

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised May 17, 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 16, 2024 at 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-15-19-4 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 2960 Grand Avenue
Quarter Section: 15-22(G7)
Proposal:
 - 1) Time extension for ZA-295-18, use permit to allow a medical marijuana cultivation facility. Use permit required.
 - 2) Time extension for ZA-295-18, use permit to allow a medical marijuana infusion facility. Use permit required.
 - 3) Time extension for ZA-295-18, variance to allow a medical marijuana cultivation facility less than 5,280 feet from another medical marijuana facility. Minimum 5,280 feet of separation required.
 - 4) Time extension for ZA-295-18, variance to allow a medical marijuana infusion facility less than 5,280 feet from another medical marijuana facility. Minimum 5,280 feet of separation required.
- Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
Applicant: Chris Arnold, ACP Real Estate, LLC
Representative: Brian Greathouse, Burch & Cracchiolo, P.A.
Owner: Chris Arnold, ACP Real Estate, 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**

2. Application #: ZA-92-13-8 (4 Month Review of Use Permit)
 Existing Zoning: A-2 RSIOD
 Location: 2512 East Magnolia Street
 Quarter Section: 7-33(E9)
 Proposal: 1) Use permit to allow medical marijuana cultivation. Use permit is required.
 2) Use permit to allow medical marijuana infusion. Use permit is required.
 Ordinance Sections: 627.D.91.a 627.D.91.b
 Applicant: Eric Powers, Green Sky Patient Center of Scottsdale
 Representative: Lauren Niehaus, Green Sky Patient Center of Scottsdale
 Owner: Eric Powers, Green Sky Patient Center of Scottsdale

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-121-24-6 (Continued from April 4, 2024)
		Existing Zoning:	R-3
		Location:	3933, 3937, 3943 East Monterosa Street
		Quarter Section:	Q17-36(H10)
		Proposal:	1) Variance to reduce the minimum lot width to 28 feet (Lots 2, 4, 6). Minimum 60 feet required. 2) Variance to reduce the minimum lot width to 35 feet (Lots 1, 3, 5). Minimum 60 feet required. 3) Variance to reduce the required side yard setback (east) to 3 feet (Lots 2, 4, 6). Minimum 10 feet required. 4) Variance to reduce the required side yard setback (west) to 0 feet (Lots 2, 4, 6). Minimum 3 feet required. 5) Variance to reduce the required side yard setback (east) to 0 feet (Lots 1, 3, 5). Minimum 3 feet required.
		Ordinance Sections:	615.B.Table B 615.B.Table B 615.B.Table B 615.B.Table B 615.B.Table B
		Applicant:	Wendy Riddell, Berry Riddell, LLC
		Representative:	Wendy Riddell, Berry Riddell, LLC
		Owner:	DB Camelback Investments, LLC
		Stipulation:	1) 2 years to apply and pay for building permits.
Approved w/stip	4.	Application #:	ZA-111-24-4
		Existing Zoning:	R-5 SNSPD
		Location:	1637 West Culver Street
		Quarter Section:	Q12-25(G7)
		Proposal:	1) Variance to reduce front yard setback (north) to 5 feet. Minimum 20 feet required. 2) Variance to reduce side yard setback (east) to 5 feet. Minimum 10 feet required. 3) Variance to reduce side yard setback (west) to 0 feet. Minimum 3 feet required.
		Ordinance Sections:	618.B.Table B 618.B.Table B 618.B.Table B
		Applicant:	Randy Marks, Rezio, LLC
		Representative:	Randy Marks, Rezio, LLC
		Owner:	Aswini Ponneri Siva Gnanam
		Stipulation:	1) 1 year to apply and pay for building permits.

***1, 2, 3 and
5 Approved
w/stips**

#4 Denied

5. Application #: ZA-259-24-8
Existing Zoning: R-5 RSIOD
Location: 1634 East Wood Street and 4042 South 17th Street
Quarter Section: Q5-31(E9)
Proposal: 1) Variance to reduce the perimeter building setback adjacent to a public street (17th Street) to 9 feet. Minimum 20 feet required.
2) Variance to reduce the building setback adjacent to a property line (north) to 7 feet. Minimum 15 feet required.
3) Variance to reduce the building setback adjacent to a property line (south) to 6 feet. Minimum 15 feet required.
4) Variance to reduce the building setback adjacent to a property line (west) to 10 feet. Minimum 15 feet required.
5) Variance to reduce the landscape setback adjacent to a public street (17th Street) to 9 feet. Minimum 20 feet required.
Ordinance Sections: 618.B; Table 618.B. 618.B; Table 618.B. 618.B; Table 618.B. 618.B; Table 618.B. 703.B.3.a
Applicant: Mario Mangiamiele, AICP, Iplan Consulting
Representative: Mario Mangiamiele, AICP, Iplan Consulting
Owner: Mr. Jim Spiers c/o 4042 Rio Salado, LP
Stipulations:
1) 2 years to apply and pay for building permits.
2) Approval of landscape plan to include street trees and internal landscaping as required in the R-5 district.

**Approved
w/stips**

6. Application #: ZA-266-24-8
Existing Zoning: C-2
Location: 3051 East Thomas Road
Quarter Section: Q14-34(G10)
Proposal: 1) Variance to reduce the side setback (east) to 3 feet. Minimum 10 feet required.
2) Variance to reduce the front setback (north) to 10 feet. Minimum 25 feet required.
3) Variance to reduce the landscape setback (north) to 3 feet. Minimum 25 feet required.
4) Variance to reduce the street side landscape setback (east) to 3 feet. Minimum 10 feet required.
5) Variance to reduce interior landscape setback (west) to 0 feet. Minimum 5 feet required.
6) Variance to reduce the required open space to 0%. Minimum 5% required.
Ordinance Sections: 615.B.Table B 615.B.Table B 615.B.Table B 615.B.Table B 703.B.3.a
Applicant: Leodra Bowdell, Phoenix Permit Service, LLC

Representative: Leodra Bowdell, Phoenix Permit Service, LLC
Owner: A1 Trading, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per landscape plan date stamped May 15, 2024. The trees shown at the northwest corner shall be provided at an alternative location, if necessary, on either street frontage.

**Approved
w/stip**

7. Application #: ZA-282-24-5
Existing Zoning: C-2 SP
Location: 9210 West Indian School Road
Quarter Section: Q17-6(H3)
Proposal: Variance to reduce the required parking to 7 spaces. Minimum 28 spaces required.
Ordinance Sections: 702.C
Applicant: Neil Feaser, RKAA Architects, Inc.
Representative: Thomas J. Richardson, EVP Construction, Prime Group Holdings LLC
Owner: Prime Storage West Phoenix Land, LLC, Prime Group Holdings, LLC

Stipulation:

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

Withdrawn

8. Application #: ZA-297-24-6
Existing Zoning: RE-35
Location: 4951 East Rockridge Road
Quarter Section: Q19-39(H11)
Proposal: 1) Use permit to allow tennis court and pickleball court lights. Use permit required.
2) Use permit to allow an over height tennis court fence (9 feet) in the required side yard (west) setback. Use permit required.
3) Use permit to allow an over height tennis court fence (9 feet) in the required rear yard (south) setback. Use permit required.
Ordinance Sections: 608.E.34 608.E.34 608.E.34
Applicant: Ken Bartels, KCBA-Architecture
Representative: Ken Bartels, KCBA-Architecture
Owner: Stephen and Jean Nash

1:30 PM

**Approved
w/stips**

9. Application #: ZA-240-24-1 (SIGN)
Existing Zoning: PUD DVAO
Location: 777 West Alameda Road
Quarter Section: Q45-25(O8)
Proposal: Use permit to adopt the Sunlit Arizona Comprehensive Sign Plan. Use permit required.
Ordinance Sections: 705.E.2
Applicant: Julie Kulka, Airpark Signs & Graphics

Representative: Julie Kulka, Airpark Signs & Graphics
Owner: Min Han Hsieh, United EM Holding Inc., c/o
Sunlit Arizona, LLC

Stipulations:

- 1) Directional sign design shall generally conform to the sign drawing date-stamped May 16, 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 increasing the spacing between ground signs B (Monument Sign) and sign C (Vehicular Directional Sign) to a minimum of 50 feet, within 60 days from the date of the hearing and prior to the issuance of any sign permits for the project.
- 3) Twelve months to pay for and obtain sign permits.

**Withdrawn
to Amend**

10. Application #: ZA-243-24-6 (SIGN)
Existing Zoning: R1-6
Location: 7321 North 10th Street
Quarter Section: Q23-29(I8)
Proposal: Use permit to allow an electronic message display (EMD) on a wall sign. Use permit required.

Ordinance Sections: 705.C.13
Applicant: Zelig Hess, Ds Signs and Lighting, LLC
Representative: Zelig Hess, Ds Signs and Lighting, LLC
Owner: Presbytery of The Grand Canyon Corporation

**Approved
w/stips**

11. Application #: ZA-255-24-7 (SIGN)
Existing Zoning: PUD (G4)
Location: 1480 North 67th Avenue
Quarter Section: Q12-12
Proposal: Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.

Ordinance Sections: 705.C.13
Applicant: Zelig Hess, Universal Sign Installations, LLC
Representative: Zelig Hess, Universal Sign Installations, LLC
Owner: Cobblestone Phoenix PROPCO, LLC

Stipulations:

- 1) Electronic message display (EMD) panel shall be no wider than the primary sign cabinet on the ground sign. EMD illumination shall be extinguished during non-business hours.
- 2) Twelve months to obtain sign permits for the ground sign.
- 3) Per landscape plan dated March 29, 2024.

**Approved
w/stips**

12. Application #: ZA-98-19-7 (1 Year Review of Use Permit)
Existing Zoning: C-2
Location: 2175 North 83rd Avenue
Quarter Section: 13-9(G3)

Proposal: Time extension of ZA-34-18, use permit to allow a medical marijuana dispensary facility. Use permit required.
Ordinance Sections: 623.D.124.a.
Applicant: Steve Cottrell, CLF AZ Management, LLC
Representative: Larry Lazarus, Lazarus, Silvyn & Bangs, PC
Owner: 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**

13. Application #: ZA-117-24-5
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 Dzudza, E-Project, LLC
Representative: Leonard Saguid, E-Project, LLC
Owner: Secillia Zamudio Romero

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Within 60 days of today's hearing the illegal structures on the property shall be removed.

- 3) Per the site plan date stamped February 22, 2024.
- 4) Existing permanent structure to be removed prior to issuance of building permit.

ZONING ADJUSTMENT HEARING OFFICER: BETTY DRAKE
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.

May 17, 2024