

## Board of Adjustment

### *Staff Report*

**CASE NUMBER:** BA17- 032 (PLN2017-00188)  
**STAFF PLANNER:** John D. Wesley, AICP – Planning Director, Acting Zoning Administrator  
**CITY’S LEGAL COUNSEL:** Mesa City Attorney’s Office - Mary Grace McNear, Esq.; Charlotte McDermott, Esq.  
**LOCATION/ADDRESS:** 1842 and 1911 W. Broadway  
**COUNCIL DISTRICT:** 3  
**APPELLANT:** Nova Dispensary  
**APPELLANT’S LEGAL COUNSEL:** Jeffrey Blilie, Esq., Bues Gilbert

**REQUEST:** An appeal of a Zoning Administrator interpretation of the separation requirements for medical marijuana dispensaries located at 1842 W. Broadway and 1911 W. Broadway.

This appeal involves two medical marijuana sites located on opposite sides of W. Broadway Road. The Zoning Ordinance requires a separation of at least a mile between these uses. Through a unique set of circumstances and approval of an interpretation by the Zoning Administrator, both facilities have been allowed to open and operate. One of the two facilities has appealed that interpretation. The owner of the other facility just recently obtained legal counsel to represent them during these proceedings. Because that legal counsel was just engaged, he has asked for a continuance to the August 2, 2017 Board meeting. The appellant’s legal counsel has agreed to this additional continuance.

For this reason, staff recommends continuance of this case to the August 2, 2017 Board meeting.