

## NOTICE OF PUBLIC MEETING ZONING ADJUSTMENT HEARING

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the **ZONING ADJUSTMENT HEARING OFFICER** and to the general public, that the **CITY OF PHOENIX ZONING ADJUSTMENT HEARING OFFICER** will hold a meeting open to the public on **May 4, 2023 9:00 AM (Items 1-7) and 1:30 PM (Items 8-14)**

**Meeting will be held virtually. To participate, see instructions outlined below.**

### OPTIONS TO ACCESS THE MEETING

- **Call-in to listen** to the live meeting: Dial **602-666-0783**. Enter meeting access code **24659355804#**, and press # again when prompted for the attendee ID.
- **Observe the live meeting virtually**, by clicking on the following link and registering to join the meeting online:  
<https://cityofphoenix.webex.com/weblink/register/ra3937e8340cf8ab134d73ed163bcb539>
- **Submit a comment** on an agenda item:
  - At: [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov)
  - Indicate: Item Number and Case Number
- **Register to speak** on an agenda item:
  - Register for the event by 5:00 PM on May 2, 2023, at:  
<https://cityofphoenix.webex.com/weblink/register/ra3937e8340cf8ab134d73ed163bcb539>
  - If speaking by phone only, please email [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov) by 5:00 PM on May 2, 2023.

### **Notes:**

1. Agenda items may be taken out of order.
2. Comments may be limited due to time constraints and to ensure all viewpoints are heard.

The agenda for the meeting is as follows:

### **9:00 AM**

1.       Application #:               ZA-92-13-8 (1-Year 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
  
2.       Application #:               ZA-1-16-7 (1-Year Review of Use Permit)  
          Existing Zoning:         A-2  
          Location:                 2 North 35th Avenue

Quarter Section: 10-20(F6)  
Proposal: **1)** Use permit to allow a medical marijuana cultivation facility. Use permit is required. **2)** Use permit to allow a medical marijuana dispensary facility. Use permit is required. **3)** Use permit to allow a medical marijuana infusion facility. Use permit is required. **4)** Variance to allow a medical marijuana cultivation facility within 750 feet of a residentially zoned district. 1,000 feet separation is required between cultivation facility and residentially zoned districts. **5)** Variance to allow a medical marijuana infusion facility within 750 feet of a residentially zoned district. 1,000 feet is required between infusion facility and residentially zoned districts.

Ordinance Sections: 627.D.91.a 627.D.92.a 627.D.93.a 627.D.91.d 627.D.93.c  
Applicant: Benjamin Graff, Quarles & Brady, LLP  
Representative: Benjamin Graff, Quarles & Brady, LLP  
Owner: 35th Avenue Investments, LLC

3. Application #: ZA-107-23-6  
Existing Zoning: RE-35 ACSPD  
Location: 5347 East Wonderview Road  
Quarter Section: 18-40(H11)  
Proposal: Variance to reduce the required front yard setback (north) to 25 feet. Minimum 40 feet required.

Ordinance Sections: 609.B.Table  
Applicant: David E. Richert, Richert & Associates  
Representative: David E. Richert, Richert & Associates  
Owner: Patrick Fricchione, Simplex Homes

4. Application #: ZA-124-23-7  
Existing Zoning: PUD  
Location: Southwest corner of North 67th Avenue and West McDowell Road  
Quarter Section: 12-12(G4)  
Proposal: **1)** Time extension for ZA-75-22, use permit to allow a drive through facility as an accessory use to a restaurant (PAD 1). Use permit required. **2)** Time extension for ZA-75-22, use permit to allow a drive through facility as an accessory use to a restaurant (PAD 2). Use permit required. **3)** Time extension for ZA-75-22, use permit to allow a drive through facility as an accessory use to a restaurant (PAD 3). Use permit required.

Ordinance Sections: 671.C 671.C 671.C  
Applicant: Kurt Waldier, Beus Gilbert McGroder, PLLC  
Representative: Paul Gilbert, Beus Gilbert McGroder, PLLC  
Owner: Ben Swenson, Americal Management Company, Inc.

5. Application #: ZA-128-23-8  
Existing Zoning: R-3  
Location: 4604 East McKinley Street and 814 North 48th Street  
Quarter Section: 11-38(F11)  
Proposal: **1)** Variance to reduce rear (west) setback to 10 feet. 15 feet required. **2)** Variance to reduce the required building setback (south, APN 125-30-001) to 10 feet for a 24-foot-

tall building. **3)** Variance to reduce the minimum guest parking requirement to 32 spaces. Minimum 69 guest parking spaces required.

Ordinance Sections: 615.Table.B 615.Table.B 702.C.Table  
Applicant: Michael Dooley, Northbridge Development, LLC  
Representative: Michael Dooley, Northbridge Development, LLC  
Owner: H&M Enterprises, Inc.

6. Application #: ZA-131-23-6  
Existing Zoning: C-2 CEPCSP  
Location: 1630 East Camelback Road, Suite 100  
Quarter Section: 19-31(H9)  
Proposal: Use permit to allow outdoor dining as an accessory to a restaurant (Five Guys) within 500 feet of a residential zoning district. Use permit required.

Ordinance Sections: 623.D.157.c  
Applicant: Scott Ferris, Five Guys Properties, LLC  
Representative: Rachel Russell, GPD Group Professional Corporation  
Owner: Teresa Nguyen, Saddle Mountain Investments, LLC c/o Pai

7. Application #: ZA-132-23-8  
Existing Zoning: R1-6 MPNSPD  
Location: 201 West Euclid Avenue  
Quarter Section: 02-27(C8)  
Proposal: **1)** Variance to reduce the front yard setback (Lots 1-6) to 30 feet. Minimum 50 feet required. **2)** Variance to reduce the side yard setback (Lots 1-6) to 15 feet. Minimum 25 feet required.

Ordinance Sections: 668.A.7.c 668.A.7.c  
Applicant: Jordan Greenman, Greenman Law  
Representative: Jordan Greenman, Greenman Law  
Owner: Miguel Pena, Dynamic Homez, LLC

**1:30 PM**

8. Application #: ZA-108-23-1 (SIGN)  
Existing Zoning: PUD Mixed Use  
Location: 2615 West Jomax Road  
Quarter Section: 48-23(P7)  
Proposal: Use permit for a Major amendment to the Norterra Market Comprehensive Sign Plan. Use permit required.

Ordinance Sections: 705.E.2.d (2)  
Applicant: Ryan Foran, Signarama  
Representative: Karen Schellinger, Signarama  
Owner: US Real Estate, Limited Partnership

9. Application #: ZA-129-23-4 (SIGN)  
Existing Zoning: R-5 & R1-6  
Location: 1751 West Indian School Road  
Quarter Section: 16-25(H7)  
Proposal: Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.

Ordinance Sections: 705.C.13  
Applicant: Jeffrey Blake, Phoenix Christian Unified Schools

- Representative: Lisa Blake, Phoenix Christian Unified Schools  
 Owner: Phoenix Christian Board of Trustees
10. Application #: ZA-126-23-8  
 Existing Zoning: R-5  
 Location: 4707 and 4717 East McDowell Road  
 Quarter Section: 12-38(G11)  
 Proposal: **1)** Variance to reduce the required front yard setback (north) for a boundary adjacent to a public street to 14 feet. Minimum 20 feet required. **2)** Variance to reduce the required front yard landscape setback (north) to 14 feet. Minimum 20 feet required. **3)** Variance to reduce the required rear yard building setback (south) to 4 feet. Minimum 15 feet required. **4)** Variance to reduce the required rear yard landscape setback (south) to 4 feet. Minimum 5 feet required. **5)** Variance to reduce the required side yard landscape setback (west) to 1 foot. Minimum 5 feet required. **6)** Variance to reduce the required side yard building setback (west) to 1 foot. Minimum 3 feet required.  
 Ordinance Sections: 618.Table B 703.B.3.a 618.Table B 703.B.3.a 703.B.3.a 618.Table B  
 Applicant: Kairos Investment Management Company  
 Representative: Benjamin Graff, Quarles & Brady, LLP  
 Owner: MV McDowell Partners, LLC
11. Application #: ZA-134-23-6  
 Existing Zoning: R1-6  
 Location: 4008 North 48th Place  
 Quarter Section: 16-39(H11)  
 Proposal: Variance to reduce the front yard setback (east) to 7 feet. Minimum 20 feet required.  
 Ordinance Sections: 613.B.Table B  
 Applicant: Carlos Bustamante, CADDECO  
 Representative: Bryan Andrews  
 Owner: Andrews Family Trust
12. Application #: ZA-135-23-6  
 Existing Zoning: R1-6  
 Location: 5224 North 15th Street  
 Quarter Section: 19-30(H9)  
 Proposal: Variance to allow an over height fence (7 feet) located in the required side and rear yards (north and northwest, south and southwest). Maximum 6 feet allowed.  
 Ordinance Sections: 703.A.2.c  
 Applicant: Julia and Anthony Villarreal  
 Representative: Julia and Anthony Villarreal  
 Owner: Julia and Anthony Villarreal
13. Application #: ZA-136-23-8  
 Existing Zoning: Ind. Pk.  
 Location: 3315 and 3335 East Broadway Road  
 Quarter Section: 4-35(E10)

Proposal: Variance to allow a 46 percent lot coverage. Maximum of 40 percent lot coverage permitted.  
Ordinance Sections: 626.H.1.Table  
Applicant: Stonelake Capital Partners  
Representative: Benjamin Graff, Quarles and Brady, LLP  
Owner: SL6 PHX Industrial, LP

14. Application #: ZA-127-23-6  
Existing Zoning: C-2  
Location: 2710 East Indian School Road  
Quarter Section: 17-33(H9)  
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required. **2)** Variance to allow a medical marijuana dispensary facility within 5,280 feet (one mile) of another similar type of use. Minimum 5,280 feet of separation required. **3)** Variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. Minimum 500 feet of separation required. **4)** Variance to allow a medical marijuana dispensary within 1,320 feet of a public park. Minimum 1,320 feet of separation required. **5)** Variance to allow a medical marijuana dispensary within 1,320 feet of a public community center. Minimum 1,320 feet of separation required.  
Ordinance Sections: 623.D.124.a 623.D.124.e 623.D.124.f 623.D.124.g 623.D.124.g  
Applicant: Rocky Afo, Verano Holdings, LLC  
Representative: Heather N. Dukes, Esq.  
Owner: T.C. Corporation et al

For further information please call Eric Morales, Planner III, Planning and Development Department at 602-262-7927 or to request a reasonable accommodation, please contact Angie Holdsworth at 602-495-5622, [angie.holdsworth@phoenix.gov](mailto:angie.holdsworth@phoenix.gov) TTY: Use 7-1-1.

4/19/2023