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VIA EMAIL: Jennifer.merrill@mesaaz.gov

Board of Adjustment
Attn: Jennifer Merrill, Senior Planner
CITY OF MESA
Development Services Department
55 North Center Street
Mesa, Arizona 85201

July 22, 2025

RE: Supplemental Notice of Appeal of April 15, 2025 Zoning Administrator Interpretation to Board of Adjustment (“ZA Interpretation”) – Legacy Recovery Center Located at 2338 E. Minton Street, Mesa, Arizona 85213, Maricopa County APN: 141-06-237 (the “Property”)

Dear Ms. Merrill:

On behalf of the owner of the above-referenced Property, Dr. Roland Segal and Dr. Ehab S. Abdallah, and the community residence operator at the Property, Legacy Recovery Center, LLC (collectively the “**Appellants**”), I hereby submit this Supplemental Notice of Appeal of the April 15, 2025 ZA Interpretation to the Board of Adjustment pursuant to Ariz. Rev. Stat. § 9-462.06 and Chapter 77 of the City of Mesa Zoning Ordinance (“**Zoning Ordinance**”). We are seeking a decision from the Board of Adjustment granting our appeal of the ZA Interpretation dated April 15, 2025 and upholding the original family community residence approval granted for the Property on or about February 5, 2025.

This Supplemental Notice of Appeal is being filed for purposes of providing exhibits and information in support of the Grounds for Appeal previously submitted by Appellants to the City on April 30, 2025.

Grounds for Appeal:

1. The Legacy Recovery Center family community residence and certificate of occupancy approvals issued by the City of Mesa in February 2025 are vested.

Please see the following exhibits in support of this issue on appeal, particular Legacy’s letter to the City of Mesa dated April 1, 2025 attached hereto as Exhibit 4:

Exhibit 2 – Declaration of Richard Miller

Exhibit 2.C – Warranty Deed and Affidavit of Property Value for Legacy Property

Exhibit 2.D – Family Community Residence Approval for Legacy Property

Exhibit 2. E – Certificate of Occupancy

Exhibit 2.F – ADHS Behavioral Health Residential Facility License approval for Legacy Property

Exhibit 4 – Legacy Response to City of Mesa dated April 1, 2025

Exhibit 5 – Legacy emails with City of Mesa Planning staff in 2024

Exhibit 12 – City of Mesa Zoning Ordinance sections applicable to community residences

2. The City of Mesa is equitably estopped from rescinding, suspending or revoking the family community residence and certificate of occupancy approvals issued to Legacy Recovery Center.

Please see the following exhibits in support of this issue on appeal, particular Legacy's letter to the City of Mesa dated April 1, 2025 attached hereto as Exhibit 4:

Exhibit 2 – Declaration of Richard Miller

Exhibit 2.C – Warranty Deed and Affidavit of Property Value for Legacy Property

Exhibit 2.D – Family Community Residence Approval for Legacy Property

Exhibit 2. E – Certificate of Occupancy

Exhibit 2.F – ADHS Behavioral Health Residential Facility License approval for Legacy Property

Exhibit 4 – Legacy Response to City of Mesa dated April 1, 2025

Exhibit 5 – Legacy emails with City of Mesa Planning staff in 2024

Exhibit 6 – Public records request to City of Mesa for all community residence approvals for behavioral health residential facilities in the city's jurisdiction (list of BHRF addresses provided)

Exhibit 7 - Family Community Residence records for other BHRF homes between 2021 and 2025

Exhibit 12 – City of Mesa Zoning Ordinance sections applicable to community residences

3. The Legacy Recovery Center behavioral health residential facility use at the Property constitutes a family community residence under the Zoning Ordinance.

Please see the following exhibits in support of this issue on appeal:

Exhibit 2 – Declaration of Richard Miller

Exhibit 2.B – Photographs of exterior and interior of residence

Exhibit 2.D - Family Community Residence Approval for Legacy Property on February 5, 2025

Exhibit 4 – Legacy response to City of Mesa emails dated April 1, 2025

Exhibit 5 – Legacy emails with City of Mesa Planning staff in 2024

Exhibit 7 – Family Community Residence records for other BHRF homes between 2021 and 2025

Exhibit 16 – Email from Legacy to City of Mesa dated April 1, 2025 regarding difference in length of stay v. treatment cycles

4. **The City's family community residence approval issued to Legacy Recovery Center was consistent with other family community residence approvals issued by the City to similar uses with behavioral health residential facility licenses prior to February 5, 2025..**

Please see the following exhibits in support of this issue on appeal:

Exhibit 2 – Declaration of Richard Miller

Exhibit 2.D – Family Community Residence Approval for Legacy Property on February 5, 2025

Exhibit 2.F – ADHS Behavioral Health Residential Facility License approval for Legacy Property

Exhibit 6 – Public records request to City of Mesa for all community residence approvals for behavioral health residential facilities in the city's jurisdiction (list of BHRF addresses provided)

Exhibit 7 – Family Community Residence records produced by the City of Mesa for years 2021 through 2025 (Note: The Zoning Ordinance was amended in July 2021 to create the new community residence definitions and zoning requirements, therefore, only records after 2021 are pertinent to this appeal).

Exhibit 8 – Follow-up public records request to City of Mesa regarding request for any transitional community residence records

Exhibit 9 – Additional community residence records produced by the City of Mesa on July 16, 2025.

Exhibit 12 – City of Mesa Zoning Ordinance sections applicable to community residences

5. **The Legacy Recovery Center use is protected by the Fair Housing Act as a family environment for disabled individuals who may live in communities of their choice, regardless of the length of stay.**

In support of this issue as part of our grounds for appeal, please see the following exhibits:

Exhibit 1 – Declaration of Steven Polin

Exhibit 2 – Declaration of Richard Miller

Exhibit 15 – Joint Statement of HUD and DOJ

6. **The ZA Interpretation was initiated and issued as a result of discriminatory correspondence and actions of Mesa residents and therefore violates the Fair Housing Act.**

Please see the following exhibits in support of this issue on appeal:

Exhibit 1 – Declaration of Steven Polin

Exhibit 3 – Email correspondence from City of Mesa to Legacy from March 2025

Exhibit 2.1 – Community meeting flyer from Legacy to neighborhood

Exhibit 4 – Legacy response to City of Mesa emails dated April 1, 2025

Exhibit 10 – Emails from neighbors and the public to City of Mesa regarding Legacy

Exhibit 11 – Videos from March 28, 2025 neighborhood meeting held at Property

Exhibit 15 – Joint Statement of HUD and DOJ

We hereby reserve the right to provide to the Board of Adjustment, at the July 29th hearing, additional information and documentation in support of this appeal or in response to the City's staff report and other materials submitted to the Board.

We respectfully request that the Board of Adjustment grant our appeal of the ZA Interpretation dated April 15, 2025 and uphold the original family community residence approval granted for the Property on or about February 5, 2025.

If you have any questions or need additional information in the meantime, please do not hesitate to contact me at hdukes@dukeslawaz.com or 602.320.8866. Thank you.

Very truly yours,

/s/ Heather N. Dukes

Heather N. Dukes, Esq.

602.320.8866 | hdukes@dukeslawaz.com

Enclosures

1. Appellants'/Applicants' Table of Exhibits dated July 22, 2025
2. Appellants' Exhibits 1 through 16 submitted on July 22, 2025