

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised June 10, 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 **May 15, 2025, at 9:00 AM. (Items 1-6) and 1:30 PM (Items 7-11). 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
Continued

9:00 AM

- | | | |
|----|---------------------|---|
| 1. | Application #: | ZA-92-13-8 (1 Year Review of Use Permit) |
| | Existing Zoning: | A-2 RSIOD |
| | Location: | 2512 East Magnolia Street |
| | Quarter Section: | 7-33(E9) |
| | Proposal: | 1) Use permit to allow medical marijuana cultivation. Use permit is required.
2) Use permit to allow medical marijuana infusion. Use permit is required. |
| | Ordinance Sections: | 627.D.91.a 627.D.91.b |
| | Applicant: | Eric Powers, Green Sky Patient Center of Scottsdale |
| | Representative: | Lauren Niehaus, Green Sky Patient Center of Scottsdale |
| | Owner: | Eric Powers, Green Sky Patient Center of Scottsdale |

Continued to June 26, 2025 at 9:00 AM.

Approved
w/stips

- | | | |
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| 2. | Application #: | ZA-15-19-4 (1 Year Review of Use Permit) |
| | Existing Zoning: | A-1 |
| | Location: | 2960 Grand Avenue |
| | Quarter Section: | 15-22(G7) |
| | Proposal: | 1) Time extension for ZA-295-18, use permit to allow a medical marijuana cultivation facility. Use permit required.
2) Time extension for ZA-295-18, use permit to allow a medical marijuana infusion facility. Use permit required.
3) Time extension for ZA-295-18, variance to allow a medical marijuana cultivation facility less than 5,280 feet from another medical marijuana facility. Minimum 5,280 feet of separation required.
4) Time extension for ZA-295-18, variance to allow a medical marijuana infusion facility less than 5,280 feet from another medical marijuana facility. Minimum 5,280 feet of separation required. |
| | Ordinance Sections: | 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b |
| | 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.

**Withdrawn
to Amend**

3. Application #: ZA-914-24-6
Existing Zoning: C-2
Location: 2909 North 56th Street
Quarter Section: Q15-41(G11)
Proposal:
 - 1) Use permit to allow outdoor dining as an accessory use to a restaurant within 500 feet of a residential district zoning line. Use permit required
 - 2) Use permit to allow outdoor recreation (patio games) as an accessory use to a restaurant within 500 feet of a residential district zoning line. Use permit required.
 - 3) Variance to reduce the required building setback (west) to 16 feet. Average of 25 feet, minimum 20 feet permitted for up to 50% of structure, including projections, required.
 - 4) Variance to reduce the required building setback (north) to 14 feet. Average of 25 feet, minimum 20 feet permitted for up to 50% of structure, including projections, required.
 - 5) Variance to reduce the required landscape setback (west) to 16 feet. Average of 25 feet, minimum 20 feet permitted for up to 50% of structure, including projections, required.
 - 6) Variance to reduce the required landscape setback (north) to 8 feet. Average of 25 feet,

		Ordinance Sections:	minimum 20 feet permitted for up to 50% of structure, including projections, required. 623.D.157.c 623.D.157.c 623.E.4.d 623.E.4.d 623.E.4.e 623.E.4.e
		Applicant:	Ryan Hilbun, Ryan Scott Group
		Representative:	Ryan Hilbun, Ryan Scott Group
		Owner:	56th & Thomas, LLC, Scott Kaufmann
Approved w/stips	4.	Application #:	ZA-255-25-4
		Existing Zoning:	R1-6 HP CNSPD
		Location:	1338 East Granada Road
		Quarter Section:	Q13-30(G9)
		Proposal:	Variance to reduce the side yard (east) setback for an accessory dwelling unit to 1 foot. Minimum 3 feet required.
		Ordinance Sections:	706.A.4.b.(2)
		Applicant:	Eddie Reyes, Ed Reyes Design, LLC
		Representative:	Eddie Reyes, Ed Reyes Design, LLC
		Owner:	David Dean Dicken
		Stipulations:	
			1) Per the location of the garage/ADU as shown on site plan date stamped April 11, 2025.
			2) 90 days to apply for and obtain building permits.
#1 and 2 Approved w/stips	5.	Application #:	ZA-261-25-1
		Existing Zoning:	R1-6
		Location:	4002 West Cholla Street
		Quarter Section:	Q30-19(K6)
#3 Denied		Proposal:	1) Variance to allow an over height fence (7 feet) in the required rear yard (north). Maximum 6 feet allowed. 2) Variance to allow an over height fence (7 feet) in the required side yard (east). Maximum 6 feet allowed. 3) Variance to allow an over height fence (7 feet) in the required side yard (west). Maximum 6 feet allowed.
		Ordinance Sections:	703.A.2.c. 703.A.2.c. 703.A.2.c.
		Applicant:	David Smith, D.S. Welding Services, LLC
		Representative:	David Smith, D.S. Welding Services, LLC
		Owner:	Jerry Kinder
		Stipulations:	
			1) Approved for the north property line and for the 8 foot 6 inch and 5 foot 9 inch section adjacent to the "city electric box" in the northeast corner only as shown on site plan date stamped April 9, 2025.
			2) 90 days to apply for and obtain building permits.
Approved w/stip	6.	Application #:	ZA-264-25-4
		Existing Zoning:	C-2
		Location:	1720 East McDowell Road
		Quarter Section:	Q13-31(G9)
		Proposal:	Use permit to allow a tattoo shop (The Afterparty LLC). Use permit required.

Ordinance Sections: 623.D.187
Applicant: Ryce Thiel and Sierra Sussha, The Afterparty, LLC
Representative: Ryce Thiel and Sierra Sussha, The Afterparty, LLC
Owner: Jack Zhang, Fen Investments Inc.

Stipulation:

- 1) 90 days to commence the use.

1:30 PM

***Withdrawn** 7.

Application #: ZA-241-25-8 (SIGN)
Existing Zoning: DTC-Warehouse
Location: 475 East Lincoln Street
Quarter Section: Q9-28
Proposal: Variance to increase sign area of a wall sign up to 350 square feet. Maximum allowed 100 square feet of sign area.

Ordinance Sections: 1222. B.7.c.(1)
Applicant: Carolyn Oberholtzer, Bergin, Frakes, Smalley & Oberholtzer, PLLC
Representative: Carolyn Oberholtzer, Bergin, Frakes, Smalley & Oberholtzer, PLLC
Owner: ISH Phoenix Real Estate, LLC

Taken out from under advisement on June 10, 2025 and was withdrawn.

**Approved
w/stips**

8.

Application #: ZA-98-19-7 (1 Year Review of Use Permit)
Existing Zoning: C-2
Location: 2175 North 83rd Avenue
Quarter Section: 13-9(G3)
Proposal: Time extension of ZA-34-18, use permit to allow a medical marijuana dispensary facility. Use permit required.

Ordinance Sections: 623.D.124.a.
Applicant: Steve Cottrell, CLF AZ Management, LLC
Representative: Larry Lazarus, Lazarus, Silvyn & Bangs, PC
Owner: Gilbert Bird Law Firm

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.

**#1, 2 and 5
Approved
w/stip**

**#3, 4 and 6
Denied**

9. Application #: ZA-235-25-4
Existing Zoning: C-3
Location: 2922 East McDowell Road
Quarter Section: Q13-34
Proposal: 1) Variance to reduce the canal side (northeast) building setback to 10 feet. An average of 20 feet is required, minimum of 15 permitted for up to 50 percent, including projections.
2) Variance to reduce the canal side (northeast) landscape setback to 5 feet and 342 square feet of landscape area. A minimum of 15 feet setback and 1,024 square feet of landscape area are required.
3) Variance to reduce the front parking lot setback to 10 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections.
4) Variance to reduce the front parking lot landscape setback to 10 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections.
5) Variance to reduce the rear building setback (north) to 10 feet. An minimum of 25 feet is required.
6) Variance to reduce the parking lot landscape area to 5 percent. A minimum of 10 percent is required.
Ordinance Sections: 624.E.4.c 624.E.4.c 624.E.4.d 624.E.4.e 624.E.4.d 624.E.4.e
Applicant: Luis Ayala, KAEKO, Inc.
Representative: Tom Stitt, Pro Steel STR
Owner: Starz, LLC, Bryan Owen
Stipulation:
1) 18 months to apply for and obtain building permits.

**#1 and 2
Denied as
Filed
Approved
w/stips**

10. Application #: ZA-252-25-1
Existing Zoning: IND PK
Location: 2402 West Beardsley Road
Quarter Section: Q41-23
Proposal: 1) Variance to allow a building height of 42 feet at 65 feet of setback from a perimeter line (south). Minimum 102 foot setback required.
2) Variance to allow a building height of 42 feet

at 65 feet of setback from a perimeter line (west). Minimum 102 foot setback required.
3) Variance to allow a building height of 42 feet at 80 feet of setback from a perimeter line (north). Minimum 102 foot setback required.
4) Variance to allow a 43 percent lot coverage. Maximum of 40 percent lot coverage permitted.

Ordinance Sections: 626.H.1.Table 626.H.1.Table 626.H.1.Table 626.H.1.Table

Applicant: Alex Boles, ViaWest Group

Representative: Benjamin Tate, Withey Morris Baugh, PLC

Owner: Verde Investments, Inc.

Stipulations:

- 1) Request 1 and 2 approved for 68 feet.
- 2) Per the location of the setback reductions as shown on site plan date stamped April 17, 2025.
- 3) 18 months to apply for and obtain building permits.

**Approved
w/stips**

11. Application #: ZA-266-25-3
Existing Zoning: C-2
Location: 9204 North 7th Street, Suites 7, 8, and 9
Quarter Section: Q27-28(J8)
Proposal: Use permit to allow package liquor sales as an accessory to a convenience market (De Mi Pais Market) located within 300 feet of a residential zoning district. Use permit required.
- Ordinance Sections: 622.D.102.a
Applicant: Gilda Schwendener, Comunidad Latina, LLC
Representative: Gilda Schwendener, Comunidad Latina, LLC
Owner: Sherry Wong, 9204 N 7th, LLC
- Stipulations:**
- 1) Store windows are to be cleaned and removed of advertisements or banners that obstruct employees view into the parking lot area.
 - 2) All employees will have a clear view of the outdoor area to properly supervise activities and discourage criminal activity.
 - 3) The applicant will maintain a current authority to arrest form with the Phoenix Police Department with "No Trespassing" signs posted per Phoenix City Code on the exterior of the building in both English and Spanish.
 - 4) 90 days to commence the use.

**ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER
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.

June 10, 2025