

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised May 6, 2024*

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 **April 4, 2024 at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-17).**

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-56-24-2 (Continued from February 29, 2024)
Existing Zoning: RE-35
Location: 6003 East Calle Marita
Quarter Section: Q55-42(Q11, Q12)
Proposal: Variance to allow a 35% lot coverage. Maximum 30% allowed.
Ordinance Sections: 609.Table B
Applicant: David Hay, Extreme Backyards
Representative: David Hay, Extreme Backyards
Owner: Jennifer and Steven Day
Stipulations:
1) 12 months to apply and pay for building permits.
2) Per the location of the shade structure shown on the site plan date stamped January 29, 2024.

Approved
w/stips

2. Application #: ZA-57-24-6 (Continued from February 29, 2024)
Existing Zoning: RE-24
Location: 5615 North 45th Street
Quarter Section: Q20-38(I11)
Proposal: Variance to reduce the required front yard setback (west) to 27 feet. Minimum 40 feet required.
Ordinance Sections: 606.B.2
Applicant: David E. Richert, Richert & Associates
Representative: David E. Richert, Richert & Associates
Owner: Nico and Patrick Fricchione
Stipulations:
1) Per the front yard setback shown on the site plan date stamped February 2, 2024.
2) 12 months to apply and pay for building permits.

Approved

3. Application #: ZA-186-24-8 (Continued from March 28, 2024)
Existing Zoning: DTC-Biomed
Location: 550 East McKinley Street
Quarter Section: Q11-28(F8)

		Proposal:	Use Permit to allow a temporary use (First Friday) for up to 36 months. Use Permit Required.
		Ordinance Sections:	708.D.1
		Applicant:	Alison Sipes, Roosevelt Row CDC
		Representative:	Alison Sipes, Roosevelt Row CDC
		Owner:	City of Phoenix
*#1 Denied	4.	Application #:	ZA-75-24-2
		Existing Zoning:	R1-6
#2		Location:	3357 East Wickieup Lane
Approved		Quarter Section:	Q40-35(N10)
w/stip		Proposal:	1) Use permit to allow the generation of traffic for a home occupation (King Tactical, LLC). Use permit required. 2) Use permit for official approval of a home occupation (Federal Firearms License). Use permit required.
		Ordinance Sections:	608.E.27.h.(1) 608.E.27.h.(5)
		Applicant:	John Shaw, King Tactical, LLC
		Representative:	John Shaw, King Tactical, LLC
		Owner:	John H. and Marlene Shaw, King Tactical, LLC
		Taken out from under advisement on May 06, 2024 and decided on as follows:	
		#1 – Denied	
		#2 – Approved with the following stipulation:	
		1) 6 months to commence the use.	
Approved	5.	Application #:	ZA-85-24-4
w/stips		Existing Zoning:	R-2, R-3 SP
		Location:	1550 West Colter Street
		Quarter Section:	Q19-25(H7)
		Proposal:	Variance to reduce the minimum parking requirement to 79 spaces. Minimum 108 parking spaces required.
		Ordinance Sections:	702.C.Table
		Applicant:	John Szafran, DPA Architects, Inc.
		Representative:	Kip Murray, Arizona Recreation Center for the Handicapped
		Owner:	Kip Murray, Arizona Recreation Center for the Handicapped
		Stipulations:	
		1) Receive building permits in 12 months.	
		2) Per the parkin reduction shown on the site plan date stamped February 29, 2024.	
Approved	6.	Application #:	ZA-135-24-8
w/stips		Existing Zoning:	R-4 CCSIOD
		Location:	1006 South Montezuma Avenue
		Quarter Section:	Q9-27 (F8)

Proposal: 1) Variance to allow a minimum lot width of 37 feet. Minimum lot width of 60 feet required.
2) Variance to reduce the required side setback (south) to 4 feet. Minimum 10 feet required.

Ordinance Sections: 617.B.Table 617.B 617.B.Table 617.B

Applicant: Drew Bryck

Representative: Drew Bryck

Owner: Tyler Bruggman

Stipulations:

- 1) Per the lot width and setback reductions shown on the site plan date stamped February 27, 2024.
- 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

7. Application #: ZA-147-24-6
Existing Zoning: RE-35 ACSPD
Location: 5353 East Rockridge Road
Quarter Section: Q18-40(H11)
Proposal: Variance to reduce the required rear yard setback (east) to 20 feet. Minimum 40 feet required.
- Ordinance Sections: 609.B.Table
- Applicant: Robert and Casey Commisso
- Representative: Alan Gorzynski, Aspect Design, Jeff Guerin, Guerin T. Construction
- Owner: Robert and Casey Commisso
- Stipulations:**
- 1) 10 months to apply and pay for building permits.
 - 2) Landscaping or trees shall be provided on the east end of the new building.
 - 3) Per the rear yard setback shown on the site plan date stamped February 29, 2024.

**Approved
w/stips**

8. Application #: ZA-150-24-6
Existing Zoning: RE-43
Location: 7236 North 40th Street
Quarter Section: Q23-36(I10)
Proposal: 1) Variance to reduce the required front yard setback (north) to 22 feet. Minimum 40 feet required.
2) Variance to reduce the side yard setback (west) to 16 feet. Minimum 30 feet required.
- Ordinance Sections: 605.B.2 605.B.3
- Applicant: Ed Henry, Bedrock Developers, LLC
- Representative: Ed Henry, Bedrock Developers, LLC
- Owner: Kevin Groman, Crown Canyon Capital 6, LLC
- Stipulations:**
- 1) 12 months to apply and pay for building permits.
 - 2) Per the setback reductions shown on the site plan date stamped March 1, 2024.

1:30 PM

**Approved
w/stips**

9. Application #: ZA-106-24-7 (SIGN)
Existing Zoning: A-1
Location: 302 North 51st Avenue
Quarter Section: Q11-16(F5)
Proposal: Use Permit to allow an electronic message display (EMD) on a ground sign. Use permit required.

Ordinance Sections: 705.C.13
Applicant: Zelig Hess, Universal Sign Installations, LLC
Representative: Zelig Hess, Universal Sign Installations, LLC
Owner: Cobblestone Phoenix Propco, LLC
Stipulations:
1) Modify sign so EMD is no wider than the car wash sign cabinet.
2) Pay for and obtain sign permits within 1 year.

**Approved
w/stips**

10. Application #: ZA-197-19-5 (1 Year Review of Use Permit)
Existing Zoning: A-2
Location: 4210 North 39th Avenue
Quarter Section: 17-19(H6)
Proposal: 1) Use permit to allow a medical marijuana cultivation facility. Use permit required.
2) Use permit to allow a medical marijuana infusion facility. Use permit required.
3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of the same type use or medical marijuana dispensary or infusion facility. Minimum 5,280 foot separation required.
4) Variance to allow a medical marijuana cultivation facility within 1,320 feet of a place of worship. Minimum 1,320 foot separation required.
5) Variance to allow a medical marijuana infusion facility within 5,280 feet of the same type of use or cultivation facility. Minimum 5,280 foot separation required.
6) Variance to allow a medical marijuana infusion facility within 1,320 feet of a place of worship. Minimum 1,320 foot separation required.

Ordinance Sections: 627.D.91.a. 627.D.93.a. 627.D.91.c. 627.D.91.f. 627.D.93.b. 627.D.93.e.
Applicant: Nalee Pham, New Gen Phx LLC, Herbal Wellness Center
Representative: Fae Sowders, Bergin, Frakes, Smalley & Oberholtzer
Owner: Nalee Pham, New Gen Phx LLC, Herbal Wellness Center
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.

**Approved
w/stips**

11. Application #: ZA-621-23-8
Existing Zoning: CP/BP
Location: 5005 South 40th street
Quarter Section: Q4-37(E10)
Proposal: Variance to reduce the minimum parking requirement to 482 spaces. Minimum 515 spaces required.
Ordinance Sections: 702.C.Table
Applicant: Laboratory Corporation of America Holdings a Delaware Corporation
Representative: Heidi Short, Lewis Roca
Owner: Laboratory Corporation of America Holdings, a Delaware Corporation
- Stipulations:**
- 1) Apply and pay for permits within 12 months.
 - 2) Per the parking reduction shown on the site plan date stamped November 14, 2023.

Continued

12. Application #: ZA-121-24-6
Existing Zoning: R-3
Location: 3933, 3937, 3943 East Monterosa Street
Quarter Section: Q17-36(H10)
Proposal: 1) Variance to reduce the minimum lot width to 28 feet (Lots 2, 4, 6). Minimum 60 feet required.
2) Variance to reduce the minimum lot width to 35 feet (Lots 1, 3, 5). Minimum 60 feet required.
3) Variance to reduce the required side yard

setback (east) to 3 feet (Lots 2, 4, 6). Minimum 10 feet required.

4) Variance to reduce the required side yard setback (west) to 0 feet (Lots 2, 4, 6). Minimum 3 feet required.

5) Variance to reduce the required side yard setback (east) to 0 feet (Lots 1, 3, 5). Minimum 3 feet required.

Ordinance Sections: 615.B.Table B 615.B.Table B 615.B.Table B 615.B.Table B 615.B.Table B

Applicant: Wendy Riddell, Berry Riddell, LLC

Representative: Wendy Riddell, Berry Riddell, LLC

Owner: DB Camelback Investments, LLC

Continued to May 16, 2024 at 9:00 AM.

**Approved
w/stips**

13. Application #: ZA-132-24-6

Existing Zoning: C-2

Location: 5749 North 7th Street

Quarter Section: Q20-29(I8)

Proposal: 1) Time extension for ZA-34-23, use permit to allow outdoor dining as an accessory use to a bar (The Womack) within 500 feet of a residential zoning district. Use permit required.
2) Time extension for ZA-34-23, use permit to allow outdoor alcoholic beverage consumption as an accessory use to a bar (The Womack) within 500 feet of a residential zoning district. Use permit required.
3) Time extension for ZA-34-23, use permit to allow outdoor recreation (ambient music) use as an accessory use to a bar (The Womack) 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: Tucker Woodbury, Genuine Concepts

Representative: Taylor Earl, Earl & Curley

Owner: DV-DWG Palo Verde, LLC

Stipulations:

- 1) 6 months to apply and pay for building permits.
- 2) Speakers on the eastern portion of the patio shall be oriented west.
- 3) No outdoor live performers allowed.
- 4) Limited to 5 speakers on the patio space.

**Approved
w/stips**

14. Application #: ZA-145-24-7

Existing Zoning: C-2 HGT/WVR DNS/WVR

Location: 10600 South 59th Avenue

Quarter Section: Q04-14(C5)

Proposal: Variance to allow an over height wall (7 feet) within the required street front setback (59th Avenue). Maximum 40 inches permitted.

Ordinance Sections: 703.A.3.a
Applicant: Beth Heath, Liv South Mountain, LLC
Representative: Lindsay C. Schube, Gammage & Burnham PLC
Owner: VP Elliot 202, LLC

Stipulations:

- 1) Apply and pay for building permits within 18 months.
- 2) Per the over height fence shown on the plans date stamped March 4, 2024.

**Approved
w/stips**

15. Application #: ZA-157-24-3
Existing Zoning: R1-10 RPSPD
Location: 8087 North 15th Drive
Quarter Section: Q25-25(J7)
Proposal: Use permit to allow an over height (21 feet) detached accessory structure within the side yard setback. Maximum 15 feet in height permitted.

Ordinance Sections: 706.B.2.b
Applicant: Tim Kacerek
Representative: Tim Kacerek
Owner: Tim Kacerek

Stipulations:

- 1) 12 months to apply and pay for building permits.
- 2) Per the over height detached accessory structure shown on site plan date stamped March 1, 2024.

**Withdrawn
to Amend**

16. Application #: ZA-158-24-4
Existing Zoning: R-3, C-2
Location: 4249 North 16th Street
Quarter Section: Q17-31(H9)
Proposal: 1) Variance to reduce the required common area to 0% of the gross area. Minimum 5% required.
2) Use Permit to use the Single-Family Attached (SFA) Development Option. Use Permit required.

Ordinance Sections: 615.B.Table B 608.F.8
Applicant: Paul O'Connor, POCA Architecture + Design, LLC
Representative: Paul O'Connor, POCA Architecture + Design, LLC
Owner: Hector Medina

#Denied

17. Application #: ZA-159-24-6
Existing Zoning: R1-6
Location: 4241 East Glenrosa Avenue
Quarter Section: Q17-37(H10)
Proposal: 1) Variance to allow an over height wall (7 feet) in the required rear yard (south) setback. Maximum 6 feet permitted.
2) Variance to allow an over height wall (7 feet) in the required side yard (west) setback.

Ordinance Sections: Maximum 6 feet permitted.
703.A.2.c 703.A.2.c
Applicant: Paul O'Connor, POCA Architecture + Design
LLC
Representative: Paul O'Connor, POCA Architecture + Design
LLC
Owner: Pouya Sardari, Neo Classic Homes, LLC
Taken out from under advisement on May 6, 2024 and denied.

ZONING ADJUSTMENT HEARING OFFICER: CAROL BERRY
PLANNER: NATASHA HUGHES, 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.

May 6, 2024