

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised April 10, 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 **March 14, 2024 at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-11)**.

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-446-12-8 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 14 South 41st Place
Quarter Section: 10-37(F10)
Proposal:
 - 1) Use permit to allow a medical marijuana dispensary. Use permit required.
 - 2) Variance to allow a medical marijuana dispensary within 5,280 feet of another approved use permit for a medical marijuana facility. A medical marijuana dispensary shall not be located within 5,280 feet of another medical marijuana facility.
 - 3) Variance to allow a medical marijuana dispensary within 1,320 feet of a school (Gateway Early College High School). A medical marijuana dispensary shall not be located within 1,320 feet of a school.
Ordinance Sections: 627.D.92.a. 627.D.92.d. 627.D.92.f.
Applicant: Arizona Natures Wellness
Representative: Michelle Green, Lazarus & Silvyn
Owner: Shirley Bonafasi, Living Trust/ EFG Management, 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**

2. Application #: ZA-287-15-4 (1 Year Review of Use Permit)
- Existing Zoning: A-2
- Location: 3030 North 30th Avenue
- Quarter Section: 15-22(G7)
- Proposal:
 - 1) Use permit to allow a medical marijuana cultivation facility. Use permit required.
 - 2) Use permit to allow a medical marijuana infusion facility. Use permit required.
 - 3) Variance to allow a medical marijuana cultivation facility within 5280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
 - 4) 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.91.a 627.D.93.a 627.D.91.c 627.D.93.b
- Applicant: Chris Arnold, Nature's Wonder, Inc.
- Representative: Brian Greathouse, Burch & Cracchiolo, P.A.
- Owner: Chris Arnold, ACP 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 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**

3. Application #: ZA-64-16-8 (1 Year Review of Use Permit)
- Existing Zoning: C-3
- Location: 3155 East McDowell Road
- Quarter Section: 12-34(G10)
- Proposal: Use permit to allow a medical marijuana dispensary facility. Use permit is required.
- Ordinance Sections: 623.D.122.a
- Applicant: Nature's Healing Center, Inc.
- Representative: Greta Brandt, Beacon Management
Justin Brandt, Bianchi & Brandt
- Owner: Mike Standlee, 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.
- 8) Applicant shall submit a revocation application for the use permit approved in the matter ZA-64-16 within 50 days of this annual review hearing.

Approved

4. Application #: ZA-91-23-7 (1 Year Review of Use Permit)

w/stips	Existing Zoning: DTC-Warehouse	
	Location: Northeast corner of 1st Avenue and Buchanan Street	
	Quarter Section:	9-27(F8) 10-27(F8)
	Proposal:	Use permit to allow a temporary event (Motorcycle Show with outdoor entertainment) for up to 36 months. Use permit required.
	Ordinance Sections:	708.D.1
	Applicant:	Ernest Hickman, Forty Eight Foundation
	Representative:	Ernest Hickman, Forty Eight Foundation
	Owner:	James Hinton and Jerome Gutkin, Laz Park
	Stipulations:	
	1) Limited to 1 event per year.	
	2) Event hours shall be limited to 6:30 PM to 2:30 AM.	
Continued	5.	Application #: ZA-541-23-2 (Continued from February 1, 2024)
		Existing Zoning: RE-24
		Location: 13222 North 64th Street
		Quarter Section: Q32-42(L12)
		Proposal: Variance to allow an over height fence (6 feet) within the required front yard setback. Maximum 40 inches permitted.
		Ordinance Sections: 703.A.2.a
		Applicant: Paul Gilbert
		Representative: Paul Gilbert
		Owner: Paul Gilbert
	Continued to April 18, 2024 at 9:00 AM.	
Approved w/stips	6.	Application #: ZA-498-23-8
		Existing Zoning: C-1 DNS/WVR, R1-6
		Location: 4747 South 16th Street
		Quarter Section: Q4-31(E9)
		Proposal: 1) Use Permit to use the Single-Family Attached (SFA) Development Option. Use permit required. 2) Variance to allow 6 lots with no legal street frontage. Public street frontage required.
		Ordinance Sections: 608.F.8 613.B.Table B
		Applicant: Wendy Riddell, Berry Riddell, LLC
		Representative: Wendy Riddell, Berry Riddell, LLC
		Owner: Aaron Wallace, 16th & Chipman, LLC, Joseph Calderon, Jose L Calderon and Rachel G Calderon Revocable Living Trust, Calderon Anibal Cuauhtemoc
	Stipulations:	
	1) 2 years to apply for and obtain building permits.	
Withdrawn to Amend	7.	Application #: ZA-13-24-6
		Existing Zoning: RE-35 ACSPD
		Location: 4202 North 55th Place

Quarter Section: Q17-40(H11)
Proposal: 1) Variance to reduce the required side yard setback (north) to 10 feet. Minimum 20 feet required.
2) Variance to reduce the required side yard setback (south) to 15 feet. Minimum 20 feet required.
3) Variance to reduce the required front yard setback (east) to 25 feet. Minimum 40 feet required.
Ordinance Sections: 609.B.Table 609.B.Table 609.B.Table
Applicant: Wendy Riddell, Berry Riddell, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Owner: Brandon and Elizabeth Curtis

***Approved
w/stips**

8. Application #: ZA-84-24-2
Existing Zoning: R1-8
Location: 16706 North 49th Way
Quarter Section: Q36-39(M11)
Proposal: 1) Use permit for official approval of a home occupation (sales of firearms). Use permit required.
2) Use permit to allow a home occupation to generate traffic. Use permit required.
Ordinance Sections: 608.E.27.h.(5) 608.E.27.h.(1)
Applicant: Jack D Shiles, JS Firearms Sales & Accessories, LLC
Representative: Jack D Shiles, JS Firearms Sales & Accessories, LLC
Owner: Jesse B Shiles, JBJ Living Trust, JS Firearms Sales & Accessories, LLC

Taken under advisement. It was taken out from under advisement on April 10, 2024 and was approved with the following stipulations:

- 1) 1 year review.
- 2) Limited to a maximum of 2 customer visits per week.
- 3) Customers are required to park on the subject property's private driveway.

1:30 PM

**Approved
w/stip**

9. Application #: ZA-746-23-3
Existing Zoning: R1-6
Location: 1102 East Orchid Lane
Quarter Section: Q26-29(J8)
Proposal: 1) Variance to allow an over height wall (8 feet) in the required rear yard (north) setback. Maximum 6 feet permitted.
2) Variance to allow an over height wall (8 feet) in the required side yard (east) setback. Maximum 6 feet permitted.
3) Variance to allow an over height wall (8 feet)

			in the required side yard (west) setback. Maximum 6 feet permitted.
		Ordinance Sections:	703.A.2.c 703.A.2.c 703.A.2.c
		Applicant:	Peter Schneider
		Representative:	Peter Schneider
		Owner:	Peter Schneider
		Stipulation:	
		1)	
Approved w/stip	10.	Application #:	ZA-53-24-5
		Existing Zoning:	PUD PCD
		Location:	3377 North 97th Drive
		Quarter Section:	Q16-5
		Proposal:	Variance to reduce the required parking to 71 spaces. Minimum 147 spaces required.
		Ordinance Sections:	702.C.Table
		Applicant:	Heidi Tilson, P.E., Coe & Van Loo Consultants
		Representative:	Stephen Anderson, Gammage & Burnham, PLC
		Owner:	Anthony Pasqua, KLLB AIV, LLC c/o Kennedy Lewis, Investment Management, LLC
		Stipulation:	
		1)	
Approved w/stip	11.	Application #:	ZA-74-24-2
		Existing Zoning:	C-2 NBCOD
		Location:	2850 West Sonoran Desert Drive
		Quarter Section:	Q55-22
		Proposal:	1) Time extension for ZA-693-21, use permit to allow outdoor dining as an accessory use to a restaurant (PAD A, Shops A, PAD B, Shops B) within 500 feet of a residential zoning district. Use permit required. 2) Time extension for ZA-693-21, use permit to allow a drive-through facility as an accessory use to a restaurant (PAD A, PAD B, Shops B) within 300 feet of a residential zoning district. Use permit required.
		Ordinance Sections:	623.D.157.c 623.D.157.d.(2)
		Applicant:	Cassandra Ayres, Berry Riddell, LLC
		Representative:	Cassandra Ayres, Berry Riddell, LLC
		Owner:	Sonoran Desert Retail LLC
		Stipulation:	
		1)	

ZONING ADJUSTMENT HEARING OFFICER: CRAIG TRIBKEN
PLANNER: DOMINIC AMODIO, 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.

April 10, 2024