

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised January 22, 2025*

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 **December 12, 2024, at 9:00 AM. (Items 1-7) and 1:30 PM (Items 8-15). Located in Assembly Room C, Phoenix City Hall, 200 West Washington Street, First Floor, Phoenix, Arizona 85003**

The results of the meeting were as follows:

RESULTS
Approved
w/stips

- 9:00 AM**
1. Application #: ZA-704-24-8 (SIGN)
Existing Zoning: A-1 CCSIOD, A-2 CCSIOD
Location: 1851 South 19th Avenue
Quarter Section: Q8-25(E7,F7)
Proposal: 1) Use permit to rebuild a non-conforming off-premise sign not requesting digital. Use permit required.
2) Use permit to increase the height of an off-premise sign to a height of 70 feet. Use permit required.
3) Variance to reduce required spacing between off-premise structures to 416 feet. 1,000 foot separation required.
Ordinance Sections: 705.2.G.5 705.2.B.4.b 705.2.B.2
Applicant: Jacob Zonn, Becker Board Small, LLC
Representative: Garry Hays, The Law Offices of Garry D. Hays
Owner: Jacob Zonn, Becker Board Small, LLC
Stipulations:
1) Install a Planning and Development Department (PDD) design-approved, decorative pole cover on the rebuilt sign.
2) Install a Planning and Development Department design-approved metallic screen treated with a graffiti resistant coating on the open end of the V-shaped sign.
3) Maximum height of the rebuilt off-premise sign shall be 60 feet.
4) The applicant shall have 12 months to apply and pay for permits for the subject sign.
5) The sign shall be dimmed at 11:00 PM until dawn daily.

Approved
w/stips

2. Application #: ZA-94-13-5 (1 Year Review of Use Permit)
Existing Zoning: C-3
Location: 4126 West Indian School Road
Quarter Section: 17-19(H6)
Proposal: 1) Use permit to allow a nonprofit medical marijuana dispensary facility. Use permit required.
2) Variance to allow a nonprofit medical marijuana dispensary facility to be located within 5,280 feet of the same type of use or a medical marijuana facility. Shall not be located within 5,280 feet of the same

type of use.
Ordinance Sections: 623.D.122.a 623.D.122.e
Applicant: Nalee Pham, New Gen Real Estate, Services, LLC
c/o Herbal Wellness Center
Representative: Fae Sowders, Esq., Bergin, Frakes, Smalley &
Oberholtzer
Owner: Nalee Pham, New Gen Real Estate, Services, LLC
c/o 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/stip**

3. Application #: ZA-561-24-4
Existing Zoning: C-2, P-1, R1-6
Location: 4149 North 19th Avenue
Quarter Section: Q17-25(H7)
Proposal: 1) Variance to allow a tobacco-oriented retailer (H&N Smoke and Vape) to be located within 1,320 feet of two schools. Minimum 1,320 feet of separation required.
2) Variance to allow a tobacco-oriented retailer (H&N Smoke and Vape) to be located within 1,320 feet of two places of worship. Minimum 1,320 feet of separation required.
3) Variance to allow a tobacco-oriented retailer (H&N Smoke and Vape) to be located within 1,320 feet of a dependent care facility. Minimum 1,320 feet of separation required.
- Ordinance Sections: 623.D.194.b 623.D.194.b 623.D.194.b
Applicant: Jose G. Aguirre, Architierra Design, LLC

Representative: Jose G. Aguirre, Architierra Design, LLC

Owner: Eman Rabadi, H&N Smoke & Vape

Stipulation:

- 1) 120 days to apply and pay for building permits.

**Approved
w/stips**

4. Application #: ZA-763-24-6
Existing Zoning: R1-6
Location: 4237 East Sells Drive
Quarter Section: Q17-37(H10)
Proposal: Variance to reduce the required setback from an interior property line (west) for a detached accessory dwelling unit (ADU) to 0 feet. Minimum 3 feet required.

Ordinance Sections: 706.A.4.a.(2)
Applicant: Todd Thompson, ETODDT Design, Inc.
Representative: Todd Thompson, ETODDT Design, Inc.
Owner: Joseph Rudolph and Gina Carrillo

Stipulations:

- 1) 120 days to apply and pay for building permits.
- 2) Agree to maintain the current height, position and square footage of the building shown on the Rudolph Casita plan dated October 18, 2024 except such work as is required by the City for satisfying fire rating.

**#1 Approved
w/stips**

5. Application #: ZA-798-24-4
Existing Zoning: C-2 WSNSPD
Location: 650 East Camelback Road
Quarter Section: Q19-28(H8)
Proposal: 1) Variance to reduce the streetscape landscape setback (Camelback Road) to 0 feet. Average of 25 feet for structures not exceeding two stories or 30 feet, minimum 20 feet permitted for up to 50% of frontage.
2) Variance to reduce the required parking spaces to 1. Minimum 6 spaces required.
3) Variance to allow vehicle maneuvering within the alley. Maneuvering must be located on private property.

Ordinance Sections: 623.E.4.e 702.C Table 702.A.1.b
Applicant: Jonathan Leon, Generaltnt LLC
Representative: Jonathan Leon, Generaltnt LLC
Owner: Jonathan Leon, Generaltnt LLC

**#2 Denied as
Filed**

Stipulations:

- 1) 90 days to apply and pay for building permits.
- 2) Approved for 2 parking spaces including handicap.

**Withdrawn
to Amend**

6. Application #: ZA-802-24-3
Existing Zoning: R1-10
Location: 109 West Pine Valley Drive
Quarter Section: Q34-27(L8)

	Proposal:	1) Variance to reduce the side yard setback (east) to 6 feet. Minimum 10 feet required. 2) Variance to reduce the required lot area to 9,796 square feet. Minimum 10,000 square feet required. 3) Variance to reduce the required lot width to 75 feet. Minimum 80 feet required.
	Ordinance Sections:	611.B.Table B 611.B.Table B 611.B.Table B
	Applicant:	Stephen E. Sedor AIA NCARB, Stephen E. Sedor Architect, LLC
	Representative:	Stephen E. Sedor AIA NCARB, Stephen E. Sedor Architect, LLC
	Owner:	Lauren and Michael Schefman
*Denied	7.	Application #: ZA-807-24-1 Existing Zoning: R1-8 Location: 3725 West Woodridge Drive Quarter Section: Q37-20(M6) Proposal: 1) Variance to reduce the minimum side setback (east) for a detached accessory structure to 1 foot. Minimum 3 feet required. 2) Variance to reduce the minimum rear setback (south) for a detached accessory structure to 2 feet. Minimum 3 feet required. Ordinance Sections: 706.B.3 706.B.3 Applicant: Dean Anthony and Jennifer Ann Rana Representative: Dean Anthony and Jennifer Ann Rana Owner: Dean Anthony and Jennifer Ann Rana Taken out from under advisement on January 22, 2025 and denied. 1:30 PM
Approved w/stips	8.	Application #: ZA-771-24-2 (SIGN) Existing Zoning: C-2 HGT/DNS/WVR PCD NBCCPOD Location: 33455 North North Valley Parkway Quarter Section: Q57-22(R7) Proposal: Use permit to adopt the Cabana North Valley Comprehensive Sign Plan. Use permit required. Ordinance Sections: 705.E.2 Applicant: Dan Richards, Cabana North Valley, LLC Representative: Damien Birski, Signs of the Times, Inc. Owner: Cabana North Valley, LLC Stipulations: 1) Sign design shall be in general conformance with the sign drawings submitted to the Hearing Officer date-stamped December 12, 2024. 2) Submittal of a revised 'final' version of the CSP document to the Planning and Development Department incorporating any ZAHO stipulations of approval and related changes to sign designs contained in the CSP, and any staff comments/corrections within 60 days from the date of the hearing and prior to the issuance of any sign permits for the project. 3) 12 months to pay for and obtain sign permits.

**Approved
w/stips**

9. Application #: ZA-775-24-7 (SIGN)
Existing Zoning: A-1
Location: 1115 North 47th Avenue
Quarter Section: Q12-17(G5,G6)
Proposal: 1) Use permit to rebuild two faces of a non-conforming off-premise sign to digital display. Use permit required.
2) Use permit to increase the height of an off-premise sign to a height of 58 feet. Use permit required.
Ordinance Sections: 705.2.G.4 704.2.B.4.b
Applicant: Bradford Terry, Lamar Advertising of Phoenix
Representative: William F. Allison, Withey Morris Baugh, PLC
Owner: Brandon Delf, CI450 North 47th, LLC, IC North 47th, LLC, Rose North 47th, LLC, S&A North 47th, LLC

Stipulations:

- 1) Install a Planning and Development Department (PDD) design-approved, decorative pole cover on the rebuilt sign.
- 2) Maximum height of the rebuilt off-premise sign shall be 58 feet.
- 3) The applicant shall have 12 months to apply and pay for permits for the subject sign.
- 4) Plant Planning and Development Department approved landscaping below the off-premise sign next to Roosevelt Street.
- 5) Install Planning and Development Department approved screens on the south edge of both digital sign faces.

**Approved
w/stips**

10. Application #: ZA-111-18-2 (1 Year Review of Use Permit)
Existing Zoning: C-2
Location: 21035 North Cave Creek Road, Suite C3 & C4
Quarter Section: 42-33(N9)
Proposal: 1) Time extension for ZA-37-17, a variance to expand an existing medical marijuana dispensary within 1,320 feet of a public park. Minimum 1,320 foot separation required.
2) Time extension for ZA-37-17, a variance to expand an existing medical marijuana dispensary within 1-mile of another medical marijuana facility. Minimum 1-mile separation required.
3) Time extension for ZA-37-17, a use permit to expand an existing medical marijuana dispensary. Use permit required.
Ordinance Sections: 623.D.122.g 623.A.122.e 623.D.122.a
Applicant: Benjamin L. Tate, Withey Morris, PLC
Representative: Benjamin L. Tate, Withey Morris, PLC
Owner: Rose Garden Holden, 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/stip**

11. Application #: ZA-533-24-8
 Existing Zoning: WU Code T4:3 EG
 Location: 1920 East Polk Street
 Quarter Section: Q11-31(F9)
 Proposal: 1) Time extension for ZA-334-21, variance to reduce the required perimeter landscape setback (north) to 0 feet. Minimum 15 feet required.
 2) Time extension for ZA-334-21, variance to reduce the required perimeter landscape setback (south) to 0 feet. Minimum 15 feet required.
 Ordinance Sections: 608.F.8.c.2 608.F.8.c.2
 Applicant: Zachery Howser, Architectural Resource Team, Inc.
 Representative: Glenn Karlson, Trellis
 Owner: Nichelle Zazueta-Bonow, City of Phoenix
Stipulation:
 1) 18 months to apply and pay for building permits.

**Approved
w/stip**

12. Application #: ZA-560-24-4
 Existing Zoning: C-3
 Location: 1845 Grand Avenue
 Quarter Section: Q12-25 (G7)
 Proposal: 1) Variance to reduce the front building setback (northeast) to 0 feet. A minimum of 25 feet is required.
 2) Variance to reduce the side building setback (west) to 12 feet. A minimum of 25 feet is required.
 3) Variance to reduce the front (northeast) landscape setback to 0 feet. An average of 25 feet is required, minimum of 20 feet permitted for up to 50 percent of structure, including projections.
 4) Variance to reduce the side (west) landscape setback to 0 feet. An average of 25 feet is required,

minimum of 20 feet permitted for up to 50 percent of structure, including projections.

Ordinance Sections: 624.E.4.d 624.E.4.d 624.E.4.e 624.E.4.e
Applicant: Andrew Hinderliter, Motley Design Group, LLC
Representative: Andrew Hinderliter, Motley Design Group, LLC
Owner: Chad Christison, Grateful 4, LLC

Stipulation:

- 1) 18 months to apply and pay for building permits.

**Approved
w/stip**

13. Application #: ZA-785-24-6
Existing Zoning: R1-10
Location: 7722 North 7th Street
Quarter Section: Q24-28(J8)
Proposal: Use permit to allow detached accessory structure (carport) located behind the required front setback but between the primary dwelling unit and the front property line (south). Use permit required.

Ordinance Sections: 706.B.1
Applicant: Ryan Johnson, Shade Plus, LLC
Representative: Ryan Johnson, Shade Plus, LLC
Owner: Gina Kaufman

Stipulation:

- 1) 60 days to apply and pay for building permits.

***Approved
w/stip**

14. Application #: ZA-803-24-5
Existing Zoning: R1-6
Location: 2731 West Belmont Avenue
Quarter Section: Q24-22(J7)
Proposal: Use permit to allow development under the Planned Residential Development option. Use permit required.

Ordinance Sections: 613.B.Table B
Applicant: Edmir Dzuda, E Project LLC
Representative: Leonard Saguid, E-Project, LLC
Owner: Secilia Zamudio Romero

Taken out from under advisement on January 22, 2025 and approved with the following stipulation:

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

**Approved
w/stips**

15. Application #: ZA-805-24-8
Existing Zoning: Rural 43 (Pending S-1) (Approved C-1)
Location: 9170 South 51st Avenue
Quarter Section: Q02-16(C5)
Proposal: 1) Use permit to allow outdoor dining as an accessory to a restaurant (Starbucks). Use permit required.
2) Use permit to allow a drive-through facility as an accessory to a restaurant (Starbucks) within 300 feet from a residential zoning district. Use permit required.

Ordinance Sections: 622.D.150.d 622.D.150.e(2)
Applicant: Rutuja Dhuru, CVP - Dobbins SB, LLC
Representative: Mike Hills, PHNX Design
Owner: Eric Young, Pacific Western Holdings, LLC

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) With conformance to the site plan dated November 7, 2024 with regard to the outdoor seating, drive-through location and menu board.

ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER
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.

January 22, 2025