

**Application
Narrative
Cash Transmittal
Pre-Application
Pre-App Narrative
Pre-App Cash Transmittal
Development Standards**

Narrative for Variance at 3420 N 62nd Place

I am requesting a variance be granted on my property to allow me to construct covered parking for both of my motor vehicles. My ideal preference would be a two-car garage, and my second choice would be a two-car carport. The structure would be attached to the existing home structure with compatible materials and the roof line would be combined with the structure to flow with what is already in place. Specifically, what needs to be varied is that the structure would have eastern access instead of the approved northern access, and would not be permanently opened on two sides, but instead have either just one permanently opened side, either with a garage door on it, or nothing at all. This structure would prove to be the most functionally efficient and visually stimulating solution.

1) The majority of my neighbors currently have similarly sized lots and ample covered parking for their motor vehicles. Several owners before I purchased the property enclosed the original carport to make it a part of the interior living space. This space has been functionally dedicated to be a living room, and therefore it is not an option to be converted back into a carport without jeopardizing the flow, functionality and value of the home. The existing two approved solutions for covered parking are not viable options to solve my problem, and there are two additional factors preventing me from being able to construct covered parking like my neighbors.

First, the R1-7 Standard Mid-Block Parcel Carport Addition in Side Yard is not possible because my neighbors to the south of me will not provide the necessary 5-foot non-buildable easement to the city to offset building the proposed carport to my property line.

Second, the R1-7 Standard Mid-Block Parcel Front Carport Addition is functionally, economically and physically obsolescence. Building a structure like this would be economically obsolescence because it would require a full reconstruction of the driveway, front walk and front yard, all of which were just improved by the previous owner prior to selling, and served as selling features to me when I purchased the property. The previous owner improved the lot by professionally installing pavers, curbing, grass, and irrigation. My neighbor at 3514 N 62nd Place, which is just a few doors north of me, installed this carport and proved it is functionally and physically obsolescence as well. They are unable to fully park either of their two vehicles under the approved front carport. They always have one vehicle partially parked under the new structure and the other car is just parked in the driveway separate from the carport and other vehicle. Because of the angle that I would have to enter this carport to make the entrance perpendicular to the street, it would not be possible for both cars to fit into the structure. This structure makes their property look like a valet parking drop off, because cars are always being moved around, and it is physically detrimental to their property.

Third, the neighbors to the south of my property have a very large pine tree that hang over into my property and driveway, which drips sap onto my vehicles because they are not covered. This

is causing me to have to clean my vehicles more than I ever have in the past to prevent damaging the paint.

Fourth, the property right across the street, 3407 N 62nd Place, just sold for \$490,000 on 9/9/2017. That home has 4 bedrooms, 2 bathrooms, a 2-car garage, a pool, and is 1,841 sqft on a 7,451 sqft lot. My property has 4 bedrooms, 3 bathrooms, a pool, is 1,680 sqft on a 8,266 sqft lot, which I purchased for \$399,000 with \$9,000 of seller contributions towards my closing costs on 11/3/2017. Both of our homes are updated and according to my appraiser are very comparable, the only real difference is the garage. The property at 3408 N 63rd Street has very similar specs and no pool, but has a two-car garage, and that property sold for \$508,000 earlier in 2017. These numbers prove that not having a garage is also very detrimental to my property value.

2) The authorization of the variance is also necessary for the preservation of privileges and rights enjoyed by most of my neighbors, especially since the west side (my side) of 62nd Place is at a large disadvantage compared to the east side of 62nd Place to solving this dilemma, because it is 5 feet closer to the center of the street. This is problematic for me because the city owns the first 20 feet from the center of the street, plus the 5-foot setback on the beginning of my property line. Because of this, I have much less room to work with in attempting to find a solution to provide covered parking to both of my vehicles. This leaves me with exactly 20 feet from the beginning of my property line to the existing house to build something. 20 feet is the bare minimum size it would take to cover both of my vehicles.

3) The special circumstances at my property were applicable to me when I purchased the property because as I stated earlier, a previous owner decided to enclose the original carport and make it part of the living area of the home, this circumstance was not self-imposed by me. Just because one of the previous owners didn't value covered parking for his vehicles, does not mean that I should have to park my cars out in the open. In the first few weeks living at this property we have already had our vehicles broken into twice. A garage would not only provide protection from outdoor elements, but it would also provide protection from theft.

4) Neither a garage nor a carport would be considered materially detrimental to my neighbors, especially my neighbors immediately to the south of me which would be affected the most by any new structure. They are the same neighbors that are not giving permission for the 5-foot non-buildable easement for the side yard carport, however, they are giving me permission to construct a fully enclosed garage and/or carport because they see the functionality and purpose behind it and believe it will improve my property's curb appeal and the overall appearance and value of the neighborhood.

Development Application



Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	Other:
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance	Land Divisions (PP)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input type="checkbox"/> Abandonment (AB)
<input checked="" type="checkbox"/> Variance (BA)	<input type="checkbox"/> Perimeter Exceptions	Other Application Type Not Listed
<input type="checkbox"/> Minor Amendment (MA)	<input type="checkbox"/> Plat Correction/Revision	<input type="checkbox"/>

Project Name: Wein - Garage/Carport

Property's Address: 3420 N. 62nd Place, Scottsdale, AZ 85251

Property's Current Zoning District Designation:

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner: <u>Josh Wein</u>	Agent/Applicant: <u>Josh Wein</u>
Company:	Company:
Address: <u>3420 N. 62nd Pl, Scottsdale, AZ 85251</u>	Address: <u>3420 N. 62nd Pl, Scottsdale, AZ 85251</u>
Phone: <u>480-432-4771</u> Fax:	Phone: <u>480-432-4771</u> Fax:
E-mail: <u>weintime@gmail.com</u>	E-mail: <u>weintime@gmail.com</u>
Designer:	Engineer:
Company:	Company:
Address:	Address:
Phone: Fax:	Phone: Fax:
E-mail:	E-mail:

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications will be reviewed in a format similar to the Enhanced Application Review methodology.

<input checked="" type="checkbox"/> Enhanced Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.
<input type="checkbox"/> Standard Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

Josh Wein
Owner Signature

Josh Wein
Agent/Applicant Signature

Official Use Only Submittal Date: Development Application No.:

Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: www.scottsdaleaz.gov

8 DA 2047

Development Application

Review Methodologies



Review Methodologies

The City of Scottsdale maintains a business and resident friendly approach to new development and improvements to existing developments. In order to provide for flexibility in the review of Development Applications, and Applications for Permitting, the City of Scottsdale provides two methodologies from which an owner or agent may choose to have the City process the application. The methodologies are:

1. Enhanced Application Review Methodology

Within the parameters of the Regulatory Bill-of-Rights of the Arizona Revised Statutes, the Enhanced Application Review method is intended to increase the likelihood that the applicant will obtain an earlier favorable written decision or recommendation upon completion of the city's reviews. To accomplish this objective, the Enhanced Application Review allows:

- the applicant and City staff to maintain open and frequent communication (written, electronic, telephone, meeting, etc.) during the application review;
- City staff and the applicant to collaboratively work together regarding an application; and
- City staff to make requests for additional information and the applicant to submit revisions to address code, ordinance, or policy deficiencies in an expeditious manner.

Generally, the on-going communication and the collaborative work environment will allow the review of an application to be expedited within the published Staff Review Time frames.

2. Standard Application Review Methodology:

Under the Standard Application Review, the application is processed in accordance with the Regulatory Bill-of-Rights of the Arizona Revised Statutes. These provisions significantly minimize the applicant's ability to collaboratively work with City Staff to resolve application code, ordinance, or policy deficiencies during the review of an application. After the completion the city's review, a written approval or denial, recommendation of approval or denial, or a written request for additional information will be provided.

The City is not required to provide an applicant the opportunity to resolve application deficiencies, and staff is not permitted to discuss or request additional information that may otherwise resolve a deficiency during the time the City has the application. Since the applicant's ability to collaboratively work with Staff's to resolve deficiencies is limited, the total Staff Review Time and the likelihood of a written denial, or recommendation of denial is significantly increased.

In addition to the information above, please review the Development Application, and/or the Application for Permitting flow charts. These flow charts provide a step-by-step graphic representation of the application processes for the associated review methodologies.

Note:

1. Please see the Current Planning Services and Long Range Planning Services Substantive Policy Statements and Staff Review Timeframes for Development Applications, number III.

Planning and Development Services

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City of Scottsdale's Website: www.scottsdaleaz.gov

Development Application

Arizona Revised Statutes Notice



§9-834. Prohibited acts by municipalities and employees; enforcement; notice

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

Planning and Development Services

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City of Scottsdale's Website: www.scottsdaleaz.gov



113235

113235
1 01085711
12/1/2017 PLN-1STOP
KPETERS HPTC600512
12/1/2017 9:18 AM
\$153.00

Received From :

JOSH WEIN
3420 N 62ND PL
SCOTTSDALE, AZ 85257
480-432-4771

Bill To :

Reference # 849-PA-2017
Address 3420 N 62ND PL
Subdivision COUNTRY ESTATES

Marketing Name
MCR 070-25
APN 128-52-050

Owner Information
JOSH WEIN
3420 N 62ND PL
SCOTTSDALE, AZ 85257
480-432-4771

Lot Number 45
Metes/Bounds No
Gross Lot Area 0
NAOS Lot Area 0
Net Lot Area 0
Number of Units 1
Density

Issued Date 12/1/2017
Paid Date 12/1/2017
Payment Type CHECK
Cost Center
Jurisdiction SCOTTSDALE
Water Zone
Water Type
Sewer Type
Meter Size
QS 16-42

Code	Description	Additional	Qty	Amount	Account Number
3140	BOARD OF ADJUSTMENT FEES		1	\$153.00	100-21300-44221

City of Scottsdale

7447 E. Indian School Rd.
Scottsdale, AZ 85251
(480) 312-2500
One Stop Shop

Date: 12/1/2017 Cashier: KPETERS
Office: PLN-1STOP Mach ID: HPTC6005125
Tran #: 1 Batch #: 63641

Receipt: 01085711 Date: 12/1/2017 9:18 AM
113235
3140 DEV APPLICATION FEES \$153.00

TENDERED AMOUNTS:

Check Tendered: \$153.00
Chk #: 1219 WEIN JOSH
Transaction Total: \$153.00

Thank you for your payment.
Have a nice day!

8-BA-2017
12/1/17

SIGNED BY JOSH WEIN ON 12/1/2017

Total Amount

\$153.00

(When a credit card is used as payment I agree to pay the above total amount according to the Card Issuer Agreement.)

3" and larger water meter fees are based on cost recovery. The city will contact the owner of the construction

Board of Adjustment

Development Application Checklist



Minimal Submittal Requirements:

At your pre-application meeting, your project coordinator will identify which items indicated on this Development Application checklist are required to be submitted. A Development Application that does not include all items indicated on this checklist may be rejected immediately. A Development Application that is received by the City does not constitute that the application meets the minimum submittal requirements to be reviewed.

In addition to the items on this checklist, to avoid delays in the review of your application, all Plans, Graphics, Reports and other additional information that is to be submitted shall be provided in accordance with the:

- requirements specified in the Plan & Report Requirements For Development Applications Checklist;
- Design Standards & Policies Manual;
- requirements of Scottsdale Revised Code (including the Zoning Ordinance); and
- stipulations, include any additional submittal requirements identified in the stipulations, of any Development Application approved prior to the submittal of this application.

If you have any question regarding the information above, or items indicated on this application checklist, please contact your project coordinator. His/her contact information is on the page 4 of this application.

Please be advised that a Development Application received by the City that is inconsistent with information submitted with the corresponding pre-application may be rejected immediately, and may be required to submit a separate: pre-application, a new Development Application, and pay all additional fees.

Prior to application submittal, please research original zoning case history to find the original adopted ordinance(s) and exhibit(s) to confirm the zoning for the property. This will help to define your application accurately. The City's full-service Records Department can assist.

PART I -- GENERAL REQUIREMENTS

Req'd	Rec'd	Description of Documents Required for Complete Application. No application shall be accepted without all items marked below.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1. Board of Adjustment Checklist (this list)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	2. Application Fee \$ <u>153</u> (subject to change every July)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3. Completed Development Application Form (form provided) <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Appeal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. Letter of Authorization (from property owner(s) if property owner did not sign the application form)

Board of Adjustment Application Checklist

✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. Affidavit of Authorization to Act for Property Owner (required if the property owner is a corporation, trust, partnership, etc. and/or the property owner(s) will be represented by an applicant that will act on behalf of the property owner. (form provided)
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6. Request for Site Visits and/or Inspections Form (form provided)
			7. Addressing Requirements and Addressing Request Application
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	8. Public Participation Step 1: Complete Neighborhood Notification • Notify surrounding property owners & HOAs of the project request and description within 750 feet Step 2: City will post public hearing sign and provide other public notification including: • Mailing out postcards to property owners within 750 feet • Publishing legal ad in newspaper • Posting case information on the City website • Posting on social media • Sending to email subscribers
	<input type="checkbox"/>	<input type="checkbox"/>	9. Homeowners/Property Owners Association Approval (if applicable).
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	10. Existing Conditions Photo Exhibit: Printed digital photos on 8-1/2"x11" Paper (example provided) • 8-1/2" x 11" - 1 copy of the set of prints • See attached Existing Conditions Photo Exhibit graphic showing required photograph locations and numbers.

To be done
Letters from neighbors

- Me?

PART II -- REQUIRED NARRATIVE, PLANS & RELATED DATA

Req'd	Rec'd	Description of Documents Required for Complete Application. No application shall be accepted without all items marked below.
		11. Plan & Report Requirements For Development Applications Checklist (form provided)
✓	<input checked="" type="checkbox"/>	12. Application Narrative • 8 1/2" x 11" - 4 copies
	<input checked="" type="checkbox"/>	13. Context Aerial with the proposed site improvements superimposed • 24" x 36" - 2 color copies, folded • 11" x 17" - 1 color copy, folded • 8 1/2" x 11" - 1 color copies (quality suitable for reproduction) Aerial shall not be more than 1 year old and shall include and overlay of the site plan showing lot lines, tracts, easements, street locations/names and surrounding zoning for a radius from the site of: _____ 750 foot radius from site _____ 1/4 mile radius from site _____ Other: _____

NA Full size

- Google Maps

Planning and Development Services

7447 E Indian School Road Suite 105, Scottsdale, AZ 85251 Phone: 480-312-7000 Fax: 480-312-7088

Board of Adjustment Application Checklist

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	14. Site Plan <input checked="" type="checkbox"/> 24" x 36" - 4 copies, folded <input checked="" type="checkbox"/> 11" x 17" - 1 copy, folded (quality suitable for reproduction) <input checked="" type="checkbox"/> 8 1/2" x 11" - 1 copy (quality suitable for reproduction) <input checked="" type="checkbox"/> Digital - 1 copy (Text and drawing shall be black and white, and in the DWF format)	<i>also proposing</i> <i>- Trace Aerial Photo</i>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	15. Elevations <input checked="" type="checkbox"/> 24" x 36" - 2 copies, folded black and white line drawing (a grayscale copy of the color elevations will not be accepted.) <input checked="" type="checkbox"/> 11" x 17" - 1 copy, folded black and white line drawing (quality suitable for reproduction) <input checked="" type="checkbox"/> 8 1/2" x 11" - 1 copy black and white line drawing (quality suitable for reproduction) <input checked="" type="checkbox"/> Digital - 1 copy (Text and drawing shall be black and white, and in the DWF format)	<i>street view with line drawing</i>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	16. Floor Plans <input checked="" type="checkbox"/> 24" x 36" - 2 copies, folded black and white line drawing <input checked="" type="checkbox"/> 11" x 17" - 1 copy, folded black and white line drawing (quality suitable for reproduction) <input checked="" type="checkbox"/> 8 1/2" x 11" - 1 copy black and white line drawing (quality suitable for reproduction) <input checked="" type="checkbox"/> Digital - 1 copy (Text and drawing shall be black and white, and in the DWF format)	
<input type="checkbox"/>	<input type="checkbox"/>	17. Other: <hr/> <hr/> <hr/>	

PART III – SUBMITTAL OF THE DEVELOPMENT APPLICATION

Req'd	Rec'd	Description of Documents Required for Complete Application. No application shall be accepted without all items marked below.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	18. An appointment must be scheduled to submit this application. To schedule your submittal meeting please call 480-312-7767. Request a submittal meeting with a Planning Specialist and provide your case pre-app number; <u>849</u> -PA- <u>2017</u> .
<input checked="" type="checkbox"/>	<input type="checkbox"/>	19. Submit all items indicated on this checklist pursuant to the Submittal Instructions provided.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20. Submit all additional items that are required pursuant to the stipulations of any other Development Application that this application is reliant upon
<input type="checkbox"/>	<input type="checkbox"/>	21. Other: <hr/> <hr/>

Planning and Development Services

Board of Adjustment Application Checklist

22. If you have any question regarding this application checklist, please contact your Project Coordinator.

Coordinator Name (print): BEN MORRIS Phone Number: 480-312-2836

Coordinator email: B.MORRIS @scottsdaleaz.gov

Date: 11/22/2017

Coordinator Signature:

If the Project Coordinator is no-longer available, please contact the Current Planning Director at the phone number in the footer of this page if you have any question regarding this application checklist.

This application needs a: ☐ New Project Number, or

☐ A New Phase to an old Project Number: _____

Required Notice

Pursuant to A.R.S. §9-836, an applicant/agent may request a clarification from the City regarding an interpretation or application of a statute, ordinance, code or authorized substantive policy, or policy statement. Requests to clarify an interpretation or application of a statute, ordinance, code, policy statement administered by the Planning and Development Services, including a request for an interpretation of the Zoning Ordinance, shall be submitted in writing to the One Stop Shop to the attention of the Planning and Development Services Director. All such requests must be submitted in accordance with the A.R.S. §9-839 and the City's applicable administrative policies available at the Planning and Development Services' One Stop Shop, or from the city's website:

<http://www.scottsdaleaz.gov/building-resources/forms>

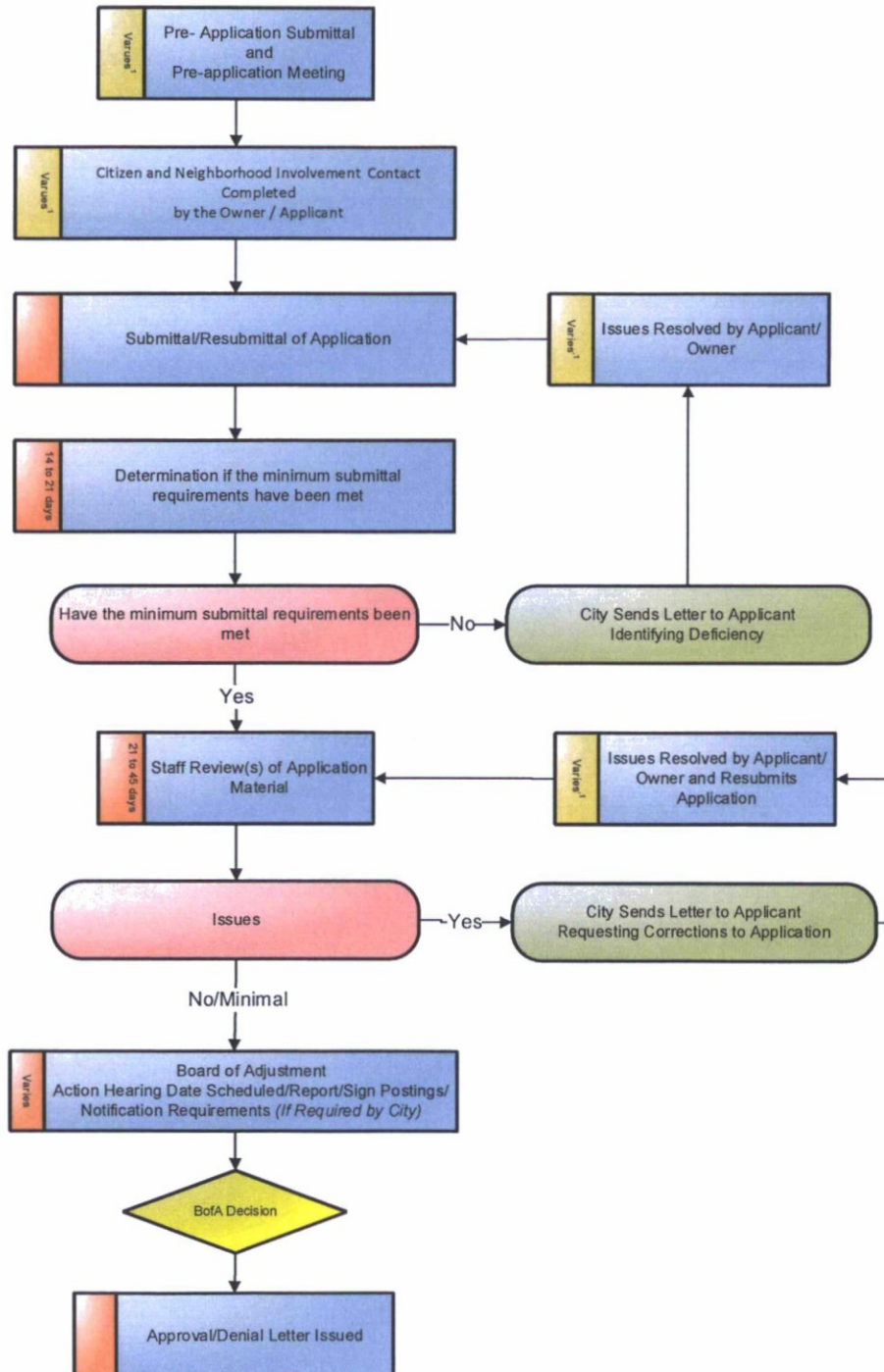
Planning and Development Services
One Stop Shop
Planning and Development Services Director
7447 E. Indian School Rd, Suite 105
Scottsdale, AZ 85251
Phone: (480) 312-7000

Planning and Development Services

7447 E Indian School Road Suite 105, Scottsdale, AZ 85251 Phone: 480-312-7000 Fax: 480-312-7088

Development Applications Process

Board of Adjustment Application (BA)



Note:

1. Time period determined by owner/applicant.

Request for Site Visits and/or Inspections

Development Application (Case Submittals)



This request concerns all property identified in the development application.

Pre-application No: 849 -PA- 2017

Project Name: Wein - Garage/Carport

Project Address: 3420 N. 62nd Pl, Scottsdale, AZ 85251

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owner's agent: _____

Josh Wein

Print Name

[Signature]

Signature

City Use Only

Submittal Date: _____ Case number: _____

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088



Current Planning Services
Long Range Planning Services

NOTICE OF INSPECTION RIGHTS
A.R.S. § 9-833

You have the right to:

- Have the City staff member present a photo ID.
- Have the City staff member state the purpose for the planning inspection and legal authority to conduct it.
- Know the amount of inspection fees if applicable.
- An on-site representative may accompany the City staff member during the inspection except during confidential interviews and may:
 - Receive copies of any documents taken during the inspection.
 - Receive a split of any samples taken during the inspection.
 - Receive copies of any analysis of the samples taken when available.
- Be informed if statements are being recorded.
- Be given notice that any statements may be used in an inspection report.
- Be presented with a copy of your inspection rights.
- Be notified of the due process rights pertaining to an appeal

You are hereby notified and informed of the following:

- The inspection is conducted pursuant to the authority of A.R.S § 9-462.05. and/or Scottsdale Revised Code, Appendix B, Article I. Section 1.203.
- Any statements made by anyone interviewed during this inspection may be included in the inspection report.
- Information on appeal rights related to this inspection is found under Scottsdale Revised Code, Appendix B, Article I. Section 1.801.
- There is no inspection fee associated with this inspection.

I acknowledge I have been informed of my inspection rights. If I decline to sign this form, the inspector(s) may still proceed with the inspection.

If I have any questions, I may contact the City staff member, _____
at the following number _____.

Signature: Josh Wein Date: 11/25/17

Printed Name: Josh Wein

☐ Check box if signature refused

Copy of Bill of Rights left at: _____

A.R.S § 9-833. Inspections; applicability

- A. A municipal inspector or regulator who enters any premises of a regulated person for the purpose of conducting an inspection shall:
 - 1. Present photo identification on entry of the premises.
 - 2. On initiation of the inspection, state the purpose of the inspection and the legal authority for conducting the inspection.
 - 3. Disclose any applicable inspection fees.
 - 4. Except for a food and swimming pool inspection, afford an opportunity to have an authorized on-site representative of the regulated person accompany the municipal inspector or regulator on the premises, except during confidential interviews.
 - 5. Provide notice of the right to have:
 - (a) Copies of any original documents taken from the premises by the municipality during the inspection if the municipality is permitted by law to take original documents.
 - (b) A split or duplicate of any samples taken during the inspection if the split or duplicate of any samples, where appropriate, would not prohibit an analysis from being conducted or render an analysis inconclusive.
 - (c) Copies of any analysis performed on samples taken during the inspection.
 - 6. Inform each person whose conversation with the municipal inspector or regulator during the inspection is tape recorded that the conversation is being tape recorded.
 - 7. Inform each person interviewed during the inspection that statements made by the person may be included in the inspection report.
- B. On initiation of, or two working days before, an inspection of any premises of a regulated person, except for a food and swimming pool inspection that has up to one working day after an inspection, a municipal inspector or regulator shall provide the following in writing or electronically:
 - 1. The rights described in subsection A of this section.
 - 2. The name and telephone number of a municipal contact person available to answer questions regarding the inspection.
 - 3. The due process rights relating to an appeal of a final decision of a municipality based on the results of the inspection, including the name and telephone number of a person to contact within the municipality and any appropriate municipality, county or state government ombudsman.
- C. A municipal inspector or regulator shall obtain the signature of the regulated person or on-site representative of the regulated person on the writing prescribed in subsection B of this section indicating that the regulated person or on-site representative of the regulated person has read the writing prescribed in subsection B of this section and is notified of the regulated person's or on-site representative of the regulated person's inspection and due process rights. The municipality shall maintain a copy of this signature with the inspection report. Unless the regulated person at the time of the inspection is informed how the report can be located electronically, the municipality shall leave a copy with the regulated person or on-site representative of the regulated person. If a regulated person or on-site representative of the regulated person is not at the site or refuses to sign the writing prescribed in subsection B of this section, the municipal inspector or regulator shall note that fact on the writing prescribed in subsection B of this section.
- D. A municipality that conducts an inspection shall give a copy of, or provide electronic access to, the inspection report to the regulated person or on-site representative of the regulated person either:
 - 1. At the time of the inspection.
 - 2. Notwithstanding any other state law, within thirty working days after the inspection.
 - 3. As otherwise required by federal law.

- E. The inspection report shall contain deficiencies identified during an inspection. Unless otherwise provided by law, the municipality may provide the regulated person an opportunity to correct the deficiencies unless the municipality determines that the deficiencies are:
1. Committed intentionally.
 2. Not correctable within a reasonable period of time as determined by the municipality.
 3. Evidence of a pattern of noncompliance.
 4. A risk to any person, the public health, safety or welfare or the environment.
- F. If the municipality allows the regulated person an opportunity to correct the deficiencies pursuant to subsection E of this section, the regulated person shall notify the municipality when the deficiencies have been corrected. Within thirty working days of receipt of notification from the regulated person that the deficiencies have been corrected, the municipality shall determine if the regulated person is in substantial compliance and notify the regulated person whether or not the regulated person is in substantial compliance, unless the determination is not possible due to conditions of normal operations at the premises. If the regulated person fails to correct the deficiencies or the municipality determines the deficiencies have not been corrected within a reasonable period of time, the municipality may take any enforcement action authorized by law for the deficiencies.
- G. A municipality's decision pursuant to subsection E or F of this section is not an appealable municipal action.
- H. At least once every month after the commencement of the inspection, a municipality shall provide the regulated person with an update, in writing or electronically, on the status of any municipal action resulting from an inspection of the regulated person. A municipality is not required to provide an update after the regulated person is notified that no municipal action will result from the municipality's inspection or after the completion of municipal action resulting from the municipality's inspection.
- I. This section does not authorize an inspection or any other act that is not otherwise authorized by law.
- J. This section applies only to inspections necessary for the issuance of a license or to determine compliance with licensure requirements. This section does not apply:
1. To criminal investigations and undercover investigations that are generally or specifically authorized by law.
 2. If the municipal inspector or regulator has reasonable suspicion to believe that the regulated person may be or has been engaged in criminal activity.
 3. Inspections by a county board of health or a local health department pursuant to section 36-603.
- K. If a municipal inspector or regulator gathers evidence in violation of this section, the violation shall not be a basis to exclude the evidence in a civil or administrative proceeding, if the penalty sought is the denial, suspension or revocation of the regulated person's license or a civil penalty of more than one thousand dollars.
- L. Failure of a municipal employee to comply with this section:
1. Constitutes cause for disciplinary action or dismissal pursuant to adopted municipal personnel policy.
 2. Shall be considered by the judge and administrative law judge as grounds for reduction of any fine or civil penalty.
- M. A municipality may adopt rules or ordinances to implement this section.
- N. This section:
1. Shall not be used to exclude evidence in a criminal proceeding.
 2. Does not apply to a municipal inspection that is requested by the regulated person.