

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised October 28, 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 **September 25 2025, 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 85003**

The results of the meeting were as follows:

RESULTS
Approved
w/stips

9:00 AM

1. Application #: ZA-100-14-8 (1 Year Review of Use Permit)
Existing Zoning: A-2 RSIO AIO
Location: 2424 South 24th Street
Quarter Section: 7-32(E9)
Proposal: Time extension for ZA-242-13 (Use Permit and Variance for Medical marijuana cultivation and infusion facility).

Ordinance Sections: 307.A.12
Applicant: Brig Burton, Agricann, LLC
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: 2424 S. 24th Street, 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-463-16-4 (1 Year Review of Use Permit)
Existing Zoning: C-2 TOD-1
Location: 2918 North Central Avenue
Quarter Section: 15-27(G8)
Proposal: 1) Variance to allow a Medical Marijuana Dispensary to be located within 500 feet of a residentially zoned district. Minimum 500 foot separation from a residential zoning district required.
2) Use Permit to allow a Medical Marijuana Dispensary. Use Permit required.
- Ordinance Sections: 623.D.122.f 623.D.122.a
Applicant: Thunderbird Partners III, LLC
Representative: Larry Lazarus, Lazarus, Silvyn & Bangs
Owner: Larry Furlong, Pamala, 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**

3. Application #: ZA-127-23-6 (1 Year Review of Use Permit)
Existing Zoning: C-2
Location: 2710 East Indian School Road
Quarter Section: 17-33(H9)
Proposal: 1) Use permit to allow a medical marijuana dispensary facility. Use permit required.
2) Variance to allow a medical marijuana dispensary facility within 5,280 feet (one mile) of another similar type of use. Minimum 5,280 feet of separation required.

- 3) Variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. Minimum 500 feet of separation required.
- 4) Variance to allow a medical marijuana dispensary within 1,320 feet of a public park. Minimum 1,320 feet of separation required.
- 5) Variance to allow a medical marijuana dispensary within 1,320 feet of a public community center. Minimum 1,320 feet of separation required.

Ordinance Sections: 623.D.124.a 623.D.124.e 623.D.124.f
623.D.124.g 623.D.124.g

Applicant: Rocky Afo, Verano Holdings, LLC

Representative: Heather N. Dukes, Esq.

Owner: T.C. Corporation et al

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.

**#1, 3 and 4
Approved
w/stips**

**#2
Denied as
Filed**

4. Application #: ZA-439-25-4
Existing Zoning: C-1 TOD-Uptown
Location: 450 West Indian School Road and 4107 North 5th Avenue
Quarter Section: Q17-27
Proposal: 1) Use permit to allow a drive-through facility as an accessory to a restaurant (Angie's Prime Grill) within 300 feet from a residential zoning district. Use permit required.

2) Variance to reduce a drive-through facility queuing length to 93 feet. Minimum 150 linear feet of queuing space per pick-up window required.

3) Variance to reduce the landscape setback (west) to 9 feet.

Average 25 feet required, minimum 20 feet permitted for up to 50% of the frontage.

4) Variance to reduce the landscape setback (south) to 5 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the frontage.

Ordinance Sections: 622.D.150.e 702.B.6.c 622.E.4.e.Table
622.E.4.e.Table

Applicant: Jeffrey Williams, R.B. Williams & Associates, Inc.

Representative: Jeffrey Williams, R.B. Williams & Associates, Inc.

Owner: Whataburger, WBRE, LLC f/k/a Whataburger Real Estate, LLC

Stipulations:

1) Request 2 a queuing length of 110 linear feet.

2) 1 year review after opening for business.

3) 18 months to apply and pay for building permits.

4) Per site plan date stamped July 30, 2025 with the modification of the queuing land noted in stipulation number 1 above.

**Approved
w/stips**

5. Application #: ZA-496-25-4
Existing Zoning: C-2 SAUMSO TOD-Uptown
Location: 4340 North 7th Avenue
Quarter Section: Q17-26
Proposal: Use permit to allow a tattoo shop (Stay Cool Tattoo). Use permit required.

Ordinance Sections: 623.D.187

Applicant: Shawn P Henry

Representative: Shawn P Henry

Owner: M Pace, Melrose Cooperative, LLC

Stipulations:

1) 60 days to commence use.

2) Per site plan date stamped July 21, 2025.

**Approved
w/stip**

6. Application #: ZA-557-25-8
Existing Zoning: R-3 BAOD and R1-14 BAOD
Location: 7500 South 32nd Street
Quarter Section: Q1-34
Proposal: Variance to reduce the rear yard setback (west) to 6 feet. Minimum 15 feet required.

Ordinance Sections: 615.B.Table B

Applicant: Lauren Proper Potter, Huellmantel & Affiliates

Representative: Lauren Proper Potter, Huellmantel & Affiliates

Owner: Michael Smith, Phoenix Native on Baseline, LP

Stipulation:

1) Per site plan date stamped August 25, 2025.

*Denied	7.	Application #: ZA-561-25-4 Existing Zoning: R1-10 HP Location: 501 West Georgia Avenue Quarter Section: Q19-27 Proposal: Variance to reduce the side yard setback (east) to 3 feet. Minimum 10 feet required. Ordinance Sections: 611.B.Table B Applicant: David Bee, Bee Flips, LLC Representative: David Bee, Bee Flips, LLC Owner: David Bee, Bee Flips, LLC Taken out from under advisement on October 28, 2025 and denied.
Denied	8.	Application #: ZA-615-25-2 Existing Zoning: R1-14 Location: 5709 East Betty Elyse Lane Quarter Section: Q35-41 Proposal: Variance to reduce the required side yard setback (east) to 3 feet. Minimum 10 feet required. Ordinance Sections: 607.B.4.c Applicant: Teresa Nicklas Representative: Teresa Nicklas Owner: Todd and Teresa Nicklas
Approved w/stips	9.	1:30 PM Application #: ZA-366-25-1 Existing Zoning: C-2 Location: 4430 West Union Hills Drive Quarter Section: Q39-18 Proposal: 1) Variance to reduce the required setback for a disguised wireless communication facility from property zoned for residential purposes to 69 feet. Minimum 150 feet required. 2) Variance to allow a disguised wireless communication facility array to extend 49 inches from the structure to which it is attached. Maximum 30 inches permitted. 3) Variance to allow a disguised wireless communication facility 80 feet in height. Maximum 65 feet permitted. Ordinance Sections: 715.B.2.a.(1) 715.B.2.b.(3).(e) 715.B.2.a.(2).(a).(i) Applicant: New Cingular Wireless PCS, LLC, AT&T Representative: Bill Koning, SmartLink Communications, LLC Owner: Union Crossing, LLC, Arcadia Property Management, Inc. Stipulations: 1) 120 days to obtain and pay for building permits. 2) Per site plan date stamped August 20, 2025.
Approved w/stips	10.	Application #: ZA-569-25-2 Existing Zoning: C-1 Location: 4550 East Bell Road, Suite 188

Quarter Section: Q37-38
 Proposal: 1) Use permit to allow second hand or used merchandise sales. Use permit required.
 2) Variance to allow second hand or used merchandise sales within 1,320 feet of a similar use. Minimum 1,320 foot separation required.
 Ordinance Sections: 622.D.154.c 622.D.154.b
 Applicant: Peter Furlow, Quarles & Brady LLP
 Representative: Peter Furlow, Quarles & Brady LLP
 Owner: RJS 45th Place, LLC, GES 45th Place, LLC

Stipulations:

- 1) 90 days to obtain and pay for building permits.
- 2) Allow jewelry, sports memorabilia, trading cards (by and sale) to be purchased and sold.
- 3) Purchase of coins, currency (notes) and bullion allowed.

Denied

11. Application #: ZA-579-25-6
 Existing Zoning: R1-6
 Location: 4228 East Roma Avenue
 Quarter Section: Q17-37
 Proposal: Variance to reduce front yard setback (south) to 10 feet. Minimum 20 feet required.
 Ordinance Sections: 613.B.Table B
 Applicant: Douglas Fredrikson and Chandler Eskew, Douglas Fredrikson Architects
 Representative: Douglas Fredrikson and Chandler Eskew, Douglas Fredrikson Architects
 Owner: Christopher Allen, Tracey Arvieux, Leslie Berzins

**Approved
w/stips**

12. Application #: ZA-583-25-4
 Existing Zoning: C-2
 Location: 1275 North 35th Avenue
 Quarter Section: Q12-21
 Proposal: 1) Use permit to allow a drive through facility accessory to a restaurant (Pollo Campero) within 300 feet from a residential zoning district. Use permit required.
 2) Use permit to allow outdoor dining as an accessory use to a restaurant (Pollo Campero) within 500 feet of a residential zoning district. Use permit required.
 Ordinance Sections: 623.D.157.d.(2) 623.D.157.c
 Applicant: Marcus Frisco, Frisco Investment Group
 Representative: Nick Adamson, Adamson Group
 Owner: Jason Acord, QuikTrip Corporation

Stipulations:

- 1) 180 days to obtain and pay for building permits.
- 2) Per site plan date stamped August 25, 2025.

**Approved
w/stips**

13. Application #: ZA-605-25-6
 Existing Zoning: R1-10
 Location: 4717 East Calle Redonda
 Quarter Section: Q17-38

Proposal: Variance to reduce side yard (west) setback to 3 feet. Minimum 10 feet required.
Ordinance Sections: 611.B.Table.B
Applicant: Angelo Pestrivas, Pestrivas Design Build LLC
Representative: Cynthia Campisi, Pestrivas Design Build, LLC
Owner: Alice Brangan

Stipulations:

- 1) 120 days to obtain and pay for building permits.
- 2) Per site plan date stamped August 19, 2025.

**Approved
w/stips**

14. Application #: ZA-614-25-5
Existing Zoning: C-2
Location: 2302 West Glendale Avenue
Quarter Section: Q23-23
Proposal: 1) Variance to reduce the landscape setback (north) adjacent to R1-6 zoning district to 2 feet. Minimum 10-feet required.
2) Variance to reduce the required landscape setback (south) adjacent to public street (Glendale Avenue) to 0 feet. Minimum 20-feet permitted for up to 50% of the frontage.
3) Variance to reduce the required additional parking lot landscaping to 0%. Minimum 10% required.
4) Variance to reduce the required landscape setback (east) adjacent to public street (23rd Drive) to 0 feet. Minimum 20-feet permitted for up to 50% of the frontage.
Ordinance Sections: 623.E.4.e 623.E.4.e 623.E.4.e 623.E.4.e
Applicant: Jeff Wagner, Wagner Architects, LLC
Representative: Jeff Wagner, Wagner Architects, LLC
Owner: Cruz Godina, GNC Auto Service

Stipulations:

- 1) Per date stamped site plan on August 21, 2025.
- 2) Irrigation on the north boundary.
- 3) Irrigation on the southeast boundary
- 4) 18 months to apply and pay for building permits.

***Withdrawn
to Amend**

15. Application #: ZA-626-25-7
Existing Zoning: C-2
Location: 5105 West McDowell Road
Quarter Section: Q12-16
Proposal: 1) Variance to reduce the building setback (north) to 13 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure.
2) Variance to reduce the building setback (east) to 11 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure.
3) Variance to reduce the landscape setback (north) to 13 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the frontage.

- 4) Variance to reduce the landscape setback (east) to 11 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the frontage.
5) Variance to reduce the parking area landscape to 5%. Minimum of 10% required.

Ordinance Sections: 623.E.4.d 623.E.4.e 623.E.4.d 623.E.4.e
623.E.4.e

Applicant: Nicole Lynam, KE Design, LLC

Representative: Nicole Lynam, KE Design, LLC

Owner: Robin Thind, DARU, LLC

Taken out from under advisement on October 28, 2025 and was withdrawn to amend the application, at the request of the representative.

**Approved
w/stips**

16. Application #: ZA-629-25-8
Existing Zoning: DTC-Warehouse HP and DTC-Warehouse
Location: 430 South 2nd Avenue and 401 South 3rd Avenue
Quarter Section: Q10-27
Proposal: Use permit to allow a temporary use (Halloween Charity Event) for up to 36 months (outdoor games, live DJ, outdoor stage, and vendors). Use permit required.
Ordinance Sections: 708.D.1
Applicant: Wallon Walusayi, Hospitality United
Representative: Wallon Walusayi, Hospitality United
Owner: George Heiland, Railroad Properties, LLC
Stipulations:
1) Outdoor speakers will be turned off at midnight.
2) Per site plan date stamped August 25, 2025.
3) Event shall end at 2:00 AM on November 1, 2025.
4) Event shall commence for guest approximately 8:00 AM October 31, 2025.

**ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER
PLANNER: GREGORY HARMON, 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 Saneeya Mir, 602-686-6461, Saneeya.Mir@phoenix.gov TTY: Use 7-1-1.

October 28, 2025