

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised January 15, 2025*

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 14, 2024, at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-16). Located in Assembly Room C, Phoenix City Hall, 200 West Washington Street, First Floor, Phoenix, Arizona.**

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/stips**

2. Application #: ZA-443-24-2
Existing Zoning: C-2
Location: 16420 North 32nd Street
Quarter Section: Q36-34(M10)
Proposal: Use Permit to allow 2 temporary storage containers. Use permit required.
Ordinance Sections: 623.E.5.h.(3)
Applicant: Zuhier Salti, AMZ Food Market, Inc.
Representative: Zuhier Salti, AMZ Food Market, Inc.
Owner: Zuhier Salti, AMZ Food Market, Inc.

Stipulations:

- 1) Fence around storage containers needs to be 8 feet in height.
- 2) Storage in place no longer than 1 year.

**Approved
w/stips**

3. Application #: ZA-647-24-6
Existing Zoning: R1-10
Location: 6336 North 3rd Street
Quarter Section: Q21-28(I8)
Proposal: Variance to reduce the front yard (east) setback to 13 feet. Minimum 25 feet required.
Ordinance Sections: 611.B.Table B
Applicant: Bart Miller
Representative: Bart Miller
Owner: Bart Miller and Tanya Bateman

Stipulations:

- 1) Per the setback reduction shown on the site plan date stamped October 9, 2024.
- 2) 18 months to apply and pay for building permits.

**Approved
w/stips**

4. Application #: ZA-668-24-4
Existing Zoning: R1-6
Location: 1926 West Clarendon Avenue
Quarter Section: Q16-24(H7)
Proposal: Variance to reduce the side yard setback (east) to 5 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Silverio Sergio Lopez
Representative: Silverio Sergio Lopez
Owner: Silverio Sergio Lopez

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reduction shown on the plans date stamped October 10, 2024.

**Approved
w/stips**

5. Application #: ZA-694-24-8
Existing Zoning: R-5 SPVTABDO, C-2 SPVTABDO
Location: 1803, 1821 and 1823 East Broadway Road
Quarter Section: Q4-31(E9)
Proposal: 1) Time extension for ZA-63-23, variance to reduce the interior property line landscape setback (west) to 0 feet. Minimum 5 feet required.
2) Time extension for ZA-63-23, variance to reduce the interior property line landscape setback (east) to 0 feet. Minimum 5 feet required.
3) Time extension for ZA-63-23, variance to reduce the interior property line landscape setback (south, linear footage of 246) to 0 feet. Minimum 5 feet required.
4) Time extension for ZA-63-23, variance to reduce rear yard setback (west) to 5 feet. Minimum 15 feet required.
Ordinance Sections: 703.B.3.b 703.B.3.b 703.B.3.b 618.B.Table B
Applicant: Leodra Bowdell, Phoenix Permit Service, LLC
Representative: Leodra Bowdell, Phoenix Permit Service, LLC
Owner: Tanner Properties, LLC
Stipulations:
1) 18 months to apply and pay for building permits.
2) Per the setback reductions shown on the plans date stamped September 15, 2024.

**Approved
w/stips**

6. Application #: ZA-740-24-8
Existing Zoning: DTC-Evans Churchill West ACOD
Location: 801 North 3rd Street
Quarter Section: Q11-28(F8)
Proposal: 1) Use permit to allow outdoor liquor service accessory to a bar (Aroma India). Use permit required.
2) Use permit to allow a bar (Aroma India). Use permit required.
Ordinance Sections: 1204.D.Table 1204.D.Table
Applicant: Ashok Parmar, Maha Laxmi Maa, LLC
Representative: Theresa Morse, A.G.A.T.E., LLC
Owner: Derek Pasieka, 800M, LLC
Stipulations:
1) 1 year to apply and pay for building permits.
2) Per the location of the north south and west patios shown on the site plan date stamped October 10, 2024.
3) The employees must have a clear view of the area in order to supervise the activities and/or be present while patrons utilize the outdoor area.
4) The area be sufficiently illuminated and contained to discourage any unlawful activity. The precinct commander, or his designee, may approve lighting, containment area, and security personnel at their discretion.

- 5) 'No Trespassing' signs must be posted and an authority to arrest trespassers form be signed to deter loitering/unwanted guests inside and surrounding the establishment.
- 6) The Police Precinct Commander or their designee may require cameras, licensed security guards or off duty police or other security measures at the commander's discretion, should periodic reviews of activities at the business warrant it.

**Approved
w/stips**

7. Application #: ZA-744-24-4
 Existing Zoning: R1-6 HP
 Location: 1146 West Mackenzie Drive
 Quarter Section: Q17-26(H8)
 Proposal: 1) Variance to reduce the side yard (west) setback to 7 feet. Minimum 10 feet required.
 2) Variance to reduce the front yard (south) setback to 8 feet. Minimum 20 feet required.
 Ordinance Sections: 613.Table.B 613.Table.B
 Applicant: Andrew Thurston, Rental Renovators Inc. dba PJ Hussey Construction
 Representative: Andrew Thurston, Rental Renovators Inc. dba PJ Hussey Construction
 Owner: Noel and Sarah Salt, Salt Living Trust
Stipulations:
 1) Per the setback reductions shown on the site plan date stamped October 8, 2024.
 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

8. Application #: ZA-752-24-6
 Existing Zoning: R1-10
 Location: 3049 North Marigold Drive and 6034 North 61st Place
 Quarter Section: Q15-42(G12)
 Proposal: Variance to reduce the required lot area to 9,063 square feet. Minimum 10,000 square feet required.
 Ordinance Sections: 611.B.Table B
 Applicant: Mark Bonillas, M Studio Architects, Inc.
 Representative: Mark Bonillas, M Studio Architects, Inc.
 Owner: Dennis and Vicky Sexauer, Joan A Grandinetti Living Trust
Stipulations:
 1) 18 months to apply and pay for building permits.
 2) Per the lot area reduction shown on the site plan date stamped October 18, 2024.

1:30 PM

**Approved
w/stips**

9. Application #: ZA-689-24-5 (SIGN)
 Existing Zoning: C-2
 Location: 7241 West Indian School Road
 Quarter Section: Q16-11(H4)

Proposal: Variance to increase the area of five wall signs up to 500 square feet. Maximum 230 square feet allowed.

Ordinance Sections: 705.D.1. Table D-1

Applicant: Michael B. Frawley, Signtastic, LLC

Representative: Michael B. Frawley, Signtastic, LLC

Owner: Jose Rios, Exclusivo Reception Hall

Stipulations:

- 1) Sign design shall be in accordance with the sign drawings submitted to the Hearing Officer on November 14, 2024.
- 2) Maximum allowable wall sign square footage shall be 400 square feet total for the 5 wall signs shown in the drawings submitted to the Hearing Officer on November 14, 2024.
- 3) 12 months to apply for and obtain sign permits.

**Approved
w/stips**

10. Application #: ZA-719-24-2 (SIGN)

Existing Zoning: C-2 M-R PCD*

Location: 15205, 15211, 15213, 15215, 15233 and 15051 North Kierland Boulevard and 15030 and 15044 North Scottsdale Road

Quarter Section: Q34-44(L12)

Proposal: 1) Use permit for a major amendment to the Kierland Comprehensive Sign Plan. Use permit required.
2) Use permit to allow an electronic message display (EMD) on four new ground signs. Use permit required.
3) Use permit to rebuild four existing ground signs with electronic message display (EMD). Use permit required.

Ordinance Sections: 705.E.2.d(2) 705.C.13 705.C.13

Applicant: Julie Kulka, Airpark Signs & Graphics

Representative: Janet Ayala, Airpark Signs & Graphics

Owner: Kierland Greenway LLC, Macerich RET

Stipulations:

- 1) Submittal of a revised 'final' version of the CSP document to the Planning and Development Department incorporating any ZAHO stipulations of approval and related changes to sign designs contained in the CSP, and any staff comments/corrections within 60 days from the date of the hearing and prior to the issuance of any sign permits for the project.
- 2) 12 months to pay for and obtain sign permits.

**Approved
w/stips**

11. 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.

Ordinance Sections: 2) Use Permit to allow a medical marijuana cultivation facility. Use permit required.
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**

12. 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**

13. 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: Nalee Pham, New Gen Phx, LLC, c/o Herbal Wellness Center, 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/stips**

14. 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**

15. Application #: ZA-729-24-6
 Existing Zoning: RE-35 ACSPD
 Location: 4959 East Red Rock Drive
 Quarter Section: Q19-39(H11)
 Proposal: 1) Time extension for ZA-420-22, variance to reduce the front yard setback (north) to 10 feet. Minimum 40 feet required.
 2) Time extension for ZA-420-22, variance to reduce the required side yard setback (west) to 15 feet. Minimum 20 feet required.
 Ordinance Sections: 609.B.Table 609.B.Table
 Applicant: Nick Bock, YOLO on Camelback, LLC
 Representative: William Allison, Withey Morris Baugh, PLC
 Owner: Nick Bock, YOLO on Camelback, LLC
Stipulation:
 1) 2 years to apply and pay for building permits.

***Approved
w/stips**

16. Application #: ZA-748-24-7
 Existing Zoning: C-2
 Location: 4908 West Baseline Road
 Quarter Section: Q1-17(D5)
 Proposal: 1) Time extension for ZA-310-23, use permit to allow a medical marijuana dispensary facility. Use permit required.
 2) Time extension for ZA-310-23, variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. Minimum 500 feet of separation required.
 3) Time extension for ZA-310-23, 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, LLP

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 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 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.

ZONING ADJUSTMENT HEARING OFFICER: CRAIG TRIBKEN
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.

January 15, 2025