

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised November 14, 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 **October 12, 2023 9:00 AM (Items 1-7) and 1:30 PM (Items 8-16)**

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-502-16-4 (1-Year Review of Use Permit)
Existing Zoning: A-2
Location: 2902 and 2908 West Virginia Avenue
Quarter Section: 14-22(G7)
Proposal: **1)** Time extension for ZA-432-15, a use permit to allow a medical marijuana cultivation and infusion facility. **2)** Time extension for ZA-432-15, a variance to allow a medical marijuana cultivation and infusion facility within 1,017 feet of another medical marijuana facility.

Ordinance Sections: 307.A.12 307.A.12
Applicant: American Green, Inc.
Representative: David Williams
Owner: S&S 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 1 year 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-85-17-1 (1-Year Review of Use Permit)
Existing Zoning: C-2 MR
Location: 20224 North 27th Avenue
Quarter Section: 41-22(N7)
Proposal: Use Permit to allow a medical marijuana dispensary. Use Permit required.
Ordinance Sections: 623.D.122.a
Applicant: Curtis Devine, Devine Holdings
Representative: Larry Lazarus, Lazarus, Silvyn & Bangs, P.C.
Ronnie Kassab, A & R Consultants, LLC DBA JARS Cannabis
Owner: Jatin Daas, AZE 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 1 year 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-483-17-8 (1-Year Review of Use Permit)
Existing Zoning: C-3
Location: 3411 East Corona Avenue
Quarter Section: 4-35(E10)
Proposal: Time extension for ZA-427-16, a use permit to allow a medical marijuana dispensary. Use permit required.
Ordinance Sections: 623.D.122.a

Applicant: Jon Pilkington, TruMed
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: Corona 3411, 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 1 year 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-456-21-1 (1-Year Review of Use Permit)
Existing Zoning: C-1
Location: 4220 West Northern Avenue, Suite 103 & 104
Quarter Section: 25-19(J6)
Proposal: **1)** Use permit to allow outdoor dining within 500 feet of a residential district zoning line. Use permit required. **2)** Use permit to allow outdoor alcohol consumption within 500 feet of a residential district zoning line. Use permit required. **3)** Use permit to allow outdoor recreation within 500 feet of a residential district zoning line. Use permit required. **4)** Use permit to allow patron dancing. Use permit required. **5)** Use permit to allow live entertainment. Use permit required.
Ordinance Sections: 622.D.143.c 622.D.143.c 622.D.143.c 622.D.143.b 622.143.a.(1)
Applicant: Theresa Miller, Ocho Rios Kerk Spot
Representative: Theresa Miller, Ocho Rios Kerk Spot
Owner: Mahendra Kardani

Stipulations:

- 1) Live entertainment shall end by midnight on Friday and Saturday,

limited to 11:00 PM on Sunday through Thursday.

2) 1 year review of use permit.

**Approved
w/stip**

5. Application #: ZA-324-23-6
Existing Zoning: R-3
Location: 3148 North 37th Street
Quarter Section: 15-36(G10)
Proposal: **1)** Use permit to utilize the Single-family Attached (SFA) option. Use permit required. **2)** Variance to reduce the required perimeter landscape setback (north) to 3 feet. Minimum 5 feet required. **3)** Variance to reduce the side yard (south) setback to 8 feet. Minimum 10 feet required.
Ordinance Sections: 615.B.TableB 608.F.8.c.3 615.B.TableB
Applicant: Juan and Claire Corsillo, JC Lifestyles, LLC
Representative: Juan and Claire Corsillo, JC Lifestyles, LLC
Owner: Juan and Claire Corsillo, JC Lifestyles, LLC
Stipulation:
1) 18 months to apply for and obtain building permits.

Approved

6. Application #: ZA-366-23-6
Existing Zoning: RE-35 ACSPD
Location: 6352 East Vista Drive
Quarter Section: 19-42(H12)
Proposal: Use permit for official approval of a home occupation (Madison Atrina LLC). Use permit required.
Ordinance Sections: 608.E.3.h.(5)
Applicant: Josh Rapaport, Madison Atrina, LLC
Representative: Josh Rapaport, Madison Atrina, LLC
Owner: Josh Rapaport, Madison Atrina, LLC

**Approved
w/stips**

7. Application #: ZA-368-23-4
Existing Zoning: R1-10
Location: 106 North Country Club Drive
Quarter Section: 15-29(G8)
Proposal: Variance to allow 2 detached accessory structures and a swimming pool within a required front yard (west) setback. Detached accessory structures not permitted within the required front yard setback.
Ordinance Sections: 706.A
Applicant: Todd Turley, TT Trust
Representative: Joseph Osborn, JSquared Construction and Design
Owner: Todd Turley, TT Trust
Stipulations:
1) 1 year to apply for and obtain building permits.
2) Per the location of the proposed structures on the site plan date stamped September 6, 2023.

Continued **1:30 PM**

8. Application #: ZA-294-23-5 (SIGN)
 Existing Zoning: PUD
 Location: 1975 and 1937 North 99th Avenue
 Quarter Section: 13-5(G2)
 Proposal: Use permit to adopt the Phoenix 99th and McDowell Comprehensive Sign Plan. Use permit required.
 Ordinance Sections: 705.E.2
 Applicant: Andy Gibson, Bootz and Duke Sign Company
 Representative: Kristi Trisko, Bootz and Duke Sign Company
 Owner: Paul Thrift, TT AZ Phoenix 99th McDowell LLC

Continued to November 30, 2023 at 1:30 PM.

***Approved w/stips** 9. Application #: ZA-312-23-4 (SIGN)
 Existing Zoning: C-3
 Location: 710 East Indian School Road
 Quarter Section: 17-29(H8)
 Proposal: Use permit to rebuild a nonconforming off-premise sign with two digital faces. Use permit required.
 Ordinance Sections: 705.2.G.4
 Applicant: Paul Hickman, Clear Channel
 Representative: Brian Vaccaro, Earl & Curley, P.C.
 Owner: Bradley Forsgren, Indian School Equities, LLC

Taken out from under advisement on November 14, 2023 and approved with the following stipulations:

- 1) Install Planning and Development Department design-approved vertical louvers on digital sign face that eliminates digital sign face visibility from residential properties the sign and effectively reduces digital image visibility for areas outside of area traffic. Prior to operation of the digital sign face, effectiveness of vertical louvers to be verified via a nighttime sign inspection performed by Planning and Development Department (PDD) staff.
- 2) Install Planning and Development Department design-approved screening devices.
- 3) All sign illumination shall be extinguished daily from 11:00 PM until sunrise via an automatic timing device.
- 4) The change rate for the digital sign face shall be per code.
- 5) The applicant shall have 12 months to apply and pay for permits for the subject sign.
- 6) The site shall be developed and landscaped generally as shown on the plan submitted with the application.

Approved w/stips 10. Application #: ZA-295-20-5 (1-Year Review of Use Permit)
 Existing Zoning: C-2
 Location: 2444 West Northern Avenue
 Quarter Section: 25-23(J7)
 Proposal: **1)** Use Permit to allow a nonprofit medical marijuana dispensary. Use permit required.

2) Variance to allow a nonprofit medical marijuana dispensary within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. 3) Variance to allow a medical marijuana dispensary to be located less than 500 feet from a residentially zoned property. Minimum 500 feet of separation required. 4) Variance to allow a nonprofit medical marijuana dispensary to be located less than 1,320 feet from a school. Minimum 1,320 feet of separation required. 5) Variance to allow a nonprofit medical marijuana dispensary to be located less than 1,320 feet from a place of worship. 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.h

Applicant: Verde Natural Health, LLC

Representative: David Cisiewski, Esq., Law Office of David
Cisiewski, PLLC

Owner: Ialenti, 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 1 year 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.

Withdrawn 11. Application #: ZA-231-23-4 (Continued from August 31, 2023)
Existing Zoning: R-3 HP
Location: 319 West Mariposa Street
Quarter Section: 18-27(H8)

Proposal: 1) Variance to reduce the rear building setback (south) to 8 feet. Minimum 15 feet required.
2) Variance to reduce the side building setback (west) to 5 feet. Minimum 10 feet required.

Ordinance Sections: 615.B.Table B 615.B.Table B

Applicant: Sam Shapiro

Representative: Sam Shapiro

Owner: Sam Shapiro

**Approved
w/stips**

12. Application #: ZA-310-23-7 (Continued from August 31, 2023)

Existing Zoning: C-2

Location: 4908 West Baseline Road

Quarter Section: 1-17(D5)

Proposal: 1) Use permit to allow a medical marijuana dispensary facility. Use permit required.
2) Variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. Minimum 500 feet of separation required. 3) Variance to allow a medical marijuana dispensary within 1,320 feet of a public park. Minimum 1,320 feet of separation required.

Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.g

Applicant: Michelle Santoro, Gammage & Burnham, PLC

Representative: Lindsay Schube, Gammage & Burnham, PLC

Owner: All Other Property, Limited Liability Partners

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.

- Continued** 13. Application #: ZA-362-23-3
Existing Zoning: C-3
Location: 522 East Dunlap Avenue
Quarter Section: 27-28(J8)
Proposal: Use permit to allow a temporary use (North Mountain Blues Brews and Arts Festival) for up to 36 months. Use permit required.
Ordinance Sections: 708.D.1
Applicant: Candy Frogozo, North Mountain Brewing Company
Representative: Candy Frogozo, North Mountain Brewing Company
Owner: Robert Berkner, Three Strings Holdings LLC & North Mountain Brewing Company

Continued to November 2, 2023 at 9:00 AM.

- Continued** 14. Application #: ZA-363-23-1
Existing Zoning: C-2 SP
Location: 4139 West Bell Road, Suite 13
Quarter Section: 36-19(M6)
Proposal: **1)** Variance to allow a tobacco oriented retailer (MAH Smoke Shop) within 500 feet of the same type of use. Minimum 500 feet of separation required. **2)** Variance to allow a tobacco-oriented retailer (MAH Smoke Shop) to be located within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required. **3)** Variance to allow a tobacco-oriented retailer (MAH Smoke Shop) to be located within 1,320 feet of a school. Minimum 1,320 feet of separation required. **4)** Variance to allow a tobacco-oriented retailer (MAH Smoke Shop) to be located within 1,320 feet of a daycare. Minimum 1,320 feet of separation required.
Ordinance Sections: 623.D.194.a 623.D.194.b 623.D.194.b
Applicant: Ali Al-Hasnawi, MAH Smoke Shop
Representative: Ali Al-Hasnawi, MAH Smoke Shop
Owner: Butterfield Trail, LLC

Continued to November 21, 2023 at 1:30 PM.

- Denied** 15. Application #: ZA-364-23-1
Existing Zoning: C-2 SP
Location: 4139 West Bell Road, Suite 1
Quarter Section: 36-19(M6)
Proposal: **1)** Variance to allow a tobacco oriented retailer (Babylon Lounge) within 500 feet of the same type of use. Minimum 500 feet of separation

required. **2)** Variance to allow a tobacco-oriented retailer (Babylon Lounge) to be located within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required. **3)** Variance to allow a tobacco-oriented retailer (Babylon Lounge) to be located within 1,320 feet of a school. Minimum 1,320 feet of separation required. **4)** Variance to allow a tobacco-oriented retailer (Babylon Lounge) to be located within 1,320 feet of a daycare. Minimum 1,320 feet of separation required.

Ordinance Sections: 623.D.194.a 623.D.194.b 623.D.194.b
623.D.194.b
Applicant: Zaid Alhamedany
Representative: Zaid Alhamedany
Owner: Eric Young, Butterfield Trail, LLC

**Approved
w/stips**

16. Application #: ZA-372-23-2
Existing Zoning: C-2 DRSP
Location: 5415 East High Street
Quarter Section: 41-40(N11) 42-40(N11)
Proposal: Use permit to allow a temporary use (AZ Jazz Fest) for up to 36 months. Use permit required.
Ordinance Sections: 708.D.1
Applicant: Brad Laughlin, M.U.S.I.C. Foundation of AZ, Inc
Representative: Amber Hutchinson, M.U.S.I.C. Foundation of AZ, Inc
Owner: High Street Building, LLC

Stipulations:

- 1) Approved for 2 events and limited to 4 days per event.
- 2) 6 month review to determine if granting additional events and time is appropriate.
- 3) Events shall end by 10:00 PM.

**ZONING ADJUSTMENT HEARING OFFICER: CRAIG TRIBKEN
PLANNER: ERIC MORALES, PLANNER III**

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.

November 14, 2023