

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised December 12, 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 **May 4, 2023 at 9:00 AM (Items 1-7) and 1:30 PM (Items 8-14).**

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-92-13-8 (1-Year Review of Use Permit)
Existing Zoning: A-2 RSIOD
Location: 2512 East Magnolia Street
Quarter Section: 7-33(E9)
Proposal: **1)** Use permit to allow medical marijuana cultivation. Use permit is required. **2)** Use permit to allow medical marijuana infusion. Use permit is required.

Ordinance Sections: 627.D.91.a 627.D.91.b
Applicant: Eric Powers, Green Sky Patient Center of Scottsdale,
Representative: Lauren Niehaus, Green Sky Patient Center of Scottsdale
Owner: Eric Powers, Green Sky Patient Center of Scottsdale

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.
- 8) The Zoning Adjustment Hearing Officer shall review the odor improvements within 60 days to evaluate the success of the odor control improvements.

**Approved
w/stips**

2. Application #: ZA-1-16-7 (1-Year Review of Use Permit)
Existing Zoning: A-2
Location: 2 North 35th Avenue
Quarter Section: 10-20(F6)
Proposal: **1)** Use permit to allow a medical marijuana cultivation facility. Use permit is required. **2)** Use permit to allow a medical marijuana dispensary facility. Use permit is required. **3)** Use permit to allow a medical marijuana infusion facility. Use permit is required. **4)** Variance to allow a medical marijuana cultivation facility within 750 feet of a residentially zoned district. 1,000 feet separation is required between cultivation facility and residentially zoned districts. **5)** Variance to allow a medical marijuana infusion facility within 750 feet of a residentially zoned district. 1,000 feet is required between infusion facility and residentially zoned districts.
Ordinance Sections: 627.D.91.a 627.D.92.a 627.D.93.a 627.D.91.d 627.D.93.c
Applicant: Benjamin Graff, Quarles & Brady, LLP
Representative: Benjamin Graff, Quarles & Brady, LLP
Owner: 35th Avenue 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**

3. Application #: ZA-107-23-6
Existing Zoning: RE-35 ACSPD
Location: 5347 East Wonderview Road
Quarter Section: 18-40(H11)
Proposal: Variance to reduce the required front yard setback (north) to 25 feet. Minimum 40 feet required.

Ordinance Sections: 609.B.Table
Applicant: David E. Richert, Richert & Associates
Representative: David E. Richert, Richert & Associates
Owner: Patrick Fricchione, Simplex Homes
Stipulations:
1) Setback reduction applies only to the northwest corner of the home as shown on the site plan date stamped April 6, 2023.
2) 18 months to apply and pay for building permits.

**Approved
w/stip**

4. Application #: ZA-124-23-7
Existing Zoning: PUD
Location: Southwest corner of North 67th Avenue and West McDowell Road
Quarter Section: 12-12(G4)
Proposal: **1)** Time extension for ZA-75-22, use permit to allow a drive through facility as an accessory use to a restaurant (PAD 1). Use permit required.
2) Time extension for ZA-75-22, use permit to allow a drive through facility as an accessory use to a restaurant (PAD 2). Use permit required.
3) Time extension for ZA-75-22, use permit to allow a drive through facility as an accessory use to a restaurant (PAD 3). Use permit required.

Ordinance Sections: 671.C 671.C 671.C
Applicant: Kurt Waldier, Beus Gilbert McGroder, PLLC
Representative: Paul Gilbert, Beus Gilbert McGroder, PLLC
Owner: Ben Swenson, Americal Management Company, Inc.
Stipulation:
1) 1 year to apply and obtain building permits.

**Approved
w/stips**

5. Application #: ZA-128-23-8
Existing Zoning: R-3
Location: 4604 East McKinley Street and 814 North 48th Street

Quarter Section: 11-38(F11)
Proposal: **1)** Variance to reduce rear (west) setback to 10 feet. 15 feet required. **2)** Variance to reduce the required building setback (south, APN 125-30-001) to 10 feet for a 24-foot-tall building.
3) Variance to reduce the minimum guest parking requirement to 32 spaces. Minimum 69 guest parking spaces required.
Ordinance Sections: 615.Table.B 615.Table.B 702.C.Table
Applicant: Michael Dooley, Northbridge Development, LLC
Representative: Michael Dooley, Northbridge Development, LLC
Owner: H&M Enterprises, Inc.

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) Per setback reduction as shown on site plan date stamped March 27, 2023.

**Approved
w/stip**

6. Application #: ZA-131-23-6
Existing Zoning: C-2 CEPCSP
Location: 1630 East Camelback Road, Suite 100
Quarter Section: 19-31(H9)
Proposal: Use permit to allow outdoor dining as an accessory to a restaurant (Five Guys) within 500 feet of a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.c
Applicant: Scott Ferris, Five Guys Properties, LLC
Representative: Rachel Russell, GPD Group Professional Corporation
Owner: Teresa Nguyen, Saddle Mountain Investments, LLC c/o Pai

Stipulation:

- 1) 6 months to commence the use.

**Approved
w/stips**

7. Application #: ZA-132-23-8
Existing Zoning: R1-6 MPNSPD
Location: 201 West Euclid Avenue
Quarter Section: 02-27(C8)
Proposal: **1)** Variance to reduce the front yard setback (Lots 1-6) to 30 feet. Minimum 50 feet required.
2) Variance to reduce the side yard setback (Lots 1-6) to 15 feet. Minimum 25 feet required.
Ordinance Sections: 668.A.7.c 668.A.7.c
Applicant: Jordan Greenman, Greenman Law
Representative: Jordan Greenman, Greenman Law
Owner: Miguel Pena, Dynamic Homez, LLC

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) Per setback reductions as shown on the site plan date stamped March 30, 2023.

1:30 PM

Continued 8. Application #: ZA-108-23-1 (SIGN)
Existing Zoning: PUD Mixed Use
Location: 2615 West Jomax Road
Quarter Section: 48-23(P7)
Proposal: Use permit for a Major amendment to the
Norterra Market Comprehensive Sign Plan. Use
permit required.

Ordinance Sections: 705.E.2.d (2)
Applicant: Ryan Foran, Signarama
Representative: Karen Schellinger, Signarama
Owner: US Real Estate, Limited Partnership

Continued to June 22, 2023 at 1:30 PM.

Approved 9. Application #: ZA-129-23-4 (SIGN)
w/stips Existing Zoning: R-5 & R1-6
Location: 1751 West Indian School Road
Quarter Section: 16-25(H7)
Proposal: Use permit to allow an electronic message
display (EMD) on a ground sign. Use permit
required.

Ordinance Sections: 705.C.13
Applicant: Jeffrey Blake, Phoenix Christian Unified Schools
Representative: Lisa Blake, Phoenix Christian Unified Schools
Owner: Phoenix Christian Board of Trustees

Stipulations:

- 1) Maximum sign height shall be 12 feet per previous height variance, ZA-934-04.
- 2) Sign design shall be in accordance with the sign drawings date stamped May 4, 2023.
- 3) Electronic Message Display (EMD) panel to shut off at 10:00 PM daily via an automatic timer. Timer settings to be verified prior to final sign inspection.
- 4) 12 months to obtain sign permits for the ground sign.
- 5) Existing sign with EMD to be removed.

Approved 10. Application #: ZA-126-23-8
Existing Zoning: R-5
Location: 4707 and 4717 East McDowell Road
Quarter Section: 12-38(G11)
Proposal: **1)** Variance to reduce the required front yard
setback (north) for a boundary adjacent to a
public street to 14 feet. Minimum 20 feet
required. **2)** Variance to reduce the required
front yard landscape setback (north) to 14 feet.
Minimum 20 feet required. **3)** Variance to reduce
the required rear yard building setback (south) to
4 feet. Minimum 15 feet required. **4)** Variance to
reduce the required rear yard landscape setback
(south) to 4 feet. Minimum 5 feet required.

			5) Variance to reduce the required side yard landscape setback (west) to 1 foot. Minimum 5 feet required. 6) Variance to reduce the required side yard building setback (west) to 1 foot. Minimum 3 feet required. Ordinance Sections: 618.Table B 703.B.3.a 618.Table B 703.B.3.a 703.B.3.a 618.Table B Applicant: Kairos Investment Management Company Representative: Benjamin Graff, Quarles & Brady, LLP Owner: MV McDowell Partners, LLC
Denied	11.	Application #: ZA-134-23-6 Existing Zoning: R1-6 Location: 4008 North 48th Place Quarter Section: 16-39(H11) Proposal: Variance to reduce the front yard setback (east) to 7 feet. Minimum 20 feet required. Ordinance Sections: 613.B.Table B Applicant: Carlos Bustamante, CADDECO Representative: Bryan Andrews Owner: Andrews Family Trust	
Approved w/stip	12.	Application #: ZA-135-23-6 Existing Zoning: R1-6 Location: 5224 North 15th Street Quarter Section: 19-30(H9) Proposal: Variance to allow an over height fence (7 feet) located in the required side and rear yards (north and northwest, south and southwest). Maximum 6 feet allowed. Ordinance Sections: 703.A.2.c Applicant: Julia and Anthony Villarreal Representative: Julia and Anthony Villarreal Owner: Julia and Anthony Villarreal Stipulation: 1) 1 year to apply and obtain building permits.	
Approved w/stip	13.	Application #: ZA-136-23-8 Existing Zoning: Ind. Pk. Location: 3315 and 3335 East Broadway Road Quarter Section: 4-35(E10) Proposal: Variance to allow a 46 percent lot coverage. Maximum of 40 percent lot coverage permitted. Ordinance Sections: 626.H.1.Table Applicant: Stonelake Capital Partners Representative: Benjamin Graff, Quarles and Brady, LLP Owner: SL6 PHX Industrial, LP Stipulation: 1) 2 years to apply and obtain building permits.	

**Approved
w/stips**

14. Application #: ZA-127-23-6
Existing Zoning: C-2
Location: 2710 East Indian School Road
Quarter Section: 17-33(H9)
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required. **2)** Variance to allow a medical marijuana dispensary facility within 5,280 feet (one mile) of another similar type of use. Minimum 5,280 feet of separation required. **3)** Variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. Minimum 500 feet of separation required. **4)** Variance to allow a medical marijuana dispensary within 1,320 feet of a public park. Minimum 1,320 feet of separation required. **5)** Variance to allow a medical marijuana dispensary within 1,320 feet of a public community center. Minimum 1,320 feet of separation required.
Ordinance Sections: 623.D.124.a 623.D.124.e 623.D.124.f 623.D.124.g 623.D.124.g
Applicant: Rocky Afo, Verano Holdings, LLC
Representative: Heather N. Dukes, Esq.
Owner: T.C. Corporation et al

Stipulations:

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- 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.

ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER
PLANNER: PETER KANN, PLANNER II

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.

December 12, 2023