

**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 **August 8, 2024 at 9:00 AM (Items 1-7) and 1:30 PM (Items 8-13)**.

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-286-24-8 (Continued from July 2, 2024) |
| | Existing Zoning: | R-5 |
| | Location: | 6623 South 23rd Place |
| | Quarter Section: | Q2-32(D9) |
| | Proposal: | Variance to reduce the front (west) building setback to 19 feet. Minimum 20 feet required. |
| | Ordinance Sections: | 618.B.Table B |
| | Applicant: | Rusty Catania |
| | Representative: | Rusty Catania |
| | Owner: | Rusty Catania |
| | Stipulations: | |
| | | 1) 1 year to apply and pay for building permits. |
| | | 2) 1 year to either remove carport or bring to compliance. |
| 2. | Application #: | ZA-458-22-4 (1 Year Review of Use Permit) |
| | Existing Zoning: | A-2 |
| | Location: | 2929, 2935 Grand Avenue and 3020, 3030 North 29th Drive |
| | Quarter Section: | 15-22(G7) |
| | Proposal: | 1) Time extension for ZA-466-21, use permit to allow a medical marijuana cultivation facility. Use Permit required.
2) Time extension for ZA-466-21, use permit to allow a medical marijuana infusion facility. Use permit required.
3) Time extension for ZA-466-21, variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.
4) Time extension for ZA-466-21, 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) Time extension for ZA-466-21, variance to allow a medical marijuana infusion facility within 1,320 feet of a place of worship. Minimum 1,320 |

feet of separation required.

6) Time extension for ZA-466-21, variance to allow a medical marijuana cultivation facility within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.

Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.93.b 627.D.91.c 627.D.93.e 627.D.91.f

Applicant: MSC Grand, LLC, MSC Grand, LLC

Representative: Lindsay C. Schube, Gammage & Burnham, PLC

Owner: MSC Grand, LLC, MSC Grand, 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**

3. Application #: ZA-509-24-1
Existing Zoning: C-1
Location: 13828 North 35th Avenue
Quarter Section: Q33-20(L6)
Proposal: 1) Use permit to allow package liquor sales accessory to a convenience market (Grab N Go Market) located within 300 feet of a residential zoning district. Use permit required.
2) Variance to allow a drive-through window for the sale of alcohol (Grab N Go Market) within 300 feet of a residential zoning district. Minimum 300 feet required.
Ordinance Sections: 622.D.102.a 622.D.102.b
Applicant: Haytham Honna Jraisat, Grab N Go Market, LLC

Representative: Sammy Mikhail, Grab N Go Market, LLC
Owner: Nayel Rabadi, Nayel, Chrissy Investments, LLC

Stipulations:

- 1) Relocate or remove the trash enclosure away from the north side.
- 2) At the egress of the drive-through lane onto Calavar Road they shall post and maintain a conspicuous right turn only sign.
- 3) 1 year to apply and pay for building permits.

**Approved
w/stips**

4. Application #: ZA-510-24-6
Existing Zoning: C-2
Location: 5538 North 7th Street, Suite 110
Quarter Section: Q20-28(I8)
Proposal: 1) Use permit to allow outdoor dining as an accessory use to a restaurant (Eggstasy) 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 (Eggstasy) within 500 feet of a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.c
Applicant: Kristin Thoma-Mahan, KTM Design Studio
Representative: Kristin Thoma-Mahan, KTM Design Studio
Owner: Terry Brodtkin, Colony South, LLC

Stipulations:

- 1) Per the size and location of the patio shown on the site plan date stamped July 2, 2024.
- 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

5. Application #: ZA-512-24-7
Existing Zoning: S-1 (Approved C-2)
Location: 7780 South 59th Avenue
Quarter Section: Q01-15
Proposal: 1) Use permit to allow outdoor dining as an accessory use to a restaurant (Buffalo Wild Wings) 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 (Buffalo Wild Wings) within 500 feet of a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.c
Applicant: Edwin C. Bull, Burch & Cracchiolo, P.A.
Representative: Madison Leake, Burch & Cracchiolo, P.A.
Owner: Blazing Wings Properties, LLC

Stipulations:

- 1) 2 years to apply and pay for building permits.
- 2) Store windows are to be clean and free of any obstructions so that employees can have a clear view of the parking lot area.
- 3) The property is to be sufficiency lighted, front and rear, to discourage any unlawful activity in include alcohol violations and

other illegal activity from occurring outside the business.

- 4) The applicant shall post signs as permitted and required under applicable City Codes and State Statutes, warning that “No Loitering” and/or “No Trespassing” is permitted upon the property to deter such activity inside and/or surrounding the establishment.
- 5) The applicant shall complete “Authority to Arrest” forms which will provide enforcement during non-business hours. “No Trespassing” signs will be posted in both English and Spanish.
- 6) 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**

6. Application #: ZA-514-24-8
 Existing Zoning: R-3 RI
 Location: 1101 and 1109 East Garfield Street
 Quarter Section: Q11-29(F8)
 Proposal: 1) Time extension for ZA-237-23, variance to
 allow vehicle maneuvering within the alley.
 Maneuvering must be located on private
 property.
 2) Time extension for ZA-237-23, variance to
 reduce the required common area to 0% of the
 gross area. Minimum 5% required.
 3) Time extension for ZA-237-23, variance to
 reduce the perimeter yard (south) setback to 0
 feet. Minimum 10 feet required.
 Ordinance Sections: 702.A.1.b 615.B.Table B.d 615.B.Table B.d
 Applicant: Tiffany Halperin, Diana James Community
 Partners
 Representative: Tiffany Halperin, Diana James Community
 Partners
 Owner: Kevin Jin, City of Phoenix
 Stipulations:
 1) 1 year to apply and pay for building permits.
 2) All previous stipulation remain in effect.

**Approved
w/stips**

7. Application #: ZA-518-24-4
 Existing Zoning: R1-6 HP CNSPD
 Location: 1330 East Palm Lane
 Quarter Section: Q13-30(G9)
 Proposal: 1) Variance to reduce the side yard setback
 (east) to 1 foot for a detached ADU. Minimum 3
 feet required.
 2) Variance to reduce the side yard setback
 (east) to 1 foot for an accessory structure.
 Minimum 3 feet required.
 Ordinance Sections: 706.A.4.a.2 706.B.3
 Applicant: Rodney Sherrard, RS Architecture, LLC
 Representative: Rodney Sherrard, RS Architecture, LLC

Owner: Jenna Bilsback and Adam Bonitz

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) This approval is subject to the approval of the Historic Preservation Department.

1:30 PM

**Approved
w/stips**

8. Application #: ZA-425-24-1 (SIGN)
Existing Zoning: A-1 DVAO
Location: 1450 West Rose Garden Lane
Quarter Section: Q42-26
Proposal: Use permit to adopt the Deer Valley Business Campus Comprehensive Sign Plan. Use permit required.
Ordinance Sections: 705.E.2.
Applicant: Ana Jones, Trademark Visual, Inc.
Representative: Ana Jones, Trademark Visual, Inc.
Owner: Tyler Smith, Sunbelt Rose Garden LP

Stipulation:

- 1) Wall sign illumination on the south elevation of all Buildings fronting Rose Garden Lane shall be extinguished at 10:00 PM.
- 2) Remove SIHI logo from ground sign drawings shown in the Comprehensive Sign Plan (CSP).
- 3) Submittal of a revised 'final' version of the CSP document to the Planning and Development Department incorporating any ZAHO stipulations of approval.
- 4) Twelve months to pay for and obtain sign permits.

**Approved
w/stips**

9. Application #: ZA-21-24-3 (Continued from July 2, 2024)
Existing Zoning: C-2
Location: 3230 East Thunderbird Road
Quarter Section: Q33-35(L10)
Proposal: Use permit to allow a temporary use (recruitment special events) for up to 36 months. Use permit required.
Ordinance Sections: 708.D.1
Applicant: American Legion Pat Tillman Post #117
Representative: Amy Nations, Arizona Liquor Industry Consultants
Owner: Oakmark 51, LLC

Stipulations:

- 1) The events are limited to the area as shown on the site plan dated July 11, 2024.
- 2) No more than 12 events per year.
- 3) All events shall end by 11:00 PM.
- 4) Temporary fencing shall be installed for all events.
- 5) The area will be sufficiently illuminated and contained to discourage any unlawful activity.
- 6) "No Trespassing" signs must be posted and an Authority to Arrest Trespassers from will be signed to deter loitering/unwanted guest inside and surrounding the establishment.

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 10. Application #: ZA-463-24-6
Existing Zoning: RE-35 ACSPD
Location: 4848 East Red Rock Drive
Quarter Section: Q19-39(H11)
Proposal: Time extension for ZA-211-23, variance to reduce the required front yard setback (south) to 22 feet. Minimum 40 feet required.

Ordinance Sections: 609.B.Table
Applicant: Scott Young, The Scott W. Young Trust / Andrew Bridge
Representative: William F. Allison, Withey Morris Baugh, PLC
Owner: Scott Young, The Scott W. Young Trust / Andrew Bridge

Stipulations:
 1) 1 year to apply and pay for building permits.
 2) All previous stipulation remain in effect.

Approved w/stip 11. Application #: ZA-499-24-8
Existing Zoning: R-5 RI ACOD
Location: 903, 907 East Roosevelt Street and 913 North 9th Street
Quarter Section: Q11-29(F8)
Proposal: 1) Time extension for ZA-80-23, variance to reduce the surface parking lot landscape area to 1%. Minimum 5% required.
 2) Time extension for ZA-80-23, variance to reduce the side yard setback (west) to 7 feet. Minimum 10 feet required.
 3) Time extension for ZA-80-23, variance to reduce the required landscape setback along a public street (9th Street) to 7 feet. Minimum 10 feet required.
 4) Time extension for ZA-80-23, variance to reduce the rear yard setback (south) to 1-foot. Minimum 15 feet required.
 5) Time extension for ZA-80-23, variance to reduce the required rear yard (south) landscape setback to 0 feet. Minimum 5 feet required.
 6) Time extension for ZA-80-23, variance to reduce the required side yard (east) landscape setback to 4 feet. Minimum 5 feet required.
 7) Time extension for ZA-80-23, variance to reduce the front yard setback (north) to 15 feet. Minimum 20 feet required.
 8) Time extension for ZA-80-23, variance to reduce the required front yard (north) landscape setback to 2 feet. Minimum 20 feet required.

		9) Time extension for ZA-80-23, variance to allow maneuvering in the right-of-way (alley). Maneuvering must be located on private property.
	Ordinance Sections:	507TabA.II.A.6.1.1&6.1.2 618.B.Table B 703.B.3.a 618.B.Table B 703.B.3.b.(3) 703.B.3.b.(3) 618.B.Table B 703.B.3.a 702.A.1.b
	Applicant:	Brian Greathouse, Burch & Cracchiolo, P.A.
	Representative:	Brian Greathouse, Burch & Cracchiolo, P.A.
	Owner:	913 N 9th Street Holdings, LLC, c/o Sophos Capital Group
	Stipulation:	
	1)	1 year to apply and pay for building permits.
Continued	12.	Application #: ZA-507-24-2 Existing Zoning: C-1 Location: 18725 North 32nd Street Quarter Section: Q39-35(M10) Proposal: 1) Use permit to allow outdoor dining as an accessory to a restaurant (Cornish Pasty). Use permit required. 2) Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant (Cornish Pasty). Use permit required. Ordinance Sections: 622.D.150.d 622.D.150.d Applicant: Stephanie Solley, Run Run Design Representative: Stephanie Solley, Run Run Design Owner: Craig and Judy Jennings Revocable Trust/Gregory Yeager Jennings Separate Property Trust
		Continued to September 12, 2024 at 1:30 PM.
Approved w/stip	13.	Application #: ZA-515-24-6 Existing Zoning: C-2 SP HGT/WVR Location: 736 East Flynn Lane Quarter Section: Q22-29(I8) Proposal: 1) Time Extension for ZA-559-22, variance to allow 10 foot building setback adjacent to street (south). Average 30 feet required. 2) Time Extension for ZA-559-22, variance to allow 10 foot landscape setback adjacent to street (south). Average 30 feet required. 3) Time Extension for ZA-559-22, variance to allow 10 foot building setback adjacent to R-4 zoning (east). Minimum 30 feet required. 4) Time Extension for ZA-559-22, variance to allow maneuvering in right-of-way (alley). Maneuvering must be located on private property. 5) Time Extension for ZA-559-22, variance to enable access from a street not considered an

arterial or collector. Arterial or collector street required.

6) Time Extension for ZA-559-22, variance to allow 4% parking lot landscaping. Minimum 10% required.

7) Time Extension for ZA-559-22, variance to allow 63% lot coverage. Maximum 50% lot coverage permitted.

Ordinance Sections: 623.E.4.d 623.E.4.e 623.E.4.d 702.A.1.b
647.2.A.1.4 623.E.4.e 623.E.4.h

Applicant: George Pasquel III, Withey Morris Baugh, PLC

Representative: George Pasquel III, Withey Morris Baugh, PLC

Owner: James Fijan, Flynn 720, LLC

Stipulation:

- 1) 24 months to apply and pay for building permits.

ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY

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.

August 9, 2024