Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the BOARD OF ADJUSTMENT and to the general public, that the BOARD OF ADJUSTMENT will hold a meeting open to public on Thursday, October 3, 2019, at 12:00 p.m. located in City Council Chambers, 200 West Jefferson Street, Phoenix, Arizona.

(One or more members may participate by telephone conference call.)

The agenda of the meeting is as follows:

A. Approval of Minutes

B. Approval of Agenda

C. Requests for Continuance and/or Withdrawal

1. Application #: ZA-307-19-6 (Continued to November 7, 2019)
   
   Existing Zoning: C-2 SP HGT/WVR
   
   Location: 6829 North 7th Street and 736 East Flynn Lane
   
   Quarter Section: 22-29(I8)
   
   Proposal:

   1) Variance to allow 10-foot building setback adjacent to street (south). Average 30 feet required.
   
   2) Variance to allow 10-foot landscape setback adjacent to street (south). Average 30 feet required.
   
   3) Variance to allow 10-foot building setback adjacent to R-4 zoning (east). Minimum 30 feet required.
   
   4) Variance to allow maneuvering in right-of-way (alley). Maneuvering must be located on private property.
   
   5) Variance to enable access from a street not considered an arterial or collector. Arterial or collector street required.
   
   6) Variance to allow 4% parking lot landscaping. Minimum 10% required.
   
   7) Variance to allow 63% lot coverage. Maximum 50% lot coverage permitted.

Applicant: George Pasquel III, Withey Morris, PLC
Representative: George Pasquel III, Withey Morris, PLC
Owner: Jim Fijan, Flynn 720, LLC
Appellant: Neal Haddad, Arcadia Osborn
Neighborhood Association

D. Items for Consideration

2. Application #: ZA-194-19-7 (Continued from August 1, 2019)

Existing Zoning: PUD
Location: Southeast corner of 83rd Avenue and Interstate 10
Quarter Section: 11-9(F3)
12-9(G3)
Proposal:

1) Use permit for electronic message displays for both faces of six off-premise signs. Use permit required.
2) Use permit to increase the height of six off-premise signs to 70 feet. Use permit required.
3) Variance to allow colors of red, orange, yellow, and purple be used on six off-premise signs. These colors are not permitted.
4) Variance to allow a maximum 15-foot embellishment area beyond the edges of the sign face of six off-premise signs. Embellishments may extend not more than five and one-half feet above or below the horizontal edges and three feet beyond any vertical edge of the sign structure face area.
5) Variance to allow a maximum of 84% embellishments for six off-premise signs. A maximum of 20% embellishments are permitted.

Ordinance Sections: 705.2.E.3, 705.2.B.4.b, 705.2.C.9, 705.2.C.7, 705.2.B.3

Applicant: Irwin Pasternack, Jenberly, LLC
Representative: Irwin Pasternack, Jenberly, LLC
Owner: Irwin Pasternack, Jenberly, LLC
Appellant: Paul Gilbert, Beus Gilbert, PLC

3. Application #: ZA-99-17-3 (1-Year Review)
   Existing Zoning: Approved C-2
   Location: 20039 North 19th Avenue
   Quarter Section: 40-25(N7)
   Proposal: Use permit to allow a drive-through as an accessory to a restaurant (Burger King) within 300 feet of residential zoning. Use permit required.
   Ordinance Sections: 623.D.156.d.(2)
   Applicant: Brad Flahiff, Barnett Management Company
   Representative: Brad Flahiff, Barnett Management Company
   Owner: Joe Jackson, Hanover Jacor Deer Valley LTD
   Appellant: Michael Cronin

4. Application #: ZA-238-19-7
   Existing Zoning: A-1 CMOD
   Location: 317 South 9th Avenue and 771 West Jackson Street
   Quarter Section: 10-26(F8)
   Proposal: 1) Use permit to allow a medical marijuana cultivation facility. Use permit required.
                2) Use permit to allow a medical marijuana infusion facility. Use permit required.
                3) Variance to allow a medical marijuana cultivation facility located less than 1,320 feet from a school and homeless shelter. Minimum 1,320 feet of separation required.
                4) Variance to allow a medical marijuana infusion facility located less than 1,320 feet of school and homeless shelter. Minimum 1,320 feet of separation required.
                5) Variance to allow a medical marijuana cultivation facility located less than 1,320 feet from a place of worship. Minimum 1,320 feet of separation required.
                6) Variance to allow a medical marijuana infusion facility located less than 1,320 feet from a place of worship. Minimum 1,320 feet of separation required.
Ordinance Sections: 627.D.91.a, 627.D.93.a, 627.D.91.d,
  627.D.93.d
  627.D.91.f, 627.D.93.f
Applicant: Jenifer Corey, Zoning Strategies
Representative: Jenifer Corey, Zoning Strategies
Owner: Tokoph Descendants Trust
Appellant: David Cisiewski

E. Other Business

* 5. Discussion and vote on 2020 Board of Adjustment meeting dates.

6. Update on November 7, 2019 Board of Adjustment agenda.

7. Update on pending appeals of the Board of Adjustment.


9. The Board may vote to go into Executive Session pursuant to A.R.S Section 38-431.03.A.3. for the purpose of receiving legal advice regarding any of the above Items A-E.

F. Adjournment

For further information, please call Victoria Cipolla-Murillo, Secretary to the Board, in the Planning and Development Department at 602-262-6884, or contact us via electronic mail at zoning@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 Tamra Ingersoll at 602-534-6648, TTY: Use 7-1-1.

September 24, 2019