitted site plan date stamped by PDD October 22, 2022
- 4) An irrevocable parking agreement is required to fully satisfy parking off-site requirements.
- 5) Doors shall remain closed during banquets or assemblies to deter any neighborhood disturbance by the means of live entertainment, other instruments, sounds, or devices.
- 6) No outdoor speakers, live entertainment, or amplified music outside of the banquet hall.
- 7) All areas will be sufficiently illuminated and contained to discourage any unlawful activity.
- 8) Off-duty Police Officers or professional security personal must be present during events involving the consumption of alcoholic beverages.
- 9) "No Trespassing" signs must be conspicuously posted to deter loitering or unwanted guests inside and surrounding the establishment. Additionally, an Authority to Arrest Trespassers (ATA) form must be signed and maintained on file with the Police Precinct.
- 10) The Police Precinct Commander or their designee may require cameras, licensed security guards or off duty police, or other security measures at the commander's discretion.

Withdrawn 8. Application #: ZA-327-23-6 (Continued from September 21, 2023)
 Existing Zoning: R1-18
 Location: 4102 East Palo Verde Drive
 Quarter Section: 20-37(I10)
 Proposal: Variance to allow 28% lot coverage. Maximum 25% permitted.
 Ordinance Sections: 610.B.Table
 Applicant: Withey Morris Baugh, PLC
 Representative: Withey Morris Baugh, PLC
 Owner: Jason Barclay Morris

Continued 9. Application #: ZA-363-23-1 (Continued from October 12, 2023)
 Existing Zoning: C-2 SP
 Location: 4139 West Bell Road Suite 13
 Quarter Section: 36-19(M6)
 Proposal: 1) Variance to allow a tobacco oriented retailer (MAH Smoke Shop) within 500 feet of the same type of use. Minimum 500 feet of separation

required.

2) Variance to allow a tobacco-oriented retailer (MAH Smoke Shop) to be located within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.

3) Variance to allow a tobacco-oriented retailer (MAH Smoke Shop) to be located within 1,320 feet of a school. Minimum 1,320 feet of separation required.

4) Variance to allow a tobacco-oriented retailer (MAH Smoke Shop) to be located within 1,320 feet of a daycare. Minimum 1,320 feet of separation required.

Ordinance Sections: 623.D.194.a 623.D.194.b 623.D.194.b
623.D.194.b

Applicant: Ali Al-Hasnawi, MAH Smoke Shop

Representative: Ali Al-Hasnawi, MAH Smoke Shop

Owner: Butterfield Trail, LLC

Continued to January 11, 2023 at 1:30 PM.

**Approved
w/stips**

10. Application #: ZA-476-23-3
Existing Zoning: A-1
Location: 9841 North Black Canyon Highway
Quarter Section: Q28-23(K7)
Proposal: Use permit to allow a banquet hall of less than 25,000 square feet in gross floor area. Use permit required.
Ordinance Sections: 623.D.9.a
Applicant: Jose G. Aguirre
Representative: Jose G. Aguirre
Owner: Jagdeep Chatha, I17 and Dunlap, LLC

Stipulations:

- 1) General conformance to the site plan date stamped October 17, 2023.
- 2) 1 year to apply for and obtain building permits.
- 3) Doors shall remain closed during events.
- 4) No outdoor speakers, live entertainment, or amplified music outside the banquet hall.
- 5) "No Trespassing" signs must be posted to deter loitering or unwanted guests inside and surrounding the establishment. Additionally, an Authority to Arrest form must be signed and maintained on file with the Police Precinct.
- 6) The Police Precinct Commander or their designee may require security cameras, licensed security guards, or off-duty police, or other security measures at the Commanders discretion.
- 7) 1 year review of the use permit.

**Approved
w/stips**

11. Application #: ZA-484-23-2
Existing Zoning: RE-24
Location: 7018 East Larkspur Drive

Quarter Section: Q31-44(K12)
Proposal: 1) Use permit to allow tennis court and outdoor game court lights. Use permit required.
2) Variance to allow an over height wall/fence (13 feet) in the required side yard east setback. Maximum 6 feet permitted.
3) Variance to allow an over height wall/fence (13 feet) in the required rear yard (north) setback. Maximum 6 feet permitted.
Ordinance Sections: 608.G.5; 703.A.2.c
Applicant: Danya Knudsen
Representative: Danya Knudsen
Owner: Danya Knudsen

Stipulations:

- 1) Per the location of the lights and structures as shown on the site plan date stamped October 13, 2023.
- 2) Per the proposed location of the scoreboard as shown on the site plan date stamped October 13, 2023.
- 3) No public use of the facilities.
- 4) All lights will be put on a timer and extinguished no later the 10:00 PM.
- 5) 6 months to commence the use.
- 6) 6 months to apply for and obtain building permits.
- 7) All lights shall be angled or shielded to prevent light spillage onto adjacent properties.

***Approved
w/stips**

12. Application #: ZA-511-23-8
Existing Zoning: C-2
Location: 4020 East McDowell Road
Quarter Section: Q13-37(G10)
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 facility within 5,280 feet of another similar type of use. Minimum 5,280 feet of separation required.
Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.e
Applicant: AZ Compassionate Care, Inc., c/o Gammage & Burnham, PLC
Representative: Lindsay C. Schube
Owner: Rubber Stamp Sisters Place, LLC

Taken out from under advisement on December 7, 2023 and approved with the following 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.
- 8) Approval conditioned upon revocation of Case Nos. ZA-389-12-8 and ZA-287-22-8. Applicant shall submit requests for revocation of each respective use permit no later than 15 days after the issuance of the Approval to Operate (ATO) for the subject site. The Planning and Development Department shall be notified of the issuance of the ATO. Applicant shall not initiate operations until the revocations are approved, and dispensary operations cease under use permit Case No. ZA-389-12-8.

ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
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.

December 7, 2023