

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, November 3, 2022 at 12:00 p.m.**

Per the most recent guidelines from the federal government, the Board of Adjustment was held virtually, via a video conferencing platform.

The results of the meeting were as follows:

RESULTS

- Approved** **A. Approval of Minutes – October 6, 2022**
- (Ammon/Beuerlein - Vote of 5-0-1) (Cole abstained, Knight absent).*
- Approved** **B. Approval of Agenda – November 3, 2022**
- (Ammon/Beuerlein - Vote of 6-0) (Knight absent).*
- None** **C. Requests for Continuance and/or Withdrawal**
- D. Items for Consideration**
- Approved 6-month review with a modified stipulation**
1. Application #: **ZA-184-21-4 (6-Month Review)**
Existing Zoning: C-1 and P-1
Location: 2002 East Osborn Road
Quarter Section: 16-32(H9)
Proposal: Use permit to allow a hospital Medically supervised detoxification).
Use permit required.
Ordinance Sections: 622.D.85
Applicant: Wendy Riddell, Berry Riddell, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Owner: Crossroads, Inc.
Appellant: Pete Gottsfield, Loma Linda Neighborhood Association
- Approved the 6-month review with the following modified stipulations:***
- Stipulations:**

- 1) *The maximum number of beds shall be limited to 16 beds.*
 - a. *The facility shall be staffed 24 hours a day, 7 days a week and shall be monitored by security between 7 pm and 7 am;*
 - b. *Cameras must be installed along the perimeter with a focus on the 20th Street and Osborn Road intersection.*
 - c. *Security lighting shall be provided on the site.*
- 2) *The Operator shall designate a community relations liaison as a primary point of contact for the Loma Linda and Green Gables neighborhood associations. Contact information for the community relations liaison must be provided to the Loma Linda and Green Gables neighborhood associations' presidents. The designated community relations liaison's name and phone number shall be provided to the Planning and Development Department for inclusion in the case file and must be updated within 48 hours of any changes.*
- 3) *The Operator shall meet with the Loma Linda and Green Gables neighborhood associations meeting twice yearly to discuss strategies to address any issues that may arise in the neighborhood. The operator must send an email to the Loma Linda and Green Gables neighborhood associations' presidents documenting the meeting occurred. The email must include issues discussed at the meeting and the plans to be mitigated the issues.*
- 4) *The Operator shall notify the Planning and Development Department and presidents of Loma Linda and Green Gables neighborhood associations prior to the operator removing the medical supervised detoxification facility from the site.*
- 5) *The use permit may be revoked if the operator removed the medical supervised detoxification facility from the site.*
- 6) *The use must commence together with any required building permits must be obtained within one-year.*
- 7) ~~*THE USE PERMIT SHALL BE REVIEWED IN 6 MONTHS AND 1 YEAR OF THE ISSUANCE OF THE LICENSE FOR THE CROSSROADS DETOX FACILITY BY THE BOARD OF ADJUSTMENT.*~~

Vacated

2. Application #: **ZA-379-22-Y**
Location: **Citywide**

Proposal:	1) Formal Determination: Did the ZA lack authority to contradict an earlier ZA interpretation of a Phoenix Zoning Ordinance (PZO) definitional section absent any legislative change in that section by the City Council? 2) Formal Determination: If the ZA had the authority to issue a new interpretation of the PZO's definition of 'adult novelty store,' did the ZA err in interpreting that definition, and, if so, how should that definition be interpreted? 3) Formal Determination: Did the ZA's reinterpretation of the PZO's definition of "adult novelty store" render the definition unconstitutionally vague? 4) Formal Determination: Can a ZA's reinterpretation of the PZO's definition of "adult novelty store" cause existing uses which have complied with a prior ZA interpretation of that provision to be subject to the restrictions imposed on lawful nonconforming uses? 5) Formal Determination: Even if a ZA reinterpretation of the PZO's definition of "adult novelty store" can validly make pre-existing uses operating in compliance with a prior ZA interpretation subject to the restrictions on lawful non-conforming uses, can it also compel their discontinuance?
Ordinance Sections:	307.A.3, 202 and 307.A.3, 307.A.3, 307.A.1, 307.A.1
Applicant:	Patrick Jagos, Member, BOP, LLC
Representative:	Darin Sender, Sender Associates, Chtd.
Representative:	Jennifer Boblick, Sender Associates, Chtd.
Representative:	Jerome Mooney, Weston, Garrou & Mooney
Representative:	Randall Garrou, Of Counsel to Weston, Garrou & Mooney

Vacated the 2022 informal interpretation.

(Eigo/Cole - Vote of 7-0).

E. Other Business

Approved

3. **Discussion and vote on 2023 Board of Adjustment meeting dates.**

2023 meeting calendar (first Thursday monthly) approved.

(Cole/Ammon - Vote of 7-0).

Updated

4. Update on next Board of Adjustment agenda.

Updated

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

No Action

6. Q & A: Procedure and Process - Board of Adjustment case law.

No Action

7. 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.

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 Angie Holdsworth at 602-495-5622, TTY: Use 7-1-1.

November 3, 2022