

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised October 3, 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 **September 5, 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-150-13-7 (1 Year Review of Use Permit)
Existing Zoning: A-2
Location: 1101 North 21st Avenue
Quarter Section: 12-24(G7)
Proposal: 1) Use permit to allow medical marijuana cultivation facility. Use permit required.
2) Variance to allow medical marijuana cultivation facility within 3,800 feet of another medical marijuana cultivation facility. Minimum of 5,280 feet of separation required.
Ordinance Sections: 627.D.91.a 627.D.91.c
Applicant: Chris Pellegrini, CMS Ventures
Representative: Shawn Falconbridge, CMS Ventures
Owner: James Harrison Jr., Phoenix Freeway Partners, 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-542-14-7 (1 Year Review of Use Permit)
Existing Zoning: A-2
Location: 1101 North 21st Avenue
Quarter Section: 12-24(G7)
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 of 5,280 feet of separation required.
Ordinance Sections: 627.D.93.a 627.D.93.b
Applicant: Chris Pellegrini, CMS Ventures
Representative: Shawn Falconbridge, CMS Ventures
Owner: James Harrison Jr., Phoenix Freeway Partners, 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**

3. Application #: ZA-141-21-7 (1 Year Review of Use Permit)
Existing Zoning: A-2
Location: 1102 North 21st Avenue

Quarter Section: 12-24(G7)
 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 required from another medical marijuana facility.
 4) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet required from another medical marijuana facility.
 Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
 Applicant: Madison 3, LLC
 Representative: Lindsay Schube, Gammage & Burnham, PLC
 Owner: JRM 11, 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.

**#1
Approved**

4. Application #: ZA-484-24-1 (Continued from July 25, 2024)
 Existing Zoning: RE-35
 Location: 4410 West Acoma Drive

**#2 and #3
Denied**

Quarter Section: Q34-18(L6)
 Proposal: 1) Variance to allow an over height wall (8 feet) in the required rear yard (north) setback. Maximum 6 feet permitted.

			<p>2) Variance to allow an over height wall (8 feet) in the required side yard (east) setback. Maximum 6 feet permitted.</p> <p>3) Variance to allow an over height wall (8 feet) in the required side yard (west) setback. Maximum 6 feet permitted.</p>
		<p>Ordinance Sections: 703.A.2.c 703.A.2.c 703.A.2.c</p> <p>Applicant: Jose G. Aguirre, Architierra Design</p> <p>Representative: Jose G. Aguirre, Architierra Design</p> <p>Owner: Cesar Gonzalez</p>	
Approved w/stip	5.	<p>Application #: ZA-559-24-4</p> <p>Existing Zoning: R-3 HP</p> <p>Location: 4722 North 3rd Avenue</p> <p>Quarter Section: Q18-27(H8)</p> <p>Proposal: 1) Time extension for ZA-272-23, variance to reduce the landscape setback (south) to 0 feet. Minimum 5 feet required.</p> <p>2) Time extension for ZA-272-23, variance to reduce the surface parking lot landscape to 0 percent. Minimum 5 percent required.</p>	
		<p>Ordinance Sections: 703.B.3.b.(3) 507 Tab A.II.A.6.1.1</p> <p>Applicant: Stephanie Espinoza, Fix Design Build, LLC</p> <p>Representative: Stephanie Espinoza, Fix Design Build, LLC</p> <p>Owner: Stephanie Espinoza, Pierson Place Bungalows, LLC</p>	
		<p>Stipulation:</p> <p>1) 1 year to apply and pay for building permits.</p>	
Approved w/stip	6.	<p>Application #: ZA-562-24-8</p> <p>Existing Zoning: C-2 BAOD</p> <p>Location: 7650 South 24th Street</p> <p>Quarter Section: Q01-33(D9)</p> <p>Proposal: Variance to reduce the landscape setback from the property line along Baseline Road to 35 feet. Minimum 50 feet required.</p>	
		<p>Ordinance Sections: 651.D.2.a</p> <p>Applicant: Simon La, Little Deversified Architectural Consulting</p> <p>Representative: Barsin BetGovargez, Kimley-Horn</p> <p>Owner: Eric Mangelsen, Rossmore Enterprises</p>	
		<p>Stipulation:</p> <p>1) 6 months to apply and pay for building permits.</p>	
Denied	7.	<p>Application #: ZA-587-24-2</p> <p>Existing Zoning: R1-6</p> <p>Location: 3943 East Nisbet Road</p> <p>Quarter Section: Q34-36(L10)</p> <p>Proposal: 1) Variance to reduce the side yard (east) setback for an accessory dwelling unit to 2 feet.</p>	

Minimum 3 feet required.
2) Variance to reduce the rear yard (south) setback for an accessory dwelling unit to 2 feet. Minimum 3 feet required.

Ordinance Sections: 706.A.4.a.(2) 706.A.4.a.(2)
Applicant: Margaret Karbouzian
Representative: Jack Nahabedian
Owner: Margaret Karbouzian

1:30 PM

**Withdrawn
to Amend**

8. Application #: ZA-495-24-7 (Continued from July 25, 2024)
Existing Zoning: C-3 HP ACOD
Location: 1009 North Grand Avenue
Quarter Section: Q11-26(F8)
Proposal: 1) Use permit to allow outdoor dining area to be 50% of the gross square footage of the primary building's ground level gross floor area. Use permit required to exceed 25%.
2) Use permit to allow outdoor dining as an accessory to a restaurant. Use permit required.
3) Use permit to allow the sale of alcoholic beverages as an accessory use to a restaurant. Use permit required.

Ordinance Sections: 669.E.2 669.C.1.f.(3) 669.C.1.f.(1).(a)
Applicant: Walter Sterling, Arizona Hospitality II, LLC
Representative: Mike Krentz, Davis
Owner: Walter Sterling, Arizona Hospitality II, LLC

**Approved
w/stips**

9. Application #: ZA-528-24-7
Existing Zoning: R-2, C-2, RE-35, CP/GCP
Location: 2300 South 67th Avenue and 6868 West Lower Buckeye Road
Quarter Section: Q8-12(E4); Q7-12(E4)
Proposal: 1) Variance to reduce the landscape setback (west) to 0 feet. Minimum 5 feet required.
2) Variance to reduce the landscape setback (north) to 0 feet. Minimum 5 feet required.
3) Variance to reduce the landscape setback (southwest) to 0 feet. Minimum 5 feet required.
4) Variance to reduce the landscape setback (southeast) to 0 feet. Minimum 5 feet required.

Ordinance Sections: 703.B.3.b.(3) 703.B.3.b.(3) 703.B.3.b.(3)
703.B.3.b.(3)

Applicant: Sean B. Lake, Pew & Lake, PLC
Representative: Sean B. Lake, Pew & Lake, PLC
Owner: Property Reserve Arizona, LLC

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) Per the site plan date stamped July 30, 2024 with respect to the orientation of the residences, landscape setback reductions and the building setbacks indicated on the plan.

Approved w/stips	10.	<p>Application #: ZA-536-24-5 Existing Zoning: R1-6 Location: 4108 North 48th Drive Quarter Section: Q17-17(H5) Proposal: Variance to allow an over height fence (6 feet) in the required front yard (east). Maximum 40 inches permitted.</p> <p>Ordinance Sections: 703.A.2.a Applicant: Lilia Gutierrez, Ed Reyes Design, LLC Representative: Lilia Gutierrez, Ed Reyes Design, LLC Owner: Tiger Dang</p> <p>Stipulations: 1) 3 months to apply and pay for building permits. 2) General conformance to the elevations date stamped July 15, 2024.</p>
Withdrawn to Amend	11.	<p>Application #: ZA-582-24-7 Existing Zoning: A-1 Location: 3322 West Washington Street Quarter Section: Q10-21 (F6) Proposal: 1) Variance to reduce the required landscaped setback along the street frontage (Washington Street) to 10 feet. Minimum 25 feet required. 2) Variance to reduce the required landscaped setback along the street frontage (Adams Street) to 10 feet. Minimum 25 feet required.</p> <p>Ordinance Sections: 701.D.3.a 701.D.3.a Applicant: Hugo Mendoza Representative: Hugo Mendoza Owner: 3322 W. Washington PHX, LLC, Progressive Roofing</p>
Approved	12.	<p>Application #: ZA-583-24-8 Existing Zoning: DTC-Evans Churchill East Location: 901 North 4th Street Quarter Section: Q11-28(F8) Proposal: 1) Use permit to allow outdoor entertainment (amplified music or loudspeakers) until 10:00 PM on Sundays and until 12:00 AM Fridays and Saturdays. Use permit required. 2) Use permit to allow outdoor entertainment on Mondays through Thursdays. Use permit required.</p> <p>Ordinance Sections: 1204.C.5 1204.C.16 Applicant: Hilal Yousufzai, Phoenix Hospitality Group, LLC Representative: Michael Maerowitz, Snell & Wilmer, LLP Owner: Daniel Bateman, Art Colony, LLC</p>

- Approved w/stips** 13. Application #: ZA-585-24-2
Existing Zoning: C-2 M-R NBCCPOD
Location: 2555 West Sonoran Desert Drive
Quarter Section: Q54-23(Q7)
Proposal: Use permit to allow outdoor dining as an accessory use to a restaurant (McDonalds) within 500 feet of a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.c
Applicant: Matt Updegraff, Kimley-Horn and Associates
Representative: Paul Gilbert, Gilbert Blilie, PLLC
Owner: Gary Davidson, LDR Sonoran Parkway, LLC
Stipulations:
1) 1 year to pay for and obtain building permits.
2) Per the site plan date stamped July 31, 2024 with regards to the location of the outdoor dining.
- *#1, 2 and 3 Approved w/stips** 14. Application #: ZA-593-24-2
Existing Zoning: C-2 PCD NBCOD
Location: 28408 North North Valley Parkway
Quarter Section: Q51-24(P7)
Proposal: 1) Variance to reduce the side yard (south) setback to 0 feet. Minimum 3 feet required.
2) Variance to reduce the rear yard (west) setback to 0 feet. Minimum 15 feet required.
3) Variance to reduce the front yard (northeast) setback to 0 feet. Minimum 25 feet required.
4) Variance to allow a 30-foot maximum height within ten feet of a single-family zoned district, which height may be increased one foot for each additional one foot of building setback to the maximum permitted height. 15-foot maximum height required.
Ordinance Sections: 615.B.TableB 615.B.TableB 615.B.TableB 615.B.TableB(5)
Applicant: Micah Walker, Elysium Infinitum, LLC
Representative: Michael Nelson, MDN Architecture, LLC
Owner: Elysium Infinitum, LLC
Taken out from under advisement on October 3, 2024 and decided on as follows:
#1, 2, and 3 – Approved with stipulations.
#4 – Denied as filed approved with stipulations.
1) 1 year to apply and pay for building permits.
2) Front yard (northeast) setback approved for a minimum of 8 feet.
3) Maximum building height of 24 feet, as measured by the Planning and Development Department.
4) Per the setback reductions (specifically, the proposed building footprint and placement on the lot) as shown on the site plan dated August 2, 2024.
- # 4 Denied as Filed Approved w/stips**

Approved w/stips 15. Application #: ZA-595-24-4
Existing Zoning: PSC
Location: 5750 West Thomas Road
Quarter Section: Q15-15(G5)
Proposal: 1) Use permit to allow a drive-through facility as an accessory to a restaurant (McDonalds) within 300 feet from a residential zoning district. Use permit required.
2) Variance to reduce the landscape setback in a PSC zoning district boundary to 4 feet (south). 13 feet is required.
Ordinance Sections: 622.D.150.e 637.C.4
Applicant: Richard Dugie and Daniel Marsh, PM Design Group, Inc.
Representative: Richard Dugie and Daniel Marsh, PM Design Group, Inc.
Owner: James Alan Weinberg, Su Casa Center, LLC
Stipulations:
1) 24 months to pay for and obtain building permits.
2) Per the location of the bypass lane where indicated on the site plan date stamped August 5, 2024.

**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.

October 3, 2024