

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised April 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 **April 3, 2025, at 9:00 AM. (Items 1-5) and 1:30 PM (Items 6-13). 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
Denied as
Filed
Approved
w/stips

9:00 AM

- | | | |
|----|---------------------|---|
| 1. | Application #: | ZA-1-25-6 |
| | Existing Zoning: | R1-6 CEPCSP |
| | Location: | 2501 East Elm Street |
| | Quarter Section: | Q18-33(H9) |
| | Proposal: | Variance to reduce the required side yard (east) setback to 3 feet. Minimum 10 feet required. |
| | Ordinance Sections: | 613.B.Table B |
| | Applicant: | Kristopher Ontiveros, 312 Architect & Design |
| | Representative: | Kristopher Ontiveros, 312 Architect & Design |
| | Owner: | Mason McIntyre |

Stipulations:

- 1) Approved for a setback reduction to 5 feet on the east side.
- 2) 6 months to apply for and obtain building permits.

Approved
w/stips

- | | | |
|----|---------------------|--|
| 2. | Application #: | ZA-121-25-1 |
| | Existing Zoning: | PUD |
| | Location: | 9813 North Metro Parkway East |
| | Quarter Section: | Q28-22(K7) |
| | Proposal: | Use permit to allow a temporary use (outdoor live entertainment and farmers market with food trucks) for up to 36 months. Use permit required. |
| | Ordinance Sections: | 708.D.1 |
| | Applicant: | Jonathan Green, Concord Wilshire |
| | Representative: | Nate Sirang, Concord Wilshire |
| | Owner: | Phoenix IG LLC, Concord Wilshire |

Stipulations:

- 1) Per the location of the event area as shown on site plan date stamped March 4, 2025.
- 2) Event area must be fenced in.
- 3) Farmers Market only allowed on Saturday with hours of operation between 8:00 AM – 11:00 AM.
- 4) Food Truck Court only allowed on Saturdays with the hours of operation between 4:00 PM – 8:00 PM.
- 5) Holiday events are limited to 8 per year, on Saturdays with hours of operation between 9:00 AM – 6:30 PM.
- 6) Liquor service only allowed for holiday events and must end by 6:00 PM.
- 7) No stages for live entertainment permitted for Farmers Market or Food Truck Court events.

8) Stage for holiday events must be oriented towards I-17.

9) Approved for 3 years.

**Approved
w/stips**

3. Application #: ZA-150-25-2
Existing Zoning: R1-18 SP
Location: 6500 East Bell Road
Quarter Section: Q37-43(M12)
Proposal: Variance to allow an over height wall (6 feet) within the required front yard (south) setback. Maximum 40 inches permitted.

Ordinance Sections: 703.A.2.a
Applicant: George Pasquel III, Withey Morris Baugh, PLC
Representative: George Pasquel III, Withey Morris Baugh, PLC
Owner: Trish Hansen Kerr, Hansen Memorial Cemeteries, Inc., Hansen Mortuary, Inc.

Stipulations:

- 1) Per the location of the over height wall as shown on site plan date stamped February 25, 2025.
- 2) New wall shall match existing wall on site.
- 3) 1 year to apply for and obtain building permits.

**Approved
w/stips**

4. Application #: ZA-162-25-6
Existing Zoning: C-1, P-1
Location: 1215 East Missouri Avenue, Suite 10
Quarter Section: Q19-30(H9)
Proposal: 1) Use permit to allow sales of alcoholic beverages as an accessory to a restaurant (Lydia's). Use permit required.
2) Use permit to allow outdoor dining as an accessory use to a restaurant (Lydia's). Use permit required.
3) Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant (Lydia's). Use permit required.

Ordinance Sections: 622.D.150.a 622.D.150.d 622.D.150.d
Applicant: Kevin Cieszkowski, Moulin Investments, LLC
Representative: William F. Allison, Withey Morris Baugh, PLC
Owner: Roxana Nighswonger, Moulin Investments, LLC

Stipulations:

- 1) Employees must have unobstructed views into the patio area or be present to monitor patron activities.
- 2) Hours of operation for the patio limited to 7:00 AM to 10:00 PM Sunday – Thursday and 7:00 AM to 12:00 AM on Friday and Saturday.
- 3) Per the location of the patio and courtyard area as shown on site plan date stamped February 27, 2025.
- 4) 1 year to commence the use.

**Approved
w/stip**

5. Application #: ZA-177-25-7
Existing Zoning: R-5 RI HP
Location: 1026 and 1030 West Polk Street

Quarter Section: Q11-26(F8)
 Proposal: Variance to reduce the required lot width to 50 feet (Lot 17 and Lot 19). Minimum 60 feet required.
 Ordinance Sections: 630.B.1
 Applicant: Drew Bryck
 Representative: Drew Bryck
 Owner: Bryce Hendrickson, BJH, LLC
Stipulation:
 1) 6 months to complete the lot split process.

Denied 6. **1:30 PM**
 Application #: ZA-701-24-1 (SIGN) (Continued from February 20, 2025)
 Existing Zoning: R1-6
 Location: 2915 West Greenway Road
 Quarter Section: Q34-22(L7)
 Proposal: 1) Variance to increase the area of two wall signs to 40 square feet each. Maximum 30 square feet each allowed.
 2) Variance to increase the height of the sign to 25 feet. Maximum 15 feet allowed.
 Ordinance Sections: 705.D.1 Table D-1
 Applicant: Aaron Phetteplace, Jesus Church of Arizona
 Representative: Luis Alcantara, Just In Time Signs and Printing dba Kwik Sign Letters
 Owner: Aaron Phetteplace, Jesus Church of Arizona

Approved w/stips 7.
 Application #: ZA-766-24-2 (SIGN)
 Existing Zoning: R1-10
 Location: Approximately 2,400 feet southwest of the southwest corner of Cave Creek Road and Jomax Road and the north corner of Desert Peak Parkway and Stone Butte Drive
 Quarter Section: Q47-33(O9)
 Proposal: 1) Variance to increase the area of two ground signs for a single-family residential use up to 36 square feet. Maximum 16 square feet permitted.
 2) Variance to increase the height of two ground signs up to a height of 9 feet. Maximum 5 feet permitted.
 Ordinance Sections: 705.D.1 Table D-1
 Applicant: Roman Gorecki, Forestar
 Representative: Veronica Luna, ABLA
 Owner: Roman Gorecki, Forestar
Stipulations:
 1) Sign design and general sign location shall be in accordance with the sign drawings submitted to the Hearing Officer and date-stamped April 3, 2024.
 2) Maximum sign height shall be 9 feet.
 3) Maximum sign area up to 36 square feet per side of each subject ground sign.

4) 12 months to obtain sign permits for the proposed ground signs.

***Approved
w/stips**

8. Application #: ZA-34-25-6 (Continued from February 20, 2025)
Existing Zoning: R1-10 ACSPD
Location: 4634 East Calle Tuberia
Quarter Section: Q18-38(H11)
Proposal: Variance to reduce the front yard setback (south) to 5 feet. Minimum 25 feet required.
Ordinance Sections: 611.B.Table B
Applicant: Zach Mykytiuk, Rezio, LLC
Representative: Zach Mykytiuk, Rezio, LLC
Owner: Matthew Julia

Taken out from under advisement on April 23, 2025 approved with the following stipulation:

- 1) 9 months to apply for and obtain building permits.
- 2) Per the location of the setback reduction as shown on site plan date stamped January 15, 2025.

**Approved
w/stips**

9. Application #: ZA-197-19-5 (1 Year Review of Use Permit)
Existing Zoning: A-2
Location: 4210 North 39th Avenue
Quarter Section: 17-19(H6)
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 the same type use or medical marijuana dispensary or infusion facility. Minimum 5,280 foot separation required.
4) Variance to allow a medical marijuana cultivation facility within 1,320 feet of a place of worship. Minimum 1,320 foot separation required.
5) Variance to allow a medical marijuana infusion facility within 5,280 feet of the same type of use or cultivation facility. Minimum 5,280 foot separation required.
6) Variance to allow a medical marijuana infusion facility within 1,320 feet of a place of worship. Minimum 1,320 foot separation required.
Ordinance Sections: 627.D.91.a. 627.D.93.a. 627.D.91.c. 627.D.91.f. 627.D.93.b. 627.D.93.e.
Applicant: Nalee Pham, New Gen Phx LLC, Herbal Wellness Center
Representative: Fae Sowders, Bergin, Frakes, Smalley & Oberholtzer
Owner: Nalee Pham, New Gen Phx LLC, Herbal Wellness Center

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**

10. Application #: ZA-810-24-8
Existing Zoning: DTC-Biomed
Location: 702 East Van Buren Street, 319 and 325 North 7th Street, and 711 East Polk Street
Quarter Section: Q11-29(F8)
Proposal: Use permit to allow interim surface parking. Use permit required.
Ordinance Sections: 1203.C.Table
Applicant: Samantha Smith, Parking Management Company
Representative: Samantha Smith, Parking Management Company
Owner: Austin Shea (Arizona) 7th Street & Van Buren, LLC

Stipulations:

- 1) Approved for 1 year.
- 2) 180 days to commence the use.

**Approved
w/stips**

11. Application #: ZA-137-25-2
Existing Zoning: R-3
Location: 18244 North 41st Street
Quarter Section: Q38-37(M10)
Proposal: Variance to allow an over height wall (6 feet) within the required front yard (east) setback. Maximum 40 inches permitted.

Ordinance Sections: 703.A.2.a
Applicant: Macy Jo Surran
Representative: Macy Jo Surran
Owner: Macy Jo and Alan Nathaniel Surran

Stipulations:

- 1) Per the location of the proposed wall as shown on site plan date stamped February 27, 2025.
- 2) 90 days to apply for and obtain building permits.
- 3) Color of wall will match the adjacent wall running along 41st street.

**Approved
w/stips**

12. Application #: ZA-148-25-6
Existing Zoning: RE-35 CROD ACSPD
Location: 6040 East Mariposa Street
Quarter Section: Q17-42(H12)
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.5
Applicant: Cassandra Ayres, Berry Riddell, LLC
Representative: Cassandra Ayres, Berry Riddell, LLC
Owner: Michael Ryan Wiss Trust

Stipulations:

- 1) 2 years to apply for and obtain building permits.
- 2) The roof height of the ADU must not exceed the roof height of the primary home.
- 3) Per the location of the ADU as shown on site plan date stamped February 26, 2025.

**Approved
w/stip**

13. Application #: ZA-157-25-6
Existing Zoning: C-2 CEPCSP
Location: 1949 East Camelback Road
Quarter Section: Q18-31(H9)
Proposal: 1) Time extension for ZA-245-24, use permit to allow for outdoor dining as an accessory use to a restaurant (Hawaiian Bros Island Grill) within 500 feet of a residential zoning district line. Use permit required.
2) Time extension for ZA-245-24, variance to reduce a drive-through facility queuing length to 55 feet. Minimum 150 linear feet of queuing space per pickup window required.

Ordinance Sections: 623.D.157.c 702.B.6.c
Applicant: Eric Drazkowski, Excel Engineering, Inc.
Representative: Eric Drazkowski, Excel Engineering, Inc.
Owner: FR Camelback Colonnade, LLC, Federal Realty Investment Trust

Stipulation:

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

**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. To request a reasonable accommodation, please contact Saneeya Mir, 602-686-6461, Saneeya.Mir@phoenix.gov TTY: Use 7-1-1.

April 23, 2025