

**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 **November 10, 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

**Withdrawn
to Amend**

9:00 AM

1. Application #: ZA-454-22-3
Existing Zoning: C-2
Location: 2150 East Cactus Road, Suite 100
Quarter Section: 31-32(L9)
Proposal: Variance to allow a tobacco oriented retailer (Smoke Buddies) to be located within 1,320 feet of a park. Minimum 1,320 feet separation required.

Ordinance Sections: 623.D.194.b
Applicant: Tiler Lott, Smoke Buddies
Representative: Jeffrey Beaman, Smoke Buddies
Owner: Redeemed Christian Church of God

**Approved
w/stips**

2. Application #: ZA-455-22-7
Existing Zoning: C-3 RSIO
Location: 4105 South Central Avenue
Quarter Section: 5-28(E8)
Proposal: Use permit to allow tattoo shop (Manny's Tattoo Shop). Use permit required.

Ordinance Sections: 623.D.187
Applicant: Manuel Gomez, Manny's Tattoo Shop, LLC
Representative: Manuel Gomez, Manny's Tattoo Shop, LLC
Owner: Manuel Gomez, Manny's Tattoo Shop, LLC
Stipulations:
 - 1) 1 year to commence use.
 - 2) Hour of operation are limited to 10:00 AM to 8:00 PM.

**Approved
w/stips**

3. Application #: ZA-459-22-6
Existing Zoning: C-2 PCD
Location: 4025 East Chandler Boulevard, Suite 1
Quarter Section: 011-37(A10)
Proposal: **1)** Use permit to allow outdoor alcohol consumption as an accessory use to a bar (Wren House Südhalle) within 500 feet of a residential district. Use permit required. **2)** Use permit to

allow outdoor dining as an accessory use to a bar (Wren House Südhalle) within 500 feet of a residential district. Use permit required.

Ordinance Sections: 623.D.157.c 623.D.157.c
Applicant: Wren House Südhalle
Representative: Justin Novak, Hype Studio
Owner: Kimco Mountainside Phoenix 647, Inc.

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Hours of operation for the patio shall be limited to 10:00 AM to 12:00 AM.
- 3) Per the patio size and location as shown on the site plan dated September 23, 2022.

**Approved
w/stips**

4. Application #: ZA-460-22-3
Existing Zoning: R1-10
Location: 3830 East Shea Boulevard
Quarter Section: 29-36(K10)
Proposal: Variance to reduce the rear yard setback (west) to 5 feet. Minimum 25 feet required.
Ordinance Sections: 611.B.Table B
Applicant: Michael Gilson, Accurate Estimating Services
Representative: Michael Gilson, Accurate Estimating Services
Owner: Perets Liran

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reduction as shown on the site plan dated September 23, 2022.

**Approved
w/stips**

5. Application #: ZA-462-22-8
Existing Zoning: C-2
Location: 2424 East Thomas Road
Quarter Section: 15-33(G9)
Proposal: Use permit to allow multiple temporary events for up to 36 months. Use permit required.
Ordinance Sections: 708.D.1.
Applicant: Mike McGarry, Anvil
Representative: Mike McGarry, Anvil & L&M McGarry, LLC
Owner: Mike McGarry, L & M McGarry, LLC

Stipulations:

- 1) Per the event area and size as shown on the plan dated September 23, 2022.
- 2) 6 events per year maximum.
- 3) Event hours shall be limited to 9:00 PM – 2:00 AM.
- 4) No outdoor entertainment or music permitted.

**Approved
w/stips**

6. Application #: ZA-463-22-6
Existing Zoning: R-3
Location: 4215 North 26th Street

Quarter Section: 17-33(H9)
Proposal: **1)** Time extension for ZA-472-21, variance to reduce the side (north) landscape setback to 4 feet. Minimum 5 feet required. **2)** Time extension for ZA-472-21, variance to reduce the side (south) landscape setback to 0 feet. Minimum 5 feet required.
Ordinance Sections: 703.B.3.b.(3) 703.B.3.b.(3)
Applicant: Jason Cone, Patry Building Company
Representative: Jason Cone, Patry Building Company
Owner: Adam and Joe McCallum

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reductions as shown on the site plan dated September 27, 2022.

**Approved
w/stips**

7. Application #: ZA-456-22-5
Existing Zoning: C-2
Location: 1701 North 99th Avenue
Quarter Section: 13-5(G2)
Proposal: **1)** Time extension for ZA-418-21, variance to allow a medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 foot separation required. **2)** Time extension for ZA-418-21, variance to reduce the canal right-of-way building setback to 2 feet (east). 20 foot average building setback (15 foot minimum) is required. **3)** Time extension for ZA-418-21, variance to reduce the canal right-of-way landscape setback to 2 feet (east). 20 foot average landscape setback times the canal frontage (15 foot minimum) is required. **4)** Time extension for ZA-418-21, use permit to allow a medical marijuana dispensary. Use permit required.
Ordinance Sections: 623.D.124.f 623.E.4.c 623.E.4.c 623.D.124.a
Applicant: Arvin Saloum, Ninety-Nine Holdings, LLC
Representative: Larry Lazarus, Lazarus & Silvyn, PC
Owner: Arvin Saloum, Ninety-Nine 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 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-458-22-4
 Existing Zoning: A-2
 Location: 2929, 2935 Grand Avenue and 3020, 3030 North 29th Drive
 Quarter Section: 15-22(G7)
 Proposal: **1)** Time extension for ZA-466-21, use permit to allow a medical marijuana cultivation facility. Use Permit required. **2)** Time extension for ZA-466-21, use permit to allow a medical marijuana infusion facility. Use permit required. **3)** Time extension for ZA-466-21, variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **4)** Time extension for ZA-466-21, variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **5)** Time extension for ZA-466-21, variance to allow a medical marijuana infusion facility within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required. **6)** Time extension for ZA-466-21, variance to allow a medical marijuana cultivation facility within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.
 Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.93.b 627.D.91.c 627.D.91.e 627.D.91.f
 Applicant: MSC Grand, LLC, MSC Grand, LLC
 Representative: Lindsay C. Schube, Gammage & Burnham, PLC
 Owner: MSC Grand, LLC, MSC Grand, 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.

1:30 PM

**Approved
w/stips**

9. Application #: ZA-302-12-1 (1-Year Review of Use Permit)
- Existing Zoning: A-1 DVAO1 DVAO2
- Location: 21617 North 9th Avenue, Suite 100
- Quarter Section: 42-26(N8)
- 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)** Variance to allow a medical marijuana cultivation facility 800 feet from another medical marijuana facility. Minimum 5,280 feet required. **4)** Variance to allow a medical marijuana dispensary facility 800 feet from another medical marijuana facility. Minimum 5,280 feet required.
- Ordinance Sections: 627.D.93 627.D.93 627.D.91.c 627.D.91.c
- Applicant: Gina Berman, The Giving Tree Wellness Center of North
- Representative: Lindsay C. Schube, Gammage & Burnham, PLC
- Owner: Paola Tulliani

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**

10. Application #: ZA-431-12-1 (1-Year Review of Use Permit)
Existing Zoning: A-1 DVAO
Location: 21411 North Central Avenue
Quarter Section: 43-28(N8)
Proposal: **1)** Use Permit to allow a medical marijuana cultivation facility. Use permit required.
2) Variance to allow a medical marijuana cultivation facility within 3,600 feet of a medical marijuana dispensary. A minimum distance of 5,280 feet is required from another medical marijuana facility.
Ordinance Sections: 627.D.91.a. 627.D.91.c.
Applicant: Frank Horwich
Representative: Edward Judice, Bloom Dispensary
Owner: EMM RE MGMT, 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**

11. Application #: ZA-125-13-1 (1 Year Review of Use Permit)
Existing Zoning: C-2
Location: 10040 North Metro Parkway
Quarter Section: 28-21(K7) 28-21(K6) 28-22(K7) 28-22(K6)
Proposal: **1)** Use Permit to allow a medical marijuana dispensary. Use Permit required. **2)** Variance to allow a medical marijuana dispensary to be within 1,320 feet of a school. 1,320 feet is the minimum spacing required.
Ordinance Sections: 623.D.122.a 623.D.122.g
Applicant: Ronnie Kassab, Dreem Green, Inc.
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: J + M 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 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	12. Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner:	ZA-524-19-7 (1-Year Review of Use Permit) A-2 702 and 710 North 21st Avenue 11-24(F7) Use permit to allow multiple temporary events for up to 36 months. Use permit required. 708.D.1 Venue X F&B, LLC Camila Alarcon, Gammage & Burnham, PLC Venue X, LLC
Approved w/stips	13. Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner: Stipulations: 1) 1 year to commence use. 2) Hours of operations forth patio shall be limited to 7:00 AM to 8:00 PM.	ZA-371-22-6 (Continued from September 15, 2022) C-2 PCD 1241 East Chandler Boulevard 010-30(A9) 011-30(A9) 1) Use permit to allow outdoor alcohol consumption accessory to a restaurant (Biscuits Restaurant) within 500 feet of a residential district. Use permit required. 2) Use permit to allow for outdoor dining as an accessory use to a restaurant (Biscuits Restaurant) within 500 feet of a residential district. Use permit required. 623.D.157.c 623.D.157.c Biscuit Foothills Biscuit Foothills Dakota Property Management
Approved w/stips	14. Application #: Existing Zoning: Location: Quarter Section: Proposal:	ZA-448-22-4 R-3 Southwest corner of 23rd Avenue and Highland Avenue 18-23(H7) 1) Variance to reduce the required minimum open space to 2.5%. Minimum 5% required. 2) Variance to reduce the perimeter landscape setback (west) to 0 feet. Minimum 5 feet required. 3) Variance to reduce the perimeter building setback (west) to 11 feet. Minimum 15 feet required. 4) Variance to reduce the perimeter building setback (north) to 9 feet. Minimum 20 feet required. 5) Variance to reduce the perimeter building setback (south) to 9 feet. Minimum 20 feet required. 6) Variance to reduce the perimeter landscape setback (east) to 5 feet.

Minimum 20 feet required. **7)** Variance to reduce the perimeter landscape setback (north) to 9 feet. Minimum 20 feet required. **8)** Variance to reduce the perimeter landscape setback (south) to 9 feet. Minimum 20 feet required.

Ordinance Sections: 703.B.4.a.(1) 703.B.3.b.3 615.B.Table B.(c)
615.B.Table B.(c) 615.B.Table B.(c) 703.B.3.a
703.B.3.a 703.B.3.a

Applicant: Virginia Senior, Vida Architects

Representative: Virginia Senior, Vida Architects

Owner: Canyon Town Homes LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) General conformance to the site plan dated September 20, 2022.

**Approved
w/stips**

15. Application #: ZA-449-22-6
Existing Zoning: R-3
Location: 1821 North 51st Street
Quarter Section: 13-39(G11)
Proposal: Variance to reduce the landscape setback (north) to 0 feet. Minimum 5 feet required.
Ordinance Sections: 703.B.3.b.(3)
Applicant: Artin Knadjian, AAK Architecture & Interiors, Inc.
Representative: Artin Knadjian, AAK Architecture & Interiors, Inc.
Owner: Gohar Chivichyan, c/o Vahagh Kaghamanyan

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reductions as shown on the site plan dated September 16, 2022.

**Withdrawn
to Amend**

16. Application #: ZA-450-22-4
Existing Zoning: C-3
Location: 4228 West Van Buren Street
Quarter Section: 11-19(F6)
Proposal: **1)** Use Permit to allow outdoor dining as an accessory use to a bar within 500 feet of a residential district. Use permit required. **2)** Use permit to allow outdoor alcohol consumption as an accessory use to a bar within 500 feet of a residential district. Use permit required. **3)** Use permit to allow a bar (Classik Sports Bar) which exceeds 5,000 square feet of gross floor area to locate within 300 feet of a residential district. Use permit required.
Ordinance Sections: 624.D.112.c 624.D.112.c 624.D.112.e
Applicant: 4228 Om Sai Ram, LLC
Representative: Jeffrey Miller, Arizona Liquor Industry Consultants
Owner: 4228 Om Sai Ram, LLC

ZONING ADJUSTMENT HEARING OFFICER: RAY JACOBS
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 Les Scott at 602-261-8980, leslie.scott@phoenix.gov TTY: Use 7-1-1.

November 10, 2022