City of Apache Junction
Development Services Department

DATE: November 30, 2017

MEMO TO: Board of Adjustment and Appeals

THROUGH: Larry Kirch, Development Services Director

FROM: Rudy Esquivias, Senior Planner/Zoning Admin.

SUBJECT: December 11, 2017, Public Hearing Item: Case BA-4-17, Appeal of Zoning Administrator's decision by Fast Micro LLC (Kaplan)

Appeal Request

Fast Micro LLC (property owner), represented by Joel Kaplan, requests an appeal of the Zoning Administrator's decision, challenging the Zoning Administrator's May 4, 2017, decision of denial of lawful nonconforming rights for four recreational vehicle ("RV") rental spaces on a RS-20M (Medium Density Single-family Detached Residential)-zoned property located at 529 N. Gold Drive. Mr. Kaplan contends that the property does have rights for four RV rental spaces in addition to a duplex, a triplex and a mobile home currently existing on the property.

The subject property is located at 529 N. Gold Drive, Apache Junction, Arizona, on the east side of the street, between W. Apache Trail and W. Superstition Boulevard. The property also uses an address of 535 N. Gold Drive, Apache Junction, Arizona. It is approximately one net acre in size and is currently zoned RS-20M, which normally permits either one conventional home or one manufactured home on a lot (see Vicinity, Zoning and Aerial maps, pages 1-3 of exhibits attached).

Background

Recent in-depth research by planning staff reveals that back in 1984, pursuant to case PZ-9-84, the subject property was rezoned from GR (General Rural) to CR-5 (Multiple-Residence Zone) by a previous property owner, Millett Manor, Inc., represented by Daniel G. Millett. At the time of the rezoning, Millett noted on his application that "6 apartment rentals" already existed on the property. The 1984 rezoning approval allowed him the opportunity to build more apartment units on the property (exhibits, pages 4-10). However, there is no record that additional

apartment units were ever built. Instead, it appears that sometime after the rezoning was approved, Mr. Millett installed electrical and possibly other facilities for RV spaces towards the back northeast corner area of the property, apparently without any permits or the city's knowledge. Please note that had Millett applied for a permit, it would have been denied because the property was not zoned to be an RV or MH park.

On March 7, 1985, the city adopted a new zoning ordinance. Neither the pre-March of '85 zoning ordinance or the post-March '85 zoning ordinance ever allowed manufactured/mobile homes ("MH") or trailers to be used as permanent residences in the CR-5 zone. Other zoning districts specifically allowed MHs or RVs as residences, but the CR-5 zone did not (see exhibits, pages 11-20). Historically, city staff has used the March 1985 zoning ordinance and zoning district maps as the starting points to determine nonconforming use rights. The March 1985 zoning ordinance was in effect until June of 2014 and was amended numerous times over the years, but never was the CR-5 zone amended to allow MHs or RVs as dwelling units.

The city adopted a new zoning ordinance and new zoning district maps in June of 2014. Under the city's new zoning maps, the subject property was assigned the new RS-20M zoning district, in basic character and compliance with the rest of the surrounding single-family residences in the neighborhood. Ownership of the property has changed hands several times since 1984. However, there was no protest regarding the adoption of the new zoning district for the property from the owners of the property in 2014. Records show that from 2013 to 2016, the property was owned by 529 Gold LLC (William Tierney, agent).

In fact, it was in 2015 that city code compliance staff received complaints that trailers were being brought onto the property in such a manner that owners of neighboring properties were being disturbed. It was at this time that code compliance staff (Bob Mayes) discovered and started investigating the unpermitted RV rental spaces on the property (see page 21). Mr. Tierney was advised that he needed to apply for lawful non-conforming status and prove continuous use of the RVs and other non-conforming structures on the property, or remove the unpermitted RVs. Mr. Tierney applied for lawful non-conforming status and submitted some evidence in support of his request. The duplex, triplex and MH were eventually recognized by the city as being legal

and/or lawful non-conforming. The 5 RV spaces were not, as not enough evidence was submitted (see the 10-8-15 letter of lawful non-conformity issued to Mr. Tierney, attached pages 22-46). Mr. Tierney was given the opportunity to appeal the city's decision to the Board of Adjustment. He did not.

In June of 2016, development services staff was informed that the property had been listed for sale and the unpermitted RV spaces were being advertised as part of the property. Staff spoke to the listing agent, sent him a copy of Mr. Tierney's letter and advised him to please correct the mistake in the listing, which he did.

In July of 2016, the property was sold to Fast Micro LLC (Joel Kaplan, as owner). Mr. Kaplan stated that he had a copy of the letter of lawful nonconformity issued to Mr. Tierney. In early 2017, Mr. Kaplan contacted planning staff and informed staff that he was about to close on the property, but he wanted the city to reconsider its decision regarding the RV spaces. He said he thought he could prove the existence of at least one RV space. Mr. Kaplan was advised that if he thought he had good evidence to support the existence of the RV space going back prior to March of 1985, then he could present said evidence through a new non-conforming letter request. Mr. Kaplan applied anew on March 27, 2017; and once again, the Zoning Administrator, on May 4, 2017, denied the request for an RV space due to a lack of substantial evidence (see letter issued to Mr. Kaplan, pages 47-63). In follow-up meetings with staff, Mr. Kaplan again asked staff to reconsider the decision of denial. Mr. Kaplan was advised that he could appeal the Zoning Administrator's decision to the Board of Adjustment. On October 31, 2017, staff received Mr. Kaplan's appeal application.

It should be noted that both the letters to Mr. Tierney and Mr. Kaplan misquoted the previous zoning district of the property as being GR. That came from a mapping error (see page 39). However it is not a substantive error, because neither the old GR zone nor the old CR-5 zone have ever allowed RV parks among the permitted uses. Whether the property had been zoned GR or CR-5 would not have changed the outcome of the letters.

Current Proposal and Planning Staff Analysis

Mr. Kaplan has opted to appeal the decision of denial to the Board of Adjustment. He is requesting that the Board overturn

the Zoning Administrator's decision and allow the property to be operated with "duplex, triplex, MH, four trailers".

> Staff Analysis:
> The city's non-conforming use regulations are contained in Mr. Tierney's letter (see pages 44-46). Section 1-2-5(A) reads: "Establishment and Applicability. Legal nonconforming uses, structures and lots are those uses, structures and lots that were legally in compliance before the adoption or amendment to this ordinance or previously adopted city ordinances or annexations into the city, but which are prohibited, regulated, or restricted differently under the terms of this ordinance or future amendments to the ordinance or the zoning map."
>
> Staff contends that the Zoning Administrator's decision to deny RV rental spaces as non-conforming uses was appropriate because no one, not even the previous owner, Mr. Millett, was definitively able to establish when or how many RV spaces were installed on the property. Statements such as "shortly after purchase" or "soon thereafter" or "several pedestals" (page 53) do not define establishment. Staff's recent rediscovery of the old zoning case from 1984 further refutes the idea that the RV spaces were ever lawfully established.

Furthermore, Mr. Kaplan suggests that the city should bear the burden of proving otherwise, i.e., that the rental trailer spaces were not on the property prior to March 1985 (see appeal application, pages 64-65).

> Staff Analysis:
> Section 1-2-5(E)(1) states: "No permit or license shall be issued for a nonconforming use or structure until a certificate of legal nonconformity ("certificate") has been issued by the Zoning Administrator. It shall be the *burden of the property owner* *(emphasis added)* to provide the following information and evidence to establish legal nonconformity." This provision refutes Mr. Kaplan's assertion that it should be the city's responsibility to try and prove nonconforming uses as unlawful.

As new evidence for his appeal request, Mr. Kaplan has created a timeline of ownership for the property going back to 1982. He

also gathered some statements from previous owners and previous ownership deeds. All of the statements of the previous owners confirm knowledge of the property from 1990 onward, with the exception of the statement from Mr. Millett (see pages 66-78).

> Staff Analysis:
> Only one individual, Mr. Campbell (page 78), states that "all existing trailers" were on the property in 1982, which conflicts with Millett's statement that RV spaces were installed on the property after he purchased it in 1984. Staff contends that the timeline exhibits are inconclusive, contradictory and do not establish RV uses on the property prior to March of 1985. It is clear that it was Mr. Millett who installed the illegal trailer spaces, contrary to his approved zoning, sometime after 1984. Subsequent owners were simply inheriting the unlawful non-conforming situation which was created by Mr. Millett.

Mr. Kaplan also submitted a series of aerial photographs of the property (pages 79-99). He did a good job of demonstrating that RV uses were fairly continuous on the property from about 2000 onward. Anywhere from 1 to 6 units appear on the photos, post-2000.

> Staff Analysis:
> The burden of proof must go back to March of 1985. Aerials from 1981 and 1984 (pages 80-81) reveal what appears to be a structure in the northeast corner area of the property, but it appears to be larger than an RV. Could this be the 6th apartment that Mr. Millett referenced in his rezoning application, or perhaps some kind of accessory building? The city's March 1985 aerial map (page 82)--the map that city staff heavily relies on to confirm nonconforming uses--appears to show that whatever building was in that northeast corner, was removed by March of 1985. This further indicates that RV spaces were not established on the property until later, which definitely would have made them illegal spaces.

The last few pages of Mr. Kaplan's submittal (pages 100-108) relate mostly to the old mobile home on the property and other information which was already covered in the nonconforming letters.

Public Input

All surrounding property owners within 300 feet of the subject site were sent public hearing notices, inviting them to attend and be heard at the public hearing. Code compliance staff recently received an anonymous complaint about the property that old refrigerators and other appliances were being stored outside in the back; that the wash which traverses the property was not being maintained and debris cleared out of it; and that a pedestrian bridge which was on the property was replaced with some kind of "plastic pallets". Another neighbor also inquired about the case, saying they had some issues with someone on the property, but did not give specifics. Lastly, the city's business license office also informed planning staff that the current owner does not have a city business license to operate the rental property and that they would be contacting him soon.

Planning Division Conclusion and Recommendation

Planning staff opines that the evidence submitted and discovered relative to the RV spaces on the property, reveals that the spaces were installed illegally, in contravention to the approved zoning in effect on the property in 1985 and that no definitive evidence has been submitted proving that four RV spaces, legal or otherwise, existed on the property prior to the adoption of the city's March 1985 zoning ordinance. Therefore, the Planning Division recommends denial of this appeal request.

The Board is respectfully reminded that they must cite findings of fact to support their decision of approval or denial. Please note that a decision of *denial* of the appeal request means that the Board supports the Zoning Administrator's decision; a decision of *approval* of the appeal request means that the Board agrees with the applicant and thereby grants him the right to have four rental spaces for RVs on the property, in addition to the other already recognized nonconforming residential units. If the Board desires to approve the applicant's appeal request, they may also do so with conditions.

RECOMMENDED MOTION

I move that case BA-4-17, an appeal to the Board of Adjustment and Appeals, by Fast Micro LLC (property owner), represented by Joel Kaplan, requesting an appeal of the Zoning Administrator's decision of denial of lawful nonconforming rights for four recreational vehicle ("RV") rental spaces on a RS-20M (Medium

Density Single-family Detached Residential)-zoned property located at 529 N. Gold Drive (parcel #101-15-050), be **(APPROVED/DENIED)** subject to the following findings of fact:

Findings of Fact:

1. The applicant **(has/has not)** presented satisfactory evidence that the four RV spaces on the property were lawfully established prior to the adoption of the city's March 7, 1985 zoning ordinance.

2. The applicant **(has/has not)** satisfied the burden of proof for the appeal request that the Zoning Administrator's decision should be overturned.

Conditions of Approval (only if appeal is approved):

1. _____

2. _____

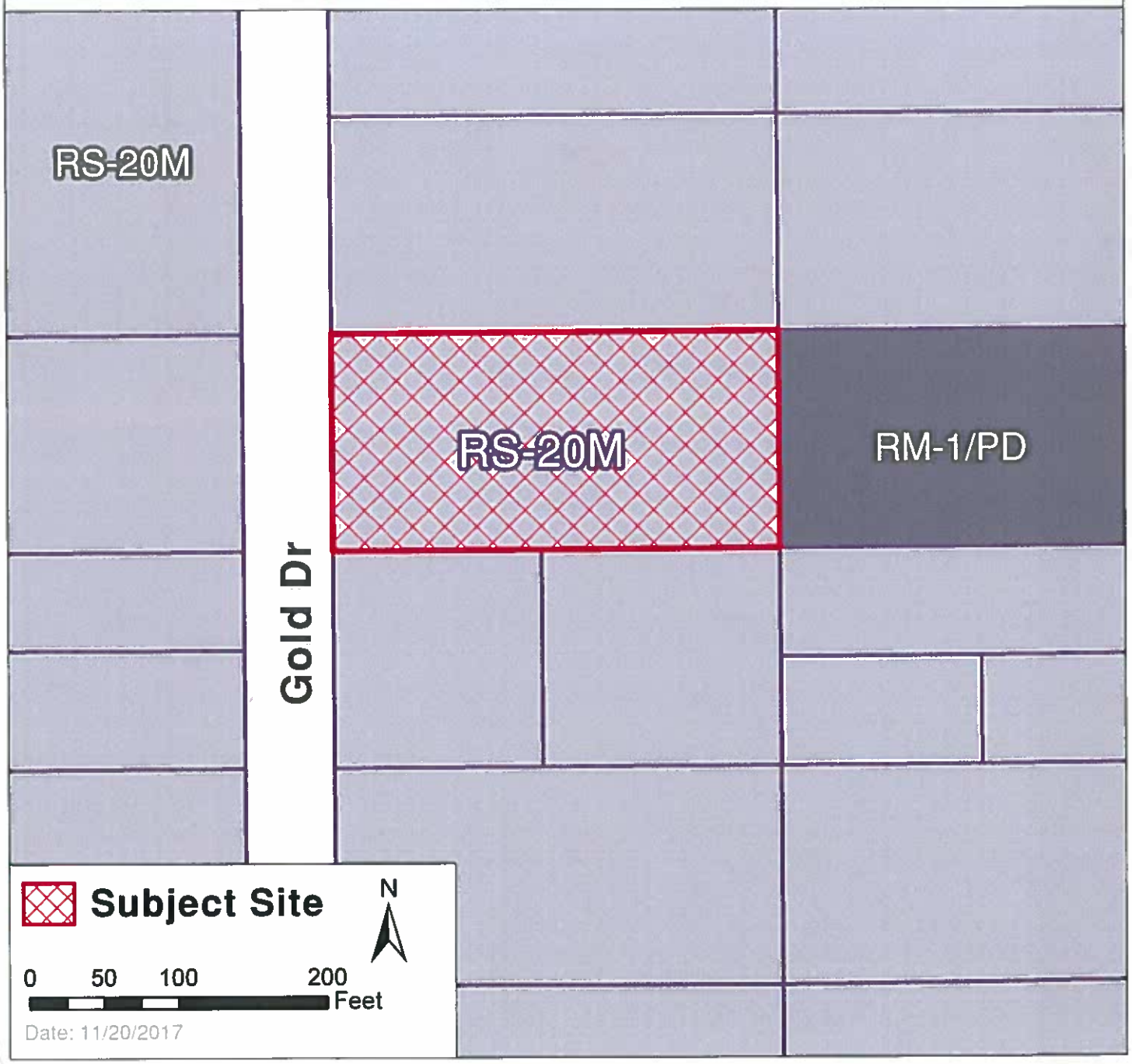
[Any person aggrieved by any decision of the Board of Adjustment may at any time within thirty days of said decision file a complaint for special action in Superior Court to review any Board decision pursuant to ARS § 9-462.06.]

Attachments:
- Vicinity, Zoning and Aerial exhibits (pages 1-3)
- PZ-9-84 staff report, application and approved Ordinance #262 (p. 4-10)
- Pre-'85 and March '85 zoning ordinance excerpts (p. 11-20)
- 3/5/15 e-mail from Bob Mayes re: 529 N. Gold (p. 21)
- 10/8/15 nonconforming letter issued to Tierney (22-46)
- 5/4/17 nonconforming letter issued to Kaplan (47-63)
- BA-4-17 application and supporting materials (p. 64-108)

Vicinity Map

BA-4-17

Appeal of Zoning Administrator's decision that property at 529 N. Gold Drive does not have nonconforming rights for four RV spaces, in addition to existing duplex, triplex and a mobile home.



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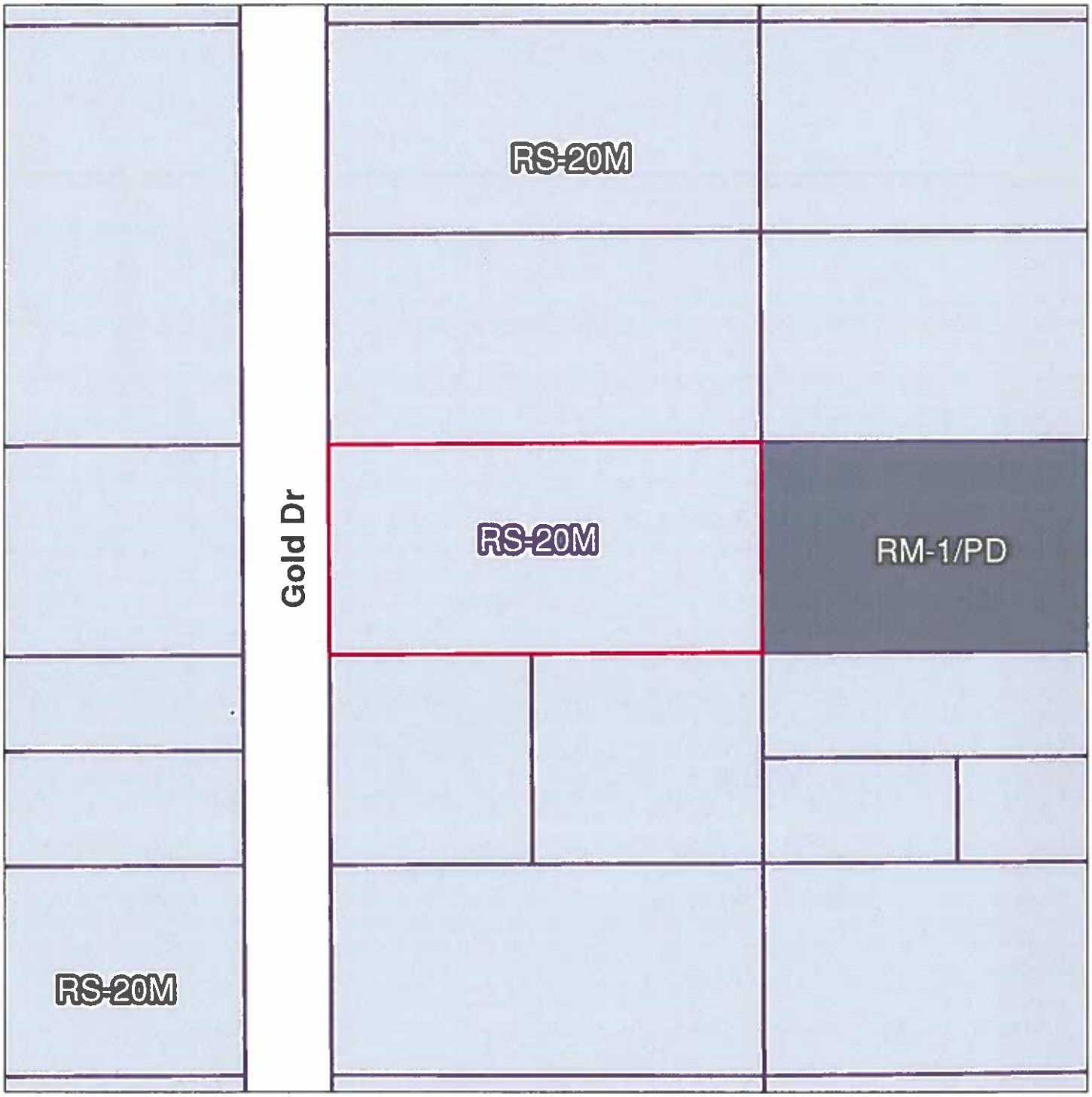

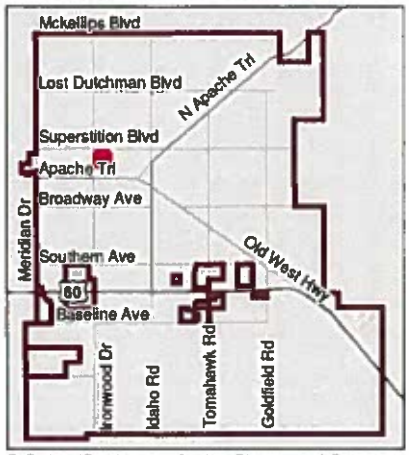

City of Apache Junction
Zoning Exhibit
BA-4-17

LEGEND

- Subject Site
- Parcel

Zoning

- RS-20M
- RM-1/PD

DISCLAIMER: This exhibit was produced without benefit of a field survey and is not intended to represent a survey document of any kind. Distances shown hereon are approximate. Parcel lines shown hereon are approximate and may not reflect the exact position or alignment of parcel lines, roadway center lines, or easement lines.

N

November 15, 2017

0 50 100 200 Feet

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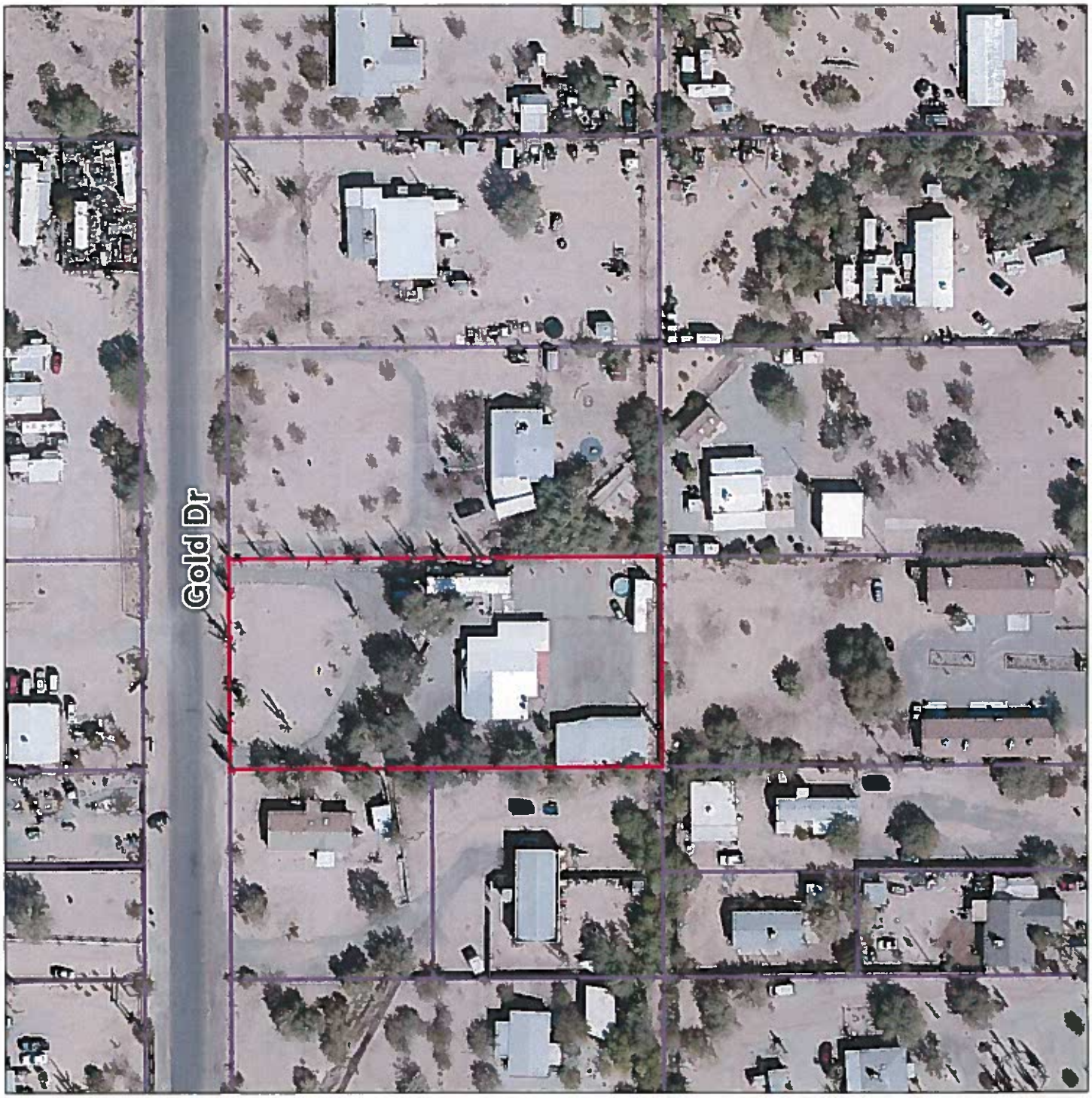

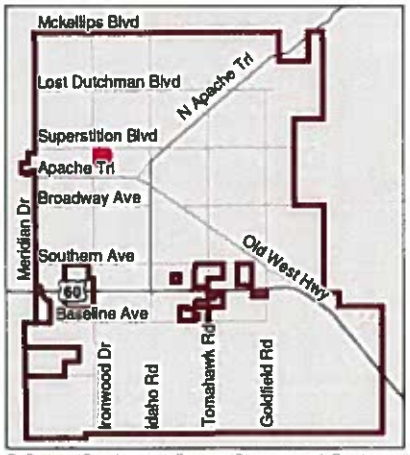

City of Apache Junction

Aerial Exhibit

BA-4-17

LEGEND

- Subject Site
- Parcel

DISCLAIMER: This exhibit was produced without benefit of a field survey and is not intended to represent a survey document of any kind. Distances shown hereon are approximate. Parcel lines shown hereon are approximate and may not reflect the exact position or alignment of parcel lines, roadway center lines, or easement lines.

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November 15, 2017

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(4)

City of Apache Junction

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

March 28, 1984

Approver for Agenda KC

	Date	Item #
First Reading	4/17/84	7
Second Reading	5/1/84	20

✓ Public Hearing
___ Old Business
___ New Business
✓ Consent Agenda

MEMORANDUM TO: THE HONORABLE MAYOR AND CITY COUNCIL

THROUGH: MICHAEL J. McNULTY, CITY MANAGER/ ACTING PLANNING DIRECTOR

FROM: JIM NAKAGAWA, ASSOCIATE PLANNER

SUBJECT: REQUEST FOR AGENDA ITEM
PZ-9-84 (PROPOSED ORDINANCE NO. 262)

APRIL 17, 1984 - PUBLIC HEARING AND FIRST READING
MAY 1, 1984 - SECOND READING AND CONSIDERATION

Project Description

Rezoning case No. PZ-9-84, Proposed Ordinance No. 262, is a request by the applicants Millett Manor, Inc. to rezone their property from GR General Rural to CR-5 Multiple Residence Zone. The site is a developed one-acre parcel located at 529 North Gold Drive on the east side of Gold Drive, about 800 feet south of Superstition Boulevard in Section 20. It is designated Medium/High Density Opportunity on the General Plan. Surrounding land uses include apartments, a house, and a mobile home.

Development Coordinating Committee (DCC) Comments

The DCC had no objections to the rezoning noting that it would be consistent with the Medium/High Density Opportunity General Plan designation for the site.

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission at their regular meeting of March 27, 1984, after public hearing, voted to approve the following motion: (M/S Vehon/Conway 6-0-0)

"BE IT RESOLVED by the Planning and Zoning Commission of the City of Apache Junction, Arizona, that rezoning case PZ-9-84, also known as Proposed Ordinance No. 262, application of Millett Manor, Inc. for their property described as, a matter of public record, requesting rezoning from GR General Rural to CR-5 Multiple Residence Zone, that the Commission recommends to the Apache Junction City Council the approval of said application.

The reasons for this recommedation are:

1. The request would allow this lot to meet the General Plan designation which allows medium/high density for this site.

2. It would be compatible with the other multi-family uses surrounding the site."

Recommended Motion

See attached.

JAN:mas

(6)

CITY OF APACHE JUNCTION, ARIZONA
REZONING APPLICATION

1. I/We hereby request a change of zoning classification:
   Parcel 1 From: GR To: CR-5
   Parcel 2 _____ _____
   Parcel 3 _____ _____
2. I am requesting this rezone by [X] Petition and Consent [X] Commission Initiative
3. What is the General Plan designation for the site? High density opportunity.
4. Size of the subject property: .949 Acres/41,300 S.F. [acres] [square feet]
5. How is the property currently developed? 6 apartment rentals
6. What are the adjacent land uses?
   North: Home
   South: Trailer
   East: 8 Unit Apartment Complex
   West: 6 Unit Apartment REntal (houses & trailer)
7. What other application are you filing in conjunction with this rezone (subdivision, road abandonment, etc.)? NONE
8. The legal description of the property proposed to be rezoned:
   Lot 8, Block 3, APACHE ADDITION ACRES, according to Book 5 of Maps, page 32, records of Pinal County, Arizona

   Section 20, Township 1 North, Range 8 East, Gila and Salt River Base and Meridian, Apache Junction, Pinal County, Arizona.
9. Why are you requesting this rezoning? To properly zone this property to the existing and surrounding usage of the area, which is now in the High Density Opportunity General Plan. We plan to add some additional units which will greatly improve the area.

(Please complete reverse side)

FOR OFFICE USE ONLY

Case No. PZ-9-84 Proposed Ordinance No. 262
Date Filed 2-14-84 Application received by JAN
Receipt No. P0229 Fee Amount 100.—

11/83

10. I/We hereby certify that:

a. (I am)(We are) the owners of the property described in this application for rezoning and have attached copies of deeds, title reports, or other documents as proof of ownership.
b. I/We have truthfully completed this application for rezoning.
c. I/We understand the filing fees to be non-refundable, the rezoning process to involve public hearings before the Planning and Zoning Commission and the City Council, and action to approve or disapprove our request is discretionary.
d. I/We understand in order to obtain approval of this rezone we may be requested to dedicate portions of our property for public roadway and associated purposes.
e. I/We being the owners of the property in this rezoning application have appointed DAN MILLETT named below as our representative in this rezoning application and have authorized him to do anything whatsoever necessary to have the rezoning considered favorably by the City of Apache Junction.

(1) MILLETT MANOR, INC.
(print owner's name)
65 SOUTH MESA DRIVE
(address)
MESA, ARIZONA 85202

Daniel G. Millett V.P.
(signature)
834-0406
(phone)

(2) _____
(print owner's name)
(address)
(signature)
(phone)

(3) _____
(print owner's name)
(address)
(signature)
(phone)

STATE OF _____)
COUNTY OF _____) SS.

The foregoing instrument was acknowledged before me this _____ day of _____, 19___,

by: _____

(My commission expires: _____) Notary Public

11. I hereby certify that I have been appointed by the property owners in this rezoning application as their representative and that they have requested that all correspondence in this matter be mailed to me.

DAN MILLETT
(print representative's name)
65 SOUTH MESA DRIVE
(mailing address)
MESA, ARIZONA 85202

Daniel G. Millett
(signature)
834-0406
(phone)

STATE OF ARIZONA)
COUNTY OF Maricopa) SS.

The foregoing instrument was acknowledged before me this 10th day of February, 1984,

by: DAN MILLETT

(My commission expires: Nov. 1, 1985) Karen L. Murray Notary Public

8

MILLETT MANOR INC.
65 SOUTH MESA DRIVE
MESA, ARIZONA 85202

February 13, 1984

CITY OF APACHE JUNCTION
1001 NORTH IDAHO
APACHE JUNCTION, ARIZONA 85220

ATTENTION: ZONING ADMINISTRATOR
MR. LEO FRAZIER JR.

Dear Sir:

We are requesting rezoning of the property located at 529 N. Gold Drive, also known as Lot 8, Block 3, APACHE ADDITION ACRES, according to Book 5 of Maps, page 32, records of Pinal County, Arizona.

We request that this property be rezoned from GR (general rural) to CR-5 to conform to the surrounding usage of the area. Currently, there are clusters of old trailers and houses on the lots in this area, most of which are rentals. By rezoning to CR-5, this will zone the property to its present use and will encourage new improvements which are greatly needed in this area. This request will compliment your master plan of this area which is High Density Opportunity.

Sincerely,

Daniel G. Millett

Daniel G. Millett
Vice-President

DGM/khg

ORDINANCE NO. 262

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, PINAL COUNTY, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA ZONING ORDINANCE BY AMENDING THE ZONING MAP CHANGING THE ZONING DISTRICT CLASSIFICATION IN REZONING CASE PZ-9-84 FROM GR GENERAL RURAL TO CR-5 MULTIPLE RESIDENCE ZONE; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THAT:

SECTION I IN GENERAL

The zoning district classification on the Apache Junction, Arizona, Zoning Map for the parcel of land described as:

Lot 8, Block 3, Apache Addition Acres, according to Book 5 of Maps, Page 32, records of Pinal County, Arizona;

be and hereby is amended by changing the zoning district classification from GR General Rural to CR-5 Multiple Residence Zone.

SECTION II REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance, or any part of the code adopted herein by reference, are hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY

If any section, sub-section, sentence, phrase, clause, or portion of this Ordinance, or any part of the code adopted herein by reference is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 1ST DAY OF MAY, 19 84.

Wendell J. Clarke
Mayor

ATTEST:

Kathleen Connelly
City Clerk

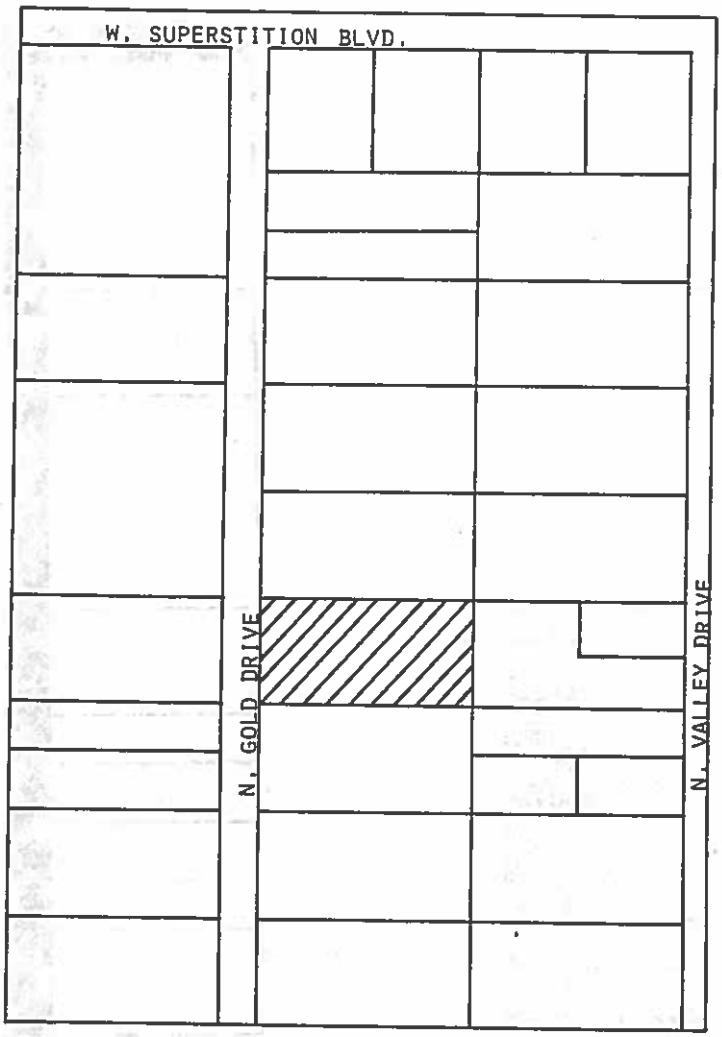
APPROVED AS TO FORM:

David F. Alexander
City Attorney

PZ-9-84

PROPOSED ORDINANCE NO. 262

PROPOSED REZONE FROM (GR) GENERAL RURAL TO (CR-5) MULTIPLE RESIDENCE



RIGHT OF WAY/PROPERTY LINES

SUBJECT SITE

N

LIMITS OF ZONING (REMAINDER IS GENERAL RURAL)

SCALE: 1"=200'

(11)

EXCERPT FROM 1984
ZONING ORDINANCE

SEC. 1002 MAXIMUM BUILDING HEIGHT: Two stories or 30 feet.

SEC. 1003 MINIMUM LOT AREA: 12,000 square feet.

SEC. 1004 MINIMUM LOT WIDTH: 60 feet.

SEC. 1005 MINIMUM AREA PER DWELLING UNIT: 12,000 square feet.

SEC. 1006 MINIMUM FRONT YARD: 25 feet.

SEC. 1007 MINIMUM SIDE YARDS: 10 feet each.

SEC. 1008 MINIMUM REAR YARD: 25 feet.

SEC. 1009 MINIMUM DISTANCE BETWEEN MAIN BUILDINGS: 20 feet except as required in Section 2310 for a rear dwelling.

SEC. 1010 DETACHED ACCESSORY BUILDINGS:

a. Permitted coverage: One-third of the total area of the rear and side yards.

b. Maximum height: 20 feet.

c. Minimum distance to main building: Seven feet.

d. Minimum distance to front lot line: 60 feet.

e. Minimum distance to side and rear lot lines: four feet if building is not used for poultry or animals; 50 feet if building is used for poultry or animals.

ARTICLE 11

CR-3 SINGLE RESIDENCE ZONE:

SEC. 1101 USES PERMITTED:

a. One-family dwelling.

b. Public park, public or parochial school.

c. Church, providing the minimum off-street parking requirements, as set forth in Article 21, Section 2102-e are met.

d. Transitional use where side of lot abuts a business or industrial zone. Any residential use permitted in the CR-4 zone, including CR-4 area and yard requirements, provided such use extends not more than 120 feet or two lots, whichever is the lesser from the zone boundary.

e. A trailer for not more than 90 days during construction of a residence on the same premises which period may be extended for an additional period of 90 days upon application to the Zoning Administrator.

f. Agriculture and horticulture, flower and vegetable gardening, nursery or greenhouse used only for propagation and culture and not for retail sales.

g. Home occupation.

h. Accessory building or use.

i. Temporary real estate office, subject to the conditions set forth in Sub-section 601-p of this Ordinance.

SEC. 1102 MAXIMUM BUILDING HEIGHT: Two stories or 30 feet.

SEC. 1103 MINIMUM LOT AREA: 7000 square feet.

SEC. 1104 MINIMUM LOT WIDTH: 60 feet.

SEC. 1105 MINIMUM AREA PER DWELLING UNIT: 7000 square feet.

SEC. 1106 MINIMUM FRONT YARD: 20 feet.

SEC. 1107 MINIMUM SIDE YARDS: Eight feet each.

SEC. 1108 MINIMUM REAR YARD: 25 feet to the rear lot line.

SEC. 1109 MINIMUM DISTANCE BETWEEN MAIN BUILDINGS: 16 feet, except as required in Section 2310 for a rear dwelling.

SEC. 1110 BUILDABLE AREA: Not to exceed 40% of the lot, including all structures, except swimming pools.

SEC. 1111 ACCESSORY BUILDINGS:

a. Maximum height: 20 feet.

b. Minimum distance to main building when detached: Seven feet.

c. Minimum distance to front lot line when detached: 50 feet.

d. Minimum distance to side lot lines: Eight feet.

e. Minimum distance to rear lot line: 15 feet, except that no minimum distance shall be required where the rear wall is of masonry construction with no openings, such wall extending at least 24 inches above the roof of the accessory building and whose total height is not over 12 feet above grade.

f. Accessory buildings shall be detached from the main building except that they may be attached by means of an unenclosed structure that has only one wall not over six feet high which shall be placed on only one side of the structure.

ARTICLE 12

CR-4 MULTIPLE RESIDENCE ZONE:

SEC. 1201 USES PERMITTED:

a. Any use permitted in the CR-3 zone.

b. Duplex dwelling.

c. Multiple dwelling for not more than four families.

d. Dwelling group consisting of permitted dwelling types in this zone.

e. Transitional use where side of lot abuts a business or industrial zone: Any residential use permitted in the CR-5 zone including CR-5 area and yard requirements, provided such use extends not more than 120 feet or two lots, whichever is the lesser, from the zone boundary.

f. Hospital, clinic, dispensary or sanitorium, subject to the conditions set forth in Sub-section 601-m of this Ordinance.

SEC. 1202 MAXIMUM BUILDING HEIGHT: Two stories or 30 feet.

SEC. 1203 MINIMUM LOT AREA: 7,000 square feet.

SEC. 1204 MINIMUM LOT WIDTH: 60 feet.

SEC. 1205 MINIMUM LOT AREA PER DWELLING UNIT: 3,500 square feet.

SEC. 1206 MINIMUM FRONT YARD: 25 feet.

SEC. 1207 MINIMUM SIDE YARDS: Eight feet each.

SEC. 1208 MINIMUM REAR YARD: 35 feet.

SEC. 1209 MINIMUM DISTANCE BETWEEN MAIN BUILDINGS: 16 feet.

SEC. 1210 DETACHED ACCESSORY BUILDINGS:

a. Permitted coverage: 30% of the minimum rear yard area plus 50% of any additional space in the rear of the principal building.

b. Maximum height: 20 feet.

c. Minimum distance to main building: Seven feet.

d. Minimum distance to front lot line: 60 feet.

e. Minimum distance to side lot lines: Four feet.

f. Minimum distance to rear lot line: Four feet if building is not used for poultry or animals; 15 feet if building is used for poultry or animals.

ARTICLE 13

CR-5 MULTIPLE RESIDENCE ZONE:

SEC. 1301 USES PERMITTED:

a. Any use permitted in the CR-3 and CR-4 zone.

b. Multiple dwelling for any number of families.

c. Boarding or rooming house for any number of guests, but not primarily for transients.

d. Transitional use where side of lot abuts a business or industrial zone: Any residential use permitted in the TR zone including TR area and yard requirements, provided such use extends not more than 120 feet or two lots, whichever is the lesser, from the zone boundary.

SEC. 1302 MAXIMUM BUILDING HEGIHT: Two stories or 30 feet.

SEC. 1303 MINIMUM LOT AREA: 7,000 square feet.

SEC. 1304 MINIMUM LOT WIDTH: 60 feet.

SEC. 1305 MINIMUM LOT AREA PER DWELLING UNIT: 2,000 square feet.

SEC. 1306 MINIMUM FRONT YARD: 25 feet.

SEC. 1307 MINIMUM SIDE YARDS: 7 feet each.

SEC. 1308 MINIMUM REAR YARD: 35 feet.

SEC. 1309 MINIMUM DISTANCE BETWEEN MAIN BUILDINGS: 14 feet.

SEC. 1310 DETACHED ACCESSORY BUILDINGS:

a. Permitted coverage: 35% of the minimum rear yard area plus 50% of any additional space in the rear of the principal building.

b. Maximum height: 20 feet.

c. Minimum distance to main building: Seven feet.

d. Minimum distance to front lot line: 60 feet.

e. Minimum distance to side lot lines: Four feet.

f. Minimum distance to rear lot line: Four feet if building is not used for poultry or animals; 15 feet if building is used for poultry or animals.

ARTICLE 14

TR TRANSITIONAL ZONE:

SEC. 1401 USES PERMITTED:

a. Any use permitted in the CR-3, CR-4 and CR-5 zones.

b. Tourist court or hotel, together with the following accessory uses located on the premises and having no exterior entrance closer than 100 feet to a public street:

Retail Shops
Personal Services
Recreational Facilities
Restaurant
Beverage Service

(16)

EXCERPT FROM 1985 ZONING ORDINANCE

SECTION 15.0400 CR-3 SINGLE FAMILY RESIDENCE ZONE

Section 15.0401 USES PERMITTED

a. One-family dwelling.

b. Public park, public or parochial school.

c. Church.

d. Transitional use where side of lot abuts a business or industrial zone. Any residential use permitted in the CR-4 Zone, including CR-4 area and yard requirements, provided such use extends not more than 120 feet or two (2) lots, whichever is the lesser from the zone boundary.

e. A trailer for not more than ninety (90) days during construction of a residence on the same premises, which period may be extended for an additional period of ninety (90) days upon application to the Zoning Administrator.

f. Agricultural and horticultural, flower and vegetable gardening, nursery or greenhouse used only for propagation and culture and not for retail sales.

g. Home occupation.

h. Accessory building or use.

i. Temporary real estate office.

Section 15.0402 MAXIMUM BUILDING HEIGHT

Two (2) stories or thirty feet (30').

Section 15.0403 MINIMUM LOT AREA

7,000 square feet.

Section 15.0404 MINIMUM LOT WIDTH

Sixty feet (60').

Section 15.0405 MINIMUM AREA PER DWELLING UNIT

7,000 square feet.

Section 15.0406 MINIMUM FRONT YARD

Twenty feet (20').

Section 15.0407 MINIMUM SIDE YARDS

Eight feet (8') each.

Section 15.0408 MINIMUM REAR YARD

Twenty-five feet (25') to the rear lot line.

Section 15.0409 MINIMUM DISTANCE BETWEEN MAIN BUILDINGS

Sixteen feet (16'); except as required in Section 6.0109 for a rear dwelling.

Section 15.0410 BUILDABLE AREA

Not to exceed forty percent (40%) of the lot, including all structures; except swimming pools.

Section 15.0411 ACCESSORY BUILDINGS

a. Maximum height: twenty feet (20').

b. Minimum distance to main building when detached: seven feet (7').

c. Minimum distance to front lot line when detached: fifty feet (50'); except that a detached garage for the parking of automobiles shall have a minimum distance from the front lot line of twenty feet (20').

d. Minimum distance to side lot lines: eight feet (8').

e. Minimum distance to rear lot lines: four feet (4') if building is not used for poultry or animals; fifteen feet (15') if building is used for poultry or animals.

f. Accessory buildings shall be detached from the main building; except that they may be attached by means of an unenclosed structure that has only one (1) wall not over six feet (6') high which shall be placed only on one side of the structure.

SECTION 15.0500 CR-4 MULTIPLE FAMILY RESIDENCE ZONE

Section 15.0501 USES PERMITTED

a. Any use permitted in the CR-3 Zone.

b. Duplex dwelling.

c. Multiple dwelling for not more than four (4) families.

d. Dwelling group consisting of permitted dwelling types in this Zone.

e. Transitional use where side of lot abuts a business or industrial zone. Any residential use permitted in the CR-5 Zone, including CR-5 area and yard requirements, provided such use extends not more than 120 feet or two (2) lots, whichever is the lesser from the zone boundary.

f. Hospital, clinic, dispensary, or sanatorium.

Section 15.0502 MAXIMUM BUILDING HEIGHT

Two (2) stories or thirty feet (30').

Section 15.0503 MINIMUM LOT AREA

7,000 square feet.

Section 15.0504 MINIMUM LOT WIDTH

Sixty feet (60').

Section 15.0505 MINIMUM LOT AREA PER DWELLING UNIT

3,500 square feet.

Section 15.0506 MINIMUM FRONT YARD

Twenty-five feet (25').

Section 15.0507 MINIMUM SIDE YARDS

Eight feet (8') each.

Section 15.0508 MINIMUM REAR YARD

Thirty-five feet (35').

Section 15.0509 MINIMUM DISTANCE BETWEEN MAIN BUILDINGS

Sixteen feet (16').

Section 15.0510 DETACHED ACCESSORY BUILDINGS

a. Permitted coverage: thirty percent (30%) of the minimum rear yard area, plus fifty percent (50%) of any additional space in the rear of the principal building.

b. Maximum height: twenty feet (20').

c. Minimum distance to main building: seven feet (7').

d. Minimum distance to front lot line: sixty feet (60').

e. Minimum distance to side lot lines: four feet (4').

f. Minimum distance to rear lot line: four feet (4') if building is not used for poultry or animals; fifteen feet (15') if building is used for poultry or animals.

SECTION 15.0600 CR-5 MULTIPLE FAMILY RESIDENCE ZONE

Section 15.0601 USES PERMITTED

a. Any use permitted in the CR-3 and CR-4 zones.

b. Multiple dwelling for any number of families.

c. Boarding or rooming house for any number of guests, but not primarily for transients.

d. Transitional use where side of lot abuts a business or industrial zone, including TR area and yard requirements, provided such use extends not more than 120 feet or two lots (2), whichever is the lesser, from the zone boundary.

Section 15.0602 MAXIMUM BUILDING HEIGHT

Two (2) stories or thirty feet (30').

Section 15.0603 MINIMUM LOT AREA

7,000 square feet.

Section 15.0604 MINIMUM LOT WIDTH

Sixty feet (60').

Section 15.0605 MINIMUM LOT AREA PER DWELLING UNIT

2,000 square feet.

Section 15.0606 MINIMUM FRONT YARD

Twenty-five feet (25').

Section 15.0607 MINIMUM SIDE YARDS

Seven feet (7') each.

Section 15.0608 MINIMUM REAR YARD

Thirty-five feet (35').

Section 15.0609 MINIMUM DISTANCE BETWEEN MAIN BUILDINGS

Fourteen feet (14').

Section 15.0610 DETACHED ACCESSORY BUILDING

a. Permitted coverage: thirty-five percent (35%) of the minimum rear yard area, plus fifty percent (50%) of any additional space in the rear of the principal building.

b. Maximum height: twenty feet (20').

c. Minimum distance to main building: seven feet (7').

d. Minimum distance to front lot line: sixty feet (60').

e. Minimum distance to side lot line: four feet (4').

f. Minimum distance to rear lot line: four feet (4') if building is not used for poultry or animals; fifteen feet (15') if building is used for poultry or animals.

Rudy Esquivias

From: Bob Mayes
Sent: Thursday, March 05, 2015 5:16 PM
To: Rudy Esquivias; Larry Kirch; Dennis Dixon; Tracy Post
Cc: 'Miller Randy G'
Subject: 529 and 535 N. Gold Dr./Application for Legal Non-Conforming property

I had met with Randy Miller, Designer with SRP and spoke of my concerns that this property may have added RV spaces.

The electric panel that has the meter was designed only for a Trailer originally in 1968 per SRP records. This is not a master meter. Work was done on the transformer in 1978 and 1991 with no revamps since 2004.

They did not put the tag on the panel. This would have been done by the person(s) doing the work on the customers side.

There is a letter dated April 26th, 2013 from SRP showing the installation April 1, 1968. It does not show Master Meter. The other 2 letters from SRP show they are a Master meter.

I also have researched our Tidemark and see no permits applied for, approved or inspections related to the electrical pedestals on the customers side.

Pinal County Assessor's Office Mobile home Division had not record of the extra units when I called. No these may have been installed prior to the new owners. One MLS information that was provided to me shows a listing for 10 spaces then the next one clearly shows 11. So even the new owners have added a space.

The March 7th 1985 aerial does not show any RV units. Mr. Frye seems to think there may be a shadow of one or two units. I did show him the aerial. Based on what I see. I do not think these are legal spaces.

If you have any questions, please ask.

Robert Mayes, Abatement Coordinator
City of Apache Junction
300 E. Superstition Blvd.
Apache Junction, AZ 85119
480-474-5085
bmayes@ajcity.net
Service Over and Above the Rest

Starting July 18th, 2011
New Office Hours
Monday – Thursday, 7:00 am – 6:00 pm, Closed on Fridays

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Emails generated by council members or City staff pertaining to City business are public records and are preserved according to the City's records retention schedule. To ensure compliance with the Open Meeting Law, members of the City Council should not forward email correspondence to

City of Apache Junction
Development Services Department

OCTOBER 8, 2015

529 GOLD, LLC
c/o WILLIAM TIERNEY
638 E. ELGIN STREET
GILBERT, AZ 85295

SUBJECT: **Case NC-2-15, Letter of Lawful Non-Conformity** for property at 529 N. Gold Drive, Apache Junction, AZ 85120 (Pinal County Assessor Parcel #101-15-050).

Dear Mr. Tierney:

The Apache Junction Planning Division has received a request for a Letter of Lawful Non-conformity from you for the above referenced property. You contend that the 1-acre property indicated above, for which lawful non-conforming status is being requested, is presently developed with several residential uses. Those uses include a triplex (three dwelling units), a duplex (two dwelling units), a mobile/manufactured home ("MH") and five spaces for recreational vehicles ("RV").

Your request is that the City recognizes lawful non-conforming status for the continued use of the multi-family residences, the MH and the RV rental spaces on the property. You state that the uses have been in existence and used continuously without a time lapse of more than one year, since prior to the adoption of the city's March 7, 1985 Zoning Ordinance (which is the city's threshold for establishing nonconforming uses). The uses on the property are considered by the City to be non-conforming for the following reasons:

1) As of June 6, 2014, with the adoption of the city's new Zoning Ordinance and Zoning District Maps, the property is zoned RS-20M (Medium Density Single-family Detached Residential; minimum lot size of 20,000 square feet; allows either one conventional home or one manufactured home). See Zoning Map attached. Prior to the adoption of the city's June 2014 Zoning Ordinance, the property was zoned GR (General Rural), which was a large lot (1.25 gross acres minimum) single-family residential zone, which permitted either one conventional home or one manufactured home on a lot. Neither the RS-20M nor GR zone allows more than one properly permitted main residence and possibly one properly permitted small guest house, to be constructed on a lot. Neither zoning district has ever allowed multi-family dwellings or multiple RVs.

2) There is no City zoning district which has ever allowed for the mixing of multi-family dwellings, manufactured homes and RVs.

3) The RS-20M zone requires certain setback standards. The City does not have a site plan of the property on file, nor was one provided by you; so, how the homes are located on the property, what separation distances exist between the various structures and what the setbacks are between the various residential units and property lines is unknown. It appears from aerial photo evidence that structures on the

southeast and northeast corners of the property are encroaching into setback areas and into the platted 10-foot-wide public utility easement which runs inside the east 10 feet of the property. A survey of the property showing all structures thereon, dimensioned and with separation and setback distances shown would be of great benefit to both the property owner and the City, especially with regard to future permit requests. See excerpt from Apache Addition Acres subdivision plat map and residential zoning matrix attached.

Planning Division Review of Submitted Evidence:

As evidence to support the non-conforming letter request, you submitted (or we discovered) various pieces of information, including: three letters from SRP acknowledging two master meters and one meter for a "trailer"; and signed and notarized affidavits from three people claiming knowledge of the noncomforming uses. As part of our research, City staff also reviewed other data sources on the Pinal County website, we reviewed old aerial maps of the neighborhood from different years and we researched building permit and code compliance records. Our review and assessment of all this information, as it relates to your request, has revealed the following:

1) The letters from SRP and discussions with an SRP representative indicate that the two master meters (one installed in 1967 and one installed in 1971) serve the conventional multi-family buildings; the other meter, installed in 1968, serves the MH unit. Any other electrical installations or lines powering the RVs were apparently never properly permitted, according to a search of City records.
2) With regard to the signed affidavits, one affiant only claims knowledge of the property back to 1986, not March of 1985; and the other two affiants do not specify how many RVs or trailers there were on the property back in 1985 or earlier.
3) Aerial images from March 1985 appear to show only the two conventional buildings and the MH on the property. The northeast corner area of the property does not show any RV units.
4) Pinal County Assessor records also confirm that the property has been assessed for a single family home since 1966; a duplex unit since 1955; and "mobile home yard improvements" since 1984. There is no record of spaces for RVs. There is also no mention of the units somehow going from single-family to a duplex, or from a duplex to a triplex.

Conclusion

Based on the preponderance of the evidence submitted and facts known to the City about the property, as well as information from SRP records, Pinal County Assessor records, old aerial maps dating back to March of 1985, and Building and Code Compliance records, it appears that there is enough evidence to substantiate lawful nonconforming status for the duplex, the triplex and the manufactured home. However, we can find no substantial evidence that any of the RV rental spaces have existed since prior to March of 1985, that their use has been continuous, much less that any improvements to serve said spaces have ever been properly permitted, which is a health and safety concern. How everything is tied into sewer or septic is also unknown and a potential health and safety concern. The RV spaces must be discontinued from use and no further RVs brought onto the property. The property is not zoned and has never been zoned to be an RV park.

Based on these findings, the Planning Division can now grant the privilege of a Letter of Lawful Non-conformity to the RS-20M-zoned property at 529 N. Gold Drive (Pinal County parcel #101-05-050). Lawful non-conforming status solely represents acknowledgement by the City of Apache Junction Planning Division that the duplex dwelling, the triplex dwelling and the manufactured home, as described above, existed prior to the March 7, 1985, City Zoning Ordinance effective date. Please also see the city's Non-conforming Use Regulations attached. Should any home be removed from the property for whatever reason, the lawful nonconforming use status for said unit will be lost and the home cannot be replaced, except in conformance with the City of Apache Junction Zoning Ordinance. The homes can be used and maintained for their useful life, but cannot be expanded upon. If any home should be damaged or destroyed 50% beyond its reproduction value, said nonconforming home cannot be replaced, except in complete compliance with City codes. The RS-20M zone regulations will govern future uses on the property, unless a rezoning process is initiated for the property.

Lastly, this lawful non-conforming privilege goes with the land and is transferable upon sale of the property as long as the use of the property, as described, is not discontinued for more than one year. The City of Apache Junction has adopted Building and Fire Codes which regulate construction and safety standards within the community. It is the sole responsibility of the property owner to assure that all health and safety standards are met with regard to these codes. Nothing in this letter should be construed as permission to exempt, exclude, or excuse improper, inappropriate or unsafe practices or conditions on the property; or to add more non-conforming uses or structures on the property. The City of Apache Junction encourages all property owners or other interested individuals to contact the Development Services Department regarding any questions or specific requirements which may apply.

Appeals

The City Zoning Administrator reserves the right to request the Board of Adjustment to rescind the privilege of lawful non-conforming status at a public hearing if the City later receives evidence that contradicts the submitted documents and statements of the applicants. Copies of this letter shall also be distributed to other interested entities and jurisdictions that may require their own review of the non-conforming status items or issues.

You may also appeal the findings of this letter to the city's Board of Adjustment if you feel our decision in your case is erroneous and/or insufficient. Please contact me via the contact information below should you wish to discuss the appeals process.

Sincerely,

Rudy Esquivias
Senior Planner/Zoning Administrator
City Of Apache Junction
300 E. Superstition Blvd.
Apache Junction, AZ 85119
480.474.2645
resquivias@ajcity.net

SERVICE OVER AND ABOVE THE REST

(Development Services Department office hours: Monday through Thursday from 7:00am to 6:00pm, closed Fridays and Holidays.)

Attachments:
- Application for lawful non-conforming status
- Evidence submitted/discovered: neighbor statements; SRP letters; Pinal Co. records
- Recent Aerial image of property
- March 1985 Aerial Map
- Parcel Map
- Zoning Map
- Excerpt from Apache Addition Acres subdivision plat map
- Table 5-2 Residential Bulk Regulations
- Zoning Ordinance Sec. 1-2-5 Non-conforming Uses, Structures and Lots

xc:
- Dave Zellner, Building Official;
- Dave Montgomery, Fire Marshal;
- Darron Anglin, Sewer District Manager;
- Denise Moulson, Business License Coordinator
- Pinal County Assessor;
- Pinal County Health Department;
- Case File NC-2-15

City of Apache Junction

Department of Development Services

APPLICATION FORM
LEGAL NONCONFORMING STATUS

Applicant/Owner Information:

Applicant Name: 529 GOLD, LLC Phone: 6023696359
Street Address: 638 E ELGIN ST
City, State, Zip: GILBERT, AZ 85295

Owner/Agent Name: WILLIAM TIERNEY Phone: 6023696359
Street Address: 638 E ELGIN ST
City, State, Zip: GILBERT, AZ 85295

Property Information:

Legal Description of Parcel: APACHE ADDITION ACRES LOT 8 IN BLK 3

Assessor's Parcel Number: 101-15-050
Parcel Size: 1.03 ACRES
Current Zoning Designation: 0121 / SFR GRADE 010-2 URBAN SUBDIV

Request Information:

Describe the Request Being Made: APPLYING FOR LEGAL NONCONFORMING USE CERTIFICATE, ONE TRIPLEX, ONE DUPLEX, ONE MOBILE HOME AND 5 RV SPACES

Date the Activity/Use Originally Began: 1968
Original Owner to Establish Activity/Use: N/A
Original Owner Contact Information (if known): UNKNOWN
Has Activity/Use Been Continuous? ☒ Y ☒ N
If No, what was duration of inactivity/nonuse: _____

Submit with Application:

One (1) original each of three (3) notarized affidavits including a brief, clear description of the situation from persons with personal knowledge of the situation (see sample).

One (1) copy of written permission to interview the witnesses if necessary (witness may choose not to participate).

Minimum of two (2) copies of the current, accurate, legible site plan.

One (1) original certification of legal authority to represent owner.

One (1) copy of any other supporting documentation that may be applicable, such as:
- Previous utility or telephone bills verifying history of usage
- Photographs that clearly show situation
- Previous tax notices or evaluations showing assessed usage
- Prior building permits or permit information

529 Gold LLC — 1-27-2015
Applicant — Date

William Tierney — 1-27-2015
Owner/Agent — Date

FOR OFFICIAL USE ONLY BELOW THIS LINE:

Date Received: _____ By: _____
Reference Number (APN): _____
Fee: _____ Receipt# _____
Method of Payment: ☒ Check ☒ Cash ☒ Other _____

AFFIDAVIT IN SUPPORT OF NONCONFORMING ACTIVITY/USE

Name of Affiant: Sandy R VanSickle

Address of Affiant: 529 N. Gold Dr 1C

Telephone Number of Affiant: 602 692 0941

Available for interview ☒ Yes ☒ No

Affiant states that he/she has personal knowledge and there is probable and reasonable cause to believe that:

The trailers in the back at 529 N. Gold Dr were there prior to 1986. As I grew up in Apache Jct., and went to a party at 529 N. Gold Dr. in 1985.

Sandy R VanSickle

Subscribed and sworn to before me on this 16 day of January, 2015, at 4:30 (a.m./p.m.).

Jody Sayler
Exp. 6/16/17

JODY SAYLER
Notary Public - Arizona
Pinal County
My Commission Expires
June 16, 2017

NOTARY

AFFIDAVIT IN SUPPORT OF NONCONFORMING ACTIVITY/USE

Name of Affiant: MICHAEL CAMPBELL

Address of Affiant: 309 N. 83RD ST.
MESA, AZ. 85207

Telephone Number of Affiant: 480-255-0682

Available for interview ☐ Yes ☒ No

Affiant states that he/she has personal knowledge and there is probable and reasonable cause to believe that:

all existing trailers were here in 1982 as I had + visited friends who were living here at that time.

Michael J. Campbell

Subscribed and sworn to before me on this 20 day of January, 2015, at 3:52 (a.m./p.m.).

Lidia Oolman

NOTARY

LIDIA OOLMAN
NOTARY PUBLIC - ARIZONA
PINAL COUNTY
My Commission Expires
August 14, 2015

AFFIDAVIT IN SUPPORT OF NONCONFORMING ACTIVITY/USE

Name of Affiant: Vera Williams

Address of Affiant: 529 N. Gold Cr. #4

Telephone Number of Affiant: 602-785-9661

Available for interview ☒ Yes ☒ No

Affiant states that he/she has personal knowledge and there is probable and reasonable cause to believe that:

Lived here in 1991-1992
2 sqrs this park was here since 1986.
x Vera Williams

Subscribed and sworn to before me on this 20 day of Jan, 20 15, at 12:05 (a.m./p.m.).

MICHAEL M MILEM JR
Notary Public - Arizona
Pinal County
My Comm. Expires Aug 12, 2018

NOTARY

RESEARCH & COMMUNICATION SERVICES
CUN163 • P.O Box 52025 • Phoenix, AZ 85072-2025
(602) 236-5900

April 26, 2013

Good Earth Capital II LLC
638 East Elgin Street
Gilbert, Arizona 85295

Re: Account Number XXX-XX4-001

Dear Customer:

Thank you for your recent contact requesting information about electric service at 529 North Gold Drive MM 1, Apache Junction.

SRP records reflect:

The meter was installed on November 20, 1967.

The meter was first energized on November 20, 1967.

The current Customer of record's name is Good Earth Capital II LLC.

The current Customer of record established service on January 28, 2013.

The current Customer of record is not the first customer on the account.

If you have questions, please contact SRP Residential Customer Services at (602) 236-8888. We're available to serve you 24 hours a day, seven days a week.

Thank you for being our valued customer. It is our pleasure to serve you. If we can be of further assistance, please let us know.

Sincerely,

SRP Residential Customer Services
Email address: www.srpnet.com/contactus/emailnotification/corrsvcs.asp

RESEARCH & COMMUNICATION SERVICES
CUN163 • P.O. Box 52025 • Phoenix, AZ 85072-2025
(602) 236-5900

April 26, 2013

Good Earth Capital II LLC
638 East Elgin Street
Gilbert, Arizona 85295

Re: Account Number XXX-XX5-009

Dear Customer:

Thank you for your recent contact requesting information about electric service at 529 North Gold Drive MM 2, Apache Junction.

SRP records reflect:

The meter was installed on June 9, 1971.

The meter was first energized on June 9, 1971.

The current Customer of record's name is Good Earth Capital II LLC.

The current Customer of record established service on January 28, 2013.

The current Customer of record is not the first customer on the account.

If you have questions, please contact SRP Residential Customer Services at (602) 236-8888. We're available to serve you 24 hours a day, seven days a week.

Thank you for being our valued customer. It is our pleasure to serve you. If we can be of further assistance, please let us know.

Sincerely,

SRP Residential Customer Services
Email address: www.srpnet.com/contactus/emailnotification/corrsvcs.asp

RESEARCH & COMMUNICATION SERVICES
CUN163 • P.O. Box 52025 • Phoenix, AZ 85072-2025
(602) 236-5900

April 26, 2013

Good Earth Capital II LLC
638 East Elgin Street
Gilbert, Arizona 85295

Re: Account Number XXX-XX5-003

Dear Customer:

Thank you for your recent contact requesting information about electric service at 529 North Gold Drive Tr., Apache Junction.

SRP records reflect:

The meter was installed on April 1, 1968.

The meter was first energized on April 1, 1968.

The current Customer of record's name is Good Earth Capital II LLC.

The current Customer of record established service on January 25, 2013.

The current Customer of record is not the first customer on the account.

If you have questions, please contact SRP Residential Customer Services at (602) 236-8888. We're available to serve you 24 hours a day, seven days a week.

Thank you for being our valued customer. It is our pleasure to serve you. If we can be of further assistance, please let us know.

Sincerely,

SRP Residential Customer Services
Email address: www.srpnet.com/contactus/emailnotification/corrsvcs.asp

34

Parcel Search*

Start a New Search

Search Results (2 Entries)

Parcel Details (101-15-0500)

Previous year valuations are subject to change as prescribed in the Arizona Revised Statutes. All changes in value may not be reflected in this data. For updated/correct figures, please refer to the Treasurer's Office website.

Comparable Properties | Link to This Parcel | Print View

Parcel Number 101-15-0500 shows the following information for Tax Year: 2016 Tax Year Chart

Parcel Number:	101-15-0500 (Taxing Information)				
Section:	20	**Township:**	01N	**Range:**	8
Atlas Number:	006-20	**Map:**	View Parcel Map		
Property Description: (What is this?)					
LOT 8 BLK 3 OF APACHE ADDITION ACRES IN BK 5 OF MAPS PG 32 IN SEC 20-01N-08E 43,579.60 SQ FT 1.00 AC					

Primary Owner:	529 GOLD LLC
Name 2:	
In C/O:	
Tax Bill Mailing Address	
Address:	638 E ELGIN ST
City:	GILBERT
State:	AZ
Zip Code:	85295

Date of Sale:	4/22/2013
Sale Amount:	Not Given
Document(s):	
2013-032745 2013-005964 1990-007041	

Property Address (Location):

535 N GOLD DR
APACHE JUNCTION AZ 85120

VIEW MAP

Property Address refers to a geographical location. It may not match the mailing address city or zip code.

Subdivision:	APACHE ADDITION ACRES						
Unit:		**Block:**	3	**Lot:**	8	**Phase:**	
Cabinet:	0005			**Slide:**	0032		

Imp: 1.00	**Item:**	Single Family Residential	
Const year: 1966	**Grnd Flr Perim:**	118	
Stories:	**Total Sq. Ft.:**	816	
Imp: 2.00	**Item:**	Duplex	
Const year: 1955	**Grnd Flr Perim:**	136	
Stories:	**Total Sq. Ft.:**	963	
Imp: 3.00	**Item:**	Mobile Home Yard Improvements	
Const year: 1984	**Grnd Flr Perim:**	1	
Stories:			

Parcel Size:	1.00
Size Indicator:	Acres
Tax Area Code:	4308 (Rates current as of 2013)
Use Code:	0121
Land Legal Class:	0402L - Rental Residential
Impr. Legal Class:	0402I - Rental Residential
Full Cash Value (FCV):	$102,890.00 COMPARABLE PROPERTIES
Limited Value (LPV):	$95,759.00
Real Property Ratio:	
Assessed FCV:	$10,289.00
Assessed LPV:	$9,576.00

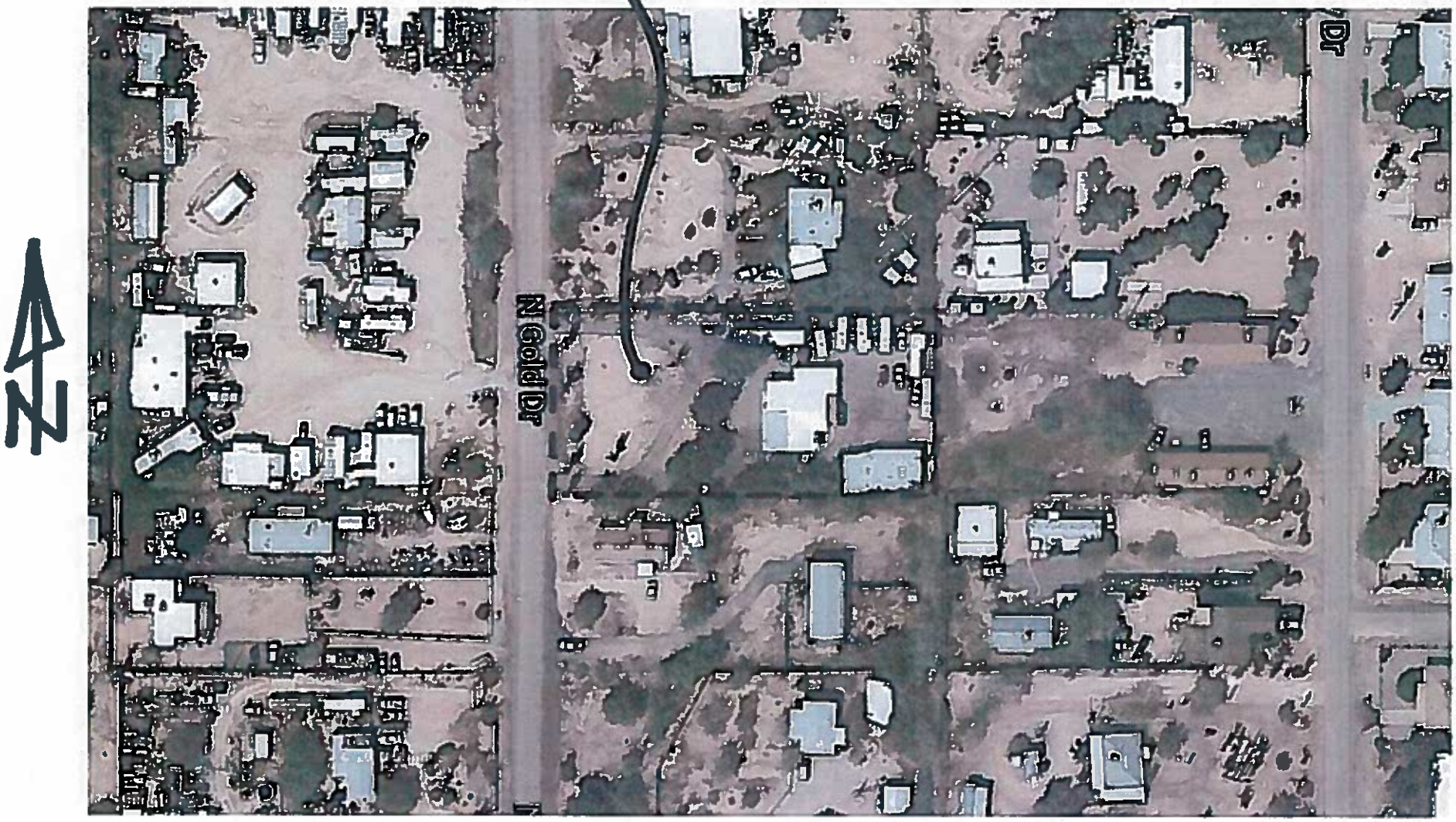
Attached Personal Property:	View Personal Property Attached To This Parcel

*The data presented on this website is deemed reliable but not guaranteed. This information should be used for informational use only and does not constitute a legal document for the description of these properties. The Pinal County Assessor's Office disclaims any responsibility or liability for any direct or indirect damages resulting from the use of this data.

Pinal County Government
31 N. Pinal Street
Florence, AZ 85132
520.509.3555 (Local)
888.431.1311 (Toll Free)

Google

SITE



N

RECENT AERIAL

N

MARCH 1985 AERIAL

SEC. 20 NWNW TN.1N RG.8E

101–15 2/2

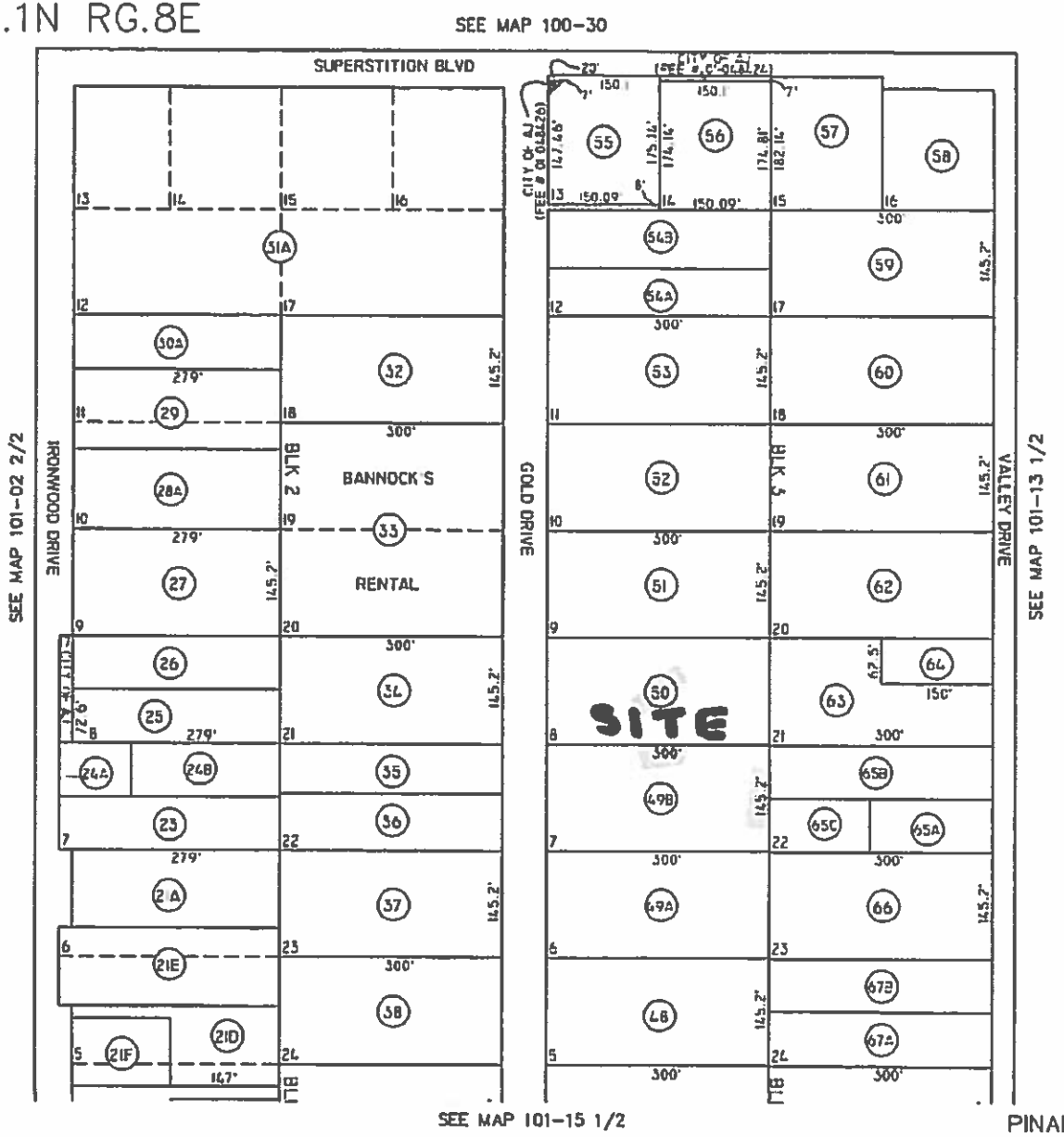
APACHE ACRES ADD.

BK.05 – PG.32

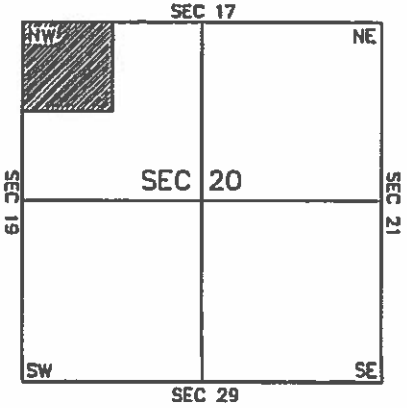
THIS MAP IS FOR TAX PURPOSES ONLY.

THIS OFFICE WILL NOT ASSUME LIABILITY FOR REPRESENTATION, MEASUREMENTS OR ACREAGE.

THE ORIGINAL PLAT OF THIS SUBDIVISION IS ON FILE WITH THE PINAL COUNTY RECORDERS OFFICE. FOR COMPLETE INFORMATION OF PLAT AND CC&R's CALL (520) 868-7100.



VICINITY MAP



SCALE: 1" = 150'

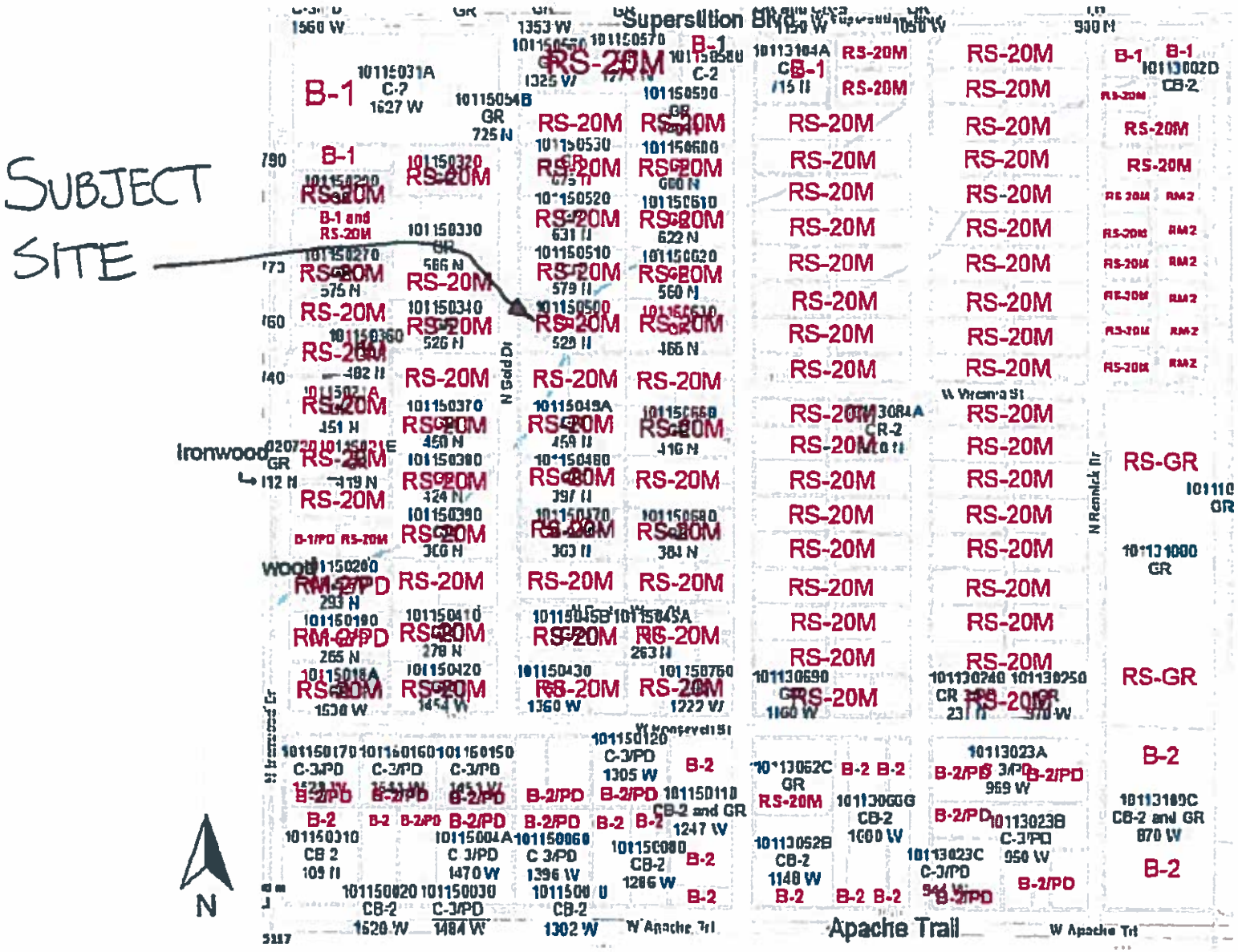
01-14-2003

PINAL COUNTY ASSESSORS MAP

38

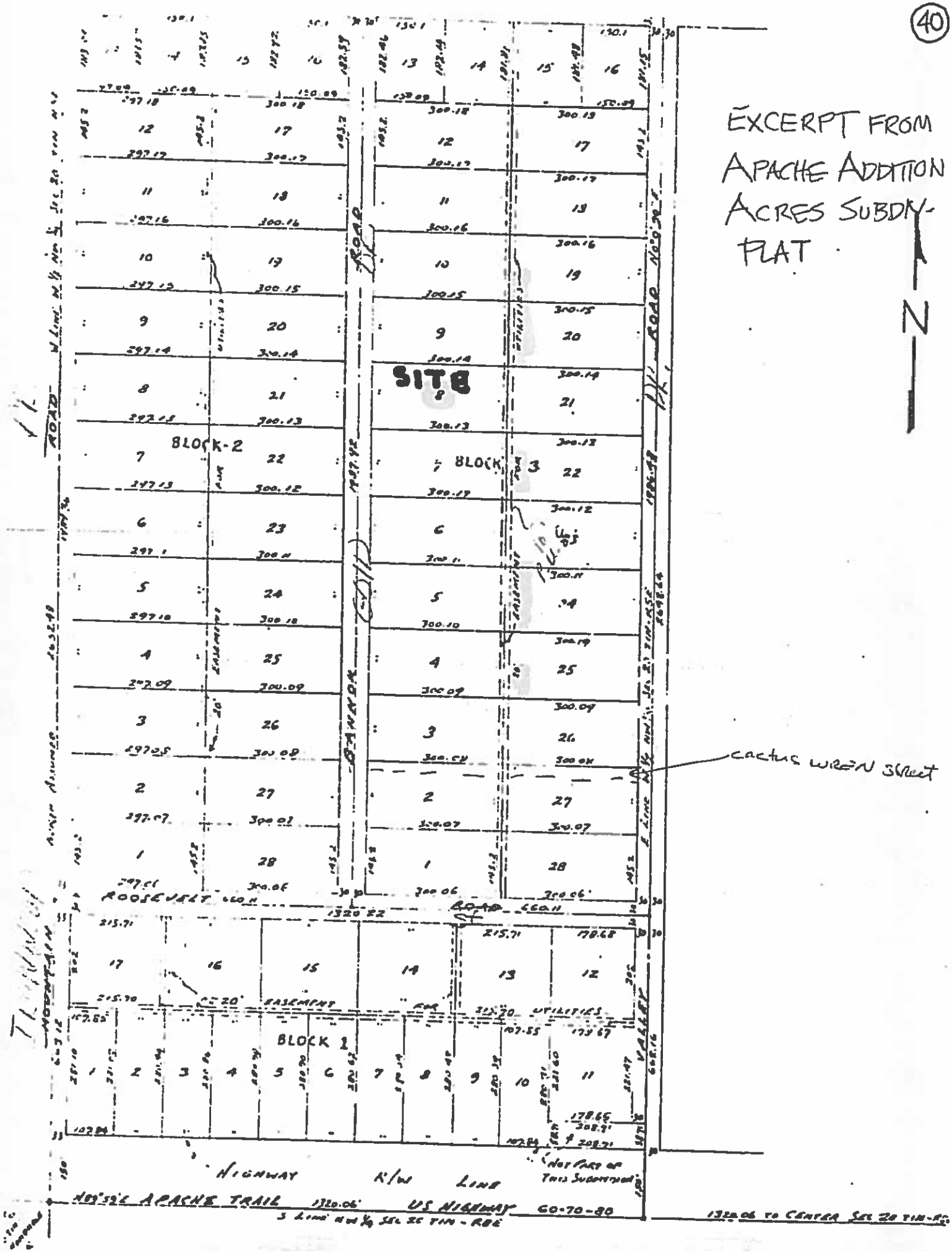
EXCERPT FROM CITY OF A.J. ZONING MAPS

Section 20 NW



Section 20 NW

EXCERPT FROM APACHE ADDITION ACRES SUBDIV. PLAT



1-5-2 RESIDENTIAL BULK REGULATIONS. Table 5-2 illustrates the bulk regulations for all residential zoning districts:

TABLE 5-2: RESIDENTIAL BULK REGULATIONS

USE TYPE	RS-GR	RS-54 & RS-54M	RS-20 & RS-20M	RS-10 & RS-10M	RS-7 & RS-7M	RS-5	RM-1	RM-2	RM-3	MHP	RV
Minimum Lot Area per Dwelling Unit[1]	1.25 acres	1.25 acres	20,000 sf.	10,000 sf.	7,000 sf.	5,000 sf.	3,350 sf.	1,980 sf.	1,089 sf.	3,111 sf.	2,178 sf.
Maximum Density (dwelling units per acre)[3]	0.80 units/ac	0.80 units/ac	2.18 units/ac	4.36 units/ac	6.22 units/ac	8.71 units/ac	13 units/ac	22 units/ac	40 units/ac	14 units/ac	20 units/ac
Minimum Development Area	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	7,000 sf.	7,000 sf.	7,000 sf.	10 acres	10 acres
Minimum Lot Width[2]	100 ft.	100 ft.	80 ft.	70 ft.	60 ft.	50 ft.	60 ft.	60 ft.	60 ft.	50 ft./ space	30 ft./ space
Minimum Front Setback Setback (main structure)	40 ft.	30 ft.	25 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	8 ft.	3 ft.
Minimum Front Setback (accessory structure)[4]	40 ft.	30 ft.[8]	25 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	8 ft.	3 ft.
Minimum Interior Side Setback[5] (main structure)	20 ft.	10 ft.	10 ft.	10 ft.	7 ft.	7 ft.	10 ft.	10 ft.	10 ft.	5 ft.	3 ft.
Minimum Street Side Setback[5] (all structures)	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	8 ft.	3 ft.
Minimum Side Setback (accessory structure >120 sf.)[4]	5 ft.	10 ft.[9]	10 ft.	10 ft.	5 ft.	5 ft.	10 ft.	10 ft.	10 ft.	5 ft.	3 ft.
Minimum. Rear Setback (main structure)	40 ft.	30 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	20 ft.	20 ft.	10 ft.	5 ft.
Minimum. Rear Setback (accessory structure > 120 sf.)[4]	5 ft.	10 ft.[9]	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	3 ft.
Max. Lot Coverage[6]	30%	20%	30%	40%	50%	60%	50%	50%	70%	NA	NA
Maximum Size for Accessory Structure[7]	No limit	2,000 sf.[7]	See #7 below	See #7 below	See #7 below	See #7 below	See #7 below	See #7 below	See #7 below	See #7 below	See #7 below
Maximum Height for Main Structure	35 ft.	35 ft.	35 ft.	30 ft.	30 ft.	30 ft.	35 ft.	40 ft.	60 ft.	15 ft.	15 ft.
Maximum Height for Accessory Structure > 120 sf.	20 ft.	20 ft.[8]	20 ft.	20 ft.	20 ft.	15 ft.	15 ft.	15 ft.	15 ft.	20 ft.	20 ft.
Accessory Structure ≤ 120 sf.[10]	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below
Accessory Dwelling Units[11]	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below

"RVP"

Footnotes from Table 5-2:

1. *Minimum Lot Area*. Minimum lot area shall be calculated as *net land area*, with the exception of the RS-GR, RS-54 and RS-54M zoning districts, which shall be calculated as *gross land area*.

2. *Minimum Lot Width*. Minimum lot width is the distance between side lot lines measured perpendicular to the lot depth at the front setback line. Minimum lot width measurement for flag lots shall be interpreted by the Zoning Administrator. Lot width, as measured at the front setback line, shall not be less than 25% of the lot depth, unless waived by the Zoning Administrator due to unique environmental or geographic conditions.

3. *Maximum Density Calculation*. Maximum density shall be calculated as the total number of dwelling units/*net land area*, with the exception of the RS-GR, RS-54 and RS-54M zoning districts, which shall be calculated as the total number of dwelling units/*gross land area*.

4. *Setbacks for Accessory Structures Housing Livestock*. Accessory structures allowed to house large livestock (excluding equine) shall maintain a minimum side, rear and front setback of 50 feet. Accessory structures allowed to house small livestock and foul shall maintain a minimum side and rear setback of 15 feet. Structures housing equine shall be subject to the standard accessory structure setback requirements in Table 5-2. See Section 1-6-5 of this Ordinance regarding detailed regulations for accessory buildings, and Section 1-6-17 of this Ordinance regarding additional regulations for housing of livestock. In no case shall an accessory structure (excluding equine horse shades) be located between the main building and the front lot line.

   Side and Rear Street Setbacks for Accessory Structures. Side and rear setbacks for accessory structures located along a street shall comply with the side and rear setback requirements for the district in which the accessory structures are located.

5. *Setback Measurement*. Interior side setbacks are measured from an interior side lot line that is not abutting a public road right-of-way. Street side setbacks are measured from a street side lot line abutting a public road right-of-way.

6. *Lot Coverage*. Lot coverage is the ratio of the total footprint area of all structures on a lot to the gross land area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and covered porches, shall be added together in order to calculate lot coverage.

7. *Maximum Size for Accessory Structures in the RS-GR District*. There is no size limit on accessory structures in the RS-GR district.

   Maximum Size for Accessory Structures in the RS-54 and RS-54M District. The maximum accessory structure size of 2,000 square feet for RS-54 and RS-54M zoned properties may be increased to 5,000 square feet if 100% of the property owners of adjacent properties and 50% of the property owners of those properties within 80 feet of the adjacent properties agree with the proposed increase through a petition that is drafted, signed and acknowledged in accordance with Development Services Department standards. Adjacent properties shall be defined as property

adjoining the subject property and/or property directly across the street, private road or road easement from the subject property (see Section 1-6-5).

Maximum Size for Accessory Structures in All Residential Districts Not Zoned RS-GR and RS-54 and RS-54M. Maximum size of individual accessory structures in all residential zoning districts, except RS-GR and RS-54, is limited to the floor area of the main building's first floor for zoning districts indicated in Table 5-2

8. *Maximum Height for Accessory Structures in the RS-54 and RS-54M District*. The maximum accessory structure height of 20 feet for RS-54 and RS-54M zoned properties may be increased to 25 feet if 100% of the property owners of adjacent properties and 50% of the property owners of those properties within 80 feet of the adjacent properties agree with the proposed increase(s) through a petition that is drafted, signed and acknowledged in accordance with Development Services Department standards. Adjacent properties shall be defined as property adjoining the subject property and/or property directly across the street, private road or road easement from the subject property (see Section 1-6-5).

9. *Setbacks for Metal Sided Accessory Structures in RS-54 and RS-54M District.* Accessory structures with metal siding located within the RS-54 and RS-54M zoning districts shall comply with the following unique setback limitations:

- Metal sidewalls up to 12 feet in height shall be allowed if the front, side and rear setbacks are at least 30 feet.
- Metal sidewalls up to 10 feet in height shall be allowed if the side and rear setbacks are at least 20 feet, and the front setback is at least 30 feet.
- Metal sidewalls up to 8 feet in height shall be allowed if the side and rear setbacks are at least 10 feet, and the front setback is at least 30 feet.

The metal sidewall height established above may be increased to 15 feet, with a minimum 10 foot side and/or rear setback, if 100% of the property owners of adjacent properties and 50% of the property owners of those properties within 80 feet of the adjacent properties agree with the proposed increase(s) through a petition that is drafted, signed and acknowledged in accordance with Development Services Department standards. Adjacent properties shall be defined as property adjoining the subject property and/or property directly across the street, private road or road easement from the subject property (see Section 1-6-5).

10. *Accessory Structures ≤ 120 Square Feet*. Accessory structures less than 120 square feet in size shall not be located between the main structure (home) and the front property line, and shall have a minimum side and rear setback of 3 feet except that one accessory structure ≤ 120 square feet may be located within the side or rear setback area in the MHP and RVP districts. See Section 1-6-5 of this Ordinance regarding additional regulations for accessory buildings.

11. See Section 1-6-19 of the Ordinance for regulations regarding accessory dwelling units.

1-2-5 NONCONFORMING USES, STRUCTURES AND LOTS

A. Establishment and Applicability. Legal nonconforming uses, structures and lots are those uses, structures and lots that were legally in compliance before the adoption or amendment of this Ordinance or previously adopted City ordinances or annexations into the City, but which are prohibited, regulated, or restricted differently under the terms of this Ordinance or future amendments to the Ordinance or the Zoning Map.

Nonconforming status may result from any inconsistency with the requirements of this Ordinance including, but not limited to, land use, setbacks, lot size, location, density, floor area, height, usable open space, buffering, screening, landscaping, provision of parking, performance standards, or the lack of an approved use permit or other required authorization.

Any legally established use, structure or lot, or legal nonconforming use, structure or lot that is in existence on the effective date of this Ordinance, or any subsequent amendment, but does not comply with all of the standards and requirements of this Ordinance shall be considered legally nonconforming. Legally nonconforming uses, structures, and lots may only be continued subject to the following requirements of this Ordinance.

B. Legal Nonconforming Uses

1. Expansion of Legal Nonconforming Uses. A legal nonconforming use shall not expand within an existing structure and shall not expand into any other structure or lot that it did not previously occupy, or within a federal patented easement.

2. Abandonment of Legal Nonconforming Uses. No legal nonconforming use may be resumed, reestablished, or reopened after it has been abandoned, vacated or ceased to be used for a period of 12 or more continuous months, as determined by the Zoning Administrator. The owner/operator of the use may provide evidence of continual operation of the use, such as monthly business receipts or tax returns showing business activity during the time period in question. In cases of providing tax returns, the owner/operator shall waive all confidentiality rights set forth in Arizona law.

3. Termination of Legal Nonconforming Use. Failure of a nonconforming use to follow the regulations as prescribed in this Ordinance shall be prima facie evidence of termination of the legal nonconforming use.

C. Legal Nonconforming Structures

1. Expansion of Legal Nonconforming Structures. Nonconforming structures shall only be enlarged, expanded or extended in accordance with the terms of this Ordinance,

or if the Zoning Administrator determines it necessary to meet City or state requirements and/or to meet current requirements of the zone in which the structure is located.

2. Structural Alterations to Nonconforming Structures (50% Rule). Structural elements of nonconforming structures and buildings may be modified, altered, repaired or replaced subject to the cost not exceeding 50 percent of the value of said building or structure as determined by two competent Arizona certified/registered appraisers chosen by and at the expense of the owner/operator. Structural modifications, alterations, repairs or replacements shall not enlarge or expand the nonconforming structure or building. This paragraph does not include nonconforming signs which are separately regulated in Section 1-11-11.

3. Damaged or Partially Destroyed Structures (50% Rule). A legal nonconforming building or structure that is damaged or partially destroyed may be restored or rebuilt if the cost of repair or reconstruction does not exceed 50 percent of the current construction value, exclusive of the foundation, of the building or structure as determined by two independent competent Arizona certified/registered appraisers chosen by and at the expense of the owner/operator. Replacement or restoration of the damaged portions of the building shall not exceed the size, extent, and configuration that previously existed, and shall be subject to building code requirements.

   If the cost of repair or reconstruction of a legal nonconforming building or structure exceeds 50 percent of the construction value, exclusive of the foundation, of the building or structure replacement, the land and building shall be subject to all of the requirements of this Ordinance.

D. Legal Nonconforming Lots. Legal nonconforming lots shall be allowed to exist and continue but shall not be reduced in size.

E. Certificate of Legal Nonconformity

1. No permit or license shall be issued for a nonconforming use or structure until a Certificate of Legal Nonconformity ("Certificate") has been issued by the Zoning Administrator. It shall be the burden of the property owner to provide the following information and evidence to establish legal nonconformity:

   a. Such non-conforming use or structure did legally exist on the adoption date of this Ordinance; and

   b. Such use or structure was not used, operated or maintained in violation of any local, state or federal law; and

c. Such use or structure is in compliance with applicable federal, state or local laws, regulations or the other requirements, and has not, as of the effective date of this Ordinance, been abandoned or vacated for a period of 12 or more continuous months.

2. The Zoning Administrator shall review and examine the information and evidence provided by the property owner in support of the Certificate. If the Zoning Administrator believes that any information set forth by the property owner is incorrect, does not contain substantial competent evidence that the non-conformity was legally established and lawfully maintained prior to the effective date of this Ordinance or any amendment thereto creating said non-conformities, the Zoning Administrator may deny the Certificate along with a statement of the reasons for such denial. In order that the exact nature and extent of such non-conforming use, structure or lot may be determined, the Zoning Administrator may require at the expense of the owner/operator a survey map prepared by an Arizona registered engineer or registered surveyor showing the location of structures, buildings and property lines. The surveyor or engineer may be chosen by the property owner.

3. Upon a showing of necessary and sufficient evidence, the Zoning Administrator shall issue a Certificate of Legal Nonconformity which shall be proof that the use, structure and/or lot described therein is lawful and may continue subject to the regulations of this Ordinance.

4. An appeal to the Board of Adjustment may be taken pursuant to § 1-16-5 by any person aggrieved by the decision of the Zoning Administrator.

City of Apache Junction
Development Services Department

May 4, 2017

FAST MICRO LLC
c/o JLK REAL ESTATE INVESTMENT CORP.
(JOEL KAPLAN)
6730 E. MCDOWELL ROAD, #136
SCOTTSDALE, AZ 85257

SUBJECT: **Case NC-8-17, Request for Revisions to Letter of Lawful Non-Conformity** for property at 529 N. Gold Drive, Apache Junction, AZ 85120 (Pinal County Assessor Parcel #101-15-050).

Dear Mr. Kaplan:

The Apache Junction Planning Division has received a request for a revised letter of lawful nonconformity from you for the above referenced property. As Development Services staff has informed you in previous conversations and meetings, a letter of lawful nonconformity for the property was written by staff on October 8, 2015, at the request of the previous owner, William Tierney (complete copy of NC-2-15 letter is attached and was also previously provided to you). Staff's findings in the 2015 nonconforming letter request were summarized as follows:

"Based on the preponderance of the evidence submitted and facts known to the City about the property, as well as information from SRP records, Pinal County Assessor records, old aerial maps dating back to March of 1985, and Building and Code Compliance records, it appears that there is enough evidence to substantiate lawful nonconforming status for the duplex, the triplex and the manufactured home. However, we can find no substantial evidence that any of the RV rental spaces have existed since prior to March of 1985, that their use has been continuous, much less that any improvements to serve said spaces have ever been properly permitted, which is a health and safety concern. How everything is tied into sewer or septic is also unknown and a potential health and safety concern. The RV spaces must be discontinued from use and no further RVs brought onto the property. The property is not zoned and has never been zoned to be an RV park."

Mr. Tierney, the previous owner, did not challenge or appeal the city's findings. However, this property came to Development Services' attention again in 2016 when we discovered that the property was being advertised for sale including the recognized "grandfathered" items listed above, plus the unpermitted and unrecognized five RV spaces. Code Compliance staff advised the seller to stop advertising the unpermitted spaces.

Staff met with you on January 17, 2017, and you informed us that you were about to close on the property and that you wanted Development Services to reconsider its findings regarding the RV spaces. You stated that you were making "substantial progress" towards finding evidence that at least one RV space was established on the property in March of 1985. Much of your argument had to do with the manufacture date of the electric pedestals which serve the RV spaces and your assertion that the manufacturer would not keep these types of items in their inventory for very long. Development Services Director Larry Kirch and I informed you that if you felt you had good

evidence to prove that an RV space or spaces existed on the property prior to March 1985, then the appropriate avenue for you would be to apply for a new non-conforming letter.

New Non-conforming Letter Request

Staff has received a new nonconforming letter request from you, wherein you request that in addition to the grandfathered items already recognized on the property, that the city also recognize one RV space. As new evidence you have submitted the following:

1) A "Letter in Support of Request" wherein you assert that: the pedestals were manufactured in 1985; a previous owner who bought the property in 1984 had the pedestals installed sometime after he purchased it; you believe you see one trailer and one manufactured home on a 1985 aerial photograph; your interpretation of what SRP is calling a "trailer". You conclude by explaining a series of events which "probably" happened and you request leniency in this request.
2) An affidavit from previous owner Dan Millett (Millett Manor Inc.), wherein he states that when he bought the property in 1984 there was a manufactured home, a structure in the front, a structure in the rear and a trailer in the rear. He also states that he had several pedestals installed on the property sometime after he purchased it and that he operated the property until he sold it in 1989.
3) A *Trustee's Deed Upon Sale* dated January 25, 1984, wherein Millett Manor Inc. acquired the property.
4) An *Affidavit of Completion of Forfeiture* dated July 31, 1989, wherein Millett Manor Inc. forfeited the property back to the sellers for lack of payments. (It is also interesting to note that nothing was described as "personal property" on the document.)
5) An enlarged copy of an aerial photograph that we had originally provided you, wherein you assert that a trailer with an AC unit appears.
6) An e-mail from someone at General Electric who confirmed that one of the pedestals was manufactured in the third week of 1985 and a copy of a picture of said pedestal.
7) A picture of the SRP meter which apparently serves the property, or part of the property.
8) Lastly, you also resubmitted portions or excerpts of the nonconforming letter that we wrote back in 2015.

Your request is that the City recognize lawful non-conforming status for the continued use of the multi-family residences, the MH and one RV rental space on the property. As we stated in our letter of October 2015, the uses on the property are considered by the City to be non-conforming for the following reasons:

1) As of June 6, 2014, with the adoption of the city's new Zoning Ordinance and Zoning District Maps, the property is zoned RS-20M (Medium Density Single-family Detached Residential; minimum lot size of 20,000 square feet; allows either one conventional home or one manufactured home). Prior to the adoption of the city's June 2014 Zoning Ordinance, the property was zoned GR (General Rural), which was a large lot (1.25 gross acres minimum) single-family residential zone, which permitted either one conventional home or one manufactured home on a lot. Neither the RS-20M nor GR zone allows more than one properly permitted main residence and possibly one properly permitted

small guest house, to be constructed on a lot. Neither zoning district has ever allowed multi-family dwellings or multiple RVs.

2) There is no City zoning district which has ever allowed for the mixing of multi-family dwellings, manufactured homes and RVs.

3) The RS-20M zone requires certain setback standards. The City does not have a site plan of the property on file, nor was one provided by you; so, how the homes are located on the property, what separation distances exist between the various structures and what the setbacks are between the various residential units and property lines is unknown. It appears from aerial photo evidence that structures on the southeast and northeast corners of the property are encroaching into setback areas and into the platted 10-foot-wide public utility easement which runs inside the east 10 feet of the property. A survey of the property showing all structures thereon, dimensioned and with separation and setback distances shown would be of great benefit to both the property owner and the City, especially with regard to future permit requests.

Planning Division Review of Submitted Evidence:

Planning staff has reviewed the evidence on file from the 2015 letter, as well as the new pieces of evidence that you submitted. As part of our research, we also reviewed other data sources on the Pinal County website, we reviewed old aerial maps of the neighborhood from different years and we researched building permit and code compliance records. Our review and assessment of all this information, as it relates to your request, has brought us to the following conclusions:

1) There has been no new evidence submitted that definitively establishes any dates as to when RV spaces were established on the property. Speculation about when things "probably" happened, or when electrical items may have been purchased and possibly installed, is not evidence.
2) The previous owner, Mr. Tierney, did not challenge or appeal the city's 2015 letter. In fact, in the *Special Warranty Deed* where Mr. Tierney's LLC (529 Gold LLC) transferred ownership to your LLC (Fast Micro LLC), the affidavit of property value clearly indicated that 6 units were being sold (duplex, triplex and the old mobile home equals 6 units).
3) Mr. Millett could not name specific dates for when he had unpermitted work done on his property to install addition pedestals. A proper permit would have been excellent evidence to have.
4) The previous letters from and discussions with SRP indicate that the two master meters (one installed in 1967 and one installed in 1971) served the conventional multi-family buildings; while the other meter, installed in 1968, served the MH unit. Any other electrical installations or lines powering the RVs were apparently never properly permitted, according to a search of City records.
5) It would be counter-productive, against city policy and a health and safety concern for the city to reward owners of multi-family or commercial properties for work done without permits.
6) Aerial images from March 1985 appear to show only the two conventional buildings and the MH on the property. What you opine is an RV with an air conditioning unit does not appear to be an actual structure as evidenced, we believe, by its lack of shadow. Every other discernible structure on the '85 aerial is casting a shadow, except for the item in

question, which appears to be a slab or something else lying flat on the ground.

7) Pinal County Assessor records also confirm that the property has been assessed for a single family home since 1966; a duplex unit since 1955; and "mobile home yard improvements" since 1984. There is no record of spaces for RVs. There is also no mention of the units somehow going from single-family to a duplex, or from a duplex to a triplex.

Conclusion

Based on the preponderance of the evidence submitted and facts known to the City about the property, as well as information from SRP records, Pinal County Assessor records, old aerial maps dating back to March of 1985, and Building and Code Compliance records, it appears that there is enough evidence to continue substantiating lawful nonconforming status for the duplex, the triplex and the manufactured home. However, we can find no substantial evidence that any RV rental spaces were established on the property prior to March of 1985. The recognized lawful nonconforming uses may continue in their as-is, where-is condition (properly permitted reasonable maintenance and repairs allowed). The property is not zoned and has never been zoned for RV units.

Based on these findings, the Planning Division grants the privilege of a Letter of Lawful Non-conformity to the RS-20M-zoned property at 529 N. Gold Drive (Pinal County parcel #101-05-050). Lawful non-conforming status solely represents acknowledgement by the City of Apache Junction Planning Division that the duplex dwelling, the triplex dwelling and the manufactured home, as described above, existed prior to the March 7, 1985, City Zoning Ordinance effective date. Please also see the city's Non-conforming Use Regulations attached. Should any home be removed from the property for whatever reason, the lawful nonconforming use status for said unit will be lost and the home cannot be replaced, except in conformance with the City of Apache Junction Zoning Ordinance. The homes can be used and maintained for their useful life, but cannot be expanded upon. If any home should be damaged or destroyed 50% beyond its reproduction value, said nonconforming home cannot be replaced, except in complete compliance with City codes. The RS-20M zone regulations will govern future uses on the property, unless a rezoning process is initiated for the property.

Lastly, this lawful non-conforming privilege goes with the land and is transferable upon sale of the property as long as the use of the property, as described, is not discontinued for more than one year. The City of Apache Junction has adopted Building and Fire Codes which regulate construction and safety standards within the community. It is the sole responsibility of the property owner to assure that all health and safety standards are met with regard to these codes. Nothing in this letter should be construed as permission to exempt, exclude, or excuse improper, inappropriate or unsafe practices or conditions on the property; or to add more non-conforming uses or structures on the property. The City of Apache Junction encourages all property owners or other interested individuals to contact the Development Services Department regarding any questions or specific requirements which may apply.

Appeals

The City Zoning Administrator reserves the right to request the Board of Adjustment to rescind the privilege of lawful non-conforming status at a public hearing if the City later receives evidence that contradicts the submitted documents and statements of the applicants. Copies of this letter shall also be distributed to other interested entities and jurisdictions that may require their own review of the non-conforming status items or issues.

You may also appeal the findings of this letter to the city's Board of Adjustment if you feel our decision in your case is erroneous and/or insufficient. Please contact me via the contact information below should you wish to discuss the appeals process.

Sincerely,

Rudy Esquivias
Senior Planner/Zoning Administrator
City Of Apache Junction
300 E. Superstition Blvd.
Apache Junction, AZ 85119
480.474.2645
resquivias@ajcity.net

SERVICE OVER AND ABOVE THE REST

(Development Services Department office hours: Monday through Thursday from 7:00am to 6:00pm, closed Fridays and Holidays.)

Attachments/New Exhibits:
- Letter in Support of Request
- Affidavit of Dan Millett of Millett Manor Inc.
- Trustee's Deed Upon Sale (1204-984 P.C.R.)
- Affidavit of Completion of Forfeiture (1621-531 P.C.R.)
- Enlarged Aerial Photo of Property
- January 3, 2017 E-mail from GE
- Photo of a pedestal
- Photo of SRP Meter
- Special Warranty Deed and Affidavit of Property Value (2016-050299 P.C.R.)
- Excerpt of Property (highlighted in yellow) from March 1985 Aerial Map
- October 8, 2015 Letter of Lawful Nonconformity w/ all attachments

xc:
- Dave Zellner, Building Official;
- John Suniga, Deputy Fire Marshal;
- Darron Anglin, Sewer District Manager;
- Denise Moulson, Business License Coordinator
- Pinal County Assessor;
- Pinal County Health Department;
- Case File NC-8-17

LETTER IN SUPPORT OF REQUEST

It is agreed by all parties that the electric meter servicing the manufactured home, which was grandfathered, was installed long before 1985.

It is a fact that the pedestals were manufactured in January of 1985. (See email letter)

It is documented by affidavit that Millett had the pedestals installed after purchase in 1984.

It is seen on the March 1985 aerial view that one trailer and the manufactured home existed.

SRP submitted documentation that a meter was installed for a TRAILER. That meter was installed on the north west corner of the property. That is where the trailer is. One would think that the TRAILER was there BEFORE the manufactured home and that is why the meter was installed in that place.

It is obvious that the electric for the man home was run at a later date (prior to 1984). Then Millet installed the pedestals where the wire was.

Septic lines were installed. In 1995 they were connected to the sewer and remain

Since the trailer was seen on the aerial view and is still there there has been continuos use.

SUMMARY

It would seem clear by a preponderance of several pieces of evidence that the trailers were on the property and that the property was multi use prior to the land use changing in 1985.

Millett stated he had the pedestals installs after buying the property in Jan 1984. We know that the pedestals were manufactured Jan 1985 and discontinued in 1987 or 88. I would be impossible to purchase the 1985 in 1986. No manufacturer keeps specialty items sitting on shelf for more then a week. Especially GE. They were probably manufactured to order when ordered by the local electric supplier in AJ. If ordered in late 1985 you would not get pedestals manufactured in January. It should seem obvious that the pedestals were installed sometime in the first quarter of 1985.

That being, said the pedestals are not the only proof. The March 1985 aerial shows the trailer and the man home. However, only one trailer.

No matter what the exact date in 1985 is, the burden of exact date should not be that critical at this point and leniency should be given to the request.

Respectfully submitted.

AFFIDAVIT OF DAN MILLETT OF MILLETT MANOR, INC

On Jan 25, 1984 Millett Manor Inc purchased 529-535 N Gold Dr., Apache Junction, AZ. I, Dan Millett, was the president of Millett Manor , Inc. I am a local real estate broker in the east valley. I have visited the property recently. At the time of purchase there was a manufactured home on the property that is still there. There was a structure in the front and a structure in the south rear. There was also a trailer in the rear.

Shortly after purchase I had an electric company install several pedestals. Each one contained a meter. They were all being sub metered from the main meter in the rear. The manufactured home was wired directly into the pedestal, as it was when I visited the property, by the electrical contractor.

I also installed eleven postal boxes across the street.

Soon thereafter Millett Manor, Inc rented trailer spaces to numerous individuals.

When the property was sold in 1989 all the trailer spaces were rented. This included the trailer still on the property as well as the manufactured home.

DEED ATTACHED AS EXHIBIT

Under penalty of perjury, I attest to the above.

Dan Millett — Date

Dan Millett — 3/15/17

STATE OF AZ
COUNTY OF MARICOPA

I Daniel Millett a notary for the State Of AZ do hereby attest to the signature of Dan Millet who is known to me

Barry A Spath — 3-15-2017

Notary — Date

OFFICIAL SEAL
BARRY A. SPATH
NOTARY PUBLIC - State of Arizona
MARICOPA COUNTY
My Comm. Expires Sept. 4, 2018

(54)

CERTIFICATE OF RECORDING

STATE OF ARIZONA, COUNTY OF PINAL (SS)
I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS FILED FOR RECORD IN PINAL COUNTY, STATE OF ARIZONA. WITNESS MY HAND AND OFFICIAL SEAL.

NO: 754464 TIME: 1335 25JAN84 PAGES: 001 FEE 5006.00

WILLIAM S. TRUMAN
PINAL COUNTY RECORDER, BY .....DEPUTY

754464

STATE OF ARIZONA
COUNTY OF MARICOPA } ss

For Tax Purposes

When recorded, mail to

I hereby certify that the within instrument was filed and recorded in BOOK 1204 PAGE 984 and indexed in DIGITIZED

at the request of R. J. Pubin

Witness my hand and official seal

County Recorder

By Deputy Recorder

Fee No.

Compared

Photostated

Fee

TRUSTEE'S DEED UPON SALE

Title Insurance Company of Minnesota, a Minnesota corporation, herein called "Trustee", as Trustee of the Deed of Trust hereinafter described, hereby grants and conveys, but without covenant or warranty, express or implied, to MILLETT MANOR, INC., an Arizona corporation, herein called "Grantee", the real property in the County of Pinal, State of Arizona, described as follows:

Lot 8, Block 3, APACHE ADDITION ACRES, according to Book 5 of Maps, page 32, records of Pinal County, Arizona.

New
Millett Development + Management Inc
File: 01197115
65 S. Mesa Dr
Mesa
480-980-7642
Daniel G. Millett.

This deed is made pursuant to the authority and powers given to Trustee by law and by that certain Deed of Trust dated December 7, 19 81, made by Joseph J. Decker and Gloria Jean Decker, his wife, as Trustor, to Title Insurance Company of Minnesota, a Minnesota corporation, as Trustee, in which Joseph D. McLarney and Geraldine A. McLarney, his wife is named as Beneficiary, recorded on January 4, 19 82, in docket or book 1096, at page 153, in the Office of the County Recorder of Pinal County, Arizona, Trustee having complied with all applicable statutory provisions and having performed all of its duties under said Deed of Trust.

All requirements of law and of said Deed of Trust relating to this sale and to notice thereof have been complied with.

Pursuant to the Notice of Trustee's Sale, the above described property was sold by Trustee at public auction on Jan. 24, 1984, at the place specified in said Notice, to Grantee who was the highest bidder therefor, for $ 46,106.56 cash, in lawful money of the United States, which has been paid.

In witness whereof, Trustee has executed this deed this 24th day of January, 1984

55

* * * CERTIFICATE OF RECORDING * * *

STATE OF ARIZONA. COUNTY OF PINAL (SS)
I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS FILED FOR RECORD IN PINAL COUNTY, STATE OF ARIZONA. WITNESS MY HAND AND OFFICIAL SEAL

NO: 952260 TIME: 1410 31 JUL 89 PAGES [illegible] FEE $ 6.00
$ 4.00
$ 0.00

KATHLEEN C. FELIX
PINAL COUNTY RECORDER, BY ..... DEPUTY

1621-531 952260

STATE OF ARIZONA }ss
COUNTY OF
For Tax Purposes

When recorded, mail to
John and Dorothy Robinson
% Mary Lou Olivier
7220 Lindsey Rd
Flagstaff, AZ 86004
0085581600

I hereby certify that the within instrument was filed and recorded
in DOCKET and indexed in DEEDS
at the request of PLEASANT TITLE COMPANY
Witness my hand and official seal
County Recorder
By Deputy Recorder

Fee No
Compared
Photostated
Fee

AFFIDAVIT OF COMPLETION OF FORFEITURE

The undersigned, being duly sworn, deposes and says that the purchaser under that certain contract, by and between JOHN D. ROBINSON and DOROTHY ROBINSON, his wife, as seller, and JOSEPH D. McLARNEY and GERALDINE A. McLARNEY, his wife, not as tenants in common and not as community property estate, but as joint tenants with right of survivorship*, as purchaser, dated February 8, 19 79, in Docket 950, at page 986, records of PINAL County, Arizona, covering real property described as follows:

*thereafter conveyed by mense conveyances to MILLET MANOR, INC., an Arizona corporation.

Lot 8, Block 3, APACHE ADDITION ACRES, according to Book 5 of Maps, page 32, records of Pinal County, Arizona.

and including personal property described as follows:

failed to pay amounts due under the contract, that on the date the monies were due, any provision of the contract which made time of the essence had not been waived or had been reinstated in the manner provided for in Arizona Revised Statutes Section 33-742, Subsection C; that the applicable period stated in Arizona Revised Statutes Section 33-742, Subsection D had expired after the date the monies were due; that a Notice of Election to Forfeit was recorded with the County Recorder of the County in which the real property is located; that a copy of the Notice was served upon the purchaser and all persons who, at the time of recordation of the Notice of Election to Forfeit, appeared on the records of the County Recorder of the County in which the real property was located, as having an interest in or a lien or encumbrance on the property, the priority of which was subordinate to that of the seller, or who had requested a copy of the notice in the manner provided for in Arizona Revised Statutes Section 33-746; that the terms of the Notice of Election to Forfeit were not complied with prior to expiration of the period provided for the notice, and that all right, title and interest of the purchaser and all persons having an interest in or a lien or encumbrance on the property, the priority of which was subordinate to that of the seller, are by this affidavit declared to be forfeited and to revert to the seller in accordance with the terms of the contract and the laws of the state of Arizona.

John D. Robinson by Mary Lou Olivier, Attorney in fact
SIGNATURE OF SELLER John D. Robinson by Mary Lou Olivier, Attorney in fact

Dorothy Robinson by Mary Lou Olivier, Attorney in fact
SIGNATURE OF SELLER Dorothy Robinson by Mary Lou Olivier, Attorney in fact

Signature of Account Servicing Agent
Sandra Kelly

INDIVIDUAL

STATE OF ARIZONA

This instrument was acknowledged before me this 31st day of July

SITE
GRANDFATHERED
MAN HOME
TRAILER
MARCH 1985 SITE PLAN

57

Subj: RE: JOEL KAPLAN [ref:_00DA0QC00._500A0VPFsu:ref]
Date: 1/3/2017 6:09:24 A.M. US Mountain Standard Time
From: component.support@ge.com
To: mrjoel2u@aol.com

The date code looks to be: L503+ That idicates it was build in the third week of 1985

TT

---------- Original Message ----------
From: (mrjoel2u@aol.com)
Sent: 12/31/2016 1:30 AM
To: component.support@ge.com
Subject: JOEL KAPLAN

Gentlemen
This is the bottom of the cover that is on the pedestal. I am trying to determine the year of manufacture. If you need more info please call me at 602 840 0060
Happy New year
Joel

From: 6027684424@pm.sprint.com
To: mrjoel2u@aol.com
Sent: 12/30/2016 6:17:44 P.M. US Mountain Standard Time
Subj: (no subject)

Sent from my mobile.

---

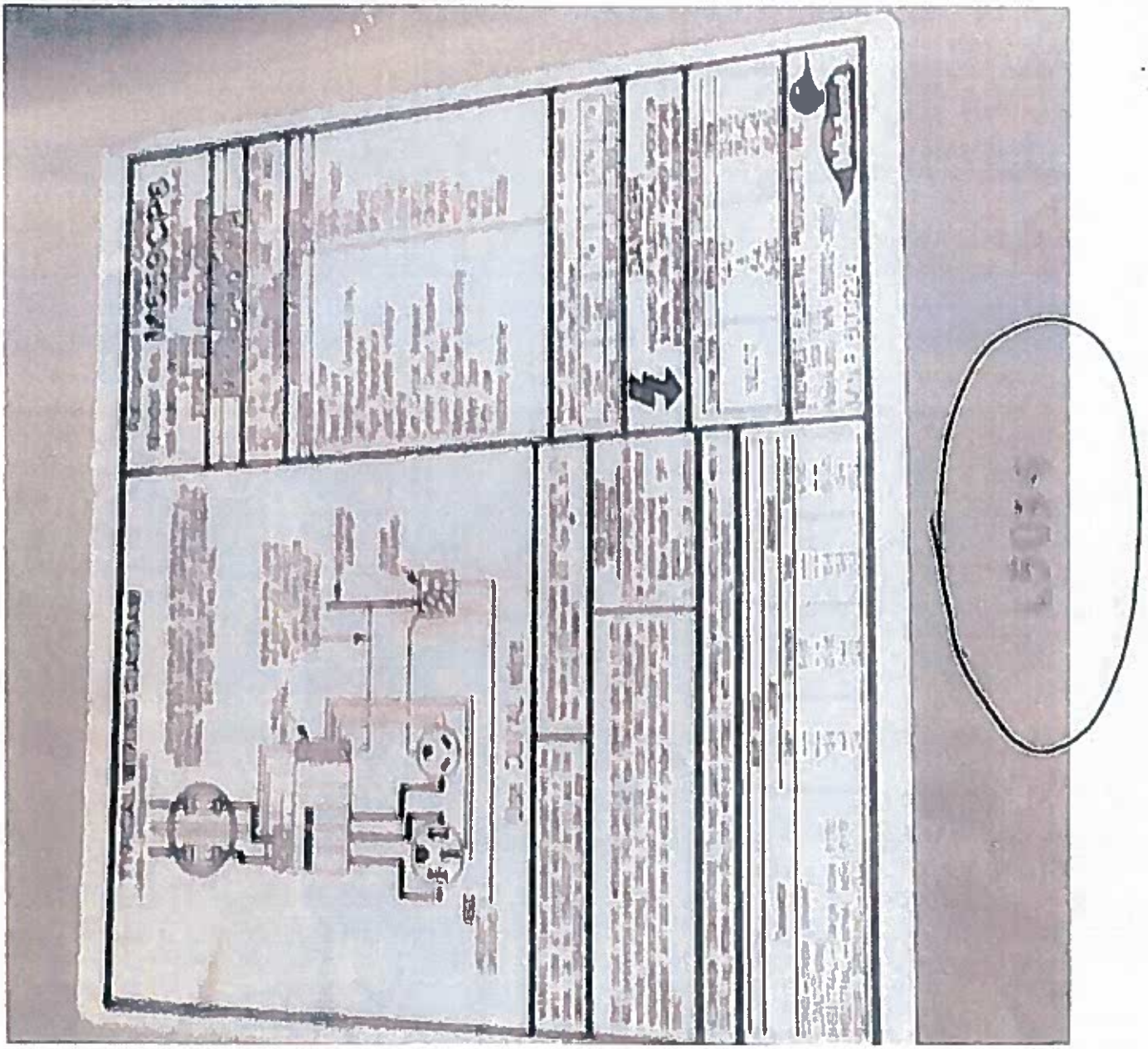
ref:_00DA0QC00._500A0VPFsu:ref

Pedestal Code Explanation.

58

Subj: (no subject)
Date: 1/14/2017 12:19:15 A.M. US Mountain Standard Time
From: 6027884424@pcs.sprint.com
To: ljn4321@aol.com

Sent from my mobile.



Man
House
1
SRP
METER
FOR TRAILERS
OUT MAN HOUSE

(60)

RECORDING REQUESTED BY:
Stewart Title Arizona Agency

WHEN RECORDED MAIL TO:
Fast Micro, LLC
1946 N Hamilton Place
Chandler, AZ 85225

ESCROW NO. 05501-23840

OFFICIAL RECORDS OF
PINAL COUNTY RECORDER
VIRGINIA ROSS

DATE/TIME: 07/29/2016 1457
FEE: $17.00
PAGES: 1
FEE NUMBER: 2016-050299

SPACE ABOVE THIS LINE FOR RECORDERS USE

Special Warranty Deed

For consideration of Ten Dollars, and other valuable considerations, I or we,

529 Gold, LLC, an Arizona limited liability company

do/does hereby convey to

Fast Micro, LLC, an Arizona limited liability company
the following real property situated in Pinal County, State of Arizona.

Lot 8, Block 3, ~~Apache~~ *Apache Addition Acres, according to Book 5 of Maps, page 32, records of Pinal County, Arizona.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

And the Grantor hereby binds itself and its successors to warrant and defend the title, against all acts of the Grantor herein, and no other, subject to the matters set forth.

Dated this 28th day of July, 2016.

529 GOLD, LLC, AN ARIZONA LIMITED LIABILITY COMPANY
By: Good Earth Residential LLC, Member

By: William Tierney, Member

State of Arizona)
) ss
County of Maricopa)

This instrument was acknowledged before me this 29 day of July, 2016 by William Tierney, Member of Good Earth Residential LLC, as Member of 529 Gold, LLC, an Arizona limited liability company.

IANELL UTRERA
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
January 14, 2017

Notary Public
My commission expires: 1-14-17

Unofficial

(61)

AFFIDAVIT OF PROPERTY VALUE

FOR RECORDER'S USE ONLY

PINAL COUNTY
DATE/TIME: 07/29/2016 1457
FEE NUMBER: 2016-050299

1. ASSESSOR'S PARCEL IDENTIFICATION NUMBER(S)

Primary Parcel: 101-15-0500
BOOK MAP PARCEL SPLIT

Does this sale include any parcels that are being split / divided?
Check one: Yes ☐ No ☒

How many parcels, other than the Primary Parcel, are included in this sale? N/A

Please list the additional parcels below (attach list if necessary):

(1) N/A (3)
(2) (4)

2. SELLER'S NAME AND ADDRESS:

529 Gold, LLC, an Arizona limited liability company
638 E Elgin
Gilbert, AZ 85295

3. (a) BUYER'S NAME AND ADDRESS:

Fast Micro, LLC
1948 N Hamilton Place
Chandler, AZ 85225

(b) Are the Buyer and Seller related? Yes ☐ No ☒
If Yes, state relationship:

4. ADDRESS OF PROPERTY:

535 N Gold Dr.
Apache Junction, AZ 85120

5. (a) MAIL TAX BILL TO: (Taxes due even if no bill received)

Fast Micro, LLC
1948 N Hamilton Place
Chandler, AZ 85225

(b) Next tax payment due OCT 2016

6. PROPERTY TYPE (for Primary Parcel): NOTE: Check Only One Box

a. ☐ Vacant Land
b. ☐ Single Family Residence
c. ☐ Condo or Townhouse
d. ☐ 2-4 Plex
e. ☐ Apartment Building
f. ☒ Commercial or Industrial Use
g. ☐ Agricultural
h. ☐ Mobile or Manufactured Home ☐ Affixed ☐ Not Affixed
i. ☐ Other Use; Specify:

7. RESIDENTIAL BUYER'S USE: If you checked b, c, d or h in Item 6 above, please check one of the following:

a. ☐ To be used as a primary residence.
b. ☒ To be rented to someone other than a " qualified family member."
c. ☐ To be used as a non-primary or secondary residence.

See reverse side for definition of a primary residence, secondary residence" and "family member."

8. If you checked e or h in Item 6 above, indicate the number of units. 6
For Apartments, Motels / Hotels, Mobile Home / RV Parks.

9. TYPE OF DEED OR INSTRUMENT (Check Only One Box):

a. ☒ Warranty Deed
b. ☐ Special Warranty Deed
c. ☐ Joint Tenancy Deed
d. ☐ Contract or Agreement
e. ☐ Quit Claim Deed
f. ☐ Other:

10. SALE PRICE: $ $210,000.00

11. DATE OF SALE (Numeric Digits) 07 / 2016
Month / Year

12. DOWN PAYMENT $ 210,000.00

13. METHOD OF FINANCING:

a. ☒ Cash (100% of Sale Price)
b. ☐ Barter or Trade
c. ☐ Assumption of existing loan(s)
d. ☐ Seller Loan (Carryback)
e. ☐ New loan(s) from financial institution:
(1) ☐ Conventional
(2) ☐ VA
(3) ☐ FHA
f. ☐ Other financing; Specify:

14. PERSONAL PROPERTY (see reverse side for definition):

a. Did the Sale Price in Item 10 include Personal Property that impacted the Sale Price by 5 percent or more? Yes ☐ No ☒
b. If Yes, provide the dollar amount of the Personal Property:
$ 00 AND
briefly describe the partial interest: N/A

15. PARTIAL INTEREST: If only a partial ownership interest is being sold, briefly describe the partial interest: N/A

16. SOLAR / ENERGY EFFICIENT COMPONENTS:

(a) Did the Sale Price in Item 10 include solar energy devices, energy efficient building components, renewable energy energy equipment or combined heat and power systems that impacted the Sale Price by 5 percent or more? Yes ☐ No ☒

If Yes, briefly describe the solar / energy efficient components:

N/A

17. PARTY COMPLETING AFFIDAVIT (Name, Address, Phone Number):

Stewart Title Arizona Agency
2141 E. Broadway Rd., Suite 111, Tempe, AZ 85282
(480) 557-4600

18. LEGAL DESCRIPTION (attach copy if necessary):
See attached Exhibit "A"

THE UNDERSIGNED BEING DULY SWORN, ON OATH, SAYS THAT THE FOREGOING INFORMATION IS A TRUE AND CORRECT STATEMENT OF THE FACTS PERTAINING TO THE TRANSFER OF THE ABOVE DESCRIBED PROPERTY.

Signature of Seller / Agent
State of AZ, County of Maricopa
Subscribed and sworn to before me on this 26 day of July 20 16
Notary Public
Notary Expiration Date 1-14-17

JANELL UTRERA
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
January 14, 2017

Signature of Buyer / Agent
State of AZ, County of Maricopa
Subscribed and sworn to before me on this 26 day of July 20 16
Notary Public
Notary Expiration Date 1-14-17

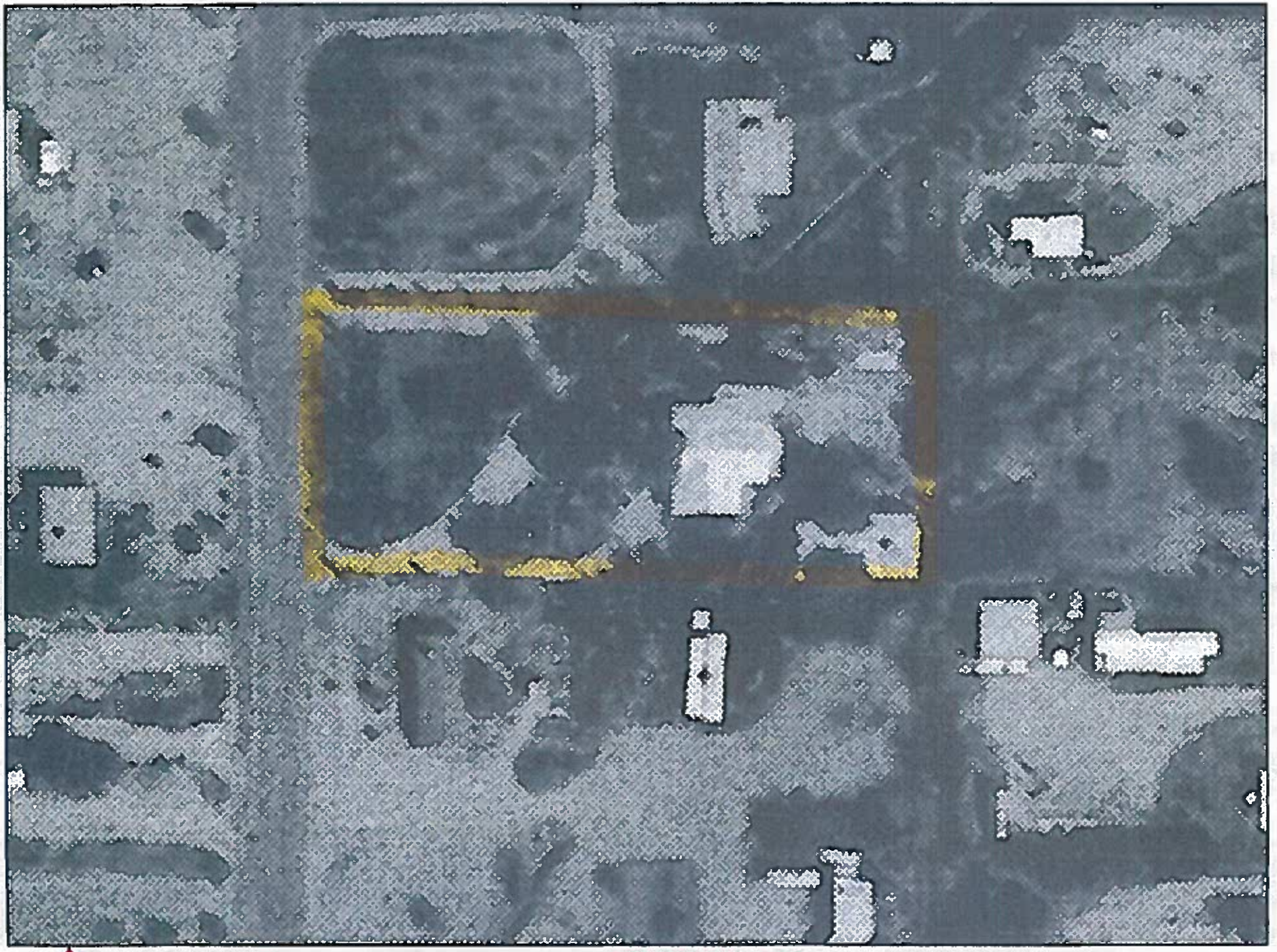
JANELL UTRERA
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
January 14, 2017

DOR FORM 82162 (04/2014)

EXHIBIT "A"
LEGAL DESCRIPTION

Lot 8, Block 3 , Apache Addition Acres, according to Book 5 of Maps, page 32, records of Pinal County, Arizona.

Unofficial



N 1985 AERIAL IMAGE OF 529 N. GOLD DRIVE