

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised December 4, 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 **October 30 2025, at 9:00 AM. (Items 1-7) and 1:30 PM (Items 8-14). 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-575-25-6
Existing Zoning: C-2, C-2 SP
Location: 3162 East Indian School Road
Quarter Section: 17-34
Proposal: 1) Use permit to allow outdoor dining as an accessory use to a restaurant (Cheba Hut) within 500 feet of a residential district zoning line. Use permit required.
2) Use permit to allow outdoor alcohol consumption as an accessory use to a restaurant (Cheba Hut) within 500 feet of a residential district zoning line. Use permit required.

Ordinance Sections: 623.D.157.c 623.D.157.c
Applicant: Justin Lemos, Cheba Hut Toasted Subs
Representative: Cassandra Covotsos, Koch Covotsos Architects
Owner: Leonard Silk, KV Partners, LLC
Stipulations:
 - 1) Hours of the patio will be no later than 10:00 PM Sunday – Thursday and midnight Friday and Saturday.
 - 2) 6 months to commence the use.
 - 3) Per the patio area as shown on site plan date stamped September 26, 2025.

***Approved**
w/stips

2. Application #: ZA-649-25-7
Existing Zoning: A-2 RSIOD
Location: 2802 South 7th Avenue
Quarter Section: Q7-26
Proposal: Use permit to allow development within 500 feet of the Rio Salado Habitat Restoration Project. Use permit required.

Ordinance Sections: 655.E.4
Applicant: George Pasquel III, Withey Morris Baugh, PLC
Representative: George Pasquel III, Withey Morris Baugh, PLC
Owner: TJ Wead, Pikes Retreat Partners, LLC
Taken out from under advisement on December 4, 2025 and approved with the following stipulations:
LANDSCAPING:
 - 1) A minimum 20-foot-wide landscape setback shall be provided along 7th Avenue and 15th Avenue. This landscape setback

shall be planted with minimum 2-inch caliper trees, planted 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department.

- 2) A minimum 20-foot-wide, average 30-foot, landscape setback shall be provided north of the proposed Riverview Drive. This landscape setback shall be planted with minimum 2-inch caliper trees, planted 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
- 3) The landscape area south of Riverview Drive (abutting the Rio Salado Habitat Restoration Area) shall be planted with minimum 2-inch caliper trees, planted 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department. This area shall be maintained by the property owner(s) of the property subject to this request.
- 4) Plant materials in the landscape area south of Riverview Drive shall be limited to those listed on the "Approved Plants and Top Dressing Application for Development Adjacent to the Rio Salado" plant list, or their equivalents, a copy of which is available at the Phoenix Planning and Development Department, as approved by the Planning and Development Department. Where shrubs are provided, a minimum of 10% of the required shrubs, shall be a native milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.

BUILDINGS, SCREENING, AND STORAGE:

- 5) Building elevations directly adjacent to 7th Avenue or Riverview Drive shall not include loading bays.
- 6) Building facades oriented towards 7th Avenue shall utilize a storefront design consisting of minimum 40% glazing at the ground floor storefront area (the first 10 feet from grade).
- 7) Except for walls used to screen loading areas, open fencing comprised of wrought iron or other similar material or combination thereof, shall be used if greater than 4 feet tall, and if installed within 100 feet of a public street, trail, or Rio Salado Habitat Restoration Area. Fencing shall be considered open if a minimum of 75% is open, excluding pillars or piers.
- 8) Outdoor storage and loading areas shall be set back a minimum of 100 feet from the Rio Salado Habitat Restoration Area and screened by a minimum 8-foot-tall solid masonry wall. Where metal gates are provided for vehicular access, minor perforation may occur to accommodate wind loads. The perforation shall not exceed 50% of the gate surface area.
- 9) Gabion or masonry walls (or a combination thereof) shall be used to screen vehicular headlights where within 100 feet of a public street.
- 10) Fencing and walls oriented towards a public street, trail, or Rio Salado Habitat Restoration Area, shall have a finished appearance and contain decorative elements including but not limited to adobe, glass, metal (including rusted metal), stone (stone veneer), wood, or other material consistent with a natural

environment, as approved by the Planning and Development Department.

ENVIRONMENTAL MITIGATIONS (TRAFFIC, EMISSIONS, HEAT, GLARE, OTHER AREA IMPACTS, ETC.):

- 11) All uncovered surface parking lot areas, except for loading dock and truck parking areas, shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking areas and achieve an overall 25% shade at maturity, as approved by Planning and Development Department.
- 12) A minimum of two public pedestrian pathways shall be provided from Riverview Drive to the adjacent Rio Salado Habitat Restoration Area, as approved or modified by the Planning and Development and Parks and Recreation Department. This pathway shall be maintained by the owner(s) of the property subject to this request.
- 13) Outdoor site lighting shall conform to the following standards as approved or modified by the Planning and Development Department:
 - a. Outdoor lighting shall be fully shielded within 100 feet of Riverview Drive and/or Rio Salado Habitat Restoration Area.
 - b. Bollard lighting or other pedestrian-scale lighting should be utilized in areas with high-pedestrian concentrations such as building entrances or other areas within close proximity to a public street.
 - c. Light posts (excluding street lights) shall be a nonreflective color/finish and not exceed a maximum height of 15 feet where within 100 feet of Riverview Drive and/or Rio Salado Habitat Restoration Area.
 - d. Light color temperature shall not exceed 2,700 degrees Kelvin where within 100 feet of Riverview Drive and/or Rio Salado Habitat Restoration Area, except along building entrances and working areas.
- 14) On-street parking shall be prohibited along Riverview Drive between 7th Avenue and 15th Avenue.
- 15) The developer shall provide the following for Riverview Drive as modified and approved by the Street Transportation and Planning and Development departments:
 - a. Minimum 6-foot-wide detached sidewalks shall be constructed along the north and south side of Riverview Drive between 7th Avenue and 15th Avenue alignment.
 - b. A minimum 8-foot-wide landscape area located between the detached sidewalks on the north and south sides of Riverview Drive and the back of curb between 7th Avenue and 15th Avenue alignment. Reductions in the landscape area may be made to accommodate right-turn lanes. This landscape area shall be planted with minimum 2-inch caliper trees, planted 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree.
 - c. Design, fund, and construct a vertically protected, minimum 12-foot-wide, two-way cycle track on the south side of

Riverview Drive located between 7th Avenue and 15th Avenue alignment, connecting to a pedestrian crossing aligned with trailhead east of 7th Avenue.

- 16) The developer shall construct a minimum 8-foot-wide detached sidewalk on the west side of 7th Avenue, as approved by the Street Transportation Department. Additional right-of-way or sidewalk easement dedications may be needed upon final design of 7th Avenue.
- 17) A minimum of ten bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near each building on the site. These spaces shall be located near entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
- 18) 2 years to apply and pay for building permits.

Withdrawn	3.	Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner:	ZA-669-25-6 RE-24 ACSPD 6035 East Calle Del Norte Q17-42 1) Variance to reduce the required front setback (north) to 20 feet. Minimum 30 feet required. 2) Variance to allow 49 percent lot coverage. Maximum 40 percent allowed. 606.B.4.a 606.B.5 Natasha Hartrick, Natasha Marie Hartrick Designs, LLC Natasha Hartrick, Natasha Marie Hartrick Designs, LLC Michelle Grossman, Providence Opportunities, LLC
	4.	Application #: Existing Zoning: Location: Quarter Section: Proposal: Ordinance Sections: Applicant: Representative: Owner: Stipulations: 1) 1 event per year 2) Hours will be from 6:00 PM to 9:00 PM. 3) Set up and take down will occur on the same day of the event. Tear down must be completed no later than 11:00 PM. 4) Stage location and speaker orientation per the site plan date stamped September 14, 2025.	ZA-712-25-6 C-1 2401 East Arizona Biltmore Circle Q21-33 Use permit to allow a temporary use (The Taste of the Biltmore) for up to 36 months. Use permit required. 708.D.1 Glory Perez-Williams, National Bank of Arizona Jason King, National Bank of Arizona Glory Perez-Williams, National Bank of Arizona
Approved w/stips	5.	Application #: Existing Zoning: Location:	ZA-728-25-5 RE-35 5447 North 106th Avenue

Quarter Section: Q19-3
 Proposal: Use permit to allow an over height (18 feet) detached accessory structure located in the rear yard (east) setback. Maximum 15 feet in height permitted.

Ordinance Sections: 706.B.3.b.
 Applicant: William Baker, Baker Family Trust
 Representative: William Baker, Baker Family Trust
 Owner: William Baker, Baker Family Trust

Stipulations:
 1) 180 days to apply and pay for building permits.
 2) Per the location of detached accessory structure as shown on site plan date stamped September 24, 2025.

**Approved
w/stips**

6. Application #: ZA-736-25-4
 Existing Zoning: R1-6
 Location: 4248 North 15th Drive
 Quarter Section: Q17-25
 Proposal: 1) Use permit to allow an over height (20 feet) detached accessory dwelling unit located in the rear yard setback (west). Maximum 15 feet in height permitted.
 2) Use permit to allow an over height (20 feet) detached accessory dwelling unit located in the side yard setback (south). Maximum 15 feet in height permitted.

Ordinance Sections: 706.A.4.c.(1) 706.A.4.c.(1)
 Applicant: Sara Snyder
 Representative: John Bzdel, Bzdel Design, Consulting & Construction, LLC
 Owner: Sara Snyder and Michael Henry

Stipulations:
 1) No second story windows on the south or west sides of the ADU.
 2) Per the location of the ADU as shown on site plan date stamped September 26, 2025.
 3) 1 year to apply and pay for building permits.

**Approved
w/stips**

7. Application #: ZA-747-25-3
 Existing Zoning: R1-10
 Location: 13806 North 16th Way
 Quarter Section: Q32-31
 Proposal: Variance to reduce rear yard setback (west) to 15 feet for a 2-story building. Minimum 20 feet required.

Ordinance Sections: 611.B.Table A
 Applicant: Jeff Muckerman, Permits Made Easy
 Representative: Jeff Muckerman, Permits Made Easy
 Owner: Kenneth and Julianne Lein

Stipulations:
 1) Per the reduction as shown on the site plan date stamped September 29, 2025.
 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

- 1:30 PM**
8. Application #: ZA-68-25-7 (8 Month Review of Use Permit)
Existing Zoning: DTC-Evans Churchill West
Location: 1109 North 2nd Street
Quarter Section: Q12-28(G8)
Proposal: 1) Use permit to allow a bar (Pemberton PHX). Use permit required.
2) Use permit to allow outdoor liquor service accessory to a bar (Pemberton PHX). Use permit required.
3) Use permit to allow liquor service accessory to a restaurant (Pemberton PHX). Use permit required.
4) Use permit to allow alcohol sales and service within 300-feet of a church in an entertainment district. Use permit required.
5) Use permit to allow outdoor entertainment Monday through Thursday, between 9:00 AM and 12:00 AM. Outdoor entertainment permitted on Friday through Sunday only. Use permit required.
6) Use permit to allow outdoor entertainment (amplified music or loudspeakers) between the hours of 1:00 PM and 11:00 PM on Sunday through Thursday. Use permit required.
7) Use permit to allow outdoor entertainment (amplified music or loudspeakers) between the hours of 9:00 AM and 12:00 AM on Friday and Saturday. Use permit required.
8) Use permit to allow outdoor entertainment between the hours of 9:00 AM and 12:00 AM on Friday and Saturday. Use permit required.
- Ordinance Sections: 1204.D.Table 1204.D.Table 1204.D.Table
307.A.17.a 1204.C.16 1204.C.5 1204.C.5
1204.C.18
- Applicant: Jonathan Vento, True North Holdings, LLC
Representative: Jonathan Vento, True North Holdings, LLC
Owner: Michael Maerowitz, Snell & Wilmer, LLP
- Stipulations:**
- 1) 1 year to apply and pay for building permits.
 - 2) 6 month review.
 - 3) Pemberton Business Management shall be responsible for all activities at the site, including amplified sound, live entertainment, and security.
 - 4) Pemberton Business Management shall provide property owners within 300 feet and neighborhood associations within 600 feet, the current contact information (name, telephone and email) of daytime and evening premises managers Management must respond to identified concerns within 7 business days. Changes to management shall require new notifications to be delivered within 15 days. Evidence of completion, including a copy of the letter/mailling lists shall be submitted to the Planning and Development Department for inclusion in the case file.

- 5) The employees must have a clear view of all outdoor and entertainment areas in order to supervise the activities and be present while patrons utilize the outdoor area.
- 6) "No Trespassing" signs must be conspicuously posted on all sides of the property.
- 7) An Authority to Arrest form (ATA) must be submitted/maintained with the City of Phoenix Central City Police Precinct.
- 8) The total number of speakers shall not exceed 31.
- 9) Speakers are not permitted within 20 feet of the west property line and 10 feet of the south and east property lines. All speakers shall be oriented toward the interior of the site.
- 10) Amplified sound and loudspeakers limited to 1:00 PM to 11:00 PM on Sunday through Thursday and 9:00 AM to 12:00 AM on Friday and Saturday.
- 11) The sound / noise levels, measured at the west, south, or east property line, shall not exceed 55 dBa. An occurrence where the sound level increases up to 60 dBa for five continuous seconds or less shall not be deemed a violation of this stipulation as long as there are no more than five occurrences within an hour-long interval.
- 12) Flashing or strobe type lighting is prohibited.
- 13) Live entertainment and/or stages are allowed on Friday & Saturday only. Hours are limited to 9:00 AM to 12:00 AM.
- 14) Live performances and/or stages are not permitted within 50 feet of the west property line.

**Approved
w/stips**

9. Application #: ZA-663-25-1
 Existing Zoning: R-3
 Location: 4000 West Circle Mountain Road
 Quarter Section: Q70-19
 Proposal: 1) Use permit to allow over height retaining walls (6 feet) within 50 feet of the property line (north) of a subdivision perimeter. Maximum 40 inches permitted.
 2) Use permit to allow over height retaining walls (6 feet) within 50 feet of the property line (east) of a subdivision perimeter. Maximum 40 inches permitted.
 Ordinance Sections: 703.A.4.c 703.A.4.c
 Applicant: Josh Robinson, Colliers Engineering & Design
 Representative: Josh Robinson, Colliers Engineering & Design
 Owner: Hudd Hassell, Bela Flor, Circle Mountain Holdings, LLC
 Stipulations:
 1) 1 year to apply and pay for building permits.
 2) Per the location of the retaining walls as shown on site plan date stamped September 29, 2025.

**Approved
w/stips**

10. Application #: ZA-664-25-1
 Existing Zoning: R-2, R-3, C-2
 Location: 44421 and 44825 North Black Canyon Highway
 Quarter Section: Q72-19

Proposal: 1) Use permit to allow over height retaining walls (6 feet) within 50 feet of the property line (south) of a subdivision perimeter. Maximum 40 inches permitted.
2) Use permit to allow over height retaining walls (6 feet) within 50 feet of the property line (east) of a subdivision perimeter. Maximum 40 inches permitted.

Ordinance Sections: 703.A.4.c 703.A.4.c

Applicant: Josh Robinson, Colliers Engineering & Design

Representative: Josh Robinson, Colliers Engineering & Design

Owner: Hudd Hassell, Bela Flor, Circle Mountain Holdings, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the location of the retaining walls as shown on site plan date stamped September 29, 2025.

Denied

11. Application #: ZA-681-25-1
Existing Zoning: RE-35
Location: 4522 West Country Gables Drive
Quarter Section: Q34-18
Proposal: 1) Variance to allow an over height fence (9 feet) within the required front yard setback (south). Maximum 40 inches permitted.
2) Variance to allow an over height fence (8 feet) within the required rear yard setback (north). Maximum 6 feet permitted.
3) Variance to allow an over height fence (8 feet) within the required side yard setback (west). Maximum 6 feet permitted.

Ordinance Sections: 703.A.3.a 703.A.2.c 703.A.2.c

Applicant: Brian Kohlenberg

Representative: Brian Kohlenberg

Owner: Brian Kohlenberg

**Approved
w/stip**

12. Application #: ZA-693-25-6
Existing Zoning: R1-10
Location: 1828 East Aurelius Avenue
Quarter Section: Q23-31
Proposal: 1) Variance to reduce minimum lot width (Lot 1A) to 56 feet. 80 feet required.
2) Variance to reduce minimum lot width (Lot 1B) to 58 feet. 80 feet required.

Ordinance Sections: 611.B.Table B 611.B.Table B

Applicant: Andrew Holland, Holland Brothers Construction, LLC

Representative: Andrew Holland, Holland Brothers Construction, LLC

Owner: Andrew Holland, Holland Brothers Construction, LLC

Stipulation:

- 1) 1 year to complete the lot split process.

**Approved
w/stips**

13. Application #: ZA-713-25-6
Existing Zoning: RE-35 CROD ACSPD
Location: 6040 East Mariposa Street
Quarter Section: Q17-42
Proposal: 1) Use permit to allow a detached accessory dwelling unit between the primary dwelling unit and the front property line (Camelback Road). Use permit required.
2) Variance to reduce the front yard setback (north) for a detached accessory dwelling unit to 20 feet. Minimum 40 feet required.
- Ordinance Sections: 706.A.5 609.B.Table
Applicant: Michael Ryan Wiss, Michael Ryan Wiss Trust
Representative: William Allison, Withey Morris Baugh, PLC
Owner: Michael Ryan Wiss, Michael Ryan Wiss Trust
- Stipulations:**
1) 18 months to apply and pay for building permits.
2) Per the location of the proposed ADU as shown on site plan date stamped September 22, 2025.
3) The height of the ADU shall not exceed 15 feet.

**Approved
w/stips**

14. Application #: ZA-731-25-1
Existing Zoning: R-3A
Location: 45777 North Black Canyon Highway
Quarter Section: Q72-19
Proposal: 1) Variance to reduce the (west) setback to 55 feet for a 48 foot tall building. Minimum 190 feet required.
2) Variance to reduce the (east) setback to 92 feet for a 48 foot tall building. Minimum 190 feet required.
3) Variance to reduce the (north) setback to 158 feet for a 48 foot tall building. Minimum 190 feet required.
4) Variance to reduce the (south) setback to 55 feet for a 48 foot tall building. Minimum 190 feet required.
- Ordinance Sections: 616.B.Table B 616.B.Table B 616.B.Table B 616.B.Table B
Applicant: Matthew Klein, Lincoln Avenue Communities
Representative: Adam Baugh, Withey Morris Baugh, PLC
Owner: Karl Huish, Circle Mountain Holdings, LLC
- Taken out from under advisement on November 25, 2025 and approved with the following stipulations:**
1) Per the setback reductions as shown on the site plan date stamped October 3, 2025.
2) 2 years to apply and pay for building permits.

**ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
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.

December 5, 2025