**NOTICE OF PUBLIC MEETING**
**BOARD OF ADJUSTMENT**
*** 2nd REVISION July 9, 2013**

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, July 11, 2013, 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**
Approval of May 2, 2013 and June 6, 2013 minutes.

**B. Approval of Agenda**

**C. Requests for Continuance and/or Withdrawal**

1. Application #: **ZA-125-13-1 (Continued to August 1, 2013 by Appellant)**
   Existing Zoning: C-2, C-2 HR approved
   Location: 10040 North Metro Parkway
   Quarter Section: 28-21(K7)
   28-21(K6)
   28-22(K7)
   28-22(K6)
   Proposal: **1)** Use permit to allow a medical marijuana dispensary. Use permit required. **2)** Variance to allow a medical marijuana dispensary to be within 1,320 feet of a school. 1,320 feet is the minimum spacing required.
   Ordinance Sections: 623.D.122.a. 623.D.122.g.
   Applicant: Susan Gunderson
   Representative: Larry Lazarus / Lazarus, Silvyn & Bang
   Owner: J + M Management LLC
   Appellant: Point West III HOA

2. Application #: **ZA-122-13-6 (Continued to August 1, 2013 by Applicant)**
   Existing Zoning: R1-10
   Location: 2320 North 54th Street
   Quarter Section: 14-40(G11)
   Proposal: Use permit to allow a temporary residential

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| | | dwelling unit during the construction of a permanent home. Use permit required. |
| | Ordinance Sections: | 708.C.1.d. |
| | Applicant: | Vito Alongi |
| | Representative: | Paul Cooper / Arizona Home Designs |
| | Owner: | Vito Alongi |
| | Appellant: | Vito Alongi |
| 3. | Application #: | **ZA-103-13-1 (Continued to August 1, 2013 by Appellant)** |
| | Existing Zoning: | RE-35 |
| | Location: | 5203 West Whispering Wind Drive |
| | Quarter Section: | 46-16(O5) |
| | Proposal: | **1)** Use permit to reduce the setback for a disguised wireless communication facility(230kV lattice transmission tower) to 0 feet from a residentially zoned property. Use permit required. **2)** Use permit to allow disguised wireless communication facility (230kV lattice transmission tower) within a residentially zoned property that is designated for public or quasi-public space (SRP easement). Use permit required. **3)** Variance to delete the requirement that all cables must be concealed within the public utility pole for a disguised wireless communication facility (230kV lattice transmission tower). All cables must be concealed. |
| | Ordinance Sections: | 715.B.2.a.(2)(a)(ii) 715.B.2.a.(3)(a) 715.B.2.b.(6)(b)(v) |
| | Applicant: | Mark Maes / Salt River Project- Easement Grantee |
| | Representative: | Mark Maes / Salt River Project- Easement Grantee |
| | Owner: | Dennis & Barbara Mills NA |
| | Appellant: | Ken Fenolio / Saddleback Ridge Committee |

## D. Items for Consideration

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| 4. | Application #: | **ZA-126-07-7 (Review Continued from February 2, 2012)** |
| | Existing Zoning: | R-5 RI CMOD/C-2 CMOD |
| | Location: | 338 North 15th Avenue |
| | Quarter Section: | 11-25(F7) |
| | Proposal: | Use permit to reduce the required parking spaces to 64 (206 parking spaces required) for households with special needs. Use permit required. |
| | Ordinance Sections: | 702.A.5.f. |
| | Applicant: | Paul Gilbert / Beus Gilbert PLLC |
| | Representative: | Neal Pascoe / Beus Gilbert PLLC |

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| | Owner: | Jerry Sanduig / Phoenix Gospel Mission |
| | Appellant: | Bramley Paulin / Capital Mall Association |
| 5. | Application #: | **ZA-119-13-1** |
| | Existing Zoning: | RE-43 |
| | Location: | 3702 West Yorkshire Drive |
| | Quarter Section: | 40-20(N6) |
| | Proposal: | **1)** Variance to reduce the required side yard setback for accessory structures to 0 feet. Required 30 foot side yard setback. **2)** Variance to reduce the required rear yard setback for accessory structures to 0 feet. Required 40 foot rear yard setback. |
| | Ordinance Sections: | 605.A.10. 605.A.10. |
| | Applicant: | Soan Shaw |
| | Representative: | Soan Shaw |
| | Owner: | Soan Shaw |
| | Appellant: | Mark and Robin Short |
| 6. | Application #: | **ZA-130-13-6** |
| | Existing Zoning: | C-2 |
| | Location: | 4902 East Warner Road Suite 10 |
| | Quarter Section: | 07-39(B11) |
| | Proposal: | **1)** Use permit to allow a medical marijuana dispensary. **2)** Variance to allow a medical marijuana dispensary within 825 feet of a school/day care (Child Time). Minimum 1,320 feet separation required. **3)** Variance to allow a medical marijuana dispensary within 140 feet of a residence district (PAD). Minimum 250 feet separation required. |
| | Ordinance Sections: | 623.D.122.a. 623.D.122.g. 623.D.122.f. |
| | Applicant: | Mike Richards / Nature's Healing Center, Inc. |
| | Representative: | David Dow |
| | Owner: | Blackacre Realty LP |
| | Appellant: | David Dow |

## E. Other Business

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| 7. | Application #: | **ZA-330-12-2 – Request for Reconsideration by Appellant** |
| | Existing Zoning: | C-2, C-2 SP |
| | Location: | 17002 North Cave Creek Road |
| | Quarter Section: | 37-32(M9) |
| | Proposal: | Variance to reduce the required spacing for a plasma center from a residential zoning district to 0 |

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| | | feet. 900 feet required. |
| | Ordinance Sections: | 647.A.2.u. |
| | Applicant: | Michael Curley / Earl, Curley & Lagarde, P.C. |
| | Representative: | Michael Curley / Earl, Curley & Lagarde, P.C. |
| | Owner: | Cave Creek and Bell LLC |
| | Appellant: | Scott Anderson / Parke Place Homeowners Association |

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| * | 8. | Application #: | **ZA-340-12-3 – Request for Reconsideration** |
| | | Existing Zoning: | RE-43 |
| | | Location: | 4101 East Shea Boulevard |
| | | Quarter Section: | 28-37(K10) |
| | | Proposal: | Use permit to allow a concealed wireless communication facility on residentially zoned property that is used as public or quasi public space (church). Use permit required. |
| | | Ordinance Sections: | 715.B.1.a.(1) |
| | | Applicant: | Clear Blue Services |
| | | Representative: | Kent Flake, Clear Blue Services |
| | | Owner: | Church of the Valley, a Baptist Church of the Valley |
| | | Appellant: | Kent Flake, Clear Blue Services |

9. Vote to change the date of the August 1, 2013 Board of Adjustment to August 8, 2013. Update on August's agenda.

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

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

12. 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-D.

## F. Adjournment

For further information, please call Mary L. Brown, Secretary to the Board, in the Planning and Development Services Department at 602-495-7029, or contact us via electronic mail at zoning@phoenix.gov. This electronic mail address will not accommodate zoning enforcement/violation complaints.

For reasonable accommodations, call at Voice/ or the City TTY/602-534-5500 as early as possible to coordinate needed arrangements.

June 12, 2013