

**NOTICE OF RESULTS**  
**ZONING ADJUSTMENT HEARING**  
*\*Revised September 18, 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 **August 22, 2024 at 9:00 AM (Items 1-7) and 1:30 PM (Items 8-14)**.

***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-430-14-7 (1 Year Review of Use Permit)  
Existing Zoning: A-1  
Location: 5436 West Latham Street  
Quarter Section: Q12-16(G5)  
Proposal: 1) Variance to allow a medical marijuana cultivation facility located within 5,280 feet from the same type of use. Minimum of 5,280 feet separation is required.  
2) Variance to allow a medical marijuana cultivation facility located within 1,000 feet of an R-4A zoned property. Minimum 1,000 feet of separation is required.  
3) Use permit to allow a medical marijuana cultivation facility. Use permit required.  
Ordinance Sections: 627.D.93.b 627.D.93.c 627.D.93.a  
Applicant: Eric Capranica, E&M Alliance, LLC  
Representative: Eric Capranica, E&M Alliance, LLC  
Benjamin Tate, Withey Morris, PLC  
Owner: David/Kathleen Seid, Access Enterprises, 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-590-16-7 (1 Year Review of Use Permit)  
Existing Zoning: A-1  
Location: 5436 and 5456 West Latham Street  
Quarter Section: Q12-16(G5)  
Proposal: 1) Time extension of ZA-544-15, a use permit to allow a medical marijuana dispensary.  
2) Time extension of ZA-544-15, a variance to allow a medical marijuana dispensary within 5,280 feet of another medical marijuana facility.  
Ordinance Sections: 627.D.92.a 627.D.92.d  
Applicant: Adam Baugh, Withey Morris, PLC  
Representative: Adam Baugh, Withey Morris, PLC  
Owner: Turtle RE Investments Fund 1A, 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-35-21-5 (1 Year Review of Use Permit)  
Existing Zoning: A-1  
Location: 4636 North 43rd Avenue  
Quarter Section: Q18-18(H6)  
Proposal: 1) Time extension of ZA-22-20, use permit to allow a medical marijuana cultivation facility in the A-1 zoning district. Use permit required.  
2) Time extension of ZA-22-20, variance to allow a medical marijuana cultivation facility within 5,280 feet of an existing medical marijuana facility. Minimum 5,280 feet separation required.  
3) Time extension of ZA-22-20, use permit to allow a medical marijuana infusion production facility in the A-1 zoning district. Use permit required.  
4) Time extension of ZA-22-20, variance to allow a medical marijuana infusion production facility within 5,280 feet of an existing medical marijuana facility. Minimum 5,280 feet separation required.
- Ordinance Sections: 627.D.91.a 627.D.91.c 627.D.93.a 627.D.93.b  
Applicant: Lindsay Schube, Gammage and Burnham  
Representative: Lindsay Schube, Gammage and Burnham  
Owner: 43rd Enterprises, 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**

4. Application #: ZA-199-24-1  
Existing Zoning: PSC  
Location: 3543 West Thunderbird Road  
Quarter Section: Q32-20(L6)  
Proposal: Use permit to allow a temporary use (3 storage containers) for up to 36 months. Use permit required.  
Ordinance Sections: 708.D.1  
Applicant: Janelle Lopez, Big Lots Stores-PNS, LLC  
Representative: Janelle Lopez, Big Lots Stores-PNS, LLC  
Owner: BH 13620 North 35th Avenue, LLC

**Taken out from under advisement on September 18, 2024 and approved with the following stipulations:**

- 1) Approved for 9 months.
- 2) Applicant and landlord to sign "Authority to Arrest" Police precinct form to permit City of Phoenix Police to apprehend trespassers encamped on the subject site.

**Denied as  
Filed  
Approved  
w/stips**

5. Application #: ZA-445-24-3  
Existing Zoning: C-2  
Location: 13202 North Cave Creek Road  
Quarter Section: Q32-32(L9)  
Proposal: Variance to reduce the required building setback (west) to 5 feet for a building 16 feet in height. Minimum 50 feet of setback required.  
Ordinance Sections: 623.E.4.d  
Applicant: John Shope, Tripple C Holdings, LLC  
Representative: Jeremy Mattingly. Jeremy Mattingly Designs, LLC  
Owner: John Shope, Tripple C Holdings, LLC

**Stipulations:**

- 1) Approved for a 10 foot setback.
- 2) 18 months to apply for and obtain building permits.

**Denied**

6. Application #: ZA-537-24-5  
Existing Zoning: C-2  
Location: 3415 West Glendale Avenue, #8A  
Quarter Section: Q22-21(I6)  
Proposal: 1) Variance to allow a tobacco oriented retailer (Smoke & Vape LLC) to be located within 1,320 feet of two schools. Minimum 1,320 feet separation required.  
2) Variance to allow a tobacco oriented retailer (Smoke & Vape LLC) to be located within 1,320 feet of a place of worship. Minimum 1,320 feet separation required.

3) Variance to allow a tobacco oriented retailer (Smoke & Vape LLC) to be located within 1,320 feet of a daycare. Minimum 1,320 feet separation required.

Ordinance Sections: 623.D.194.b 623.D.194.b 623.D.194.b  
Applicant: Andre Andraos, Smoke & Vape, LLC  
Representative: Quacy Smith, Smith & Green Attorneys at Law, PLLC  
Owner: Pro's Ranch Market LLC, Capital Asset Management, LLC

**Approved  
w/stip**

7. Application #: ZA-543-24-6  
Existing Zoning: C-1 CEPCSP  
Location: 1902 East Camelback Road  
Quarter Section: Q19-31(H9)  
Proposal: Use permit to allow outdoor dining as an accessory to a restaurant (Houston Hot Chicken). Use permit required.  
Ordinance Sections: 622.D.150.d  
Applicant: Cass Tenney, Savory Management  
Representative: Kofi Addo, Bowman  
Owner: William Levine, Pacific Camelback, Inc.

**Stipulation:**

- 1) 180 days to apply for and obtain building permits.
- 2) The seating area of the patio is limited to 167 square feet.
- 3) Per the location of the outdoor dining as shown on site plan date stamped August 22, 2024.

**1:30 PM**

**Approved  
w/stips**

8. Application #: ZA-404-24-4 (SIGN) (Continued from July 18, 2024)  
Existing Zoning: C-2 H-R TOD-1  
Location: 3200 North Central Avenue  
Quarter Section: Q15-27(G8)  
Proposal: Use permit for a major amendment to the 3200 North Central Comprehensive Sign Plan for a wall sign over 56 feet in height. Use permit required.  
Ordinance Sections: 705.D.3.i  
Applicant: Gary Spinner, Pearson's Sign Company  
Representative: Sean Martin, Pearson's Sign Company  
Owner: ROC III DPC 3200 N Central LLC

**Stipulations:**

- 1) For the hi-rise signs (signs over 56 feet in height) that emit white light, prior to sign installation, a signed statement from the sign fabricator verifying correlated color temperature (in degrees Kelvin) lighting modules not exceeding 4,000K were used shall be submitted to the Planning and Development Department (PDD).
- 2) Sign illumination shall be automatically shut off daily at 10:00 PM via an automatic dimming device.

- 3) Adherence to the sign drawings, other than changes required to meet Zoning Code standards, as submitted to the hearing officer is required.
- 4) Submit revised CSP amendment pages as needed for PDD approval incorporating all stipulations of approval.
- 5) Twelve months to apply for and obtain sign permits.

**Approved  
w/stips**

9. Application #: ZA-427-24-6 (SIGN)  
 Existing Zoning: PCD  
 Location: 2500 West Chandler Boulevard  
 Quarter Section: Q011-24(A7); Q012-24(A7)  
 Proposal: 1) Use permit to adopt the Upper Canyon Comprehensive Sign Plan. Use permit required.  
 2) Variance to increase the area of four ground signs for a single-family residential use up to 204 square feet. Maximum 20 square feet permitted with a Comprehensive Sign Plan.
- Ordinance Sections: 705.E.2 705.D.1 Table D-1  
 Applicant: Reserve 100, LLC  
 Representative: Alan Beaudoin, Norris Design  
 Owner: Arizona State Land Department

**Stipulations:**

- 1) For the primary entry sign on Chandler Boulevard, maximum allowable ground sign area shall be 80 square feet.
- 2) For the secondary entry signs on Liberty Lane, maximum allowable ground sign area shall be 60 square feet.
- 3) Submit a revised CSP document including revised sign drawings incorporating the approved sign area for the ground signs noting any ZAHO-approved stipulations.
- 4) Twelve months to obtain sign permits for a minimum of one of the ground signs.

**Approved  
w/stips**

10. Application #: ZA-238-24-4 (SIGN)  
 Existing Zoning: C-2  
 Location: 2150 West Camelback Road  
 Quarter Section: Q19-24(H7)  
 Proposal: Use Permit to rebuild two faces of a non-conforming off-premise sign to digital display. Use permit required.
- Ordinance Sections: 705.2.G.4  
 Applicant: Jacob Zonn, Becker Boards Small, LLC  
 Representative: Garry Hays  
 Owner: Wickenburg Investment, LLC

**Stipulations:**

- 1) Off-premise sign illumination shall be extinguished daily at 11:00 PM via an automatic timer.
- 2) Install a Planning and Development Department design-approved, decorative pole cover on the off-premise sign. Any access ladder, if included on the support column, shall be on the north or east side of the pole cover. The pole cover shall extend

down the support column at a minimum to the height of the building parapet. The support column shall not be exposed in any manner above the height of the building parapet.

- 3) If an opening in the required decorative pole cover for the electrical service meter and/or electrical service connection is needed, it shall be located on the north or east side of the pole cover.
- 4) Removal of the existing service ladder located between the edges of the southern sign faces.
- 5) No additional sign height or sign area is permitted.
- 6) The applicant shall have 12 months to apply and pay for permits for the subject sign.
- 7) Installation of PDD approved vertical louvers on both sign faces which effectively eliminate visibility of the digital faces to properties to north.

**Approved w/stips** 11. Application #: ZA-430-24-6  
Existing Zoning: CP/GCP  
Location: 4801, 4805, 4809 and 4811 East Thistle Landing Drive  
Quarter Section: Q09-39(B11,A11); Q010-39(A11)  
Proposal: 1) Use Permit to allow an over height retaining wall (6 feet) when within 50 feet of a subdivision perimeter (west). Use Permit required.  
2) Use Permit to allow an over height retaining wall (7 feet) when within 50 feet of a subdivision perimeter (north). Use Permit required.  
Ordinance Sections: 703.A.4.c 703.A.4.c  
Applicant: ME PHX Tech Campus, LLC  
Representative: Nick Wood, Snell & Wilmer, LLP  
Owner: ME PHX Tech Camps, LLC  
**Stipulations:**  
1) 2 years to apply for and obtain building permits.  
2) Per the location of the retaining walls and associated landscaping adjacent to the retaining walls as shown on site plan date stamped July 19, 2024.

**Approved w/stip** 12. Application #: ZA-505-24-2  
Existing Zoning: R1-8  
Location: 19833 North 14th Street  
Quarter Section: Q40-30(N9)  
Proposal: Time extension for ZA-400-23, variance to reduce the required rear yard setback (east) to 16 feet. Minimum 25 feet required.  
Ordinance Sections: 612.B.Table B  
Applicant: Kenan Arkawi  
Representative: Kenan Arkawi  
Owner: Kenan Arkawi  
**Stipulation:**  
1) 1 year to apply for and obtain building permits.

**Approved w/stips** 13. Application #: ZA-551-24-6  
Existing Zoning: RE-35 ACSPD  
Location: 4718 East Rockridge Road  
Quarter Section: Q19-38(H11)  
Proposal: Use permit to allow an accessory dwelling unit located between the primary dwelling unit and the front property line. Use permit required.  
Ordinance Sections: 706.A.6  
Applicant: Douglas and Shelly Kintzinger  
Representative: William Allison and Hannah Bleam, Withey Morris Baugh, PLC  
Owner: Douglas and Shelly Kintzinger  
**Stipulations:**  
1) 1 year to apply for and obtain building permits.  
2) Per the location of the ADU as shown on site plan date stamped August 22, 2024.

**Approved w/stip** 14. Application #: ZA-553-24-4  
Existing Zoning: R1-6  
Location: 2002 West Holly Street  
Quarter Section: Q13-24(G7)  
Proposal: Use permit to allow temporary parking for a civic event (Arizona State Fair) for up to 36 months. Use permit required.  
Ordinance Sections: 708.D.1  
Applicant: Alfie Tamayo  
Representative: Alfie Tamayo  
Owner: Alfie Tamayo  
**Stipulation:**  
1) Approved for the time period of September 20, 2024 to October 27, 2024 only.

**ZONING ADJUSTMENT HEARING OFFICER: MICHEAL WIDENER  
PLANNER: DOMINIC AMODIO, 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](mailto:zoning.adjustment@phoenix.gov). To request a reasonable accommodation, please contact Teleia Galaviz at 602-291-2559, [teleia.galaviz@phoenix.gov](mailto:teleia.galaviz@phoenix.gov) TTY: Use 7-1-1.

September 18, 2024