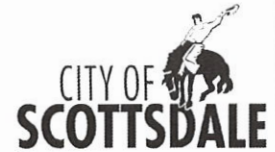


# Board of Adjustment

## Development Application Checklist



### Digital Submittal:

Please follow the plan and document submittal requirements below. **All files shall be uploaded in PDF format.** Provide one (1) full-size copy of each required plan document file. Application forms and other written documents or reports should be formatted to 8.5 x 11. A digital submittal Key Code is required to upload your documents and will be provided by your coordinator. Files should be uploaded **individually** and in **order** of how they are listed on this checklist.

Project No.: 1042 -PA- 2024 Key Code: 56P04

Submit digitally at: <https://eservices.scottsdaleaz.gov/bldgresources/Cases/DigitalMenu>

### Minimum 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 deemed incomplete until all items have been submitted. A Development Application is not complete until it is verified that the application meets the minimum submittal requirements for review and the application fee has been processed.

In addition to the items on this checklist and 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:

- The General Plan; and
- The Scottsdale Revised Code, including the Zoning Ordinance; and
- Stipulations of any Development Application approved before this application is submitted; and
- Scenic Corridor Design Guidelines; and
- Transportation Master Plan and related local plans; and
- The Design Standards & Policies Manual.

If you have any questions regarding the information above, or items indicated on this application checklist, please contact your project coordinator.

Name: Adam Morrison Phone Number: 480-312- 4218 Coordinator e-mail: amorrison @scottsdaleaz.gov

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. Visit the city's Planning & Development Services Records Department for assistance: <https://www.scottsdaleaz.gov/planning-development/records>.

### 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 type="checkbox"/>	1. Board of Adjustment Checklist (this list)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Application Fee \$ <u>225</u> (subject to change every July)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Completed Development Application Form (form provided) <ul style="list-style-type: none"> <li>• The applicant/agent shall select a review methodology on the application form (Enhanced Application Review or Standard Application Review).</li> <li>• If a review methodology is not selected, the application will be reviewed under the Standard Application Review methodology.</li> </ul> <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Appeal
<input type="checkbox"/>	<input type="checkbox"/>	4. Request to Submit Concurrent Development Applications (form provided)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. Letter of Authorization (from property owner(s) if property owner did not sign the application form)

### Planning and Development Services

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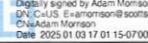
**Board of Adjustment Development Application Checklist**

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>6. Affidavit of Authorization to Act for Property Owner</b> (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 type="checkbox"/>	<b>7. Request for Site Visits and/or Inspections Form</b> (form provided)
		<b>8. Addressing Requirements and Addressing Request Application</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>9. Public Participation</b> <b>Step 1: Complete Neighborhood Notification</b> Notify surrounding property owners & HOAs of the project request and description  <b>Step 2: City will post public hearing sign and provide other public notification including:</b> <ul style="list-style-type: none"> <li>• Mailing out postcards to property owners within 750 feet</li> <li>• Publishing legal ad in newspaper</li> <li>• Posting case information on the city website</li> <li>• Posting on social media</li> <li>• Sending to e-mail subscribers</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>9. Homeowners/Property Owners Association Approval</b> (if applicable).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>10. Existing Conditions Photo Exhibit:</b> (example provided)  <u>See attached Existing Conditions Photo Exhibit</u> graphic showing required photograph locations and numbers.
<b>PART II -- REQUIRED NARRATIVE, PLANS &amp; RELATED DATA</b>		
<b>Req'd</b>	<b>Rec'd</b>	<b>Description of Documents Required for Complete Application. All Plans, Building Elevations, Perspectives, and Details shall be black-line drawings of suitable quality for reproduction and without gray-tones or shading, except as otherwise noted. No application shall be accepted without all items marked below.</b>
		<b>11. Plan &amp; Report Requirements For Development Applications Checklist</b> (form provided)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>12. Application Narrative</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>13. Justification for Variance</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>14. Context Aerial with the proposed site improvements superimposed</b> 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: <input checked="" type="checkbox"/> 750 foot radius from site <input type="checkbox"/> 1/4 mile radius from site <input type="checkbox"/> Other: _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>15. Site Plan</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>16. Elevations</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>17. Floor Plans</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>18. Other:</b> _____ _____ _____ _____ _____

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**PART III – SUBMITTAL OF THE DEVELOPMENT APPLICATION**

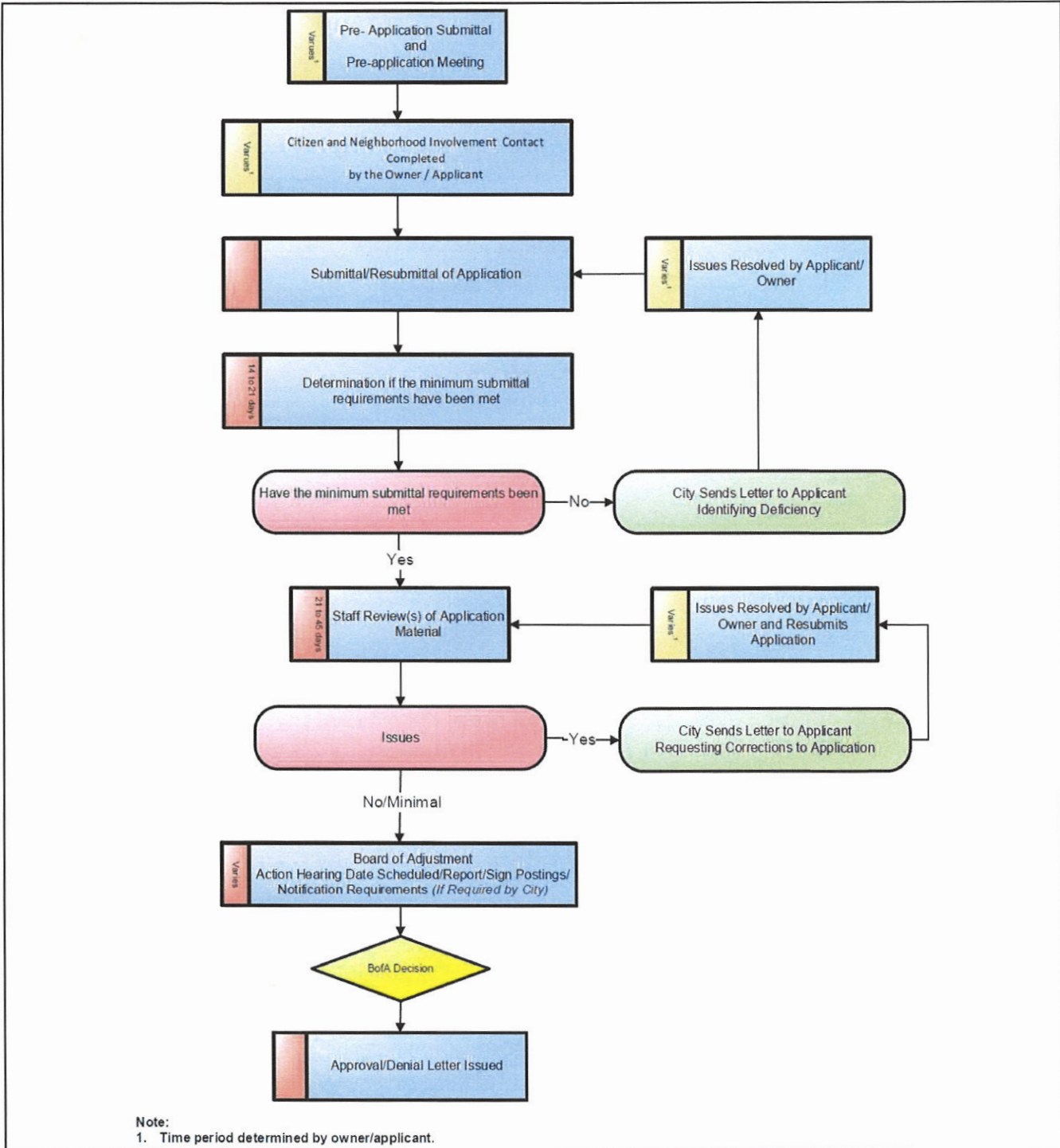
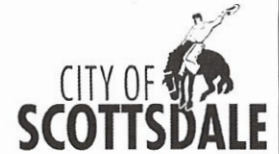
Req'd	Rec'd	Description of Documents Required for Complete Application. <b>No application shall be accepted without all items marked below.</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>19. Notify your coordinator by email after you have completed your submittal.</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>20. Submit all items indicated on this checklist pursuant to the submittal requirements.</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>21. Submit all additional items that are required pursuant to the stipulations of any other Development Application upon which this application is reliant.</b>
<input type="checkbox"/>	<input type="checkbox"/>	<b>22. Other:</b> _____ _____ _____
<p><b>23. If you have any questions regarding this application checklist, please contact your Project Coordinator.</b></p> <p>Coordinator Name (print): <u>Adam Morrison</u> Phone Number: <u>480-312-4218</u></p> <p>Coordinator e-mail: <u>amorrison</u> @scottsdaleaz.gov Date: <u>01/03/2024</u></p> <p>Coordinator Signature: <u>Adam Morrison</u> </p> <p>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.</p> <p><b>Required Notice</b></p> <p>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: <a href="http://www.scottsdaleaz.gov/planning-development/forms">http://www.scottsdaleaz.gov/planning-development/forms</a></p> <p>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</p>		

**Planning and Development Services**

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# Development Application Process

Board of Adjustment (BA)



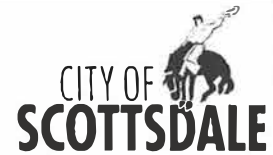
Note:  
1. Time period determined by owner/applicant.

## Planning and Development Services

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# Board of Adjustment

## Justification for Variance



### This Justification is a Public Record

The Board of Adjustment may not authorize a zoning ordinance variance unless four (4) members affirm that ALL of the following criteria are met. Please provide justification to the four (4) criteria set forth in Section 1.804 of the Zoning Ordinance; you may attach a separate sheet if you need more room.

Type of variance requested, section(s) of the Zoning Ordinance to be varied:

We are trying to get a variance go into the north set back from 15' feet to 8'

1. That because of special circumstances applicable to the property including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district:

We are trying to do this because how the house is placed on the lot. It will not allow us to use the back garage if we move forward. We are also doing this because the current garage will be converted to livable. This will be another permit down the road for his inlaws

2. That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located:

This would be necessary to maintain the function of the rear garage. We are trying to make this a multi generation home

3. That the special circumstances applicable to the property were not self-imposed or created by the owner or applicant:

This was created because the house does not sit square on the lot. It sits at an angle which is the reason we are requesting this variance. If the house was straight on the lot this would not of been a issue

4. That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general:

This will have no impact on other properties in the area for traffic or views. This will be so cars can be put in garage in garage not on driveway.

### Planning and Development Services

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# Application Fee Schedule



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) - keyword "Fees".

<b>Pre-Application</b>	\$125
<b>Records Packet</b>	\$28
<b>Abandonment of Right of Way</b>	
Single Family Lot	\$2,290
All Other Abandonments, including Subdivisions	\$3,255
<b>Annexation / De-annexation</b>	\$2,825
<b>Board of Adjustment</b>	
Appeal	\$225
Residential Variance (Single Family Lot)	\$225
All Other Variances	\$1,780
<b>Building Advisory Board of Appeals</b>	
Commercial	\$450
Residential	No charge
<b>Conditional Use Permit</b>	
Major	\$3,475
Minor	\$885
<b>Development Agreement Application</b>	\$2,585
<b>Development Review (DRB)</b>	
Land Division	
Major Subdivision (Preliminary Plat)	\$3,475 + \$20 per lot
Minor Subdivision	\$1,735 + \$20 per lot
New Construction	\$2,195
Revision (includes Replat)	\$665
Time extension	\$445
<b>Development Review (Minor) – Staff Approval</b>	
Master Plan	\$1,295 per set
Major (includes new Master Sign Program/Community Sign District)	\$445
Minor	\$120
Amendment to Master Sign Program	\$120
Cuts/Fills	\$665
Wash Modification	\$665
Time extension	\$120
<b>General Plan Amendments</b>	
Major	\$5,680
Minor	\$3,085
<b>Hardship Exemption</b>	\$225

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# Development Application



**Development Application Type:**

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

Zoning	Development Review	Land Divisions
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Subdivision (PP)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Subdivision (Minor) (MD)
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Wash Modification (WM)	<input type="checkbox"/> Land Assemblage
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Historic Property (HP)	<b>Other</b>
<input type="checkbox"/> Development Agreement (DA)	<b>Wireless Communication Facilities</b>	<input type="checkbox"/> Annexation/De-annexation (AN)
<b>Exceptions to the Zoning Ordinance</b>	<input type="checkbox"/> Small Wireless Facilities (SW)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Minor Amendment (MN)	<input type="checkbox"/> Type 2 WCF DR Review Minor (SA)	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Hardship Exemption (HE)	<b>Signs</b>	<input type="checkbox"/> Abandonment (AB)
<input checked="" type="checkbox"/> Variance/Accommodation/Appeal (BA)	<input type="checkbox"/> Master Sign Program (MS)	<b>Other Application Type Not Listed</b>
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Community Sign District (MS)	<input type="checkbox"/> Other:

Project Name: 67TH Garage

Project Address: 11842 N 67TH Scottsdale AZ 85254

Property's Current Zoning District Designation: R1-35

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: Allen Thompson/Traci		Agent/Applicant: Dylan Dorsey	
Company:		Company: Tree Stone Construction	
Address: 11842 N 67TH Scottsdale AZ 85254		Address: 1218 W 10 Th Place Tempe AZ 85281	
Phone: 602-531-2446	Fax:	Phone: 480-612-1418	Fax:
E-mail: athompson6226@gmail.com		E-mail: treeestonedylan@gmail.com	
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<sup>1</sup> will be reviewed in a format similar to the Enhanced Application Review methodology.

**Enhanced Application Review:** I hereby authorize the city of Scottsdale to review this application utilizing the Enhanced Application Review methodology.

**Standard Application Review:** I hereby authorize the city of Scottsdale to review this application utilizing the Standard Application Review methodology.

*Allen Thompson*  
Owner Signature

Dylan Dorsey  
Agent/Applicant Signature

Digitally signed by Dylan Dorsey  
Date: 2025.01.21 12:29:53 -07'00'

Official Use Only: Submittal Date: \_\_\_\_\_ Development Application No.: \_\_\_\_\_

## Planning and Development Services

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## 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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# Board of Adjustment

## General Information (BOA)



Information can also be found online at [https://www.municode.com/library/az/scottsdale/codes/code\\_of\\_ordinances](https://www.municode.com/library/az/scottsdale/codes/code_of_ordinances) and search "1.801."

### Purpose

The Board of Adjustment has the power to hear and decide on appeals from administrative decisions and variances from the provisions of the zoning requirements.

### Zoning Ordinance Variances

Pursuant to Section 1.804 of the Zoning Ordinance, a variance from the provisions of this ordinance shall not be authorized unless the Board of Adjustment shall find upon sufficient evidence:

1. That because of special circumstances applicable to the property including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and
2. That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and
3. That the special circumstances applicable to the property were not self-imposed or created by the owner or applicant; and
4. That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.

### Appeals

The Board of Adjustment shall hear appeals from the:

1. Zoning Administrator's interpretation of the zoning ordinance or other decisions;
2. Planning and Development Services General Manager's interpretation of the land divisions ordinance; and
3. Planning and Development Services General Manager's decisions made on appeals under the land divisions ordinance.

### Note

The Board consists of seven (7) members appointed by the City Council. A vote of at least four (4) of the members of the Board in attendance at a hearing shall be necessary to authorize any variance from the terms and conditions of the Zoning Ordinance. Any person aggrieved by a decision of the Board of Adjustment, or any taxpayer, city officer, or department affected by a decision of the Board, may appeal the Board's decision to the Superior Court at any time within thirty (30) days after the Board has rendered its decision.

*For more information on the Board of Adjustment process and procedures,  
please call your staff coordinator at 480-312-7000*

## Planning and Development Services

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# Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: 11842 N 67TH St Scottsdale AZ 85254
- b. County Tax Assessor's Parcel Number: 1 75 -2 1- 026
- c. General Location: Scottsdale Road & Cactus Road
- d. Parcel Size: 180.12' x 243.17'
- e. Legal Description: LOT 50, DESERT ESTATES 2 ,5804

(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)

Date

Signature

ALLEN THOMPSON

01-12, 2025

*Allen Thompson*

DYLAN DORSEY

01-21, 2025

*[Signature]*

\_\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_

## Planning and Development Services

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# Request for Site Visits and/or Inspections

## Development Application (Case Submittals)



This request concerns all property identified in the development application. Pre-application No: 1042

-PA- 2024

Project Name: 67TH GARAGE

Project Address: 11842 N 67TH St Scottsdale AZ 85254

### 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: DYLAN DORSEY  
Print Name

Dylan Dorsey Digitally signed by Dylan Dorsey  
Date: 2025.01.21 12:30:22 -07'00'  
Signature

City Use Only:	
Submittal Date: _____	Case number: _____
<b>Planning and Development Services</b> 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: \_\_\_\_\_

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.

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