

207 Waiver
Title
Legal Description
Policy or Appeals
Correspondence Between Legal & Staff
Letter of Authorization

Legal



NOTICE OF BOARD OF ADJUSTMENT HEARING

NOTICE IS HEREBY GIVEN the Board of Adjustment of the City of Scottsdale, Arizona, will hold a public hearing on May 02, 2018, at 6:00 P.M. in the City Hall Kiva, 3939 N. Drinkwater Boulevard, Scottsdale, Arizona, for the purpose of hearing all persons who wish to comment on the following:

1-BA-2018

(C.L. Holdings Care Home Zoning Administrator Decision Appeal) Request for an appeal of the Zoning Administrator's written decision, dated January 11, 2018 regarding a request for a reasonable accommodation seeking relief from the 750-foot separation requirement between adult care homes for a property located at 12012 N. 68th Place. Staff contact person is Ben Moriarty, 480-312-2836. Applicant contact person is Larry S. Lazarus, 602-340-0900.

2-BA-2018

(C.L. Holdings 68th Place Care Home Disability Accommodation) Request by owner for a Disability Accommodation to the City of Scottsdale Zoning Ordinance, Sections 5.202.A and 5.102.A.2.c pertaining to Care Home location/separation, for a property with Single-family Residential (R1-35) zoning located at 12012 N. 68th Place. Staff contact person is Ben Moriarty, 480-312-2836. Applicant contact person is Larry S. Lazarus, 602-340-0900.

4-BA-2018

(C.L. Holdings 68th Place Care Home Variance) Request by owner for a variance to the City of Scottsdale Zoning Ordinance, Sections 5.202.A and 5.102.A.2.c pertaining to Care Home location/separation, for a property with Single-family Residential (R1-35) zoning located at 12012 N. 68th Place. Staff contact person is Ben Moriarty, 480-312-2836. Applicant contact person is Larry S. Lazarus, 602-340-0900.

The above items may be discussed at a Study Session prior to the Board of Adjustment meeting. The public/applicant may attend the study session, which begins at 5:30 P.M. unless otherwise noted, but may not comment.

A case file on the subject properties is on file at 7447 E. Indian School Road, Suite 105, where it may be viewed by any interested person.

A COPY OF A FULL AGENDA, INCLUDING ITEMS CONTINUED FROM PREVIOUS MEETINGS IS AVAILABLE AT LEAST 24 HOURS PRIOR TO THE MEETING AT THE FOLLOWING LOCATIONS:

City Hall, 3939 N. Drinkwater Boulevard
Online at: <http://www.ScottsdaleAZ.gov/boards/board-of-adjustment>

ALL INTERESTED PARTIES ARE INVITED TO ATTEND.

**CHAIRMAN
BOARD OF ADJUSTMENT**

Alfred
Wayland Barton
Planning Specialist

For additional information visit our web site at www.scottsdaleaz.gov/boards/board-of-adjustment

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting a staff coordinator at 480-312-7767. Requests should be made as early as possible to allow time to arrange accommodations. For TTY users, the Arizona relay service (1-800-367-8939) may contact a staff coordinator at 480-312-7767.

Visit our website at www.scottsdaleaz.gov for more information.

City of Scottsdale, Arizona, 2018, 05, 02, 10:00 AM, 3939 N. Drinkwater Boulevard, Scottsdale, Arizona, 85261, 480-312-2836, Ben Moriarty, Larry S. Lazarus, 602-340-0900, 1-BA-2018, 2-BA-2018, 4-BA-2018, 5:30 PM, 7447 E. Indian School Road, Suite 105, 480-312-7767, www.scottsdaleaz.gov/boards/board-of-adjustment



Affidavit of Posting

Office of the City Clerk

STATE OF ARIZONA)
)
COUNTY OF MARICOPA) SS

I, Wayland Barton, being first duly sworn, depose and say:

That on April 16, 2018 I posted notification poster(s) for the properties indicated below.

Site(s) must be posted on or before: April 16, 2018

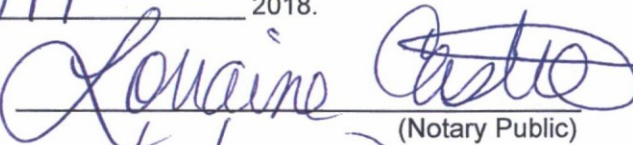
Case No.	Description and Location of Project	No. of Signs	Date Posted
4-BA-2018	CL Holdings 68th Place Care Home Variance, 12012 N 68th PI	1	4/16/18

Date of Board of Adjustment Public Meeting: May 2, 2018, AT 6:00 P.M. IN THE CITY HALL KIVA, SCOTTSDALE, ARIZONA.



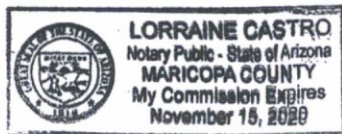
(Signature)

Acknowledged this 17th day of April 2018.



(Notary Public)

My commission expires 11/15/2020



Planning and Development Services

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

March 30, 2018

VIA HAND-DELIVERY

Mr. Ben Moriarity, Planner
Mr. Brad Carr, Board of Adjustment Staff Representative
CITY OF SCOTTSDALE
Planning and Development Services Department
3939 North Drinkwater Boulevard
Scottsdale, Arizona 85251

**RE: Variance Application Submitted on Behalf of CL Holdings 68th Place, LLC for
Property Located at 12012 North 68th Place, Scottsdale, Arizona**

Dear Mr. Moriarity and Mr. Carr:

I hereby authorize the law offices of Lazarus, Silvyn & Bangs, P.C. to represent CL Holdings 68th Place, LLC, the owner of the above-referenced Property, in all future proceedings before the City of Scottsdale Board of Adjustment with regard to the enclosed application requesting approval of a variance of the 1,200-foot separation requirement applicable to care homes in the R1-35 zoning district. See Sections 5.202.A and 5.102.A.2.c of the City of Scottsdale Zoning Ordinance. Thank you.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Michelle Siwek', written over a horizontal line.

Michelle Siwek
Manager of CL Holdings 68th Place, LLC

**4-BA-2018
3/30/2018**


Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:
 - a. Street Address: 12012 N. 68th Place, Scottsdale, AZ 85254
 - b. County Tax Assessor's Parcel Number: 175-20-009
 - c. General Location: Approximately 300 feet south of the Southwest Corner of N. 68th Place and E. Cactus Road Intersection
 - d. Parcel Size: 94,843 s.f. (net); 2.18 acres (net)
 - e. Legal Description: Lot 13, Desert Estates One subdivision plat recorded on October 23, 1952 in Book 54 of Maps, Page 21, MCR. (If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)
2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.
3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.
4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.
6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.
7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)
 Michelle Siwek, Manager of CL Holdings
 68th Place, LLC

Date
March 30, 2018
 _____, 20____
 _____, 20____
 _____, 20____

Signature


Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • www.ScottsdaleAZ.gov

March 30, 2018

VIA HAND-DELIVERY

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Mr. Brad Carr, Board of Adjustment Staff Representative
CITY OF SCOTTSDALE
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Yours very truly,

A handwritten signature in black ink, appearing to read 'Michelle Siwek', written over a horizontal line.

Michelle Siwek
Manager of CL Holdings 68th Place, LLC

**4-BA-2018
3/30/2018**

Request for Site Visits and/or Inspections

Construction Document Application



This request concerns all property identified in the construction document (plan review) application.

Project Name: CL Holdings 68th Place, LLC Care Home

Project Address: 12012 N. 68th Place, Scottsdale, Arizona 85253

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 construction document.

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 construction document 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: Michelle Siwek, Manager of CL Holdings 68th Place, LLC

Print Name

A handwritten signature in black ink, appearing to read "Michelle Siwek", written over a horizontal line.

Signature

City Use Only:

Submittal Date: _____

Plan review number: _____

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ www.ScottsdaleAZ.gov



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: _____ Date: _____

Printed Name: _____

Check box if signature refused

Copy of Bill of Rights left at: _____

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Name (printed)
Michelle Siwek, Manager of CL Holdings
68th Place, LLC

Date
March 30, 2018
_____, 20____
_____, 20____
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Signature


Planning and Development Services

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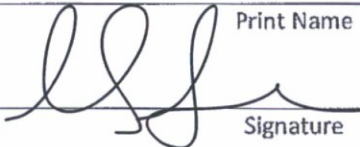
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Property owner /Property owner's agent: Michelle Siwek, Manager of CL Holdings 68th Place, LLC

Print Name


Signature

City Use Only:

Submittal Date: _____

Plan review number: _____

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