



WITHEY  
MORRIS  
BAUGH

June 9, 2025

Re: Zoning Adjustment Application - ZA-374-25 - 12019 North 19<sup>th</sup> Avenue

Dear Property Owner or Neighborhood Association Representative:

This firm represents Eros Investments, LLC, (the "Owner") and Martin Chacon (the "Applicant") regarding their proposal to have limited outdoor display of new tires on the C-2 zoned parcel at 12019 North 19<sup>th</sup> Avenue, Phoenix, which is also known as APN 159-04-002H (the "Property"). The Property is highlighted on the enclosed aerial parcel maps. We recently filed a zoning adjustment application with Phoenix for the project as the Phoenix Zoning Ordinance requires a use permit for the outdoor display to occur. The purpose of this letter is to notify you of an upcoming public hearing on the application.

The Owner purchased the Property in late 2024 for a tire and wheel business. Given outdoor display on other properties along 19<sup>th</sup> Avenue and Cactus Road, the Applicant thought similar display and storage of tires on the Property was permissible. However, the C-2 district has strict limitations on outdoor display and requires use permit approval for the display. The Phoenix Neighborhood Services Department issued a Notice of Violation for the display to the Owner, which resulted in this application.

The Applicant is addressing the Notice of Violation with a proposal to limit outdoor display to conform with C-2 standards and to request the necessary use permit. The standards for outdoor display in the C-2 district, listed in Phoenix Zoning Ordinance §623.C.2, are:

- a. *A maximum 300 square feet of display area can be located anywhere along the building except as noted in [subsection] b;*
- b. *No display or sale is permitted within ten linear feet of either side of the building entrance or exit;*
- c. *The depth, measured from the front façade of the building, may not exceed ten feet unless otherwise permitted by the Planning and Development Department upon a determination that a greater depth does not interfere with any pedestrian passage;*
- d. *Payment for the products displayed must occur indoors;*
- e. *Outdoor display shall not be located within any required setbacks or in the parking lot.*

The proposed site plan, a copy of which is enclosed, meets these standards. The Applicant has removed tires from outdoor locations outside of the limited display area in front (west side) of the building.

The zoning adjustment application, a copy of which is enclosed, requests the following action:

Use permit to allow outdoor display of new merchandise. Use permit required. Phoenix Zoning Ordinance §623.C.2.

A public hearing on the application is scheduled for June 26, 2025 at 9:00 a.m. The hearing will be held in person at Phoenix City Hall, 200 West Washington Street, 1<sup>st</sup> Floor, Assembly Room C, Phoenix. There is no virtual option for a zoning adjustment hearing. The hearing agenda will be posted 15 days before the hearing on the Phoenix' Public Meeting Notices website: <https://www.phoenix.gov/cityclerk/publicmeetings/notices>. Information will also be posted on signs on the Property. You may attend the hearing to learn about the case and to share your thoughts about it. You may also share your thoughts about the case by writing to the Phoenix Planning & Development Department, 200 West Washington, 2nd Floor, Phoenix, Arizona 85003 or emailing [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov). Please include the application number and hearing date to ensure your input is included in the case file and shown to the hearing officer and to expedite a response from staff. You may also call the Planning & Development Department at 602.262.7131, Option 6.

Hannah Bleam of this office and I would also be happy to answer any questions you have about the application.

Very truly yours,

WITHEY MORRIS BAUGH P.L.C.

By   
William F. Allison

Enclosures





W.D. DESIGNS

**W.D. Designs, LLC**  
 Brennan E/S  
 21320 N. 106th St. LAF 2204  
 Phoenix, AZ 85034  
 602-493-4000

**Client:**  
 Martin Chesley  
 1803 W. Summerdale Rd.  
 Phoenix, AZ 85041  
 602-340-2288

No.	Description	Units

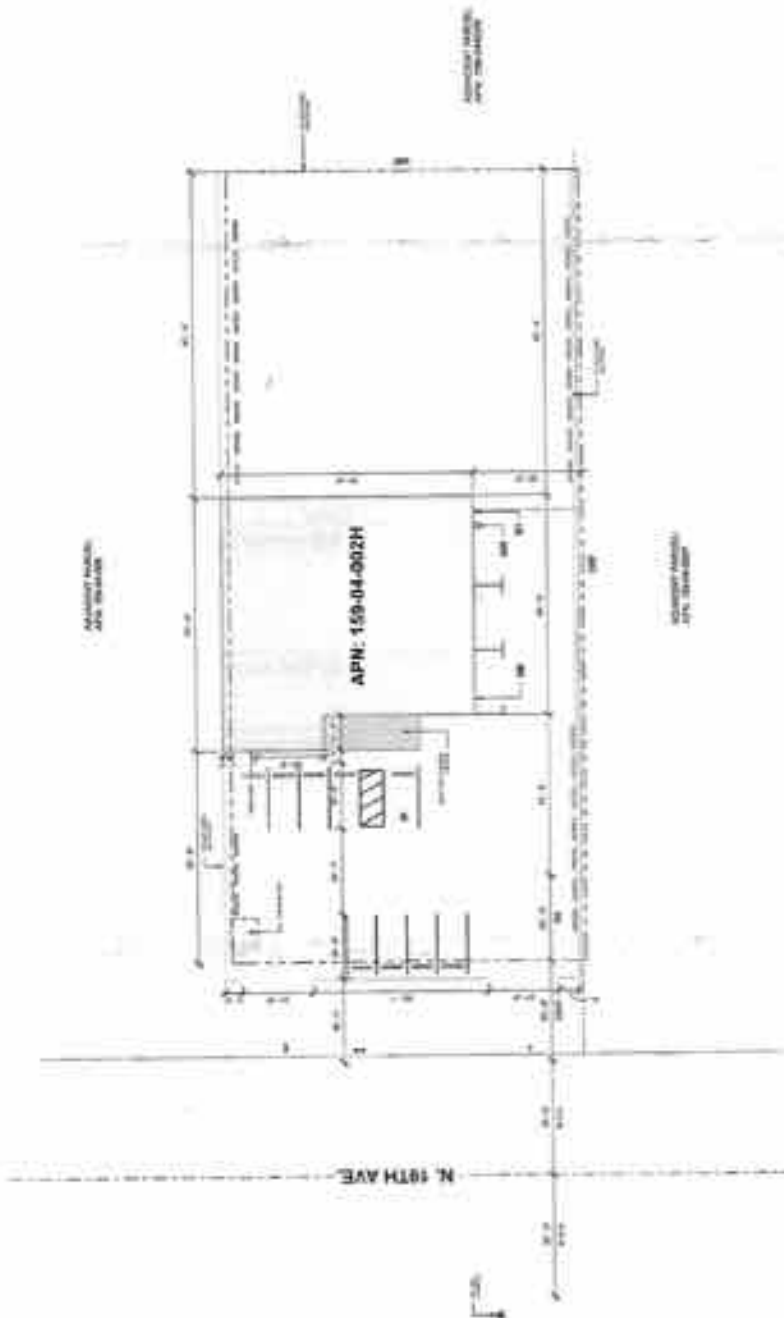
**Eros Investments**  
 13010 N. 19th Ave.  
 Phoenix, AZ 85029

Project Number	20014
Date	01/10/08
Scale	AS SHOWN
Sheet No.	11.02

EXISTING SITE PLAN

**A0.1**

11/10/08 As Indicated



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**NOTES:**

1. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS IN PARENTHESES ARE ALTERNATE DIMENSIONS.
2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD OR TO THE CENTERLINE OF THE LOT.
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**PERMITS:**

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- 2. ARIZONA DEPARTMENT OF TRANSPORTATION
- 3. MARICOPA COUNTY
- 4. PIMA COUNTY
- 5. COCHISE COUNTY
- 6. COCONINO COUNTY
- 7. NAVAJO NATION
- 8. HOPI NATION
- 9. ZIA NATION
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- 759. MARICOPA NATION
- 760.



## City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

### APPLICATION NO: ZA-374-25-3

**CASE TYPE:**  
Non Sign  
**DATE FILED:**  
05/19/2025

**COUNCIL DISTRICT:**  
3

**EXISTING ZONING:**  
C-2

**PROPERTY LOCATION** 12019 North 19th Avenue  
**PROPERTY ADDRESS** 12019 N 19TH AVE PHOENIX AZ 85029-3524

#### HEARING INFORMATION

Hearing Type	Hearing Date	Hearing Time	Hearing Location
Zoning Adjustment Hearing	06-26-2025	9:00 AM	200 West Washington Street, 1st Floor, Assembly Room C, Phoenix, AZ 85003

#### GEOGRAPHIC INFORMATION

APN	Quarter Section
159-04-002H	Q30-25

#### CONTACT INFORMATION

Name	Relationship Type	Address	Phone	Fax	Email
William F. Allison, Withay Morris Baugh, PLC	Representative	2525 East Arizona Biltmore Circle, Suite A- 212 Phoenix AZ 85016	(602) 346-4615		bill@wmbaillomeys.com
Eros Investments, LLC	Owner	1130 North 35th Avenue Phoenix AZ 85009	520-217-6647		martinchaconseirano2013@gmail.com
Martin Chacon, Eros Investments, LLC	Applicant	1130 North 35th Avenue Phoenix AZ 85009	520-217-6647		martinchaconseirano2013@gmail.com

#### REQUEST

Use permit to allow the outdoor display of new merchandise. Use permit required.

#### ZONING ORD. SECTIONS

623.C.2

If, during the course of review of a pending application, the applicant submits one or more additional applications that are related to the pending application, then and in such event, the substantive review time frame shall be reset on all related applications. In this event there shall be one applicable substantive review time for all of the related applications and the time frame shall be revised to be the longest substantive review time frame that was applicable to any one of the related applications. As a result, the entire substantive review time frame for the related applications shall start over, and a fee may be charged.

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email [zoning@phoenix.gov](mailto:zoning@phoenix.gov) or visit our website at <https://www.phoenix.gov/development/Pages/zoning-appeals.aspx>

In making this application, I understand that the filing of this application and payment of fees does not entitle me to the relief requested. (See Sec. 307 of City of Phoenix Zoning Ordinance for standards by which the hearing officer will review the application.) I understand the approval of this request does not replace the need for acquiring the appropriate building permits, site plan approval, liquor license or any other licenses required by governmental agencies. I also understand that in the case of liquor request approval of a use permit does not guarantee the CITY OF PHOENIX will recommend approval of the liquor license.

SIGNATURE: 

DATE: 5-19-25

**FEE INFORMATION**

Fee	Fee Waived	Fee Date	Fee Type
\$1,360.00	\$0.00	05/19/2025	Zoning Adjustment

**NOTE TO APPLICANT:** SUCH USE PERMITS AND VARIANCES AS ARE GRANTED BY THE ZONING ADMINISTRATOR SHALL BE VOID IF THE USE IS NOT COMMENCED OR IF A BUILDING PERMIT IS NOT OBTAINED 60 DAYS OF SUCH GRANTING OR WITHIN THE TIME STIPULATED BY THE ADMINISTRATOR. APPEALS OF DECISIONS OF THE ZONING ADMINISTRATOR MAY BE MADE BY ANY PERSON TO THE BOARD OF ADJUSTMENT WITHIN 15 DAYS AFTER THE DATE OF ACTIONS.