

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised December 21, 2022*

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 17, 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-389-12-8 (1-Year Review of Use Permit)
Existing Zoning: C-2
Location: 1613 North 40th Street
Quarter Section: 13-37(G10)
Proposal: **1)** Time extension for ZA-202-11, a request for a use permit to allow a medical marijuana dispensary. **2)** Time extension for ZA-202-11, a variance to allow a medical marijuana dispensary to be 190 feet away from a residential district. Minimum 250 feet required.
Ordinance Sections: 307.A.12. 307.A.12.
Applicant: Lauren (Anton) Gooding, AZ Compassionate Care
Representative: Lindsay Schube, Gammage & Burnham, PLC
Owner: Ramzi Dugum

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-464-22-6
Existing Zoning: R1-10
Location: 3326 North Valencia Lane
Quarter Section: 15-41(G11)
Proposal: Variance to reduce the rear yard setback (west) to 9 feet. Minimum 25 feet required.
Ordinance Sections: 611.B.Table B
Applicant: Michael Tenney
Representative: Michael Tenney
Owner: Michael and Kathleen Tenney Trust

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reduction as shown on the site plan dated September 28, 2022.

**Approved
w/stips**

3. Application #: ZA-465-22-6
Existing Zoning: C-1
Location: 6102 North 16th Street, Suite 1
Quarter Section: 21-30(I9)
Proposal: **1)** Use permit to allow outdoor dining as an accessory to a restaurant (George's Restaurant). Use permit required. **2)** Use permit to allow outdoor alcoholic beverage consumption as an accessory to a restaurant (George's Restaurant). Use permit required.
Ordinance Sections: 622.D.150.d 622.D.150.d
Applicant: David Timmons, David Timmons Architectural Design Studio
Representative: David Timmons, David Timmons Architectural Design Studio
Owner: RLC 16th Street

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the size and location of the patio as shown on the plan dated September 28, 2022.
- 3) Patio hours shall be limited to 11:00 AM. To 10:00 PM.

**Approved
w/stips**

4. Application #: ZA-466-22-4
Existing Zoning: R1-10 HP
Location: 38 West Colter Street
Quarter Section: 19-27(H8)
Proposal: Variance to reduce the required rear yard setback (north) to 17 feet. Minimum 25 feet required.
Ordinance Sections: 611.B.Table B
Applicant: Matt and Katie Shores

Representative: Matt and Katie Shores

Owner: Matt and Katie Shores

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reduction as shown on the plan dated September 28, 2022.

**Approved
w/stips**

5. Application #: ZA-467-22-3
Existing Zoning: R-3
Location: 1637 West Desert Cove Avenue
Quarter Section: 29-25(K7)
Proposal: **1)** Variance to reduce the side (east) landscape setback to 0 feet. Minimum 5 feet required.
2) Variance to reduce the side (west) landscape setback to 0 feet. Minimum 5 feet required.

Ordinance Sections: 703.B.3.b.(3) 703.B.3.b.(3)
Applicant: Drew Bryck
Representative: Drew Bryck
Owner: Brice Barnes

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reductions as shown on the site plan dated September 29, 2022.
- 3) Per the location and number of trees as shown on the site plan dated September 29, 2022.

**Approved
w/stips**

6. Application #: ZA-468-22-2
Existing Zoning: R1-14
Location: 6540 East Thunderbird Road
Quarter Section: 33-43(L12)
Proposal: **1)** Variance to reduce the front yard (east) setback to 18 feet. Minimum 30 feet required.
2) Variance to reduce the rear yard (west) setback to 10 feet. Minimum 30 feet required.

Ordinance Sections: 606.B.2 606.B.4
Applicant: Laurie Timmons, David Timmons Architectural Design Studio
Representative: Laurie Timmons, David Timmons Architectural Design Studio
Owner: Tim Werner

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reductions as shown on the site plan dated October 19, 2022.
- 3) There shall be no structures taller than 40 inches within 25 feet of the southern property line.

**Approved
w/stips**

7. Application #: ZA-470-22-5
Existing Zoning: R1-6
Location: 3817 West Hayward Avenue
Quarter Section: 24-20(J6)

Proposal: Use permit for an official approval of a home occupation (Federal Firearms License). Use permit required.
Ordinance Sections: 608.E.3.h(5)
Applicant: Robert Pettorsson, Dagger One Development, LLC
Representative: Robert Pettorsson, Dagger One Development, LLC
Owner: Holly Pettorsson, Dagger One Development, LLC

Stipulations:

- 1) 1 year to commence use.
- 2) No customer visits to the property permitted.

Continued 8. Application #: ZA-473-22-8
Existing Zoning: C-2
Location: 2611 North 7th Street
Quarter Section: 14-29(G8)
Proposal: Use permit to allow a tattoo shop (Twin Suns Tattoo Studio). Use permit required.
Ordinance Sections: 623.D.187
Applicant: Christopher Kelm, Twin Suns Tattoo Studio
Representative: Christopher Kelm, Twin Suns Tattoo Studio
Owner: Hussam Alyousef, Yousef Team, LLC

Continued to December 8, 2022 at 1:30 PM.

1:30 PM

Approved w/stips 9. Application #: ZA-451-22-7 (SIGN)
Existing Zoning: A-1, A-2
Location: 5701 West Roosevelt Street
Quarter Section: 11-15(F5) 11-16(F5)
Proposal: Use permit to adopt the West 202 Logistics Comprehensive Sign Plan. Use permit required.
Ordinance Sections: 705.E.2
Applicant: Ana Jones, Trademark Visual, Inc
Representative: Ana Jones, Trademark Visual, Inc
Owner: Charlie Cisakowski, Caprock Partners

Stipulations:

- 1) To provide design consistency within the Comprehensive Sign Plan, remove cabinet sign options for all mounted signage in the Comprehensive Sign Plan document.
- 2) Wall signs on the west elevation of Buildings A and B at the northwest corner of the north elevation of Building C, shall be non-illuminated due to the proximity to the adjacent multi-story residential uses.
- 3) Within 60 days of the use permit approval, submit a revised CSP document for Planning and Development Department review incorporating the stipulations above and any minor corrections identified by Planning and Development Department staff.
- 4) 12 months to apply and pay for sign permits.
- 5) Each tenant shall be limited to no more than 2 wall signs per building elevation.

Approved w/stips	10.	Application #:	ZA-457-22-1 (SIGN)
		Existing Zoning:	PUD- Mixed Use
		Location:	32200 North 43rd Avenue
		Quarter Section:	55-15(Q5) 55-16(R5) 55-17(R5) 55-17(Q5) 55-18(Q6) 55-18(Q6) 55-18(Q5) 56-15(R5) 56-15(Q5) 56-16(R5) 56-16(R5) 56-16(Q5) 56-17(R6) 56-17(R5) 56-17(Q5) 56-18(R6) 56-18(R5) 56-18(Q5) 57-15(R5) 57-16(R5) 57-17(R6) 57-17(R5) 57-18(R6)
		Proposal:	Use permit to adopt the Taiwan Semiconductor Manufacturing Company (TSMC) Comprehensive Sign Plan. Use permit required.
		Ordinance Sections:	705.E.2
		Applicant:	Ana Jones, Trademark Visual, Inc.
		Representative:	Ana Jones, Trademark Visual, Inc.
		Owner:	Youlin Tsou (Bike), TSMC Arizona Corporation
		Stipulations:	
			1) 1 year to apply and pay for sign permits.
			2) Adherence to the Comprehensive Sign Plan dated September 13, 2022.
Approved	11.	Application #:	ZA-490-22-7 (SIGN)
		Existing Zoning:	DTC
		Location:	Downtown Redevelopment Area, as defined in Resolution No. 21987
		Quarter Section:	
		Proposal:	1) Use permit for a comprehensive sign plan for 2023 NFL Super Bowl events within the Downtown Redevelopment Area. Use permit required. 2) Use permit to allow temporary signs erected in conjunction with a special promotional event within the Business Core of a civic or commercial nature. Use permit required.
		Ordinance Sections:	705.E.2 and 705.F.1.b 1209.B.8.j
		Applicant:	Rayme Lofgren, Arizona Super Bowl Host Committee
		Representative:	Rayme Lofgren, Arizona Super Bowl Host Committee
		Owner:	Various
Approved w/stips	12.	Application #:	ZA-81-13-8 (1-Year Review of Use Permit)
		Existing Zoning:	A-1
		Location:	3303 South 40th Street
		Quarter Section:	6-37(E10)
		Proposal:	1) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. 2) Use Permit to allow a medical marijuana cultivation facility. Use permit required.

Ordinance Sections: 627.D.91.c. 627.D.91.a.
Applicant: Arizona Natures Wellness
Representative: Adam Baugh, Withey Morris, PLC
Owner: AMZ, 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**

13. Application #: ZA-243-18-8 (1-Year Review of Use Permit)
Existing Zoning: A-1
Location: 3303 South 40th Street
Quarter Section: 6-37(E10)
Proposal: **1)** Use Permit to allow a medical marijuana infusion facility. Use Permit required. **2)** 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.93.a 627.D.93.b
Applicant: Proxima C, LLC
Representative: Lindsay Schube, Gammage & Burnham
Owner: Second Time Around Investments, 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**

14. Application #: ZA-95-13-5 (1-Year Review of Use Permit)
Existing Zoning: A-2
Location: 4215 North 40th Avenue
Quarter Section: 17-19(H6)
Proposal: **1)** Use permit to allow a nonprofit medical marijuana cultivation facility. Use permit required. **2)** Variance to allow a nonprofit medical marijuana cultivation facility to be located within 5,280 feet of the same type of use or a medical marijuana facility. Shall not be located within 5,280 feet of the same type of use. **3)** Use permit to allow a nonprofit medical marijuana infusion facility. Use permit required. **4)** Variance to allow a nonprofit medical marijuana infusion facility to be located within 5,280 feet of the same type of use or a medical marijuana facility. Shall not be located within 5,280 feet of the same type of use.
Ordinance Sections: 627.D.91.a 627.D.91.c 627.D.93.a 627.D.93.b
Applicant: James Kramer / Jason Ty Nguyen, Herbal Wellness Center, Inc
Representative: Carolyn Oberholtzer, Bergin, Frakes, Smalley & Oberholtzer, P
Owner: Brian W. Leecing, SCF Properties, 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**

15. Application #: ZA-343-15-1 (1-Year Review of Use Permit)
Existing Zoning: A-1 DVAO
Location: 22041 North 23rd Avenue
Quarter Section: 43-24(N7)
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. 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: Shane Howell, AZ Natural Remedies, LLC
Representative: Lindsay C. Schube, Gammage & Burnham, P.L.C.
Owner: Chrissie-Ann Green, Vireo Health, Inc.

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**
16. Application #: ZA-452-22-4
Existing Zoning: C-2 H-R TOD-1, P-2 H-R TOD-1
Location: 3443 North Central Avenue
Quarter Section: 16-28(H8)
Proposal: Variance to reduce the required combined depth of the parking space and the drive aisle to 60 feet for a double loaded drive aisle. Minimum 62 feet required.
Ordinance Sections: 702.B.2.b.5
Applicant: Mark Sanford, Mill Creek Residential
Representative: Nick Wood, Esq., Snell & Wilmer, LLP
Owner: 3443 North Central, LLC
Taken out from under advisement on December 21, 2022 and approved with the following stipulations:
1) 18 months. to apply for and obtain building permits.
2) The combined depth of the parking spaces and drive aisle for the double loaded drive aisles shall be in General conformance with floor plans A-050, A-050A, A-100, A-100A, A101, A-101A, A-102, and A-102D date stamped Nov. 22, 2022.

**ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
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.

December 21, 2022