

**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 **March 16, 2023 9:00 AM (Items 1-6) and 1:30 PM (Items 7-10).**

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)
(Continued from February 2, 2023)
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 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-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: Chris Arnold, Nature's Wonder, Inc.
Owner: 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 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-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 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-54-23-7
Existing Zoning: A-1
Location: 6020 West Buckeye Road
Quarter Section: 9-14(F5)
Proposal: Use permit to allow a drive-through facility as an accessory use to a restaurant (Whataburger)

located within 300 feet of a residential zoning district. Use permit required.
Ordinance Sections: 624.D.112.d.(2)
Applicant: Abraham Vazquez, Whatabrands Real Estate
Representative: Jenifer Tedrick, Sustainability Engineering Group
Owner: Mival, LLC

Stipulations:

- 1) 18-months to apply and pay for building permits.
- 2) Per the location of the drive-through as shown on the plan dated February 7, 2023.

**Approved
w/stips**

5. Application #: ZA-56-23-2
Existing Zoning: PUD PCD
Location: 7000 East Mayo Boulevard
Quarter Section: 39-43(M12) 39-44(M12)
Proposal: Use permit to allow a temporary use (outdoor event with amplified sound) for up to 36 months. Use permit required.
Ordinance Sections: 708.D.1
Applicant: Jason Carney, Phoenix Film Festival
Representative: Samantha Bartram, Phoenix Film Festival
Owner: Renee Heinemann, 101 & Scottsdale, LLC, c/o YAM Properties

Stipulations:

- 1) Approved for 36 months.
- 2) Maximum of one event per year (maximum of 3 days per event) to be held between March 15 to April 15.
- 3) Event dates shall be limited to Thursday, Friday and Saturday.
- 4) Per the location of the event as shown on the plan dated February 7, 2023.
- 5) Sound levels shall remain at an ambient level within the event tent.
- 6) Event hours shall be limited to 5:00 PM to 11:00 PM for the event dates.

**Approved
w/stips**

6. Application #: ZA-60-23-7
Existing Zoning: C-3
Location: 2435 West Thomas Road and 2725 North Black Canyon Highway
Quarter Section: 14-23(G7)
Proposal: Variance to allow an over height fence (6 feet) within the front yard setback (east). Maximum 40 inches permitted.
Ordinance Sections: 703.A.3.a
Applicant: Manwinder Singh, KA PHX Thomas, LLC
Representative: Million Abraham
Owner: KA PHX Thomas, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the location of the over height fence as shown on the plan dated February 9, 2023.

		1:30 PM	
Denied	7.	Application #:	ZA-49-23-1 (SIGN)
		Existing Zoning:	C-2
		Location:	3063 West Agua Fria Freeway
		Quarter Section:	40-22(N7)
		Proposal:	Variance to allow a sign that breaks the silhouette of the building. Signs are not permitted to break the silhouette of the building on which it is located.
		Ordinance Sections:	705.D.3.G
		Applicant:	Ana Jones, Trademark Visual, Inc.
		Representative:	Ana Jones, Trademark Visual, Inc.
		Owner:	Jay Schneider, Deer Valley Long term Hold, LLC
Withdrawn to Amend	8.	Application #:	ZA-16-23-4
		Existing Zoning:	C-2 and P-1
		Location:	3243 North 3rd Street
		Quarter Section:	15-28(G8)
		Proposal:	Use permit to allow outdoor recreation (Music/DJ's/Live Bands) as an accessory use to a restaurant (Ocotillo Restaurant) within 500 feet of a residential zoning district. Use permit required.
		Ordinance Sections:	623.D.157.c
		Applicant:	Jonathan E. Labahn, Ocotillo Restaurant
		Representative:	Jonathan E. Labahn, LAB Design Collaborative
		Owner:	Jonathan E. Labahn, Urban-Flower, LLC
Approved w/stips	9.	Application #:	ZA-55-23-5
		Existing Zoning:	PUD
		Location:	3300 West Camelback Road
		Quarter Section:	19-21(H6) 19-22(H7) 19-22(H6)
		Proposal:	Variance to reduce the setback (east) for a disguised wireless communication facility to 13 feet from residentially zoned property. Minimum 150 feet required.
		Ordinance Sections:	715.B.2.a.2.a.i
		Applicant:	Ken Hale, Smartlink, LLC
		Representative:	Nicole Russell, Crown Castle
		Owner:	Grand Canyon University
		Stipulations:	
			1) 1 year to apply and pay for building permits.
			2) Per the location of the wireless communication facility as shown on the plan dated February 7, 2023.
Approved w/stips	10.	Application #:	ZA-61-23-6
		Existing Zoning:	RE-43
		Location:	6501 North 37th Street
		Quarter Section:	22-36(I10)

Proposal: 1) Variance to reduce the side yard setback (north) to 10 feet. Minimum 30 feet required.
2) Variance to reduce the rear yard setback (east) to 25 feet. Minimum 40 feet required.

Ordinance Sections: 605.B.3 605.B.4

Applicant: Jason Comer

Representative: Jason Comer

Owner: Mack Ketcham

Stipulations:

- 1) 2 years to apply and pay for building permits.
- 2) Per the setback reductions as shown on the site plan dated February 9, 2023.
- 3) The garage addition shall not exceed one-story.

ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
PLANNER: ERIC MORALES, PLANNER III

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 17, 2023