

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised June 25, 2024*

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 **June 6, 2024 at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-13)**

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-519-22-8 (1 Year Review of Use Permit)
Existing Zoning: C-3
Location: 3155 East McDowell Road
Quarter Section: 12-34(G10)
Proposal:
1) Time extension for ZA-480-21, use permit to allow a medical marijuana dispensary. Use permit required.
2) Time extension for ZA-480-21, variance to allow a medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 feet of separation required.
3) Time extension for ZA-480-21, variance to allow a medical marijuana dispensary within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.

Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.h
Applicant: Nature's Healing Center, Inc.
Representative: Andrew Yancey, Bergin, Frakes, Smalley, and Oberholtzer
Owner: Greta Brandt, 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 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	2.	Application #:	ZA-194-24-8
		Existing Zoning:	C-3
		Location:	3155 East McDowell Road
		Quarter Section:	Q12-34(G10)
		Proposal:	Revocation of ZA-64-16, use permit to allow a medical marijuana dispensary facility. Use permit is required.
		Ordinance Sections:	307.A.7.g
		Applicant:	Nature's Healing Center, Inc.
		Representative:	Justin Brandt, Bianchi & Brandt
		Owner:	Greta Brandt, Zone Land Holdings, LLC
Approved	3.	Application #:	ZA-201-24-8
		Existing Zoning:	A-1
		Location:	14 and 22 South 41st Street
		Quarter Section:	Q10-37(F10)
		Proposal:	Revocation of ZA-446-12, use permit to allow a medical marijuana dispensary. Use permit required.
		Ordinance Sections:	307.A.7.g
		Applicant:	Michelle Green, Lazarus & Silvyn, P.C.
		Representative:	Larry Lazarus, Lazarus & Silvyn, P.C.
		Owner:	Richard Bonifasi, F & S Phoenix, LLC
Approved w/stips	4.	Application #:	ZA-272-24-3
		Existing Zoning:	R-4
		Location:	8927 North 10th Street
		Quarter Section:	Q26-29(J8)
		Proposal:	1) Variance to reduce the front yard setback (west) to 19 feet. Minimum 20 feet required. 2) Variance to reduce the required front landscape setback (west) to 12 feet. Minimum 20 feet required. 3) Variance to reduce the required landscape setback (south) to 0 feet. Minimum 5 feet required. 4) Variance to reduce the required open space requirements to 3 percent. Minimum 5 percent required.

Ordinance Sections: 617.B.Table B 703.B.3.a 703.B.3.b.(3)
703.B.4.a.1
Applicant: Randy Marks, Rezio, LLC
Representative: Randy Marks, Rezio, LLC
Owner: Vinay Thadani, GT Investment Holdings Inc

Stipulations:

- 1) Per the setback and open space reductions shown on the site plan date stamped April 30, 2024.
- 2) 1 year to apply and pay for building permits.

Approved

5. Application #: ZA-313-24-1
Existing Zoning: S-1
Location: 3805 West Dynamite Boulevard
Quarter Section: Q50-20(P6)
Proposal: Variance to reduce the required side yard setback (west) to 6 feet for a detached accessory dwelling unit. Minimum 30 feet required.

Ordinance Sections: 603.B.2.b
Applicant: Tamra and David White and Becky Patton
Representative: Tamra White
Owner: Tamra and David White and Becky Patton

**Approved
w/stip**

6. Application #: ZA-324-24-4
Existing Zoning: A-1, IND. PK.
Location: 2801 West Indian School Road, 2802 and 2816 West Fairmount Avenue
Quarter Section: Q16-22(H7)
Proposal: 1) Variance to allow an over height fence (6 feet) in the required front yard setback (north). Maximum 40 inches permitted.
2) Variance to allow an over height fence (6 feet) in the required front yard setback (south). Maximum 40 inches permitted.

Ordinance Sections: 703.A.3.a, 703.A.3.a
Applicant: Peter Knadler, ASD Real Estate Holding, LLC
Representative: Abraham Flores
Owner: Peter Knadler, ASD Real Estate Holding LLC
Stipulation:
1) 1 year to apply and pay for building permits.

**Approved
w/stip**

7. Application #: ZA-340-24-8
Existing Zoning: R-3 SPVTABDO
Location: 715 East Mobile Lane
Quarter Section: Q4-29(E8)
Proposal: Use permit to allow development under the Planned Residential Development option. Use permit required.

Ordinance Sections: 613.B. Table

Applicant: Tyler Bruggman
Representative: Tyler Bruggman, TB Real Estate, LLC
Owner: Tyler Bruggman, TB Real Estate, LLC

Stipulation:

- 1) 15 months to apply and pay for building permits.

***Denied**

8. Application #: ZA-342-24-6
Existing Zoning: R1-6
Location: 4816 North 35th Street
Quarter Section: Q18-35(H10)
Proposal: Variance to allow a lot that does not front onto a public street (Lot 2). Public street frontage required.

Ordinance Sections: 613.B.Table B
Applicant: Ryan Huffman, AZ23G, LLC
Representative: William F. Allison, Withey Morris Baugh, PLC
Owner: Ryan Huffman, AZ23G, LLC

Taken out from under advisement on June 25, 2024 and denied.

1:30 PM

**Approved
w/stips**

9. Application #: ZA-579-23-2 (SIGN)
Existing Zoning: C-3
Location: 18613 North Cave Creek Road
Quarter Section: Q39-33 (M9)
Proposal: 1) Variance to reduce setback of an off-premise sign from an arterial street to 9 feet. 25 feet minimum required.
2) Use permit to rebuild a non-conforming off-premise sign with two digital faces. Use permit required.
3) Use permit to reduce required spacing for an off-premise advertising structure from residential district to 245 feet. Use permit required.
4) Variance to reduce spacing between off-premise structures to 330 feet. 1000 feet required.

Ordinance Sections: 705.2.B.1 705.2.G.4 705.2.A.5 705.2.B.2
Applicant: Cassandra Ayres, Berry Riddell, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Owner: Todd Wheatcraft, JTF Development Partners LLC

Stipulations:

- 1) The applicant shall completely remove the 40-foot nonconforming, off-premise sign located at 18675 North Cave Creek Road (APN 213-19-014B) at the northwest corner of the property. Acceptable documentation from the property owner acknowledging removal of the nonconforming sign rights for this second off-premise sign shall be provided to the Planning and Development Department. The sign shall be removed prior to the final inspection and operation of the rebuilt digital sign on the

property.

- 2) Install a Planning and Development Department (PDD) design-approved, decorative pole cover on the rebuilt sign. Any access ladder, if included, shall be on the east or north side of the pole cover and generally concealed from northbound traffic.
- 3) Electrical service shall be underground. If underground service is demonstrated to PDD be impractical due to excessive costs or other considerations any openings in the required decorative pole cover for electrical service shall be on the east or north side of the pole cover or as otherwise approved by PDD.
- 4) For digital sign faces catwalks and railings shall not be installed on the outside or external side of the sign face.
- 5) Sign face configuration shall be a 'half-vee' with the north sign face aligned perpendicular to the centerline of Cave Creek Road. The south sign face may be angled up to 30 degrees away from the north sign face.
- 6) Install a Planning and Development Department design-approved metallic screen treated with a graffiti resistant coating on the open end of the V-shaped sign.
- 7) Maximum height of the rebuilt off-premise sign shall be 42 feet.
- 8) The applicant shall have 12 months to apply and pay for permits for the subject sign.
- 9) Use narrow beam technology.
- 10) Install ample landscaping at the base of the sign at the public right of way.

**Approved
w/stip**

10. Application #: ZA-16-23-4 (1 Year Review of Use Permit)
Existing Zoning: C-2 and P-1
Location: 3243 North 3rd Street
Quarter Section: 15-28(G8)
Proposal: 1) Use permit to allow outdoor recreation (Patron Dancing/Amplified Music/DJ's/Live Bands/Stage) as an accessory use to a restaurant (Ocotillo Restaurant) within 500 feet of a residential zoning district. Use permit required.
2) Use permit to allow patron dancing as an accessory use to a restaurant (Ocotillo). Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.b
Applicant: Fae Sowders, Bergin, Frakes, Smalley & Oberholtzer
Representative: Mitchell Willard, Bergin, Frakes, Smalley & Oberholtzer
Owner: Jonathan E. Labahn, Urban-Flower, LLC
Stipulation:
1) All stipulations from original case ZA-16-23 shall remain in effect.

**Approved
w/stip**

11. Application #: ZA-296-24-6
Existing Zoning: R1-6
Location: 4027 North 38th Place

Quarter Section: Q16-36(H10)
 Proposal: Time extension for ZA-71-23, variance to reduce the rear yard setback (east) to 10 feet. Minimum 25 feet required.
 Ordinance Sections: 613.B.Table B
 Applicant: Cody Helgeson, Neighbrly, LLC
 Representative: Cody Helgeson, Neighbrly, LLC
 Owner: Cody Helgeson, Neighbrly, LLC
Stipulation:
 1) 6 months to apply and pay for building permits.

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| Denied | 12. Application #: ZA-335-24-8
Existing Zoning: R-5 SPVTABDO FCOD
Location: 2511, 2515, 2527, 2531 and 2535 East Broadway Road
Quarter Section: Q4-33(E9)
Proposal: Variance to allow an over height fence 6 feet high in the required front yard setback. Maximum 40 inches allowed.
Ordinance Sections: 703.A.2.a
Applicant: Farshad Najafpour
Representative: Farshad Najafpour
Owner: Farshad Najafpour; Behbahani Family Trust, Tabiani Souroush/Sahafi Laleh |
| Approved | 13. Application #: ZA-343-24-1
Existing Zoning: C-2
Location: 2333 West Glendale Avenue
Quarter Section: Q22-23(I7)
Proposal: Use permit to allow a carwash in an open building. Use permit required.
Ordinance Sections: 623.D.41
Applicant: James Kim
Representative: James Kim, YK Enterprise, Inc.
Owner: James Kim, YK Enterprise, Inc. |
| Approved | 14. Application #: ZA-348-24-4
Existing Zoning: R1-6
Location: 2022 West Mitchell Drive
Quarter Section: Q16-24(H7)
Proposal: Variance to allow an over height fence (7 feet) in the required front yard setback (south). Maximum 40 inches allowed.
Ordinance Sections: 703.A.2.a
Applicant: Sophia Jensen
Representative: Sophia Jensen
Owner: Zachary and Sophia Jensen |
| Approved | 15. Application #: ZA-351-24-4 |

w/stip

Existing Zoning: A-1
Location: 2503 West McDowell Road
Quarter Section: Q12-23 (G7)
Proposal: 1) Time extension for ZA-140-23, use permit to allow a medical marijuana dispensary facility. Use permit required.
2) Time extension for ZA-140-23, use permit to allow a medical marijuana cultivation facility. Use permit required.
3) Time extension for ZA-140-23, use permit to allow a medical marijuana infusion facility. Use permit required.
4) Time extension for ZA-140-23, 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-140-23, 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-140-23, 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: 2439 & 2503 W McDowell, LLC dba Story Cannabis
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: 2439 & 2503 W McDowell, LLC

Stipulation:

- 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 18 months 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: CRAIG STEBLAY
PLANNER: NATASHA HUGHES, 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.

June 25, 2024