

**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 **March 7, 2024 9:00 AM (Items 1-5) and 1:30 PM (Items 6-8)**

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-429-15-1 (1 Year Review of Use Permit)
Existing Zoning: A-1 DVAO 1 and 2
Location: 21407 North Central Avenue
Quarter Section: 42-28(N8)
Proposal: 1) Use Permit to allow a medical marijuana infusion facility. Use Permit required.
2) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum separation of 5280 feet required.

Ordinance Sections: 627.D.93.a 627.D.93.b
Applicant: Larry Lazarus, Lazarus & Silvyn, P.C.
Representative: Larry Lazarus, Lazarus & Silvyn, P.C.
Owner: EMM RE MGMT, LLC

Stipulation:

- 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.

Continued 2. Application #: ZA-740-23-3
Existing Zoning: C-2
Location: 10427 North 19th Avenue
Quarter Section: Q28-25(K7)
Proposal: 1) Variance to allow a tobacco oriented retailer (Adams SS LLC) to be located within 1,320 feet of a community center. Minimum 1,320 feet separation required.
 2) Variance to allow a tobacco oriented retailer (Adams SS LLC) to be located within 1,320 feet of a park. Minimum 1,320 feet separation required.
 3) Variance to allow a tobacco oriented retailer (Adams SS LLC) to be located within 1,320 feet of a place of worship. Minimum 1,320 feet separation required.
Ordinance Sections: 623.D.194.b 623.D.194.b 623.D.194.b
Applicant: Saed Nasria and Shireen Suleiman, Adams SS, LLC
Representative: Saed Nasria and Shireen Suleiman, Adams SS, LLC
Owner: Edward Dawson, NTA Commercial Properties N. 19th Ave., LLC

Continued to April 11, 2024 at 9:00 AM.

Approved w/stips 3. Application #: ZA-50-24-2
Existing Zoning: R1-8
Location: 2350 East Charlene Place
Quarter Section: Q45-32(O9)
Proposal: Variance to allow an accessory structure on a lot without a primary structure. Primary structure required to allow accessory structures on a lot.
Ordinance Sections: 608.C.7
Applicant: Jon Peterson, JPeterson Family Trust
Representative: Jon Peterson, JPeterson Family Trust
Owner: Jon Peterson, JPeterson Family Trust

Stipulation:

- 1) Obtain building permits for accessory structure, if necessary, within 1 year.
- 2) Accessory structure will not be used as a living space.

Continued 4. Application #: ZA-65-24-6
Existing Zoning: C-1
Location: 3228 East Indian School Road
Quarter Section: Q17-35(H10)
Proposal: Use permit to allow a drive-through facility as an

accessory to a restaurant (Angie's Prime Grill)
within 300 feet from a residential zoning district.
Use permit required.
Ordinance Sections: 622.D.150.e.(2)

Applicant: Jeffrey Williams, R.B. Williams & Associates, Inc.
Representative: Jeffrey Williams, R.B. Williams & Associates, Inc.
Owner: TMC Income Properties XI, LLC

Continued to April 11, 2024 at 9:00 AM.

**Denied as
filed**

5. Application #: ZA-69-24-4
Existing Zoning: R1-6
Location: 1107 North 27th Lane
Quarter Section: Q12-22(G7)
Proposal: Variance to reduce the side yard setback (north)
to 3 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Claudia Fuentes
Representative: Rafael Macias
Owner: Claudia Fuentes
Stipulation:
1) Variance approved to reduce the side yard set back (North) to 6
feet.

1:30 PM

**Approved
w/stips**

6. Application #: ZA-59-24-8
Existing Zoning: C-3 CCSIO
Location: 1146 West Buckeye Road
Quarter Section: Q9-26(F8)
Proposal: 1) Variance to reduce the streetside building
setback (west) to 0 feet. A minimum of 25 feet is
required.
2) Variance to reduce the landscape setback
requirement along 13th Avenue to 0 feet.
Average 25 feet for structures not exceeding two
stories or 30 feet, minimum 20 feet permitted for
up to 50% of the frontage.
3) Variance to increase lot coverage to 67%.
Maximum 50% permitted.
4) Variance to allow maneuvering in the right-of-
way (13th Avenue). Maneuvering must be
provided entirely on private property.
Ordinance Sections: 624.E.4.d 624.E.4.e 624.E.4.h 702.A.1.b
Applicant: Paul Almond, Almond ADG Architects
Representative: Paul Almond, Almond ADG Architects
Owner: Santos Vitalino
Stipulation:
1) 1 year to obtain building permits.
2) Per site plan dated January 30, 2024 regarding new addition and
parking area.
3) Provide landscaping and irrigation between the building/parking

area and back of sidewalk along 13th avenue.

- 4) Rolling trash bin shall remain in the building except when scheduled pickups occur.

**Approved
w/stips**

7. Application #: ZA-70-24-1
Existing Zoning: C-1, C-2
Location: 12612 North Black Canyon Highway
Quarter Section: Q31-22(K7)
Proposal: 1) Variance to allow an over height wall (6 feet) within the required street front setback (north). Maximum 40 inches permitted.
2) Variance to allow an over height wall (6 feet) within the required street front setback (south). Maximum 40 inches permitted.
3) Variance to allow an over height wall (6 feet) within the required street front setback (west). Maximum 40 inches permitted.
4) Variance to allow an over height wall (6 feet) within the required street front setback (east). Maximum 40 inches permitted.
Ordinance Sections: 703.A.3.a 703.A.3.a 703.A.3.a 703.A.3.a
Applicant: Jeff Muckerman, Permits Made Easy
Representative: Jeff Muckerman, Permits Made Easy
Owner: Dan Holgate, Calvary Community Church
Stipulation:
1) Fence will be located on the property line on all four streets except where necessary to accommodate a gate or site visibility.
2) 1 year to obtain a building permit.
3) Section of crushed granite between two driving access points on frontage road to be landscaped with trees and shrubbery per Planning Department requirements.

**Approved
w/stips**

8. Application #: ZA-71-24-6
Existing Zoning: R1-10 NCASPD
Location: 6120 North Central Avenue
Quarter Section: Q21-27(I8)
Proposal: Variance to allow a 6 foot solid wall in the required front yard setback along Central Avenue. Maximum 40 inches permitted.
Ordinance Sections: 664.D.Table
Applicant: William F. Allison, Withey Morris Baugh, PLC
Representative: William F. Allison, Withey Morris Baugh, PLC
Owner: Tim and Colleen Chester, 6120 N Central, LLC
Stipulation:
1) Per the site plan date stamped February 5, 2024 with specific regards to the placement, height and materials of the combination wrought iron fence (75 feet in length north and south of the auto-gate) and the solid masonry wall (120 feet in length along the remainder of the frontage).
2) The Central Avenue/east side of the solid masonry wall shall be

painted and maintained with Dunn Edwards Flagstone Quartzite (DEC 517) or comparable.

- 3) The existing ornamental citrus and olive tree hedge on the Central Avenue/east side of the solid masonry wall shall be maintained at the height not less than six feet. The hedges shall, as necessary, be replaced only with ornamental citrus, sterile olive, or comparable evergreen landscape material, as approved by the Planning and Development Department. Replacement of hedge plants shall occur within six months of a plant dying. Oleander shall not be used for this live screen.
- 4) One year to apply and pay for the wall permit.

ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
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.

March 8, 2024