

**RESULTS OF PUBLIC MEETING  
BOARD OF ADJUSTMENT**

Pursuant to A.R.S. Section 38-431.02, notice was hereby given to the members of the **BOARD OF ADJUSTMENT** and to the general public, that the **BOARD OF ADJUSTMENT** held a meeting open to public on **Thursday, June 4, 2026 at 12:00 p.m.**

*The Board of Adjustment was held in-person and virtually.*

The results of the meeting were as follows:

**RESULTS**

**Approved      A.    Approval of Minutes – May 7, 2026**

*(James/Anglin - Vote of 7-0).*

**Approved      B.    Approval of Agenda – June 4, 2026**

*(James/Anglin - Vote of 7-0).*

**No Action      C.    Requests for Continuance and/or Withdrawal**

**D.    Items for Consideration**

**Upheld  
ZAH0 with  
stipulations**

1.    Application #:            **ZA-124-26-5**  
      Existing Zoning:        C-2  
      Location:                1701 North 99th Avenue  
      Quarter Section:        Q13-5 (G2)  
      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 reduce the canal right-of-way landscape setback to 2 feet (east). Average of 20 feet required, minimum 15 feet permitted for up to 50% of frontage. 4) Variance to reduce the streetscape landscape setback (99th Avenue) to an average of 17 feet, minimum 15 feet required. Average of 25 feet required, minimum 20 feet

permitted for up to 50% of frontage. 5) Variance to reduce the required parking to 44 spaces. Minimum 48 parking spaces required.

Ordinance Sections: 623.D.124.a; 623.D.124.f; 623.E.4.c; 623.E.4.e; 702.C.Table

Applicant: Michelle Green, Lazarus & Silvyn P.C.  
Representative: Larry Lazarus, Lazarus & Silvyn P.C.  
Owner: Arvin Saloum, Ninety-Nine Holdings, LLC  
Appellant: Michelle Santoro, Gammage & Burnham, PLC

***Upheld the Zoning Adjustment Hearing Officer's decision and approved the use permit and variances with 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.***

*(Eigo/James - Vote of 5-2) (Graham, Manoil).*

**E. Other Business**

- Updated**                    2. Update on the Next Board of Adjustment Agenda.
- Updated**                    3. Update on Pending Appeals of the Board of Adjustment.
- No Action**                4. Q & A: Procedure and Process - Board of Adjustment Case Law.

**Adjourned            F. Adjournment**

For further information, please call Julie Garcia in the Planning and Development Department at 602-495-7029 or contact us via electronic mail at [pdd.boardofadjust@phoenix.gov](mailto:pdd.boardofadjust@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 Saneeya Mir at [saneeya.mir@phoenix.gov](mailto:saneeya.mir@phoenix.gov) or 602-686-6461, TTY: Use 7-1-1.

June 4, 2026