



Cochise County
Community Development
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
www.cochise.az.gov

TRANSMITTAL OF RECORD AND NOTICE THAT MEMORANDA ARE DUE

To: The Clerk of the Board of Supervisors
Re: Cochise County Zoning Violation Number V-15-358; Respondents David R. Sr. and Diane M. Ruozi

By Order dated July 14, 2016, the County Hearing Officer entered an Order finding respondents David R. Sr. and Diane M. Ruozi to be in violation of County Zoning Regulation 1811 (Outdoor Storage) and 2301 (violations deemed a nuisance). The respondents appealed. Pursuant to Rule 21 of the County Hearing Officer Rules of Procedure on Zoning and Building Code Violations, the record of the proceedings before the Hearing Officer is hereby transmitted to the Clerk of the Board, as set forth below. Pursuant to Rule 21(c), this constitutes notice that appellate memoranda are due within ten (10) working days.

Record:

- a) Order
- b) Request for Review of Hearing Officer Order
 - Order
 - Copy of Check
- c) CD (Recording of Hearing)
- d) Attorney's Change of Address
- e) Pre Hearing Memo
- f) Attorney's Answer (13 pages)
- g) May 16, 2016 Inspection
- h) July 11, 2016 Inspection
- i) January 4, 2016 Hearing Continuance
- j) March 16, 2016 Hearing Continuance
- k) April 5, 2016 Hearing Continuance
- l) May 19, 2016 Hearing Continuance
- m) May 24, 2016 Hearing Continuance
- n) Affidavit of Service

*REVD on
8/1/16 by AP105*

*Set a date for BOS
to hear*

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

To: The Clerk of the Board of Supervisors

Re: Cochise County Zoning Violation Number V-15-358; Respondents David R. Sr. and Diane M. Ruozi

Page | 2

o) Notice of Hearing

- Agenda
- General Information Sheet
- Answer
- Complaint
- Notice of Hearing
- Summons

RESPECTFULLY SUBMITTED this 1st day of August, 2016.

CLERK OF THE HEARING OFFICER

By: _____

Sonia Lopez

Copy of the foregoing mailed
this 1st day of August, 2016, to:

DAVID R. RUOZI, SR.
DIANE M. RUOZI
P.O. Box 477
Pearce, AZ 85625

E. HARDY SMITH
McNamara and Goldsmith, PC
1670 E. River Rd.
Tucson, AZ 85718
Attorney for Respondents

Britt Hanson
Chief Civil Deputy
Cochise County Attorney
Drawer CA
Bisbee, AZ 85603
Attorney for Cochise County



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY HEARING OFFICER

1415 Melody Lane
Bisbee, Arizona 85603
(520) 432-9240

www.cochisecounty.az.gov

COUNTY OF COCHISE, COMPLAINANT

VS.

RUOZI DAVID R SR & DIANE M,
RESPONDENT(S).

ORDER

CASE NO. V-15-358

This matter having come before the undersigned Hearing Officer on this 14th day of July 2016, and after full consideration of the administrative record, the evidence and testimony presented on behalf of the County, David R. Sr & Diane M. Ruozi, respondents, and attorney E. Hardy Smith, having appeared at the hearing, and after taking into consideration the applicable provisions of the Cochise County Zoning Regulations, this Hearing Officer hereby enters the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT:

1. The Respondent(s) is the owner of the property described as Parcel Number 205-12-347B
2. The following conditions exist on this property:
 - **Outdoor storage without a principal permitted use.**

No permits have been issued by Cochise County authorizing these conditions.

CONCLUSIONS OF LAW:

1. The above specified conditions are in violation of Section(s) 1811 and Section 2301 of the Cochise County Zoning Regulations.
2. These conditions are unlawful and constitute a public nuisance.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

ORDER

It is hereby Ordered that the Respondent(s) is in violation of the Cochise County Zoning Regulations and required to remedy and abate the violation and pay the fine on or before September 15, 2016, as directed herein. The Respondent(s) shall remedy and abate this violation by accomplishing the following:

- Remove all outdoor storage in a legal manner.

The fine shall be in the amount of \$300.00, to be paid on or before the 15th day of September 2016. In the event that the Respondent(s) may fails to remedy or abate this violation by September 15, 2016, the fine shall be increased to the amount of \$750.00, with an accruing penalty of \$50.00 for each day following in which the Respondents fail to remedy or abate the violation. If the Respondents fail to comply with this Order, the case will be forwarded to the County Attorney's Office for further action.

RIGHTS OF APPEAL

This Order may be appealed by either party by filing a Notice of Appeal, together with the applicable fees, with the Clerk of the Hearing Officer (or Hearing Officer if there is no Clerk) within ten (10) days after entry of this Order. Please contact the Hearing Officer Clerk for additional information on the rights of appeal.

Dated: 14th DAY OF JULY, 2016

Candace Lamoree
Cochise County Hearing Officer



Cochise County
Community Development
 Planning, Zoning and Building Safety Division
Public Programs...Personal Service
 www.cochise.az.gov

REQUEST FOR REVIEW OF HEARING OFFICER ORDER

Appeal to the Board of Supervisors desiring a review of the Hearing Officer Order regarding

Parcel Number: 205-12-347B File # V-15-358

Date of Hearing Officer Order: July 14, 2016

I (We) the undersigned, hereby appeal to the Cochise County Board of Supervisors to review the Order of the Cochise County Hearing Officer regarding the above case.

Please attach the Hearing Officer Order, and address the specific issues you are appealing and the grounds for appeal. Attach additional sheets if needed.

The finding of a violation is inconsistent with the land use established by the pre-existing recorded subdivision plat and CC&Rs. The allowable land uses within the subdivision and the rights of the property owners regarding usage are "grandfathered" by the CC&Rs, which have controlled development and land use since before adoption of the current zoning. The CC&Rs do not prohibit the outdoor storage in question. Moreover, because the stored equipment at issue is needed and used by Mr. Ruozi, as President, to fulfill the obligations of the Sunsites Unit #7 Homeowners Association, the storage does not violate the SR-22 zoning within the Growth Category D (Rural).

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief, the data submitted on and attached to this form is true and correct.

SIGNATURE OF APPELLANT(S)

ADDRESS

TELEPHONE NUMBER

E. Hardy Smith
 Attorney for Appellants

Law Offices of E. Hardy Smith
 7887 W. Pima Farms Rd.
 Tucson, AZ 85743

520-403-8786
 hardy@azlawsmith.com

NOTE: Appeal form must be received be filed within TEN DAYS after the date of the Hearing Officer Order, and accompanied by a check in the amount of \$300.00 payable to the Cochise County Treasurer. A copy of the Rule 19-21 of the Hearing Officer Rules of Procedure are attached. For a complete copy, or if you have questions, call the Hearing Officer Clerk at (520) 432-9240

Submit this form and the appeal fee to the Hearing Officer Clerk, Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, AZ 85603.

Planning, Zoning and Building Safety
 1415 Melody Lane
 Bisbee, Arizona 85603
 520-803-3967
 520-439-9178 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov



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COUNTY OF COCHISE, COMPLAINANT

VS.

RUOZI DAVID R SR & DIANE M,
RESPONDENT(S).

ORDER
CASE NO. V-15-358

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FINDINGS OF FACT:

1. The Respondent(s) is the owner of the property described as Parcel Number 205-12-347B
2. The following conditions exist on this property:
 - **Outdoor storage without a principal permitted use.**

No permits have been issued by Cochise County authorizing these conditions.

CONCLUSIONS OF LAW:

1. The above specified conditions are in violation of Section(s) 1811 and Section 2301 of the Cochise County Zoning Regulations.
2. These conditions are unlawful and constitute a public nuisance.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

ORDER

It is hereby Ordered that the Respondent(s) is in violation of the Cochise County Zoning Regulations and required to remedy and abate the violation and pay the fine on or before September 15, 2016, as directed herein. The Respondent(s) shall remedy and abate this violation by accomplishing the following:

- Remove all outdoor storage in a legal manner.

The fine shall be in the amount of \$300.00, to be paid on or before the 15th day of September 2016. In the event that the Respondent(s) may fails to remedy or abate this violation by September 15, 2016, the fine shall be increased to the amount of \$750.00, with an accruing penalty of \$50.00 for each day following in which the Respondents fail to remedy or abate the violation. If the Respondents fail to comply with this Order, the case will be forwarded to the County Attorney's Office for further action.

RIGHTS OF APPEAL

This Order may be appealed by either party by filing a Notice of Appeal, together with the applicable fees, with the Clerk of the Hearing Officer (or Hearing Officer if there is no Clerk) within ten (10) days after entry of this Order. Please contact the Hearing Officer Clerk for additional information on the rights of appeal.

Dated: 14th DAY OF JULY, 2016

Candace Lamoree
Cochise County Hearing Officer

LAW OFFICES OF E. HARDY SMITH
E. HARDY SMITH
7887 W. PIMA FARMS RD.
TUCSON, AZ 85743
520-403-8786

4001
19-7098/3250

July 18, 2015

Pay to the Order of Cochise County Treasurer \$ 300.00

Three-hundred and 00/100 Dollars

Washington Federal

For Rwozi
Appeal V-15-358



⑆ 3 25070980⑆ 6 2760838797⑆ 400⑆

GUARDIAN SAFETY® YELLOW



Cochise County
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Planning, Zoning and Building Safety Division
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PRE-HEARING MEMORANDUM

To: Candace Lamoree, Cochise County Hearing Officer
From: Chris Saylor, Code Enforcement Officer
For: Paul Esparza, Director
Through: Dora Flores, Planning Administrator
Date: July 1, 2016 for the Hearing on July 14, 2016
Respondent: David R. Sr. & Diane M. Ruozi
Violation Number: V-15-358
Parcel Number: 205-12-347B

I. Nature of Violation and History

David R. Sr. & Diane M. Ruozi are in violation of the Cochise County Zoning Regulations, Sections 1811(Outdoor Storage) and 2301(Violations Deemed a Nuisance). This violation occurred on parcel #205-12-347B, located on W. Sandal Street, in the Cochise area. Staff verified from the Assessor's records that the owners are David R. Sr. & Diane M. Ruozi. The property is located in the SR-22, Single-Household Residential Zoning District, Growth Category D.

An inspection was conducted on September 16, 2015, which found outdoor storage of a fuel tank, tractors, a utility trailer and metal as shown on the attached inspection and photos (Attachment A).

A pre-hearing inspection was conducted on October 20, 2015, which found outdoor storage of a fuel tank, tractors, a utility trailer and metal as shown on the attached inspection and photos (Attachment B).

The attached Violation Log gives a brief synopsis of actions taken on this case (Attachment C).

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Highway and Floodplain
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Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

II. Conclusion and Recommendation

Staff therefore recommends that the respondents be required to:

- Apply and obtain a permit to establish a principal permitted use or
- Remove all outdoor storage in a legal manner

Staff further recommends that the violation be discontinued or corrected within thirty (30) days of the hearing, and that a fine in the amount of \$500.00 be imposed, with payment due no later than thirty (30) days after the hearing. In the event that the Respondents may fail to remedy or abate this violation by the designated date of **August 15, 2016**, the fine shall be increased to the amount of \$750.00, with an accruing penalty of \$50.00 for **each day following** in which the Respondents fail to remedy or abate the violation.

Attachments

- A. Inspection and Photos
- B. Latest Inspection and photos
- C. Violation Log

COCHISE COUNTY INSPECTION REPORT VIOLATION / HAZARD

X First Inspection Re-Inspect	Parcel Number: 20512347B	Violation / Hazard Number: V 2015-00000358	
Property Owner(s): RUOZI DAVID R SR & DIANE M			Zoning: SR22
Site Address: W SANDAL STREET			Category:
Complaint: outdoor storage with no principal permitted use.			
Inspection Instructions: IS THERE ANY OUTDOOR STORAGE? WHAT DOES IT CONSIST OF?			
Parcel History:			
Property Inquiry: VACANT PROPERTY			
Parcel File:			
Summary of important facts not included in above section		CUT AND PASTE DRAWING HERE	
OUTDOOR STORAGE OF UTILITY TRAILERS, TRACTORS AND A FUEL TANK ARE ON THE PARCEL.			
		SANDAL	
Owner or Resident Contacted? <input type="checkbox"/> Y <input checked="" type="checkbox"/> NX		Latitude =	
Phone Number:		Longitude=	
X Failed / No Correction	Date Assigned: 9-16-15	No 1= UTILITY TRAILER	No 8=
<input type="checkbox"/> Failed / Partial Correction	Date Inspected: 9-16-15	No 2= TRACTOR	No 9=
<input type="checkbox"/> Passed / Corrected		No 3= FUEL TANK	No10=
Inspector signature: CHUCK COOPER		No 4=	No11=
Number of photos: 2		No 5=	No12=
		No 6=	No13=
		No 7=	No14=



COCHISE COUNTY INSPECTION REPORT VIOLATION / HAZARD

First Inspection X Re-Inspect	Parcel Number: 20512347B	Violation / Hazard Number: V 2015-00000358	
Property Owner(s): RUOZI DAVID R SR & DIANE M			Zoning: SR22
Site Address: W SANDAL STREET			Category:
Complaint: outdoor storage with no principal permitted use.			
Inspection Instructions: IS THERE ANY OUTDOOR STORAGE? WHAT DOES IT CONSIST OF?			
Parcel History:			
Property Inquiry: VACANT PROPERTY			
Parcel File:			
Summary of important facts not included in above section		CUT AND PASTE DRAWING HERE	
THE OUTDOOR STORAGE OF FUEL TANK, TRACTORS, UTILITY TRAILERS AND METAL ITEMS HAS NOT BEEN REMOVED.			
		SANDAL ST.	
Owner or Resident Contacted? <input type="checkbox"/> Y <input checked="" type="checkbox"/> NX		Latitude =	
Phone Number:		Longitude =	
<input checked="" type="checkbox"/> Failed / No Correction	Date Assigned: 10-20-15	No 1= UTILITY TRAILER	No 8=
<input type="checkbox"/> Failed / Partial Correction	Date Inspected: 10-20-15	No 2= FUEL TANK	No 9=
<input type="checkbox"/> Passed / Corrected		No 3=TRACTOR	No10=
Inspector signature: CHUCK COOPER		No 4= METAL ITEMS	No11=
Number of photos: 2		No 5=	No12=
		No 6=	No13=
		No 7=	No14=





Notes Listing

Case Notes - V 2015-00000358

Subject Descending

Run on 02/29/2016 08:17:20 AM

Subject	Author	Last Changed Date/Time
Subject LETTERS		
NOTICE OF VIOLATION SENT 9/3/2015 BY CS	Chris Saylor	09/03/2015 10:35:11 AM
FINAL LETTER WAS SENT CERTIFIED AND REGULAR MAIL 9/17/2015 BY CS	Chris Saylor	09/17/2015 02:06:24 PM
Subject INSPECTION		
INSPECTED BY CC-9-16-15	Chuck Cooper	09/16/2015 03:06:21 PM
INSPECTED BY CC-10-20-15	Chuck Cooper	10/20/2015 02:49:02 PM
Subject COMPUTER ENTRY		
VIOLATION OPENED IN NEW WORLD. BY CS	Chris Saylor	09/03/2015 10:33:59 AM



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COCHISE COUNTY HEARING OFFICER
 1415 Melody Lane, Bldg. E
 Bisbee, Arizona 85603
 (520) 432-9240

COUNTY OF COCHISE, COMPLAINANT

VS.

RUOZI DAVID R SR & DIANE M, RESPONDENT(S).

CASE NO. V-15-358

ANSWER

If you disagree with the complaint, you should explain why in the space below, (use extra sheets, if necessary). Mail this sheet to the Hearing Officer Clerk not less than ten (10) days before the hearing date.

In response to the allegations in the zoning/building enforcement complaint in this case, the respondent(s) states the following:

Please see attached Correspondence with Paul Espacza, Planning and Zoning Director, dated 3/10/16, with attachments.

Respondent's address for purposes of further correspondence on this matter is:
 (Enter your mailing address)

*E. Hardy Smith, McNamara Goldsmith, P.C.
 1670 E. River Rd
 Tucson, AZ 85719*

Dated this 18th day of May, 2016

E. Hardy Smith, attorney for Respondent
 Signature of Respondent

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

From: Hardy Smith
To: "pesparza@cochise.az.gov" 432-7240
Subject: Ruozl, David R. Sr. & Diane M, Notice of Zoning Violation V 2015-00000358, Parcel 205123478
Date: Thursday, March 10, 2016 6:51:00 PM
Attachments: [Attachment 1 - Sept. 17th Planning Dept. Final Notice.pdf](#)
[Attachment 2 - Plat map Sun Sites Unit 7 .pdf](#)
[Attachment 3 - Sunsites 7 Restrictive Covenants.pdf](#)
[Attachment 4 - Sunsites 7 Declaration.pdf](#)

Paul Esparza, Director
Cochise County Planning and Zoning

Dear Paul:

Thank you for taking the time to speak with me Wednesday morning regarding the zoning violation issued to my clients, David and Diane Ruozl. As we discussed, I am emailing a summary of the issues and providing some additional documents to help place the alleged violation in context. A hearing is currently set for March 24, 2016, before the Cochise County Hearing Officer for zoning matters. I am hopeful that, through discussion, we can resolve the matter without need for a hearing.

For your reference, I've attached the Notice of Zoning Violation (**Attachment 1**) stating the Complaint: "outdoor storage with no principal permitted use." As I understand it, the citation arises from my client having earth moving equipment used in his heavy equipment occupation parked on his property, upon which no residence has yet been constructed. The Code Enforcement Officer is Chris Saylor. The errors we identify in the issuance of the Zoning Violation are multiple.

First of all, the Violation as issued is inapplicable to the Rural character of the property upon which the alleged violation occurred. The Violation Notice attached a portion of Section 1811 to explain the basis for the citation. Section 1811.01 is entitled "Residential Uses" and provides: "It shall be the intent of this Section to provide acceptable limits of outdoor storage accessory to residential uses based upon the Comprehensive Plan Growth Category Area in which located." Subpart A to that section states, "Accessory Use Outdoor Storage and parking which is permitted under this Section is an accessory use only and shall not be permitted unless a primary residential use of the property has been established." Subpart D provides, in relevant part: "The outdoor storage or parking of ... any construction equipment (except as provided on a temporary basis in Section 1811.01.B.2, above) such as bulldozers, graders, ... and back hoes shall not be permitted in any residential Zoning Districts in a Category A (Urban) Growth Area." The property in question does not qualify as a Category A Urban Growth Area.

As I mentioned in our phone call, the property lies within the Sunsites Unit No. 7 Subdivision. I've attached a copy of the original subdivision plat map (**Attachment 2**)

recorded with Cochise County in 1962 by the original developer. The Ruozi's property is in Block 764, Lots 14-16, at the southern boundary of the Subdivision in approximately the bottom center of the map. Their lots front on Sandal Road, which runs along the subdivision's southern boundary

In 1962, when Sunsites Unit No. 7 was platted and recorded as a subdivision, Cochise County had no zoning code. By accepting the Sunsites Unit No. 7 subdivision, the County allowed the developer to plan all future use, and limitations to use, of all of the land within the subdivision. As you can see from the recorded plat, the developer established all of the boundaries both surrounding and within the subdivision. The developer laid out all of the streets and roads, established easements, determined lot sizes and setbacks, and designated lots for both commercial and residential uses. The developer also recorded two sets of Restrictive Covenants (**Attachment 3**) - one for residential lots and one for commercial - by which the developer further defined and limited the permitted uses of land within the subdivision. In the absence of county zoning requirements being in place at the time, the recorded plat and the restrictive covenants became the governing documents for the subdivision, including matters that, if developed today, might fall within the jurisdiction of the County's Planning and Zoning Division.

To establish the mechanism for enforcement of the Restrictive Covenants, on December 8, 1992, the successor developer recorded a "Declaration of Reservations" for the Sun Sites subdivisions, Units 1 through 10. (See **Attachment 4**). The Declared Reservations, among other things, provided for the establishment of the Homeowners Association as the governing body for the subdivision. Pursuant to that Declaration of Reservations, Sunsites Unit No. 7 Homeowners Association, Inc., registered with the Arizona Corporation Commission, exists as the sole governing entity responsible for enforcement of the restrictive covenants of the subdivision.

Assuming that the current Cochise County Zoning Code applies within Sunsites Unit No. 7 Subdivision, Code Section 401 provides for 6 categories of Areas (401.01) and 7 Plan Designations (401.02) that may occur within the Areas. Category A applies to "Urban Growth Areas." Category D applies to "Rural Areas." Rural Residential (RR) and Rural (R) exist only within Category D. Under the Zoning Code, whether the outdoor storage for which the Ruozis were cited would be permitted depends upon whether their property is within an Urban Growth Area (Category A) or a Rural Area (Category D).

Section 403 is titled "Identifying Plan Areas by Growth Area Category." Subpart 403.01 defines Urban Growth (Category A) as requiring the following:

- A. The area has established or planned residential and/or non-residential development, and has the potential to be annexed by an abutting incorporated

city.

- B. The area can be adequately served by an adjacent community sewer system, potable water system, and fire district.
- C. Average residential lot sizes are less than one acre in size.
- D. The area provides major regional commercial and other non-residential services.
- E. Street improvements and urban site development standards (e.g. limitations on residential outdoor storage and requirements for asphaltic parking areas) are appropriate.
- F. The area has the potential for or is currently served by adequate drainage, transportation and K-12 school systems, as well as organized recreational facilities that can serve high-density development.

Considering the factors described in Section 403.01.A above, although the Sunsites Unit No. 7 Subdivision was platted and recorded as a planned community with mixed residential and commercial development, it remains, more than 50 years later, wholly undeveloped (though not nonexistent). Further, it lacks any foreseeable "potential to be annexed by an abutting incorporated city," even assuming aggressive growth patterns that do not currently exist and will likely never exist in that portion of the County.

With regard to other requirements enumerated by Section 403.01 for identification as an Urban Growth Area, the Sunsites Unit No. 7 Subdivision currently is not, nor can it be, "adequately served by an adjacent community sewer system, potable water system, and fire district" (§403.01.B). The average residential lot sizes are one acre (§403.01.C). The area provides no major regional commercial or other non-residential services (§403.01.D). Streets, though laid out, were never developed nor improved (§403.01.E). Further, urban site development standards have never been applied and are not appropriate. Finally, the area completely lacks the potential for or current service by "adequate drainage, transportation and K-12 school systems, as well as organized recreational facilities that can serve high-density development" (§403.01.F). In short, Sunsites Unit No. 7 has almost nothing in it or on it. By no stretch of imagination is it an area of "Urban Growth." Moreover, though a subject for a different discussion, many forces within Cochise County continue to keep Sunsites Unit No. 7 from developing.

In marked contrast to the requirements for an Urban Growth Area, § 403.04 provides the following requirements for "Identifying Plan Areas as Rural (Category D)":

- A. The outlying rural areas between cities and unincorporated communities, characterized by a low rate of growth; unimproved roads; low density, large lot rural residential development; agricultural production; and large tracts of undeveloped private and public lands.
- B. The area does not currently meet the criteria for inclusion in either A, B, or C

Growth Areas.

Assuming it is appropriate to apply a Growth Area categorization, Sunsites Unit No. 7 would meet only the criteria for classification as a "Rural Area." Given that it exists as a subdivision, the area within Sunsites Unit No. 7 most closely equates with the Plan Designation of Rural Residential.

It would, however, be inappropriate to apply a Growth Area categorization to Sunsites Unit No. 7 for purposes of zoning or zoning enforcement. In fact, none of the current zonings provided for by the County Zoning Code are applicable to the land within the subdivision because the platting and recordation of the subdivision, with its Restrictive Covenants, predates both the Comprehensive Plan and the Zoning Code. The development plan for all of the property within the subdivision was *permanently established* by the original documents that created Sunsites Unit No. 7. Later adoption of the Comprehensive Plan and Zoning Code could not alter those conditions because a legally binding, fully enforceable land use plan was already in place, recorded on every parcel of land in the subdivision. The fact that only minimal development has occurred does not change the terms and conditions by which the land was subdivided and which run with the land. Those recorded covenants and conditions bind not only the land owners but also Cochise County.

With regard to addressing a condition that might otherwise be deemed a "nuisance" for purposes of zoning enforcement, the only appropriate enforcement body is Sunsites Unit No. 7 Homeowners Association, Inc., which is vested with enforcement jurisdiction by the Declaration of Reservations on record with the County. In fact, the Declaration of Reservations, together with the Articles of Incorporation recorded with the Arizona Corporation Commission, provide the vehicle for addressing all such issues within the boundaries of the subdivision. Although the county retains jurisdiction to enforce codes for building standards, wastewater treatment and other codes related to public sanitation and safety, with respect to actual use and development of the subdivision land, the recorded plat, Restrictive Covenants and Declaration of Reservations are the controlling documents.

For the foregoing reasons, we respectfully suggest that the Cochise Planning and Zoning Division lacks jurisdiction to enforce the asserted zoning code violation on the Ruozi's land within the Sunsites Unit No. 7 Subdivision. We believe it would be appropriate for the County to dismiss the citation. I realize that this lengthy email raises issues that are probably unfamiliar to you in that you have only recently become the Division's Director. I will look forward to discussing the matter with you to see if we can resolve the matter without need for a public hearing.

Sincerely,

Hardy Smith

E. Hardy Smith



1670 E. River Road, Suite 200

Tucson, AZ 85718

(520) 624-0126 (Main)

(520) 382-4958 (Direct)

(520) 403-8786 (Cell)

ehs@mgm-legal.com

www.mgm-legal.com



Cochise County
Community Development
Planning, Zoning and Building Safety Division
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FINAL NOTICE

Certified Mail 7003 1680 0001 6369 4392

September 17, 2015

Ruozzi David R Sr & Diane M
Po Box 477
Pearce, AZ 85625

RE: FINAL NOTICE OF ZONING VIOLATION V 2015-00000358 on Parcel 20512347B Property located at

Dear Property Owner(s):

In a notice September 3, 2015, you were requested to voluntarily correct conditions on your property that constituted a violation of the Cochise County Zoning Regulations. A review of the violation on your property has found continued non-compliance. The applicable sections of the Cochise County Zoning Regulations are attached. This is to notify you that since the required actions have not been taken, that a **COMPLAINT** has been filed with the Hearing Officer for a hearing on **January 21, 2016**.

CORRECTION REQUIREMENTS

- Remove all outdoor storage in a legal manner.

Your voluntary compliance in correcting the violation(s) and maintaining your property in accordance with the requirements of the Zoning Regulations will eliminate the need for us to take legal action.

If you meet the requirements for correction of this Violation prior to October 19, 2015, it is *your responsibility* to notify us immediately and to request a re-inspection.

If you fail to resolve this violation by October 19, 2015 it will be scheduled for a Hearing for January 21, 2016. The Hearing Officer may order abatement and impose fines up to \$750.00 and/or \$10,000.00 for an enterprise (corporation, association, labor union or other legal entity) for each and every day during which such violation or failure to comply with these Zoning Regulations is committed, continued, or permitted.

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85803
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85803
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

If you have any questions concerning this matter, please call (520) 432-9240.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Saylor", with a long horizontal flourish extending to the right.

Chris Saylor,
Code Enforcement Officer

cc: Dora Flores, Zoning Administrator

APPLICABLE COCHISE COUNTY ZONING REGULATIONS

1811 Outdoor Storage

1811.01 Residential Uses

It shall be the intent of this Section to provide acceptable limits of outdoor storage accessory to residential uses based upon the Comprehensive Plan Growth Category Area in which located. Nothing in this Section shall apply to the accessory storage of objects and materials within a completely enclosed building or structure, such as a garage or shed, or to the accessory residential storage of objects and materials which as a result of fencing, topography or natural vegetation are not visible by the unaided eye six-feet above ground level from any other property or street.

- A. Accessory Use Outdoor Storage and parking which is permitted under this Section is an accessory use only and shall not be permitted unless a primary residential use of the property has been established.
- B. Permitted Visible Outdoor Storage Visible outdoor storage of certain objects and materials shall only be permitted as an accessory use as specified below. Additional amounts of visible outdoor storage are permitted as specified below.
 1. **Automobiles**
 - a. **Category A Areas**

Licensed and titled automobiles are allowed for personal use.

One unlicensed or inoperative automobile that is titled or registered to the owner or occupant is permitted. If more than one, they cannot be visible by the unaided eye six-feet above ground level from any adjoining property or street and must be located in the rear yard. Said automobiles cannot be stored for commercial purposes.
 - b. **Category B, C and D Areas**

Any number of automobiles titled or registered to the owners or occupants of the parcel may be stored provided they are not stored for commercial purposes.
 - c. **Hazard/Nuisance**

All automobiles and automobile parts and tires must be parked or stored in such a manner as to not constitute a hazard or nuisance. The non-accessory use of outdoor storage of any site on which the storage, keeping, salvage, sale or abandonment of junk occurs, including tires and auto parts, constitutes a public nuisance.
 2. **Construction Materials**

In all areas, construction materials and equipment may be stored temporarily, provided that said materials/equipment are for on-site use pursuant to a current valid building permit. All building or construction materials and equipment shall be removed within 30-days of completion of construction, issuance of a certificate of occupancy (where applicable), or expiration of the building permit, whichever occurs first. Construction debris shall not be permitted to scatter or blow onto another property.
 3. **Furniture and Appliances**

In all areas, furniture, appliances, playground equipment, and other incidental household items, may be placed outside (Note: Items in excess of these requirements shall be permitted only to the extent provided for in paragraph C below) provided that:
 - a. All appliances are in operating condition and are connected for private use of the resident/occupant in such a manner as to not constitute a fire or safety hazard.

- b. Any furniture is placed outside for personal on-site use only (rather than for storage).

C. Other Permitted Outdoor Storage

Except for the visible outdoor storage permitted above, outdoor storage of objects and materials shall be permitted as follows:

1. Category A Growth Areas for Residentially-Developed Properties

Visible outdoor storage not to exceed 60-square feet in area and four-feet in height.

2. Category B, C and D Growth Areas For Residentially-Developed Properties

Visible or screened accessory outdoor storage shall be permitted.

D. Large Trucks, Truck Tractors, Construction Equipment

The outdoor storage or parking of any trucks, truck tractors, trailers or semi-trailers having a rated capacity of more than one and one-half tons and the parking or storage of any construction equipment (except as provided on a temporary basis in Section 1811.01.B.2, above) such as bulldozers, graders, cement trucks, compressors, dump trucks and back hoes shall not be permitted in any residential Zoning Districts in a Category A (Urban) Growth Area.

2301 Violations Deemed a Nuisance

Any building, structure, or use erected or maintained or any use of property contrary to the provisions of these Zoning Regulations is unlawful and constitutes a public nuisance.

2304 Penalties

- A. Any person, firm or corporation whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of these Zoning Regulations or who violates or fails to comply with any order or regulation made hereunder shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable as provided for Class 2 misdemeanors by Arizona Revised Statutes. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during which such violation or failure to comply with these Zoning Regulations is committed, continued, or permitted.
- B. Paragraph A notwithstanding, each violation of these Zoning Regulations or failure to comply with any order or regulation hereunder may be processed by the County Zoning Inspector as a violation subject to a civil penalty as provided by Arizona Revised Statutes, and heard by a duly appointed hearing officer, pursuant to the written rules of procedure for such hearings, as approved by the Board of Supervisors.

**RESTRICTIVE COVENANTS for
UNIT NO. 7, ARIZONA SUNSITES**

Blocks 723 through 726 inclusive, Blocks 734 and 762, each with lots numbered 1 through 10 inclusive; Blocks 750 and 753, each with lots numbered 1 through 12 inclusive; Block 757, lots 1 through 13 inclusive; Block 752, lots 1 through 15 inclusive; Blocks 728, 741, 751 and 756, each with lots numbered 1 through 19 inclusive; Blocks 727, Blocks 729 through 733 inclusive, Blocks 735 through 740 inclusive, Blocks 742 through 748 inclusive, Blocks 758 through 761 inclusive, and Blocks 763 through 765 inclusive, each with lots numbered 1 through 20 inclusive; Block 754, lots 1 through 21 inclusive; Block 749, lots 1 through 22 inclusive; Block 755, lots 1 through 5 and lots 15 through 20 inclusive; Block 766, lots 1 through 5 and lots 10 through 14 inclusive.

These covenants and restrictions are to run with the land and shall be binding on all parties and person claiming under them. They may be revised or amended by a majority vote of the owners of lots at any time.

1. One single family residence and appurtenant structures only shall be erected on each residential lot.
2. Building lines of all structures, exclusive of walls, shall be not less than 50 feet from the front property line or not less than 15 feet from the side lines and not less than 25 feet from the rear property line.
3. No building or wall shall be erected until the design has been approved by the seller or his assignee.
4. No trailers or other temporary structures shall be placed on any lot.
5. No commercial or business operation other than arts, crafts, or profession operated solely by the members of the family occupying the dwelling shall be conducted on any lot and no exterior advertising is permitted.
6. The keeping of animals, livestock or poultry for commercial purposes shall not be permitted on any lot.
7. All trash or waste shall be kept in sanitary containers.
8. No gas, oil drilling or mining operation of any kind shall be permitted on any lot.
9. No industrial manufacturing will be permitted.

HORIZON LAND CORPORATION

By: Sidney Nelson
Vice President

Sidney Nelson
Assistant Secretary

STATE OF ARIZONA)
COUNTY OF PIMA) ss:

On this 7th day of July, 1962, before me, a Notary Public in and for said County and State, personally appeared Sidney Nelson and Eileen J. Walden, who being by me duly sworn did say that they are Vice President and Assistant Secretary, respectively, of Horizon Land Corporation, a corporation organized under the laws of the State of Delaware; that the seal affixed to the foregoing instrument is the corporate seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and that said Sidney Nelson and Eileen J. Walden acknowledged said instrument to be the free act and deed of said corporation.

In Witness Whereof, I have hereunto set my hand and seal on the day and date last above written.

My Commission Expires: 9/1/64

Joseph A. ...
Notary Public

6/26/62

Notary Seal
I, Joseph A. ...
Notary Public
State of Arizona

Notary Public
Date: JUL 10 1962
Page: 349

RESTRICTIVE COVENANTS for
UNIT NO. 7, ARIZONA SUNSITES

350

Block 734, lots 11 through 35 inclusive; Block 755, lots
6 through 14 inclusive; Block 762, lots 11 through 35
inclusive; Block 766, lots 6 through 9 inclusive.

These covenants and restrictions are to run with the land and shall be binding on
all parties and persons claiming under them. They may be revised or amended by a
majority vote of the owners of lots at any time.

1. All structures shall be used for commercial purposes only.
2. Building lines of all structures, including porches, shall be not less than
25 feet from the front property line; any deviation may only be approved by Seller
or his Assignee.
3. All buildings will be designed on the Southwestern type of architecture and no
building or wall shall be erected until the design has been approved by the Seller
or his Assignee.
4. No trailers or other temporary structures shall be placed on any lot, except
for construction or supply purposes for a period of not more than four months from
the start of construction.
5. The only livestock to be housed and sold shall be those normally found in a
pet shop.
6. All trash and waste shall be kept in sanitary containers.
7. No gas or oil drilling or mining operation of any kind shall be permitted on
any lot.
8. No industrial manufacturing or business will be permitted that constitutes a
public nuisance or creates obnoxious odors or waste.
9. No junk yards or salvage yards of any kind or nature shall be permitted on
any lot.
10. No sign of any kind shall be executed or exhibited in any way on the said
property without approval of the Seller or his Assignee.

ATTEST:

Eileen J. Walden
Assistant Secretary

HORIZON LAND CORPORATION

By: Sidney Nelson
Vice President

STATE OF ARIZONA)
) ss
COUNTY OF PIMA)

On this 7th day of July, 1962, before me, a Notary Public in and for said County
and State, personally appeared Sidney Nelson and Eileen J. Walden, who being by me
duly sworn, did say that they are Vice President and Assistant Secretary, respectively,
of Horizon Land Corporation, a corporation organized under the laws of the State of
Delaware; that the seal affixed to the foregoing instrument is the corporate seal
of said corporation; that said instrument was signed and sealed on behalf of said
corporation by authority of its Board of Directors, and that said Sidney Nelson and
Eileen J. Walden acknowledged said instrument to be the free act and deed of said
corporation.

In Witness Whereof, I have hereunto set my hand and seal on the day and date last
above written.

My Commission Expires:

May 11, 1964

[Signature]
Notary Public

STATE OF ARIZONA)
COUNTY OF PIMA)

Notary Public and Official Seal
P. M. [Signature]

I hereby certify that the within instrument was duly and recorded as required by
Page 1 15 Horizon Land Co.
Box 5128, Tucson

JUL 10 1962 - 2:15 PM

Index [] [] [] Total \$ Debit \$05 Page 360 9723

COCHISE COUNTY INSPECTION REPORT VIOLATION / HAZARD

First Inspection X Re-Inspect	Parcel Number: 20512347B	Violation / Hazard Number: V 2015-00000358	
Property Owner(s): RUOZI DAVID R SR & DIANE M			Zoning: SR22
Site Address: W SANDAL STREET			Category:
Complaint: outdoor storage with no principal permitted use.			
Inspection Instructions: IS THERE ANY OUTDOOR STORAGE? WHAT DOES IT CONSIST OF?			
Parcel History:			
Property Inquiry: VACANT PROPERTY			
Parcel File:			
Summary of important facts not included in above section		CUT AND PASTE DRAWING HERE	
THE OUTDOOR STORAGE OF UTILITY TRAILERS, TRACTORS AND TOOLS HAS NOT BEEN REMOVED.			
		SANDAL ST.	
Owner or Resident Contacted? <input type="checkbox"/> Y <input checked="" type="checkbox"/> NX		Latitude =	
Phone Number:		Longitude =	
<input checked="" type="checkbox"/> Failed / No Correction	Date Assigned: 5-16-16	No 1= UTILITY TRAILER No 2= TRACTOR No 3= MOWER / ATV No 4= TOOLS No 5= No 6= No 7=	No 8= No 9= No10= No11= No12= No13= No14=
<input type="checkbox"/> Failed / Partial Correction	Date Inspected: 5-16-16		
<input type="checkbox"/> Passed / Corrected			
Inspector signature: CHUCK COOPER			
Number of photos: 3			





COCHISE COUNTY INSPECTION REPORT VIOLATION / HAZARD

First Inspection <input checked="" type="checkbox"/> Re-Inspect	Parcel Number: 20512347B	Violation / Hazard Number: V 2015-00000358	
Property Owner(s): RUOZI DAVID R SR & DIANE M			Zoning: SR22
Site Address: W SANDAL STREET			Category:
Complaint: outdoor storage with no principal permitted use.			
Inspection Instructions: IS THERE ANY OUTDOOR STORAGE? WHAT DOES IT CONSIST OF?			
Parcel History:			
Property Inquiry: VACANT PROPERTY			
Parcel File:			
Summary of important facts not included in above section		CUT AND PASTE DRAWING HERE	
THE OUTDOOR STORAGE OF UTILITY TRAILERS, FUEL TANK, TRACTORS AND MOWER HAS NOT BEEN REMOVED.		<p style="text-align: center;">SANDAL ST.</p>	
Owner or Resident Contacted? <input type="checkbox"/> Y <input checked="" type="checkbox"/> NX		Latitude =	
Phone Number:		Longitude =	
<input checked="" type="checkbox"/> Failed / No Correction <input type="checkbox"/> Failed / Partial Correction <input type="checkbox"/> Passed / Corrected	Date Assigned: 7-11-16 Date Inspected: 7-11-16	No 1= UTILITY TRAILER No 2= TRACTOR No 3= MOWER No 4= FUEL TANK No 5= No 6= No 7=	No 8= No 9= No10= No11= No12= No13= No14=
Inspector signature: CHUCK COOPER			
Number of photos: 2			





Cochise County
Community Development
Highway and Floodplain Division

Public Programs...Personal Service
www.cochise.az.gov

January 4, 2016

Ruoz David R Sr & Diane M
P.O. Box 477
PEARCE, AZ 85625-0477

SUBJECT: Cochise County Hearing Officer's Zoning Violation V-15-358
Property located at W. SANDAL STREET, PEARCE, AZ. 85625.

Dear Property Owner(s):

You are hereby notified that the above case that had been set for hearing has been continued. You do not need to appear before the Cochise County Hearing Office on the 21st day of January 2016.
at 9:00 am.

The Hearing officer has granted you a continuance for your case to the March 24, 2016 hearing, if the violations are not corrected.

If you have any questions concerning this matter, please contact me at (520) 432-9240.

Sincerely,

Pat Hoefler
Hearing Officer Clerk

Cc: Dora Flores, Zoning Administrator
Chris Saylor, Zoning Enforcement Officer
Candace Lamoree, Hearing Officer

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov



Cochise County
Community Development
Highway and Floodplain Division

Public Programs...Personal Service
www.cochise.az.gov

March 16, 2016

Ruozi David R Sr & Diane M
P.O. Box 477
PEARCE, AZ 85625-0477

SUBJECT: Cochise County Hearing Officer's Zoning Violation V-15-358
Property located at W. SANDAL STREET, PEARCE, AZ. 85625.

Dear Property Owner(s):

You are hereby notified that the above case that had been set for hearing has been continued. You do not need to appear before the Cochise County Hearing Office on the 24th day of March 2016.
at 9:00 am.

The Hearing officer has granted you a continuance for your case to the May 19, 2016 hearing, if the violations are not corrected.

If you have any questions concerning this matter, please contact me at (520) 432-9240.

Sincerely,

Pat Hoefler
Hearing Officer Clerk

Cc: Dora Flores, Zoning Administrator
Chris Saylor, Zoning Enforcement Officer
Candace Lamoree, Hearing Officer

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

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1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov



**Cochise County
Community Development
Highway and Floodplain Division**

Public Programs...Personal Service
www.cochise.az.gov

April 5, 2016

RUOZI DAVID R SR & DIANE M
PO BOX 477
PEARCE, AZ 85625-0477

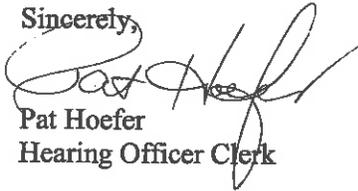
SUBJECT: Cochise County Hearing Officer's Zoning Violation V-15-358 Parcel #205-12-347B Property Located at W. SANDAL STREET, PEARCE, AZ. 85625.

Dear Property Owner(s):

You are hereby notified that the above hearing case which was to be heard on March 24, 2016, has been set for hearing before the Cochise County Hearing Officer on May 19, 2016 at 9:00 am in the Cochise County Board of Supervisors Hearing Room located at 1415 Melody Lane, Building G., Bisbee, AZ.

If you have any questions concerning this matter, please contact me at (520) 432-9240.

Sincerely,



Pat Hoefler
Hearing Officer Clerk

cc: Dora Flores, Zoning Administrator
Chris Saylor, Code Enforcement Officer
Candace Lamoree, Hearing Officer

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
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planningandzoning@cochise.az.gov



Cochise County
Community Development
Highway and Floodplain Division

Public Programs...Personal Service
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May 19, 2016

Ruozi David R Sr & Diane M
P.O. Box 477
PEARCE, AZ 85625-0477

SUBJECT: Cochise County Hearing Officer's Zoning Violation V-15-358
Property located at W. SANDAL STREET, PEARCE, AZ. 85625.

Dear Property Owner(s):

You are hereby notified that the above case that had been set for hearing has been continued. You do not need to appear before the Cochise County Hearing Office on the 19th day of May 2016. at 9:00 am.

The Hearing officer has granted you a continuance for your case to the July 14, 2016 hearing, if the violations are not corrected.

If you have any questions concerning this matter, please contact me at (520) 432-9240.

Sincerely,

A handwritten signature in blue ink that reads "Pat Hofer" with a flourish.

Pat Hofer
Hearing Officer Clerk

Cc: Dora Flores, Zoning Administrator
Chris Saylor, Zoning Enforcement Officer
Candace Lamoree, Hearing Officer

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
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planningandzoning@cochise.az.gov



**Cochise County
Community Development**

Highway and Floodplain Division

Public Programs...Personal Service
www.cochise.az.gov

May 24, 2016

RUOZI DAVID R SR & DIANE M
PO BOX 477
PEARCE, AZ 85625-0477

SUBJECT: Cochise County Hearing Officer's Zoning Violation V-15-358 Parcel #205-12-347B Property Located at W. SANDAL STREET, PEARCE, AZ. 85625.

Dear Property Owner(s):

You are hereby notified that the above hearing case which was to be heard on January 21, 2016, has been set for hearing before the Cochise County Hearing Officer on July 14, 2016 at 9:00 am in the Cochise County Board of Supervisors Hearing Room located at 1415 Melody Lane, Building G., Bisbee, AZ.

If you have any questions concerning this matter, please contact me at (520) 432-9240.

Sincerely,

A handwritten signature in black ink, appearing to read "Pat Hofer".

Pat Hofer
Hearing Officer Clerk

cc: Dora Flores, Zoning Administrator
Chris Saylor, Code Enforcement Officer
Candace Lamoree, Hearing Officer

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
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**Cochise County
Community Development**
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
www.cochise.az.gov

COCHISE COUNTY HEARING OFFICER
1415 Melody Lane, Bldg. E
Bisbee, Arizona 85603
(520) 432-9240

COUNTY OF COCHISE, COMPLAINANT

VS.

**RUOZI DAVID R SR & DIANE M,
RESPONDENT(S).**

CASE NO. V-15-358

AFFIDAVIT OF SERVICE

The following documents in this case were served upon the Respondent(s) on 12/15/2015 at the hour of 3:00 o'clock p.m. Complaint, Notice of Hearing, Answer Form and Information Sheet. Service was by:

Personal Service at

Certified Mail

PO BOX 477
PEARCE, AZ 85625-0477

First Class Mail

PO BOX 477
PEARCE, AZ 85625-0477

STATE OF ARIZONA
COUNTY OF COCHISE

[Signature]
By Pat Hoefler

SUBSCRIBED AND SWORN TO BEFORE ME this 21st day of December, 2015, by
Pat Hoefler

[Signature]
NOTARY PUBLIC

My commission expires:

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov


T MURPHY
NOTARY PUBLIC, ARIZONA
COCHISE COUNTY
My Commission Expires
July 22, 2019

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: _____

DAVID R. SR. & DIANE M. RUOZI
PO BOX 477
PEARCE, AZ 85625-0477



9590 9403 0442 5169 4658 05

2. Article Number (Transfer from service label)
7015 0640 0007 1636 0826

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Diane Ruozzi Agent Addressee

B. Received by (Printed Name) **Diane Ruozzi** C. Date of Delivery **12-18-15**

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:



3. Service Type
- Adult Signature Restricted Delivery
 - Certified Mail®
 - Collect on Delivery
 - Insured Mail (over \$500)
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery
 - Priority Mail Express®

Domestic Return Receipt



Cochise County
Community Development
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
www.cochise.az.gov

COCHISE COUNTY HEARING OFFICER

JANUARY 21, 2016

1415 Melody Lane
Bisbee, Arizona 85603
(520) 432-9240
www.cochisecounty.az.gov

9:00	408-17-038	V-15-413	Ramona Rascon
9:00	401-10-101D	V-15-203	Jeff Herbst
9:00	205-12-347B	V-15-358	David R. Sr. & Diane M. Ruozi
9:00	410-07-372	V-15-373	Quinsler Eleanor Fuller Decastro Ricardo C
9:00	118-06-010	V-15-269	Patrick J. Witt
9:00	118-06-036	V-15-325	Lee Andrew Benjamin & Josephine Rivera
9:00	202-40-021	V-15-341	Hogan Maria S
9:00	202-12-005D	V-15-221	Ronald N Ramirez
9:00	124-15-627	V-14-255	Jeff Ritchey
9:00	202-39-013	V-15-205	Sergio Rodarte & Liliana Gonzalez
9:00	102-34-009A	V-14-285	Thomas W. & Frankie A. Thompson
9:00	208-93-007c	V-14-163	Regina Renee Khagram Segura and Vincente Raul Segura

Planning, Zoning and Building Safety
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Bisbee, Arizona 85603
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Cochise County
Community Development
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
www.cochise.az.gov

COCHISE COUNTY HEARING OFFICER
1415 Melody Lane, Bldg. E
Bisbee, Arizona 85603
(520) 432-9240

GENERAL INFORMATION FOR RESPONDENT(S)

You have been served with a Complaint for violation of the Cochise County Zoning Regulations. The Cochise County Hearing Officer is an independent person appointed by the Cochise County Board of Supervisors to hear cases on zoning and building code violations. She acts as an administrative law judge. She has the authority to impose civil penalties for zoning violations (that is, she can issue a fine if she finds the Respondent liable for a zoning violation). She is not an employee of the Planning and Zoning Department and does not answer to anyone in that department. At the hearing, you will have the opportunity to present any evidence, exhibits or witnesses to enable the Hearing Officer to make a determination of the case. The Community Development Department representatives will have a similar opportunity.

You do have the right to be represented by an attorney or other designated representative at the hearing before the Hearing Officer. The Community Development Department will generally not be represented by the County Attorney, unless you choose to be represented by a lawyer. If you do intend to have a lawyer or other representative defend you, please notify the Hearing Officer/Clerk not less than ten (10) days before the Hearing.

If the Hearing Officer does rule against you, you have the right to appeal her decision to the Cochise County Board of Supervisors by filing a Notice of Request for Review within ten (10) days of the Hearing Officer's Order in the case. The case will then be reviewed by the Board of Supervisors, who will rule on the case. At that point, if you disagree with the decision of the Board of Supervisors, you can seek judicial review in the Superior Court.

If you have any questions concerning the procedures, please contact the Hearing Officer/Clerk at the above phone number or address. You may obtain a copy of the Cochise County Hearing Officer's Rules and Regulations on request.

If you need an interpreter, please bring one with you; the county does not provide an interpreter. Si usted necesita un interprete, favor de traer uno con usted, el condado no le provee un interprete.

Planning, Zoning and Building Safety
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Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

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**COCHISE COUNTY HEARING OFFICER
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Bisbee, Arizona 85603
(520) 432-9240**

COUNTY OF COCHISE, COMPLAINANT

VS.

RUOZI DAVID R SR & DIANE M, RESPONDENT(S).

CASE NO. V-15-358

ANSWER

If you disagree with the complaint, you should explain why in the space below, (use extra sheets, if necessary). Mail this sheet to the Hearing Officer Clerk not less than ten (10) days before the hearing date.

In response to the allegations in the zoning/building enforcement complaint in this case, the respondent(s) states the following:

**Respondent's address for purposes of further correspondence on this matter is:
(Enter your mailing address)**

Dated this _____ day of _____, 2015

Signature of Respondent

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COUNTY OF COCHISE, COMPLAINANT

VS.

**RUOZI DAVID R SR & DIANE M,
 RESPONDENT(S).**

CASE NO. V-15-358

COMPLAINT

Address of Respondent(s):

Property Location:

**PO BOX 477
 PEARCE, AZ 85625-0477**

**W. SANDAL STREET
 PEARCE, AZ. 85625**

Tax Parcel Number and Legal Description of Property:

205-12-347B

**** L E G A L ****

ARIZ SUNSITES #7 LOTS 14 15 & 16 BLK 764 & POR ABAND SANDAL STREET ADJ SAID LOTS 14 15 & 16

ZONING/BUILDING ENFORCEMENT COMPLAINT

The undersigned says that the Respondent(s) on the 16th day of September, through the 15th day of December 2015, did commit a violation of the Cochise County Zoning Regulations, Resolution No. 84-64, section(s) 1811, and 2301 as currently amended, as follows:

Outdoor storage without a principal permitted use, which constitutes a public nuisance.

I certify that upon reasonable grounds, I believe the Respondent(s) committed the act(s) described contrary to law.

Complainant's Name: Chris Saylor

Title: Code Enforcement Officer

Signature: *Chris Saylor*

Date: 12/15/2015

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COUNTY OF COCHISE, COMPLAINANT

VS.

RUOZI DAVID R SR & DIANE M, RESPONDENT(S).

CASE NO. V-15-358

NOTICE OF HEARING

To: RUOZI DAVID R SR & DIANE M
Mailing PO BOX 477
Address: PEARCE, AZ 85625-0477

Ref: Tax Parcel Id. # 205-12-347B

You are hereby notified that the above case has been set for hearing before the Cochise County Hearing Officer on the 21st day of January, 2016 at 9:00 a.m., in the Cochise County Board of Supervisors Hearing Room, located at 1415 Melody Lane, Building G, Bisbee, Arizona. You may disagree with the complaint. If you do, you may file an answer explaining your position on the Answer form included in this packet.

Bring with you any and all exhibits, documents, statements, and witnesses to be offered as evidence in the above case.

IF YOU FAIL TO APPEAR AT THE HEARING, THE HEARING OFFICER WILL CONSIDER THAT YOU HAVE ADMITTED TO THE COMPLAINT AND IMPOSE A CIVIL SANCTION.

You may be represented by counsel or by other designated representative(s) at the hearing. If you are to be represented by counsel, you are requested to notify the hearing officer at least ten (10) days before the hearing date. If you need an interpreter, please bring one with you, the county does not provide an interpreter .

Si usted necesita un interprete, favor de traer uno con usted, el condado no le provee un interprete.

Date

Dominique Lopez
Hearing Officer Clerk

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COUNTY OF COCHISE, COMPLAINANT

VS.

RUOZI DAVID R SR & DIANE M, RESPONDENT.

CASE NO. V-15-358
SUMMONS

YOU ARE COMMANDED TO APPEAR AT A HEARING IN THE ABOVE-REFERENCED CAUSE TO BE HELD AT THE ABOVE ADDRESS ON THE 21st DAY OF JANUARY, 2016, AT 9:00 AM.

FAILURE TO APPEAR MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST YOU.

Acknowledgement:

I hereby acknowledge receipt of the Summons and complaint in the above-referenced cause.

Signature

Printed name

Please keep a copy of this Summons and accompanying Complaint and return a signed copy of this acknowledgement in the enclosed self-addressed stamped envelope to:

Cochise County Hearing Officer
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Bisbee, AZ 85603

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