

**NOTICE OF RESULTS  
ZONING ADJUSTMENT HEARING**

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 **May 1, 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**

1.

**9:00 AM**

Application #:

ZA-1-16-7 (1 Year Review of Use Permit)

Existing Zoning:

A-2

Location:

2 North 35th Avenue

Quarter Section:

10-20(F6)

Proposal:

1) Use permit to allow a medical marijuana cultivation facility. Use permit is required.  
2) Use permit to allow a medical marijuana dispensary facility. Use permit is required.  
3) Use permit to allow a medical marijuana infusion facility. Use permit is required.  
4) Variance to allow a medical marijuana cultivation facility within 750 feet of a residentially zoned district. 1,000 feet separation is required between cultivation facility and residentially zoned districts.  
5) Variance to allow a medical marijuana infusion facility within 750 feet of a residentially zoned district. 1,000 feet is required between infusion facility and residentially zoned districts.

Ordinance Sections:

627.D.91.a 627.D.92.a 627.D.93.a 627.D.91.d 627.D.93.c

Applicant:

Giovanni M. Dolleton, Esq., Nirvana Center Dispensaries

Representative:

Benjamin Graff, Quarles & Brady, LLP

Owner:

Yavapai Herbal Services, Inc.

**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-717-24-8  
Existing Zoning: C-2  
Location: 2601 North 44th Street  
Quarter Section: Q14-38(G11)  
Proposal: Use permit to allow a drive-through facility as an accessory use to a restaurant (7 Brew) within 300 feet of a residential zoning district. Use permit required.  
  
Ordinance Sections: 623.D.157.d.(2)  
Applicant: Miguel Ortega, Encore 7 Brew, LLC  
Representative: Jonathan Barraza, Toth & Associates  
Owner: Gen2 Arizona Properties, LLC  
**Stipulations:**  
1) Per the location of the drive through as shown on site plan date stamped March 27, 2025.  
2) 1 year to apply for and obtain building permits.

**Denied**

3. Application #: ZA-185-25-6  
Existing Zoning: C-2  
Location: 535 West Bethany Home Road  
Quarter Section: Q20-27(I8)  
Proposal: Use permit to allow a drive-through facility as an accessory use to a restaurant (Swig Drinks) within 300 feet of a residential zoning district. Use permit required.  
  
Ordinance Sections: 623.D.157.d.(2)  
Applicant: Jordan Hill, Swig Drinks  
Representative: Erik Nobel, Barghausen Consulting Engineers  
Owner: 535 W Bethany, LLC

**#1  
Approved  
w/stips**

**#2  
Denied**

4. Application #: ZA-222-25-5  
Existing Zoning: C-2  
Location: 7820 West Thomas Road  
Quarter Section: Q15-10(G4)  
Proposal: 1) Use permit to allow a drive through facility as an accessory to a restaurant (Wienerschnitzel) within 300 feet from a residential zoning district. Use permit required.  
2) Variance to reduce a drive-through facility queuing length to 140 feet. Minimum 150 linear

feet of queuing space per pick-up window required.

Ordinance Sections: 623.D.157.d.(2) 702.B.6.c  
Applicant: Keith Gallagher, KGR 7890 RE LLC  
Representative: Jason Sanks, Iplan Consulting  
Owner: Keith Gallagher, KGR 7890 RE LLC

**Stipulations:**

- 1) 18 months to apply for and obtain building permits.
- 2) Speaker order box will face west as shown on site plan date stamped March 21, 2025.

**Approved  
w/stips**

5. Application #: ZA-228-25-3  
Existing Zoning: R1-10  
Location: 3229 East Cholla Street  
Quarter Section: Q29-35(K10)  
Proposal: Variance to allow an over height fence (6 feet) within the required front yard setback (north). Maximum 40 inches permitted.
- Ordinance Sections: 703.A.2.a  
Applicant: Kaye Lawson and Justin Wright  
Representative: Kaye Lawson and Justin Wright  
Owner: Kaye Lawson and Justin Wright
- Stipulations:**
- 1) 6 months to apply for and obtain building permits.
  - 2) Per the location of the over height wall as shown on site plan date stamped March 24, 2025.

**Continued**

6. Application #: ZA-240-25-4  
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

**Continued to June 12, 2025 at 9:00 AM.**

**Approved  
w/stips**

- 1:30 PM**
7. Application #: ZA-156-25-7 (SIGN)  
Existing Zoning: A-1  
Location: 5150 West Lower Buckeye Road  
Quarter Section: Q7-16(E5)  
Proposal: Use permit to allow electronic message display (EMD) for digital price sign on a gas canopy for Circle K Fuel facility. Use permit required.
- Ordinance Sections: 705.C.13  
Applicant: Colton Laumb, Pearson Signs  
Representative: Colton Laumb, Pearson Signs  
Owner: Danielle Burgess, Circle K Stores, Inc.

**Stipulations:**

- 1) Sign design and location shall be in accordance with the sign drawings submitted to the Hearing Officer and date-stamped May 1, 2025.
- 2) Maximum sign height shall be 21 feet.
- 3) Maximum electronic message display (EMD) square footage shall be no greater than 10 square feet.
- 4) 12 months to obtain sign permits for the ground sign.

**Denied**

8. Application #: ZA-868-24-1  
Existing Zoning: S-1  
Location: 23428 North 64th Avenue  
Quarter Section: Q45-13(O4)  
Proposal: 1) Variance to allow an over height fence (16 feet) within the required side yard setback (north). Maximum 6 feet permitted.  
2) Variance to allow an over height fence (16 feet) within the required rear yard setback (west). Maximum 6 feet permitted.  
Ordinance Sections: 703.A.2.c 702.A.3.c  
Applicant: Denisa Istrate, Kontexture, LLC  
Representative: Denisa Istrate, Kontexture, LLC  
Owner: Daniel Budure

**Continued**

9. Application #: ZA-16-24-7  
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 June 12, 2025 at 1:30 PM.**

**Approved  
w/stips**

10. Application #: ZA-212-25-6  
Existing Zoning: RE-24 ACSPD  
Location: 6144 East Calle Del Norte  
Quarter Section: Q17-42(H12)  
Proposal: 1) Variance to reduce the front yard setback (east) for a detached accessory dwelling unit to 0 feet. Minimum 30 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: 606.B.4.a 706.A.5  
Applicant: Chris Ford, 4Line Studio  
Representative: Chris Ford, 4Line Studio  
Owner: Michael and Paulina Stanley

**Stipulations:**

- 1) 18 months to apply for and obtain building permits.

2) Per the location of the ADU as shown on site plan date stamped March 26, 2025.

**Approved w/stips**     11.     Application #:             ZA-220-25-2  
Existing Zoning:             PUD  
Location:                     Southwest corner of the 24th Street alignment and Sonoran Desert Drive  
Quarter Section:             Q52-30(Q9) Q52-31(Q9) Q51-33(Q9) Q53-32(Q9)  
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:                   Elizabeth Pietrack, Taylor Morrison Arizona Inc  
Representative:             Nicholas Sobraske and Susan Demmitt, Gammage & Burnham, PLC  
Owner:                       Taylor Morrison, Arizona, Inc.  
**Stipulations:**  
1) For the 179 lots shown as 100 x 150 on conceptual site plan date stamped April 2, 2025.  
2) Per the location of the ADU as shown on typical site plan date stamped April 2, 2025.  
3) 1 year to apply for and obtain building permits.

**Continued**     12.     Application #:             ZA-243-25-6  
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:             Benjamin Haught, Red Rock Design Build  
Owner:                       Andre and Maggie Ethier Revocable Living Trust

**Continued to June 12, 2025 at 9:00 AM.**

**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](mailto:zoning.adjustment@phoenix.gov). To request a reasonable accommodation, please contact Saneeya Mir, 602-686-6461, [Saneeya.Mir@phoenix.gov](mailto:Saneeya.Mir@phoenix.gov) TTY: Use 7-1-1.

May 2, 2025