

**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 **January 6, 2022 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 30 days of Certificate of Occupancy. 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 30 days of Certificate of Occupancy. 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 30 days of Certificate of Occupancy. 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 30 days of Certificate of Occupancy. 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 30 days of Certificate of Occupancy. 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 30 days of Certificate of Occupancy. 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 30 days of Certificate of Occupancy. 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**

8. Application #: ZA-579-21-6
Existing Zoning: R1-6
Location: 7038 North 12th Way
Quarter Section: 23-30(I9)
Proposal: Variance to reduce the side yard setback (north) to 5 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Brian Buhr
Representative: Ethan Brunson, 511 Design
Owner: Brian Buhr

Stipulations:

- 1) 1 year to apply and pay for building permits
- 2) Setback reductions per the site plan dated January 6, 2022.

1:30 PM

Approved

9. Application #: ZA-432-21-5 (Continued from September 30, 2021)
Existing Zoning: C-2

	Location:	5301 West Indian School Road
	Quarter Section:	16-16(H5)
	Proposal:	1) Variance to increase parapet height to allow 7 feet. Maximum 5 feet permitted if the roof height is 20 feet or less. 2) Use permit to allow outdoor dining as an accessory use to a restaurant (Raising Cane's) within 500 feet of a residential zoning district. Use permit required.
	Ordinance Sections:	507 Tab A.II.B.2.(2.2) 623.D.157.c
	Applicant:	LuAron Foster, Raising Canes Restaurants, LLC
	Representative:	Maurissa Muha, PM Design Group
	Owner:	Scott Whittington, Avalon Development
Withdrawn to Amend	10. Application #:	ZA-508-21-7
	Existing Zoning:	R-3 RSIO
	Location:	745 West Jones Avenue
	Quarter Section:	5-26(E8)
	Proposal:	1) Variance to reduce the required front yard setback (north) to 15 feet. Minimum 25 feet required. 2) Variance to allow 52 percent lot coverage. Maximum 45 percent lot coverage permitted.
	Ordinance Sections:	615.B.Table B 615.B.Table B
	Applicant:	Santos Ugalde, Designer
	Representative:	Santos Ugalde, Designer
	Owner:	Ilse Cardenas Viriada
Approved w/stips	11. Application #:	ZA-571-21-6
	Existing Zoning:	R1-6
	Location:	4111 East Glenrosa Avenue
	Quarter Section:	17-37(H10)
	Proposal:	Variance to allow a lot (lot 2) that does not front on a public street. Public street frontage required.
	Ordinance Sections:	608.H.1
	Applicant:	Daniel Duffus, DL Dalton, LLC
	Representative:	Daniel Duffus, DL Dalton, LLC
	Owner:	Daniel Duffus, DL Dalton, LLC
	Stipulation:	
		1) 1 year to complete the lot split process.
		2) A private 12 foot access easement must be recorded in favor of the rear lot that provides the area shown as Lot 2 (on the lot split exhibit dated January 5, 2022) with the permanent irrevocable legal access over the are shown as Lot 1 to Glenrosa Avenue.
Approved w/stips	12. Application #:	ZA-582-21-4
	Existing Zoning:	R1-6
	Location:	1002 West Picadilly Road
	Quarter Section:	16-26(H8)

Proposal: Variance to reduce the required side yard setback (west) to 6 feet. Minimum 10 feet required.

Ordinance Sections: 613.B. Table B

Applicant: Rachel Solomon

Representative: Rachel Solomon

Owner: Rachel Solomon

Stipulations:

- 1) 1 year to apply and pay for building permits
- 2) Per the setback reduction as shown on the plan dated September 29, 2021. Only an open porch as shown on the plan may be built behind the garage and laundry room enclosure.

Denied

13. Application #: ZA-589-21-4

Existing Zoning: R-3

Location: 902 East Mitchell Drive

Quarter Section: 16-29(H8)

Proposal: **1)** Variance to allow an over height (10 feet) fence located in the side yard (west). Maximum 6 feet allowed. **2)** Variance to reduce the setback to 0 feet for a detached accessory structure located in the rear yard (north). Minimum 3 feet from the rear property line required. **3)** Variance to reduce the setback to 2 feet for a detached accessory structure located in the side yard (west). Minimum 3 feet from the side property line required.

Ordinance Sections: 703.A.2.c 706.B 706.B

Applicant: Dennis Pritchard

Representative: Dennis Pritchard

Owner: Dennis Pritchard

**Approved
w/stip**

14. Application #: ZA-591-21-1

Existing Zoning: R1-18, R1-6, R-3, R-3A, S-1

Location: Southwest corner of Black Canyon Highway and Dixileta Drive alignment

Quarter Section: 51-21(P6) 52-21(Q7) 52-21(Q6) 52-22(Q7) 52-22(Q6)

Proposal: Use permit to allow over height retaining walls (10 feet) within 50 feet of a subdivision perimeter. Maximum 40 inches permitted.

Ordinance Sections: 703.A.4.c

Applicant: Heidi Tilson, Coe & Van Loo Consultants, Inc.

Representative: Heidi Tilson, Coe & Van Loo Consultants, Inc.

Owner: AG Essential Housing Multi State 2, LLC

Stipulation:

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

**Approved
w/stips**

15. Application #: ZA-592-21-4

Existing Zoning: C-2

Location: 3410 North 24th Street
Quarter Section: 16-32(H9)
Proposal: **1)** Use permit to allow outdoor dining accessory to a restaurant (Nomada) located within 500 feet of a residential district zoning line. Use permit required. **2)** Use permit to allow outdoor alcoholic beverage consumption accessory to a restaurant (Nomada) located within 500 feet of a residential district zoning line. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.c
Applicant: Jeff Graham, Jeff Graham Design, LLC
Representative: Jeff Graham, Jeff Graham Design, LLC
Owner: Valentina Huerta, Zingaro Urbano, LLC
Stipulations:
1) 1 year to apply and pay for building permits
2) Patio hours shall not go beyond 10:00 PM.
3) No outdoor activities permitted in the rear of the building.

Continued 16. Application #: ZA-599-21-1
Existing Zoning: S-1 (Approved R1-8)
Location: 6423 West Tombstone Trail
Quarter Section: 49-13(P4)
Proposal: A variance to increase the retaining wall height to 8 feet within the required rear yard. Individual retaining walls may not exceed a height of 6 feet when located in the interior side or rear yards, with the total combined vertical height of each individual wall not to exceed 20 feet.
Ordinance Sections: 703.A.4.e
Applicant: Daniel Istrate, Kontexture, LLC
Representative: Daniel Istrate, Kontexture, LLC
Owner: Theodor Radu
Continued to March 10, 2022 at 1:30 PM.

**ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
PLANNER: ERIC MORALES, PLANNER II**

For further information, please call Eric Morales, Planner II, 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 Tamra Ingersoll at the Planning and Development Department at 602.534-6648, TTY: Use 7-1-1.

January 7, 2022