



June 8, 2016

Larry & Janice Reynolds  
PO Box 750  
Valdez, Alaska 99686  
[ljr4@sbcglobal.net](mailto:ljr4@sbcglobal.net)

**ZONING VIOLATION  
ABATEMENT NOTICE AND ORDER**  
Lot 1, Block 29, Mineral Creek Subdivision  
137 Egan Drive

The property known by the legal description of Lot 1, Block 29, Mineral Creek Subdivision, and by street address 137 Egan Drive, is owned by you. Said property is being used in violation of the zoning district. This property is zoned Central Business District (CBD). Use of the property for vehicle and trailer sales is prohibited. Within the zoning regulations outlined in the Valdez Municipal Code (VMC), uses and structures not specifically provided for in a particular zoning district are prohibited. The definition of vehicle and trailer sales as outlined in Section 17.04.1540 of the VMC is, "The use of any building, land area or other premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreational vehicles and including any warranty repair work and other minor repair service conducted as an accessory use."

VMC Section 17.06.130 of Title 17 (Zoning) defines any use or structure in violation of the title to be considered a nuisance. The exact language of the section is stated below:

**17.06.130 Nuisance abatement.**

Any building or structure set up, erected, built, moved or maintained or any use of property contrary to the provisions of this title is unlawful and a public nuisance. The city attorney shall, upon request by the city manager or city council, immediately commence action or proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use, restrain and enjoin any person from setting up, erecting, moving or maintaining any such building or structure, or using any property contrary to the provisions of this title.

Section 8.20 of the VMC (Nuisances) outlines the abatement process and requires a statement of action.

**STATEMENT OF ACTION**

As the owners of record, Larry & Janice Reynolds shall comply with the following actions:

1. The City of Valdez is requesting all vehicle and trailer sales on Lot 1, Block 29, Mineral Creek Subdivision **cease within fifteen (15) days of the date of this letter which is June 23, 2016.**
2. The City of Valdez has the right to assess a fine of not more than \$300 for each occurrence of a violation in the manner provided in the Valdez Municipal Code. For zoning infractions

each day the violation continues is considered a separate occurrence. Failure to act on this notice will invoke such action on the part of the City. If this required abatement is not commenced or completed within the time specified, the Community Development Director will submit to the Court an application to enjoin the violation as provided for in Section 8.20.100(4)(b) of the Valdez Municipal Code.

3. All costs associated with the abatement and court proceedings, and related fees shall be placed as a lien on Lot 1, Block 29, Mineral Creek Subdivision.

### **OPPORTUNITY TO APPEAL**

Any person having record title or legal interest in the property may appeal from the notice and order by filing with the city clerk within fifteen days from the date of service of such notice and order an appeal in writing in accordance with the appeal procedure as provided in Sections 8.20.180 – 8.20.210 of the Valdez Municipal Code. The appeal timeframe is 15 days or **June 23, 2016**. Failure to appeal will constitute a waiver of all right to administrative hearing and determination of the order; and will result in the abatement official proceeding with the remedies provided in 8.20.100(4)(b).

This abatement notice and order is being emailed to [ljr4@sbcglobal.net](mailto:ljr4@sbcglobal.net). You will be served with a copy of this exact letter sent by US Mail both as a first class letter, and as a certified letter. Section 8.0.130 of the VMC requires the abatement notice and order to be posted on the property. The notice will be physically posted on the property on Thursday, June 9, 2016. The notice may not be removed, except by the City following the abatement of the nuisance.

Several sections of the Valdez Municipal Code have been referenced in this letter. Copies of the code sections are attached for your information.

Questions or comments may be directed to me at the City of Valdez, P.O. Box 307, Valdez, Alaska 99686; [lvonbargen@ci.valdez.ak.us](mailto:lvonbargen@ci.valdez.ak.us); or 907-834-3425. I look forward to working with the two of you to resolve this issue as soon as possible.

Sincerely,



Lisa M. Von Bargen  
Community Development Director

VMC Chapter 17.28 Central Business District  
VMC Chapter 17.06 Administration & Enforcement (Zoning)  
VMC Chapter 8.20 Nuisances