

**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 **October 5, 2023 9:00 AM (Items 1-9) and 1:30 PM (Items 10-16)**

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-604-17-7 (1-Year Review of Use Permit)
Existing Zoning: RSC
Location: 2330 North 75th Avenue
Quarter Section: 14-10(G4)
Proposal: **1)** Use permit to allow a medical marijuana dispensary. Use permit required. **2)** Variance to allow a medical marijuana dispensary within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet required.

Ordinance Sections: 623.D.124.a 623.D.124.e
Applicant: Sheraz Warraich, SSW Investments I, LLC
Representative: Timothy La Sota, c/o Appellant, Timothy A La Sota, PLC
Benjamin Graff, Quarles & Brady, LLP One Renaissance Square

Owner: Parkway 2001, 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 1 year 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 prior to the commencement of operations. 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.

Approved w/stips	2.	Application #:	ZA-293-23-3 (Continued from August 24, 2023)
		Existing Zoning:	R4
		Location:	810 East Alice Avenue
		Quarter Section:	26-29(J8)
		Proposal:	Variance to reduce the required rear yard setback (north) to 10 feet. Minimum 15 feet required.
		Ordinance Sections:	617.B.Table B
		Applicant:	Paul O'Connor, POCA Architecture & Design, LLC
		Representative:	Paul O'Connor, POCA Architecture & Design, LLC
		Owner:	Pouya Sardari, NEO Classic Homes, LLC
		Stipulations:	
			1) Per site plan dated stamped July 19, 2023 as relating to the rear yard setback.
			2) 18 months to apply and pay for building permits.
Approved w/stip	3.	Application #:	ZA-350-23-8
		Existing Zoning:	A-1
		Location:	3405 South 40TH Street
		Quarter Section:	6-37(E10)
		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 a chain link fence visible from public streets (40th Street and Superior Avenue). Chain link fencing shall not be used when visible from public street. 3) Variance to allow an overheight fence 6 feet in height in the required front yard (north). Maximum 40 inches permitted. 4) Variance to reduce the surface parking lot landscaping to 0%. Minimum 5% required.
		Ordinance Sections:	701.D.3.a.(1).(a) 703.D.2.a 703.A.3.a 507 Tab A.II.A.6.1.1
		Applicant:	Jon Geogio, Gothic Landscape
		Representative:	Jeffrey Rybarczyk, Bowman Consulting
		Owner:	Winslow Avenue, LLC
		Stipulation:	
			1) Apply and pay for building permits within 12 months.
Approved w/stips	4.	Application #:	ZA-352-23-1
		Existing Zoning:	A-1 PUD DVAO

Location: 23355 North 7th Avenue
Quarter Section: 44-27(O8)
Proposal: Use permit to allow over height retaining walls (14 feet) within 50 feet of the property line (west) of an unplatted parcel. Maximum 40 inches permitted.
Ordinance Sections: 703.A.4.c
Applicant: Scott Denham, DV Parcel B Owner, LP, c/o Mack Real Estate
Representative: Karen Ohmann, Deutsch Architecture Group
Owner: Mack Real Estate Group DV, Parcel B Owner LP, c/o Mack Real Estate

Stipulations:

- 1) Per site plan date stamped August 28, 2023 as it relates to the retaining wall height.
- 2) Apply and pay for building permits within 12 months.

**Approved
w/stips**

5. Application #: ZA-355-23-4
Existing Zoning: R-4A
Location: 2945 North 18th Place
Quarter Section: 15-31(G9)
Proposal: Use permit to reduce parking for special needs population to 60 spaces. Minimum 86 spaces required.
Ordinance Sections: 702.E.6
Applicant: ARM (Affordable Rental Movement) of Save the Family
Representative: Jennifer Boblick, Sender Associates, Chtd.
Owner: Sal and Debra Lopez, East Phoenix Church of God

Stipulations:

- 1) Per site plan date stamped August 29, 2023 as it relates to the parking reduction.
- 2) 18 months to apply and pay for building permits.

**#1 and #2
Approved
w/stips**

**#3
Denied as
Filed**

6. Application #: ZA-357-23-3
Existing Zoning: R1-10
Location: 9842 North 33rd Place
Quarter Section: 28-35(K10)
Proposal: **1)** Variance to allow an over height wall (8 feet) in the required rear yard (south) setback. Maximum 6 feet permitted. **2)** Variance to allow an over height wall (8 feet) in the required side yard (east) setback. Maximum 6 feet permitted. **3)** Variance to allow an over height wall (8 feet) in the required side yard (west and north) setback. Maximum 6 feet permitted.
Ordinance Sections: 703.A.2.c 703.A.2.c 703.A.2.c
Applicant: Jordan Evan Greenman, Greenman Law
Representative: Jordan Evan Greenman, Greenman Law

Owner: George Varney

Stipulations:

- 1) Per site plan date stamped August 30, 2023 as it pertains to over height walls.
- 2) 12 months to apply and pay for building permits.
- 3) Variance # 3 approved for west wall.

**Approved
w/stips**

7. Application #: ZA-358-23-8
Existing Zoning: R-4
Location: 2236 North 28th Place
Quarter Section: 13-34(G10)
Proposal: Variance to allow 57% of the area of the front yard to be for parking and maneuvering. Maximum 45% allowed.

Ordinance Sections: 702.F.1.b
Applicant: Yago Martins and Haylee Ahler
Representative: Yago Martins and Haylee Ahler
Owner: Yago Martins and Haylee Ahler

Stipulations:

- 1) Per site plan date stamped August 31, 2023 as it pertains to the vehicle maneuvering in the front setback.
- 2) 12 months to apply and pay for building permits.

Denied

8. Application #: ZA-359-23-3
Existing Zoning: C-2
Location: 1524 West Hatcher Road
Quarter Section: 27-25(J7)
Proposal: Use permit to allow package liquor sales (Liquor & Tobacco) as a primary use when located within 300 feet of a residential zoning district. Use permit required.

Ordinance Sections: 622.D.102.a
Applicant: Arif Samnani
Representative: Arif Samnani
Owner: Musa Sweis

**Approved
w/stips**

9. Application #: ZA-361-23-7
Existing Zoning: DTC-Roosevelt North HP
Location: 327 West Latham Street
Quarter Section: 12-27(G8)
Proposal: Variance to reduce the side yard setback (west) of the primary building to 0 feet, total combined side yard setback of 4 feet. Minimum required 3 feet side and combined total of 10 feet sides.

Ordinance Sections: 1218.B.4.a(1)
Applicant: Ryan Hughes
Representative: Ryan Hughes
Owner: Julie and Andrew Shanahan

Stipulations:

- 1) Per site plan date stamped September 1, 2023 as it relates to the side yard setbacks.
- 2) 18 months to apply and pay for building permits.
- 3) Obtain approval from Historic Preservation.

1:30 PM**Approved
w/stips**

10. Application #: ZA-266-23-8 (SIGN)
Existing Zoning: A-2
Location: 2120 South 7th Street
Quarter Section: 7-28(E8)
Proposal: **1)** Use permit to rebuild a nonconforming off-premise sign with two digital faces. Use permit required. **2)** Variance to reduce required spacing between off-premise signs to 565 feet. Minimum 1,000 feet required.
Ordinance Sections: 705.2.G.4 705.2.B.2
Applicant: Jacob Zonn, Becker Boards Small, LLC
Representative: Garry Hays
Owner: GKI Industrial Phoenix, LLC

Stipulations:

- 1) Install Planning and Development Department (PDD) design approved vertical louvers on the new digital sign face that effectively limit digital image visibility to only eastbound freeway traffic.
- 2) Prior to the final electrical inspection for the subject sign at 2120 South 7th Street, the applicant shall complete installation of landscape improvements in accordance with a PDD approved landscape plan including a minimum of two new trees in the vicinity of the relocated, rebuilt off-premise sign. Any trees that have been or will be removed during the construction process shall be replace on a 1 to 1 basis.
- 3) The applicant shall have 12 months to apply and pay for permits for the subject sign.

**Approved
w/stips**

11. Application #: ZA-341-23-4 (SIGN)
Existing Zoning: C-1 and R-5
Location: 1320 West Indian School Road
Quarter Section: 17-26(H8)
Proposal: Variance to reduce spacing between ground signs to 29.7 feet. Minimum 100 feet required.
Ordinance Sections: 705 Table D-1
Applicant: Darshan Dawson, Arizona Commercial Signs
Representative: Darshan Dawson, Arizona Commercial Signs
Owner: Tim Donhauser, Bethel Development, Inc.

Stipulations:

- 1) The existing blank, west side of the V-shaped structure may not include sign copy or logos without obtaining additional Planning and Development Department approvals. Sign area is limited to 32 square feet maximum.
- 2) 12 months to obtain sign permits for the ground sign.

Approved w/stips	12.	Application #:	ZA-351-23-2
		Existing Zoning:	C-2
		Location:	21001 North Tatum Boulevard
		Quarter Section:	41-39(N11) 42-39(N11)
		Proposal:	Use permit to allow a temporary use (Dome Tent) for up to 36 months. Use permit required.
		Ordinance Sections:	708.D.1
		Applicant:	Vestar DRM OPCO, LLC
		Representative:	Tim Ray, Vestar
		Owner:	Vestar DRM OPCO, LLC
		Stipulations:	
			1) Dates of operation November 15, 2023 – January 1, 2024, November 15, 2024 – January 1, 2024 and November 15, 2025 – January 1, 2026.
			2) Hours of operation 4:00 PM to 12:00 AM 7 days a week.
Withdrawn	13.	Application #:	ZA-353-23-2
		Existing Zoning:	RE-35
		Location:	6221 East Lonesome Trail
		Quarter Section:	56-42(R12)
		Proposal:	Variance to reduce the side yard (east) setback for an accessory structure to 1 foot. Minimum 3 feet required.
		Ordinance Sections:	706.B
		Applicant:	Mike Perry, MFP Builders, LLC
		Representative:	Roy H. Noggle, AIA, RNA, PLC dba: Roy Noggle Architects, AIA
		Owner:	Peter Doug Huey
#1 Withdrawn	14.	Application #:	ZA-354-23-4
		Existing Zoning:	R-3
		Location:	2929 West Camelback Road
		Quarter Section:	18-22(H7)
#2 and #3 Approved w/stips		Proposal:	1) Variance to reduce the rear setback to 10 feet. Minimum 15 feet required. 2) Variance to allow a building of 35 feet in height. Maximum 30 feet allowed. 3) Use permit to allow public assembly-residential uses with vehicular access on local or minor collector streets (29th Ave). Use permit required.
		Ordinance Sections:	615.B.Table 615.B.Table 608.E.6
		Applicant:	Zach Kilgas, Hamilton Architecture
		Representative:	Zach Kilgas, Hamilton Architecture
		Owner:	Roman Catholic Diocese of Phoenix
		Stipulations:	
			1) Per site plan date stamped August 29, 2023 as it relates to building height and vehicular access.
			2) 12 months to apply and pay for building permits.

Approved w/stips	15.	Application #:	ZA-356-23-6
		Existing Zoning:	R1-10
		Location:	316 West Ocotillo Road
		Quarter Section:	22-27(I8)
		Proposal:	1) Use permit to allow a 30-foot-tall detached accessory structure to be located in the rear yard (north) setback. Maximum of one story or 15 feet permitted. 2) Use permit to allow tennis court and outdoor game court lights. Use permit required.
		Ordinance Sections:	706.G 608.G.5
		Applicant:	Jerry and Cindi Steele
		Representative:	Nate Sonoskey, Blue Lantern Development
		Owner:	Jerry and Cindi Steele
		Stipulations:	
			1) Per site plan dated September 8, 2023 in regards to location and design of the structure and lighting.
			2) Apply and pay for building permits within 12 months.
Denied	16.	Application #:	ZA-360-23-3
		Existing Zoning:	R1-10
		Location:	7710 North 3rd Avenue
		Quarter Section:	24-27(J8)
		Proposal:	Variance to reduce the front yard (east) setback to 15 feet. Minimum 25 feet required.
		Ordinance Sections:	611.B.Table.B
		Applicant:	Dorothy Alberti
		Representative:	Dorothy Alberti
		Owner:	Dorothy Alberti

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.

October 6, 2023