BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: July 7, 2015

Title: P14CV00595-1, 2 KINDLER, Christopher J. & Valerie M.

Introduction/Background:

This is an appeal of a Judgment made by the Hearing Officer for a citation of code violations.

Discussion:

The Defendants are asking for an exception to the rules and regulations due to the hardship it would cause them to comply.

Conclusion:

The Zoning Code (rules and regulations) needs to be enforced for everyone equally.

Recommendation:

Staff recommends the Hearing Officer's decision be upheld.

Fiscal Impact:

0

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ All

JUN 24 '15 AM 10:29 PC CLK OF BD

Department: Development Services - Code Enforcement Telephone: 724-9000

for Department Director Signature/Date: 6/17/2015

Deputy County Administrator Signature/Date: for 6/23/15

County Administrator Signature/Date: 6/23/15

PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Raymond J. Carroll, Supervisor, District # 4

FROM: Arlan M. Colton, Planning Director

DATE: June 15, 2015

SUBJECT: **P14CV00595-1, 2** **KINDLER, Christopher J. & Valerie M.**

The above referenced Appeal of Decision by Hearing Officer is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JULY 7, 2015** hearing.

REQUEST: In accordance with the Pima County Zoning Code Section 18.95.030 C, KINDLER, Christopher J. & Valerie M., the defendants, appeal the decision of the Hearing Officer in case number P14CV00595-1, 2. The citation was for violations of the Pima County Zoning Code under sections: 1) 18.07.030 C, 18.09.020P/Q –Open storage. 2) 18-14-020, 18.14.030 – Parking/storing semi-trailers and portable office trailers not a permitted or conditional use in GR 1.

OWNER: KINDLER, Christopher J. & Valerie M.
14100 E. Calle Bacardi
Vail, AZ 85641

LOCATION: 14100 E. Calle Bacardi
Vail, AZ 85641

DISTRICT: 4

STAFF CONTACT: Rick Bruster / Kathleen Simpson

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

RB/MM/KS/ar
Attachments

FOR BOARD OF SUPERVISORS JULY 7, 2015 PUBLIC HEARING

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Michael Marks, Pima County Hearing Officer

DATE: May 29, 2015

SUBJECT: **P14CV00595-1, 2**
Pima County vs. Christopher J. and Valerie M. Kindler

APPEAL OF DECISION BY HEARING OFFICER

In accordance with the Pima County Zoning Code Section 18.95.030C, Christopher J. and Valerie M. Kindler, the defendant, appeals the decision of the Hearing Officer intwo related cases. The citation for case P14CV00595-1 was for a violation of Zoning Code Sections **18.07.030C, 18.09.020P & 18.09.020Q (open storage)**. The citation for case P14CV00595-2 was for a violation of Zoning Code Sections **18.14.020 & 18.14.030 (parking/storing semi-trailers and portable office trailers not a permitted or conditional use in the GR-1 zone)**. Both citations affect activities on the property under the defendants' ownership and located at **14100 E. Calle Bacardi, Vail Arizona.**

The citations in the referenced cases were issued on **February 5, 2015**. The hearing before the Hearing Officer was held on **April 2, 2015**. The defendants were both present at the hearing. The Zoning Inspector presented verbal testimony and photographs demonstrating that the property was in violation of Sections **18.07.030C, 18.09.020P & 18.09.020Q (for Citation #1)** and Sections **18.14.020 & 18.14.030 (for Citation #2)** of the Zoning Code. After all the testimony was given, by both the Zoning Inspector and the defendant, and after the Zoning Inspector presented her recommendation, the hearing was closed and the Hearing Officer then rendered his decision. The Hearing Officer found that there was sufficient evidence to find the defendant responsible for a violation of theZoning Code sections referencedabove with respect to both citations.

The Judgment was issued on **April 9, 2015**. The defendant was ordered to pay a fine of $750 with no amount due and payable immediately but with the entire amount suspended for **60 days** for each of the two citations and to bring the property into compliance with the Code in the manner specifically noted in each Judgment. Should compliance be found to have been achieved within 60 days the full amount of the fine would be waived, but if compliance was found to have not been achieved within that time period thefull amount of the fine for each of the two citations would then become due and payable.

On **April 17, 2015** the defendant filed a letter appealing the Hearing Officer's Judgment in both citations. This filing conformed to the requirement that an appeal be filed within 15 days of the date of the mailing of the judgment. The defendants explain that given their personal circumstances that they are deserving of an exception from the Zoning Code sections applicable to both citations.

Attached are copies of the citations, he Judgments, the defendant's letter of appeal, and other pertinent documents.

17 April 2015

REQUEST FOR APPEAL ON CASE # P14CV00595-1, 2

FROM: CJ and Valerie Kindler
14100 E Calle Bacardi
Vail, Az 85641

APR 22 2015
BY:

We are requesting an Appeal with the Board of Supervisors on our case. The original complaint was made by the owner of the land in front and behind us. He does NOT live out in our rural area. We live 1/2 mile down a dirt road. Our neighbors who DO live out there have NO problem with our property or what we have on it. The original citation was for 3 of the 5 trailers as well as the neatly stacked materials at the back of our property. When we went to the hearing on the 2nd of April 2015, we were under the impression that we were going before a judge to state our case on these trailers and why it was not feasible at this time to remove them from our property, What we got was an inspector now stating all 5 trailers need to be removed as well as the materials in the back to be abated and a mediator who went along with whatever the inspector said with no consideration to our position on why we are unable to comply with their decision. We had researched the zoning regulations for GR-1 before we got these trailers and we did not find ANY restrictions from utilizing retired trailers that were no longer serviceable for their original use but were being advertised by the sellers of these trailers to be used for extra storage places. These trailers were bought in good faith by my father who taught us how to be self sufficient and to have back ups of material so there is rarely an emergency. Dad paid for these trailers and the majority of the contents in these trailers. We got a permit from Pima County to install electric to the one trailer we use as a root cellar. We had a Pima County electrician do the work and got it approved. This trailer was not on the original citation but was on the docket at the hearing. The other trailer that was added to the docket is located by our workshop to deflect the ricochets from illegal shooting on state land and has our spare plumbing and electrical supplies we got after we suffered without water for 5 days when we lost all our water pumps to the freeze. We haul water. Thankfully, we had water stored to get by with brushing our teeth, cleaning, and cooking. The trailer the inspector called a construction trailer is (a) under the 200 ft limit, (b) is a house on wheels, and (c) we pay property taxes every year on it. The last two trailers are storage of bulk items, one has water, paper products, etc, and the other has lumber and other building materials in it. CJ was diagnosed at the end of 2013 with lower lumbar degenerative disease and is unable to lift over 20 pounds the rest of his life. My father passed away unexpectedly last year. We have had 12 deaths (family and friends) and 5 (family and friends) heart attacks in 2014. We are in our final year of Chapter 13, and now this. That leaves me to do all the heavy lifting and moving which I have done to abate the materials from the back of the property. Again, we tried to do the right thing in all aspects of these trailers. They have been on our property for over 4

years. They have been painted to blend in with the rest of the property and we can build skirting to hide the axles if that's what it takes to keep them. These are NOT cargo containers but retired tractor trailers with axles. We do not have the funds to (a) to remove these trailers from the property, nor (b) build anything to move all materials from trailers into a storage facility. We are hard working, honest people who have had more than our share of tragedy and issues. We are Pima County Sheriff Department's representatives and assist with ensuring the state land to the east of us is safe from illegal shooters, dumpers, etc... We are asking for an exception to the rules and regulations due to the hardship it would cause us in trying to remove these trailers. We love our property and it is kept in clean order (it is NOT a junkyard or a disgrace) and do not want to lose it!

Thank you for your consideration in this very important matter to us. Please send a confirmation of receipt of this appeal by e-mailing to: fomoco66@cox.net or kkda@cox.net

Sincerely,

CJ Kindler

Valerie Kindler

CJ and Valerie Kindler

RECEIVED
APR 22 2015
BY: .....

BEFORE THE PIMA COUNTY ZONING/BUILDING CODES ENFORCEMENT HEARING OFFICER

201 N. Stone Ave., Tucson, AZ 85701
(520) 724-9000

PIMA COUNTY *vs.* Christopher J and Valerie M Kindler Defendant	Case No. P14CV00595-1 JUDGEMENT

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, finds as follows:

Based upon sufficient evidence, in the form of verbal testimony and of photographs, being presented, the defendant was found responsible for a violation of Zoning Code Sections 18.07.030C 18.09.020P & 18.09.020Q (open storage).

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 and no/100s Dollars (**$750.00**), to be paid as follows:

The full amount of the fine is suspended 60 days to bring the property into compliance with the Code. Compliance shall mean restricting the open storage to 200 square feet or less and storing items in compliance with 18.090.020 P/Q, including any open storage resulting from the removal of the trailers. If this is achieved within the allotted 60 days the full amount of the fine shall be waived, but if not the full amount of the fine will be due and payable immediately after that 60 day period.

FAILURE TO CORRECT VIOLATIONS MAY RESULTS IN FURTHER SANCTIONS.

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

ORDERED this 9th day of April, 2015.

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 JUDGMENT.

Copies mailed/delivered to parties by AR on 4-10-15

Form HO-86 REV. 1/2007

BEFORE THE PIMA COUNTY ZONING/BUILDING CODES ENFORCEMENT HEARING OFFICER

201 N. Stone Ave., Tucson, AZ 85701
(520) 724-9000

PIMA COUNTY *vs.* Christopher J and Valerie M Kindler Defendant	Case No. P14CV00595-2 JUDGEMENT

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, finds as follows:

Based upon sufficient evidence, in the form of verbal testimony and of photographs, being presented, the defendant was found responsible for a violation of Zoning Code Sections 18.14.020 & 18.14.030 (parking/storing semi-trailers and portable office trailers not a permitted or conditional use in the GR-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 Fifty and no/100s Dollars ($750.00), to be paid as follows:

The full amount of the fine is suspended 60 days to bring the property into compliance with the Code. Compliance shall mean removing the semi-trailers and portable office trailer from the property. If this is achieved within the allotted 60 days the full amount of the fine shall be waived, but if not the full amount of the fine will be due and payable immediately after that 60 day period. However if at least the removal of 1 trailer is accomplished within 60 days a request for a time extension will be considered favorably.

FAILURE TO CORRECT VIOLATIONS MAY RESULTS IN FURTHER SANCTIONS.

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

ORDERED this 9th day of April, 2015.

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 JUDGMENT.

Copies mailed/delivered to parties by AR on 4-10-15

Form HO-86 REV. 1/2007

18.07.030

- N.

  Cargo Container.

  1.

  Cargo containers are permitted in all zones only in conjunction with an approved permitted commercial development plan.

O.

Commercial Vehicle Parking. Parking commercial vehicles is permitted in all zones only in conjunction with a permitted use and commercial development plan or with a permitted home occupation subject to Section 18.09.030(A)(10).

E ANDRADA RD
E ANDRADA RD
E ANDRADA RD
MESCALERO DR
N DAVIDSON RD
S SONOITA HY
S OLD SONOITA HY
E WHITE CLOUD WY
E LITTLE SUNSHINE ST
E KALEIDOSCOPE TR
N GENTLE BREEZE LN
E CALLE BIGARDI
E SLIPPERY ROCK DR
E CAVERN CT
E DRYSTONE RD
N DRYSTONE CT
E WETSTONES RD
E WETSTONES RD
N TOMASITA DR
N SUATE DR
N DAVIDSON

Zoning Designation Search Results

Parcel number **30540021A** Located at **14100 E CALLE BACARDI** Is Zoned **GR-1**

Search a different address

2

Book-Map-Parcel: 305-40-021A Oblique Image **Tax Year:** **Tax Area:** 2000

Property Address:

Street No	Street Direction	Street Name	Location
14100	E	CALLE BACARDI	Pima County

Taxpayer Information:

KINDLER CHRISTOPHER J & VALERIE M CP/RS
14100 E CALLE BACARDI
VAIL AZ

Property Description:

PTN S495.94' M/L N830.94' E451.13' 5.28 AC
SEC 3-17-16

85641- 9710

Valuation Data:

	2015				2016			
	LEGAL CLASS	VALUE	ASMT RATIO	ASSESSED VALUE	LEGAL CLASS	VALUE	ASMT RATIO	ASSESSED VALUE
TOTAL FCV	Primary Res (3)	$242,881	10.0	$24,288	Primary Res (3)	$229,602	10.0	$22,960
LIMITED VALUE	Primary Res (3)	$224,135	10.0	$22,413	Primary Res (3)	$229,602	10.0	$22,960

Property Information:

Section:	3
Town:	17.0
Range:	16.0E
Map & Plat:	/
Block:	
Tract:	
Rule B District:	2
Land Measure:	5.28A
Group Code:	000
Census Tract:	4102
Use Code:	0184 (SFR DOMINANT + ADDITIONAL RURAL NON-SUBDIV)
File Id:	1
Date of Last Change:	8/28/2014

Residential Characteristics:

Property Appraiser: Bob B. **Phone: (520)724-3053**

Appraisal Date:	1/1/2009	**Property Type:**	Single Family Residence
Processed:	2/23/2009	**Area ID:**	Ed 20-204109-20-3
Building Class:	3	**Physical Condition:**	Good
Total Livable Area:	1,560	**Garage Type:**	Carport
Effective Construction Year:	1983	**Garage Capacity:**	2
Stories:	1.0	**Patio Type:**	None
Rooms:	6	**Patio Number:**	0
Quality:	Fair	**Pool Area:**	0
Exterior Walls:	Brick	**Valuation Type:**	00
Roof Type:	Asphalt	**Total Main:**	$197,933
Heating:	Forced	**Total Control:**	$197,933
Cooling:	Refrigeration	**Total Actual:**	$229,602
Bath Fixtures:	3	**FCV Adjustment Factor:**	1.000
Enhancement:	$58,779	**Last Action:**	0226

Enhancement:

Description	Quality	Construction	Value
Porch - enclosed	All	Knee wall w/glass	$20,859
Porch - enclosed	Average	Fr Metal/Vinyl Siding	$26,441
Porch - enclosed	Average	Metal	$4,601
Porch - enclosed	Average	Wood	$6,878
Storage Bldg	All	Knee wall w/glass	$20,859
Storage Bldg	Average	Fr Metal/Vinyl Siding	$26,441
Storage Bldg	Average	Metal	$4,601
Storage Bldg	Average	Wood	$6,878
Workshop	All	Knee wall w/glass	$20,859
Workshop	Average	Fr Metal/Vinyl Siding	$26,441
Workshop	Average	Metal	$4,601
Workshop	Average	Wood	$6,878

Secondary Livable Area:

3

PIMA COUNTY
DEVELOPMENT SERVICES

Permit Activity For: 14100 E CALLE BACARDI PC

Description: ELECTRIC:NEW 200 AMP SVC TO GUEST HOUSE

Permit: P00CP06760	**Status:** FINAL	**Situs:** 14100 E CALLE BACARDI PC
Applied: 06/30/2000	**Issued:** 07/05/2000	**Final:** 07/27/2000
Expire:	**Sewer:** **Septic Discharge Auth:**	**Parcel:** 30540021A
Zoning:	**Lot:**	**Subdivision:**

Description: RECORD SEARCH

Permit: P08DS01132	**Status:** ISSUED	**Situs:** 14100 E CALLE BACARDI PC
Applied:	**Issued:** 10/16/2008	**Final:**
Expire:	**Sewer:** **Septic Discharge Auth:**	**Parcel:** 30540021A
Zoning:	**Lot:**	**Subdivision:**

Description: RECORD SEARCH

Permit: P08DS01384	**Status:** ISSUED	**Situs:** 14100 E CALLE BACARDI PC
Applied:	**Issued:** 12/11/2008	**Final:**
Expire:	**Sewer:** **Septic Discharge Auth:**	**Parcel:** 30540021A
Zoning:	**Lot:**	**Subdivision:**

Description: This property has become a junk yard. On the south side of this property for about 100' is littered with junk cars and trucks, broken appliances, lawn

Permit: P14CV00595	**Status:** CITATION	**Situs:** 14100 E CALLE BACARDI PC
Applied: 11/21/2014	**Issued:** 12/01/2014	**Final:**
Expire: 02/05/2015	**Sewer:** **Septic Discharge Auth:** 01/15/2015	**Parcel:** 30540021A
Zoning:	**Lot:**	**Subdivision:**

Description:

Permit: P03IM05461	**Status:** OPEN	**Situs:** 14100 E CALLE BACARDI PC
Applied: 10/02/2003	**Issued:**	**Final:**
Expire:	**Sewer:** **Septic Discharge Auth:**	**Parcel:** 30540021A
Zoning:	**Lot:**	**Subdivision:**

Description:

Permit: P03IM05728	**Status:** OPEN	**Situs:** 14100 E CALLE BACARDI PC
Applied: 10/15/2003	**Issued:**	**Final:**
Expire:	**Sewer:** **Septic Discharge Auth:**	**Parcel:** 30540021A
Zoning:	**Lot:**	**Subdivision:**

PIMA COUNTY
DEVELOPMENT SERVICES

Permit Activity For: 14100 E CALLE BACARDI PC #01

Description: SEPTIC RECERTIFICATION

Permit: P08EQ01039	**Status:** ISSUED	**Situs:** 14100 E CALLE BACARDI PC #01
Applied: 10/23/2008	**Issued:** 10/23/2008	**Final:**
Expire:	**Sewer:** **Septic Discharge Auth:** 08/10/1972	**Parcel:** 30540021A
Zoning:	**Lot:**	**Subdivision:**

Description:

Permit: P08AN00726	**Status:** ISSUED	**Situs:** 14100 E CALLE BACARDI PC #01
Applied: 10/23/2008	**Issued:** 10/23/2008	**Final:**
Expire:	**Sewer:** **Septic Discharge Auth:**	**Parcel:** 30540021A
Zoning:	**Lot:**	**Subdivision:**

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PIMA COUNTY
DEVELOPMENT SERVICES

Permit Activity For: 14100 E CALLE BACARDI PC #02

Description: SEPTIC RECERTIFICATION

Permit: P08DS01166	**Status:** ISSUED	**Situs:** 14100 E CALLE BACARDI PC #02
Applied:	**Issued:** 10/23/2008	**Final:**
Expire:	**Sewer:** **Septic Discharge Auth:**	**Parcel:** 30540021A
Zoning:	**Lot:**	**Subdivision:**

Description: SEPTIC RECERTIFICATION

Permit: P08EQ01040	**Status:** ISSUED	**Situs:** 14100 E CALLE BACARDI PC #02
Applied: 10/23/2008	**Issued:** 10/23/2008	**Final:**
Expire:	**Sewer:** **Septic Discharge Auth:**	**Parcel:** 30540021A
Zoning:	**Lot:**	**Subdivision:**

Description: ELECTRIC; PANEL UPGRADE 100 TO 200 AMP FOR MAIN HOUSE

Permit: P12CP02735	**Status:** FINAL	**Situs:** 14100 E CALLE BACARDI PC #02
Applied: 05/09/2012	**Issued:** 05/09/2012	**Final:** 06/19/2012
Expire:	**Sewer:** **Septic Discharge Auth:**	**Parcel:** 30540021A
Zoning:	**Lot:**	**Subdivision:**

Description:

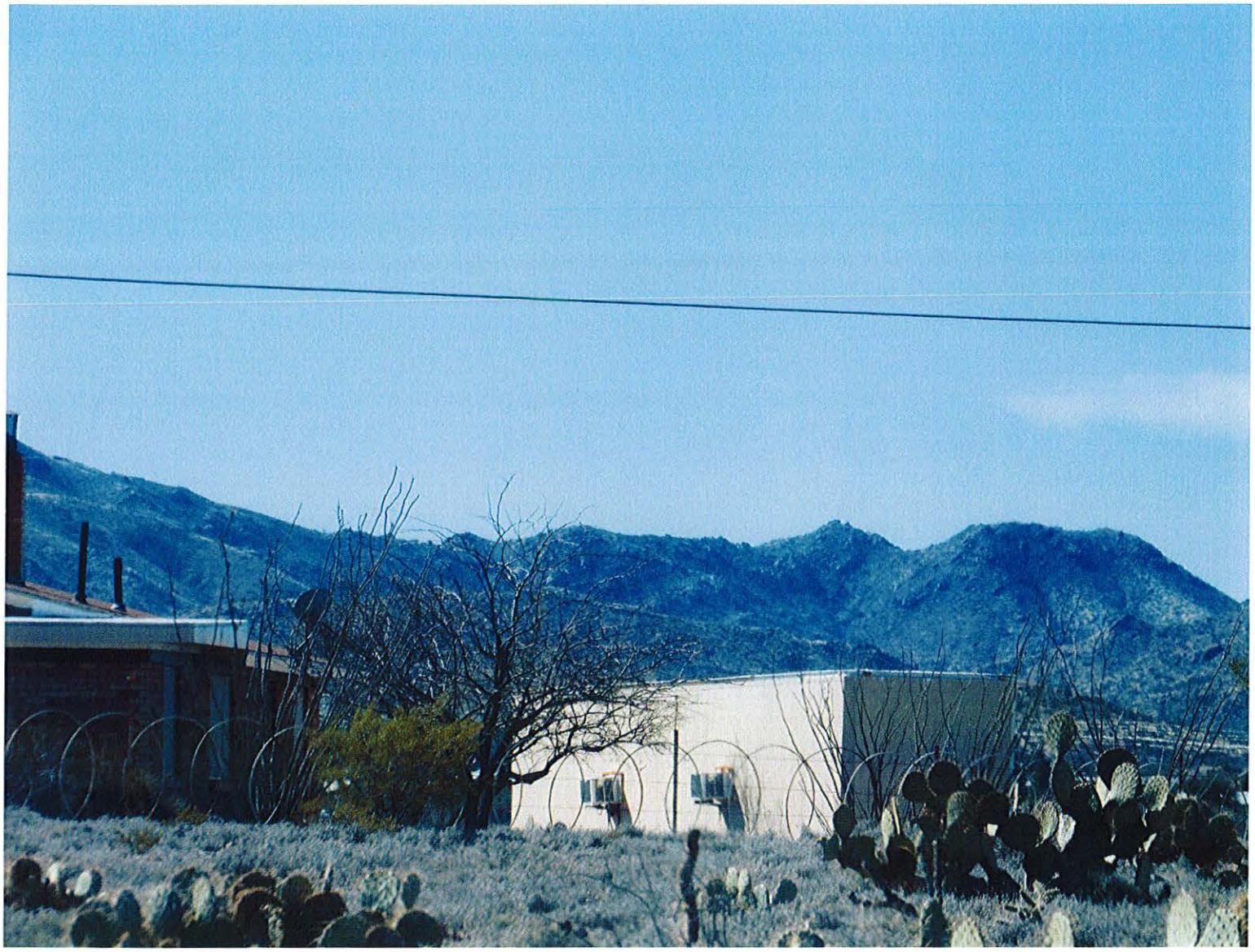
Permit: P08AN00726	**Status:** ISSUED	**Situs:** 14100 E CALLE BACARDI PC #02
Applied: 10/23/2008	**Issued:** 10/23/2008	**Final:**
Expire:	**Sewer:** **Septic Discharge Auth:**	**Parcel:** 30540021A
Zoning:	**Lot:**	**Subdivision:**

6

Activity: P14CV00595 2/4/15 #1

14100 E CALLE BACARDI. kgs.

Printed: 03-30-2015 KATHLEEN SIMPSON, Inspector



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Activity: P14CV00595 2/4/15 #2

14100 E CALLE BACARDI. kgs.

Printed: 03-30-2015 KATHLEEN SIMPSON, Inspector

8

Activity: P14CV00595 2/4/15 #4

14100 E CALLE BACARDI. kgs.

Printed: 03-30-2015 KATHLEEN SIMPSON, Inspector

Activity: P14CV00595 2/4/15 #5

14100 E CALLE BACARDI. kgs.

Printed: 03-30-2015 KATHLEEN SIMPSON, Inspector

10

Activity: P14CV00595 2/4/15 #6

14100 E CALLE BACARDI. kgs.

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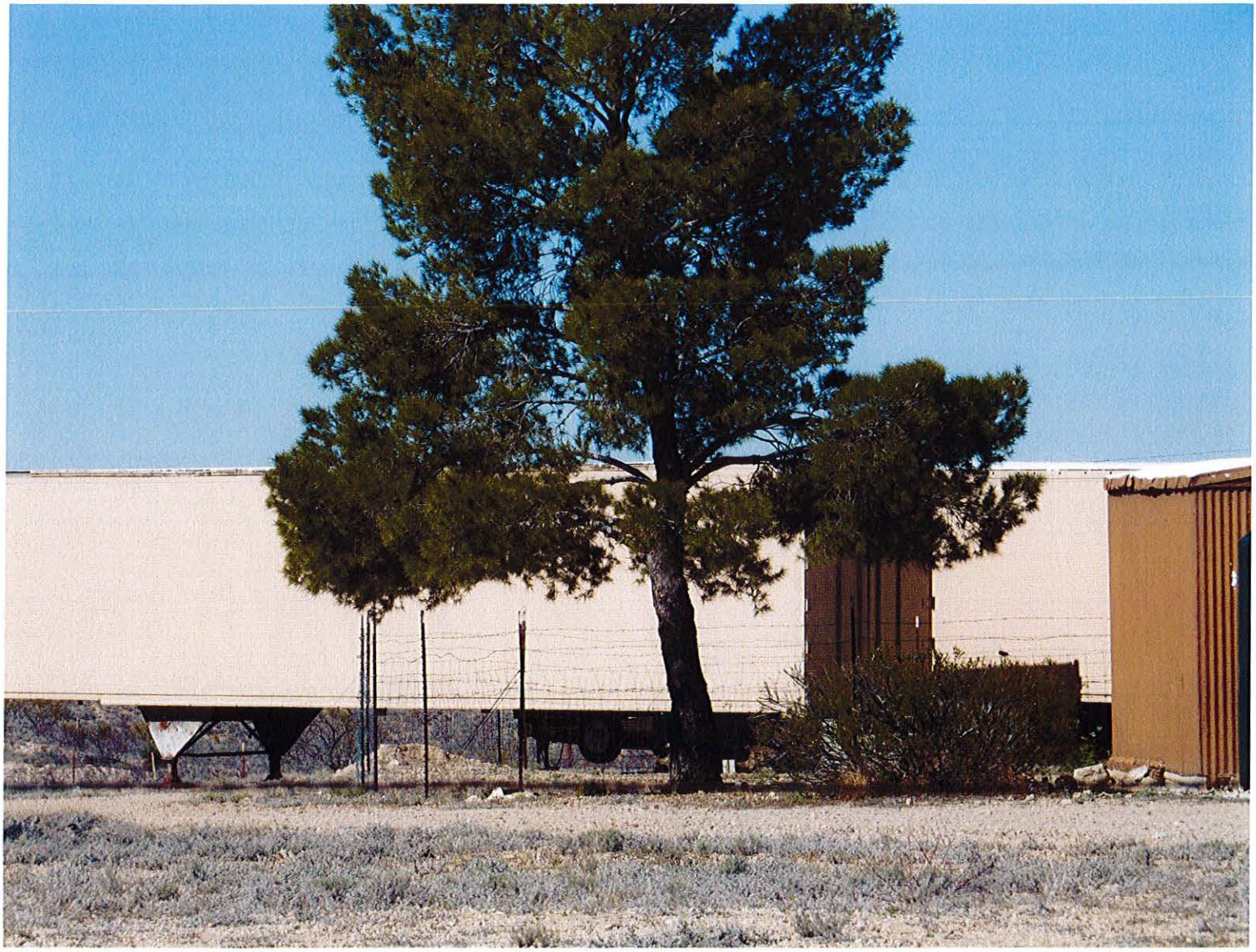


11

Activity: P14CV00595 2/4/15 #7

14100 E CALLE BACARDI. kgs.

Printed: 03-30-2015 KATHLEEN SIMPSON, Inspector

12

Activity: P14CV00595 2/4/15 #8

14100 E CALLE BACARDI. kgs.

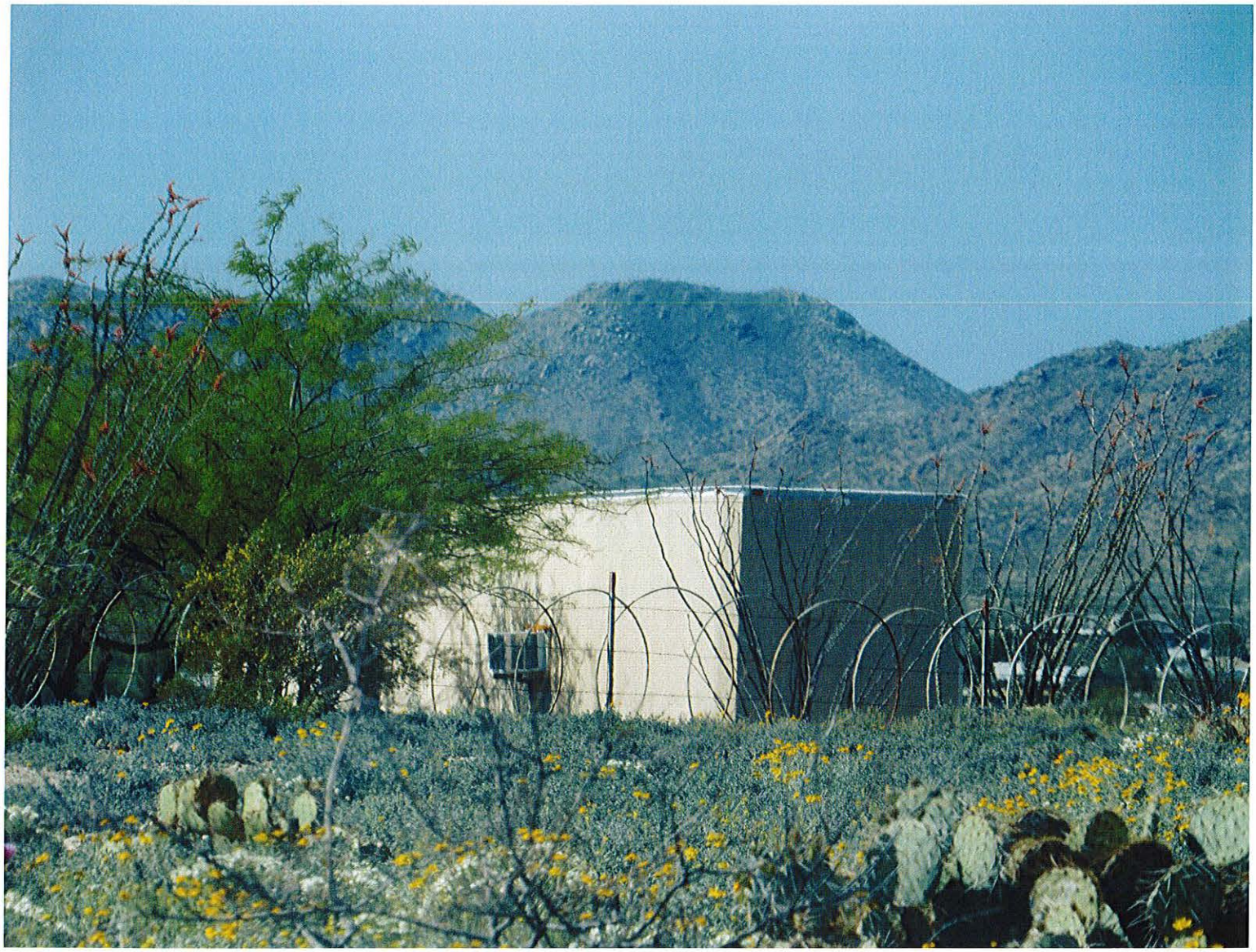
Printed: 03-30-2015 KATHLEEN SIMPSON, Inspector

13

Activity: P14CV00595 3/31/15 #1

14100 E CALLE BACARDI. kgs.

Printed: 04-01-2015 KATHLEEN SIMPSON, Inspector



Activity: P14CV00595 3/31/15 #2

14100 E CALLE BACARDI. kgs.

Printed: 04-01-2015 KATHLEEN SIMPSON, Inspector

Activity: P14CV00595 3/31/15 #3

14100 E CALLE BACARDI. kgs.

Printed: 04-01-2015 KATHLEEN SIMPSON, Inspector

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Activity: P14CV00595 3/31/15 #4

14100 E CALLE BACARDI. kgs.

Printed: 04-01-2015 KATHLEEN SIMPSON, Inspector

17

Activity: P14CV00595 3/31/15 #5

14100 E CALLE BACARDI. kgs.

Printed: 04-01-2015 KATHLEEN SIMPSON, Inspector

18

BEFORE THE PIMA COUNTY ZONING/BUILDING CODES ENFORCEMENT HEARING OFFICER

201 N. Stone Ave., Tucson, AZ 85701
(520)724-9000

PIMA COUNTY vs. **KINDLER,** **Christopher J. and Valerie M.** **Defendant**	Case No. **P14CV00595-1, 2** **ORDER SETTING HEARING**

The Hearing Officer having been advised that:

_X_ A plea has been entered in the above referenced case by C. J. & Valerie Kindler

____ Defendant has failed to appear as required.

IT IS HEREBY ORDERED that a hearing is set for the **2nd** day of **APRIL , 2015** 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 5th day of MARCH , 2015.

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 3-6-15
Sent to the Constable's Office by _____ on _____

KS
Form HO-86-4
REV 09/2010

DEFENDANT: _____ **DATE:** _____

Pima County
Development Services

Citation

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

ENTRY OF PLEA to Citation #: P14CV00595, 1-2

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:	14100 E CALLE BACARDI
OJ Kindler VALERIE KINDLER	City, State, ZIP Code:	VAIL, AZ 85641
	Phone #:	520 751 · 7865

Defendant Signature: OJ Kindler Valerie Kindler Date: 2·20·2015

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

4-2-15

Pima County
Development Services

Citation

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

ENTRY OF PLEA to Citation #: P14CV00595, 1-2

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:	14100 E CALLE BACARDI
OJ Kindler VALERIE KINDLER	City, State, ZIP Code:	VAIL, AZ 85641
	Phone #:	520 751 · 7865

Defendant Signature: OJ Kindler Valerie Kindler Date: 2·20·2015

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NOTICE OF DESIGNATED REPRESENTATIVE

CITATION #: P14CV00595, 1-2

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: CA Kindler & Valerie Kindler	Defendant's address:	14100 E. Calle Bacardi
	City, State, Zip Code:	Vail, AZ 85641
Designated Representative Name: Jan Walker	Representative's Address:	6814 East 12th Street
	City, State, Zip Code:	Tucson, Arizona 85710-1014
	Phone #:	520-721-8550

Is Designated Representative an Attorney? Yes ☐ No ☒

Signature of Defendant CA Kindler Date: 2/11/2015
Valerie Kindler

Pima County
Development Services

Citation

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

CITATION #: P14CV00595, 1-2

Notice of Hearing Date

Your Appearance Date before the Administrative Hearing Officer is

Thursday, March 19, 2015 at 9:00 A.M.

In Level B (Basement) of the Public Works Building at 201 N. Stone Avenue, Tucson, AZ 85701.

PIMA COUNTY VS. DEFENDANT \ DESCRIPTION OF PROPERTY IN VIOLATION

Address of Violation:	14100 E CALLE BACARDI PC	Parcel No. :	30540021A
Owner:	KINDLER CHRISTOPHER J & VALERIE M CP/RS 14100 E CALLE BACARDI VAIL AZ 856419710	Phone:	751-7865
Tenant/Business Name:		Zoning:	GR 1
Additional Info:			

PERSON OR BUSINESS COMMITTED VIOLATION(S) OF THE PIMA COUNTY CODE SECTIONS LISTED BELOW:

No:	Code Section:	Description of violation(s):
1.	18.07.030 C, 18.09.020 P/Q	Open storage.
2.	18.14.020 & 18.14.030	Parking / storing semi-trailers and portable office trailers not a permitted or conditional use in GR 1.

REQUIREMENTS TO RESOLVE VIOLATION(S)

No:	Compliance time:	Actions required to resolve violation(s):
1.	March 19, 2015	Limit open storage to 200 square feet or less and store items in compliance with 18.090.020 P/Q; including any open storage resulting from the removal of the trailers (see attached).
2.	March 19, 2015	Remove semi-trailers and portable office trailer from the property.

INSPECTOR RECOMMENDATIONS

No:	Recommendation:
1.	If property is not in compliance by **March 19, 2015**, the recommendation will be a $750.00 fine with $50.00 due within 45 days. The remaining $700.00 fine suspended for a period of 45 days from the date of judgment to bring the property into compliance with Pima County Zoning Code. If the property is not in compliance at the end of the 45 days, the remaining $700.00 fine would become due.
2.	Same as above.

The undersigned says the defendant(s) did, on **02/05/2015**, at the location above, commit the following violation(s) of the Pima Code sections: **18.95.030.B4**, 18.07.030 C, 18.09.020 P/Q, 18.14.020 & 18.14.030.

INSPECTOR VERIFICATION: I certify that upon reasonable grounds I believe the defendant committed the described violations contrary to code items listed above, and I have caused to be served a copy of this complaint upon the defendant.	Inspector: Kathleen Simpson, Inspector	Date: 02/05/2015
	Signature: Kathleen Simpson	Phone: (520)724-9529

☐ **STOP WORK ORDER**

ALL CONSTRUCTION\GRADING MUST CEASE IMMEDIATELY AND NOT RESUME UNTIL REQUIRED PERMITS ARE OBTAINED

Pima County
Development Services

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

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Development Services

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

Defendant Signature: _____ Date: _____

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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: _____

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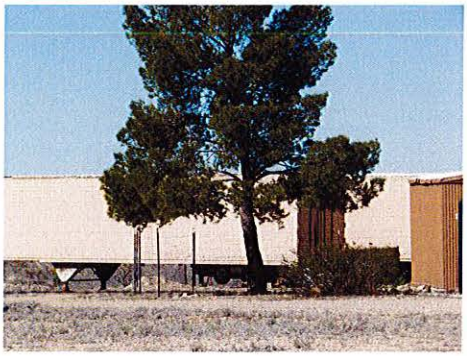
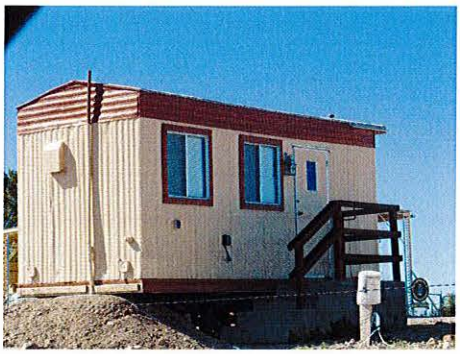
CITATION #: P14CV00595, 1-2

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.
- ☐
- ☐
- ☐