

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised November 6, 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 **September 28, 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-100-14-8 (1-Year Review of Use Permit)
Existing Zoning: A-2 RSIO AIO BCMFSP
Location: 2424 South 24th Street
Quarter Section: 7-32(E9)
Proposal: Time extension for ZA-242-13 (Use Permit and Variance for Medical marijuana cultivation and infusion facility).
Ordinance Sections: 307.A.12
Applicant: Brig Burton, Agricann, LLC
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: 2424 S. 24th Street, 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.

**Approved
w/stips**

2. Application #: ZA-210-14-1 (1-Year Review of Use Permit)
Existing Zoning: A-1 DVAO
Location: 24905 North 7th Avenue
Quarter Section: 46-27(O8)
Proposal: Use Permit to allow a Medical Marijuana Dispensary. Use Permit required.
Ordinance Sections: 627.D.92.a
Applicant: Lindsay Schube, Gammage & Burnham
Representative: Lindsay Schube, Gammage & Burnham
Owner: Wayne Howard, Happy Valley II, 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.

**Approved
w/stips**

3. Application #: ZA-463-16-4 (1-Year Review of Use Permit)
Existing Zoning: C-2 TOD-1
Location: 2918 North Central Avenue
Quarter Section: 15-27(G8)
Proposal: **1)** Variance to allow a Medical Marijuana Dispensary to be located within 500 feet of a residentially zoned district. Minimum 500 foot separation from a residential zoning district required. **2)** Use Permit to allow a Medical Marijuana Dispensary. Use Permit required.
Ordinance Sections: 623.D.122.f 623.D.122.a
Applicant: Thunderbird Partners III, LLC
Representative: Larry Lazarus, Lazarus, Silvyn & Bangs

Owner: Larry Furlong, Pamala, Inc.

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.

Approved	4.	Application #:	ZA-377-22-4 (1-Year Review of Use Permit)
		Existing Zoning:	C-2
		Location:	4337 West Indian School Road, Suites 106-107
		Quarter Section:	16-18(H6)
		Proposal:	1) Use permit to allow a pawn shop. Use permit required. 2) Variance to allow a pawn shop less than 500 feet from a residential district. Minimum 500 feet of separation required.
		Ordinance Sections:	623.D.134.a 623.D.134.b
		Applicant:	Margaret Moreno-Yanez, My Pawn, LLC
		Representative:	Margaret Moreno-Yanez, My Pawn, LLC
		Owner:	Attn: Matt Harper Steven Dukatt, Carol Investment Corporation
Approved w/stips	5.	Application #:	ZA-277-23-4 (Continued from August 17, 2023)
		Existing Zoning:	C-2 TOD-1
		Location:	1925 West Camelback Road
		Quarter Section:	18-24(H7)
		Proposal:	Use permit to allow packaged liquor sales at a convenience store (Carniceria Los Reyes) within 300 feet of a residential district. Use permit required.

Ordinance Sections: 622.D.102.a
Applicant: Edel Alcaraz, Carniceria Los Reyes #3, LLC
Representative: Alexander Moctezuma, Moctezuma Accounting and Tax Service
Owner: Ismail Ataria Investments, LLC

Stipulations:

- 1) 1 year to commence use.
- 2) Per the square footage shown on the floor plan dated July 12, 2023.
- 3) An Authority to Arrest shall be filed with the Phoenix Police Department.

Continued 6. Application #: ZA-343-23-1
Existing Zoning: C-2, PSC
Location: Southeast corner of 35th Avenue and Union Hills Drive
Quarter Section: 38-21(M6)
Proposal: **1)** Variance to reduce the building setback (east) to 2 feet from a boundary of the PSC zoning district. Minimum 25 foot setback required. **2)** Variance to reduce the building setback (south) to 0 feet from a boundary of the PSC zoning district. Minimum 25 foot setback required. **3)** Variance to reduce the building setback adjacent to the PSC zoning district to 0 feet. Minimum 10 foot setback required. **4)** Variance to reduce the perimeter landscape setback adjacent to the PSC zoning district to 0 feet. Minimum 10 foot setback required.
Ordinance Sections: 637.C.3 637.C.3 623.E.4. Table 623.E.4.e
Applicant: Jill Kaiser, Land Development Consultants c/o Circle K Stores, Inc.
Representative: David Cisiewski, Land Development Consultants c/o Circle K Stores, Inc.
Owner: 35th Avenue and Union Hills Property
I.S. Lincoln Oaks Limited Partnership
I.S. Three Austin/Hunter's Ridge Limited

Continued to November 9, 2023 at 1:30 PM.

Approved w/stips 7. Application #: ZA-345-23-6
Existing Zoning: C-2
Location: 4723 East Ray Road
Quarter Section: 09-38(B11)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (First Watch) 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 (First Watch) 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 (First Watch) 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: First Watch Restaurants, Inc.
Representative: Emily Roberts, CDS Development
Owner: DT Ahwatukee Foothills, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Patio hours shall be limited to no later than 3:30 PM.
- 3) Per the size and location of the patio as shown on the plan dated August 23, 2023.
- 4) Outdoor speakers are required to be kept at an ambient level. Maximum of four speakers permitted.

- *Approved w/stips**
- 1:30 PM**
8. Application #: ZA-177-23-6 (SIGN) (Continued from August 17, 2023)
- Existing Zoning: C-2
- 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
- Taken out from under advisement on November 6, 2023 and approved with following stipulations:
- 1) Install Planning and Development Department design-approved vertical louvers on the new west digital sign face that eliminates digital sign face visibility from residential properties to the south of the sign and effectively reduces digital image visibility for areas outside of eastbound Indian School Road traffic. Prior to operation of the digital sign face, effectiveness of vertical louvers to be verified via a nighttime sign inspection performed by Planning and Development Department (PDD) staff.
 - 2) Remove catwalk and railings on the west sign face where digital sign face is to be installed.
 - 3) Obtain approval by PDD Site Planning of a landscape plan that is compliant with the planting and other requirements of Section 705.2.G.4.b. and complete the installation of all landscape improvements specified in the approved landscape plan prior to final inspection of the digital sign. The plan shall include the installation of a raised landscape island around the base of the off-premise sign.
 - 4) Install a PDD design-approved screening device on the north end of the sign.
 - 5) All sign illumination shall be extinguished daily from 10:00 PM until sunrise via an automatic timing device.
 - 6) The change rate for the digital sign face shall be no less than 15

seconds.

- 7) The applicant shall have 12 months to apply and pay for permits for the subject sign.
- 8) The site shall be landscaped generally as shown on the landscape plan submitted with the application.

**Approved
w/stips**

9. Application #: ZA-269-23-8 (SIGN)
Existing Zoning: C-2
Location: 2150 West Camelback Road
Quarter Section: 19-24(H7)
Proposal: **1)** Use permit to rebuild a nonconforming off-premise sign not requesting digital. Use permit required. **2)** Use permit to reduce off-premise sign separation from a residential district and residential use to 91 feet. Use permit required. **3)** Variance to reduce spacing between off-premise signs to 972 feet. Minimum 1,000 foot spacing required.
Ordinance Sections: 705.2.G.5 705.2.A.5.c 705.2.B.2
Applicant: Jacob Zonn, Becker Boards Small, LLC
Representative: Garry Hays
Owner: Law Office of Christos Agra, PLC

Stipulations:

- 1) Install a Planning and Development Department approved screening device between the south edges of the sign faces.
- 2) All sign illumination shall be extinguished daily from 11:00 PM until sunrise via automatic timing device.
- 3) Maximum sign height shall be 35 feet.
- 4) The applicant shall have 12 months to apply and pay for permits for the subject sign.
- 5) Sign design shall be in accordance with sign drawings dated September 28, 2023.

Continued

10. Application #: ZA-342-23-1
Existing Zoning: PUD
Location: 32200 North 43rd Avenue
Quarter Section: 55-16(R5) 55-16(Q5) 55-17(R5) 55-17(Q5) 55-18(Q6) 55-18(Q5) 56-16(R5) 56-16(Q5) 56-17(R6) 56-17(R5) 56-18(R6) 56-18(R6) 56-18(R5) 56-18(Q6) 56-18(Q5) 57-16(R5) 57-17(R6) 57-17(R5) 57-18(R6)
Proposal: Variance to allow a 4-foot separation between retaining walls. One foot of separation is required for each one foot in vertical height of the wall (5 feet).
Ordinance Sections: 703.A.4.b
Applicant: TSMC Arizona Corporation
Representative: Traver Jones and Dave Burke
Owner: TSMC Arizona Corporation

Continued to October 19, 2023 at 1:30 PM.

Approved w/stips	11.	Application #:	ZA-344-23-1
		Existing Zoning:	S-1
		Location:	27027 North 35th Avenue
		Quarter Section:	49-21(P6) 49-21(P6)
		Proposal:	1) Variance to allow a lot (Lot 3) that does not front onto a public street. Street frontage required. 2) Variance to reduce Lot 3 (north) setback for a detached accessory structure to 20 feet. Minimum 50 feet required. 3) Variance to reduce Lot 3 (east) setback for a detached accessory structure to 16 feet. Minimum 50 feet required.
		Ordinance Sections:	608.H.1 603.B.3 603.B.3
		Applicant:	Billy and Taralynn Carlson
		Representative:	Jason Cleckner
		Owner:	Billy and Taralynn Carlson
		Stipulations:	
			1) 1 year to complete the lot split process.
			2) The frontage of lot 3 shall be the southern property line.
			3) Setback reductions shall only apply to the existing detached accessory structures shown on the site plan dated August 23, 2023.
Denied	12.	Application #:	ZA-346-23-4
		Existing Zoning:	R-3
		Location:	510 North 39th Avenue
		Quarter Section:	11-19(F6)
		Proposal:	Variance to reduce the side setback (north) to 0 feet. Minimum 10 feet required.
		Ordinance Sections:	615.B.Table B
		Applicant:	Jose G. Campos
		Representative:	Jose G. Campos
		Owner:	Jose G. Campos
Approved w/stip	13.	Application #:	ZA-347-23-3
		Existing Zoning:	R1-6
		Location:	3742 East Sweetwater Avenue
		Quarter Section:	32-36(L10)
		Proposal:	1) Use permit for official approval of a home occupation (Federal Firearms License). Use permit required. 2) Use permit to allow a home occupation (Federal Firearms License) to be conducted in an accessory building. Use permit required.
		Ordinance Sections:	608.E.3.h.(5) 608.E.3.h.(2)
		Applicant:	Trevor Blue, Trevor Blue, LLC
		Representative:	Trevor Blue, Trevor Blue, LLC
		Owner:	Anthony Saucedo

Stipulation:

- 1) 1 year to commence use.

Denied 14. Application #: ZA-348-23-2
Existing Zoning: R1-18
Location: 5861 East Saint John Road
Quarter Section: 37-41(M11)
Proposal: **1)** Variance to allow 30% lot coverage. Maximum 25% permitted. **2)** Variance to allow an over height (11 feet) accessory structure located in the side yard (northwest) setback. Maximum 8 feet in height permitted.

Ordinance Sections: 610.B.Table 706.C
Applicant: Scott Giesen, Giesen Design Studio, LLC
Representative: Scott Giesen, Giesen Design Studio, LLC
Owner: Molly Rice, 5861 St. John Road, LLC

Approved w/stip 15. Application #: ZA-349-23-8
Existing Zoning: C-1 BAOD
Location: 2550, 2600, and 2620 East Baseline Road
Quarter Section: 1-33(D9)
Proposal: Time extension for ZA-115-22, use permit to allow a drive-through facility accessory to a restaurant (Popeyes) within 300 feet from a residential zoning district. Use permit required.

Ordinance Sections: 622.D.150.e.(2)
Applicant: Cassandra Ayres, Berry Riddell, LLC
Representative: Cassandra Ayres, Berry Riddell, LLC
Owner: Baseline 25, LLC

Stipulation:

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

ZONING ADJUSTMENT HEARING OFFICER: CRAIG TRIBKEN
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.

November 6, 2023