

**NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING**

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 **March 14, 2024 at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-11)**.

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-446-12-8 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 14 South 41st Place
Quarter Section: 10-37(F10)
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 approved use permit for a medical marijuana facility. A medical marijuana dispensary shall not be located within 5,280 feet of another medical marijuana facility.
3) Variance to allow a medical marijuana dispensary within 1,320 feet of a school (Gateway Early College High School). A medical marijuana dispensary shall not be located within 1,320 feet of a school.
Ordinance Sections: 627.D.92.a. 627.D.92.d. 627.D.92.f.
Applicant: Arizona Natures Wellness
Representative: Michelle Green, Lazarus & Silvyn
Owner: Shirley Bonafasi, Living Trust/ EFG Management, 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-287-15-4 (1 Year Review of Use Permit)
Existing Zoning: A-2
Location: 3030 North 30th Avenue
Quarter Section: 15-22(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 5280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
 - 4) Variance to allow a medical marijuana infusion facility within 5280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
Applicant: Chris Arnold, Nature's Wonder, Inc.
Representative: Brian Greathouse, Burch & Cracchiolo, P.A.
Owner: Chris Arnold, ACP Real Estate, 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-64-16-8 (1 Year Review of Use Permit)
Existing Zoning: C-3
Location: 3155 East McDowell Road
Quarter Section: 12-34(G10)
Proposal: Use permit to allow a medical marijuana dispensary facility. Use permit is required.
Ordinance Sections: 623.D.122.a
Applicant: Nature's Healing Center, Inc.
Representative: Greta Brandt, Beacon Management
Justin Brandt, Bianchi & Brandt
Owner: Mike Standlee, Zone Land Holdings, 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.
- 8) Applicant shall submit a revocation application for the use permit approved in the matter ZA-64-16 within 50 days of this annual review hearing.

**Approved
w/stips**

4. Application #: ZA-91-23-7 (1 Year Review of Use Permit)
Existing Zoning: DTC-Warehouse

		Location:	Northeast corner of 1st Avenue and Buchanan Street
		Quarter Section:	9-27(F8) 10-27(F8)
		Proposal:	Use permit to allow a temporary event (Motorcycle Show with outdoor entertainment) for up to 36 months. Use permit required.
		Ordinance Sections:	708.D.1
		Applicant:	Ernest Hickman, Forty Eight Foundation
		Representative:	Ernest Hickman, Forty Eight Foundation
		Owner:	James Hinton and Jerome Gutkin, Laz Park
		Stipulations:	
			1) Limited to 1 event per year.
			2) Event hours shall be limited to 6:30 PM to 2:30 AM.
Continued	5.	Application #:	ZA-541-23-2 (Continued from February 1, 2024)
		Existing Zoning:	RE-24
		Location:	13222 North 64th Street
		Quarter Section:	Q32-42(L12)
		Proposal:	Variance to allow an over height fence (6 feet) within the required front yard setback. Maximum 40 inches permitted.
		Ordinance Sections:	703.A.2.a
		Applicant:	Paul Gilbert
		Representative:	Paul Gilbert
		Owner:	Paul Gilbert
		Continued to April 18, 2024 at 9:00 AM.	
Approved w/stip	6.	Application #:	ZA-498-23-8
		Existing Zoning:	C-1 DNS/WVR, R1-6
		Location:	4747 South 16th Street
		Quarter Section:	Q4-31(E9)
		Proposal:	1) Use Permit to use the Single-Family Attached (SFA) Development Option. Use permit required. 2) Variance to allow 6 lots with no legal street frontage. Public street frontage required.
		Ordinance Sections:	608.F.8 613.B.Table B
		Applicant:	Wendy Riddell, Berry Riddell, LLC
		Representative:	Wendy Riddell, Berry Riddell, LLC
		Owner:	Aaron Wallace, 16th & Chipman, LLC, Joseph Calderon, Jose L Calderon and Rachel G Calderon Revocable Living Trust, Calderon Anibal Cuauhtemoc
		Stipulation:	
			1) 2 years to apply for and obtain building permits.
Withdrawn to Amend	7.	Application #:	ZA-13-24-6
		Existing Zoning:	RE-35 ACSPD
		Location:	4202 North 55th Place
		Quarter Section:	Q17-40(H11)
		Proposal:	1) Variance to reduce the required side yard

			setback (north) to 10 feet. Minimum 20 feet required.
			2) Variance to reduce the required side yard setback (south) to 15 feet. Minimum 20 feet required.
			3) Variance to reduce the required front yard setback (east) to 25 feet. Minimum 40 feet required.
		Ordinance Sections:	609.B.Table 609.B.Table 609.B.Table
		Applicant:	Wendy Riddell, Berry Riddell, LLC
		Representative:	Wendy Riddell, Berry Riddell, LLC
		Owner:	Brandon and Elizabeth Curtis
Under Advisement	8.	Application #:	ZA-84-24-2
		Existing Zoning:	R1-8
		Location:	16706 North 49th Way
		Quarter Section:	Q36-39(M11)
		Proposal:	1) Use permit for official approval of a home occupation (sales of firearms). Use permit required.
			2) Use permit to allow a home occupation to generate traffic. Use permit required.
		Ordinance Sections:	608.E.27.h.(5) 608.E.27.h.(1)
		Applicant:	Jack D Shiles, JS Firearms Sales & Accessories, LLC
		Representative:	Jack D Shiles, JS Firearms Sales & Accessories, LLC
			Owner:
Continued	9.	1:30 PM	
		Application #:	ZA-746-23-3
		Existing Zoning:	R1-6
		Location:	1102 East Orchid Lane
		Quarter Section:	Q26-29(J8)
		Proposal:	1) Variance to allow an over height wall (8 feet) in the required rear yard (north) setback. Maximum 6 feet permitted.
			2) Variance to allow an over height wall (8 feet) in the required side yard (east) setback. Maximum 6 feet permitted.
			3) Variance to allow an over height wall (8 feet) in the required side yard (west) setback. Maximum 6 feet permitted.
		Ordinance Sections:	703.A.2.c 703.A.2.c 703.A.2.c
		Applicant:	Peter Schneider
		Representative:	Peter Schneider
		Owner:	Peter Schneider
		Continued to April 18, 2024 at 1:30 PM.	

Denied as Filed Approved w/stips 10. Application #: ZA-53-24-5
Existing Zoning: PUD PCD
Location: 3377 North 97th Drive
Quarter Section: Q16-5
Proposal: Variance to reduce the required parking to 71 spaces. Minimum 147 spaces required.

Ordinance Sections: 702.C.Table
Applicant: Heidi Tilson, P.E., Coe & Van Loo Consultants
Representative: Stephen Anderson, Gammage & Burnham, PLC
Owner: Anthony Pasqua, KLLB AIV, LLC c/o Kennedy Lewis, Investment Management, LLC

Stipulations:

- 1) Approved 88 parking spaces.
- 2) 1 year to apply for and obtain building permits.

Approved w/stips 11. Application #: ZA-74-24-2
Existing Zoning: C-2 NBCOD
Location: 2850 West Sonoran Desert Drive
Quarter Section: Q55-22
Proposal: 1) Time extension for ZA-693-21, use permit to allow outdoor dining as an accessory use to a restaurant (PAD A, Shops A, PAD B, Shops B) within 500 feet of a residential zoning district. Use permit required.
 2) Time extension for ZA-693-21, use permit to allow a drive-through facility as an accessory use to a restaurant (PAD A, PAD B, Shops B) within 300 feet of a residential zoning district. Use permit required.

Ordinance Sections: 623.D.157.c 623.D.157.d.(2)
Applicant: Cassandra Ayres, Berry Riddell, LLC
Representative: Cassandra Ayres, Berry Riddell, LLC
Owner: Sonoran Desert Retail LLC

Stipulations:

- 1) 2 year to apply for and obtain building permits.
- 2) Per the location of the drive-throughs and outdoor dining as shown on site plan date stamped February 9, 2024.

ZONING ADJUSTMENT HEARING OFFICER: CRAIG TRIBKEN
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.

March 14, 2024