

**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 **December 4, 2025, at 9:00 AM (Items 1-6) and 1:30 PM (Items 7-12). 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-70-13-7 (1 Year Review of Use Permit)
Existing Zoning: A-2
Location: 2111 West McDowell Road
Quarter Section: 12-24(G7)
Proposal:
 - 1) Use permit to allow a medical marijuana cultivation facility. Use permit required.
 - 2) Use permit to allow a medical marijuana infusion production facility. Use permit required.
 - 3) Variance to allow a medical marijuana facility within 5,280 feet of another medical marijuana facility. Minimum separation of 5,280 feet.
- Ordinance Sections: 627.D.91.a. 627.D.93.a. 623.D.122.e
- Applicant: Steven Shapiro
- Representative: Lindsay C. Schube, Gammage & Burnham, PLC
- Owner: Steven Shapiro
- 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-785-25-8
		Existing Zoning:	C-1 (Approved C-2 SP HGT/WVR)
		Location:	7453 South 43rd Avenue
		Quarter Section:	Q1-19
		Proposal:	Variance to reduce the required building setback (north) to 39 feet. Minimum 107 feet required.
		Ordinance Sections:	623.E.4.d
		Applicant:	Cassandra Ayres, Berry Riddell, LLC
		Representative:	Cassandra Ayres, Berry Riddell, LLC
		Owner:	43rd Ave and Baseline Development, LLC
		Stipulations:	
			1) 2 years to apply and pay for building permits.
			2) Per site plan date stamped October 15, 2025.
Approved w/stips	3.	Application #:	ZA-797-25-6
		Existing Zoning:	R1-10
		Location:	2221 East State Avenue
		Quarter Section:	Q23-32
		Proposal:	Variance to reduce the front yard setback (north) to 15 feet. Minimum 25 feet required.
		Ordinance Sections:	611.B.Table B
		Applicant:	Nicholas Tsontakis, Dwell Boldly
		Representative:	Nicholas Tsontakis, Dwell Boldly
		Owner:	Daniel and Sandy Casement
		Stipulations:	
			1) 1 year to apply and pay for building permits.
			2) Per site plan date stamped October 20, 2025 for front yard setback.
Approved w/stips	4.	Application #:	ZA-819-25-4
		Existing Zoning:	R1-6 CNSPD
		Location:	1516 East Coronado Road
		Quarter Section:	Q13-30
		Proposal:	1) Variance to reduce the side yard setback (east) for a detached accessory structure to 0 feet. Minimum 3 feet required.
			2) Use permit to expand an accessory structure for a nonconforming single-family residential use less than 50%. Maximum 50% expansion allowed. Use Permit Required
		Ordinance Sections:	706.B.2.a. 902.B.
		Applicant:	Katherine Wells, Casawells Trust
		Representative:	Katherine Wells, Casawells Trust
		Owner:	Katherine Wells, Casawells Trust
		Stipulations:	
			1) 1 year to apply and pay for building permits.
			2) Per site plan date stamped October 23, 2025 for setback and accessory structure.
Approved w/stips	5.	Application #:	ZA-832-25-1
		Existing Zoning:	R1-6
		Location:	8220 North 35th Avenue
		Quarter Section:	Q25-20

Proposal: Use permit to allow a detached accessory dwelling unit between the primary dwelling unit and the front property line (North 35th Avenue). Use permit required.

Ordinance Sections: 706.A.5

Applicant: Hermann A. Hernandez Meraz

Representative: Scott Kollo, Mountain View Drafting, LLC

Owner: Hermann A. Hernandez Meraz, H & M Construction, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per site plan date stamped October 29, 2025 for setback and detached accessory structure.

**Approved
w/stips**

6. Application #: ZA-841-25-8
- Existing Zoning: R1-6
- Location: 2942 East Mulberry Drive
- Quarter Section: Q15-34
- Proposal: Variance to reduce the side yard setback (west) to 0 feet. Minimum 10 feet required.
- Ordinance Sections: 613.B.Table B
- Applicant: Curtis Wood and Tamara Swihart
- Representative: Curtis Wood and Tamara Swihart
- Owner: Curtis Wood and Tamara Swihart
- Stipulations:**
- 1) 1 year to apply and pay for building permits.
 - 2) Per site plan date stamped October 31, 2025 for side yard setback.

**Withdrawn
to Amend**

- 1:30 PM**
7. Application #: ZA-743-25-8 (SIGN) Continued from November 6, 2025
- Existing Zoning: A-1
- Location: 4022 East Broadway Road
- Quarter Section: Q5-37
- Proposal: Time extension for ZA-386-24, use permit to rebuild a non-conforming off-premise sign with one digital face. Use permit required.
- Ordinance Sections: 705.2.G.4
- Applicant: Jacob Zonn, Becker Board Small, LLC
- Representative: Garry D Hays, The Law Offices of Garry D. Hays
- Owner: John Guzman, Williams Portfolio 28, LLC

**Approved
w/stips**

8. Application #: ZA-59-23-3 (1 Year Review of Use Permit)
- Existing Zoning: C-2
- Location: 3217 East Shea Boulevard, Suite 1
- Quarter Section: 28-35(K10)
- Proposal: 1) Use permit to allow a medical marijuana dispensary facility. Use permit required.
2) Variance to allow a medical marijuana dispensary facility within 500 feet of a residential zoning district. Minimum 500 feet of separation required.
- Ordinance Sections: 623.D.124.a 623.D.124.f

Applicant: M. Ryan Hurley, CSF Retail, LLC
Representative: Lindsay Schube, Gammage & Burnham
Owner: BRF 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**

9. Application #: ZA-828-25-4
Existing Zoning: R1-6
Location: 2039 East Virginia Avenue
Quarter Section: Q14-32
Proposal: Variance to reduce the required side yard setback (west) to 1 foot. Minimum 10 feet required.
- Ordinance Sections: 613.B.Table B
Applicant: Abraham B James III
Representative: Abraham B James III
Owner: Henry and Lucy Castro

Stipulations:

- 1) 1 year to obtain and pay for building permits.
- 2) Per site plan date stamped October 28, 2025 for setback.

**Approved
w/stips**

10. Application #: ZA-849-25-4
Existing Zoning: R1-6
Location: 2018 East Oak Street
Quarter Section: Q14-32
Proposal: Variance to reduce the street side yard (west) setback for an accessory dwelling unit to 1 foot. Minimum 5 feet required.

Ordinance Sections: 706.A.4.b.(1)
Applicant: Bertha Macias Moctezuma
Representative: Bertha Macias Moctezuma
Owner: Bertha Macias Moctezuma

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per site plan date stamped October 29, 2025 for setback.

Continued 11. Application #: ZA-852-25-4
Existing Zoning: R1-6, R-3
Location: 3737 and 3805 North 9th Street
Quarter Section: Q16-29
Proposal: 1) Variance to reduce minimum lot width (Lot 28) to 37 feet. 60 feet required.
2) Variance to reduce minimum lot width (Lot 30) to 16 feet. 60 feet required.

Ordinance Sections: 613.B.Table B 613.B.Table B
Applicant: Tim Phebus, Minimal Living Concepts, LLC
Representative: Tim Phebus, Minimal Living Concepts, LLC
Owner: Paul O'Neil
Continued to January 15, 2026 at 1:30 PM.

Approved w/stips 12. Application #: ZA-856-25-6
Existing Zoning: R1-6
Location: 4513 East Devonshire Avenue
Quarter Section: Q17-38
Proposal: Use permit to allow a 25 foot tall projection of the main building into the required rear yard (south). Maximum 15 foot tall projection permitted.

Ordinance Sections: 701.A.3.a.(2).(d).(iii)
Applicant: Randy Marks, Rezio LLC
Representative: Randy Marks, Rezio LLC
Owner: Robert Spragg, DKORR LLC
Stipulation:
1) 1 year to apply and pay for building permits.
2) Per site plan date stamped November 3, 2025 for projection on southeast corner of home.

ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
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.

December 5, 2025