

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised October 30, 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 **October 1, 2024 at 9:00 AM (Items 1-7) and 1:30 PM (Items 8-12).**

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-604-17-7 (1 Year Review of Use Permit)
Existing Zoning: RSC
Location: 2330 North 75th Avenue
Quarter Section: 14-10(G4)
Proposal: 1) Use permit to allow a medical marijuana dispensary. Use permit required.
2) Variance to allow a medical marijuana dispensary within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet required.
Ordinance Sections: 623.D.124.a 623.D.124.e
Applicant: Sheraz Warraich, SSW Investments I, LLC
Representative: Benjamin Graff, Quarles & Brady, LLP One Renaissance Square
Owner: Parkway 2001, 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.

***Denied as
Filed
Approved
w/stips**

2. Application #: ZA-596-24-6
Existing Zoning: R1-14 ACSPD
Location: 5602 East Calle Del Paisano
Quarter Section: Q16-41(H11)
Proposal: 1) Variance to allow an over height wall (8 feet) in the required side yard (north) setback. Maximum 6 feet permitted.
2) Variance to allow an over height wall (8 feet) in the required rear yard (east) setback. Maximum 6 feet permitted.
3) Variance to allow an over height wall (8 feet) in the required front yard (west) setback. Maximum 40 inches permitted.
Ordinance Sections: 703.A.2.c 703.A.2.c 703.A.2.c
Applicant: Lauren Proper Potter, Huellmantel & Affiliates
Representative: Lauren Proper Potter, Huellmantel & Affiliates
Owner: Michael and Tara Rafi

Taken out from under advisement on October 30, 2024 and denied as filed and approved with the following stipulations:

- 1) Over height wall in the required side yard (north) not to exceed 7 feet in height.
- 2) Over height wall in the required rear yard (east) not to exceed 7 feet in height.
- 3) Over height wall in the required front yard (west) not to exceed 7 feet in height.
- 4) There shall be a 40 inch maximum height limitation for any structure within 30 feet of the southern perimeter property line.
- 5) 1 year to apply and pay for fence permits.

**Approved
w/stip**

3. Application #: ZA-630-24-2
Existing Zoning: C-2 PCD
Location: 29455 North Cave Creek Road, Suite 128
Quarter Section: Q52-37(Q10)
Proposal: 1) Use permit to allow outdoor alcohol consumption as an accessory use to a restaurant (Pure Thai Kitchen) 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 (Pure Thai Kitchen) within 500 feet of a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.c
Applicant: David Redman, Pure Thai Kitchen

Representative: David Redman, Pure Thai Kitchen
Owner: TP Investors, LLC c/o A and C Properties

Stipulation:

- 1) 90 days to commence use.

**Approved
w/stip**

4. Application #: ZA-634-24-6
Existing Zoning: RE-24
Location: 4438 East Marion Way
Quarter Section: Q20-38(I11)
Proposal: Variance to reduce the front yard (east) setback to 20 feet. Minimum 40 feet required.
Ordinance Sections: 606.B.2
Applicant: Jacques LeBlanc, Realm Design, LLC
Representative: Jacques LeBlanc, Realm Design, LLC
Owner: Don R. and Laura Elliot

Stipulation:

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

**Approved
w/stips**

5. Application #: ZA-642-24-5
Existing Zoning: R-3A
Location: 2640 and 2644 West Belmont Avenue and 7707 North 27th Avenue
Quarter Section: Q24-23(J7)
Proposal: Use permit to allow a temporary use (urban farm) for up to 36 months. Use permit required.
Ordinance Sections: 708.D.1
Applicant: Chad Geelhood, Homer Farms Inc.
Representative: Chad Geelhood, Homer Farms Inc.
Owner: City of Phoenix, Fire Department

Stipulations:

- 1) 1 year to commence the use.
- 2) Applicant must work with the office of Heat Response and Mitigation to develop a landscaping plan for this site that is consistent with the City's Shade and Tree Master Plan.

**Approved
w/stips**

6. Application #: ZA-652-24-5
Existing Zoning: C-2
Location: 7445 West Indian School Road
Quarter Section: Q16-11 (H-4)
Proposal: Use permit to allow an assembly/banquet hall of less than 25,000 square feet in gross floor area. Use permit required.
Ordinance Sections: 623.D.9.a
Applicant: Francisco Lopez, El Gran Salon
Representative: Leonard Saguid and Edmir Dzudza, E-Project, LLC
Owner: Sewa Dhanjat, Plaza 7445 Vaheguru, LLC, Schaefer & Associates, LLC

Stipulations:

- 1) 1 year to commence the use.
- 2) Hours to be limited to 6:00 PM to 2:00 AM Friday through Sunday.

Denied	7.	Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner:	ZA-654-24-8 DTC- Evans Churchill East HP 501 East Moreland Street Q12-28(G8) Temporary use permit to allow a temporary use (Evans-Churchill Manor of Doom) for up to 36 months. Use permit required. 708.D.1 Victoria Rotondo, The Creative District Victoria Rotondo, The Creative District Justin Fenchel, BeatBox Beverages
Approved w/stips	8.	Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner:	1:30 PM ZA-636-24-6 (SIGN) C-O 3200 and 3202 East Camelback Road Q19-35(H10) Use permit for major amendment to the Biltmore Commerce Center Comprehensive Sign Plan to add a ground sign. Use permit required. 705.E.2.d(2) Julie Kulka, Airpark Signs & Graphics Julie Kulka, Airpark Signs & Graphics George Oliver, LLC, 3200 East Camelback Road, LP Stipulations: 1) For the primary ground sign on Camelback Road, maximum allowable ground sign area shall be 95 square feet. 2) Submit a revised CSP document including revised sign drawings incorporating the approved sign area for the ground sign noting any ZAHO-approved stipulations. 3) Ground sign base and planter to match color and texture of building and existing multi tenant signs. 4) 12 months to pay for and obtain sign permits.
Approved w/stips	9.	Application #: Existing Zoning: Location: Quarter Section: Proposal:	ZA-604-24-6 C-2 SP 901 East Pasadena Avenue and 906 East Camelback Road Q19-29(H8) 1) Variance to reduce the landscape setback (south) to 19 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure.

2) Variance to reduce the landscape setback (north) to 14 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure.

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

Applicant: Madison Leake, Burch & Cracchiolo, P.A.

Representative: Madison Leake, Burch & Cracchiolo, P.A.

Owner: Chapman Automotive Group, LLC

Stipulations:

- 1) Landscaping to be per the landscape plan provided as Exhibit 4 in the Variance Justification Letter from Ed Bull to Adam Stranieri and Eric Morales dated August 9, 2024 in terms of number and size of trees and other plan materials.
- 2) 1 year to apply for and obtain building permits.

Denied

10. Application #: ZA-641-24-2
Existing Zoning: RE-24
Location: 6901 East Sweetwater Avenue
Quarter Section: Q31-44(K12)
Proposal: Variance to increase the lot coverage to 33%. Maximum lot coverage of 30% allowed.
Ordinance Sections: 606.B.5
Applicant: Eliza Herman, Kontexture, LLC
Representative: Jorge Toscano, Kontexture, LLC
Owner: Amal Sabbagh, Sweetwater A & V, LLC

**Approved
w/stip**

11. Application #: ZA-645-24-8
Existing Zoning: A-1, C-3
Location: 1812 South 7th Street
Quarter Section: Q8-28(F8)
Proposal: Use permit to allow outdoor dining as an accessory use to a restaurant (Starbucks) within 500 feet of a residential district. Use permit required.
Ordinance Sections: 624.D.112.c
Applicant: De Rito Partners
Representative: William Allison, Withey Morris Baugh, PLC
Owner: LMJ Motel Holdings, Inc.

Stipulation:

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

**Withdrawn
to Amend**

12. Application #: ZA-646-24-8
Existing Zoning: R1-10
Location: 2330 West Sunrise Drive
Quarter Section: Q04-23(C7)
Proposal: 1) Use permit to allow an over height retaining wall (7 feet) within 50 feet of the property line (east) of an unplatted parcel. Maximum 40 inches permitted.

2) Use permit to allow an over height retaining wall (7 feet) within 50 feet of the property line (west) of an unplatted parcel. Maximum 40 inches permitted.

Ordinance Sections:	703.A.4.c 703.A.4.c
Applicant:	Rory Barnett
Representative:	Michael Maerowitz, Esq., Snell & Wilmer, LLP
Owner:	Norma Alvarado and Rory Barnett

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.

October 30, 2024