NOTICE OF RESULTS
BOARD OF ADJUSTMENT
***Revised October 3, 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** held a meeting open to public on **Thursday, October 3, 2013, at 12:00 p.m. located in City Council Chambers, 200 West Jefferson Street, Phoenix, Arizona.**

The results of the meeting were as follows:

ZAHO – Zoning Adjustment Hearing Officer

RESULTS

Approved **A. Approval of Agenda**
(Koester/Hunter - Vote of 6-0. (Larios absent))

B. Requests for Continuance and/or Withdrawal
Item #C.2. No motion made to continue.

C. Items for Consideration

Remanded to ZAHO

1. Application #: **ZA-244-13-6**
Existing Zoning: RE-24
Location: 2214 East Bethany Home Road
Quarter Section: 21-32(I9)
Proposal: Variance to increase lot coverage to 31%. 25% maximum allowed.
Ordinance Sections: 606.B.5.
Applicant: Tim Hammer / Hammer Homes Inc.
Representative: Tim Hammer / Hammer Homes Inc.
Owner: Doug Tuchin
Appellant: Tim Hammer / Hammer Homes Inc.
(Jeffries/Hunter - Vote of 6-0. (Larios absent)

Upheld ZAHO #1, #2, #3

Overturned #4

2. Application #: **ZA-251-13-6**
Existing Zoning: R-3
Location: 4402 North 36th Street
Quarter Section: 17-35(H10)
Proposal: **1)** Use permit to use the PRD option of Section 615.Table B. Use permit required.
2) Variance to reduce the required front yard setback to 0 feet for 45 lots. Minimum 10 feet required.

	3) Variance to increase the lot coverage to 58% for 45 lots. Maximum 45% lot coverage allowed. **4)** Variance to reduce open space required to meet "bonus" and 17.40 density. Minimum open space 5% of gross area required.
Ordinance Sections:	615. 615.Table B. 615.Table B. 615.Table B.
Applicant:	Marty Hall
Representative:	Wendell Burnette / Wendell Burnette Architects
Owner:	John Hansen / Pacific States Capital LLC
Appellant:	Paul Barnes / Neighborhood Coalition of Greater Phoenix

#1, #2, #3 - Upheld the ZAHO's approval with stipulations:

1) **General conformance to site plan signed and date by Zoning Adjustment Hearing Officer.**
2) **Copy of signed site plan to be submitted with building permit application.**
3) **Two years to apply and pay for building permits.**

#4 - Overturned the ZAHO's approval with stipulations and denied the variance.

(Adams/Ryan - Vote of 4-2. (Hunter, Jeffries) (Larios absent)

D. Other Business

No Motion

3.

Application #:	**ZA-140-13-8 (Request for Reconsideration from Opposition)**
Existing Zoning:	A-1 CMOD
Location:	815 West Madison Street
Quarter Section:	10-26(F8)
Proposal:	**1)** Use permit to allow bar and cocktail lounge. Use permit is required. **2)** Use permit to reduce parking requirements within the Infill Incentive District. Use permit required.
Ordinance Sections:	646.G.1.a. 702.E.9.b
Applicant:	Ian Likwarz / FOB Trader, LLC
Representative:	Ian Likwarz / FOB Trader, LLC
Owner:	Ian Likwarz / FOB Trader, LLC
Appellant:	Ian Likwarz / FOB Trader, LLC

No motion was made to reconsider, therefore there will be no reconsideration.

Continued	4.	Application #:	**ZA-201-13-5 (Request for Reconsideration)**
		Existing Zoning:	A-2
		Location:	3840 West Indian School Road
		Quarter Section:	17-20(H6)
		Proposal:	**1)** Use permit to allow a medical marijuana cultivation and infusion facility. Use permit required. **2)** Variance to allow medical marijuana cultivation and infusion facility 2,700 feet from another medical marijuana facility. Minimum 5,280 feet separation required from the same type of use.
		Ordinance Sections:	627.D.91.a. 627.D.93.a. 627.D.91.c. 627D.93.c.
		Applicant:	Ryan Hurley / Rose Law Group PC
		Representative:	Ryan Hurley / Rose Law Group PC
		Owner:	Nhut Le
		Appellant:	Diane Harris / Alhambra Neighborhood Association
*		**Continued the request to reconsider to November 7, 2013.** ***(Ryan/Koester – Vote of 3-2. (Adams, Hunter) (Gaynor not eligible) (Larios absent)***	
Approved	5.	Discuss and vote on 2014 Board of Adjustment calendar. Approved with the exceptions that January 2, 2014 was changed to January 9, 2014 and July 3,2014 was changed to July 10, 2014. ***(Ryan/Gaynor - Vote of 6-0. (Larios absent))***	
No Action	6.	Update on November 7, 2013 Board of Adjustment agenda.	
No Action	7.	Update on pending appeals of the Board of Adjustment.	
No Action	8.	Q & A: Procedure and Process - Board 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-F.	
Adjourned	**E.**	**Adjournment**	

For further information, please call Mary L. Brown, Secretary to the Board, in the Planning and Development 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 Shannon Adams at Voice/602-262-7577 or the City TTY/602-534-5500 as early as possible to coordinate needed arrangements.

October 3, 2013