

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised February 16, 2023*

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 5, 2023 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 prior to the commencement of operations. 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 prior to the commencement of operations. 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 prior to the commencement of operations. 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 prior to the commencement of operations. 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 prior to the commencement of operations. 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 prior to the commencement of operations. 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 prior to the commencement of operations. 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.

***Denied**

8. Application #: ZA-547-22-1
Existing Zoning: S-1
Location: 25200 and 25150 North 13th Avenue
Quarter Section: 47-26(O8)
Proposal: **1)** Variance to allow an accessory structure (fence at 6 feet in height, along the north, south and west) on a lot without a primary structure. Primary structure required to allow accessory structures on a lot. **2)** Variance to allow an accessory structure (fence at 42 inches in height on the east) on a lot without a primary structure. Primary structure required to allow accessory structures on a lot.
Ordinance Sections: 608.C.3 608.C.3
Applicant: Patricio Espino, Magnus Contracting, LLC
Representative: Patricio Espino, Magnus Contracting, LLC
Owner: North Valley Romanian Pentecostal Church

Taken out from under advisement on February 16, 2023 and denied.

1:30 PM

**Approved
w/stips**

9. Application #: ZA-526-22-2 (SIGN)
Existing Zoning: C-2
Location: 4715 East Carefree Highway
Quarter Section: 58-38(R11)
Proposal: Use permit to allow electronic message displays (EMD) on a ground sign. Use permit required.
Ordinance Sections: 705.C.13
Applicant: Victoria Boardman, Above All Signs, LLC
Representative: Victoria Boardman, Above All Signs, LLC
Owner: Tim Varley, Super Star Car Wash

Stipulations:

- 1) The electronic message display shall be shut off daily from dusk until sunrise via an automatic timer. Timer installation and operation to be verified at the time of final sign inspection.
- 2) The sign structure shall not exceed the dimensions shown in the sign drawing signed by the Zoning Adjustment Hearing Officer date-stamped January 5, 2023. The electronic message display panel shall not extend beyond either the vertical or diagonal edge of the ground sign structure.
- 3) Any design changes required to comply with the ZAHO stipulations of approval, shall be subject to Planning and development Department approval.
- 4) The frequency of the message changes shall be no more than 30 seconds.
- 5) 12 months to obtain sign permits for the ground sign.

**Approved
w/stip**

10. Application #: ZA-546-22-6
Existing Zoning: A-1
Location: 5108 East Taylor Street
Quarter Section: 11-39(F11)
Proposal: Time Extension for ZA-222-21; Variance to permit open storage within 75 feet of a public street (51st Street and Taylor Street). No storage is permitted within 75 feet of a public street.
Ordinance Sections: 627.F.2b(3)
Applicant: Tim Hundelt, Blue Box Holdings, LLC
Representative: William F. Allison, Withey Morris, PLC
Owner: Tim Hundelt, Blue Box Holdings, LLC

Stipulation:

- 1) 18 months to apply and pay for building permits.

**Approved
w/stip**

11. Application #: ZA-550-22-7
Existing Zoning: R-5 RI HP CMOD
Location: 1310 West Monroe Street
Quarter Section: 10-26(F8)
Proposal: Time Extension for ZA-378-22, variance to reduce the required side yard (east) setback to 3 feet. Minimum 10 feet required.

Ordinance Sections: 618.B.Table B
Applicant: Aleta Lynch
Representative: Aleta Lynch
Owner: Aleta Lynch

Stipulation:

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

**Approved
w/stips**

12. Application #: ZA-557-22-8
Existing Zoning: R-3, C-2
Location: 2640 East McDowell Road
Quarter Section: 13-33(G9)
Proposal: **1)** Variance to reduce the street side building setback along McDowell Road (south) to 16 feet. Average of 25 feet is required, minimum 20 feet permitted for up to 50 percent of structure, including projections. **2)** Variance to reduce the street side building setback along 26th Place (west) to 16 feet. Average of 25 feet is required, minimum 20 feet permitted for up to 50 percent of structure, including projections. **3)** Variance to reduce the streetscape landscape setback adjacent to 26th Place to 20 feet average. Average of 25 feet for structures not exceeding two stories or 30 feet, minimum 20 feet permitted for up to 50% of frontage.
- Ordinance Sections: 623.E.4.d 623.E.4.d 623.E.4.e
Applicant: Faith Christian Center
Representative: ADM Group, Inc.
Owner: Faith Christian Center

Stipulations:

- 1) The new addition shall only be approved as shown on the plans dated November 22, 2022.
- 2) 18 months to apply and pay for building permits.

**Approved
w/stips**

13. Application #: ZA-559-22-6
Existing Zoning: C-2 SP HGT/WVR
Location: 736 East Flynn Lane
Quarter Section: 22-29(I8)
Proposal: **1)** Time Extension for ZA-197-21, Variance to allow 10 foot building setback adjacent to street (south). Average 30 feet required. **2)** Time Extension for ZA-197-21, Variance to allow 10 foot landscape setback adjacent to street (south). Average 30 feet required. **3)** Time Extension for ZA-197-21, Variance to allow 10 foot building setback adjacent to R-4 zoning (east). Minimum 30 feet required. **4)** Time Extension for ZA-197-21, Variance to allow maneuvering in right-of-way (alley). Maneuvering must be located on private property. **5)** Time

Extension for ZA-197-21, Variance to enable access from a street not considered an arterial or collector. Arterial or collector street required. **6)** Time Extension for ZA-197-21, Variance to allow 4% parking lot landscaping. Minimum 10% required. **7)** Time Extension for ZA-197-21, Variance to allow 63% lot coverage. Maximum 50% lot coverage permitted.

Ordinance Sections: 623.E.4.d 623.E.4.e 623.E.4.d 702.A.1.b
647.2.A.1.4 623.E.4.e 623.E.4.h
Applicant: George Pasquel, Withey Morris, PLC
Representative: George Pasquel, Withey Morris, PLC
Owner: David, Jim Fijan and Jeff Clements

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) All stipulations from ZA-197-21 shall still apply, except for the time deadline.

**Approved
w/stip**

14. Application #: ZA-564-22-3
Existing Zoning: C-2
Location: 12041 North Cave Creek Road
Quarter Section: 30-32(K9)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (The Coffee Bean & Tea Leaf Coffee Shop) within 500 feet of a residential district. Use permit required. **2)** Use permit to allow a drive-through facility as an accessory use to a restaurant within 300 feet of a residential district. Use permit required.

Ordinance Sections: 623.D.157.c 623.D.157.d.(2)
Applicant: International Coffee and Tea, Inc.
Representative: Lisa Donmeyer, JSD Professional Services
Owner: C3 Real Estate Investments, LLC
Stipulation:
1) 18 months to apply and pay for building permits.

**Approved
w/stips**

15. Application #: ZA-565-22-6
Existing Zoning: C-2, C-2 SP
Location: 3192 East Indian School Road
Quarter Section: 17-34(H10)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a bar (Coffee Bean and Tea Leaf) within 500 feet of a residential district. Use permit required. **2)** Use permit to allow a drive through facility accessory to a restaurant (Coffee Bean and Tea Leaf) within 300 feet from a residential zoning district. Use permit required.

Ordinance Sections: 623.D.157.c 623.D.157.d.2
Applicant: International Coffee and Tea, Inc.

Representative: Lisa Donmeyer, JSD Professional Services
Owner: KV Partners, LLC

Stipulations:

- 1) Minimum height of wall along the north to be 48 inches.
- 2) 18 months to apply and pay for building permits.
- 3) 1 year review of use permit within 1 year of issuance of the Certificate of Occupancy.

**Approved
w/stip**

16. Application #: ZA-566-22-8
Existing Zoning: DTC-Warehouse
Location: Southwest corner of 5th Street and Lincoln Street
Quarter Section: 9-28(F8)
Proposal: **1)** Variance to allow an over height fence (64 inches) along Grant Street (south). Maximum 40 inches permitted. **2)** Variance to allow an over height fence (64 inches) along Lincoln Street (northwest). Maximum 40 inches permitted.
Ordinance Sections: 1205.F.3 1205.F.3
Applicant: Todd Gosselink, Trinsic Residential Group
Representative: Benjamin Tate, Withey Morris, PLC
Owner: HF MAC 475 E Lincoln, LLC
Stipulation:
1) 2 years to apply and pay for building permits.

ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
PLANNER: PETER KANN, PLANNER II AND KIM STEADMAN, 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 Angie Holdsworth at 602-495-5622, angie.holdsworth@phoenix.gov TTY: Use 7-1-1.

February 17, 2023