

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised August 29, 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 **August 1, 2024 at 9:00 AM (Items 1-6) and 1:30 PM (Items 7-9)**

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-426-14-7 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 15 North 57th Drive
Quarter Section: 10-15(F5)
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 located within 5,280 feet from the same type of use. Minimum of 5,280 feet separation is required.
 - 4) Variance to allow a medical marijuana infusion facility located within 5,280 feet from the same type of use. Minimum of 5,280 feet separation is required.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.c
Applicant: John Libby, CNCTD, LLC
Representative: Heather Dukes, Esq.
Owner: Richard Merel, JJSM Real Estate Fund, 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.

**Approved
w/stips**

2. Application #: ZA-572-14-4 (1 Year Review of Use Permit)
- Existing Zoning: A-2
- Location: 3839 North 35th Avenue
- Quarter Section: 16-21(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 1-mile of a similar type of use. Minimum separation of 5,280 feet required.
 - 4) Variance to allow a medical marijuana infusion facility within 1-mile of a similar type of use. Minimum separation of 5,280 feet required.
 - 5) Variance to allow a medical marijuana cultivation facility within 1,000 feet of a residential zoning district. Minimum 1,000 feet separation required.
 - 6) Variance to allow a medical marijuana infusion facility within 1,000 feet of a residential zoning district. Minimum 1,000 feet separation required.
- Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b 627.D.91.d 627.D.93.c
- Applicant: DT Arizona Real Estate, LLC
- Representative: Benjamin Tate, Withey Morris Baugh, PLC
- Owner: DT Arizona Real Estate, 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.

**#1 Denied
as Filed**

**#2
Approved
w/stips**

#3 Denied

3. Application #: ZA-412-24-8 (Continued from June 27, 2024)
Existing Zoning: R-3 SPVTABDO
Location: 2549 East Wier Avenue
Quarter Section: Q4-33(E9)
Proposal: 1) Variance to reduce the side building setback (west) to 3 feet. Minimum 10 feet required.
2) Variance to allow a minimum lot width of 48 feet. Minimum lot width of 60 feet required.
3) Variance to allow 59% lot coverage not including ADUs or attached shade structures. Maximum 50% allowed.
Ordinance Sections: 615.B.Table B 615.B.Table B
Applicant: Diego Munoz, Munoz Complete Drafting Services, LLC
Representative: Diego Munoz, Munoz Complete Drafting Services, LLC
Owner: Kamran Afshari, 123 Flooring Inc.
Stipulations:
1) Approved for side building setback (west) of 5 feet.
2) 1 year to apply for and obtain building permits.

**Approved
w/stip**

4. Application #: ZA-424-24-2
Existing Zoning: R1-8 NBCC
Location: 31837 North 19th Lane
Quarter Section: Q55-24(Q7)
Proposal: Use permit for official approval of a home occupation (Internet Firearm Sales). Use permit required.
Ordinance Sections: 608.E.27.h.(5)
Applicant: Justin Cerreta, Desert Tactical Arms, LLC
Representative: Justin Cerreta, Desert Tactical Arms, LLC
Owner: Justin Cerreta, Desert Tactical Arms, LLC
Stipulation:

1) 6 months to commence the use.

Approved w/stips 5. Application #: ZA-506-24-1
Existing Zoning: C-2
Location: 2901 West Bell Road
Quarter Section: Q36-22(M7)
Proposal: Use permit to allow a drive-through facility as an accessory use to a restaurant (7 Brew) within 300 feet of a residential district. Use permit required.

Ordinance Sections: 623.D.157.d.(2)
Applicant: Miguel Ortega, Encore 7 Brew, LLC
Representative: Jenny Sanders, Veritas Architecture + Design
Owner: Steve Kanner, BSD Partners, LLC
Stipulations:
1) 1 year to apply for and obtain building permits.
2) Per the location of the drive-through as shown on site plan date stamped July 1, 2024.

Approved w/stips 6. Application #: ZA-508-24-7
Existing Zoning: R-3 RSIOD
Location: 760 West Jones Avenue
Quarter Section: Q5-26(E8)
Proposal: Variance to reduce the front yard setback (south) to 11 feet. Minimum 25 feet required.

Ordinance Sections: 615.B.Table B
Applicant: Cristobal Diosdado
Representative: Jeremy Laipple, Triple Crown Engineering
Owner: Cristobal Diosdado
Stipulations:
1) 1 year to apply for and obtain building permits.
2) Per the front setback reduction as shown on site plan date stamped July 1, 2024.

1:30 PM

Approved w/stips 7. Application #: ZA-284-24-7
Existing Zoning: A-1
Location: 6916 West Washington Street
Quarter Section: Q10-12(F4)
Proposal: Use permit to allow a residential use (four units). Use permit required.

Ordinance Sections: 627.C.1
Applicant: Joy Jones
Representative: Abraham Garcia, 2nd Dimension Design Studio, LLC
Owner: Joy Jones
Stipulations:
1) 1 year to apply for and obtain building permits.

2) Per the perimeter setbacks and lot coverage as shown on site plan date stamped April 10, 2024.

***Denied** 8. Application #: ZA-478-24-6
Existing Zoning: RE-35 ACSPD
Location: 4326 North 57th Place
Quarter Section: Q17-41(H11)
Proposal: Use permit to allow a 29 foot tall projection of the
 main building into the required rear yard (west).
 Maximum 15 foot tall projection permitted.
Ordinance Sections: 701.A.3.a.(2).(d)
Applicant: Madison Leake, Burch & Cracchiolo, P.A.
Representative: Madison Leake, Burch & Cracchiolo, P.A.
Owner: Cole Mecray, CHM Holdings LLC
Taken out from under advisement on August 29, 2024 and denied.

Approved 9. Application #: ZA-490-24-1
w/stip Existing Zoning: RE-43
Location: 3732 West Morrow Drive
Quarter Section: Q39-20(M6)
Proposal: 1) Variance to allow an over height wall (6 feet)
 in the required front yard (south) setback.
 Maximum 40 inches permitted.
 2) Variance to reduce the side setback (east) for
 a detached accessory structure to 2 feet.
 Minimum 3 feet required.
Ordinance Sections: 703.A.2.a 706.B.3
Applicant: Bobby Kwan
Representative: Bobby Kwan
Owner: Bobby Kwan
Stipulation:
 1) 1 year to apply for and obtain building permits.

ZONING ADJUSTMENT HEARING OFFICER: BETTY DRAKE
PLANNER: DOMINIC AMODIO, PLANNER II

For further information, please call Eric Morales, Planner III, Planning and Development Department at 602-262-7927, or contact via electronic mail at zoning.adjustment@phoenix.gov. This electronic mail address will not accommodate zoning enforcement/violation complaints.

This publication can be made available in alternate format upon request. To request a reasonable accommodation, please contact Angie Holdsworth at 602-495-5622, angie.holdsworth@phoenix.gov TTY: Use 7-1-1.

August 29, 2024