

**NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING**

**Revised January 10, 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 9, 2025, at 9:00 AM. (Items 1-7) and 1:30 PM (Items 8-15). 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

9:00 AM

Continued

1. Application #: ZA-481-22-7 (1 Year Review of Use Permit)
(Continued from November 21, 2024)
Existing Zoning: C-3 ACOD CMOD
Location: 749 West Taylor Street and 750 West Polk Street
Quarter Section: 11-26(F8)
Proposal: 1) Use permit to allow an assembly/banquet hall of less than 25,000 square feet in gross floor area. Use permit required.
2) Use permit to allow outdoor uses as an accessory use to a public assembly hall. Use permit is required.
Ordinance Sections: 623.D.9.a 623.D.9.b
Applicant: Jennifer Hall, Rose Law Group, LLC
Representative: Jennifer Hall, Rose Law Group, LLC
Owner: Mark and Dee Dee Daus, American Lifestyle 48, LLC

Continued to January 30, 2025 at 9:00 AM.

**Approved
w/stips**

2. Application #: ZA-21-16-8 (1 Year Review of Use Permit)
Existing Zoning: A-2 RSIOD ANIZO
Location: 2340 East University Drive
Quarter Section: 7-32(E9)
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 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
4) Variance to allow a medical marijuana infusion facility within 5,280 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: Anthony Rein
Representative: Adam Baugh, Withey Morris, PLC
Owner: Verdes Family Investment Partnership, LP

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-661-23-3 (1 Year Review of Use Permit)
Existing Zoning: C-2
Location: 13805 North 19th Avenue
Quarter Section: Q33-25(L7)
Proposal: Use permit to allow package liquor sales accessory to a convenience market (M & M Convenience Store) located within 300 feet of a residential zoning district. Use permit required.
Ordinance Sections: 622.D.102.a
Applicant: Alvin Orah
Representative: Alvin Orah
Owner: Moon Mountain Plaza, LLC
Continued to February 13, 2025 at 9:00 AM.

Approved w/stips 4. Application #: ZA-809-24-4
Existing Zoning: R-5 TOD-1, C-2 TOD-1
Location: 5720 North 19th Avenue
Quarter Section: Q20-24(I7)
Proposal: Variance to allow an over height fence (6 feet) in the required front yard (east). Maximum 40 inches permitted.
Ordinance Sections: 703.A.2.a
Applicant: Thomas Brousseau, Professional Medical Properties
Representative: Thomas Brousseau, Professional Medical Properties

Owner: Professional Medical Properties, LLC

Stipulations:

- 1) The fence must be open per the exhibit submitted November 9, 2024.
- 2) All fencing on the perimeter of the property shall be of a matching color.
- 3) An Authority to Arrest Trespassers form will be signed to deter loitering/unwanted guests inside and surrounding the establishment.
- 4) 120 days to apply and pay for permits.

Denied 5. Application #: ZA-849-24-6
Existing Zoning: R1-10
Location: 6050 East Hollyhock Street
Quarter Section: Q15-42(G12)
Proposal: Variance to reduce the front yard (south) setback to 20 feet. Minimum 25 feet required.
Ordinance Sections: 611.B.Table.B
Applicant: Randy Marks, Randy Marks, Rezio, LLC
Representative: Randy Marks, Randy Marks, Rezio, LLC
Owner: Robert Oglesby, Mo Military Capital LLC

Denied 6. Application #: ZA-858-24-8
Existing Zoning: C-2
Location: 3853 East Thomas Road
Quarter Section: Q14-36(G10)
Proposal: 1) Variance to allow a tobacco-oriented retailer (Magic Smoke and Vape Shop) to be located within 1,320 feet of a school. Minimum 1,320 feet separation required.
2) Variance to allow a tobacco-oriented retailer (Magic Smoke and Vape Shop) to be located within 1,320 feet of a church. Minimum 1,320 feet separation required.
Ordinance Sections: 623.D.194.b 623.D.194.b
Applicant: Samshuddin Bharwani, MVS Enterprise, LLC
Representative: Robert Pizorno, The Pizorno Law Firm, PLC
Owner: Imagine Properties Ent., LLC

Approved w/stips 7. Application #: ZA-861-24-3
Existing Zoning: C-2
Location: 13830 North Cave Creek Road
Quarter Section: Q33-32(L9)
Proposal: Use permit to allow a temporary event (outdoor event with amplified music) for up to 36 months. Use permit required.
Ordinance Sections: 708.D.1
Applicant: Adrien Burkhart, Buddy Stubbs Harley-Davidson
Representative: Adrien Burkhart, Buddy Stubbs Harley-Davidson
Owner: Stubbs Academy, LLC / Buddy Stubbs Harley-Davidson

Stipulations:

- 1) There will be no outdoor lighting fixtures using more than 100 watt lighting sources within 100 feet of the neighborhood, except parking lot lights.
- 2) Event attendees and staff will be informed that the outdoors activity for the event concludes no later the 7:00 PM. Public members who wish to remain on the premises must move inside the applicant's facility.
- 3) Applicant's clean up on the night of the event will cease altogether at 9:00 PM. Trash pickup in the parking lot will occur before 9:00 PM, and it will be securely containerized on-site or removed from the site.
- 4) No event visitor, contractor, or employee parking shall be allowed on the residential streets west and northwest adjoining the event venue. This includes on Sharon, Hearn and 22nd Street.
- 5) Event shall be April 5, 2025, April 4, 2026, and April 10, 2027.

Continued 8. Application #: ZA-862-24-2
Existing Zoning: PUD PCD
Location: 7000 East Mayo Boulevard, Suite 1090
Quarter Section: Q39-44 (M12)
Proposal: 1) Use permit to allow outdoor dining as an accessory use to a restaurant (Kodo Sushi) within 500 feet of a residential zoning district. Use permit required.
2) Use permit to allow outdoor alcohol consumption as an accessory use to a restaurant (Kodo Sushi) within 500 feet of a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.c
Applicant: Yong Choi, Kodo Sushi Phoenix, LLC
Representative: Yong Choi, Kodo Sushi Phoenix, LLC
Owner: 101 & Scottsdale, LLC, Yam Properties

Continued to February 13, 2025 at 9:00 AM.

1:30 PM

Approved w/stips 9. Application #: ZA-166-19-7 (1 Year Review of Use Permit)
Existing Zoning: DTC-West Evans Churchill HP
Location: 1121 North 2nd Street
Quarter Section: 12-28(G8)
Proposal: 1) Use permit to allow a bar (Pemberton House). Use permit required.
2) Use permit to allow outdoor liquor service accessory to a bar. Use permit required.
3) Use permit to allow liquor service accessory to a restaurant. Use permit required.
4) Use permit to allow alcohol sales and service within 300-feet of a church in an entertainment district. Use permit required.
5) Use permit to allow outdoor entertainment (amplified music or loudspeakers) between the

hours of 7:00 AM and 12:00 AM on Friday through Sunday. Use permit required.

6) Use permit to allow outdoor entertainment between the hours of 7:00 AM and 12:00 AM on Friday through Sunday. Use permit required.

7) Variance to allow outdoor entertainment Monday through Thursday, between 7:00 AM and 12:00 AM. Outdoor entertainment permitted on Friday through Sunday only.

Ordinance Sections: 1204.D.Table 1204.D.Table 1204.D.Table 307.A.17.a 1204.C.5 1204.C.18 1204.C.16

Applicant: Nick Wood, Snell & Wilmer, LLP

Representative: Nick Wood, Snell & Wilmer, LLP

Owner: True North Holdings, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) 9 month review of the case.
- 3) General conformance to the location of the outdoor patio spaces shown on the site plan signed and dated May 30, 2019.
- 4) The employees must have a clear view of the area in order to supervise the activities and be present while patrons utilize the outdoor area.
- 5) The area be sufficiently illuminated and contained to discourage any unlawful activity inward, toward the existing primary structure on the site.
- 6) Speakers are not permitted within 10 feet of a property line and shall be oriented inward, toward the existing primary structure on the site.
- 7) "No Trespassing" signs must be posted on all sides of the property and an Authority to Arrest form must be signed and submitted to the City of Phoenix Police Department.
- 8) Applicant and/or Business Management shall be responsible for all activities at the site include entertainers and vendors.
- 9) Applicant and/or Management shall be responsible to ensure sound levels will not exceed an average 55 decibels, or upon receiving a complaint, management will take appropriate action to reduce sound levels to within the allowable limit.
- 10) Amplified sound and loud speakers limited to 1:00 PM to 11:00 PM on Sunday through Thursday and 9:00 AM to 12:00 AM on Friday and Saturday.
- 11) Flashing/strobe type lighting is prohibited.
- 12) Applicant and or Business Management shall provide property owners within 200 feet and neighborhood associations within 600 feet, the current contact information (name, telephone and email) of daytime and evening premises managers Management must respond to identified concerns within 7 business days. Changes to management shall require new notification to be delivered within 15 days. Evidence of completion including a copy of the letter/ mailing lists shall be submitted to Planning and Development Department for inclusion in the case file.

**Approved
w/stips**

10. Application #: ZA-425-23-4 (1 Year Review of Use Permit)
(Continued from November 21, 2024)
Existing Zoning: C-2 SAUMSO

Location: 4130 North 7th Avenue
Quarter Section: Q17-26(H8)
Proposal: 1) Use permit to allow outdoor dining as an accessory use to a restaurant (Modern Manor) within 500 feet of a residential zoning district. Use permit required.
2) Use permit to allow outdoor alcohol consumption as an accessory use to a restaurant (Modern Manor) within 500 feet of a residential zoning district. Use permit required.
3) Use permit to allow outdoor recreation (outdoor speakers) as an accessory use to a restaurant (Modern Manor) within 500 feet of a residential zoning district. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.c 623.D.157.c
Applicant: Troy Vincent, 180 Degrees, Inc.
Representative: Troy Vincent, 180 Degrees, Inc.
Owner: Aaron Klusman, KFH Modern Manor, LLC

Stipulations:

- 1) The hours of use for the outdoor area are to be no earlier than 7:00 AM and no later than 10:00 PM daily due to the adjacent residential area.
- 2) The employees must have a clear view of the area to supervise the activities and/or be present while patrons utilize the outdoor area.
- 3) The area be sufficiently illuminated and contained to discourage any unlawful activity.
- 4) 6 months to apply and pay for building permits.
- 5) Per the location of the patio shown on the site plan date stamped December 27, 2024.

**Approved
w/stips**

11. Application #: ZA-556-24-2
Existing Zoning: R1-18
Location: 5860 East Campo Bello Drive
Quarter Section: Q37-41(M11)
Proposal: Variance to reduce the side yard setback (south) to 8 feet. Minimum 10 feet required.
Ordinance Sections: 610.B.Table
Applicant: Karen Peele, Complete Design, Inc.
Representative: Karen Peele, Complete Design, Inc.
Owner: Kristoffer and Kate Munroe

Stipulations:

- 1) Per the location of the proposed garage shown on the site plan date stamped December 5, 2024.
- 2) The former driveway on the south side of the property will be removed and replaced with matching decomposed granite.
- 3) 9 months to apply and pay for building permits.

Denied

12. Application #: ZA-685-24-6
Existing Zoning: R1-6
Location: 4227 East Piccadilly Road
Quarter Section: Q16-37(H10)

Proposal: Variance to reduce the front yard setback (north) to 13 feet. Minimum 20 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Shaine Alleman, Tiffany & Bosco, P.A.
Representative: Shaine Alleman, Tiffany & Bosco, P.A.
Owner: Ronald and Joanna Wilkins

**Approved
w/stip**

13. Application #: ZA-845-24-7
Existing Zoning: R-3 SPVTABDO
Location: 236 West Cody Drive
Quarter Section: Q4-27(E8)
Proposal: 1) Variance to allow a lot (Lot 2) with no street frontage. Public street frontage required.
2) Variance to allow a lot (Lot 3) with no street frontage. Public street frontage required.
Ordinance Sections: 615.B.Table B 615.B.Table B
Applicant: Robert Cisneros
Representative: Robert Cisneros
Owner: Robert Cisneros

Stipulation:

1) 12 months to apply and pay for building permits.

***Approved
w/stips**

14. Application #: ZA-848-24-8
Existing Zoning: C-2
Location: 4020 East McDowell Road
Quarter Section: Q13-37(G10)
Proposal: 1) Time extension for ZA-511-23, use permit to allow a medical marijuana dispensary facility. Use permit required.
2) Time extension for ZA-511-23, 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-511-23, variance to allow a medical marijuana dispensary facility within 5,280 feet of another similar type of use. Minimum 5,280 feet of separation required.
Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.e
Applicant: AZ Compassionate Care, Inc., c/o Gammage & Burnham, PLC
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: Ramzi Dugum and Michael R. Anton Living Trust

Stipulation:

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-850-24-7
Existing Zoning: DTC-Evans Churchill West
Location: 818 North 1st Street
Quarter Section: Q11-28(F8)
Proposal: Use permit to allow a bar (CryBaby). Use permit required.
Ordinance Sections: 1204.D.Table
Applicant: Hilal Yousufzai, Phoenix Hospitality Group, LLC
Representative: Kenneth Herrera, Phoenix Hospitality Group, LLC
Owner: Anthony Bibars, Masyno Downtown North, LLC

Stipulation:

- 1) 90 days to apply and pay for building permits.

**#1 and 2
Approved
w/stips**

16. Application #: ZA-860-24-6
Existing Zoning: R-3
Location: 2645 East Glenrosa Avenue
Quarter Section: Q17-33(H9)

**#3 and 4
Denied**

Proposal: 1) Time extension for ZA-534-22, use permit to allow the Planned Residential Development (PRD) option. Use permit required.
2) Time extension for ZA-534-22, variance to reduce the perimeter building setback (north) to 15 feet. Minimum 20 feet required.
3) Time extension for ZA-534-22, variance to reduce the perimeter landscape setback (north) to 15 feet. Minimum 20 feet required.
4) Time extension for ZA-534-22, variance to reduce the perimeter building setback (south) to 10 feet. Minimum 15 feet required.
Ordinance Sections: 608.B 615.B.Table B 615.B.Table B 703.B.3.a
Applicant: John R. Hansen
Representative: Marty Hall
Owner: John R. Hansen

Stipulations:

- 1) 1 year to apply and pay for building permits.

- 2) Per the reduction in the perimeter building setback shown on the plan date stamped December 5, 2024.

**ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER
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 13, 2025