

**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 **November 30, 2023 9:00 AM (Items 1-4) and 1:30 PM (Items 5-10)**

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-474-23-4
Existing Zoning: R-3
Location: Southwest corner of 23rd Avenue and Highland Avenue
Quarter Section: Q18-23(H7)
Proposal:
 - 1) Time Extension for ZA-448-22, Variance to reduce the required minimum open space to 2.5%. Minimum 5% required.
 - 2) Time Extension for ZA-448-22, Variance to reduce the perimeter landscape setback (west) to 0 feet. Minimum 5 feet required.
 - 3) Time Extension for ZA-448-22, Variance to reduce the perimeter building setback (west) to 11 feet. Minimum 15 feet required.
 - 4) Time Extension for ZA-448-22, Variance to reduce the perimeter building setback (north) to 9 feet. Minimum 20 feet required.
 - 5) Time Extension for ZA-448-22, Variance to reduce the perimeter building setback (south) to 9 feet. Minimum 20 feet required.
 - 6) Time Extension for ZA-448-22, Variance to reduce the perimeter landscape setback (east) to 5 feet. Minimum 20 feet required.
 - 7) Time Extension for ZA-448-22, Variance to reduce the perimeter landscape setback (north) to 9 feet. Minimum 20 feet required.
 - 8) Time Extension for ZA-448-22, Variance to reduce the perimeter landscape setback (south) to 9 feet. Minimum 20 feet required.
Ordinance Sections: 615.B Table B(c) 615.B Table B(c) 615.B Table B(c) 703.B.3.a 703.B.3.a 703.B.3.a 703.B.3.b.3 703.B.4.a.1

Applicant: Lauren Proper Potter
Representative: Lauren Proper Potter
Owner: Canyon Townhomes, LLC
Stipulation:
 - 1) Per original stipulations.
 - 2) 2 years to apply and pay for building permits.

Denied	2.	Application #: ZA-540-23-2 Existing Zoning: RE-24 Location: 6033 East Thunderbird Road Quarter Section: Q32-42(L12) Proposal: Variance to reduce the side setback (west) for a detached accessory structure to 0 feet. Minimum 3 feet required. Ordinance Sections: 706.B Applicant: Dana Ritter Representative: Dana Ritter Owner: Dana Ritter for Kurt and Dana Ritter
Approved w/stip	3.	Application #: ZA-543-23-4 Existing Zoning: R-3 Location: 1102 East Campbell Avenue Quarter Section: Q18-29(H8) Proposal: 1) Time extension for ZA-429-22, variance to reduce the required open space area width to 4 feet. Minimum 20 feet required. 2) Time extension for ZA-429-22, use permit to use the Single Family Attached option. Use permit required. 3) Time extension for ZA-429-22, variance to reduce the interior perimeter setback (east) to 5 feet. Minimum 10 feet required. 4) Time extension for ZA-429-22, variance to reduce the required landscaping along a public street (11th Street) to 6 feet. Minimum 15 feet required. Ordinance Sections: 615.B.Table B 615.B.Table B 702.B.4.a.2 703.B.3.a Applicant: Roy Noggle Representative: Roy Noggle Owner: JAAC Ventures LLC Stipulation: 1) Per original stipulations.
Approved w/stips	4.	Application #: ZA-559-23-4 Existing Zoning: DTC-Downtown Gateway TOD-1 Location: 1825 North Central Avenue Quarter Section: Q13-28(G8) Proposal: Use permit to allow outdoor dining or seating as an accessory use to a restaurant (Conceptually Social) with alcoholic beverage consumption. Use permit required. Ordinance Sections: 662.F.1.d Applicant: Akram Rosheidat Representative: Akram Rosheidat Owner: City of Phoenix

Stipulations:

- 1) Apply and pay for building permits within 12 months.
- 2) Per the outdoor dining and seating as shown on the site plan date stamped October 30, 2023.
- 3) The hours of use for the outdoor area are to be no earlier than 7:00 and no later than 12:00 AM due to the adjacent residential area.
- 4) The employees must have a clear view of the area to supervise the activities and/or be present while patrons utilize the outdoor area.
- 5) The area be sufficiently illuminated and contained to discourage an unlawful activity. The Precinct Commander, or his designee, may approve lighting, containment area, and security personnel at their discretion.
- 6) Outside speaker volume to be kept under 70 decibels.
- 7) 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, should periodic reviews of activities at the business warrant it.

Approved w/stips	1:30 PM		
	5.	Application #:	ZA-294-23-5 (SIGN) (Continued from October 12, 2023)
		Existing Zoning:	PUD
		Location:	1975 and 1937 North 99th Avenue
		Quarter Section:	13-5(G2)
		Proposal:	Use permit to adopt the Phoenix 99th and McDowell Comprehensive Sign Plan. Use permit required.
		Ordinance Sections:	705.E.2
		Applicant:	Andy Gibson, Bootz and Duke Sign Company
		Representative:	Kristi Trisko, Bootz and Duke Sign Company
		Owner:	Paul Thrift, TT AZ Phoenix 99th McDowell, LLC
		Stipulations:	
		1) Submittal of a revised 'Final' version of the CSP document to the Planning and Development Department incorporating any ZAH0 stipulations of approval and any staff comments/corrections within 30 days from the date of the hearing and prior to the issuance of any sign permits for the project.	
		2) 12 months to pay for and obtain sign permits.	
Approved w/stips	6.	Application #:	ZA-385-23-2 (SIGN)
		Existing Zoning:	PUD
		Location:	16000 North Scottsdale Road
		Quarter Section:	35-44(L12)
		Proposal:	Use permit to adopt the Modera Kierland Comprehensive Sign Plan and amend the boundary of the Kierland Comprehensive Sign Plan. Use permit required.
		Ordinance Sections:	705.E.2
		Applicant:	Sarah Spradlin, Sign Plus
		Representative:	Andrew Chi, Andrew Chi Planning

Owner: Mark Sanford, MCREF III Kierland Apartments, LLC

Stipulations:

- 1) Submittal of a revised 'Final' version of the CSP document to the Planning and Development Department incorporating any ZAHO stipulations of approval and any staff comments/corrections within 30 days from the date of the hearing and prior to the issuance of any sign permits for the project.
- 2) 12 months to pay for and obtain sign permits.

**#1
Approved
w/stips**

7. Application #: ZA-387-23-6
Existing Zoning: R1-14
Location: 4118 East Pasadena Avenue
Quarter Section: 19-37(H10)
Proposal: 1) Variance to reduce the required rear yard setback (northeast) to 23 feet. Minimum 30 feet required.
2) Variance to allow a 35 percent lot coverage. Maximum 30 percent lot coverage permitted for one story.
Ordinance Sections: 607.B.4 607.B.5
Applicant: Jim Chartier, Chartier Design
Representative: Jim Chartier, Chartier Design
Owner: Taylor McCain, Bespoke Investments, LLC

**#2
Denied**

Stipulations:

- 1) 12 months to apply and pay for building permits.
- 2) Per the rear yard setback as noted in the site plan date stamped September 14, 2023.

**Approved
w/stips**

8. Application #: ZA-654-20-8 (1-Year Review of Use Permit)
Existing Zoning: A-2 RSIOD ANIZO
Location: 2424 South 24th Street
Quarter Section: 7-32(E9)
Proposal: 1) Use permit to allow Medical Marijuana Cultivation facility. Use permit required.
2) Use permit to allow Medical Marijuana Infusion facility. Use permit required.
3) Use permit to allow Medical Marijuana Dispensary. Use permit required.
4) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.
5) 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) Variance to allow a medical marijuana dispensary facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.

Ordinance Sections: 627.D.91.a 627.D.92.a 627.D.93.a 627.D.91.c
627.D.91.d 627.D.93.b
Applicant: Michelle Gabriel, A&R Consultants, LLC
Representative: Lindsay Schube, Gammage & Burnham, PLC
Owner: Michelle Gabriel, A&R Consultants, 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 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.

Continued 9. Application #: ZA-542-23-3
Existing Zoning: C-2
Location: 15238 North Cave Creek Rd
Quarter Section: Q34-32(L9)
Proposal: Use permit to allow package liquor sales as an accessory to a convenience market located within 300 feet of a residential zoning district. Use permit required.
Ordinance Sections: 622.D.102.a
Applicant: Jim Khnanisho
Representative: Jim Khnanisho
Owner: Gordon Property Holdings

Continued to January 11, 2024 at 1:30 PM.

Denied 10. Application #: ZA-558-23-3
Existing Zoning: PSC
Location: 830 East Greenway Parkway

Quarter Section:	Q36-29(M8)
Proposal:	Use permit to allow patron dancing as an accessory use to a restaurant (Lookout Tavern). Use permit required.
Ordinance Sections:	622.D.150.c
Applicant:	Kevin Stout
Representative:	David Dow
Owner:	Wael Rabadi

ZONING ADJUSTMENT HEARING OFFICER: CAROL BERRY
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.

December 1, 2023