

**NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING**

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 7, 2025, at 9:00 AM. (Items 1-7) and 1:30 PM (Items 8-9). 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-426-14-7 (1 Year Review of Use Permit)
Existing Zoning: A-1
Location: 15 North 57th Drive
Quarter Section: 10-15(F5)
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 located within 5,280 feet from the same type of use. Minimum of 5,280 feet separation is required.
 - 4) Variance to allow a medical marijuana infusion facility located within 5,280 feet from the same type of use. Minimum of 5,280 feet separation is required.
- Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.c
- Applicant: Chelsea Deussenberry, CNCTD, LLC
- Representative: Heather Dukes, Esq.
- Owner: Richard Merel, JJSM Real Estate Fund, 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-572-14-4 (1 Year Review of Use Permit)
Existing Zoning: A-2
Location: 3839 North 35th Avenue
Quarter Section: 16-21(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 1-mile of a similar type of use. Minimum separation of 5,280 feet required.
4) Variance to allow a medical marijuana infusion facility within 1-mile of a similar type of use. Minimum separation of 5,280 feet required.
5) Variance to allow a medical marijuana cultivation facility within 1,000 feet of a residential zoning district. Minimum 1,000 feet separation required.
6) Variance to allow a medical marijuana infusion facility within 1,000 feet of a residential zoning district. Minimum 1,000 feet separation required.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b 627.D.91.d 627.D.93.c
Applicant: DT Arizona Real Estate, LLC
Representative: Benjamin Tate, Withey Morris Baugh, PLC
Owner: DT Arizona Real Estate, 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-458-22-4 (1 Year Review of Use Permit)
Existing Zoning: A-2
Location: 2929, 2935 Grand Avenue and 3020, 3030 North 29th Drive
Quarter Section: 15-22(G7)
Proposal:
 - 1) Time extension for ZA-466-21, use permit to allow a medical marijuana cultivation facility. Use Permit required.
 - 2) Time extension for ZA-466-21, use permit to allow a medical marijuana infusion facility. Use permit required.
 - 3) Time extension for ZA-466-21, variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.
 - 4) Time extension for ZA-466-21, variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.
 - 5) Time extension for ZA-466-21, variance to allow a medical marijuana infusion facility within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.
 - 6) Time extension for ZA-466-21, variance to allow a medical marijuana cultivation facility within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.93.b 627.D.91.c 627.D.93.e 627.D.91.f
Applicant: MSC Grand, LLC, MSC Grand, LLC
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: MSC Grand, LLC, MSC Grand, 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.

Continued 4. Application #: ZA-355-25-8
Existing Zoning: R-3 RI HP
Location: 1327 East McKinley Street
Quarter Section: Q11-30
Proposal: Variance to allow vehicle maneuvering within the alley (south). Maneuvering must be located on private property.

Ordinance Sections: 702.A.1.b
Applicant: David Agado, OLMG Properties, LLC
Representative: Jens Kolb, Adrienne Briseno, Merge Architectural Group

Owner: David Agado, OLMG Properties, LLC
Continued to September 18, 2025 at 1:30 PM.

Continued 5. Application #: ZA-453-25-6
Existing Zoning: R1-10
Location: 5752 North 2nd Avenue
Quarter Section: Q20-27
Proposal: Use permit to allow an over height (19 feet) detached accessory structure located in the rear yard (west) setback. Maximum 15 feet in height permitted.

Ordinance Sections: 706.B.3.b
Applicant: Benjamin Graff, Quarles & Brady LLP
Representative: Benjamin Graff, Quarles & Brady LLP
Owner: David Chamberlin, Chamberlin Living Trust
Continued to September 18, 2025 at 9:00 AM.

Continued 6. Application #: ZA-454-25-3
Existing Zoning: C-2
Location: 9501 North 7th Street
Quarter Section: Q27-29
Proposal: Use permit to allow package liquor sales as an accessory to a convenience market (Hatcher Beer and Smoke Shop, LLC) located within 300

feet of a residential zoning district. Use permit required.

Ordinance Sections: 622.D.102.a
Applicant: Rebhi Awawadah, Hatcher Beer and Smike Shop, LLC
Representative: Rebhi Awawadah, Hatcher Beer and Smike Shop, LLC
Owner: RH9501, LLC, Los Defensores, Inc.

Continued to September 18, 2025 at 9:00 AM.

**Approved
w/stips**

7. Application #: ZA-491-25-8
Existing Zoning: C-2
Location: 4640 East Cotton Gin Loop
Quarter Section: Q4-38
Proposal: Use Permit to allow veterinary office, with outdoor accessory use. Use Permit required.
- Ordinance Sections: 622.D.176.a
Applicant: Quinne Daoust, Bergin, Frakes, Smalley & Oberholtzer, PLLC
Representative: Quinne Daoust, Bergin, Frakes, Smalley & Oberholtzer, PLLC
Owner: Wil Levesque, Dolin and Associates, LLC
- Stipulations:**
1) 2 years to commence the use.
2) Per the location of the animal relief area as shown on site plan date stamped July 3, 2025.

Continued

8. Application #: ZA-356-25-8
Existing Zoning: R-3 RI HP
Location: 1323 East McKinley Street
Quarter Section: Q11-30
Proposal: Variance to allow vehicle maneuvering within the alley (south). Maneuvering must be located on private property.
- Ordinance Sections: 702.A.1.b
Applicant: David Agado, OLMG Propeties, LLC
Representative: Jens Kolb, Adrienne Briseno, Merge Architectural Group
Owner: David Agado, OLMG Propeties, LLC

Continued to September 18, 2025 at 1:30 PM.

1:30 PM

Continued

9. Application #: ZA-333-25-7 (Continued from June 17, 2025)
Existing Zoning: DTC-Roosevelt North HP RNSPD
Location: 70 West Lynwood Street
Quarter Section: Q12-27
Proposal: Variance to reduce the side yard (east) setback for an accessory dwelling unit to 2 feet. Minimum 3 feet required.
- Ordinance Sections: 706.A.4.b.(2)
Applicant: William Francis Leipart III, WL3 Designs
Representative: William Francis Leipart III, WL3 Designs
Owner: Lawrence Abeln

Continued to September 18, 2025 at 1:30 PM.

ZONING ADJUSTMENT HEARING OFFICER: CRAIG TRIBKEN
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.

August 7, 2025