

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, August 3, 2023 at 12:00 p.m.**

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

The results of the meeting were as follows:

RESULTS

Approved	A.	Approval of Minutes – June 1, 2023 (James/Hill - Vote of 7-0).
Approved	B.	Approval of Agenda – August 3, 2023 (James/Hill - Vote of 7-0).
None	C.	Requests for Continuance and/or Withdrawal
	D.	Items for Consideration
Upheld ZAHO with stipulations	1.	Application #: ZA-59-23-3 Existing Zoning: C-2 Location: 3217 East Shea Boulevard, Suite 1 Quarter Section: 28-35(K10) 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 residential zoning district. Minimum 500 feet of separation required. Ordinance Sections: 623.D.124.a, 623.D.124.f Applicant: M. Ryan Hurley, CSF Retail, LLC Representative: Lindsay Schube, Gammage & Burnham Owner: BRF Enterprises, LLC Appellant: Christine Lyons, Heritage Heights Block Watch

Upheld the Zoning Adjustment Hearing Officer's decision and approved the use permit and variance with the following stipulations:

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 30 days of Certificate of Occupancy. 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.***

(Beuerlein/James - Vote of 6-1) (Graham).

Continued

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| 2. | Application #: | ZA-567-22-2 (Continued from June 1, 2023) (Continued to October 5, 2023) |
| | Existing Zoning: | R1-18 |
| | Location: | 5917 East Anderson Drive |
| | Quarter Section: | 37-41(M11) |
| | Proposal: | Variance to allow 28% lot coverage.
Maximum 25% permitted. |

Ordinance Sections: 610.B.Table
Applicant: Alan Christensen, A Christensen Architect, LLC
Representative: Alan Christensen, A Christensen Architect, LLC
Owner: Norman M. and April D. Kvalvik Trust
Appellant: Jeffrey Gross, Berry Riddell

Continued by motion to October 5, 2023.

(Hill/Dodds - Vote of 7-0).

**Overtured
ZAHO with
stipulation**

3. Application #: **ZA-104-23-4**
Existing Zoning: R1-6
Location: 1514 East Clarendon Avenue
Quarter Section: 16-30(H9)
Proposal: Use permit to allow an over height (21 feet) two-story detached accessory structure within the rear yard setback. Use permit required.

Ordinance Sections: 706.G
Applicant: Benjamin Walls
Representative: Benjamin Walls
Owner: Benjamin Walls
Appellant: Benjamin Walls

Overtured the Zoning Adjustment Hearing Officer's decision and approved the use permit with a stipulation:

- 1) The applicant has 18 months to apply and pay for building permits.***

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

**Overtured
ZAHO with
stipulation**

4. Application #: **ZA-155-23-4**
Existing Zoning: R-3
Location: 1731 East Earll Drive
Quarter Section: 15-31(G9)
Proposal: **1)** Variance to reduce the side setback (east) to 1 foot. Minimum 3 feet required.
2) Variance to reduce the side setback (east) for a detached accessory structure to 1 foot. Minimum 3 feet required.

Ordinance Sections: 615.B.Table, B, 706.B
Applicant: Brendan Beggs
Representative: Brendan Beggs
Owner: Brendan Beggs
Appellant: Brendan Beggs

Overtaken the Zoning Adjustment Hearing Officer's decision and approved the variances with a stipulation:

1) The applicant has 18 months to apply and pay for building permits.

(Hill/Dodds - Vote of 6-1) (Graham).

**Upheld
ZAHO with
additional
stipulations**

5. Application #: **ZA-185-23-8**
Existing Zoning: DTC-Evans Churchill East
Location: 508, 516, and 520 East Portland Street
Quarter Section: 12-28(G8)
Proposal: Variance to allow maneuvering to occur in the public right-of-way (north alley side). All maneuvering must be located on private property.
Ordinance Sections: 702.A.1.b
Applicant: True North Studio
Representative: Mike Maerowitz, Snell and Wilmer, LLP
Owner: Jonathon Vento, Bungalows on Portland, LLC
Appellant: Kevin Murphy

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

- 1) 1 year to apply and pay for building permits.***
- 2) Per the location of the parking spaces along the alley as shown on the plan dated May 17, 2023.***
- 3) PRIOR TO FINAL SITE PLAN APPROVAL, THE APPLICANT AGREES TO WORK WITH HISTORIC PRESERVATION STAFF TO RECORD A PERPETUAL CONSERVATION EASEMENT ON THE SUBJECT PROPERTY REGARDING ALL EXTERIOR FACADES ON THE EXISTING THREE BUNGALOWS, TO THE EXTENT PERMITTED BY CITY CODE AND ANY OTHER RELEVANT REGULATIONS AND AS***

**APPROVED BY PLANNING AND DEVELOPMENT
DEPARTMENT STAFF.**

- 4) THERE SHALL BE A REVIEW AT THE OCTOBER 5, 2023 BOARD OF ADJUSTMENT HEARING TO DISCUSS THE STATUS OR OUTCOME OF DISCUSSIONS BETWEEN THE APPLICANT AND THE PORTLAND HOA REGARDING THE PROVISION OF ADDITIONAL SCREENING ALONG THE NORTH SIDE OF THE ALLEY WHERE ADJACENT TO THE PORTLAND II DEVELOPMENT.**

(Eigo/Ammon - Vote of 6-0) (Beuerlein absent),

E. Other Business

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| Updated | 6. Update on next Board of Adjustment agenda. |
| Updated | 7. Update on pending appeals of the Board of Adjustment. |
| No Action | 8. Q & A: Procedure and Process - Board of Adjustment case law. |
| No Action | 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. |

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.

August 3, 2023