

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised January 11, 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 **January 4, 2024 at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-16)**.

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-298-12-7 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 2620 West Encanto Boulevard
Quarter Section: 14-23(G7)
Proposal: Time extension for ZA-74-12, Use Permit to allow a medical marijuana cultivation facility. Use Permit to allow a medical marijuana dispensary facility. Use Permit required.
Ordinance Sections: 627.D.91.a., 627.D.92.a.
Applicant: Encanto Green Cross Dispensary
Jim Boland, Encanto Green Cross Dispensary
Representative: Lindsay Schube, Gammage & Burnham, PLC
Owner: Jim Boland, Encanto Green Cross Dispensary

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-442-13-7 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 2620, 2626, 2632 West Encanto Boulevard
Quarter Section: 14-23(G7)
Proposal: 1) Use permit to expand an approved medical marijuana cultivation facility. Use Permit required.
2) Use permit to expand an approved medical marijuana infusion facility. Use Permit required.
3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of any medical marijuana facility.
4) Variance to allow a medical marijuana infusion facility within 5,280 feet of any medical marijuana facility.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
Applicant: Jim Boland, Encanto Green Cross Dispensary, LLC
Representative: Lindsay Schube, Gammage & Burnham, PLC
Owner: 2620, 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-459-12-8 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 4116 East Superior Avenue, Suites 1, 2, 3 B
Quarter Section: 6-37(E10)
Proposal: 1) Use permit to allow a medical marijuana cultivation facility. Use permit required.
2) Use permit to allow a medical marijuana infusion production facility. Use permit required.
3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. A medical marijuana cultivation facility shall not be located within 5,280 feet of another medical marijuana facility.
4) Variance to allow a medical marijuana infusion production facility within 5,280 feet of another medical marijuana facility. A medical marijuana infusion production facility shall not be located within 5,280 feet of another medical marijuana facility.
Ordinance Sections: 627.D.91.a. 627.D.93.a. 627.D.91.c. 627.D.93.b.
Applicant: Theodore C. Pappas, N+A Enterprises, LLC
Representative: David W. Dow, Law Offices of David W. Dow
Owner: Superior Industrial Center, 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**

4. Application #: ZA-543-14-8 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 4116 East Superior Avenue, Suite D
Quarter Section: 6-37(E10)
Proposal: 1) Use permit to allow a medical marijuana cultivation facility. Use permit required.
2) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. A medical marijuana cultivation facility shall not be located within 5,280 feet of another medical marijuana facility.
Ordinance Sections: 627.D.91.a 627.D.91.c
Applicant: Theodore C. Pappas, N & A Enterprises
Representative: David Dow, David Dow Law Office
Owner: Superior Industrial Center
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**

5. Application #: ZA-54-13-7 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 2439 West McDowell Road
Quarter Section: 12-23(G7)
Proposal: 1) Use permit to allow a Medical Marijuana Cultivation Facility. Use permit required.
2) Use permit to allow a Medical Marijuana Dispensary Facility. Use permit required.

- 3) Use permit to allow a Medical Marijuana Infusion Production Facility. Use permit required.
- 4) Variance to allow a Medical Marijuana Cultivation Facility to be located within 5,280 feet of the same type of use. Shall not be located within 5,280 feet of the same type of use.
- 5) Variance to allow a Medical Marijuana Dispensary Facility to be located within 5,280 feet of the same type of use. Shall not be located within 5,280 feet of the same type of use.
- 6) Variance to allow a Medical Marijuana Infusion Production Facility to be located within 5,280 feet of the same type of use. Shall not be located within 5,280 feet of the same type of use.

Ordinance Sections: 627.D.91.a 627.D.92.a 627.D.93.a 627.D.91.c 627.D.92.d 627.D.93.b

Applicant: Mark Steinmetz, Nature's AZ Medicines, Inc.

Representative: Lindsay C. Schube, Gammage & Burnham, PLC

Owner: World Enterprises

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**

6. Application #: ZA-174-15-7 (1 Year Review of Use Permit)
Existing Zoning: A-1

Location: 211 South 57th Drive
Quarter Section: 10-15(F5)
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 1-mile of a similar type of use. Minimum separation of 5,280 feet required.
4) Variance to allow a medical marijuana infusion facility within 1-mile of a similar type of use. Minimum separation of 5,280 feet required.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
Applicant: AZ Med, Inc, - Operator
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: 203-211 Shapiro, 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**

7. Application #: ZA-117-16-7 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 211 South 57th Drive
Quarter Section: 10-15(F5)
Proposal: 1) Use permit to allow a medical marijuana dispensary. Use permit required.

2) Variance to allow a medical marijuana dispensary within 5280 feet of another medical marijuana facility. Minimum of 5280 feet separation required.

Ordinance Sections: 627.D.92.a. 627.D.92.d.

Applicant: Superior Organics

Representative: Lindsay Schube, Gammage & Burham, PLC

Owner: 203-211 Shapiro, 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/stip**

8. Application #: ZA-640-23-6
Existing Zoning: R1-6
Location: 945 East Missouri Avenue
Quarter Section: Q19-29(H8)
Proposal: Use permit to allow the generation of traffic for a home occupation (psychic business). Use permit required.
Ordinance Sections: 608.E.27.h.1
Applicant: Derek Stana
Representative: Derek Stana
Owner: Holly Stanley

Stipulation:

- 1) Must provide sufficient parking for clients on the property's driveway.

		1:30 PM	
Withdrawn to Amend	9.	Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner:	ZA-315-23-3 (SIGN) A-1 2525 West Peoria Avenue 28-23(K7) Use permit to allow an electronic message display (EMD) on two ground signs. Use Permit required. 705.C.13 Victoria Boardman, Above All Signs Victoria Boardman, Above All Signs Michael Mosharrafa, Cobblestone Phoenix PropCo, LLC
#1 Withdrawn	10.	Application #: Existing Zoning: Location: Quarter Section: Proposal:	ZA-392-23-2 C-2 DRSP 5410 East High Street, Suite 102 Q41-40(N11) 1) Use permit to allow outdoor recreation (axe throwing) as an accessory use to a bar (The Mighty Axe) within 500 feet of a residential zoning district. Use permit required. 2) Use permit to allow a bar (The Mighty Axe) which exceeds 5,000 square feet in gross floor area and is located within 300 feet of a residential district. Use permit required.
		Ordinance Sections: Applicant: Representative: Owner:	623.D.157.c 623.D.157.e The Mighty Axe Egg Droid Entertainment, Inc. Amy Nations, Arizona Liquor Industry Consultants SKB-HS Owner, LLC City North
#2 Approved w/stips		Stipulations:	1) Only request #2 is approved, Request #1 was withdrawn. 2) The owners will maintain a current Authority to Arrest (ATO) with the Phoenix Police Department with "No Trespassing" signs posted per Phoenix City Code on the exterior or the building in both English and Spanish.
#1, 2, 3, 5 Approved w/stips	11.	Application #: Existing Zoning: Location: Quarter Section: Proposal:	ZA-405-23-8 C-2 2722 East McDowell Road Q13-33(G9) 1) Variance to reduce the landscape setback (south) to 6 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure. 2) Variance to reduce the landscape setback (west) to 19 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure. 3) Variance to reduce the landscape setback
#4 Denied			

(north) to 6 feet. Minimum 10 feet landscaped setback required.

4) Variance to reduce the minimum parking requirement to 30 spaces. Minimum 40 parking spaces required.

5) Variance to allow maneuvering within an alleyway. All maneuvering must be located entirely on private property.

Ordinance Sections: 623.E.4.e 623.E.4.e 623.E.4.e 702.A.1.b 702.C

Applicant: Alejandra Amezola

Representative: Alejandra Amezola

Owner: Maria L. Torres and Mauricio M. Guzman

Stipulations:

1) 1 year to apply and pay for building permits.

2) Per the landscape reductions as shown on the site plan dated October 23, 2023.

***Denied**

12. Application #: ZA-609-23-6

Existing Zoning: R1-6

Location: 2519 East Campbell Avenue

Quarter Section: Q17-33(H9)

Proposal: 1) Variance to reduce front yard setback (north) to 7 feet for a detached accessory structure (carport). Minimum 10 feet required.

2) Use permit to allow detached accessory structure (carport) located behind the required front setback but between the primary dwelling unit and the front property line. Use permit required.

Ordinance Sections: 613.B.Table B 706.B.1

Applicant: Russell Barborek

Representative: Russell Barborek

Owner: Andrew T. and Stanley G. Kunka

Taken out from under advisement on January 11, 2024 and denied.

**Approved
w/stips**

13. Application #: ZA-615-23-8

Existing Zoning: R-5 RSIOD

Location: 1627 East Wood Street

Quarter Section: Q5-31(E9)

Proposal: 1) Variance to reduce the open space requirement to 1 percent. Minimum 5 percent required.

2) Variance to reduce the required open space area width to 14 feet. Minimum 20 feet required.

Ordinance Sections: 703.B.4.a.1; 703.B.4.a.(2)

Applicant: Virginia Senior, Vida Architects, PLLC

Representative: Virginia Senior, Vida Architects, PLLC

Owner: 18th & Raymond PL LLC

Stipulation:

1) 1 year to apply and pay for building permits.

2) Per the location of the proposed building on the site plan dated December 11, 2023.

**Approved
w/stips**

14. Application #: ZA-626-23-2
Existing Zoning: C-2
Location: 17441 North Cave Creek Road
Quarter Section: 623.E.4.e.Table
Proposal: Variance to reduce the required landscape setback (west) to 15 feet. An average of 25 feet is required, minimum of 20 feet is permitted for up to 50% of the frontage.
Ordinance Sections: 623.E.4.e.Table
Applicant: Lance Robinson, Rezio, LLC
Representative: Greg Zimmerman, GM Zimmerman - Architect
Owner: Fernando Maldonado, CC & CM, LLC
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per the landscape setback reduction as shown on the site plan dated December 8, 2023.

**Approved
w/stips**

15. Application #: ZA-638-23-2
Existing Zoning: S-2
Location: 6001 East Bell Road
Quarter Section: Q36-42(M12)
Proposal: 1) Variance to allow 20 percent lot coverage. Maximum 10 percent lot coverage permitted.
2) Variance to reduce the required rear yard (west) setback to 30 feet for an accessory structure. Minimum of 50 feet required for an accessory structure.
Ordinance Sections: 604.B.4; 604.B.3
Applicant: Phyllis Smiley
Representative: Phyllis Smiley
Owner: Temple Chai Association
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per the setback reduction as shown on the site plan dated November 11, 2023.

**Approved
w/stips**

16. Application #: ZA-639-23-6
Existing Zoning: R1-6
Location: 4202 East Montecito Avenue
Quarter Section: Q17-37(H10)
Proposal: 1) Variance to reduce the required side yard setback (west) to 4 feet. Minimum 10 feet required.
2) Variance to reduce the required front yard setback (south) to 17 feet. Minimum 20 feet required.
Ordinance Sections: 613.B.Table B

Applicant: Jacques LeBlanc
Representative: Jacques LeBlanc
Owner: Brian Evans

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reduction as shown on the site plan dated November 21, 2023.

ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER
PLANNER: DOMINIC AMODIO, PLANNER II

For further information, please call Eric Morales, Planner III, Planning and Development Department at 602-262-7927, or contact via electronic mail at zoning.adjustment@phoenix.gov. This electronic mail address will not accommodate zoning enforcement/violation complaints.

This publication can be made available in alternate format upon request. To request a reasonable accommodation, please contact Angie Holdsworth at 602-495-5622, angie.holdsworth@phoenix.gov TTY: Use 7-1-1.

January 11, 2024