

**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 **February 22, 2024 9:00 AM (Items 1-8) and 1:30 PM (Items 9-13)**

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-195-14-7 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 3333 South Central Avenue
Quarter Section: 6-28(E8)
Proposal:
1) Use permit to allow a medical marijuana cultivation facility in A-1 zoning district. Use permit is required.
2) Use permit to allow a medical marijuana infusion facility in A-1 zoning district. Use permit is required.
3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility.
4) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
Applicant: Steve Cottrell, Curaleaf President of AZ Operations
Representative: Steve Cottrell, Curaleaf President of AZ Operations
Owner: Larry Lazarus, Lazarus & Silvyn, P.C.
Walter Gilbert Esq., Gilbert Bird Law Firm

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-567-15-7 (1 Year Review of Use Permit)
- Existing Zoning: A-1 RSIOD
- Location: 3333 South Central Avenue, 14 and 18 East Victory Street
- Quarter Section: 6-28(E8)
- Proposal:
 - 1) Use permit to allow a medical marijuana dispensary facility. Use permit required.
 - 2) Variance to allow a medical marijuana dispensary within 5,280 feet of another medical marijuana facility. Minimum of 5,280 feet separation required.
- Ordinance Sections: 627.D.92.a 627.D.92.d
- Applicant: Steve Cottrell, Curaleaf President of AZ Operations
- Representative: Steve Cottrell, Curaleaf President of AZ Operations
- Owner: Larry Lazarus, Lazarus & Silvyn, P.C.
Walter Gilbert Esq., Gilbert Bird Law Firm

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-683-23-7
Existing Zoning: DTC-Downtown Gateway ACOD
Location: 888 North 1st Avenue
Quarter Section: Q11-27(F8)
Proposal: Use permit to allow liquor retail sales. Use permit required.
Ordinance Sections: 1204.D.Table
Applicant: Rhonda Rodriguez, Arizona Liquor Industry Consultants
Representative: Rhonda Rodriguez, Arizona Liquor Industry Consultants
Owner: City of Phoenix C/O OZ Union-PI LLC

Stipulations:

- 1) The front windows are maintained free of advertisement or banners that obstruct the employees outside view of trespassers, loiterers occurring outside the store.
- 2) "No Trespassing" signs must be posted and an Authority to Arrest Trespassers from be signed to deter loitering/unwanted guests inside and surrounding the establishment.
- 3) 90 days to apply and pay for building permits.

**Approved
w/stip**

4. Application #: ZA-30-24-7
Existing Zoning: C-2
Location: 5911 West Baseline Road
Quarter Section: Q01-14(D5)
Proposal: 1) Use permit to allow outdoor dining as an accessory use to a restaurant (Back Yard Taco) when located within 500 feet of a residential zoning district. Use permit required.
2) Use permit to allow a drive-through facility as an accessory use to a restaurant (Back Yard Taco) when located within 300 feet of a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.d.(2)
Applicant: Rauf Moosavi, RA, Moosavi Design Group Architects, Inc.
Representative: Rauf Moosavi, RA, Moosavi Design Group Architects, Inc.
Owner: Papa Loca Properties, LLC

Stipulation:

- 1) 12 months to apply for building permits.

**Approved
w/stip**

5. Application #: ZA-31-24-4
Existing Zoning: R-3

		Location:	1106 East Campbell Avenue
		Quarter Section:	Q18-29(H8)
		Proposal:	1) Time Extension for ZA-284-22, use permit to allow the Single-Family Attached development option. Use permit required. 2) Time Extension for ZA-284-22, variance to reduce the required perimeter landscape setback (east) to 0 feet. Minimum 5 feet required.
		Ordinance Sections:	608.F.8 608.F.8.c.3
		Applicant:	Michael Dooley, Signal Mountain, LLC
		Representative:	Michael Dooley, Signal Mountain, LLC
		Owner:	Signal Mountain, LLC, Attn: Michael Dooley
		Stipulation:	
			1) 18 months to apply for building permits.
Denied	6.	Application #:	ZA-34-24-6
		Existing Zoning:	RE-35
		Location:	2025 East Missouri Avenue
		Quarter Section:	Q19-32(H9)
		Proposal:	1) Variance to allow an over height wall (8 feet) in the required front yard (west) setback. Maximum 40 inches permitted. 2) Variance to allow an over height wall (8 feet) in the required side yard (north) setback. Maximum 6 feet permitted. 3) Variance to allow an over height wall (8 feet) in the required side yard (south) setback. Maximum 6 feet permitted. 4) Variance to allow an over height wall (8 feet) in the required rear yard (east) setback. Maximum 6 feet permitted.
		Ordinance Sections:	703.A.2.a 703.A.2.c 703.A.2.c 703.A.2.c
		Applicant:	Alex Hayes, Withey Morris Baugh, PLC
		Representative:	Alex Hayes, Withey Morris Baugh, PLC
		Owner:	Ramandeep Kalra
Approved	7.	Application #:	ZA-40-24-2
		Existing Zoning:	C-2 DRSP
		Location:	21001 North Tatum Boulevard
		Quarter Section:	Q41-39 (N11)
		Proposal:	Use permit to allow a temporary use (Dome Tent) for up to 36 months. Use permit required.
		Ordinance Sections:	708.D.1
		Applicant:	Tim Ray, Vestar DRM-OPCO, LLC
		Representative:	Tim Ray, Vestar
		Owner:	Vestar DRM-OPCO, LLC
Withdrawn	8.	Application #:	ZA-4-24-1
		Existing Zoning:	C-2
		Location:	2827 West Peoria Avenue

		Quarter Section:	Q28-22(K7)
		Proposal:	Variance to allow a tobacco-oriented retailer (Metro City) to be located within 1,320 feet of a school. Minimum 1,320 feet of separation required.
		Ordinance Sections:	623.D.194.a
		Applicant:	Madison Leake, Burch & Cracchiolo, P.A.
		Representative:	Madison Leake, Burch & Cracchiolo, P.A.
		Owner:	Alturas Metro Towne Center, LLC, c/o Abbas Choukeir
		1:30 PM	
Continued	9.	Application #:	ZA-734-23-7 (Continued from February 1, 2024)
		Existing Zoning:	A-1
		Location:	11 South 71st Avenue
		Quarter Section:	Q10-12(F4)
		Proposal:	Use permit to allow a shelter for individuals experiencing homelessness. Use permit required if located on a lot within 1,320 feet from a residential district.
		Ordinance Sections:	627.D.1
		Applicant:	Rachel Milne, City of Phoenix Office or Homeless Solutions
		Representative:	Rachel Milne, City of Phoenix Office or Homeless Solutions
		Owner:	City of Phoenix, Attn: Property Management
		Continued to March 28, 2024 at 1:30 PM.	
Continued	10.	Application #:	ZA-732-23-2 (Continued from January 25, 2024)
		Existing Zoning:	R1-14
		Location:	5302 East Friess Drive
		Quarter Section:	Q33-40(L11)
		Proposal:	Variance to reduce the side setback (east) for a detached accessory structure to 0 feet. Minimum 3 feet required.
		Ordinance Sections:	706.B.3
		Applicant:	Ernest D. Bianchi
		Representative:	Ernest D. Bianchi
		Owner:	Ernest D Bianchi
		Continued to March 28, 2024 at 1:30 PM.	
Approved w/stip	11.	Application #:	ZA-584-23-8
		Existing Zoning:	R-5
		Location:	2012 East Madison Street
		Quarter Section:	Q10-32(F9)
		Proposal:	1) Variance to reduce the required building setback (east) to 5 feet. Minimum 20 feet required. 2) Variance to reduce the required landscape setback (east) to 0 feet (Trash enclosure, drive

- isle and parking). Minimum 20 feet required.
- 3) Variance to reduce the required building setback (west) to 0 feet (Parking canopy). Minimum 10 feet required.
- 4) Variance to reduce the required landscape setback (west) to 0 feet. Minimum 5 feet required.
- 5) Variance to allow an over height wall (6 feet) within the front yard setback (north). Maximum 40 inches permitted.
- 6) Variance to allow an over height wall (8 feet) within the side yard setback (west). Maximum 6 feet permitted.
- 7) Variance to reduce the required open space to 2%. Minimum 5% required.

Ordinance Sections: 618.B.Table B 703.B.3.a 618.B.Table B 703.B.3.a 703.A.3.a 703.A.2.c 618.B.Table B

Applicant: Edmir Dzudza, E-Project, LLC

Representative: Leonard Saguid, E-Project, LLC

Owner: NIDO Development LLC

Stipulation:

- 1) 2 years to apply and pay for building permits.

**Approved
w/stip**

12. Application #: ZA-24-24-4
- Existing Zoning: C-2 HGT/WVR SP*
- Location: 4820 and 4810 Black Canyon Highway
- Quarter Section: Q18-23(H7)
- Proposal:
- 1) Variance to reduce the building setback (north) to 14 feet. Average 30 feet required, minimum 20 feet permitted for up to 50% of the structure.
 - 2) Variance to reduce the building setback (east) to 8 feet. Average 30 feet required, minimum 20 feet permitted for up to 50% of the structure.
 - 3) Variance to reduce the building setback (west) adjacent to R-3 zoning district to 60 feet. Minimum 100 feet required.
 - 4) Variance to reduce the building setback (south) to 12 feet. Average 30 feet required, minimum 20 feet permitted for up to 50% of the structure.
 - 5) Variance to reduce the landscape setback (north) adjacent to public street (Mariposa Street) to 14 feet. Average 30 feet required, minimum 20 feet permitted for up to 50% of the frontage.
 - 6) Variance to reduce the landscape setback (east) adjacent to public street (Black Canyon Highway) to 8 feet. Average 30 feet required, minimum 20 feet permitted for up to 50% of the frontage.
 - 7) Variance to reduce the landscape setback

(south) adjacent to public street (Pierson Street) to 12 feet. Average 30 feet required, minimum 20 feet permitted for up to 50% of the frontage.

Ordinance Sections: 623.E.4.d 623.E.4.d 623.E.4.d 623.E.4.d 623.E.4.e 623.E.4.e 623.E.4.e

Applicant: Mike Kucera, Black Canyon Self Storage, LLC

Representative: Benjamin Tate, Withey Morris Baugh, PLC

Owner: Mike Kucera, Black Canyon Self Storage, LLC

Stipulation:

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

Denied 13. Application #: ZA-33-24-3

Existing Zoning: R1-10

Location: 3518 East Desert Cove Avenue

Quarter Section: Q29-35(K10)

Proposal: Variance to reduce minimum lot width to 70 feet. 80 feet required.

Ordinance Sections: 611.Table.B

Applicant: Michael Valenti

Representative: Michael Valenti

Owner: Michael Valenti

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.

February 23, 2024