

**NOTICE OF PUBLIC MEETING
BOARD OF ADJUSTMENT
*Revised July 19, 2017**

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, August 3, 2017, 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 June 1, 2017 minutes.

B. Approval of Agenda

C. Requests for Continuance and/or Withdrawal

1. Application #: **ZA-124-17-3 (Continued to September 7, 2017)**
Existing Zoning: A-1
Location: 1943 West Peoria Avenue
Quarter Section: 28-24(K7)
Proposal: **1) Variance to allow a medical marijuana dispensary to be located within 5,280 feet of another medical marijuana use. Minimum 5,280 feet required.**
2) Use permit to allow a medical marijuana dispensary facility. Use permit required.

Ordinance Sections: 627.D.92.d. 627.D.92.a.
Applicant: Rudy Alarcon, KMR LLC
Representative: Kristen Abelon, KMR LLC
Owner: Ernesto Terriquez
Appellant: Lance Van Houten, PING/KMC Inc.

D. Items for Consideration

2. Application #: **ZA-173-15-6 (One Year Review Continued from August 4, 2016)**
Existing Zoning: C-2
Location: 5625 North 7th Street
Quarter Section: 20-29(I8)
Proposal: **1) Use permit to allow outdoor dining as an accessory use to a restaurant. Use permit is required.**

2) Use permit to allow outdoor alcohol consumption as an accessory use to a restaurant. Use permit is required.

Ordinance Sections: 623.D.156.c. 623.D.156.c.
Applicant: Barrett Rinzler, CB&CB 7th Street LLC
Representative: Amy Nations, Arizona Liquor Industry Consultants
Owner: John Cornforth, Cornforths Inc.
Appellant: Amy Nations, Arizona Liquor Industry Consultants

3. Application #: **ZA-60-17-6 (Continued from June 1, 2017)**
Existing Zoning: R1-6
Location: 4216 North 34th Place
Quarter Section: 17-35(H10)
Proposal: Variance to reduce rear yard setback to 17 feet. Minimum 25 feet required.

Ordinance Sections: 613.B. Table B.
Applicant: Andrew Ogas, Andrew Ogas Architect, LLC
Representative: Andrew Ogas, Andrew Ogas Architect, LLC
Owner: William & Gretchen Jay
Appellant: William & Gretchen Jay

4. Application #: **ZA-55-17-4**
Existing Zoning: C-1
Location: 392 and 396 East Palm Lane
Quarter Section: 13-28(G8)
Proposal: **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Black Rock Coffee). Use permit required.
2) Use permit to allow a drive through facility as an accessory use to a restaurant (Black Rock Coffee). Use permit required when less than 300 feet from a residential district zoning line.
3) Variance to reduce the street side building setback along 7th Street to 21 feet. An average 25 feet is required.
4) Variance to reduce the street side building setback along Palm Lane to 14 feet. An average 25 feet is required.
5) Variance to reduce the streetscape landscape setback along 7th Street to 0 feet. An average of 25 feet is required.
6) Variance to reduce the streetscape landscape setback along Palm Lane to 0 feet. An average of 25 feet is required.

Ordinance Sections: 622.D.146.d. 622.D.146.e. 622.E.4.d. 622.E.4.d. 622.E.4.e. 622.E.4.e.

Applicant: Wendy Riddell, Berry Riddell LLC
Representative: Wendy Riddell, Berry Riddell LLC
Owner: Ali Fakih, 2000 N 7th LLC
Appellant: Wendy Riddell, Berry Riddell LLC

5. Application #: **ZA-77-17-4 (Sign)**
Existing Zoning: C-2
Location: 1649 - 1701 East Indian School Road
Quarter Section: 16-31(H9)
Proposal: **1)** Use permit to relocate and rebuild an existing double-face non-conforming off-premise sign to a double-face digital sign. Use permit required.
2) Variance to allow an off-premise structure on an arterial street where the sign face is oriented to a non-permitted freeway. Off-premise structures shall be oriented to permitted freeways.
3) Use permit to erect an off-premise structure within 500 feet of a residential district and residential use. 500-foot setback may be reduced with a use permit and a demonstration of a visual or physical barrier between the off-premise advertising structure and the residential use.
4) Variance to increase the height of an off-premise structure on an arterial street to 70 feet. Maximum height for off-premise structures on arterial streets is 48 feet.
5) Variance to reduce the setback for an off-premise structure to 3 feet from the property line. Minimum 25 feet setback required adjacent to a public right-of-way.
- Ordinance Sections: 705.2.G.4. 705.2.A.3.d. 705.2.A.5. 705.2.B.4.a. 705.2.B.1.
- Applicant: Outfront Media
Representative: Charles Huellmantel, Huellmantel & Affiliates
Owner: Katsenes Enterprises LLC
Appellant: Charles Huellmantel, Huellmantel & Affiliates
6. Application #: **ZA-157-17-7**
Existing Zoning: A-1 CMOD
Location: 815 - 817 West Madison Street
Quarter Section: 10-26(F8)
Proposal: **1)** Use permit to allow a bar and cocktail lounge in the Capitol Mall Overlay District. Use permit required.
2) Use permit to allow an assembly or banquet hall with less than 25,000 square feet in gross floor area. Use permit required.

3) Variance to reduce the number of parking spaces to 6. Minimum 116 spaces required.
Ordinance Sections: 646.G.1.a. 623.D.9.a. 702.C.
Applicant: Ian Francis Likwarz, 815-817 West Madison Street LLC
Representative: Ian Francis Likwarz, 815-817 West Madison Street LLC
Owner: Ian Francis Likwarz, 815-817 West Madison Street LLC
Appellant: Sean Sweat, The Urban Phoenix Project

E. Other Business

7. Update on September Board of Adjustment agenda.
8. Update on pending appeals of the Board of Adjustment.
9. Q & A: Procedure and Process - Board of Adjustment case law.
10. 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.

F. 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.

This publication can be made available in alternate format upon request. To request a reasonable accommodation, please contact Tamra Ingersoll at 602.534.6648, TTY: Use 7-1-1.

July 19, 2017