

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised December 20, 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 **November 16, 2023 9:00 AM (Items 1-4) and 1:30 PM (Items 5-11)**

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 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/stip**

2. Application #: ZA-365-23-5
Existing Zoning: R1-6
Location: 4439 North 49th Drive
Quarter Section: 17-17(H5)
Proposal: Variance to allow the required parking within the required front yard (west) setback. Required parking not permitted within the front yard setback.
Ordinance Sections: 702.F.1.a
Applicant: Monea James, Moore Allies
Representative: Monea James, Moore Allies
Owner: Rebecca Mambulu
Stipulation:
1) 1 year to apply and pay for building permits and obtain a Certificate of Occupancy.

**Approved
w/stip**

3. Application #: ZA-404-23-6
Existing Zoning: RE-35 ACSPD
Location: 5740 East Exeter Boulevard
Quarter Section: Q17-41(H11)
Proposal: 1) Time extension for ZA-99-22, a variance to reduce the lot width to 50 feet (Lot 2). Minimum 150 feet required.
2) Time extension for ZA-99-22, a variance to allow an over height (14 feet) detached accessory structure (Lot 2) within the side yard setback (east). Maximum 8 feet permitted.
3) Time extension for ZA-99-22, a variance to reduce the required side yard setback (east) to 9 feet (Lot 1). Minimum 20 feet required.
Ordinance Sections: 609.B.Table 706.C 609.B.Table
Applicant: Kimberly Schroeder, Kaeko, Inc.
Representative: Kimberly Schroeder, Kaeko, Inc.
Owner: Verde Investments, Inc., Ernest Irrevocable 2004 Trust III
Stipulation:
1) All previous stipulations apply with the exception of item #2 which will be 1 year to apply and pay for building permits.

**Approved
w/stip**

4. Application #: ZA-482-23-5
Existing Zoning: C-2
Location: 2302 West Northern Avenue
Quarter Section: Q25-23(J7)
Proposal: Use permit to allow a carwash in an open

		building. Use permit required.
	Ordinance Sections:	623.D.41
	Applicant:	Leslie Ford
	Representative:	Ben Sims
	Owner:	WNDG, LLC
	Stipulation:	
		1) 1 year to apply and pay for building permits.
	1:30 PM	
Approved w/stips	5.	Application #: ZA-313-23-7 (SIGN)
		Existing Zoning: C-2 Intermediate Commercial
		Location: 2675 South 67th Avenue
		Quarter Section: 7-13(E4)
		Proposal: Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.
		Ordinance Sections: 705.C.13
		Applicant: Victoria Boardman, Above All Signs
		Representative: Victoria Boardman, Above All Signs
		Owner: Michael Mosharrafa, Cobblestone Phoenix PropCo, LLC
		Stipulations:
		1) All sign illumination shall be extinguished via an automatic timing device when the business is closed and in no case be illuminated between the hours of 9:00 PM and sunrise.
		2) 1 year to obtain sign permits for the ground sign.
Withdrawn to Amend	6.	Application #: ZA-315-23-3 (SIGN)
		Existing Zoning: A-1
		Location: 2525 West Peoria Avenue
		Quarter Section: 28-23(K7)
		Proposal: Use permit to allow an electronic message display (EMD) on two ground signs. Use Permit required.
		Ordinance Sections: 705.C.13
		Applicant: Victoria Boardman, Above All Signs
		Representative: Victoria Boardman, Above All Signs
		Owner: Michael Mosharrafa, Cobblestone Phoenix PropCo LLC
Approved w/stips	7.	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 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**

8. 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 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-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: Nalee Pham, New Gen Phx, LLC, c/o Herbal Wellness Center, Inc.
 Representative: Fae Sowders, Esq., Bergin, Frakes, Smalley & Oberholtzer
 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 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**

10. 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 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/stip**

11. Application #: ZA-480-23-8
Existing Zoning: R-3 SPVTABDO
Location: 5151 South 25th Street
Quarter Section: Q4-33(E9)
Proposal: 1) Variance to allow a lot with no public street frontage. Frontage on a public street is required.
2) Variance to allow 55 percent lot coverage. Maximum 45 percent lot coverage permitted.
3) Variance to reduce the front yard setback (south) to 10 feet. Minimum 25 feet required.
4) Variance to reduce the rear yard setback (north) to 5 feet. Minimum 15 feet required.
Ordinance Sections: 615.B.Table B 615.B.Table B 615.B.Table B 615.B.Table B
Applicant: John Fox
Representative: John Fox
Owner: Layli F Wahid Trust

Taken out from under advisement on December 20, 2023, and approved with the following stipulation.

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

**ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
PLANNER: KIM STEADMAN, PLANNER II**

For further information please call Eric Morales, Planner III, Planning and Development Department at 602-262-7927 or via electronic mail at zoning.adjustment@phoenix.gov. To request a reasonable accommodation, please contact Teleia Galaviz at 602-291-2559, teleia.galaviz@phoenix.gov TTY: Use 7-1-1.

December 20, 2023