

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised April 7, 2025*

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to 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 **March 6, 2025, at 9:00 AM (Items 1-7) and 1:30 PM (Items 8-15) 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-2-25-7 (Continued from February 13, 2025) |
| | Existing Zoning: | DTC-Downtown Gateway |
| | Location: | 821 and 829 North 1st Avenue |
| | Quarter Section: | Q11-27(F8) |
| | Proposal: | 1) Variance to reduce the required streetscape zone width along 1st Avenue to 0 feet. Minimum 8 feet required.
2) Variance to remove the requirement for a continuous landscaping strip for the entire width of the streetscape zone. Continuous landscape strip required for the entire width of the streetscape zone.
3) Variance to reduce the required canopy depth to 3 feet. Minimum 5 foot canopy depth required. |
| | Ordinance Sections: | 1212.D 1207.I.2.b 1205.G.4.b |
| | Applicant: | Sean Ragudo, Rökkhaus Architecture, LLC |
| | Representative: | Zachary Cohen, Intersection Development |
| | Owner: | Manzana RoRo, LLC, Intersection Development |

Stipulations:

- 1) 1 year to apply for and obtain building permits.
- 2) Per the reductions as shown on site plan date stamped January 5, 2025.

Approved
w/stips

- | | | |
|----|---------------------|---|
| 2. | Application #: | ZA-429-15-1 (1 Year Review of Use Permit) |
| | Existing Zoning: | A-1 DVAO 1 and 2 |
| | Location: | 21407 North Central Avenue |
| | Quarter Section: | 42-28(N8) |
| | Proposal: | 1) Use Permit to allow a medical marijuana infusion facility. Use Permit required.
2) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum separation of 5280 feet required. |
| | Ordinance Sections: | 627.D.93.a 627.D.93.b |
| | Applicant: | Larry Lazarus, Lazarus & Silvyn, P.C. |
| | Representative: | Larry Lazarus, Lazarus & Silvyn, P.C. |

Owner: EMM RE MGMT, 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-69-25-4
Existing Zoning: R1-6
Location: 2026 North 17th Place
Quarter Section: Q13-31(G9)
Proposal: 1) Variance to reduce the required lot width to 15 feet for Lot 1. Minimum 60 feet required.
2) Variance to reduce the side setback (north) to 1 foot. Minimum 3 feet required.
3) Variance to reduce the side setback (south) to 2 feet. Minimum 10 feet required.
4) Variance to reduce the rear setback (west) to 8 feet. Minimum 25 feet required.
Ordinance Sections: 613.B.Table B 613.B.Table B 613.B.Table B 613.B.Table B
Applicant: Cash Offer AZ, LLC
Representative: Chris Everett, AllTechnique, LLC
Owner: Chris Everett, AllTechnique, LLC

Stipulations:

- 1) 1 year to apply for and obtain building permits.
- 2) Per the reductions as shown on site plan date stamped January 27, 2025.

Approved w/stip	4.	Application #:	ZA-73-25-1
		Existing Zoning:	S-1 SP (Approved R1-8)
		Location:	Southwest corner of Pyramid Peak Parkway and Northern Lights Way
		Quarter Section:	Q49-13(P4)
		Proposal:	Use permit to allow a time extension of a Special Permit (Z-SP-15-07) for inert landfill operations. Use permit required.
		Ordinance Sections:	504.1.C.6.(a)
		Applicant:	Brian Greathouse, Burch & Cracchiolo, P.A., Camelot Homes
		Representative:	Brian Greathouse, Burch & Cracchiolo, P.A.
		Owner:	Ryan Benscoter, Pyramid Peak GM South, LLC, Camelot Homes
		Stipulation:	
			1) Approved for an additional 5 years.
Approved w/stips	5.	Application #:	ZA-90-25-4
		Existing Zoning:	C-2, P-1
		Location:	711 East Minnezona Avenue and 4531 North 7th Street
		Quarter Section:	Q18-29(H8)
		Proposal:	1) Variance to reduce the building setback adjacent to a street (Minnezona Avenue) to 0 feet. Average of 25 feet required, minimum of 20 feet permitted for up to 50% of the structure. 2) Variance to reduce the streetscape landscape setback (Minnezona Avenue) to 0 feet. Average of 25 feet required, minimum 20 feet permitted for up to 50% of frontage. 3) Variance to reduce the canal right-of-way building setback to 0 feet (south). Average of 20 feet required, minimum 15 feet permitted for up to 50% of frontage. 4) Variance to reduce the canal right-of-way landscape setback to 0 feet (south). Average of 20 feet required, minimum 15 feet permitted for up to 50% of frontage. 5) Use permit to allow outdoor dining as an accessory use to a bar (McKenzie's Midtown) within 500 feet of a residential zoning district. Use permit required. 6) Use permit to allow outdoor alcohol consumption as an accessory use to a bar (McKenzie's Midtown) within 500 feet of a residential zoning district. Use permit required. 7) Use permit to allow outdoor recreation as an accessory use to a bar (McKenzie's Midtown) within 500 feet of a residential zoning district. Use permit required. 8) Use permit to allow a bar (McKenzie's

Midtown) which exceeds 5,000 square feet in gross floor area and is located within 300 feet of a residential district. Use permit required.

Ordinance Sections: 623.E.4.d 623.E.4.e 623.E.4.c 623.E.4.c
623.D.157.c 623.D.157.c 623.D.157.c
623.D.157.c 623.D.157.e

Applicant: Ryan McKenzie, McKenzie Holdings, LLC

Representative: Thomas J. Owens, Owens Design Consultants, Inc.

Owner: Ryan McKenzie, McKenzie Holdings, LLC

Stipulations:

- 1) 1 year to apply for and obtain building permits.
- 2) Per the location of the outdoor patio space and building additions as shown on site plan date stamped February 7, 2025.
- 3) Employees must have a clear view of the outdoor area to supervise activities and/or be present while patrons utilize outdoor area.
- 4) Area must be sufficiently illuminated and contained to discourage any unlawful activity. The Precinct Commander or their designee may approve lighting containment area and security personal at their discretion.
- 5) "No Trespassing" signs must be posted and an Authority to Arrest Trespassers form be signed to deter loitering or unwanted guests.
- 6) Hour of operation for outdoor patio are to be no later than 12:00 AM.
- 7) Outdoor recreation is limited to pickleball, cornhole, speakers for TVs or ambient music, and acoustic music. No amplified live entertainment allowed.

Continued 6. Application #: ZA-92-25-8
Existing Zoning: R-4 RSIOD
Location: 3638 South 12th Street
Quarter Section: Q5-29(E8)
Proposal: Time extension for ZA-15-24, use permit to use the Single-Family Attached (SFA) Development Option. Use permit required.

Ordinance Sections: 608.F.8

Applicant: Robert Lepore, RLeporeArchitecture, LLC

Representative: Robert Lepore, RLeporeArchitecture, LLC

Owner: Stacy Lowenschuss, Forever and A Day Properties, Inc

Continued to April 17, 2025 at 1:30 PM.

***Approved w/stips** 7. Application #: ZA-94-25-3
Existing Zoning: C-2
Location: 9702 North 7th Street
Quarter Section: Q27-28(J8)

Proposal: 1) Variance to allow an over height fence (6 feet) within the required front yard setback (east). Maximum 40 inches permitted.
2) Variance to allow an over height fence (6 feet) within the required front yard setback (south). Maximum 40 inches permitted.

Ordinance Sections: 703.A.3.a 703.A.3.a

Applicant: Bob Nayel Rabadi, Greenways, LLC

Representative: Bob Nayel Rabadi, Greenways, LLC

Owner: Bob Nayel Rabadi, Greenways, LLC

Taken out from under advisement on April 7, 2025 and approved with the following stipulations:

- 1) 1 year to apply and pay for a building permit.
- 2) Per the site plan date stamped March 18, 2025 as it relates to the location of the wrought iron fence.

Approved w/stips	1:30 PM	
	8.	Application #: ZA-29-25-7 (SIGN) Existing Zoning: R-3A SPVTABDO Location: 5601 South 7th Avenue Quarter Section: Q3-27(D8) Proposal: Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required. Ordinance Sections: 705.C.13 Applicant: James Rogers, Davis Signs Representative: Angela Baucum, One Stop Permit Solutions, LLC Owner: Israel of God Stipulations: 1) Sign design and general sign location shall be in accordance with the sign drawings submitted to the Hearing Officer and date-stamped March 6, 2025. 2) Maximum sign height shall be 8 feet. 3) The maximum EMD square footage shall be no greater than 18 square feet. 4) Sign illumination shall be automatically shut off daily at 10 p.m. via an automatic dimming device. 5) 12 months to obtain sign permits for the ground sign.
Hearing Held Revocation Requested	9.	Application #: ZA-313-12-8 (1 Year Review of Use Permit) Existing Zoning: A-1 Location: 4116 East Superior Avenue, Suite 4D Quarter Section: 6-37(E10) Proposal: 1) Time extension for ZA-41-12. Use permit to allow a medical marijuana cultivation facility and infusion production facility. Time extension required. 2) Variance to allow a medical marijuana infusion production facility within 5,280 feet of another medical marijuana facility. Variance

		required if located within 5,280 feet of another medical marijuana facility. 3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Variance required if located within 5,280 feet of another medical marijuana facility. Ordinance Sections: 307.A.12. 627.D.93.b. 627.D.91.c. Applicant: Leroy Breinholt, 4116 Superior, LLC Representative: Leroy Breinholt, 4116 Superior, LLC Owner: Irondale Properties, LLC
Hearing Held Revocation Requested	10.	Application #: ZA-459-12-8 (1 Year Review of Use Permit) Existing Zoning: A-1 Location: 4116 East Superior Avenue, Suites 1, 2, 3 B Quarter Section: 6-37(E10) 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 cultivation facility within 5,280 feet of another medical marijuana facility. A medical marijuana cultivation facility shall not be located within 5,280 feet of another medical marijuana facility. 4) Variance to allow a medical marijuana infusion production facility within 5,280 feet of another medical marijuana facility. A medical marijuana infusion production facility shall not be located within 5,280 feet of another medical marijuana facility. Ordinance Sections: 627.D.91.a. 627.D.93.a. 627.D.91.c. 627.D.93.b. Applicant: Leroy Breinholt, 4116 Superior, LLC Representative: Leroy Breinholt, 4116 Superior, LLC Owner: Irondale Properties, LLC
Hearing Held Revocation Requested	11.	Application #: ZA-543-14-8 (1 Year Review of Use Permit) Existing Zoning: A-1 Location: 4116 East Superior Avenue, Suite D Quarter Section: 6-37(E10) Proposal: 1) Use permit to allow a medical marijuana cultivation facility. Use permit required. 2) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. A medical marijuana cultivation facility shall not be located within 5,280 feet of another medical marijuana facility.

		Ordinance Sections:	627.D.91.a 627.D.91.c
		Applicant:	Leroy Breinholt, 4116 Superior, LLC
		Representative:	Leroy Breinholt, 4116 Superior, LLC
		Owner:	Irondale Properties, LLC
Hearing Held Revocation Requested	12.	Application #:	ZA-57-16-8 (1 Year Review of Use Permit)
		Existing Zoning:	A-1
		Location:	4116 East Superior Avenue
		Quarter Section:	6-37(E10)
		Proposal:	1) Use permit to allow a medical marijuana cultivation facility. Use permit is required. 2) Use permit to allow a medical marijuana infusion facility. Use permit is required. 3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. 4) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
		Ordinance Sections:	627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
		Applicant:	Leroy Breinholt, 4116 Superior, LLC
		Representative:	Leroy Breinholt, 4116 Superior, LLC
		Owner:	Irondale Properties, LLC
Approved w/stips	13.	Application #:	ZA-880-24-4
		Existing Zoning:	C-3 SAUMSO
		Location:	4631 North 7th Avenue
		Quarter Section:	Q18-27(H8)
		Proposal:	1) Use permit to allow outdoor dining as an accessory use to a restaurant (Smith's on 7th) within 500 feet of a residential district. Use permit required. 2) Use permit to allow outdoor alcohol consumption as an accessory use to a restaurant (Smith's on 7th) within 500 feet of a residential district. Use permit required.
		Ordinance Sections:	624.D.112.c 624.D.112.c
		Applicant:	Thomas Glynn, S & G Fine Concepts, LLC dba Smith's on 7th
		Representative:	Robert Leavitt and Jeffrey Miller, Arizona Liquor Industry Consultants
		Owner:	David Cameron, Peter Valleau, Cameron 3, LLC, Cameron 2, LLC
		Stipulations:	
			1) 1 year to apply for an obtain building permits.
			2) Per the location of the outdoor patio space as shown on site plan date stamped January 30, 2025.

- 3) Employees must have a clear view of the area in order to supervise the activities and/or be present while patrons use the outdoor area.
- 4) Area must be sufficiently illuminated and contained to discourage any unlawful activity. The Precinct Commander or their designee may approve lighting containment area and security personal at their discretion.
- 5) "No Trespassing" signs must be posted and an Authority to Arrest Trespassers form be signed to deter loitering or unwanted guests.
- 6) Hours of operation for the outdoor patio are to be no later than 12:00 AM.
- 7) 1 year review of use permit.

**Approved
w/stips**

14. Application #: ZA-56-25-6
 Existing Zoning: C-1
 Location: 3227 East Camelback Road
 Quarter Section: Q18-35(H10)
 Proposal: Use permit to allow outdoor dining as an accessory to a restaurant (Sweetgreen). Use permit required.
 Ordinance Sections: 622.D.150.d
 Applicant: Lindsay Friedman, Sweetgreen Arizona, LLC
 Representative: Erin Flatter, JSD Professional Services, Inc.
 Owner: HRA Camelback 32, LP

Stipulations:

- 1) 1 year to apply for an obtain building permits.
- 2) Employees must have a clear view of the area in order to supervise the activities and/or be present while patrons use the outdoor area.
- 3) Per the location of the outdoor patio space as shown on site plan date stamped February 5, 2025.
- 4) Hours of operation for the outdoor patio are to be no later than 12:00 AM.

***#1
Approved
w/stips**

15. Application #: ZA-84-25-6
 Existing Zoning: R1-10 NCASPD
 Location: 1 East Northview Avenue
 Quarter Section: Q23-28(I8)
 Proposal: 1) Use permit for official approval of a home occupation (Federal Firearms License). Use permit required.
 2) Use permit to allow the generation of traffic for a home occupation (Federal Firearms License). Use permit required.
 Ordinance Sections: 608.E.27.h.(5) 608.E.27.h.(1)
 Applicant: Mark Benz, Weaponry By Benz, LLC
 Representative: Mark Benz, Weaponry By Benz, LLC
 Owner: M & B Trust, Weaponry By Benz, LLC

#2 Denied

Taken out from under advisement on April 7, 2025 and decided on as follows:

#1 – Approved with the following stipulations:

1) 1 year to commence the use.

2) 1 year review.

#2 – Denied

ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
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 7, 2025