

BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, APRIL 16, 2015
9:00 AM**

**COUNCIL CHAMBERS
201 S. CORTEZ STREET
PRESCOTT, ARIZONA
(928) 777-1207**

The following agenda will be considered by the BOARD OF ADJUSTMENT at its PUBLIC HEARING to be held at 9:00 AM on April 16, 2015, in COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

I. CALL TO ORDER

II. ATTENDANCE

Members

Mike Klein, Chairman	Phil King
George Wiant	Richard Rosa
Johnnie Forquer	Mike First
James DiRienzo	

III. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. Approval of February 19, 2015 meeting minutes.
2. V15-002, 1430 Quarry Lane. APN: 115-06-151 totaling 0.13 of an acre. LDC Sections 3.9 and 9.13. Zoning is Multi-Family Medium (MF-M). Request is to rebuild enclosed patio and encroach upon the current front setback. Owner is Jaysen and Jerrie Fails.
3. Appeal of City of Prescott Administrative Decision on the Cessation of the Nonconforming status of a sign at 1211 East Gurley Street per Land Development Code (LDC) Section 10.5.3."

IV. REVIEW ITEMS

V. SUMMARY OF CURRENT OR RECENT EVENTS

VI. ADJOURNMENT

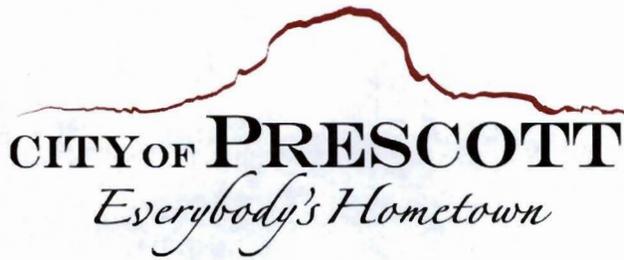
THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 777-1272 OR 777-1100 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall and on the City's website on April 9, 2015 at 2:00 PM in accordance with the statement filed with the City Clerk's Office.



Suzanne Derryberry, Administrative Specialist
Community Development Department



BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, FEBRUARY 19, 2015
9:00 AM**

**COUNCIL CHAMBERS
201 S. CORTEZ STREET
PRESCOTT, ARIZONA
(928) 777-1207**

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF ADJUSTMENT held on February 19, 2015 in Council Chambers, City Hall, located at 201 S. Cortez Street, Prescott, Arizona 86303.

I. CALL TO ORDER

Chairman Klein called the meeting to order at 9:00 a.m.

II. ATTENDANCE

Members

MEMBERS	STAFF PRESENT
Michael Klein, Chairman	George Worley, Planning Manager
George Wiant, Vice-Chairman	Suzanne Derryberry, Administrative Specialist
Johnnie Forquer (Absent)	Cat Moody, Historic Preservation Specialist
Phil King	Frank Hall, City Planner
Mike First	Matt Podracky, Assistant City Attorney
Richard Rosa	
James Di Rienzo	COUNCIL PRESENT
	Greg Lazzell
	Jim Lamerson

III. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. Approval of July 17, 2014 meeting minutes.

Mr. Wiant, MOTION to approve the July 17, 2014 meeting minutes. Mr. First, 2nd. VOTE 6-0; passed.

2. V15-001, 132 N Montezuma Street. APN: 113-15-081 totaling 0.13 of an acre. LDC Sections 4.9 and 9.13. Zoning is Downtown Business (DTB). Request is to construct a multi-story, single-family residence which would adhere to commercial setbacks, building height and lot coverage. Owner is Michael Fann.

Mr. Hall reviewed the staff report and indicated that the request was for a variance for a single-family residence in the Downtown Business District on N. Montezuma Street. The applicant was requesting a variance of the property setbacks to adhere to commercial construction requirements as opposed to the residential setbacks in which it's zoned.

Mr. Hall stated that the setbacks for residential use are 7' on the sides, with 35' in height, and maximum lot coverage of 40%. He noted that the proposal was for a front setback of 15' from the front lot line to the building wall. In addition, the rear of the property would have a concrete wall to create a parking area to remove the need for on street parking.

Mr. Hall continued by displaying a general layout of the site plan on the overhead projector and noted that the architect and owner were available for questions. In conclusion, he stated that staff felt the variance request had met required criteria as well as the Land Development Code.

Michael Taylor, 544 Whetstine, stated that Mr. Fann had recently purchased the property in hopes of constructing a single-family home. He noted that design elements were intended to fit within the downtown district. Mr. Taylor continued by discussing commercial versus residential zoning requirements. He also noted that the Prescott Preservation Commission had evaluated the request as an informal review and had received positive feedback.

Mr. Taylor went on to discuss the aesthetics of the project as well as proposed setbacks. Further discussions covered topics related to building projections, adjacent property development, rear configuration of the structure, and lot coverage. Mr. Taylor stated that they were estimating total lot coverage of 65%, although commercial standards allow 100%.

Rob Partridge, 120 S. Rising Circle, stated that he was a nearby property owner. He remarked that it was a good plan and seemed to fit in nicely with the downtown environment, especially due to the small size of the lot in question. However, he questioned how the building would appear on the rear and side, and also if there would be sufficient areas for parking and trash pickup.

Mr. Klein, MOTION to approve V15-001, request to construct a multi-story, single-family residence which would adhere to commercial setbacks, building height, and lot coverage. Mr. Rosa, 2nd. VOTE 6-0; passed.

IV. REVIEW ITEMS

None

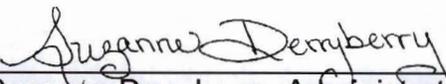
III. SUMMARY OF CURRENT OR RECENT EVENTS

None

IV. ADJOURNMENT

Chairman Klein adjourned the meeting at 9:13a.m.

Mike Klein, Chairman


Suzanne Derryberry, Administrative Specialist
Community Development

BOARD OF ADJUSTMENT

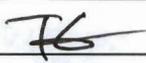
MEETING DATE: 4/16/15

DEPARTMENT: Community Development

AGENDA ITEM: V15-002, Variance to Article 3, Section 3.9.3.F.1(Minimum Front Yard Setbacks) of the Land Development Code (LDC) to construct an enclosed patio in the Multi-family Medium Density Manufactured Home zoning district. [Zoning: MF-M (MH); Property Owner: Jayson & Jerrie Fails; APN 115-06-151]

Approved By:

Date:

Director:	Guice, Tom		4.3.15
Planning Manager:	George Worley		4/3/15
Community Planner:	Frank V. Hall		4/3/15

REQUEST:

The applicant is requesting a variance from the minimum front yard setback requirement (20 feet) for replacement of an enclosed front porch addition to a double wide manufactured home in the Multi-family Medium Density-Manufactured Home (MFM-MH) zoning district. The applicant is requesting to construct the enclosed front porch attached to their double wide manufactured home with a front yard setback of 7 feet.

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes

APPLICABLE ZONING CODE: LDC Section 3.9 Multi-Family Medium Density(MF-M), and 9.13 Variances

PAST BOARD OF ADJUSTMENT ACTIONS: None

BACKGROUND: The subject property contained a single wide manufactured home from the late 1960's until January 2014 when it was replaced with a double wide manufactured home (Permit B1312-078). The original 1960's single wide home had a front enclosed porch which was also only 7 feet from the front property line. The new double wide manufactured home with the

AGENDA ITEM: V15-002, Variance to Article 3, Section 3.9.3.F.1(Minimum Front Yard Setbacks) of the Land Development Code (LDC) to construct an enclosed patio in the Multi-family Medium Density Manufactured Home zoning district. [Zoning: MF-M (MH); Property Owner: Jayson & Jerrie Fails; APN 115-06-151]

proposed enclosed front porch extends no further into the front setback than the original foot print of the old single wide home with the enclosed front porch. The new double wide home extends further into the rear yard setback because of the extra-width, but could not be set back further to make more room for the replacement front enclosed porch because of topographic features and to be compliant with the rear yard setback of 20 feet.

Comments from PAC review staff were generally favorable of the project, but the front yard encroachment of the enclosed front porch created the need for the Variance application. The enclosed front porch will meet all current building and engineering codes.

STAFF ANALYSIS AND RECOMMENDATION:

The staff analysis and recommendation is based on a review of the request's consistency with the 2003 General Plan, and consistency with neighborhood characteristics, as well as the variance requirements of LDC Section 9.13.4.

COMPATIBILITY WITH THE NEIGHBORHOOD:

The majority of structures within the Granite Shadows manufactured home community a porch, carport, or addition that does not meet today's zoning codes. The applicant asserts that the proposed enclosed porch addition is consistent with development pattern of the MF-M (MH) district.

VARIANCE REQUIREMENTS:

Variances may be granted only if, because of special and unusual circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning code will deprive such property of privileges enjoyed by other property in the district. Such variance shall not constitute a grant of special privileges inconsistent with other properties in the vicinity or will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

VARIANCE CRITERIA:

- 1. Extraordinary Conditions.** There are extraordinary conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of the reasonable use of his land.

Applicant's Response: This small lot has many large boulders which limits land use.

Staff Comments: Topographic features such as large boulders and mature trees, and a required rear yard setback of 20 feet prevented the new double wide manufactured home from being placed further back on the lot to make room for the enclosed front porch.

- 2. Substantial Detriment.** It will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code.

AGENDA ITEM: V15-002, Variance to Article 3, Section 3.9.3.F.1 (Minimum Front Yard Setbacks) of the Land Development Code (LDC) to construct an enclosed patio in the Multi-family Medium Density Manufactured Home zoning district. [Zoning: MF-M (MH); Property Owner: Jayson & Jerrie Fails; APN 115-06-151]

Applicant's Response: There are many other properties in this subdivision (Granite Shadows) that enjoy enclosed patios like the one we built. The literal interpretation of the zoning ordinance would not allow for the replacement of a modest enclosed patio. An enclosed patio of similar shape and dimensions existed in the same place since the property was purchased in 1986. At the end of 2013 we removed the existing mobile home, manufactured in 1962, demolished the attached enclosed patio and replaced it with a new manufactured home. We feel that the construction of the new home and attached enclosed patio have improved the aesthetic value of our cul-de-sac and can only increase property values for neighboring properties. Three properties which have similar enclosed patios/room additions that are in close proximity to our property are 1480 Quarry Lane, 1651 White Oak Circle, and 1681 White Oak Circle.

Staff Comments: Staff believes the enclosed front is a normal appurtenance seen in a residential community of similar character to Granite Shadows. The previous front porch existed from the 1960's to January 2014 without causing any detriment to the neighborhood. The applicants only wish to replace a feature that existed for over 40 years with a similar structure.

- 3. Special Privileges.** The adjustment authorized shall 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.

Applicant's Response: The literal interpretation of the zoning ordinance would not allow the replacement of our enclosed patio. This is a hardship for all four property owners. This space has always been used to enjoy the outdoor beauty of our subdivision. It is a space where we have played countless hours of cards and enjoyed the conversation and company of our parents (Jayson's mother and step father, Joe and Ingrid Lowry). We're grateful that our parents are still living, most of our friends are not as fortunate.

Staff Comments: A site visit by planning staff, and a review of GIS maps, revealed that 14 of the 35 lots within the Granite Shadows community have non-conforming encroachments into the front yard setback. Nearly all of the lots have a non-conforming encroachment into either the rear or side yard setback. Therefore, the requested variance is not inconsistent with the development patterns of the community because the community outdates the current Land Development Code.

- 4. Self-induced Hardship.** The hardship is not the result of the applicant's own actions.

Applicant's Response: The granting of the requested variance will not give us any special privilege as many other properties in our subdivision have similar enclosed patios. Current requirements were put in place after the development of our subdivision and can be evidenced by placement of homes and out buildings throughout the subdivision, which by current City of Prescott requirements would not be allowed.

AGENDA ITEM: V15-002, Variance to Article 3, Section 3.9.3.F.1(Minimum Front Yard Setbacks) of the Land Development Code (LDC) to construct an enclosed patio in the Multi-family Medium Density Manufactured Home zoning district. [Zoning: MF-M (MH); Property Owner: Jayson & Jerrie Fails; APN 115-06-151]

Staff Comments: Although the applicant's began construction of the enclosed porch without permits, there would be no other location for the addition because of site constraints, the rear yard setback, topography, and the new porch is in the same location of the previous patio that existed since the 1960's. The applicant does, because of the PAC process, fully understand the permitting process and they are willing to comply with all city requirements.

5. **General Plan.** It will be in substantial compliance with the General Plan or other relevant area plans or neighborhood plans.

Applicant's Response: The new enclosed patio is consistent with the neighborhood's historical and present development.

Staff Comments: The 2004 General Plan encourages the preservation of historical development patterns. Much, if not all, of the Granite Shadows community does not conform to today's land use codes. The proposed enclosed porch does not negatively impact the open space, traffic patterns, vehicular circulation, environmental planning, historic preservation, or water resources that the 2004 General Plan strives to protect.

6. **Utilization.** Because of special circumstances applicable to the property, 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.

Applicant's Response: Granting this variance will not interfere with or injure the rights of other properties in this area and will in fact likely improve property values of neighboring homes. There is an enormous boulder in front of the patio so the nearest obstruction from the street is not the patio, but the boulder. Any activity that previously occurred in the street or the public right of way will remain unaltered.

Staff Comments: The strict application of the front yard setback of 20 feet will deprive the property owners the use of an enclosed porch that existed on the subject property since the 1960's. In addition, many of the lots in the Granite Shadows community have similar patios and, as previously noted in paragraph 3, many lots have legally non-conforming encroachments into either the front, side, or rear year setbacks.

AGENDA ITEM: V15-002, Variance to Article 3, Section 3.9.3.F.1(Minimum Front Yard Setbacks) of the Land Development Code (LDC) to construct an enclosed patio in the Multi-family Medium Density Manufactured Home zoning district. [Zoning: MF-M (MH); Property Owner: Jayson & Jerrie Fails; APN 115-06-151]

NEIGHBORHOOD COMMENTS:

Staff has received one phone call and two letters from property owners in the vicinity of the site in support of this application.

Attachments:

1. Location/Aerial Map
2. Site Plan

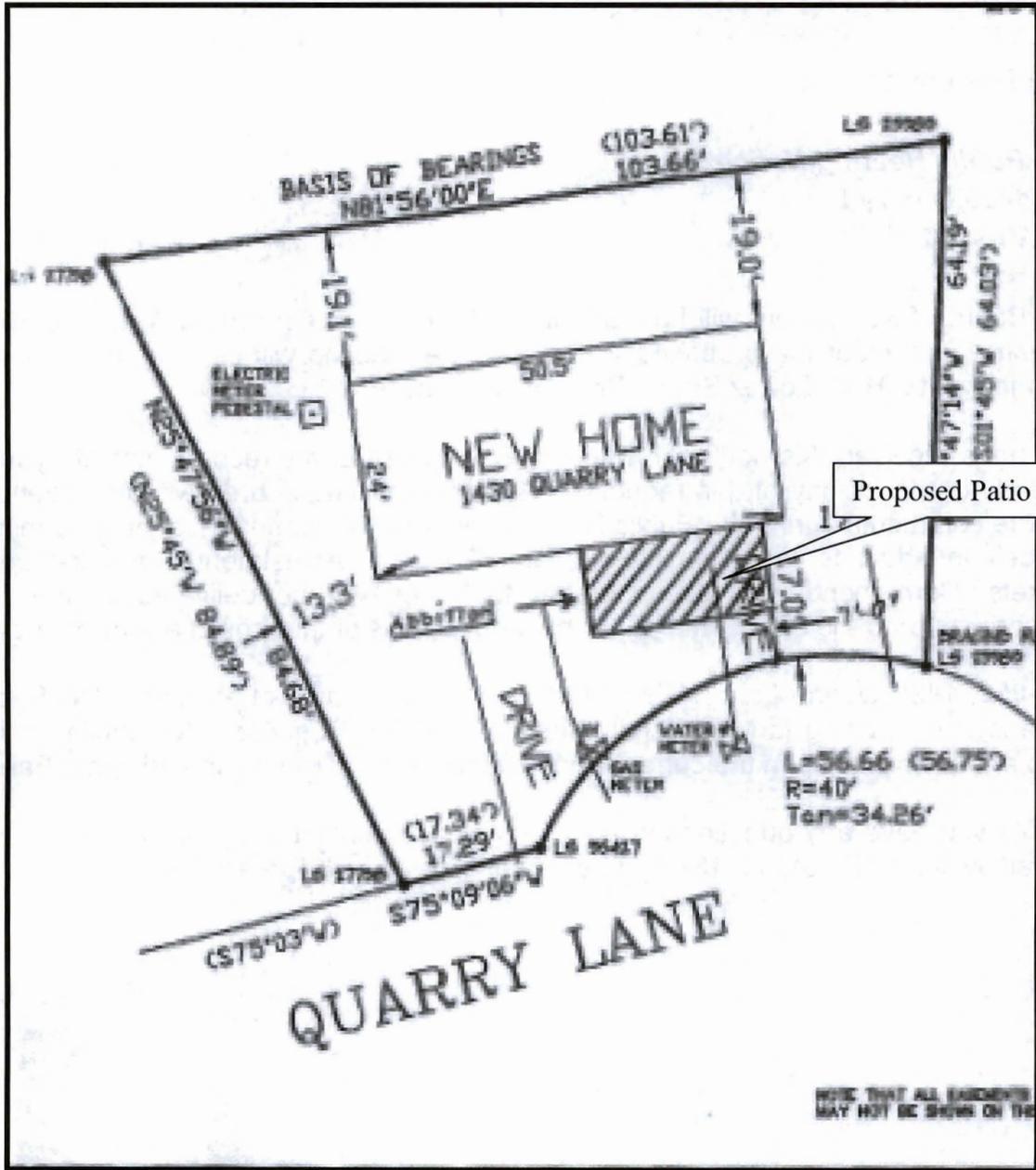
SUGGESTED MOTION:

Move to Approve/Not Approve Variance #V15-002, a request to construct an addition of an enclosed front porch to an existing double wide manufactured home to a front setback of 7 feet.

LOCATION/AERIAL MAP



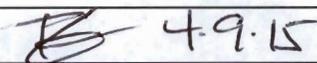
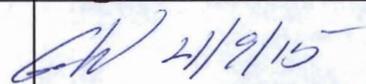
SITE PLAN



MEETING DATE: 4/16/15

AGENDA ITEM: Appeal of Administrative Decision on the Cessation of the Nonconforming status of a sign at 1211 East Gurley Street per Land Development Code (LDC) Section 10.5.3.

Approved By:

Director:	Guice, Tom	 4-9-15
Planning Manager:	George Worley	 4/9/15

Item Summary

This is an appeal of an administrative determination that the nonconforming freestanding sign at 1211 East Gurley Street was abandoned by the property owner and had lost its nonconforming status. Section 10.5.3 provides the criteria for determining the status of nonconforming signs and for the cessation of such status.

Background

The American Motel previously occupied the site and made use of a large freestanding sign to advertise the business. The sign was permitted under a previous ordinance and at the effective date of the LDC was considered "grandfathered" as a legal nonconforming sign. The LDC nonconforming status is not perpetual; it is dependent upon the sign remaining in good repair and in active use.

Hotels/Motels are required to collect and pay to the City of Prescott a transient lodging tax, commonly known as a Bed Tax for each room rented. The American Motel ceased paying Bed Tax to the City in March of 2010. No subsequent business has been licensed for hotel/motel use on the site. No change to the sign message has occurred since the cessation of the hotel/motel use in 2010.

LDC Section 10.5.3 states that "Whenever a nonconforming sign has been discontinued for more than 12 months, a presumption of intent to cease said sign shall have been established ..." The section further provides for written notice to the owner and an opportunity for the owner to provide proof that he did not intend to abandon the sign. The entirety of Section 10.5.3 is attached.

Agenda Item: Appeal of Administrative Decision on the Cessation of the Nonconforming status of a sign at 1211 East Gurley Street per Land Development Code (LDC) Section 10.5.3.

Timeline of Correspondence

Written notice was mailed to the owner of record, as found in the property records of Yavapai County, on December 22, 2014 advising them of the determination of abandonment.

On January 2, 2015 Resolute Commercial Services (court appointed Receiver of the property) responded by letter requesting that the sign not be declared abandoned, but providing no evidence of the owners intent.

The City responded on January 26, 2015 noting the lack of evidence of the owners intent and determined that the sign had been abandoned.

Resolute Commercial Services replied on February 3, 2015 appealing the determination of abandonment. A Hearing before the Board of Adjustment was set for March 19, 2015 and Resolute Commercial was notified of the Hearing.

Resolute Commercial requested an extension of the Hearing until April 16 by letter on March 9, 2015. The Extension was granted and the Hearing was set for the Board of Adjustment meeting of April 16, 2015.

Code Enforcement Case History

- December 2006 - Notice of Violation for failure to maintain property
- August 2007 - Notice of Violation for unsanitary property conditions
- March 2010 - American Motel ceases remitting Bed Tax to City
- November 2010 - Notice of Violation for junk and debris
- February 2011 - Notice of Violation for junk, debris and unsecured property
- August 2011 - Notice of Violation for weeds and general lack of maintenance
- November 2011 - Notice of Violation for broken windows junk, trash and debris
- May 2012 - Notice of Violation for weeds, junk, trash and debris
- August 2014 - Notice of Violation for weeds, junk, trash and debris

The above code violation history is included for the Board of Adjustment's consideration as evidence of the effective abandonment of the property by the owner. In each case the property was not maintained and it was allowed to degrade to the point where a notice of violation had to be sent by the City to the owner or to the representative of the owner in order to attain even a minimal level of maintenance and/or safety. This history clearly evidences a lack of concern for the property by the owner, and abandonment of the subject sign. Additionally, the failure of the representative of the owner to provide any proof that the owner did not intend to abandon the sign (along with his evident abandonment of the whole property) are key points of evidence considered by the Community Development staff in concluding that the nonconforming sign was abandoned.

Agenda Item: Appeal of Administrative Decision on the Cessation of the Nonconforming status of a sign at 1211 East Gurley Street per Land Development Code (LDC) Section 10.5.3.

Staff Recommendation:

Consistent with its earlier administrative determination, staff recommends that the Board of Adjustment find that the owners failed to provide proof as required by LDC Section 10.5.3, and to affirm the administrative decision by Planning Staff to deem the freestanding sign at 1211 E. Gurley Street abandoned based upon the following findings of fact:

1. The property was abandoned by the owner upon closure of the American Motel in 2010.
2. The abandonment is evidenced by the repetitive notices of violation issued by the City for failure to maintain the safety and cleanliness of the entire site to even minimal acceptable standards.
3. The sign cannot be considered separate from the property as a whole because the LDC prohibits off-site signs, thus requiring the sign to advertise only the active use of the property.
4. The sign has not been maintained nor has it been actively used since the closure of the American Motel.
5. The representative of the owner failed to provide any substantive proof of the owner's intent to retain the sign.

Attachments

1. Vicinity and Zoning Map
2. Correspondence between the City of Prescott and the Yu Family Trust and Resolute Commercial Services
3. Photographs of 1211 E. Gurley Street sign and property conditions
4. LDC Section 10.5

Recommended Action:

MOVE:

1. To affirm or to reverse the administrative decision by Community Development Staff deeming the freestanding sign at 1211 E. Gurley Street abandoned and,
2. If affirmed, to order the removal of the sign per Land Development Code Section 10.5.3 B.

Sec. 10.5 / Nonconforming Signs

10.5.1 / Continuation Allowed

A lawfully nonconforming sign may continue except as otherwise provided in or authorized by this Section. A change in the information on the face of an existing nonconforming sign is allowed if the change does not increase the area of the sign face. However, any nonconforming sign shall either be eliminated or made to conform to the requirements of Sec. 6.12, Signs, when any substantial alteration to the sign or structure is performed, other than change of text or sign panels, routine maintenance or repair.

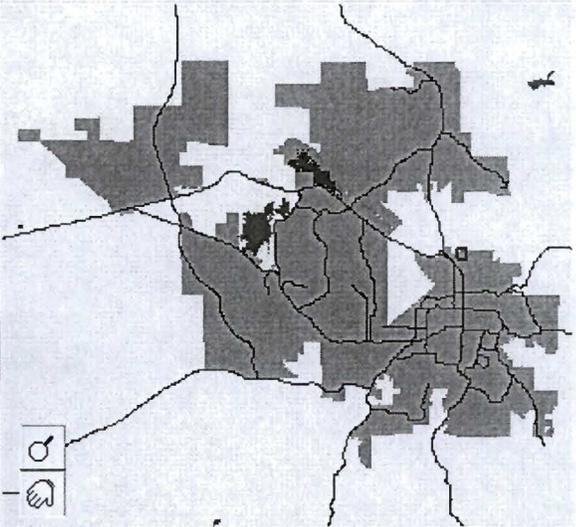
10.5.2 / Alteration, Expansion, Moving

Signs may be temporarily removed for maintenance or sign face change if re-erected within 20 days, provided that no nonconforming sign shall be:

- A. Changed or altered in any manner which would increase the degree of its nonconformity;
- B. Expanded;
- C. Altered by replacement of structural supports; or
- D. Moved in whole or in part to any other location where it would remain, or continue to be, nonconforming.

10.5.3 / Cessation of Nonconforming Sign

- A. Whenever a nonconforming sign has been discontinued for more than 12 months, a presumption of intent to cease said sign shall have been established and the right to continue the former nonconforming sign shall no longer exist, unless following 30 days following written notice from the City to the property owner of the pending loss of the nonconforming status, the property owner shows the Community Development Director proof that he did not intend to abandon the sign. If the Community Development Director determines that the subject structure lost its nonconforming status, subsequent use as a nonconforming sign shall be unlawful and the sign shall be promptly removed.
- B. Upon determination by the Community Development Director of cessation of a nonconforming sign, the property owner shall have 30 calendar days from the date of cessation determination to submit a written appeal to the Board of Adjustment.



Parcels, 114-06-085C

Attribute	Value
Parcel Number	114-06-085C
Owner Name	YU FAMILY TRUST
Owner Address	7201 E CAMELBACK RD ST
City St Zip	SCOTTSDALE AZ 85251331
Subdivision Name	TRITILE TRACT
Lot	1
Acre Deed	0.93
Acre Calc	0.92
TRS	T14 R2 S34
Usage Type	Commercial
DOR Usage D	0510-MOTEL
Site Address	1211 E GURLEY ST
Zoning	BG
Hpd Des	Outside
Nr Contrib	no
Nr Dist	Outside
Willow District	Outside
Whipsumdis	Outside
Hwy 69	Outside
Peap	Outside
Enterdis	Outside
Air Noise	Outside

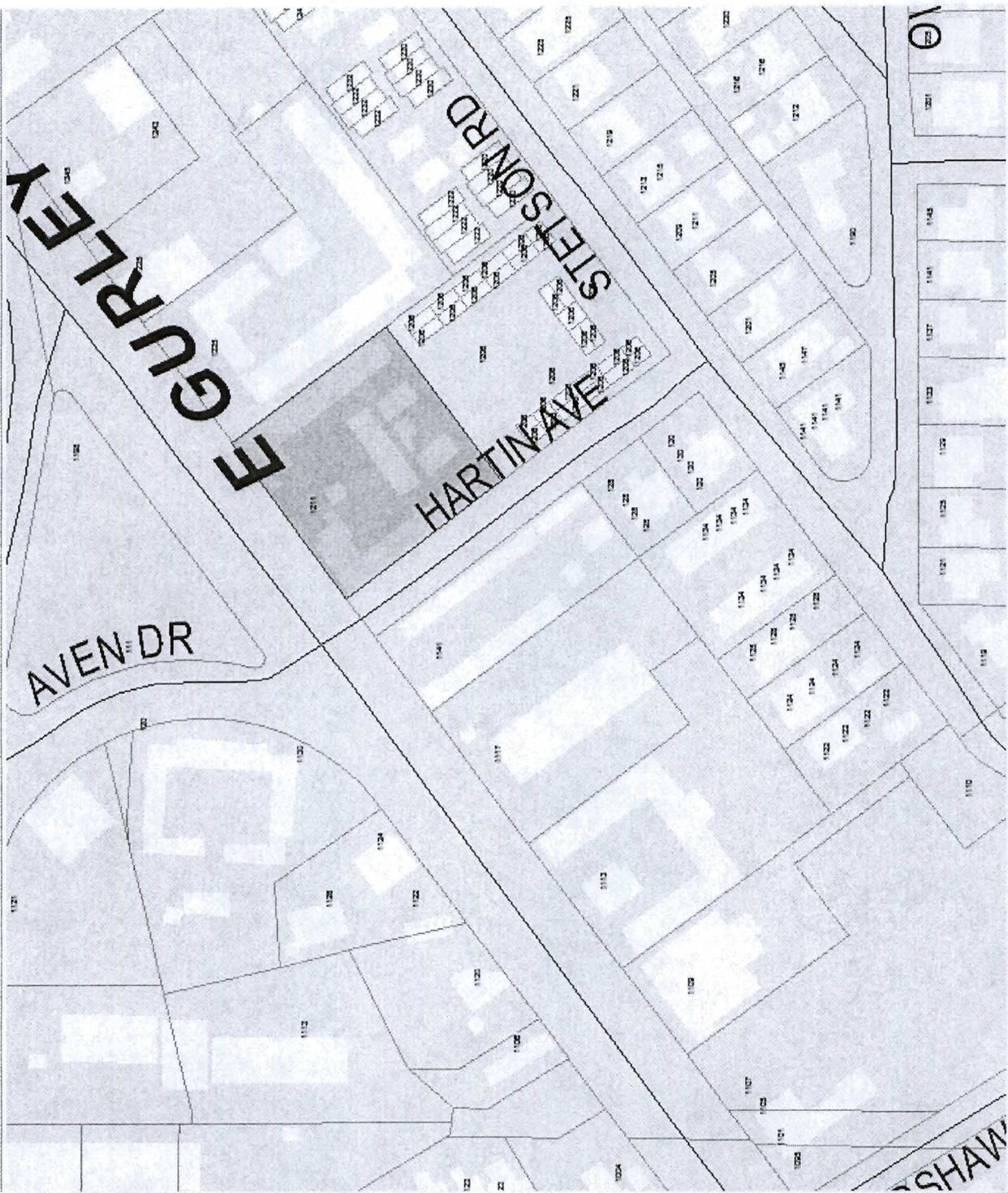
Locate by:
Address Unit

Street:
GURLEY ST

Direction:
E

Number:
1141

Unit:
(none)



Pos: 506915, 1340384

Scale: 1" = 138' on 6.1" x 7.5"



CITY OF PRESCOTT

201 S. Cortez
PRESCOTT, AZ 86302

George Worley
Planning Manager
(928) 777-1287
george.worley@prescott-az.gov

December 22, 2014

Yu Family Trust
7201 E. Camelback Rd Suite 250
Scottsdale, AZ 85251

Re: 1211 E. Gurley Street

Sirs:

The property at the above address contains a free standing sign for a use no longer in operation at that site. Per the City of Prescott Land Development Code, Section 10.5.3A, cessation of the use of a sign for a period of 12 months creates a presumption of intent to abandon the nonconforming sign. That section allows the property owner to provide written proof to the Community Development Director that they did not intend to abandon the nonconforming sign within 30 days following written notice from the City.

Please consider this correspondence to be notice by the City to declare the nonconforming free standing sign abandoned. You have 30 days to provide proof to the Community Development Director that you did not intend to abandon the sign. The Director will consider your response and will determine the status of the sign. If the Director determines the nonconforming sign has been abandoned, it must be removed or otherwise brought into compliance with the provisions of Section 6.12 of the Land Development Code immediately.

You may reply in writing to Tom Guice, Community Development Director at the City Hall address above.

If you should have any questions about this matter, please feel free to contact me.

Thank you,

A handwritten signature in cursive script, appearing to read "George Worley".

George Worley,
Planning Manager

RESOLUTE
COMMERCIAL SERVICES

PROBLEMS SOLVED

RECEIVED

JAN 5 2015

CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

January 2, 2015

Mr. Tom Guice
Community Development Director
City Hall
201 S. Cortez
Prescott, AZ 86302

Re: American Motel located at 1211 E. Gurley Street

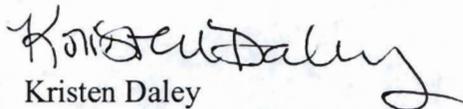
Dear Mr. Guice:

As you may be aware, on December 6, 2010, the Superior Court of Maricopa County appointed Resolute Commercial Services as Receiver for the property located at the above referenced address.

In response to your notice dated December 22, 2014, regarding the free standing sign, we would like to request that the sign remain in place and not be declared as abandoned. The property is currently in escrow and is scheduled to close on February 27, 2015, and it is our intention to designate the sign for the buyer's future use.

If there is any issue with this request, please contact me at kdaley@resolutecommercial.com or (480) 947-3321, ext. 1008.

Sincerely,



Kristen Daley
Resolute Commercial Services



CITY OF PRESCOTT

201 S. Cortez
PRESCOTT, AZ 86302

George Worley
Planning Manager
(928) 777-1287
george.worley@prescott-az.gov

January 26, 2015

Resolute Commercial Services
7201 E. Camelback Rd Suite 250
Scottsdale, AZ 85251

Re: 1211 E. Gurley Street

Kristen Daley:

Thank you for your reply to our letter dated December 22, 2014. As noted in that letter, the City of Prescott Sign code has specific provisions for the treatment of abandoned, or apparently abandoned, nonconforming signs. There is a legal presumption of intent to abandon a nonconforming sign when that sign ceases to be used for a period of 12 months. The sign in question has not been used in relation to an active use on the property for far longer than 12 months. During the time when the sign was not in use, there was no effort made by the property owner to maintain the sign, re-use the sign, light the sign or to notify the City of Prescott of an intent to continue the nonconforming status of the sign.

City of Prescott sign regulations allow an opportunity for the property owner to provide written proof to the Community Development Director that they did not intend to abandon the nonconforming sign within 30 days following written notice from the City. Your letter of January 2, 2015 expresses a desire to keep the nonconforming sign, but fails to meet the requirement to provide proof that there was no intent to abandon the sign, as is required by Section 6.12 of the Prescott Land Development Code. As a result, the sign is deemed abandoned and the owner is required by City Code to remove it within 30 days of the date of this notification.

If you should have any additional questions about this matter, please feel free to contact me.

Thank you,

George Worley,
Planning Manager

Cc: Jon Paladini, City Attorney
Tom Guice, Community Development Director

Attachments: Prescott Land Development Code Section 10.5 / Nonconforming Signs

February 3, 2015

George Worley
Community Development Director
City Hall
201 S. Cortez
Prescott, AZ 86302

Re: American Motel located at 1211 E. Gurley Street, Case No.: P1300CV201001818 - *LNV Corporation vs. Nicholas Taeho Yu* matter

Dear Mr. Guice:

As you are aware, on December 6, 2010, the Superior Court of Maricopa County appointed Resolute Commercial Services as Receiver for the above referenced matter.

In response to your letter dated January 26, 2015, and per Section 8.6 of the Prescott Land Development Code, we would like to appeal to the Board of Adjustment in deciding that the property sign was deemed as abandoned.

As court appointed Receiver, we are in control of the asset and are to be copied on any correspondence related to the Property. To date, we have not received any notices from the City of Prescott notifying the Receiver that action was being required to keep the sign in place and not declared as abandoned. Without such notice, we were not able to respond in a timely manner to any requests and would like additional time to meet any standards to keep the sign in place for future use of the new owner who is supposed to close escrow February 27, 2015.

The property is expected to be re-developed once escrow closes and we believe that will benefit the community. Removal of the sign at such a crucial time could cause more harm than benefit.

If you have any questions, please contact me at kdaley@resolutecommercial.com or (480) 947-3321, ext. 1008.

Sincerely,



Kristen Daley
Resolute Commercial Services

Cc. Deborah Butitta



CITY OF PRESCOTT

201 S. Cortez
PRESCOTT, AZ 86302

George Worley
Planning Manager
(928) 777-1287
george.worley@prescott-az.gov

February 10, 2015

Resolute Commercial Services
7201 E. Camelback Rd Suite 250
Scottsdale, AZ 85251

Re: 1211 E. Gurley Street

Kristen Daley:

We are in receipt of your appeal of the determination that the free-standing sign at the above location has been abandoned. Our code requires that the appeal be heard by the Board of Adjustment within 60 days; however it is our policy to schedule the hearing at the next available Board of Adjustment meeting, if possible. Your appeal will be heard by the Board of Adjustment at their March 19, 2015 meeting. Your presence, or that of a representative, is required. The Board meets at 9:00 AM in the City Council Chambers at 201 South Cortez Street.

If you should have any additional questions about this matter, please feel free to contact me.

Thank you,

George Worley,
Planning Manager

Cc: Jon Paladini, City Attorney
Tom Guice, Community Development Director

March 9, 2015

George Worley
Community Development Director
City Hall
201 S. Cortez
Prescott, AZ 86302

Re: American Motel located at 1211 E. Gurley Street, Case No.: P1300CV201001818 - *LNV Corporation vs. Nicholas Taeho Yu* matter

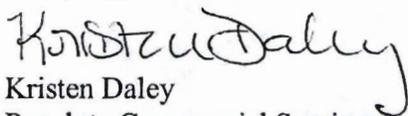
Dear Mr. Worley:

Per our phone conversation today, I would like to request an extension for the Board of Adjustment appeal hearing scheduled March 19, 2015, for the above referenced property. The purpose for the request is because the Receiver is not available to attend the hearing on the set date. Additionally, the property is expected to close escrow on March 30, 2015, and the buyer would like to attend the hearing and represent the property as the owner.

Please let me know if there is any issue with this request. If this request is approved, please let me know the date and time for next month's Board of Adjustment's hearing.

If you have any questions, please contact me at kdaley@resolutecommercial.com or (480) 947-3321, ext. 1008.

Sincerely,



Kristen Daley
Resolute Commercial Services
Receiver for the American Motel

Cc. Deborah Butitta

CodeTRAK

Tree Site Browse
 CE0612-008 CASE TY
 CE0312-004 CASE TY
 No Licenses
 No Issues
 No Additional Sites

Description: Joint Inspection of the American Motel
 Location:
 Officer: Kelly Sammell
 Type: NUISANCE
 Subtype: BUILDING EXTERIOR
 Status: Closed

Restrictions

Opened: 12/04/2006 KKS
 Closed: 01/10/2008 RJG
 Last Actn: 04/04/2007 KKS
 Follow up: 04/04/2007 KKS
 Hearing:
 Referred:

Assessor PIN or 114-06-085C
 Address: 1211 E GURLEY ST
 City/State/Zip: PRESCOTT
 Owner: YU, FAMILY TRUST
 Subdivision: TRITILE TRACT
 Lot No. WSA
 Restrictions

- Contacts (2)
- Violations (2)
- Financial Information Charged: \$0.00 Paid: \$0.00 Due: \$0.00 Deposits Avail: \$0.00
- Inspections
- Chronology (6)

Main Menu

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CodeTRAK

Tree Site Browse
 CE0708-105 CASE TY
 CE0612-008 CASE TY
 CE0312-004 CASE TY
 No Licenses
 No Issues
 No Additional Sites

Description: Report of large bugs coming out of th

Location: []

Officer: RICH GILL

Type: HOUSING

Subtype: UNSANITARY COND

Status: DROPPED

Opened: 08/29/2007

Closed: 08/29/2007

Last Actn: 08/29/2007

Follow up: []

Hearing: []

Referred: County Health

Restrictions

Assessor PIN or 114-06-085C

Address: 1211 E GURLEY ST

City/State/Zip: PRESCOTT AZ 86303

Owner: YU, FAMILY TRUST

Subdivision: TRITLE TRACT

Lot No: [] WSA [] W []

Restrictions

▼ Contacts (2) Owner: YU, FAMILY TRUST

▼ Violations

▼ Financial Information Charged: \$0.00 Paid: \$0.00 Due: \$0.00 Deposits Avail: \$0.00

▼ Inspections

▼ Chronology (2)

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Tree Site Browse
 CE1011-014 CASE TY
 CE0712-127 CASE TY
 CE0708-105 CASE TY
 CE0612-008 CASE TY
 CE0312-004 CASE TY
 No Licenses
 No Issues
 No Additional Sites

Case Information Case # CE1011-014 Opened: 11/15/2010

Description: **JITID, DISCARDED CHAIR**

Location: **DUMPSTER ENCLOSURE & ROW**

Officer: **BRIAN TAYLOR**

Type: **NUISANCE**

Subtype: **JUNK/DEBRIS**

Status: **CLOSED**

Restrictions

Opened: 11/15/2010 BRT

Closed: 11/29/2010 BRT

Last Actn: 11/29/2010 BRT

Follow up: 11/29/2010 BRT

Hearing:

Referred:

Assessor PIN or 114-06-085C

Address: **1211 E GURLEY ST**

City/State/Zip: **86303**

Type: **PARCEL**

Owner: **YU, FAMILY TRUST**

Subdivision: **TRITILE TRACT**

Lot No: **WSA**

Inspection ar

Functions

- Add Record
- Edit Notes
- Link to...
- Additional Site
- Parent Project
- Parent Permit
- Parent License
- Case

▼ **Contacts (1)** Owner: YU, FAMILY TRUST

▼ **Violations (1)**

▼ **Financial Information** Charged: \$0.00 Paid: \$0.00 Due: \$0.00 Deposits Avail: \$0.00

▼ **Inspections (2)**

▼ **Chronology (2)**

▼ **Restrictions**

Restrictions

Description: Motel vacated proper is unsecured

Location: Entire property

Officer: KELLY SAMMELI

Type: NUISANCE

Subtype: JUNK/DEBRIS

Status: CLOSED

Opened: 02/10/2011 KKS

Closed: 03/02/2011 KKS

Last Actn: 03/02/2011 KKS

Follow up: 02/10/2011 KKS

Hearing: []

Referred: []

Assessor PIN or 114-06-085C

Owner: YU, FAMILY TRUST

Address: 1211 E GURLEY ST

Subdivision: TRITILE TRACT

City, State, Zip: [] [] 86303

Lot No. []

Inspection ar [] WSA

Type: PARCEL

Restrictions []

Contacts (1) Owner: YU, FAMILY TRUST

Violations (2)

Financial Information Charged: \$0.00 Paid: \$0.00 Due: \$0.00 Deposits Avail: \$0.00

Inspections (1)

Chronology (2)

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LicenseTRAK

CRM TRAK

Reports

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Restrictions

Functions: Add Record, Add Notes, Link to...

Additional Site, Parent Project, Parent Permit, Parent License, Case

Case # CE1108-036

Case # CE1108-036 Opened: 08/12/2011

Description: PROPERTY IS OVERGROWN AND IS

Location: ENTIRE SITE

Officer: KELLY SAMMELI

Type: NUISANCE

Subtype: WEEDS

Status: CLOSED

Opened: 08/12/2011

Closed: 09/06/2011

Last Actn: 09/06/2011

Follow up: 09/06/2011

Hearing:

Referred:

Assessor PIN or 114-06-085C

Address: 1211 E GURLEY ST

City/State/Zip: [] [] 86303

Type: PARCEL

Owner: NICHOLAS T & JENNY YU

Subdivision: TRITILE TRACT

Lot No: [] WSA

Restrictions

Assessor PIN or 114-06-085C

Address: 1211 E GURLEY ST

City/State/Zip: [] [] 86303

Type: PARCEL

Owner: NICHOLAS T & JENNY YU

Subdivision: TRITILE TRACT

Lot No: [] WSA

Restrictions

Contacts (1) Owner: NICHOLAS T & JENNY YU

Violations (2)

Financial Information Charged: \$0.00 Paid: \$0.00 Due: \$0.00 Deposits Avail: \$0.00

Inspections (2)

Chronology (6)

Main Menu

Workspace

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CodeTRAK

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LicenseTRAK

CRM TRAK

Reports

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CodeTRAK

Tree Site Browse
 CE1111-044 CASE TY
 CE1108-036 CASE TY
 CE1102-033 CASE TY
 CE1011-014 CASE TY
 CE0712-127 CASE TY
 CE0708-105 CASE TY
 CE0612-008 CASE TY
 CE0312-004 CASE TY
 No Licenses
 No Issues
 No Additional Sites

Restrictions

Description: **JITID, BROKEN WINDOWS, BROKEN** Opened: 11/22/2011 BRT
 Location: **DUMPSTER ENCLOSURE, PARKING** Closed: 12/01/2011 BRT
 Officer: **BRIAN TAYLOR** Last Actn: 12/01/2011 BRT
 Type: **NUISANCE** Follow up: 12/07/2011 BRT
 Subtype: **JUNK/DEBRIS** Hearing:
 Status: **CLOSED** Referred:
 Assessor PIN or 114-06-085C Owner: **RESOLUTE COMMERCIAL SERVICES**
 Address: **1211 E GURLEY** Subdivision: **TRITILE TRACT**
 City, State, Zip: **86303** Lot No: **WSA**
 Type: **PARCEL** Restrictions

Functions

- Add Record
- Add Notes
- Link to...
- Additional Site
- Parent Project
- Parent Permit
- Parent License
- Case

Contacts (1) Owner: RESOLUTE COMMERCIAL SERVICES

Violations (3)

Financial Information Charged: \$0.00 Paid: \$0.00 Due: \$0.00 Deposits Avail: \$0.00

Inspections (2)

Chronology (2)

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 CRM TRAK
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Restrictions

Description:

Location:

Officer:

Type:

Subtype:

Status:

Opened:

Closed:

Last Actn:

Follow up:

Hearing:

Referred:

Assessor PIN or 114-06-085C

Owner: RESOLUTE COMMERCIAL SERVICES

Address:

City/State/Zip:

Subdivision:

Lot No.:

Type:

Owner: RESOLUTE COMMERCIAL SERVICES

Charged: \$0.00 Paid: \$0.00 Due: \$0.00 Deposits Avail: \$0.00

Tree	Site
CE1205-086	CASE TY
CE1111-044	CASE TY
CE1108-036	CASE TY
CE1102-033	CASE TY
CE1011-014	CASE TY
CE0712-127	CASE TY
CE0708-105	CASE TY
CE0612-008	CASE TY
CE0312-004	CASE TY
No Licenses	
No Issues	
No Additional Sites	

Restrictions

Description: PROPERTY CONDITIONS REFLECT B

Location: ENTIRE SITE

Officer: KELLY SAMMELI

Type: NUISANCE

Subtype: WEEDS

Status: CLOSED

Opened: 08/21/2014

Closed: 09/24/2014

Last Actn: 09/24/2014

Follow up: 09/19/2014

Hearing:

Referred:

Owner: YU, FAMILY TRUST C/O RESOLUTE

Subdivision: TRITILE TRACT

Lot No: WSA ABC

City/State/Zip: W AB

Assessor PIN or 114-06-085C

Address: 1211 E GURLEY ST

86303

Parcel: PARCEL

Restrictions

Functions

- Add Record
- Add Notes
- Link to...
- Additional Site
- Parent Project
- Parent Permit
- Parent License
- Case

CodeTRAK

Tree Site Browse

- CE1408-041 CASE TY
- CE1205-066 CASE TY
- CE1111-044 CASE TY
- CE1108-036 CASE TY
- CE1102-033 CASE TY
- CE1011-014 CASE TY
- CE0708-105 CASE TY
- CE0612-008 CASE TY
- CE0312-004 CASE TY
- No Licenses
- No Issues
- No Additional Sites

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- CodeTRAK
- AEC TRAK
- LicenseTRAK
- CRM TRAK
- Reports

Owner: YU, FAMILY TRUST C/O RESOLUTE

Contacts (1)

Violations (2)

Financial Information Charged: \$0.00 Paid: \$0.00 Due: \$0.00 Deposits Avail: \$0.00

Inspections (3)

Chronology (4)

American
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VACANCY
295 & UP RESERVE TODAY!
HISTORICAL LANDMARK
CLEAN ROOMS HBO/ESPN
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