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# MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

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**TO:** Honorable Richard Elías, Supervisor, District # 5

**FROM:** Arlan M. Colton, Planning Director

**DATE:** October 23, 2013

**SUBJECT:** P13CV00086-1 OTERO, Robert T. & Alice B.

The above referenced Appeal of Decision by Hearing Officer is within your district and is scheduled for the Board of Supervisors' **TUESDAY, NOVEMBER 5, 2013** hearing.

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**REQUEST:** In accordance with the Pima County Zoning Code Section 18.95.030C, OTERO, Robert T. & Alice B., the defendant, appeals the decision of the Hearing Officer in case number P13CV00086-1. The citation was for violations of the Pima County Zoning Code under sections: 18.09.020 B – Improper parking of unoccupied trailers. More than one trailer not permitted in CR 1 zone.

**OWNER:** OTERO, Robert T. & Alice B.  
4241 S. Avenida Don Felipe  
Tucson, AZ 85746

**LOCATION:** 4241 S. Avenida Don Felipe  
Tucson, AZ 85746

**DISTRICT:** 5

**STAFF CONTACT:** Rick Bruster

**STAFF RECOMMENDATION:** TO UPHOLD THE HEARING OFFICER'S DECISION.

RB/TSB/KS/ar  
Attachments

**To: Board of Supervisors  
Pima County, Arizona**  
**From: Thomas Sayler-Brown, Hearing Officer**  
**Case: P13CV00086-1**

**Date: October 17, 2013**

Dear Members of the Board:

This letter is in regards to an undated, handwritten Notice of Appeal submitted by Robert Otero for the above referenced case. While undated, I understand that the appeal was submitted in a timely manner. As stated in the appeal, the defendant believes that by having begun construction of a wall that he should be considered in compliance with the complaint, and he wants the \$150 fine that is due reduced to \$50. He is not disputing the violation. The purpose of this letter is to discuss my position on this case and my recollection of the Hearing.

The defendant was not present at the Hearing.

I accepted the recommendation from the inspector setting a \$750 fine with \$150 due and payable immediately with the balance suspended for 60 days for improper screening of an unoccupied trailer and having more than one trailer on the property. Only one trailer is allowed on a site in a CR-1 zone, and there are screening requirements for the trailer that remains.

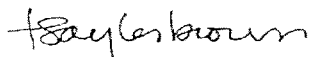
It was my understanding that there were previous violations on this property in regards to other trailers, hence my agreement to a larger down payment of the fine. A permit for the wall was issued a year before the complaint was issued. At the time the complaint was issued, only the foundation of the wall appeared to be constructed and rebar was exposed in what I consider a hazardous condition. I disagree with the notion that beginning construction of the wall screening the trailer would constitute compliance, when the complaint was partly about the unfinished wall itself.

I believe that there is no reason to change anything in regards to the fine imposed.

If you need any more information from me, I am happy to make myself available to you.

Thank you.

Sincerely,



Thomas Sayler-Brown  
Pima County Hearing Officer

Robert Otero

CASE No- P13CV00086-1

I Robert OTERO appeal The  
Hearing OFFICER FINAL judg<sup>o</sup> ment of  
\$150.00.

I WAS AT THE UNDERSTANDING THAT WORKING  
ON A WALL I WAS IN COMPLIANCE WITH THE  
COMPLAINT.

I would like the \$150.00 RECUS<sup>d</sup> TO  
\$50.00. Please

Robert

<p>PIMA COUNTY vs.  Robert T. and Alice B. Otero  Defendant</p>	<p>Case No. <u>P13CV00086-1</u>  <b>JUDGMENT</b></p>
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Defendant Present        Defendant Not Present   X  

The Hearing Officer having heard the evidence by all parties in the matter of the above captioned Zoning/Building Codes Enforcement Complaint, the Hearing Officer finds as follows:

Sufficient evidence, in the form of verbal testimony and of photographs, was presented to find the defendant responsible for a violation of Pima County Zoning Code Section 18.09.020B (Improper parking of unoccupied trailers. More than one trailer not permitted in CR-1 zone)

**IT IS HEREBY ORDERED THAT:**

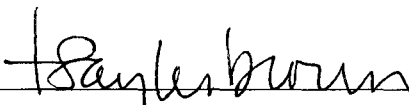
  X   Judgment is entered in favor of Pima County and against Defendant, who is ordered to pay a civil fine in the amount of Seven Hundred and Fifty Dollars (\$750.00), to be paid as follows:

An amount of \$150 is due and payable within 14 days. The balance of the fine, \$600, is suspended for 60 days (until September 23, 2013) in order to bring the property into compliance. Compliance may be achieved by or properly screening the remaining trailer in compliance with Section 18.09.020B of the Code. If compliance is not achieved within 60 days the \$600 balance shall be due and payable.

**FAILURE TO CORRECT VIOLATIONS MAY RESULTS IN FURTHER SANCTIONS.**

       Judgment is entered in favor of Defendant and against Pima County.

ORDERED this 25<sup>th</sup> day of JULY, 2013.

  
 \_\_\_\_\_  
 THOMAS SAYLER-BROWN  
 HEARING OFFICER

**NOTICE OF RIGHT TO APPEAL:** Any party may appeal the Hearing Officer's final Judgment to the Board of Supervisors by filing a written notice of appeal. The notice of appeal shall identify the order or judgment being appealed and shall conform to the requirements of Chapter 4 of the Pima County Zoning Code and Building Code Enforcement Rules of Administrative Procedure. A copy of the Pima County Zoning Code and Building Code Enforcement Rules of Administrative Procedure may be obtained from the Hearing Officer for a nominal charge. THE NOTICE OF APPEAL MUST BE FILED WITHIN FIFTEEN CALENDAR DAYS AFTER THE ENTRY OF THE ORDER OF JUDGEMENT.

Copies mailed <sup>HAND</sup>delivered to parties by AR on 7-25-13  
X Robert Otero 7-25-13



1

Book-Map-Parcel: 119-33-054A      Oblique Image      Tax Year:      Tax Area:0102

**Property Address:**  
**Street No**      **Street Direction**      **Street Name**      **Location**  
 4241      S      AVENIDA DON FELIPE      Pima County

**Taxpayer Information:**      **Property Description:**  
 OTERO ROBERT T & ALICE B JT/RS      MOUNTAIN VILLAGE ESTATES LOT 5 & PT OF ABAND RD  
 4241 S AVENIDA DON FELIPE  
 TUCSON AZ

85746- 0000

**Valuation Data:**

	2013			2014		
	LEGAL CLASS	VALUE	ASMT RATIO	LEGAL CLASS	VALUE	ASMT RATIO
TOTAL FCV	Primary Res (3)	\$158,036	10.0	Primary Res (3)	\$157,021	10.0
LIMITED VALUE	Primary Res (3)	\$158,036	10.0	Primary Res (3)	\$157,021	10.0

**Property Information:**  
 Section: 31  
 Town: 14.0  
 Range: 13.0E  
 Map & Plat: 23/64  
 Block: 0  
 Tract:  
 Rule B District: 14  
 Land Measure: 1.00S  
 Group Code:  
 Census Tract: 4301  
Use Code: 0181 (SFR DOMINANT + ADDITIONAL URBAN SUBDIVIDED )  
 File Id: 1  
 Date of Last Change: 7/12/2005

**Residential Characteristics:**

**Property Appraiser: Renee A. Phone: (520)724-8010**

Appraisal Date: 12/1/2002	Property Type: Single Family Residence
Building Class: 3	Physical Condition: Fair
Total Livable Area: 2308	Garage Type: None
Effective Construction Year: 1975	Garage Capacity: 0
Stories: 1.0	Patio Type: Covered
Rooms: 7	Patio Number: 3
Quality: Fair	Pool Area: 0
Exterior Walls: Slump Block	Valuation Type: 00
Roof Type: Built Up	FCV Adjustment Factor: 1.000
Heating: Forced	Enhancement: 0
Cooling: Evaporative	Bath Fixtures: 6
Area ID: Ed 17-204310-01-3	

**Secondary Livable Area:**

Building: 1	Heating: Forced
Class: 3	Cooling: Evaporative
Quality: Fair	Parking: 0
Sqft: 1056	Patio: None
Year: 2002	Guest House Value: \$22,954
Stories: 1.0	

**Valuation Area:**

Condo Market: 111  
 DOR Market: 51  
 MFR Neighborhood: ST\_EL\_PUEBLO\_PARK  
 SFR Neighborhood: 20431001  
 SFR District: 17

**Recording Information:**

Sequence No.	Docket	Page	Date Recorded	Type
0	5184	453	1976-01-14	

**2**



## Pima County Geographic Information Systems

# Parcel 119-33-054A GIS Overlay Details

Read the [Disclaimer](#). Information is on this page is **unofficial**.

119-33-054A  
 OTERO ROBERT T & ALICE  
 B JT/RS  
 4241 S AVENIDA DON  
 FELIPE  
 TUCSON AZ 85746

MOUNTAIN VILLAGE ESTATES LOT 5 & PT  
 OF ABAND RD

<b>Situs (property) address</b>	<b>Jurisdiction</b>	<b>Postal City</b>	<b>Zip Code</b>
4241 S AVENIDA DON FELIPE	PIMA COUNTY	TUCSON	<u>85746</u>

**Parcel details are derived by GIS overlay analysis. This information is inferred and is not official. It does not come directly from parcel records. Accuracy is limited to that of the underlying GIS data. All data is subject to this disclaimer.**

<b>Zoning - Base</b>
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1	<a href="#">Map*</a>	<b>Zoning - County</b>	<u>CR-1</u>
1	<a href="#">Map*</a>	<b>Zoning - Marana</b>	(none)
1	<a href="#">Map*</a>	<b>Zoning - Oro Valley</b>	(none)
1	<a href="#">Map*</a>	<b>Zoning - Sahuarita</b>	(none)
1	<a href="#">Map*</a>	<b>Zoning - South Tucson</b>	(none)
1	<a href="#">Map*</a>	<b>Zoning - Tucson</b>	(none)

3

<b>Parcel</b>	<b>This is only an estimate from GIS data. See <a href="#">Finding Parcel</a></b>
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[Close Window](#)
[Print Page](#)
**Permit Activity For: 4241 S AVENIDA DON FELIPE PC**
**Description: ADDITION-DETACHED RAMADA(32X30) TO EXISTING SFR**

<b>Permit:</b> 112598	<b>Status:</b> EXPIRED	<b>Situs:</b> 4241 S AVENIDA DON FELIPE PC
<b>Applied:</b> 06/04/1996	<b>Issued:</b> 07/30/1996	<b>Final:</b>
<b>Expire:</b>	<b>Sewer: Septic Discharge Auth:</b>	<b>Parcel:</b> 11933054A
<b>Zoning:</b> <u>CR1</u>	<b>Lot:</b> 5	<b>Subdivision:</b> MOUNTAIN VILLAGE ESTATES (1-30)

**Description: ADDITION: GUEST HOUSE & SEPTIC & REV1: CHANGE WINDOWS & ELIMINATE BAY WINDOW & CHANGE DOORS TO ADA REQUIREMENTS**

<b>Permit:</b> P01CP06892	<b>Status:</b> FINAL	<b>Situs:</b> 4241 S AVENIDA DON FELIPE PC
<b>Applied:</b> 07/11/2001	<b>Issued:</b> 02/22/2002	<b>Final:</b> 09/13/2002
<b>Expire:</b>	<b>Sewer:07/30/2001 Septic Discharge Auth:</b>	<b>Parcel:</b> 11933054A
<b>Zoning:</b> <u>CR1</u>	<b>Lot:</b> 5	<b>Subdivision:</b> MOUNTAIN VILLAGE ESTATES (1-30)

**Description: WALL: PATIO 86 LF X 6'**

<b>Permit:</b> P05CP03183	<b>Status:</b> FINAL	<b>Situs:</b> 4241 S AVENIDA DON FELIPE PC
<b>Applied:</b> 03/17/2005	<b>Issued:</b> 03/22/2005	<b>Final:</b> 07/28/2005
<b>Expire:</b>	<b>Sewer: Septic Discharge Auth:</b>	<b>Parcel:</b> 11933054A
<b>Zoning:</b> <u>CR1</u>	<b>Lot:</b> 5	<b>Subdivision:</b> MOUNTAIN VILLAGE ESTATES (1-30)

**Description: INOPERABLE VEHICLES, DEBRIS, COMMERCIAL STORAGE LOT AND COMMERCIAL VEHICLES**

<b>Permit:</b> P06ZV00212	<b>Status:</b> RESOLVED	<b>Situs:</b> 4241 S AVENIDA DON FELIPE PC
<b>Applied:</b> 04/17/2006	<b>Issued:</b> 05/17/2006	<b>Final:</b>
<b>Expire:</b>	<b>Sewer: Septic Discharge Auth:</b> 06/27/2006	<b>Parcel:</b> 11933054A
<b>Zoning:</b> <u>CR1</u>	<b>Lot:</b> 5	<b>Subdivision:</b> MOUNTAIN VILLAGE ESTATES (1-30)

**Description: STRUCTURE (SHED) BUILT WITHOUT A PERMIT, ADDING ADDITIONAL HEIGHT TO PATIO WALL WITHOUT A PERMIT**

<b>Permit:</b> P09CV00163	<b>Status:</b> RESOLVED	<b>Situs:</b> 4241 S AVENIDA DON FELIPE PC
<b>Applied:</b> 11/06/2009	<b>Issued:</b> 12/28/2009	<b>Final:</b>
<b>Expire:</b> 03/16/2010	<b>Sewer: Septic Discharge Auth:</b> 03/16/2010	<b>Parcel:</b> 11933054A
<b>Zoning:</b> <u>CR1</u>	<b>Lot:</b> 5	<b>Subdivision:</b> MOUNTAIN VILLAGE ESTATES (1-30)

4



**Description: BVIO: ADDITION: STORAGE AND WORKSHOP & REV1:  
ELECTRIC UPGRADE 60 AMP TO 200 AMP**

<b>Permit:</b> P10CP03285	<b>Status:</b> FINAL	<b>Situs:</b> 4241 S AVENIDA DON FELIPE PC
<b>Applied:</b> 06/01/2010	<b>Issued:</b> 06/21/2010	<b>Final:</b> 08/05/2010
<b>Expire:</b>	<b>Sewer: Septic Discharge Auth:</b>	<b>Parcel:</b> 11933054A
<b>Zoning:</b> <u>CR1</u>	<b>Lot:</b> 5	<b>Subdivision:</b> MOUNTAIN VILLAGE ESTATES (1-30)

**Description: EXCESSIVE TRAILERS, OPEN STORAGE, BUILDING  
MATERIALS, INOPERABLE VEHICLES, CHICKEN COOP AND LARGE DIRT  
MOUND**

<b>Permit:</b> P11CV00641	<b>Status:</b> RESOLVED	<b>Situs:</b> 4241 S AVENIDA DON FELIPE PC
<b>Applied:</b> 12/21/2011	<b>Issued:</b> 01/06/2012	<b>Final:</b>
<b>Expire:</b>	<b>Sewer: Septic Discharge Auth:</b> 02/06/2012	<b>Parcel:</b> 11933054A
<b>Zoning:</b> <u>CR1</u>	<b>Lot:</b> 5	<b>Subdivision:</b> MOUNTAIN VILLAGE ESTATES (1-30)

**Description: WALL: PATIO & RETAINNING WALL 718 L.F. X 6" HEIGHT**

<b>Permit:</b> P12CP01268	<b>Status:</b> FINAL	<b>Situs:</b> 4241 S AVENIDA DON FELIPE PC
<b>Applied:</b> 03/05/2012	<b>Issued:</b> 03/05/2012	<b>Final:</b> 03/05/2012
<b>Expire:</b>	<b>Sewer: Septic Discharge Auth:</b>	<b>Parcel:</b> 11933054A
<b>Zoning:</b> <u>CR1</u>	<b>Lot:</b> 5	<b>Subdivision:</b> MOUNTAIN VILLAGE ESTATES (1-30)

**Description: JUNK, TRAILERS, ANIMALS, UNFINISHED WALL**

<b>Permit:</b> P13CV00086	<b>Status:</b> CITATION	<b>Situs:</b> 4241 S AVENIDA DON FELIPE PC
<b>Applied:</b> 02/28/2013	<b>Issued:</b>	<b>Final:</b>
<b>Expire:</b> 04/25/2013	<b>Sewer: Septic Discharge Auth:</b> 03/27/2013	<b>Parcel:</b> 11933054A
<b>Zoning:</b> <u>CR1</u>	<b>Lot:</b> 5	<b>Subdivision:</b> MOUNTAIN VILLAGE ESTATES (1-30)

**Description:**

<b>Permit:</b> P02IM01904	<b>Status:</b> OPEN	<b>Situs:</b> 4241 S AVENIDA DON FELIPE PC
<b>Applied:</b> 08/08/2002	<b>Issued:</b>	<b>Final:</b>
<b>Expire:</b>	<b>Sewer: Septic Discharge Auth:</b>	<b>Parcel:</b> 11933054A
<b>Zoning:</b> <u>CR1</u>	<b>Lot:</b> 5	<b>Subdivision:</b> MOUNTAIN VILLAGE ESTATES (1-30)









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<b>PIMA COUNTY</b>  vs.  <b>OTERO,</b> <b>Robert T. and Alice B.</b>  <b>Defendant</b>	Case No. <b><u>P13CV00086-1</u></b>  <b>ORDER SETTING HEARING</b>
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The Hearing Officer having been advised that:

X  A plea has been entered in the above referenced case by Robert Otero

Defendant has failed to appear as required.

IT IS HEREBY ORDERED that a hearing is set for the  25<sup>th</sup>  day of  JULY , 2013  at  9:30 a.m.  at  Basement Level Conference Room 'C', 201 N. Stone Ave.,  Tucson, Arizona, in order for the hearing officer to hear the evidence and determine whether or not there is a violation as alleged in the Zoning/Building Code Enforcement Complain, and to set sanctions as determined appropriate.

SO ORDERED this  6<sup>th</sup>  day of  JUNE , 2013.

  
\_\_\_\_\_  
HEARING OFFICER

NOTICE OF RIGHT TO COUNSEL OR OTHER DESIGNATED REPRESENTATIVE: Defendant has the right to appear and be represented by a designated representative. The designated representative may be an attorney or any other person **authorized in writing, signed by the Defendant, to act on behalf of Defendant.** A form available for this purpose may be obtained from the Hearing Officer. Absent extraordinary circumstances, Defendant's right to be represented by counsel or other designated representative is waived unless notice is given to the Hearing Officer at 201 N. Stone, Tucson, Arizona, at least ten calendar days before the hearing

Copies mailed /delivered to parties by AR on 6/10/13  
Sent to the Constable's Office by \_\_\_\_\_ on \_\_\_\_\_

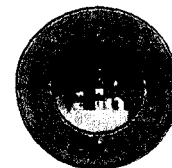
**KS**  
Form HO-86-4  
REV 09/2010

DEFENDANT: \_\_\_\_\_

DATE: \_\_\_\_\_



**Citation**  
**Code Enforcement**  
 201 N. Stone Avenue, 2nd Floor  
 Tucson, AZ 85701  
 (520) 740-6441 Fax: (520) 623-5411



## ENTRY OF PLEA to Citation #: P13CV00086

**Please bring the completed ENTRY OF PLEA Form with you on the date and time listed on the Citation.**

The case will be heard at that time OR you may request that it be heard at a later date by the Hearing Officer. Should you fail to attend the Hearing you will be served by the Constable with a Notice of Hearing. **You may also incur fees for service by the Constable.**

Pursuant to Pima County Zoning and Building Code Enforcement Rules of Procedure Section 205, the named Defendant(s) may enter a plea concerning this Complaint and may receive a Judgment or Notice of Hearing as outlined below.

Check one box:

- The Defendant admits responsibility for the violation(s) AND accepts the recommendations of the Inspector. The Hearing Officer will issue a Judgment that includes the recommendations as listed on the Citation.
- The Defendant denies responsibility for the violation(s) OR rejects the recommendations of the Inspector.

By completing and submitting this form, I waive personal service of this Citation and personal service of any Notice of Hearing in the manner provided by A.R.S. § 11-808. I understand and agree that all future notices and correspondence may be served upon me by mail at the address that I have provided below. I also understand that a Judgment may be entered against me if the Hearing Officer schedules a Hearing and I do not appear after Notice of the Hearing is sent to me by mail.

Defendant Name (Please Print):	Address:	883-7010
	City, State, ZIP Code:	520-591-2933 Cel
	Phone #:	

Defendant Signature: Robert [Signature] Date: 5-30-13

If you bring the property into compliance with the items listed under REQUIREMENTS TO RESOLVE VIOLATION(S) prior to the date shown under NOTICE OF HEARING DATE, please notify the Inspector assigned to your case. If the Inspector is able to verify that the violation(s) have been resolved, the Citation may be withdrawn and no hearings scheduled. To contact our office, please call (520) 740-6441.

Retain a copy for your records

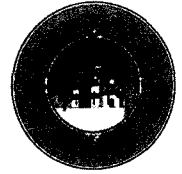
7-25-13







**Citation**  
**Code Enforcement**  
 201 N. Stone Avenue, 2nd Floor  
 Tucson, AZ 85701  
 (520) 740-6441 Fax: (520) 623-5411



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Defendant Name (Please Print):	Address:	
	City, State, ZIP Code:	
	Phone #:	

Defendant Signature: \_\_\_\_\_

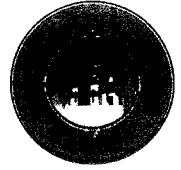
Date: \_\_\_\_\_

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Retain a copy for your records



**Citation**  
**Code Enforcement**  
201 N. Stone Avenue, 2nd Floor  
Tucson, AZ 85701  
(520) 740-6441 Fax: (520) 623-5411



**NOTICE OF DESIGNATED REPRESENTATIVE**

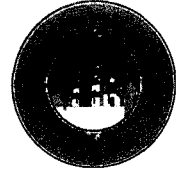
**CITATION #: P13CV00086**

Pursuant to the Pima County Zoning and Building Code Enforcement Rules of Procedure Section 206, the named Defendant(s) may be represented by counsel or by any other adult person designated. **If the Designated Representative is an attorney, notification must be made in writing and submitted to the Hearing Officer a minimum of 10 days prior to the Hearing date.** The Designated Representative's address will be used for all notices and correspondences related to this Administrative Hearing process. Mail this form to: Pima County Code Enforcement, 201 N. Stone Avenue, Tucson, AZ 85701. To contact our office please call Code Enforcement at (520) 740-6441.

Defendant Name:	Defendant's address:  City, State, Zip Code:	
Designated Representative Name:	Representative's Address:  City, State, Zip Code:  Phone #:	

Is Designated Representative an Attorney?      Yes       No

Signature of Defendant \_\_\_\_\_ Date: \_\_\_\_\_



**CITATION #: P13CV00086**  
**PLAN REQUIREMENTS TO OBTAIN A PERMIT FOR CITATION**

Site Plan:	Plans Required to obtain a permit:
------------	------------------------------------



"double click to insert picture"

- Site plan including all utility lines.
- Foundation plan including existing structure.
- Elevation drawings.
- Structural section drawings.
- Wall, roof and/or floor framing plans.
- Mechanical plan.
- Electrical plan.
- Plumbing plan.
- Structural calculations.
- Engineer or Architect's seal on plans.
- Energy code calculations.
- Soil bearing report.
- Outdoor lighting code calculations.
- 
- 
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"double click to insert picture"