

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised June 8, 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 **May 11, 2023 9:00 AM (Items 1-3) and 1:30 PM (Items 4-9)**.

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-508-22-1 |
| | Existing Zoning: | S-1 |
| | Location: | 23428 North 64th Avenue |
| | Quarter Section: | 45-13(O4) |
| | Proposal: | 1) Variance to reduce the required rear yard setback (west) to 30 feet for a detached accessory structure. Minimum 50 feet required.
2) Variance to reduce the required side yard setback (south) to 30 feet for a detached accessory structure. Minimum 50 feet required.
3) Variance to reduce the required side yard setback (north) to 45 feet for a detached accessory structure. Minimum 50 feet required.
4) Variance to allow 21% lot coverage. Maximum 20% lot coverage permitted. |
| | Ordinance Sections: | 603.B.3 603.B.3 603.B.3 603.B.4 |
| | Applicant: | Daniel Istrate, Kontexture, LLC |
| | Representative: | Daniel Istrate, Kontexture, LLC |
| | Owner: | Daniel Budure |

Taken out from under advisement on June 8, 2023 and approved with the following stipulations:

- 1) Per site plan date stamped April 3, 2023.
- 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

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|----|---------------------|--|
| 2. | Application #: | ZA-85-23-7 (Continued from March 30, 2023) |
| | Existing Zoning: | C-2 |
| | Location: | 6016 South 7th Avenue |
| | Quarter Section: | 02-26(D8) |
| | Proposal: | Time extension for ZA-19-22, use permit to allow a drive-through facility as an accessory use to a restaurant (Carl's Jr.) within 300 feet of a residential district. Use permit required. |
| | Ordinance Sections: | 623.D.157.d.(2) |
| | Applicant: | Jesse Kent, Guggenheim Retail Real Estate Partners |

Representative: Eric Gerster, Sustainability Engineering Group
Owner: Denver Gardens Company, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) All other stipulations of ZA-19-22 shall apply.

**Approved
w/stips**

3. Application #: ZA-142-23-8
Existing Zoning: A-2 RSIO
Location: 2529 and 2530 South 16th Avenue
Quarter Section: 7-25(E7)
Proposal: Variance to allow a chain link fence visible from public streets (west side of 16th Avenue and east side of 16th Avenue for turnaround). Chain link fencing shall not be used when visible from public street.
Ordinance Sections: 703.D.2.a
Applicant: Lesley Partch, Fun Form Architecture, PLLC
Representative: Lesley Partch, Fun Form Architecture, PLLC
Owner: Griffin Hurley, GK Hurley Land Company, LLC
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per the chain link fence locations as shown on the plan dated April 7, 2023.

**Approved
w/stips**

- 1:30 PM**
4. Application #: ZA-103-14-8 (1-Year Review of Use Permit)
Existing Zoning: A-2 RSIOD
Location: 2315 South 15th Avenue
Quarter Section: 7-26(E8)
Proposal: **1)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of the same type of use. Variance 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: Fred Petermann, Cold Fusion Lighting
Representative: Fred Petermann, Cold Fusion Lighting
Owner: Maschmeier Fuels, 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**

5. Application #: ZA-68-16-1 (1-Year Review of Use Permit)
 Existing Zoning: C-2
 Location: 4244 West Dunlap Avenue
 Quarter Section: 27-19(J6)
 Proposal:

- 1) Use permit to allow a medical marijuana dispensary facility. Use permit is required.
- 2) Variance to allow a medical marijuana dispensary within 1320 feet of a preschool. Minimum of 1320 feet of separation required.

Ordinance Sections: 623.D.122.a 623.D.122.g
 Applicant: DRH Enterprises
 Representative: Withey Morris, PLC
 Owner: Angal Dunlap 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**

6. Application #: ZA-137-23-6
Existing Zoning: R1-14 ACSPD
Location: 4021 North 59th Street
Quarter Section: 16-41(H11)
Proposal: **1)** Variance to reduce the required side yard (south) setback to 5 feet. Minimum 10 feet required. **2)** Variance to reduce the required side yard (north) setback to 5 feet. Minimum 10 feet required.

Ordinance Sections: 607.B.3
Applicant: Bob Long, Design Portfolio, Inc
Representative: Bob Long, Design Portfolio, Inc
Owner: Lahav Nissim
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per the setback reductions as shown on the site plan dated April 13, 2023.

**Approved
w/stip**

7. Application #: ZA-139-23-6
Existing Zoning: RE-35 ACSPD
Location: 4839 East Grandview Lane
Quarter Section: RE-35 ACSPD
Proposal: **1)** Time extension of ZA-451-21, variance to reduce the front yard setback to 20 feet. Minimum 40 feet required. **2)** Time extension of ZA-451-21, variance to reduce the side yard (northwest) setback to 10 feet. Minimum 20 feet required.

Ordinance Sections: 609.B.Table 609.B.Table
Applicant: Mani Tehranchi
Representative: Daniela Tirado
Owner: Mani Tehranchi
Stipulation:
1) 1 year to apply and pay for building permits.

**Approved
w/stips**

8. Application #: ZA-138-23-4
Existing Zoning: A-1, A-2
Location: 3648 North 36th Avenue
Quarter Section: 16-20(H6)
Proposal: **1)** Time Extension for ZA-56-22, variance to allow a medical marijuana infusion facility within 5,280 feet of another similar type of use. Minimum 5,280 feet of separation required. **2)** Time Extension for ZA-56-22, variance to allow a

medical marijuana infusion facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **3)** Time Extension for ZA-56-22, use permit to allow a medical marijuana infusion facility. Use permit required. **4)** Time Extension for ZA-56-22, variance to allow a medical marijuana infusion facility within 1,320 feet of a school. Minimum 1,320 feet of separation required. **5)** Time Extension for ZA-56-22, use permit to allow a medical marijuana cultivation facility. Use permit required. **6)** Time Extension for ZA-56-22, variance to allow a medical marijuana cultivation facility within 5,280 feet of another similar type of use. Minimum 5,280 feet of separation required. **7)** Time Extension for ZA-56-22, variance to allow a medical marijuana cultivation facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **8)** Time Extension for ZA-56-22, variance to allow a medical marijuana cultivation facility within 1,320 feet of a dependent care facility. Minimum 1,320 feet of separation required. **9)** Time Extension for ZA-56-22, variance to allow a medical marijuana cultivation facility within 1,320 feet of a school. Minimum 1,320 feet of separation required. **10)** Time Extension for ZA-56-22, variance to allow a medical marijuana infusion facility within 1,320 feet of a dependent care facility. Minimum 1,320 feet of separation required.

Ordinance Sections: 627.D.93.b 627.D.93.c 627.D.93.a 627.D.93.d
627.D.91.a 627.D.91.c 627.D.91.d 627.D.91.e
627.D.91.e 627.D.93.d

Applicant: Hooman Nikzad, Cypress Verde, LLC

Representative: Larry Lazarus, Lazarus & Silvyn, PC

Owner: Charles Kirkland, Green Home Rentals, 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 1 year of today's hearing. 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**

9. Application #: ZA-140-23-7
 Existing Zoning: A-1
 Location: 2503 West McDowell Road
 Quarter Section: 12-23(G7)
 Proposal: **1)** Time extension for ZA-442-21, use permit to allow a medical marijuana dispensary facility. Use permit required. **2)** Time extension for ZA-442-21, use permit to allow a medical marijuana cultivation facility. Use permit required. **3)** Time extension for ZA-442-21, use permit to allow a medical marijuana infusion facility. Use permit required. **4)** Time extension for ZA-442-21, variance to allow a medical marijuana dispensary facility within 5,280 feet of a similar use. Minimum 5,280 feet of separation required. **5)** Time extension for ZA-442-21, variance to allow a medical marijuana cultivation facility within 5,280 feet of a similar use. Minimum 5,280 feet of separation required. **6)** Time extension for ZA-442-21, variance to allow a medical marijuana infusion facility within 5,280 feet of a similar use. Minimum 5,280 feet of separation required.
- Ordinance Sections: 627.D.92.a 627.D.91.a 627.D.93.a 627.D.92.d 627.D.91.c 627.D.93.b
- Applicant: Nature's Medicines, Sixth Street Enterprises, Inc.
 Representative: Lindsey Schube, Gammage & Burnham, PLC
 Owner: 2439 West McDowell, 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.
- 8) The applicant must submit revocation of the dispensary use permit approved in matter ZA-54-13 no later than 30 days after the issuance of the approval to Operate (ATO) and the Planning and Development Department shall be notified of the issuance of the ATO.

ZONING ADJUSTMENT HEARING OFFICER: CAROL BERRY
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.

June 8, 2023