



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Ally Miller, Supervisor, District # 1

FROM: Arlan M. Colton, Planning Director

DATE: October 23, 2013

SUBJECT: P13CV00057-1 CAMPBELL, Brad

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.

REQUEST: In accordance with the Pima County Zoning Code Section 18.95.030C, BRAD CAMPBELL, the defendant, appeals the decision of the Hearing Officer in case number P13CV00057-1. The citation was for violations of the Pima County Zoning Code under sections: 18.07.030 C, 18.09.020 P and Q – Open storage / improper storage of inoperable vehicles and boat.

OWNER: CAMPBELL, Brad
6285 N. Papaya Place
Tucson, AZ 85741
(District 1)

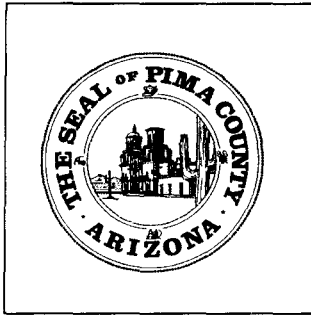
LOCATION: 6285 N. Papaya Place
Tucson, AZ 85741

DISTRICT: 1

STAFF CONTACT: Rick Bruster

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

RB/JP/KS/ar
Attachments



Board of Supervisors Memorandum

FOR BOARD OF SUPERVISORS NOVEMBER 5, 2013 PUBLIC HEARING

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Pima County Hearing Officer

DATE: October 17, 2013

SUBJECT: P13CV00057-1 – MR. BRAD CAMPBELL

APPEAL OF DECISION BY HEARING OFFICER

In accordance with the Pima County Zoning Code Sec. 18.95.030.C, Mr. Brad Campbell hereby appeals the decision of the Hearing Officer in Case No. P13CV00057. There was one (1) citation issued in this case, that being issued for the open and improper storage of used materials, vehicles, etc. The defendant's appeal pertains not to the Judgement's finding of responsibility for that violation, but to the fines that were demanded by the Hearing Officer.

The citation was originally issued on February 20, 2013. The Hearing on the citation took place on May 23, 2013. Mr. Campbell was present at the hearing.

This is a case wherein Mr. Campbell is a tenant on the property in question (which is owned by the John & Kathy Smith Trust). At the 23 May, 2013 hearing on this matter, Mr. Campbell (as tenant) formally accepted the position of defendant in the case and expressed his intention to clean up the property so as to address the violation. He also expressed his disagreement with the fine that was being recommended by the Pima County Enforcement Inspector and indicated the likelihood that he would appeal said fine.

After having heard the testimony of both the defendant and Pima County Code Enforcement Staff, the Hearing Officer took the case under advisement and subsequently found the Defendant responsible for the one (1) violation in question and issued his written Judgement on May 28, 2013.

Fines were levied by the Hearing Officer as follows:

The Hearing Officer accepted the recommendation as put forth by the Enforcement Inspector, thereby mandating the following fine be due and payable:

Citation P13CV00057-1 (open and improper storage of used materials, vehicles, etc).


A total fine of \$750.00 was levied, \$375.00 of which was made due and payable within fourteen (14) days of the date of the Judgement, with the remaining \$375.00 amount suspended for a period of thirty (30) days to allow the completion of the physical clean-up of the property.

The up-front amount of the fine due resulted from the fact that the property in question has been the subject of multiple violations for this same offense. This rationale/explanation was also stressed on the May 28, 2013 Judgment issued in the case.

Mr. Campbell appealed the hearing officer's decision in accordance with the Rules of Administrative Procedure on July 9, 2013. In his appeal letter, he indicated his objection to the amount of the fines made due by the Hearing Officer. He also provided several points of information to justify his stance against the fines.

Attached are copies of the defendant's appeal, the citation, *Judgements*, and other paperwork attendant to this case.

Respectfully Submitted:



Jim Portner
Pima County Hearing Officer

October 17, 2013

Date

9 July 2013

RECEIVED
JUL 19 2013

Pima County Zoning/Building Codes
Enforcement Hearing Officer
201 N Stone Ave
Tucson AZ 85701

BY:

RE: Case Number: P12CV00057-1
Campbell, Brad

To Whom It May Concern:

I have expressed and continue to express my disapproval of the fine evoked upon me in reference to the above case. I have been the target of harassment by my ex step brother, his wife and family due to the ongoing divorce issues between our parents.

The issues are as follows:

1. Both complaints were made from the same email address, the first complaint was done by Jack Smith using his wife's (Misty Wilson Smith) email address and his cell phone number, the second complaint was done anonymously but yet has the wife's email address and her cell phone number.
2. Both complaints were made after court decisions that were not in favor of Jack Smith's father
3. The complaints talked about illegal dumping and running an auto repair business out of the home and in the second complaint the reportee complained about late night noises, how is that possible when the reportee lives 3.6 miles away from me (2411 W Golda Pl). How would these people know what I do at my home if they are not my neighbors? This means that they are stalking me and harassing me through your jurisdiction and you are allowing it. 99.9% of complaints come from neighbors not individuals that live 3.6 miles away and complain about issues that are impossible for them to be aware of living 3.6 miles away.
4. In both cases I had to move items from where they were being stored due to the divorce issues and I had to bring them to where I lived as an interim location until I was able to find a place to move everything, which does take time. Attached is a Seizure notice from Arizona Game and Fish Department that I received when I was trying to license the boat and now I am unable to move it until I get the situation resolved with them.
5. I have been at this location since 1994 and have had one other complaint about auto repair being done and if you looked into that case it was closed due to harassment by an ex

girlfriend. Not once in all my years have I had a neighbor call in a zoning complaint or any other legitimate complaint to zoning enforcement.

Let's also address the issue of your appeals process in which I fine you \$375.00 for my time as it is just as valuable as yours. As per the judgment paper and the instructions to appeal the form states

NOTICE OF RIGHT TO 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.....

Now as per the Pima County Zoning Code and Building Code Enforcement Rules of Administrative Procedure:

Chapter 4:
Appeal of Hearing Officer Decision

403. Notice of Appeal

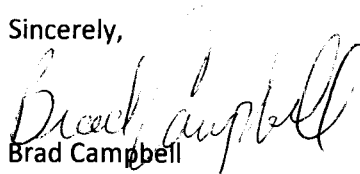
403.1 Appealing Hearing Officers Decision

An appeal to the Board of Supervisors shall be taken by filing with the Hearing Officer or the Hearing Officer's secretary a written notice of appeal ***on a form provided by the Pima County Development Services Department***, specifying the issues appealed.

What a contradiction and easy way for appeals to delay individuals like myself from filing an appeal. After being shuffled around to different departments trying to find this form and then having the secretary be out in order to get this form is a very big inconvenience to me. I left a note for her to contact me in regards to the proper form and come to find out there is not one.

There has been a wrongfully applied fine to myself due to the fact that you are allowing individuals who are not local to my neighborhood to harass me through your jurisdiction.

Sincerely,


Brad Campbell

TO RECIPIENT

John McGEHEE
SEIZURE
ARIZONA GAME and FISH DEPARTMENT
— DO NOT REMOVE —
591-7094

SEIZED FROM: _____
DATE: _____
LOCATION: _____
DESCRIPTION: _____
EVIDENCE/PROPERTY NO.: _____
WITNESSES PRESENT: _____
SEIZED BY: _____

SEIZURE TAG-DO NOT REMOVE

06864
ARIZ. GAME and FISH DEPT.

BEFORE THE PIMA COUNTY ZONING/BUILDING CODES
ENFORCEMENT HEARING OFFICER

201 N. Stone Ave., Tucson, AZ 85701
(520) 740-6800

PIMA COUNTY

vs.

CAMPBELL,

Brad,

Defendant

Case No. P13 CV00057-1

JUDGMENT

Defendant Present X Defendant Not Present _____

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:

Based upon photographic and other evidence presented by the Pima County Code Enforcement Inspector at the hearing of May 23, 2013, the defendant is found responsible for a violation of Sec. 18.09.020.P & Q and Sec. 18.07.030.C (open and improper storage of used materials, vehicles, boat, etc.) of the Pima County Zoning Code.

BASED ON THE ABOVE FINDINGS, 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 fifty Dollars (\$750.00), to be paid as follows:

A fine of seven hundred fifty dollars (\$750.00) is levied, \$375.00 of which is due within fourteen (14) days of the date of this Judgement and the remaining amount of which is suspended for a period of thirty (30) days from the date of this Judgement so as to provide the Defendant the opportunity to bring the property into full compliance with the Code. Upon achievement of compliance within thirty (30) days per the following, the fine shall be dismissed:

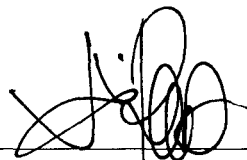
1. Remove all remaining open storage from the property, or properly store and/or screen it on the property in accordance with all applicable Zoning Code requirements.

Note: Per the discussion with the defendant at hearing, Mr. Campbell (as the tenant on the property) formally accepts the position of Defendant in this case, in that he is a beneficiary of the John and Kathy Smith Trust which owns the property. The citation was formally amended to reflect this change at the May 23, 2013 hearing on the case.

Note: The up-front portion of the fine made due and payable within fourteen (14) days is levied due to the fact that this property has been the subject of multiple citations for the same offense by the same property owners. Mr. Campbell has indicated that he may appeal this decision, but with respect to the fine only, and that he will nonetheless still complete the clean-up of the property within the above prescribed thirty (30) day period from the date of this Judgement.

FAILURE TO CORRECT VIOLATIONS MAY RESULTS IN FURTHER SANCTIONS.

ORDERED this 28th day of May, 2013.



HEARING OFFICER (Jim Portner)

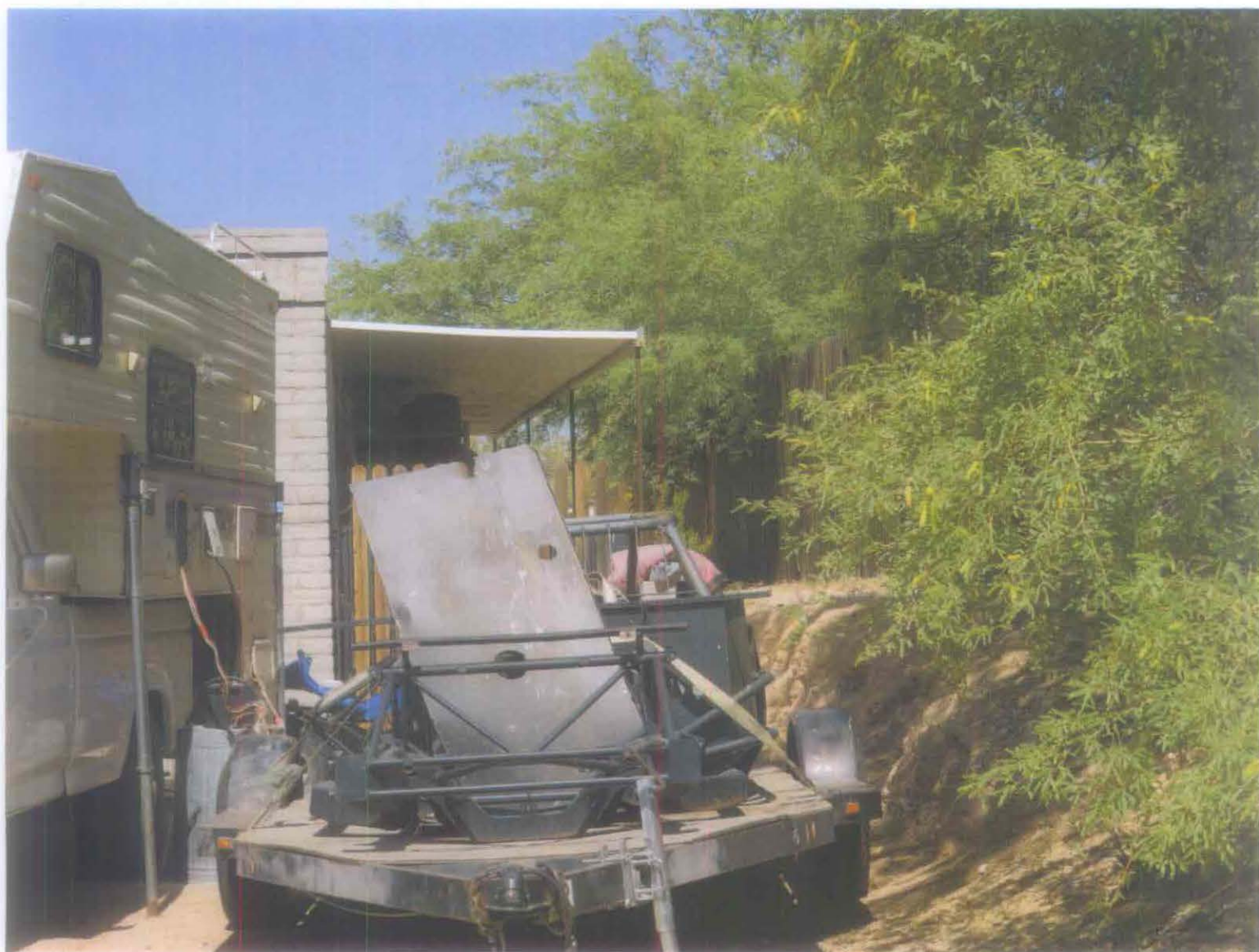
NOTICE OF RIGHT TO APPEAL: Any party may appeal the Hearing Officer's final Judgment to the Board of Supervisors by filing a written notice of appeal. The notice of appeal shall identify the order or judgment being appealed and shall conform to the requirements of Chapter 4 of the Pima County Zoning 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/delivered to parties by AR on 5-28-13

Notice Delivery: First Class Mail: XX Certified Mail: _____ Given to _____ on site.



B 1

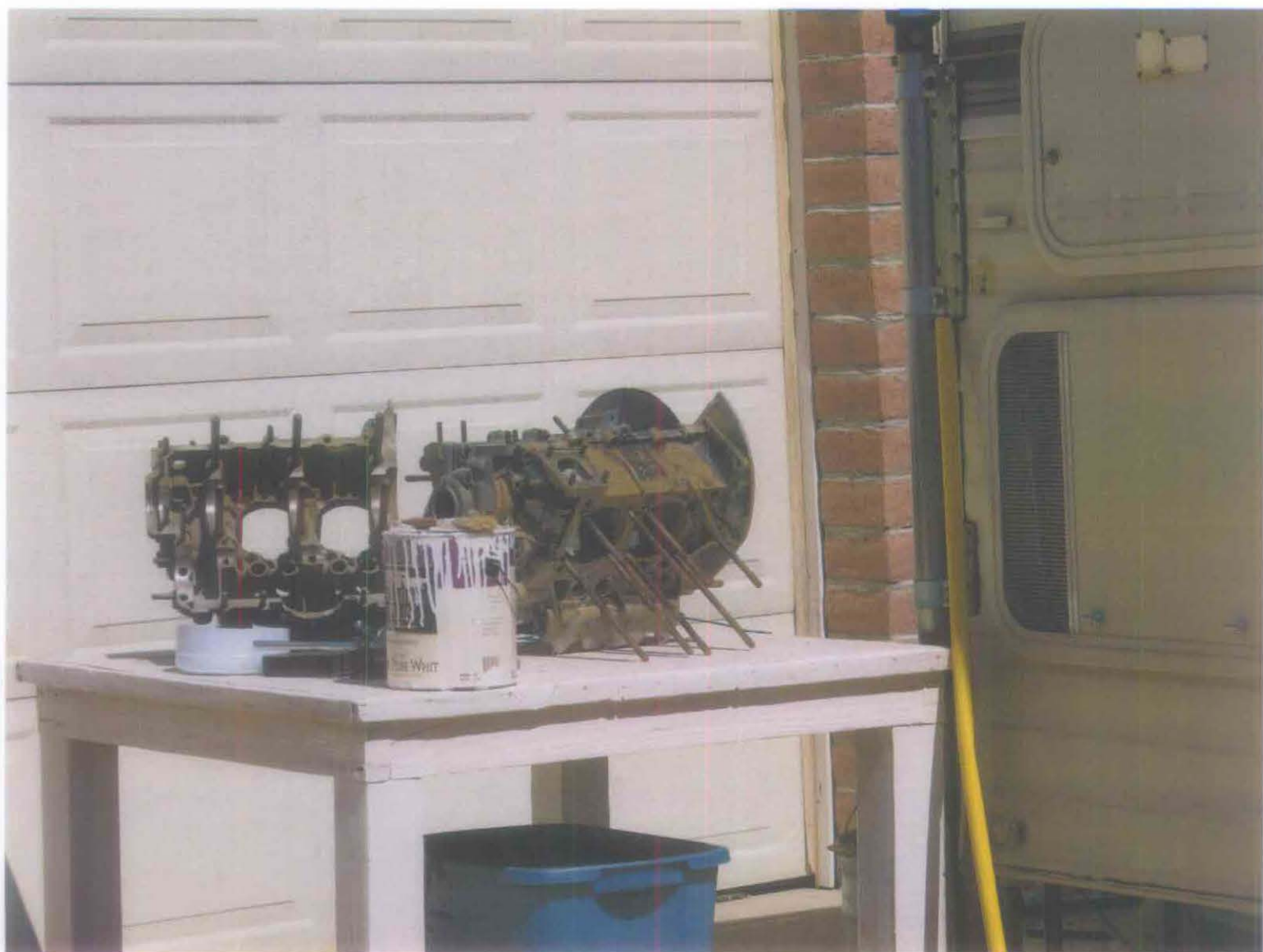
















| [Home](#) |



Parcel number **101100540** Located at **6285 N PAPAYA PL** Is Zoned **CR-2**

| [Return to Zoning Search by Address](#) |



[Disclaimer](#) | [Privacy Statement](#) | [Webmaster](#) | [Director](#)

Copyright ©2004, All rights reserved, Revised: Thursday, February 15, 2007 7:14 PM



Tax Area: 1035**Property Address:****Street No**

Street Direction

Street Name

Location

6285

N

PAPAYA PL

Pima County

Taxpayer Information:

SMITH JOHN T JR & M KATHY TR

6285 N PAPAYA PL

TUCSON AZ

Property Description:

CASAS ADOBES PARK LOT 40

(10676/2366 & 2367)

85741- 0000

Valuation Data:

		2013				2014		
	LEGAL CLASS	VALUE	ASMT RATIO	ASSESSED VALUE	LEGAL CLASS	VALUE	ASMT RATIO	ASSESSED VALUE
TOTAL FCV	Primary Res (3)	\$85,916	10.0	\$8,591	Primary Res (3)	\$101,428	10.0	\$10,143
LIMITED VALUE	Primary Res (3)	\$85,916	10.0	\$8,592	Primary Res (3)	\$94,508	10.0	\$9,451

Property Information:

Section:	9
Town:	13.0
Range:	13.0E
Map & Plat:	26/27
Block:	0
Tract:	
Rule B District:	3
Land Measure:	1.00S
Group Code:	
Census Tract:	4610
<u>Use Code:</u>	0131 (SFR GRADE 010-3 URBAN SUBDIVIDED)
File Id:	1
Date of Last Change:	7/12/2005

Residential Characteristics:

Property Appraiser: Karen E. Phone: (520)724-3042

Appraisal Date:	5/24/2012	Property Type:	Single Family Residence
Building Class:	3	Physical Condition:	Fair
Total Livable Area:	1284	Garage Type:	Garage
Effective Construction Year:	1974	Garage Capacity:	3
Stories:	1.0	Patio Type:	Covered
Rooms:	6	Patio Number:	1
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 5-204610-10-3		

Valuation Area:

Condo Market:	11
DOR Market:	15
MFR Neighborhood:	FW_WEST_NW
SFR Neighborhood:	20461010
SFR District:	5

Recording Information:

Sequence No.	Docket	Page	Date Recorded	Type
93213216	9679	2344	1993-12-01	

Owner's Estimate:

Tax Year	Estimate
2013	\$82,000.00

3


[Close Window](#)
[Print Page](#)
Permit Activity For: 6285 N PAPAYA PL PC
Description: SLAB ONLY 18 X 39
Permit: 105182

Status: EXPIRED

Situs: 6285 N PAPAYA PL PC

Applied: 11/16/1995

Issued: 11/16/1995

Final:
Expire:
Sewer: Septic Discharge Auth:
Parcel: 101100540

Zoning: CR2
Lot: 40

Subdivision: CASAS ADOBES PARK
(1-93)

Description: ADDITION-ATTACHED CARPORT 702 SF, 1 STRY, U1, VN
Permit: 110166

Status: FINAL

Situs: 6285 N PAPAYA PL PC

Applied: 04/03/1996

Issued: 04/09/1996

Final: 02/27/2001

Expire:
Sewer: Septic Discharge Auth:
Parcel: 101100540

Zoning: CR2
Lot: 40

Subdivision: CASAS ADOBES PARK
(1-93)

Description: RUNNING REPAIR SHOP, EXCESSIVE CARS AND BOATS, DUMPING OIL
Permit: P12CV00268

Status: RESOLVED

Situs: 6285 N PAPAYA PL PC

Applied: 05/11/2012

Issued:
Final:
Expire: 06/12/2012

Sewer: Septic Discharge Auth:
06/27/2012

Parcel: 101100540

Zoning: CR2
Lot: 40

Subdivision: CASAS ADOBES PARK
(1-93)

Description: JUNK AND JUNK CARS, WORKING ON CARS AT RESIDENCE
Permit: P13CV00057

Status: CITATION

Situs: 6285 N PAPAYA PL PC

Applied: 02/12/2013

Issued:
Final:
Expire: 02/20/2013

Sewer: Septic Discharge Auth:
03/28/2013

Parcel: 101100540

Zoning: CR2
Lot: 40

Subdivision: CASAS ADOBES PARK
(1-93)

Description: GAS LINE: NEW 6 TO RELOCATE METER
Permit: P98CP11895

Status: FINAL

Situs: 6285 N PAPAYA PL PC

Applied: 12/11/1998

Issued: 12/11/1998

Final: 12/15/1998

Expire:
Sewer: Septic Discharge Auth:
Parcel: 101100540

Zoning: CR2
Lot: 40

Subdivision: CASAS ADOBES PARK
(1-93)

Description: OPERATING AN AUTO REPAIR BUSINESS
Permit: ZV-001267

Status: CLOSED

Situs: 6285 N PAPAYA PL PC

Applied: 03/19/1996

Issued: 03/27/1996

Final:
Expire:
Sewer: Septic Discharge Auth:
05/16/1996

Parcel: 101100540

Zoning: CR2
Lot: 40

Subdivision: CASAS ADOBES PARK
(1-93)

4



BI







4









8







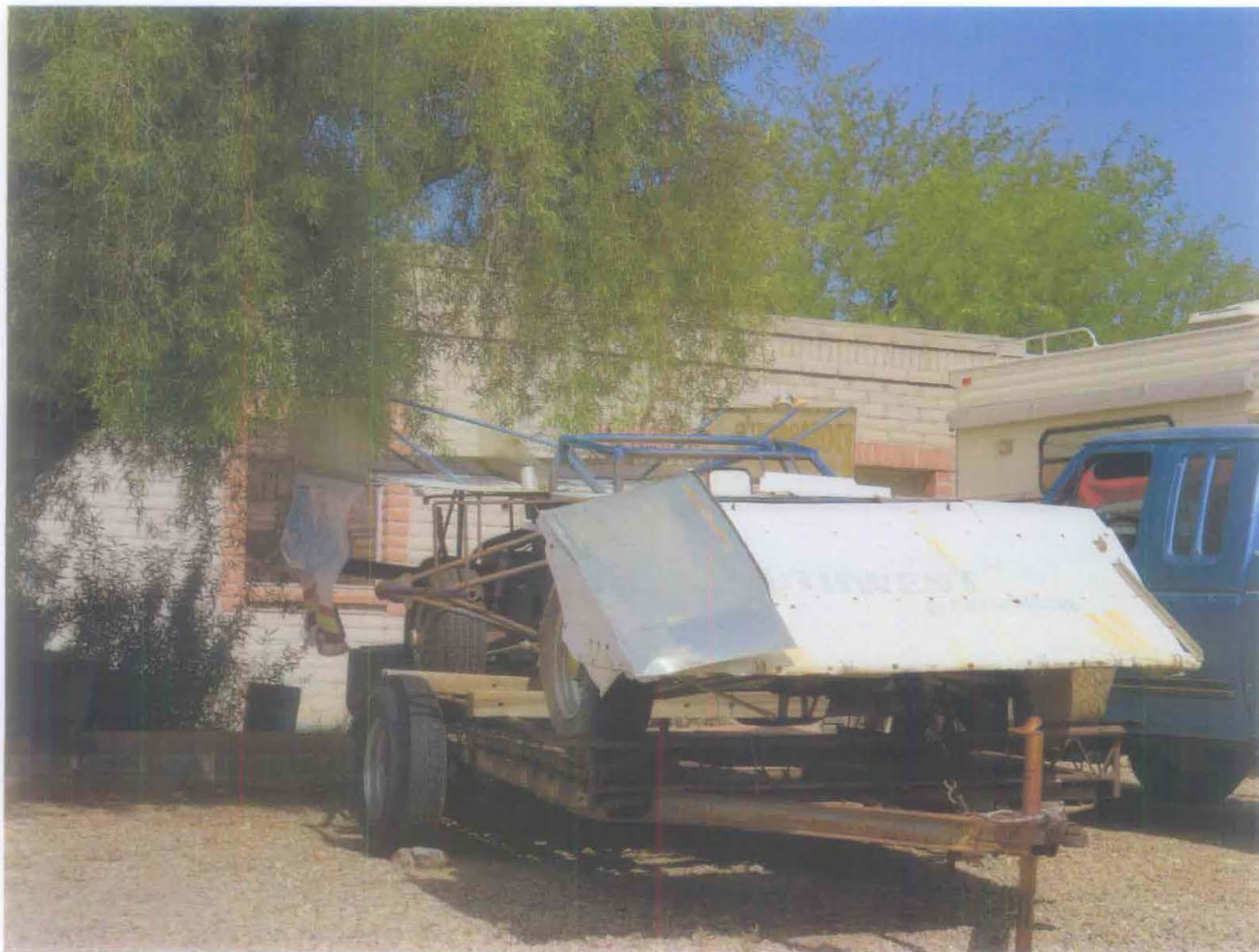
Activity: P13CV00057 4/17/13 #1

P13CV00057, 6285 N PAPAYA PL. KGS.

Printed: 04-23-2013 KATHLEEN SIMPSON, Inspector



CI









5











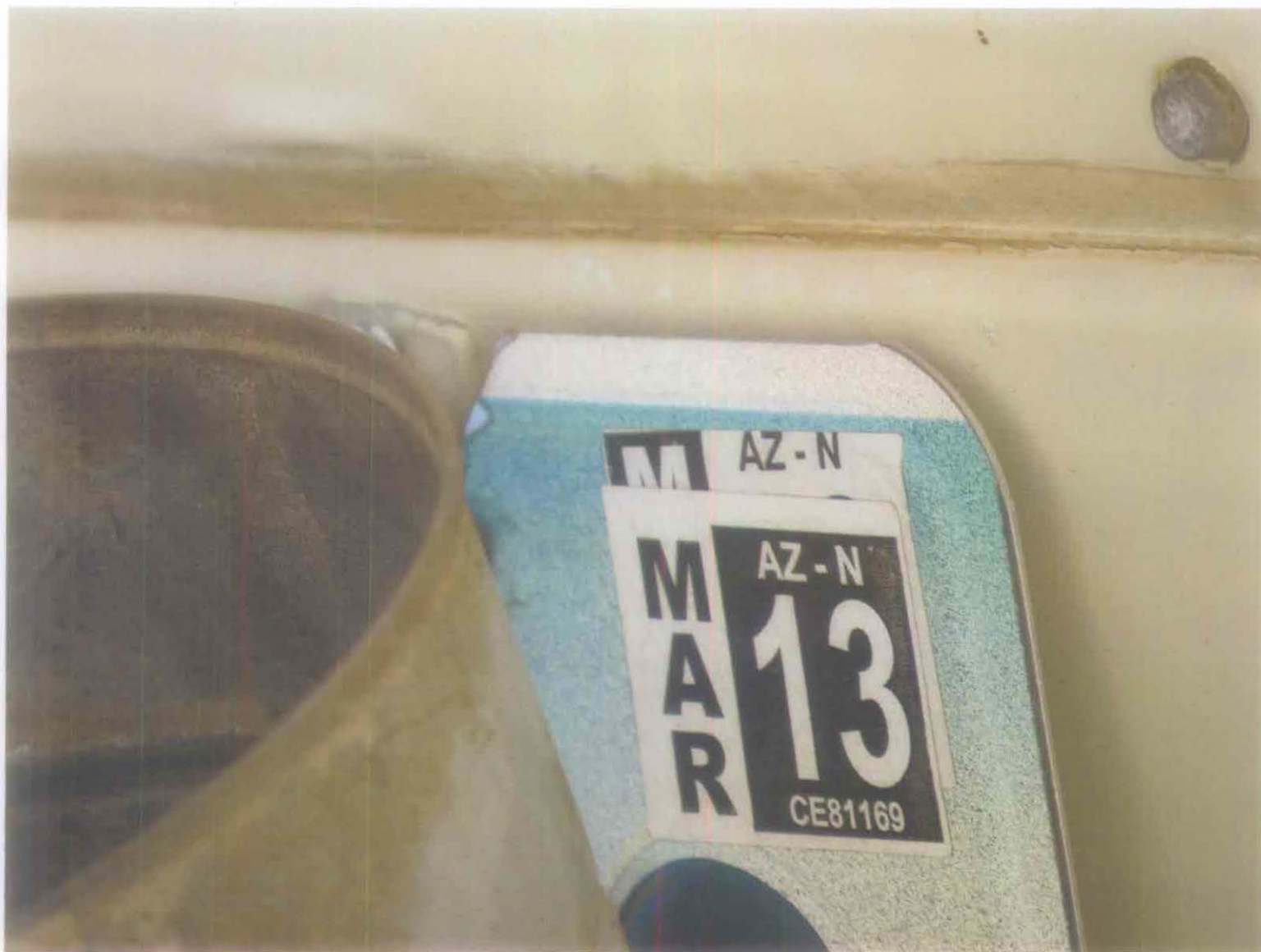
10*







13





Pictometry Photos
Tue 05/08/2012, 08:01 MST
178% Zoom

Year
2012 ▼

Navigation icons: zoom in, zoom out, 100%, zoom reset, pan, hand, person, and other controls.

Compass rose showing North (N), South (S), East (E), and West (W).

Map controls: back, forward, grid, MG, D, H, L, A, E, B, and other settings.

Address input field: Adr Num

Feed icon



The aerial photograph shows a residential neighborhood. In the center, there is a large house with a light-colored roof and a swimming pool to its right. Several other houses are visible, some with dark roofs and others with lighter ones. There are many trees and green spaces throughout the area. A road or driveway runs through the middle of the image. The overall scene is a typical suburban residential area.

<p>PIMA COUNTY</p> <p>vs.</p> <p>SMITH, John T. Jr. and M. Kathy TR</p> <p>Defendant</p>	<p>Case No. <u>P13CV00057-1</u></p> <p>ORDER SETTING HEARING</p>
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The Hearing Officer having been advised that:

_____ A plea has been entered in the above referenced case by _____

☒ Defendant has failed to appear as required.

IT IS HEREBY ORDERED that a hearing is set for the 23rd day of MAY, 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 11th day of APRIL, 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 dys before the hearing

Copies mailed/delivered to parties by _____ on _____
Sent to the Constable's Office by AR on 4-16-13

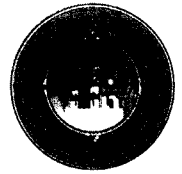
KS
Form HO-86-4
REV 09/2010

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 #: P13CV00057

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:	
	City, State, ZIP Code:	
	Phone #:	

Defendant Signature: _____

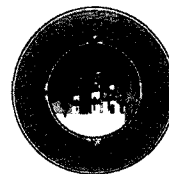
Date: _____

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



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



NOTICE OF DESIGNATED REPRESENTATIVE

CITATION #: P13CV00057

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.

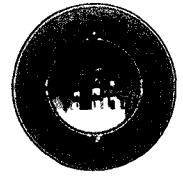
Defendant Name:	Defendant's address: City, State, Zip Code:	
Designated Representative Name:	Representative's Address: City, State, Zip Code: Phone #:	

Is Designated Representative an Attorney?

Yes ☐

No ☐

Signature of Defendant _____ Date: _____



CITATION #: P13CV00057

PLAN REQUIREMENTS TO OBTAIN A PERMIT FOR CITATION

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



- ☐ 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.
- ☐
- ☐
- ☐

