

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised July 17, 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 **June 12, 2025, at 9:00 AM. (Items 1-8) and 1:30 PM (Items 9-15). 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
Approved
w/stips

9:00 AM

1. Application #: ZA-240-25-4 (Continued from May 1, 2025)
Existing Zoning: R-3
Location: 1317 East Weldon Avenue
Quarter Section: Q16-30(H9)
Proposal: Use permit to allow an over height (22 feet) detached accessory dwelling unit located in the rear yard setback (south). Maximum 15 feet in height permitted.

Ordinance Sections: 706.A.4.c.(1)
Applicant: Roberto Vera, Coli Studios, Inc.
Representative: Roberto Vera, Coli Studios, Inc.
Owner: Maria Del Carmen Hernandez
Stipulations:
1) 12 months to apply for and obtain building permits.
2) Per the location of the proposed ADU as shown on site plan date stamped March 28, 2025.

Approved
w/stips

2. Application #: ZA-243-25-6 (Continued from May 1, 2025)
Existing Zoning: RE-24 ACSPD
Location: 4735 East Calle Del Medio
Quarter Section: Q18-38(H11)
Proposal: 1) Variance to reduce the front yard setback (east) for a detached accessory structure to 5 feet. Minimum 30 feet required.
2) Use permit to allow detached accessory structure located between the primary dwelling unit and the front property line. Use permit required.
3) Variance to allow an over height fence (6 feet) in the required front yard (east). Maximum 40 inches permitted.

Ordinance Sections: 606.B.4.a 706.B.1 703.A.2.a
Applicant: Benjamin Haught, Red Rock Design Build
Representative: Paul Gilbert, Gilbert Blilie, PLLC, Benjamin Haught, Red Rock Design Build
Owner: Andre and Maggie Ethier Revocable Living Trust
Stipulations:
1) 1 year to apply for and obtain building permits.

- 2) There will be no windows on the accessory buildings which face the alley.
- 3) There will be no garage doors nor vehicle access directly to the adjacent alley from the accessory building.
- 4) Per the location and setback reductions of the proposed accessory structure and wall as shown on site plan date stamped June 12, 2025.
- 5) There will be no mezzanine or second story on the building.
- 6) The accessory building adjacent to the alley will be capped with a maximum ridgeline at a height not to exceed 17 feet 6 inches.

**Approved
w/stips**

3. Application #: ZA-261-18-2 (1 Year Review of Use Permit)
 Existing Zoning: A-1 DVAO
 Location: 1720 East Deer Valley Drive, Suite 101
 Quarter Section: 43-31(N9)
 Proposal: Use permit to allow a medical marijuana dispensary facility. Use permit required.
 Ordinance Sections: 627.D.92
 Applicant: Organica Patient Group, Inc.
 Representative: Justin M. Brandt, Bianchi & Brandt
 Owner: Larry Marlin, Landmark Group, 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**

4. Application #: ZA-243-19-5 (1 Year Review of Use Permit)
 Existing Zoning: C-2
 Location: 2601 West Dunlap Avenue

Quarter Section: 26-23(J7)
 Proposal: 1) Variance to allow a nonprofit medical marijuana dispensary within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
 2) Variance to allow a nonprofit medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 feet separation required.
 3) Use Permit to allow a nonprofit medical marijuana dispensary. Use Permit required.
 Ordinance Sections: 623.D.124.e 624.D.124.f 624.D.124.a
 Applicant: Charles Cuda Greens, Goddess Products, Inc. dba Key Cannabis
 Representative: Nico Pento, Elevate Cannabis
 Owner: Brian Rose, Dunlap Crossings, 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**

5. Application #: ZA-239-20-4 (1 Year Review of Use Permit)
 Existing Zoning: A-2
 Location: 3006, 3014, 3022 and 3030 North 30th Avenue
 Quarter Section: 15-22(G7)
 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 of separation required.

4) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.

5) Variance to allow a medical marijuana cultivation facility within 1,320 feet of a school. Minimum 1,320 feet of separation required.

6) Variance to allow a medical marijuana infusion facility within 1,320 feet of a school. Minimum 1,320 feet of separation required.

Ordinance Sections: 627.D.91.a. 627.D.93.a. 627.D.91.c.
627.D.93.b. 627.D.91.e 627.D.93.d

Applicant: Chris Arnold, ACP Real Estate, LLC

Representative: Brian Greathouse, Burch & Cracchiolo, P. A.

Owner: Chris Arnold, ACP 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/stip**

6. Application #: ZA-233-25-4
Existing Zoning: R1-6
Location: 2119 West Elm Street
Quarter Section: Q18-24(H7)
Proposal: 1) Variance to reduce lot (Lot 11) width to 49 feet. Minimum lot width of 60 feet required.

		2) Variance to reduce lot (Lot 9) width to 51 feet. Minimum lot width of 60 feet required.
	Ordinance Sections:	613.B.Table B
	Applicant:	Michael S. Buschbacher, II AICP, Earl & Curley, P.C.
	Representative:	Taylor C. Earl, Earl & Curley, P.C.
	Owner:	Landon Luchtel, AZ Home Buyer, LLC
	Stipulation:	
	1) 9 months to complete the lot split process.	
Denied	7.	Application #: ZA-254-25-4 Existing Zoning: R1-6 Location: 2311 West Colter Street Quarter Section: Q19-23(H7) Proposal: Variance to reduce side yard setback (west) to 1 foot. Minimum 3 feet required. Ordinance Sections: 613.B.Table B Applicant: Eddie Reyes, Ed Reyes Design, LLC Representative: Eddie Reyes, Ed Reyes Design, LLC Owner: Jose Armenta
*Denied	8.	Application #: ZA-341-25-6 Existing Zoning: RE-24 ACSPD Location: 4950 East Exeter Boulevard Quarter Section: Q18-39 Proposal: Variance to allow a 29 percent lot coverage. Maximum 25 percent permitted for structures exceeding 20 feet and 1 story. Ordinance Sections: 606.B.5 Applicant: Jordan Greenman, Greenman Law Firm Representative: Jordan Greenman, Greenman Law Firm Owner: Tony Renda, 4950 E Exeter LLC Taken out from under advisement on July 17, 2025 and denied.
Approved w/stips	9.	1:30 PM Application #: ZA-195-25-4 (SIGN) Existing Zoning: A-1 Location: 2300 North Black Canyon Highway and 2520 West Encanto Boulevard Quarter Section: Q14-23(G7) Proposal: Use permit to allow an electronic message display (EMD) on two ground signs. Use permit required. Ordinance Sections: 705.C.13 Applicant: Colton Laumb, Pearson Signs Representative: Colton Laumb, Pearson Signs Owner: Chad Baehr, OSO Property Management, AZ Bounce Around Stipulations: 1) Sign design and general sign location shall be in accordance with the sign drawings submitted to the Hearing Officer and date-stamped June 12, 2025.

- 2) Sign A facing Encanto Blvd shall be maximum height of 10 feet and sign area no more than 36.3 (8.25 feet x 4.4 feet) square feet for electronic message display (EMD).
- 3) Remove all existing ground signs within 100 feet of proposed Sign A. Spacing between ground signs is 100 feet per code.
- 4) Sign B facing Black Canyon Highway shall be maximum height of 35 feet and the sign area shall be no more than 200 (20 feet x10 feet) square feet for electronic message display (EMD).
- 5) Sign B height may be increased up to 48 feet with Design Review approval and shall incorporate building materials, color and texture to match with the existing building architecture per Section 507 Tab A.
- 6) Sign illumination shall be automatically dimmed to a maximum of 80 Nits luminance at 10:30 PM via an automatic dimming device daily until sunrise.
- 7) 12 months to obtain sign permits for both the ground signs.

Continued 10. Application #: ZA-16-24-7 (Continued from May 1, 2025)
 Existing Zoning: R-3
 Location: 1425 South 29th Avenue
 Quarter Section: Q8-22(F7)
 Proposal: Variance to reduce the rear yard setback (east) to 3 feet. Minimum 15 feet required.
 Ordinance Sections: 615.B.Table B
 Applicant: Hever Lopez, Professional CAD Design, LLC
 Representative: Hever Lopez, Professional CAD Design, LLC
 Owner: Saguaro Cactus Properties, LLC
Continued to July 24, 2025 at 1:30 PM.

Withdrawn to Amend 11. Application #: ZA-190-25-8
 Existing Zoning: R-4 RI
 Location: 743 East Portland Street
 Quarter Section: Q12-29(G8)
 Proposal: 1) Variance to reduce perimeter landscape setback (west) not adjacent to a street to 0 feet. Minimum 5 feet required.
 2) Variance to reduce perimeter landscape setback (east) not adjacent to a street to 2 feet. Minimum 5 feet required.
 3) Variance to reduce the side yard setback (east) to 2 feet. Minimum 10 feet required.
 Ordinance Sections: 703.B.3.b.(3); 617.B.Table B
 Applicant: Michael S. Buschbacher II, Earl & Curley, P.C.
 Representative: Taylor C. Earl, Earl & Curley, P.C.
 Owner: Ear Houses, LLP, Ran Holdings, LLC

Approved w/stips 12. Application #: ZA-237-25-6
 Existing Zoning: R1-10
 Location: 3528 East Osborn Road
 Quarter Section: Q16-35(H10)
 Proposal: 1) Variance to reduce the front yard setback (west) for a detached accessory dwelling unit to 10 feet. Minimum 25 feet required.

2) Use permit to allow detached accessory dwelling unit located between the primary dwelling unit and the front property line. Use permit required.

Ordinance Sections: 611.B.Table B; 706.A.5
Applicant: Richard McBrien
Representative: Trevor Penrose, Penrose CAD Solutions, LLC
Owner: Richard McBrien

Stipulations:

- 1) 1 year to apply for and obtain building permits.
- 2) Per the location of the proposed ADU as shown on site plan date stamped June 12, 2025.

**Approved
w/stip**

13. Application #: ZA-287-25-8
Existing Zoning: C-3
Location: 1518 East Van Buren Street
Quarter Section: Q11-30(F9)
Proposal: Use permit to allow a tattoo shop (The Lost Cove Co.). Use permit required.

Ordinance Sections: 623.D.187
Applicant: Travis Ross, The Lost Cove Co.
Representative: Travis Ross, The Lost Cove Co.
Owner: Frank and Maria Diaz

Stipulation:

- 1) 90 days to commence the use.

**#1 Denied
as Filed**

**#2, 3, 4
Approved
w/stips**

14. Application #: ZA-309-25-7
Existing Zoning: R-5 RI
Location: 821 North 11th Avenue
Quarter Section: Q11-26
Proposal: 1) Variance to reduce the number of required guest parking spaces to 0 spaces. Minimum 5 guest parking space required.
2) Variance to reduce the perimeter landscape setback (west) to 10 feet. Minimum 15 feet required.
3) Variance to reduce the rear perimeter landscape setback (east) to 0 feet. Minimum 10 feet required.
4) Variance to reduce the common area to 4 percent of gross area. Minimum 5 percent gross area required.

Ordinance Sections: 608.F.6.f.(4) 608.F.6.e.(2) 608.F.6.e.(3)
618.B.Table B
Applicant: Dan Harach, RR 11th Ave Townhomes, LLC
Representative: William Allison, Withey Morris Baugh, PLC
Owner: El Digs, LLC

Stipulations:

- 1) Approved for a reduction to 2 guest parking spaces.
- 2) Per the proposed landscaping, guest parking, and open space as shown on the landscape plan and site plan date stamped April 28, 2025.

- 3) On-site landscaping shall have a 50/50 mix of Red Pistache and other arid region/arid adapted shade trees.
- 4) 2 year to apply for and obtain building permits.

Approved w/stip 15. Application #: ZA-332-25-8
Existing Zoning: IND. PK.
Location: 3315 and 3335 East Broadway Road
Quarter Section: Q4-35
Proposal: Time extension of ZA-136-23, variance to allow a 46% lot coverage. Maximum of 40% lot coverage permitted.

Ordinance Sections: 626.H.1.Table
Applicant: Benjamin Graff, Quarles & Brady LLP
Representative: Benjamin Graff, Quarles & Brady LLP
Owner: SL6 PHX Industrial, LP
Stipulation:
1) 18 months to apply for and obtain building permits.

ZONING ADJUSTMENT HEARING OFFICER: CAROL BERRY
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.

July 17, 2025