

**NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING**

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 **February 19, 2026, at 9:00 AM. (Items 1-7) and 1:30 PM (Items 8-12). 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**

9:00 AM

1. Application #: ZA-962-25-6
Existing Zoning: R1-6
Location: 4203 East Hazelwood Street
Quarter Section: Q18-37
Proposal: 1) Use permit to utilize the Standard Development option. Use permit required.
2) Variance to reduce the side yard (west) setback (Lot 3) to 0 feet. Minimum 3 feet required.
3) Variance to reduce minimum lot width (Lot 3) to 16 feet. Minimum 60 feet required.
Ordinance Sections: 613.B.Table 613.1 613.B.Table 613.1 613.B.Table 613.1
Applicant: Wendy Riddell, Berry Riddell, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Owner: Sean O'Neal, Jennings Revocable Trust, Anderlite Family Trust, O'Neal Family Trust
Stipulations:
1) 18 months to apply and pay for building permits.
2) Per site plan date stamped January 14, 2026.

**Under
Advisement**

2. Application #: ZA-987-25-6
Existing Zoning: R1-6
Location: 5041, 5047, and 5115 East Virginia Avenue and 5048 East Yale Street
Quarter Section: Q14-39(G11)
Proposal: Use Permit to allow public assembly residential uses with vehicular access on a local or minor collector street (East Virginia Avenue). Use permit required.
Ordinance Sections: 608.E.22
Applicant: Ivan Pemberton, Arcadia Montessori School
Representative: Ivan Pemberton, Arcadia Montessori School
Owner: Ivan Pemberton, Arcadia Montessori School

**Approved
w/stips**

3. Application #: ZA-993-25-3
Existing Zoning: A-1
Location: 11211 North Black Canyon Highway
Quarter Section: Q29-23
Proposal: 1) Use permit to allow a residential use (multifamily). Use permit required.

		2) Variance to reduce the required parking to 156 spaces. Minimum 200 spaces required.
	Ordinance Sections:	627.C.1 702.C.Table
	Applicant:	Wendy Riddell, Berry Riddell, LLC
	Representative:	Wendy Riddell, Berry Riddell, LLC
	Owner:	Dan Appello, 4053 Mission Canyon Crest, LP
	Stipulations:	
		1) 18 months to apply and pay for building permits.
		2) Per the site plan date stamped January 21, 2026.
Under Advisement	4.	Application #: ZA-15-26-3 Existing Zoning: RE-43 Location: 10043 North 39th Street Quarter Section: Q28-36(K10) Proposal: Variance to allow an over height fence (12 feet) in the required front yard (west). Maximum 40 inches permitted. Ordinance Sections: 703.A.2.a Applicant: Morgan Busby, Busby Permits LLC Representative: Morgan Busby, Busby Permits LLC Owner: Wade Woodruff, Wade Woodruff Trust
Approved w/stips	5.	Application #: ZA-33-26-4 Existing Zoning: C-3 Location: 2738 West Van Buren Street Quarter Section: Q11-22(F7) Proposal: 1) Use permit to allow outdoor dining as an accessory use to a restaurant (La Michoacana Ice Cream) 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 (La Michoacana Ice Cream) within 500 feet of a residential district. Use permit required. 3) Variance to reduce the distance for outdoor cooking accessory to a restaurant (La Michoacana Ice Cream) from a residential zoning district to 0 feet. Minimum 300 feet required. 4) Variance to reduce the streetside (27th Drive) building setback to 0 feet. Minimum 25 feet required. Ordinance Sections: 624.D.112.c 624.D.112.c 624.D.112.f(4) 624.E.4.d Applicant: Rigo Duran, La Michoacana Ice Cream Representative: Rigo Duran, La Michoacana Ice Cream Owner: Kevin Alexander Olmos Duran Stipulations: 1) 12 months to apply and pay for building permits. 2) Per the site plan date stamped January 19, 2026.
Approved w/stips	6.	Application #: ZA-195-14-7 (1 Year Review of Use Permit) Existing Zoning: A-1 Location: 3333 South Central Avenue Quarter Section: 6-28(E8)

Proposal: 1) Use permit to allow a medical marijuana cultivation facility in A-1 zoning district. Use permit is required.
 2) Use permit to allow a medical marijuana infusion facility in A-1 zoning district. Use permit is required.
 3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility.
 4) Variance to allow a medical marijuana infusion facility 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: Luke Flood, Curaleaf

Representative: Larry Lazarus, Lazarus & Silvyn, P.C.
 Luke Flood, Curaleaf

Owner: Walter Gilbert Esq., 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.

**Approved
w/stips**

7. Application #: ZA-567-15-7 (1 Year Review of Use Permit)
 Existing Zoning: A-1 RSIOD
 Location: 3333 South Central Avenue, 14 and 18 East Victory Street
 Quarter Section: 6-28(E8)
 Proposal: 1) Use permit to allow a medical marijuana dispensary facility. Use permit required.
 2) Variance to allow a medical marijuana

dispensary within 5,280 feet of another medical marijuana facility. Minimum of 5,280 feet separation required.

Ordinance Sections: 627.D.92.a 627.D.92.d

Applicant: Steve Cottrell, Curaleaf President of AZ Operations

Representative: Steve Cottrell, Curaleaf President of AZ Operations

Owner: Larry Lazarus, Lazarus & Silvyn, P.C.
Walter Gilbert Esq., 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.

**Approved
w/stips**

- 1:30 PM**
8. Application #: ZA-685-25-5 (SIGN)
- Existing Zoning: C-2
- Location: 7515 West Encanto Boulevard
- Quarter Section: Q13-10
- Proposal: 1) Use permit for a major amendment to the Desert Sky Esplanade Comprehensive Sign Plan to allow wall sign area increased. Use permit required.
2) Variance to increase the area of two wall signs up to 382 square feet. Maximum 275 square feet allowed.
- Ordinance Sections: 705.E.2.b.(3) 705.E.2.b.(3)
- Applicant: Zelig Hess, Ds Signs and Lighting, LLC
- Representative: Zelig Hess, Ds Signs and Lighting, LLC

Owner: Michael Mugel, DSE SPE, LLC

Stipulations:

- 1) Per site plan date stamped January 15, 2026 for sign.
- 2) The maximum wall sign height shall be 27 feet above grade.
- 3) The maximum square footage for two wall signs shall be no greater than 382 square feet.
- 4) 12 months to obtain sign permits for the wall signs.

**Approved
w/stips**

9. Application #: ZA-821-25-3 (SIGN)
Existing Zoning: RSC-PCD
Location: 12500 North Tatum Boulevard
Quarter Section: Q31-38
Proposal: Use permit for a major amendment to add a wall sign over 56 feet in height to the PV Mall Comprehensive Sign Plan. Use permit required.

Ordinance Sections: 705.E.2.d
Applicant: Joy Gunay, Signs of the Times
Representative: Joy Gunay, Signs of the Times
Owner: Paul DeFruscio, RXR Korman Avenue Paradise Valley Q02B LLC

Stipulations:

- 1) Per site plan date stamped January 22, 2026 for sign.
- 2) Maximum height of the sign shall be 66 feet above grade.
- 3) The maximum sign area square footage shall be no greater than 39 square feet (4 feet copy height).
- 4) For hi-rise signs (signs over 56 feet) that emit white light, prior to sign installation, a signed statement from the sign fabricator verifying correlated color temperature (in degrees Kelvin) lighting modules not exceeding 4,000K were used shall be submitted to the Planning and Development Department (PDD).
- 5) The sign shall be automatically dimmed to a maximum of 80 Nits luminance at 10:30 PM daily until sunrise.
- 6) Sign lighting dimmer setting values (required to dim the sign to a maximum of 80 NITS luminance (measured at the sign face) shall be verified by a qualified electrical engineer and submitted in writing to PDD prior to the final sign inspection.
- 7) The applicant shall have 12 months to apply and pay for permits for the subject sign.

**Under
Advisement**

10. Application #: ZA-967-25-8 (SIGN)
Existing Zoning: A-1, A-1 M-R, C-2 M-R, CP/GCP M-R
Location: 4575 East Elwood Street
Quarter Section: Q5-38
Proposal: 1) Variance to delete Stipulation #3 of ZA-647-19 regarding the allowance for the off-premise sign with only an east side sign face. Off-Premise sign only permitted to have an east side sign face.
2) Use Permit to rebuild west face of an off-premise sign to digital display. Use permit required.

Ordinance Sections: ZA-647-19 705.2.E.3
Applicant: Jacob Zonn, Becker Board Small, LLC
Representative: Garry D Hays, The Law Offices of Garry D. Hays

	Owner:	HM Sky Harbor, LLC
Approved w/stips	11. Application #:	ZA-25-26-3
	Existing Zoning:	R1-10, R1-10 SP
	Location:	14639 North Coral Gables Drive
	Quarter Section:	Q34-26(L8)
	Proposal:	Use permit to allow detached accessory structure located between the primary dwelling unit and the front property line. Use permit required.
	Ordinance Sections:	706.B.1
	Applicant:	Edward Fischer
	Representative:	Edward Fischer
	Owner:	Edward Fischer
	Stipulations:	
		1) 12 months to apply and pay for building permits.
		2) Per site plan date stamped January 13, 2026 for detached accessory structure.
Continued	12. Application #:	ZA-523-25-3 (6 Month Review of Use Permit)
	Existing Zoning:	C-2
	Location:	12401 North Cave Creek Road
	Quarter Section:	Q31-32
	Proposal:	Use permit to allow a temporary use (Promotional event with food trucks and outdoor music) for up to 36 months. Use permit required.
	Ordinance Sections:	708.D.1
	Applicant:	Lindsay Schube, Gammage & Burnham, PLC
	Representative:	Lindsay Schube, Gammage & Burnham, PLC
	Owner:	Cave Creek RE, LLC, Verano, d/b/a Zen Lead Dispensary
	Continued to August 27, 2026 at 1:30 PM.	

ZONING ADJUSTMENT HEARING OFFICER: CAROL BERRY
PLANNER: GREGORY HARMON, 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.

February 20, 2026