

Adjustment board says it has no jurisdiction in condo case

By Michael Clancy

The Republic | azcentral.com

A neighborhood organization that opposes a plan to build 213 condos on a 6-acre site near Legacy Boulevard and Thompson Peak Parkway is considering its options after losing at a critical hearing last week.

The Legacy Neighborhood Association failed to persuade the Scottsdale Board of Adjustment to overturn a zoning administrator's decision that apparently approved the density of the project, being built by the Sterling Collection Development Group. Sterling also has built homes in the area after taking over the property in a foreclosure deal.

The board decided it did not have jurisdiction.

"We had a lot of neighbors there who wanted to speak and express their opposition to the height and density of the proposed Sterling development," said Linda Peshkin of the Legacy group.

The Board of Adjustment typically hears appeals of zoning administrator decisions. But city zoning staff argued that a May 30 letter from Randy Grant, the city's planning, neighborhood and transportation administrator, was not a zoning administrator decision. He said the May 30 letter was a "courtesy letter" to the developer.

"This has been a confusing case," Grant said.

The staff report said the project was approved seven years ago at the same density levels now being proposed. Building permits were issued in September 2006, but only grading and infrastructure were completed on the site. Approvals from the city's Development Review Board expired in 2008.

Sterling will seek reapproval for its site plan and building appearance at 1 p.m. Thursday at City Hall.

Sterling's plans include seven buildings of 56 feet in height, with towers going as high as 75 feet.