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Attorneys for Appellant Averill Hospitality, LLC

BEFORE THE PLANNING AND ZONING COMMISSION

SANDPOINT, IDAHO

IN THE MATTER OF NOTICE OF
VIOLATION ISSUED TO AVERILL
HOSPITALITY PURSUANT TO
SANDPOINT CITY CODE § 9-6-18

**NOTICE OF APPEAL;
REQUEST FOR HEARING**

This Notice of Appeal of the attached Notice of Violation (“NOV”) issued by the City of Sandpoint (“City”) Director of Community Planning and Development (“Director”) is submitted to the Sandpoint Planning and Zoning Commission (“Commission”) through the undersigned counsel on behalf of Averill Hospitality, LLC (“Averill” or “Appellant”), pursuant to Sandpoint City Code (“SCC”) §§ 9-6-18.C and 9-6-19.

The Appellant has asked the City whether there is a filing fee and will pay it upon confirmation that such a fee, if any, exists.

INTRODUCTION

The Director issued the attached NOV, which was received by Averill on July 6, 2026. The NOV claims that Averill has violated SCC § 9-6-18(A), regarding abandoned signs, and requires Averill to obtain a demolition permit and remove two existing signs from the subject property.

The NOV also threatens enforcement action for failure to remove the signs, including a monetary penalty. The NOV does not provide notice of the opportunity to appeal, nor was any prior notice, hearing, or opportunity to respond provided to Averill by the Director before the NOV was issued.

GROUND FOR APPEAL

Averill is the owner of the subject property, including the signs in question, and the party to whom the NOV was directed. As such, Averill has a bona fide interest in the property and is an affected person as defined in Idaho Code § 67-6521 and required by the SCC.

Averill respectfully requests that the Commission grant its appeal and reverse and vacate the Director's NOV for the reasons set forth below. Averill further requests that a public hearing of the Commission be held regarding this appeal prior to any decision, as required by the SCC.

In short, the Director erred in determining that the signs in question have been abandoned simply because the hotel and restaurant are currently closed. At best, this determination is premature. At worst, it causes irreparable harm to Averill and its future use of the property.

The NOV concludes that the signs “are determined to be abandoned signs, pursuant to SCC 9-6-18(A).” This was based on a statement made on behalf of Averill at a Planning and Zoning Commission hearing regarding a requested extension of the Conditional Use Permit and Variance held by Averill “that the hotel and restaurant were closed last year (2025).” The Director concluded based on this statement that the signs associated with those businesses have been completely *abandoned*. This conclusion is erroneous – and premature.

The fact that the hotel and restaurant are *currently* closed does not preclude the use from being resumed in the relatively near future. If the new Conditional Use Permit is not approved – or the development does not proceed as currently planned for some other reason – then Averill

may very well choose to *reopen* the Best Western hotel and restaurant space back up, as is. Both signs would continue to be utilized. That does not constitute abandonment of the signs. At the very least, it is premature for such a determination to be made.

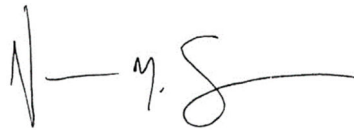
In addition, the property is not permanently vacant or unoccupied. It is in the process of being improved, which requires renovation and construction, in the event the development proceeds. Demolition/removal of the current signs is therefore additionally unwarranted in this case, where the signs likely could be safely and appropriately repurposed, consistent with other applicable provisions of the SCC. Again, there has been no abandonment of the signs.

CONCLUSION

For the foregoing reasons, Averill's appeal should be granted and the Director's NOV should be reversed and vacated by the Commission.

DATED this 16th day of July, 2026.

PARSONS BEHLE & LATIMER

A handwritten signature in black ink, appearing to read 'N-M. S.', written over a horizontal line.

Norman M. Semanko
Attorneys for Averill Hospitality, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following on this 16th day of July, 2026, by the following methods:

Planning & Zoning Commission
CITY OF SANDPOINT
1123 Lake Street
Sandpoint, Idaho 83864

- ☐ U.S. First Class Mail, Postage Prepaid
- ☐ U.S. Certified Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile
- ☒ Email: cityplanning@sandpointidaho.gov

Jason Welker, Director of Community
Planning and Development
CITY OF SANDPOINT
1123 Lake Street
Sandpoint, Idaho 83864

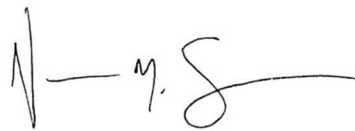
- ☐ U.S. First Class Mail, Postage Prepaid
- ☐ U.S. Certified Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile
- ☒ Email: jwelker@sandpointidaho.gov

Bill Dean, City Planner
CITY OF SANDPOINT
1123 Lake Street
Sandpoint, Idaho 83864

- ☐ U.S. First Class Mail, Postage Prepaid
- ☐ U.S. Certified Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile
- ☒ Email: bdean@sandpointidaho.gov

Pete Skon, Building Official
CITY OF SANDPOINT
1123 Lake Street
Sandpoint, Idaho 83864

- ☐ U.S. First Class Mail, Postage Prepaid
- ☐ U.S. Certified Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile
- ☒ Email: pskon@sandpointidaho.gov



Norman M. Semanko



Re: Notice of Violation – City Code §9-6-18 Removal and Disposition of Signs

Property: 56 and 58 Bridge St.

Violation Date: June 26, 2026

Sent via certified mail and email

Property Owner: Averill Hospitality, LLC

1380 Wisconsin Ave., Whitefish, MT 59937

Dear Brian and Dan Averill:

The purpose of this letter is to serve as formal notice of violation of the City of Sandpoint City Code (SCC), specifically Title 9, Section 9-6-18 pertaining to the existence of abandoned signs located at 56 and 58 Bridge Street, and to request your prompt attention by removing the illegal signs.

Violation Description:

During a site inspection on the above date, City staff determined that two signs located on your property do not comply with SCC 9-6-18(A), which governs the removal of abandoned signs. At approximately 6 feet from the western property line is a large, freestanding sign erected on two poles, approximately 50-feet tall, and at the southern property line is a second freestanding sign approximately 15-feet tall. Both signs are determined to be abandoned signs, pursuant to SCC 9-6-18(A). Please see the attached photos that were taken as part of this determination. Sandpoint City Code 9-6-18 specifically addresses the removal of signs which are located on property that becomes unoccupied or vacant, allowing for a maximum of 6 months that a sign may remain on such property.

The City understands the buildings formerly operated as a hotel and restaurant but are no longer used for a hotel, restaurant, or any business. On June 16, 2026, at the Planning and Zoning Commission meeting to discuss your requested extension of the Conditional Use Permit and Variance (application number PCUP23-0004 and PVAR24-0001), testimony was provided by your representative Ben McGrann, that the hotel and restaurant were closed last year (2025) and that such closure was evidence of the overall project being diligently pursued. The buildings have not been occupied since their closure in September 2025. The Planning and Zoning Commission in deciding to grant your permit extensions specifically



cited the closure of the restaurant and hotel as evidence of the new project being diligently pursued.

Required Correction:

You are hereby required to immediately take the following corrective action(s):

1. Obtain a demolition permit from the Building Division of the Community Planning and Development Department within 30 days of this notice, and
2. Remove the two freestanding signs referenced herein, including their foundations, within 20 days of issuance of the demolition permit.

Consequences of Non-Compliance:

If you fail to comply with the above within the time frame specified, the City reserves the right to pursue enforcement action pursuant to SCC1-4-1 and 1-4-2 which may include:

- Abatement of the violation by City contract and assessment of all costs to you, the property owner.
- A penalty, not to exceed \$100 per day.

We encourage you to address this matter promptly to avoid any further enforcement or financial penalty.

Please contact Jason Welker at 208-255-1738 or jwelker@sandpointidaho.gov if you have questions about how to bring your property into compliance.

Thank you for your immediate attention to this matter.

Sincerely,

Jason Welker, Director of Community Planning and Development

CC: Corey Coon, Chief of Police

Bill Dean, Deputy Director of Community Planning and Development

Pete Skon, Chief Building Official



Image of Freestanding Sign #2





Image of Freestanding Sign #1

