

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised January 23, 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 **January 2, 2025, at 9:00 AM. (Items 1-8) and 1:30 PM (Items 9-14). Located in Assembly Room C, Phoenix City Hall, 200 West Washington Street, First Floor, Phoenix, Arizona 85003**

The results of the meeting were as follows:

RESULTS
Approved
w/stips

9:00 AM

- | | | |
|----|---------------------|--|
| 1. | Application #: | ZA-298-12-7 (1 Year Review of Use Permit) |
| | Existing Zoning: | A-1 |
| | Location: | 2620 West Encanto Boulevard |
| | Quarter Section: | 14-23(G7) |
| | Proposal: | Time extension for ZA-74-12, Use Permit to allow a medical marijuana cultivation facility. Use Permit to allow a medical marijuana dispensary facility. Use Permit required. |
| | Ordinance Sections: | 627.D.91.a., 627.D.92.a. |
| | Applicant: | Nicholas Scavio, Mint Cannabis |
| | Representative: | Lindsay Schube, Gammage & Burnham, PLC |
| | Owner: | Nicholas Scavio, Mint Cannabis |

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-442-13-7 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 2620, 2626, 2632 West Encanto Boulevard
Quarter Section: 14-23(G7)
Proposal: 1) Use permit to expand an approved medical marijuana cultivation facility. Use Permit required.
2) Use permit to expand an approved medical marijuana infusion facility. Use Permit required.
3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of any medical marijuana facility.
4) Variance to allow a medical marijuana infusion facility within 5,280 feet of any medical marijuana facility.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
Applicant: Nicholas Scavio, Mint Cannabis
Representative: Lindsay Schube, Gammage & Burnham, PLC
Owner: Nicholas Scavio, Mint Cannabis

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.

***Continued**

3. Application #: ZA-459-12-8 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 4116 East Superior Avenue, Suites 1, 2, 3 B
Quarter Section: 6-37(E10)
Proposal: 1) Use permit to allow a medical marijuana cultivation facility. Use permit required.

- 2) Use permit to allow a medical marijuana infusion production facility. Use permit required.
- 3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. A medical marijuana cultivation facility shall not be located within 5,280 feet of another medical marijuana facility.
- 4) Variance to allow a medical marijuana infusion production facility within 5,280 feet of another medical marijuana facility. A medical marijuana infusion production facility shall not be located within 5,280 feet of another medical marijuana facility.

Ordinance Sections: 627.D.91.a. 627.D.93.a. 627.D.91.c. 627.D.93.b.
 Applicant: Theodore C. Pappas, N+A Enterprises, LLC
 Representative: David W. Dow, Law Offices of David W. Dow
 Owner: Superior Industrial Center, LLC

Taken out from under advisement on January 23, 2025 and continued to March 6, 2025 at 1:30 PM.

- *Continued**
4. Application #: ZA-543-14-8 (1 Year Review of Use Permit)
 Existing Zoning: A-1
 Location: 4116 East Superior Avenue, Suite D
 Quarter Section: 6-37(E10)
 Proposal: 1) Use permit to allow a medical marijuana cultivation facility. Use permit required.
 2) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. A medical marijuana cultivation facility shall not be located within 5,280 feet of another medical marijuana facility.
- Ordinance Sections: 627.D.91.a 627.D.91.c
 Applicant: Theodore C. Pappas, N & A Enterprises
 Representative: David Dow, David Dow Law Office
 Owner: Superior Industrial Center
- Taken out from under advisement on January 23, 2025 and continued to March 6, 2025 at 1:30 PM.**

- Approved w/stips**
5. Application #: ZA-54-13-7 (1 Year Review of Use Permit)
 Existing Zoning: A-1
 Location: 2439 West McDowell Road
 Quarter Section: 12-23(G7)
 Proposal: 1) Use permit to allow a Medical Marijuana Cultivation Facility. Use permit required.
 2) Use permit to allow a Medical Marijuana Dispensary Facility. Use permit required.
 3) Use permit to allow a Medical Marijuana Infusion Production Facility. Use permit required.
 4) Variance to allow a Medical Marijuana Cultivation Facility to be located within 5,280 feet of the same type of use. Shall not be located within 5,280 feet of the same type of use.

- 5) Variance to allow a Medical Marijuana Dispensary Facility to be located within 5,280 feet of the same type of use. Shall not be located within 5,280 feet of the same type of use.
- 6) Variance to allow a Medical Marijuana Infusion Production Facility to be located within 5,280 feet of the same type of use. Shall not be located within 5,280 feet of the same type of use.

Ordinance Sections: 627.D.91.a 627.D.92.a 627.D.93.a 627.D.91.c
627.D.92.d 627.D.93.b

Applicant: Sixth Street Enterprises, Inc.

Representative: Lindsay C. Schube, Gammage & Burnham, PLC

Owner: 2439 & 2503 W McDowell, 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**

6. Application #: ZA-174-15-7 (1 Year Review of Use Permit)
- Existing Zoning: A-1
- Location: 211 South 57th Drive
- Quarter Section: 10-15(F5)
- 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 1-mile of a similar type of use. Minimum separation of 5,280 feet required.

4) Variance to allow a medical marijuana infusion facility within 1-mile of a similar type of use. Minimum separation of 5,280 feet required.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
Applicant: Superior Organics
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: 203-211 Shapiro, 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**

7. Application #: ZA-117-16-7 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 211 South 57th Drive
Quarter Section: 10-15(F5)
Proposal: 1) Use permit to allow a medical marijuana dispensary. 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: Superior Organics
Representative: Lindsay Schube, Gammage & Burham, PLC
Owner: Steven Shapiro, 203-211 Shapiro, 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.

Continued 8. Application #: ZA-833-24-5
 Existing Zoning: C-3
 Location: 8316 West Indian School Road
 Quarter Section: Q17-8(H3)
 Proposal: 1) Use permit to allow a pawn shop (Mod Pawn).
 Use permit required.
 2) Variance to allow a pawn shop less than 500 feet
 from a residential district. Minimum 500 feet of
 separation required.
 Ordinance Sections: 623.D.134.a 623.D.134.b
 Applicant: Herrold Perez, Mod Pawn
 Representative: Herrold Perez, Mod Pawn
 Owner: Farida Family Trust
Continued to February 6, 2025 at 9:00 AM.

1:30 PM

Approved 9. Application #: ZA-770-24-4
w/stip Existing Zoning: C-3 DNS/WVR HP
 Location: 2262 Grand Avenue
 Quarter Section: Q13-24(G7)
 Proposal: Variance to reduce the minimum parking
 requirement to 35 spaces. Minimum 53 spaces
 required.
 Ordinance Sections: 702.C
 Applicant: Mario Mangiamele, Iplan Consulting
 Representative: Mario Mangiamele, Iplan Consulting
 Owner: Mr. Jeff Jacobs, D&J Investments AZ, LLC
Stipulation:
 1) 2 years to apply and pay for building permits.

Approved w/stip	10.	Application #:	ZA-794-24-3
		Existing Zoning:	C-1
		Location:	2434 West Greenway Road
		Quarter Section:	Q35-23(L7)
		Proposal:	1) Use permit to allow outdoor dining as an accessory to a restaurant (Starbucks). Use permit required. 2) Use permit to allow a drive-through facility accessory to a restaurant (Starbucks) within 300 feet from a residential zoning district. Use permit required.
		Ordinance Sections:	622.D.150.d 622.D.150.e.(2)
		Applicant:	Michael LoTempio, Bowman
		Representative:	Lisa Sunderland, SCM Solutions, LLC
		Owner:	Megdal Pink, LLC
		Stipulation:	1) 12 months to apply and pay for building permits.
Continued	11.	Application #:	ZA-796-24-8
		Existing Zoning:	R-3 CCSIOD
		Location:	1232 South 13th Avenue
		Quarter Section:	Q8-26(F8)
		Proposal:	Variance to reduce the side yard setback (north) to 3 feet. Minimum 10 feet required.
		Ordinance Sections:	615.B Table B
		Applicant:	Gabriel Torres Urrutia
		Representative:	Gabriel Torres Urrutia
		Owner:	Gabriel Torres Urrutia
		Continued to January 30, 2025 at 1:30 PM.	
Denied	12.	Application #:	ZA-829-24-2
		Existing Zoning:	R1-8 PCD
		Location:	4459 East Andrea Drive
		Quarter Section:	Q49-38(P11)
		Proposal:	1) Use permit to allow the generation of traffic for a home occupation (Federal Firearms License). Use permit required. 2) Use permit for official approval of a home occupation (Federal Firearms License). Use permit required.
		Ordinance Sections:	608.E.27.h.(1) 608.E.27.h.(5)
		Applicant:	Richard LeSchander, Freewill Firearms, LLC
		Representative:	Richard LeSchander, Freewill Firearms, LLC
		Owner:	Richard LeSchander and Yuan Li, Freewill Firearms, LLC
Approved w/stip	13.	Application #:	ZA-842-24-8
		Existing Zoning:	C-2
		Location:	2927 North 24th Street
		Quarter Section:	Q15-33(G9)

Proposal: Use permit to allow packaged liquor sales as a primary use (Goodz & Brews) within 300 feet of a residential district. Use permit required.

Ordinance Sections: 622.D.102.a

Applicant: Juan Sayegh, JHoot, Inc. dba Goodz and Brews

Representative: Juan Sayegh, JHoot, Inc. dba Goodz and Brews

Owner: JH Investment Group, Inc

Stipulation:

- 1) 120 days to apply and pay for building permits.

**Approved
w/stip**

14. Application #: ZA-844-24-4

Existing Zoning: R-3

Location: 1001 East Campbell Avenue

Quarter Section: Q17-29(H8)

Proposal: 1) Use permit to utilize the Single-Family Infill (SFI) development option. Use permit required.
2) Variance to reduce the front yard setback (north) to 5 feet. Minimum 10 feet required.

Ordinance Sections: 608.F.6 615.B.Table B

Applicant: Roy Noggle, Roy Noggle Architects, AIA

Representative: Alan Perry, USWCAT Construction

Owner: Ryan Kruse, Campbell 1001, LLC

Stipulation:

- 1) 18 months to apply and pay for building permits.

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 24, 2025