

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised June 5, 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 **May 9, 2024 at 9:00 AM (Items 1-7) and 1:30 PM (Items 8-15)**

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

Withdrawn

9:00 AM

- | | | |
|----|---------------------|--|
| 1. | Application #: | ZA-100-24-4 (Continued from March 21, 2024) |
| | Existing Zoning: | C-2 |
| | Location: | 2722 East McDowell Road |
| | Quarter Section: | Q13-33(G9) |
| | Proposal: | Variance to reduce the minimum parking requirement to 30 spaces. Minimum 40 spaces required. |
| | Ordinance Sections: | 702.C |
| | Applicant: | Jorge I Toscano |
| | Representative: | Jorge I Toscano |
| | Owner: | Maria L. Torres and Mauricio M. Guzman |

**Approved
w/stips**

- | | | |
|----|------------------|---|
| 2. | Application #: | ZA-170-23-8 |
| | Existing Zoning: | A-1 |
| | Location: | 4201 & 4205 East University Drive |
| | Quarter Section: | 6-37(E10) 6-37(E10) |
| | Proposal: | 1) Variance to reduce the required side yard (west) setback to 4 feet. Minimum 25 feet required.
2) Use permit to allow a medical marijuana cultivation facility. Use permit required.
3) Variance to allow medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.
4) Use permit to allow a medical marijuana infusion facility. Use permit required.
5) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.
6) Use permit to allow a medical marijuana dispensary facility. Use permit required.
7) Variance to allow a medical marijuana dispensary facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of |

separation required.
Ordinance Sections: 701.D.3.c 627.D.91.a 627.D.91.c 627.D.93.a
627.D.93.b 627.D.92.a 627.D.92.d
Applicant: Brian Greathouse, Burch & Cracchiolo, P.A.
Representative: Brian Greathouse, Burch & Cracchiolo, P.A.
Owner: Cottontails LLC
November 10, 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 2 years 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.
- 8) The applicant shall notify the Planning and Development Department upon issuance of the Approval to Operate (ATO). Within 90 days following the issuance of the ATO, the applicant shall complete revocation of the use permits approved in Zoning Adjustment Case Nos. ZA-21-11, ZA-159-11, ZA-361-12, and ZA-151-21

**Approved
w/stips**

3. Application #: ZA-64-24-1
Existing Zoning: C-2
Location: 3939 West Arroyo Norte Drive
Quarter Section: Q70-19(U6)
Proposal: 1) Variance to reduce the perimeter landscape setback (south) to 0 feet. Minimum 5 feet required.
2) Variance to reduce the landscape setback (north) adjacent to a public street right-of-way to 8 feet. Minimum 20 feet required.
3) Variance to reduce the required perimeter

setback adjacent to a property line (east) to 10 feet. Minimum 15 feet required.

4) Variance to reduce the required perimeter setback adjacent to a property line (south) to 10 feet. Minimum 15 feet required.

Ordinance Sections: 703.B.3.a 703.B.3.b.(3) 615.B.Table B

Applicant: Rudy Herrera, BVFD North Phoenix Owner, LLC
c/o Family Development

Representative: Waldy Coronado, Walcor, LLC

Owner: Rudy Herrera, BVFD North Phoenix Owner, LLC
c/o Family Development

Stipulations:

1) Per the reductions as shown on the site plan date stamped April 8, 2024.

2) 2 years to apply for and obtain building permits.

**Approved
w/stips**

4. Application #: ZA-179-24-4
Existing Zoning: R-3 TOD-1, C-3 TOD-1
Location: 540 West Mariposa Street #5
Quarter Section: Q18-27(H8)
Proposal: Use permit for official approval of a home occupation (Federal Firearms License). Use permit required.

Ordinance Sections: 608.E.27.h.(5)

Applicant: West Dudgeon, HK Fanatics, LLC

Representative: West Dudgeon, HK Fanatics, LLC

Owner: West Dudgeon, HK Fanatics, LLC

Stipulations:

1) 90 days to commence the use.

2) No on-site sales or business related traffic.

Approved

5. Application #: ZA-202-24-4
Existing Zoning: C-1, P-1
Location: 2002 East Osborn Road
Quarter Section: Q16-32(H9)
Proposal: Revocation of ZA-184-21, use permit to allow a hospital (medically supervised detoxification). Use permit required.

Ordinance Sections: 307.A.7.g

Applicant: City of Phoenix, Planning and Development Department

Representative: City of Phoenix, Planning and Development Department

Owner: Crossroads Corporate, Inc.

**Approved
w/stip**

6. Application #: ZA-274-24-3
Existing Zoning: R-3
Location: 11050 North 15th Avenue
Quarter Section: Q29-25(K7)
Proposal: Variance to reduce the front setback (east) for

Ordinance Sections: Lot 2 to 15 feet. Minimum 25 feet required.
615.B.Table B
Applicant: Paul O'Connor, POCA Architecture + Design, LLC
Representative: Paul O'Connor, POCA Architecture + Design, LLC
Owner: Oggie Penev, OP Rent 8, LLC

Stipulation:

- 1) 1 year to complete the lot split process and apply for and obtain building permits.

**Approved
w/stips**

7. Application #: ZA-276-24-6
Existing Zoning: R-3
Location: 3601 North 38th Street
Quarter Section: Q16-36(H10)
Proposal: 1) Variance to reduce the interior perimeter setback (east) to 5 feet. Minimum 15 feet required.
2) Variance to reduce the perimeter landscape setback (north) to 3 feet. Minimum 5 feet required
Ordinance Sections: 615.B.Table 615.B 703.B.3.B.(3)
Applicant: Jerry Palmer, Palmer Architects, Ltd.
Representative: Jerry Palmer and Dawn Augusta, Palmer Architects, Ltd.
Owner: Bryan Krizek, 3601 N. 38th Street, LLC

Stipulations:

- 1) Open spaces at the east end and forth north and south segments will have a minimum of 4 low-water use shade trees each, minimum of 2.5 inch caliper.
- 2) Along the street frontage there will be 4 low-water use shade trees, minimum 2.5 inch caliper.
- 3) 2 years to apply for and obtain building permits.

1:30 PM

**Approved
w/stips**

8. Application #: ZA-709-23-7 (SIGN) (Continued from March 21, 2024)
Existing Zoning: A-1
Location: 1827 South Black Canyon Highway
Quarter Section: Q8-24(F7)
Proposal: 1) Use permit to rebuild a non-conforming off-premise sign to a height of 60 feet. Use permit required.
2) Use permit to rebuild two faces of a non-conforming off-premise sign to digital display. Use permit required.
Ordinance Sections: 705.2.B.4.b 705.2.G.4
Applicant: Paul Hickman, Clear Channel Outdoor
Representative: Brian Vaccaro, Earl & Curley
Owner: Christensen Family Trust

Stipulations:

- 1) Install Planning and Development Department design-approved vertical louvers on the digital sign faces that significantly reduce digital image visibility for areas outside of northbound and southbound I-17 mainline and frontage road traffic including the residential area north of Hamilton School. Prior to final inspection of the digital sign, effectiveness of vertical louvers to be verified via a sign inspection performed by Planning and Development Department (PDD) staff.
- 2) Install a Planning and Development Department design-approved, decorative pole cover on the rebuilt sign. Any access ladder, if included, shall be on the northeast or northwest side of the pole cover and generally concealed from northbound traffic or as approved by the PDD.
- 3) Openings in the required decorative pole cover for electrical service shall be on the northeast or northwest side of the pole cover or as approved by the PDD. In the event the power provided requires an alternative location due to safety.
- 4) The applicant shall have 12 months to apply and pay for permits for the subject sign.

**Approved
w/stips**

9. Application #: ZA-591-23-7 (SIGN)
Existing Zoning: A-2
Location: 2312 West McDowell Road
Quarter Section: Q13-23(G7)
Proposal: 1) Use permit to rebuild a nonconforming off-premise sign not requesting digital. Use permit required.
2) Use permit to increase the height of a nonconforming off-premise sign to 70 feet. Use permit required.
Ordinance Sections: 705.2.G.5 705.2.B.4.b
Applicant: Jacob Zonn, Becker Boards Small, LLC
Representative: Garry D. Hays
Owner: Purcell Properties, LLC

Stipulations:

- 1) Install a Planning and Development Department design-approved, decorative pole cover on the rebuilt sign. Any access ladder, if included, shall be on the east or north side of the pole cover and generally concealed from northbound traffic.
- 2) Openings in the required decorative pole cover for electrical service shall be on the east or north side of the pole cover.
- 3) Install a dark grey corrugated metal or otherwise PDD design-approved metallic screening device incorporating graffiti resistant paint on the open east end of the V-shaped sign structure.
- 4) The applicant shall have 12 months to apply and pay for permits for the subject sign.

**Denied as
Filed
Approved**

10. Application #: ZA-237-24-8 (SIGN)
Existing Zoning: R-3, R-4 (Approved C-2 H-R)
Location: 1000 N 44TH ST

w/stip

Quarter Section: Q12-37(G10)
Proposal: Variance to increase ground sign area to 93 square feet. Maximum 32 square feet permitted.
Ordinance Sections: 705.D.1 Table D-1
Applicant: Halsten Ransil, JLB Partners
Representative: Mike Maerowitz, Snell and Wilmer
Owner: CH DOF I-JLB MF Phoenix Runway, LLC

Stipulation:

- 1) Other than the face area, Sign design shall be in accordance with the sign drawings submitted to the Hearing Officer and date-stamped May 9, 2024.
- 2) Maximum sign face area is limited to 60 square feet as described on the sign drawings date-stamped May 9, 2024.
- 3) Twelve months to obtain sign permits for the ground sign.

**Approved
w/stips**

11. Application #: ZA-103-14-8 (1 Year Review of Use Permit)
Existing Zoning: A-2 RSIOD
Location: 2315 South 15th Avenue
Quarter Section: 7-26(E8)
Proposal: 1) Variance to allow a medical marijuana cultivation facility within 5,280 feet of the same type of use. Variance required.
2) Use Permit to allow a medical marijuana cultivation facility. Use Permit required.
Ordinance Sections: 627.D.91.c 627.D.91.a
Applicant: Fred Petermann, Cold Fusion Lighting
Representative: Fred Petermann, Cold Fusion Lighting
Owner: Maschmeier Fuels, 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.

Continued	12.	Application #:	ZA-68-16-1 (1 Year Review of Use Permit)
		Existing Zoning:	C-2
		Location:	4244 West Dunlap Avenue
		Quarter Section:	27-19(J6)
		Proposal:	1) Use permit to allow a medical marijuana dispensary facility. Use permit is required. 2) Variance to allow a medical marijuana dispensary within 1320 feet of a preschool. Minimum of 1320 feet of separation required.
		Ordinance Sections:	623.D.122.a 623.D.122.g
		Applicant:	DRH Enterprises
		Representative:	Withey Morris, PLC
		Owner:	Angal Dunlap Properties, LLC
		Continued to June 20, 2024 at 1:30 PM.	
*Approved and no Further Events Granted	13.	Application #:	ZA-372-23-2 (6 Month Review of Use Permit)
		Existing Zoning:	C-2 DRSP
		Location:	5415 East High Street
		Quarter Section:	41-40(N11) 42-40(N11)
		Proposal:	Use permit to allow a temporary use (AZ Jazz Fest) for up to 36 months. Use permit required.
		Ordinance Sections:	708.D.1
		Applicant:	Brad Laughlin, M.U.S.I.C. Foundation of AZ, Inc.
		Representative:	Amber Hutchinson, M.U.S.I.C. Foundation of AZ, Inc.
		Owner:	High Street Buildings, LLC
		Taken out from under advisement on June 5, 2024. The review was approved, and no further events granted.	
Approved w/stip	14.	Application #:	ZA-158-24-4
		Existing Zoning:	R-3, C-2
		Location:	4249 North 16th Street
		Quarter Section:	Q17-31(H9)
		Proposal:	1) Time extension for ZA-584-22, variance to reduce the required common area to 0% of the gross area. Minimum 5% required. 2) Time extension for ZA-584-22, use permit to use the Single-Family Attached (SFA) Development Option. Use Permit required.
		Ordinance Sections:	615.B.Table B 608.F.8
		Applicant:	Paul O'Connor, POCA Architecture + Design, LLC
		Representative:	Paul O'Connor, POCA Architecture + Design, LLC
		Owner:	Hector Medina

Stipulation:

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

**Approved
w/stip**

15. Application #: ZA-245-24-6
Existing Zoning: C-2 CEPCSP
Location: 1949 East Camelback Road
Quarter Section: Q18-31(H9)
Proposal: 1) Variance to reduce a drive-through facility queuing length to 55 feet. Minimum 150 linear feet of queuing space per pickup window required.
2) Use permit to allow for outdoor dining as an accessory use to a restaurant (Hawaiian Bros Island Grill) within 500 feet of a residential zoning district line. Use permit required.
Ordinance Sections: 702.B.6.c 623.D.157.c
Applicant: Rob Lane, Senior Land Use Planner, Gammage & Burnham, PLC, c/o Federal Realty Investment Trust
Representative: Rob Lane, Senior Land Use Planner, Gammage & Burnham, PLC, c/o Federal Realty Investment Trust
Owner: FR Camelback Colonnade, LLC c/o Federal Realty Investment Trust

Stipulation:

- 1) 1 year to apply for and obtain building permits.
- 2) Per the queuing length reduction as shown on the site plan dated stamped April 4, 2024.

**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.

June 5, 2024