

RESULTS OF PUBLIC MEETING BOARD OF ADJUSTMENT

Pursuant to A.R.S. Section 38-431.02, notice was hereby given to the members of the **BOARD OF ADJUSTMENT** and to the general public, that the **BOARD OF ADJUSTMENT** held a meeting open to public on **Thursday, April 2, 2026 at 12:00 p.m.**

The Board of Adjustment was held in-person and virtually.

The results of the meeting were as follows:

RESULTS

No Action A. Approval of Minutes

There were no minutes to approve.

Approved B. Approval of Agenda – April 2, 2026

(Dodds/James - Vote of 6-0) (Beuerlein absent).

No Action C. Requests for Continuance and/or Withdrawal

D. Items for Consideration

**Upheld
ZAH0**

1. Application #: **ZA-900-25-5**
 Existing Zoning: C-2
 Location: 8425 West Indian School Road
 Quarter Section: Q16-8 (H3)
 Proposal: 1) Use permit to allow a medical
 marijuana dispensary facility. Use
 permit required. 2) Variance to allow a
 medical marijuana dispensary facility
 within 500 feet of a residentially zoned
 district. Minimum 500 feet of
 separation required.
 Ordinance Sections: 623.D.124.a; 623.D.124.f
 Applicant: Michelle Green, Lazarus & Silvyn,
 P.C.
 Representative: Larry Lazarus, Lazarus & Silvyn, P.C.
 Owner: Ronald Malooly, Jr.
 Appellant: Michelle Green, Lazarus & Silvyn,
 P.C.

Motion to uphold the Zoning Adjustment Hearing Officer's decision to deny the use permit and variance failed.

***(Graham/Dodds - Vote of 3-3) (Ammon, Hill, James)
(Beuerlein absent).***

No further motion made. The Zoning Adjustment Hearing Officer's decision to deny the use permit and variance was upheld due to lack of a successful vote.

**Overtaken
ZAHO with
stipulations**

2. Application #: **ZA-803-25-4 (Auto Continued from March 5, 2026)**
Existing Zoning: C-1, C-2
Location: 3250 West Indian School Road
Quarter Section: Q17-21 (H6)
Proposal: Variance to allow a drive-through window for the sale of alcohol (Los Amigo Market & Liquor) within 300 feet of a residential zoning district. Minimum 300 feet required.
Ordinance Sections: 622.D.102.b
Applicant: Kristin Thoma-Mahan, KTM Design Studio
Representative: Kristin Thoma-Mahan, KTM Design Studio
Owner: 3250 Investment, LLC
Appellant: Michelle Green, Lazarus & Silvyn, P.C.

Overtaken the Zoning Adjustment Hearing Officer's decision and approved the variance with stipulations:

- 1) Per the site plan date stamped January 23, 2026.***
- 2) No outdoor speakers or menu boards for the drive-through window.***
- 3) Six months to apply and pay for building permits.***

(Dodds/James - Vote of 4-2) (Eigo, Graham) (Beuerlein absent).

**Upheld
ZAHO**

3. Application #: **ZA-961-25-1**
Existing Zoning: C-1
Location: 13828 North 35th Avenue
Quarter Section: Q33-20 (L6)
Proposal: Variance to allow a drive-through window for the sale of alcohol (Grab N Go Market) within 300 feet of a

residential zoning district. Minimum 300 feet required.

Ordinance Sections: 622.D.102.b

Applicant: Sammy Mikhail, Grab N Go Market, LLC

Representative: Michael Maerowitz, Snell & Wilmer, LLP

Owner: Nayel Rabadi, Nayel-Christy Investments, LLC

Appellant: Michael Maerowitz, Snell & Wilmer, LLP

Upheld the Zoning Adjustment Hearing Officer's decision and denied the variance.

(Dodds/Eigo - Vote of 6-0) (Beuerlein absent).

**Overtaken
denial and
approved
Requests 1
and 3;
Upheld
approval of
Requests 2
and 3 with
stipulations**

4 Application #: **ZA-830-25-8**

Existing Zoning: C-2

Location: 155 West Baseline Road

Quarter Section: Q01-28 (D8)

Proposal: 1) Variance to reduce the building setback (north) adjacent to public street (Baseline Road) to 10 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure, including projections. 2) Variance to reduce the landscape setback (north) adjacent to public street (Baseline Road) to 10 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the frontage. 3) Use permit to allow outdoor dining as an accessory to a restaurant within 500 feet of a residential zoning district. Use permit required. 4) Use permit to allow a drive-through facility as an accessory to a restaurant within 300 feet from a residential zoning district. Use permit required.

Ordinance Sections: 623.E.4.d; 623.E.4.e; 623.D.157.c; 623.D.157.d.(2)

Applicant: Dane Astle, EDIFICE Architecture

Representative: Connie Fox, Red Mountain Asset Fund II, LLC

Owner: Michael Mugel, Red Mountain Asset
Fund II, LLC, Red Mountain Group
Appellant: Dane Astle, EDIFICE Architecture
***Overtured the Zoning Adjustment Hearing Officer's
decision and approved Requests 1 and 2 and upheld the
Zoning Adjustment Hearing Officer's decision and
approved Requests 3 and 4, with stipulations:***

- 1) Approved for minimum 20-foot building setback along
north property line (Baseline Road).***
- 2) Approved for minimum 15-foot landscape setback
along north property line (Baseline Road).***
- 3) 1 year to apply and pay for building permits.***

(Ammon/James - Vote of 6-0) (Beuerlein absent).

E. Other Business

- | | |
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| Updated | 5. Update on the Next Board of Adjustment Agenda. |
| Updated | 6. Update on Pending Appeals of the Board of Adjustment. |
| No Action | 7. Q & A: Procedure and Process - Board of Adjustment Case Law. |

Adjourned F. Adjournment

For further information, please call Julie Garcia in the Planning and Development Department at 602-495-7029 or contact us via electronic mail at pdd.boardofadjust@phoenix.gov. This electronic mail address will not accommodate zoning enforcement/violation complaints.

This publication can be made available in alternate format upon request. To request a reasonable accommodation, please contact Saneeya Mir at saneeya.mir@phoenix.gov or 602-686-6461, TTY: Use 7-1-1.

April 2, 2026