

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised June 26, 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 30, 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
Approved
w/stips

9:00 AM

- | | | |
|----|---------------------|--|
| 1. | Application #: | ZA-370-13-3 (1 Year Review of Use Permit) |
| | Existing Zoning: | A-1 |
| | Location: | 2046 West Ironwood Drive |
| | Quarter Section: | 28-24(K7) |
| | Proposal: | Use permit to allow a medical marijuana cultivation facility. Use permit required. |
| | Ordinance Sections: | 627.D.91.a. |
| | Applicant: | Nolan Ryan |
| | Representative: | Jacob Cohen |
| | Owner: | Nolan Ryan |

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-473-21-4 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 2985 West Whitton Avenue
Quarter Section: 16-22(H7)
Proposal: 1) Use permit to allow a medical marijuana cultivation facility. Use permit required.
2) Use permit to allow a medical marijuana infusion facility. Use permit required.
3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
4) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
5) Variance to allow a medical marijuana cultivation facility within 1,320 feet of a homeless shelter. Minimum 1,320 feet separation required.
6) Variance to allow a medical marijuana infusion facility within 1,320 feet of a homeless shelter. Minimum 1,320 feet separation required.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b 627.D.91.e 627.D.93.d
Applicant: MoveOn, LLC
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: Thomas R. and Patty Ann Melton

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-256-24-7
Existing Zoning: A-1
Location: 3133 and 3137 West Lincoln Street
Quarter Section: Q9-21(F6)
Proposal: 1) Variance to allow outdoor uses, outdoor storage, or open buildings 0 feet from a public street (Sherman Street). Minimum 75 feet required.
2) Variance to allow outdoor uses, outdoor storage, or open buildings 0 feet from a public street (Lincoln Street). Minimum 75 feet required.
3) Variance to eliminate the 6 foot solid screen requirement for outdoor storage along a public street (Lincoln Street). Minimum 6 foot solid fence or wall required within 100 feet of a public street.
4) Variance to reduce the side setback (west) to 0 feet adjacent to residential district for an open building. Minimum 150 feet required.
Ordinance Sections: 627.F.2.b.(3) 627.F.2.b.(3) 627.F.2.c.(2).(a) 627.F.2.b.(2)
Applicant: Israel Lozoya, Moderna Architects, LLC
Representative: Mike March, Moderna Architects, LLC
Owner: Dennis Sehnal, Encore Steel Inc.
Stipulation:
1) 12 months to apply and pay for initial building permit.

**Approved
w/stip**

4. Application #: ZA-268-24-2
Existing Zoning: C-2 PCD
Location: 29850 North Tatum Boulevard
Quarter Section: Q53-37(Q10)
Proposal: 1) Variance to allow a tobacco-oriented retailer (Oh Baby Smoke) within 500 feet of the same type of use. Minimum 500 feet of separation required.
2) Variance to allow a tobacco-oriented retailer (Oh Baby Smoke) to be located within 1,320 feet of a park. Minimum 1,320 feet of separation required.
Ordinance Sections: 623.D.194.a 623.D.194.b
Applicant: Byrds Mobile Home Park, LLC
Representative: Baron D. Abboud, Commercial Ventures Corporation
Owner: Byrds Mobile Home Park, LLC
Stipulation:
1) 60 days to apply and pay for building permit.

Approved w/stip	5.	Application #:	ZA-281-24-1
		Existing Zoning:	C-2
		Location:	4250 West Thunderbird Road and 4138 West Boca Raton Street
		Quarter Section:	Q33-19(L6)
		Proposal:	1) Use permit to allow outdoor dining as an accessory use to a restaurant (Farmer Boys) 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 (Farmer Boys) within 300 feet of a residential zoning district. Use permit required.
		Ordinance Sections:	623.D.157.c 623.D.157.d.2
		Applicant:	Wendy Riddell, Berry Riddell, LLC
		Representative:	Wendy Riddell, Berry Riddell, LLC
		Owner:	Anthony Feiter, 43 Thunderbird, LLC
		Stipulation:	1) 1 year to apply and pay for building permits.
*#1 and 3 Approved w/stip	6.	Application #:	ZA-291-24-6
		Existing Zoning:	R1-6 PCD
#2 Denied		Location:	16630 South 42nd Street
		Quarter Section:	Q012-37(A10)
		Proposal:	1) Use permit for official approval of a home occupation (Federal Firearms License). Use permit required. 2) Variance to allow an over height accessory structure (10 feet) located in the street side yard setback (south). Maximum 8 feet in height permitted. 3) Variance to reduce the side yard (south) setback to 0 feet for detached accessory structures. Minimum 3 feet required.
		Ordinance Sections:	608.E.27.h.(5) 706.B.2.a 706.B.3
		Applicant:	Charles Thomas Jr., State 48 Firearms
		Representative:	Charles Thomas Jr., State 48 Firearms
		Owner:	Charles Thomas Jr., State 48 Firearms
		Taken out from under advisement on June 26, 2024 and decided on as follows:	
		#1 and #3 – Approved with the following stipulations:	
		1) 6 months to commence the home occupation use.	
		2) Per the location and size of the detached accessory structure as shown on the site plan dated May 2, 2024.	
		#2 – Denied	
Approved w/stips	7.	Application #:	ZA-316-24-4
		Existing Zoning:	R1-6
		Location:	2724 West Highland Avenue
		Quarter Section:	Q18-22(H7)

Proposal: Variance to reduce the side yard setback (east) to 8 feet. Minimum of 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Adam Louder, Summit Restoration and Construction, LLC
Representative: Adam Louder, Summit Restoration and Construction, LLC
Owner: Fengbin He

Stipulations:

- 1) 9 months to apply and pay for building permits.
- 2) Setbacks to be consistent with plan date stamped April 26, 2024.

1:30 PM

Denied

8. Application #: ZA-209-24-5 (SIGN)
Existing Zoning: C-2
Location: 7544 West Indian School Road
Quarter Section: Q17-10(H4)
Proposal: Use permit to delete Stipulation #1 from Case No. ZA-503-23 regarding the shutoff time for the Electronic Message Display (EMD). Use permit required.
Ordinance Sections: 307.A.12
Applicant: Victoria Boardman, Above All Signs, LLC
Representative: Victoria Boardman, Above All Signs, LLC
Owner: Claudia Ramos, Premier High School

Continued

9. Application #: ZA-198-24-5
Existing Zoning: C-2
Location: 8216 West Thomas Road
Quarter Section: Q15-9(G3)
Proposal: Variance to reduce the building setback (east) to 10 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure.
Ordinance Sections: 623.E.4.d
Applicant: Kristopher Ontiveros, 312 Architect and Design
Representative: Saul R. Aranda
Owner: Saul R. Aranda

Continued to July 2, 2024 at 1:30 PM.

**Approved
w/stips**

10. Application #: ZA-220-24-2
Existing Zoning: C-2
Location: 6850 East Chauncey Lane
Quarter Section: Q38-43(M12)
Proposal: 1) Use permit to allow outdoor alcohol consumption as an accessory use to a restaurant (Life Cafe & Bistro) within 500 feet of a residential zoning district. Use permit required.

2) Use permit to allow outdoor dining as an accessory use to a restaurant (Life Cafe & Bistro) within 500 feet of a residential zoning district. Use permit required.

Ordinance Sections: 623.D.157.c 623.D.157.c
Applicant: Life Time Fitness
Representative: Cindy Block, Liquorlicense.com
Owner: LT Fit (AZ-MC), LLC c/o CPA:17 Limited Partnership

Stipulations:

- 1) 6 months to apply and pay for building permits.
- 2) There shall be no music projected on the exterior of the Life Café and Bistro until the applicant demonstrates a live use permit or applies for the appropriate use permit.

Continued 11. Application #: ZA-309-24-8
Existing Zoning: A-1 RSIOD, A-2 RSIOD
Location: 113 West Watkins Street
Quarter Section: Q7-27(E8)
Proposal: Use permit to allow development within five hundred (500) feet of the Rio Salado Habitat Restoration Project. Use permit required.
Ordinance Sections: 655.E.4
Applicant: Jeff Baran, Link Logistics Real Estate
Representative: Mike Maerowitz, Snell & Wilmer, LLP
Owner: B9 Central Watkins Owner LLC

Continued to July 2, 2024 at 1:30 PM.

Approved w/stips 12. Application #: ZA-312-24-3
Existing Zoning: R1-10
Location: 2638 East Christy Drive
Quarter Section: Q29-33(K9)
Proposal: 1) Use permit to allow a home occupation (Lori's Swim School) to be conducted as an outside use. Use permit required.
2) Use permit to allow the generation of traffic for a home occupation (Lori's Swim School). Use permit required.
Ordinance Sections: 608.E.27.h(3) 608.E.3.h.(1)
Applicant: Lorraine D. Lewis
Representative: Lorraine D. Lewis
Owner: Michael R. Lewis / Lorraine D. Lewis

Stipulations:

- 1) There shall be no lessons that begin earlier than 8:30 AM and all lessons shall terminate by 5:45 PM.
- 2) Regardless of how many customers, all must park in the driveway off of the street.
- 3) There will not be more than 2 students in the pool at any time.

Approved 13. Application #: ZA-319-24-2

w/stips	Existing Zoning:	R1-8 PCD	
	Location:	5825 East Nisbet Road	
	Quarter Section:	Q34-41(L11)	
	Proposal:	Variance to reduce the front yard setback to 15 feet. Minimum 20 feet required.	
	Ordinance Sections:	612.B Table B	
	Applicant:	Elisa Bayha, Run Run Design	
	Representative:	Elisa Bayha, Run Run Design	
	Owner:	Ryan Aldridge	
	Stipulations:		
	1) 6 months to apply and pay for building permits. 2) Per the setback reduction and the enclosure shown on the site plan date stamped April 22, 2024.		
Approved w/stip	14.	Application #:	ZA-328-24-8
		Existing Zoning:	MUA BAOD
		Location:	3179 East Baseline Road
		Quarter Section:	Q01-35 (D10)
		Proposal:	1)Use permit to allow outdoor dining accessory to a restaurant (Pad B). Use permit required. 2)Use permit to allow a drive-through facility accessory to a restaurant (Pad B). Use permit required.
		Ordinance Sections:	649.D.11.d 649.D.11.e
		Applicant:	Tim Rasnake, Architecture & Interiors LC
		Representative:	Tim Rasnake, Architecture & Interiors LC
		Owner:	Reza Kassraian, Zانبور, LLC
		Stipulation: 1) 6 months to apply and pay for building permits.	
Approved w/stips	15.	Application #:	ZA-330-24-7
		Existing Zoning:	C-2 SPVTABDO, C-2 SP SPVTABDO
		Location:	220 East Southern Avenue, Suites 1 and 2
		Quarter Section:	Q3-28(D8)
		Proposal:	Use permit to allow an assembly hall/banquet hall of less than 25,000 square feet in gross floor area. Use permit required.
		Ordinance Sections:	623.D.9.a
		Applicant:	Abdul Slatewala, Architecture All & Associates
		Representative:	Abdul Slatewala, Architecture All & Associates
		Owner:	Nass 220 LLC, c/o Simon Isaac
		Stipulations: 1) All doors will remain closed during banquets or assemblies to deter any neighborhood disturbance by the means of live entertainment or sound approved devices. 2) “No Trespassing” signs must be posted and an Authority to Arrest Trespassers form will be signed to deter loitering/unwanted guests inside and surrounding the establishment. 3) No outdoor speakers, or amplified music projected outside of the banquet hall.	

4) 9 months to apply and pay for building permits.

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.

June 26, 2024