NOTICE OF RESULTS
BOARD OF ADJUSTMENT

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** held a meeting open to public on **Thursday, February 7, 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 results of the meeting were as follows:

RESULTS

A. Approval of Minutes

Approved Approval of December 6, 2012 minutes.
(Hunter/Larios – Vote of 7-0.)

B. 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 the following items:

Approved Item A. Discuss and consult re: Arizona Court of Appeals' decision on Pawn 1st, LLC v. City of Phoenix.
(Hunter/Koester – Vote of 6-0. (Gaynor absent))

Approved Item B. Discuss and consult re: Request for reconsideration of ZA-340-12-3.
(Jeffries/Larios – Vote of 7-0.)

C. Requests for Reconsideration

Denied 1. Application #: **ZA-166-12-6 – Request for Reconsideration Made by Opposition (Tabled at January 10, 2013 hearing)**

Existing Zoning:	R1-10 NCSPD
Location:	7901 North Central Avenue
Proposal:	Use permit to allow a concealed wireless communication facility in a public/quasi-public (Church) residentially zoned property. Use permit required.
Ordinance Sections:	715.B.1.a.(1)
Applicant:	Joe Engbrocks / Bechtel
Representative:	Joe Engbrocks / Bechtel
Owner:	Joe Fritz / CrossRoads United Methodist Church
Appellant:	Mary Crozier / North Central Phoenix Homeowners Association

Tabled motion to reconsider (Hunter/Koester) failed. (Vote of 0-4. (Larios, Jeffries, Adams not eligible))

No Action

2. Application #: **ZA-340-12-3 – Request for Reconsideration Made by the Applicant**
Existing Zoning: RE-43
Location: 4101 East Shea Boulevard
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
Greg Lake, Lake & Cobb PLC
Owner: Church of the Valley, a Baptist Church of Phoenix
Appellant: Greg Lake, Lake & Cobb PLC
No motion was made to reconsider.

D. Requests for Continuance and/or Withdrawal

Continued

3. Application #: **ZA-350-12-3 (Continued to March 7, 2013)**
Existing Zoning: A-1
Location: 1944 West North Lane
Proposal: **1)** Use permit to permit a medical marijuana dispensary facility. Use permit required. **2)** Variance to allow a medical marijuana dispensary located within 5,280 feet from another medical marijuana facility. Variance required if a medical marijuana dispensary is located within 5,280 feet from another medical marijuana facility.
Ordinance Sections: 627.D.92.a. 627.D.92.d.
Applicant: Christina Fortin / Dreem Green Corporation
Representative: David W. Dow / Law Offices of David W. Dow
Owner: Glen James Dobson / Van Buren Investment Company
Appellant: David W. Dow / Law Offices of David W. Dow

Continued to March 7, 2013.
(Hunter/Koester – Vote of 6-0. (Gaynor absent))

Continued

4. Application #: **ZA-278-12-6 (Sign) (Continued to March 7, 2013)**
Existing Zoning: C-2, C-2 H-R, C-2-SP CEPCSP
Location: 2201 East Camelback Road
Proposal: Use permit for a major amendment to the Anchor Centre Comprehensive Sign Plan. Use permit required.
Ordinance Sections: 705.E.2.
Applicant: Alissa Felker / SmithCraft
Representative: Jason Morris / Withey Morris , PLC
Owner: AG/DWC Anchor Centre, LLC
Appellant/ Representative: Jeffrey Fine / Camelback – 24th Street Single Family Coalition; Stephen Anderson / Gammage & Burnham PLC

Continued to April 4, 2013.
(Hunter/Koester - Vote of 6-0. (Gaynor absent))

E. Items for Consideration

Continued

5. Application #: **ZA-330-12-2 (Continued from January 10, 2013)**
Existing Zoning: C-2, C-2 SP
Location: 17002 North Cave Creek Road
Proposal: Variance to reduce the required spacing for a plasma center from a residential zoning district to 0 feet. 900 feet required.
Ordinance Sections: 647.A.2.u.
Applicant: Mike Curley Earl / Curley, & Lagarde, P.C.
Representative: Mike Curley Earl / Curley, & Lagarde, P.C.
Owner: Cave Creek and Bell LLC
Appellant: Scott Anderson / Parke Place Homeowners Association

Continued to March 7, 2013.
(Hunter/Jeffries – Vote of 6-0. (Gaynor absent))

Approved with modified stips

6. Application #: **ZA-382-11-1 (1 Year Review)**
Existing Zoning: R-2
Location: 20235 North 3rd Drive, Suite 3
Proposal: Use permit to establish a home-occupation for firearms parts and sales. Use permit required.
Ordinance 608.C.9.

Sections:

Applicant:	Kim Jessup / Top Sargs Gunsmith & Trading
Representative:	Kim Jessup / Top Sargs Gunsmith & Trading
Owner:	Kim Jessup / Top Sargs Gunsmith & Trading
Appellant:	Tom Wetzler / La Crescenta Condominium Association

Use permit approved with modification to stipulations:

1) All sales of firearms via internet.

2) No pubic traffic.

~~3) One year review to make sure that these is not increase in public traffic in this neighborhood because of gun sales.~~ *(deleted)*

(Hunter/Larios – Vote of 6-0. (Gaynor absent))

F. Other Business

Discussed 7. Presentation and discussion of possible changes to the Rules of Procedure of the Board of Adjustment.

Updated 8. Update on March 7, 2013 Board of Adjustment agenda.

No Action 8. Update on pending appeals of the Board of Adjustment.

No Action 10. Q & A: Procedure and Process - Board Adjustment case law.

Approved 11. 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.
See Item B.

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.

February 7, 2013