



Cochise County Board of Supervisors

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

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Chairman
District 3

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District 1

ANN ENGLISH
Supervisor
District 2

JAMES E. VLAHOVICH
County Administrator

EDWARD T. GILLIGAN
Deputy County Administrator

ARLETHE G. RIOS
Clerk of the Board

AGENDA FOR SPECIAL BOARD MEETING

Tuesday, September 13, 2016 at 2:00 p.m.

BOARD OF SUPERVISORS EXECUTIVE CONFERENCE ROOM
1415 MELODY LANE, BUILDING G, BISBEE, AZ 85603

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

ROLL CALL

Members of the Cochise County Board of Supervisors will attend either in person or by telephone, video or internet conferencing.

ACTION

Board of Supervisors

1. Uphold or deny the appeal of David R. and Diane M. Ruozzi for the Hearing Officer's decision regarding zoning violation number V-15-358.

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

Cochise County Board of Supervisors
1415 Melody Lane, Building G Bisbee, Arizona 85603
520-432-9200 520-432-5016 fax board@cochise.az.gov

Board of Supervisors

Special Board of Supervisors Meeting

Meeting Date: 09/13/2016

Zoning Violation Appeal Ruozi

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: CD

Document Signatures:

Recommendation:

of ORIGINALS

Submitted for Signature:

NAME Britt Hanson

of PRESENTER:

TITLE

of PRESENTER:

Chief Civil Deputy

County Attorney

Mandated Function?:

Source of Mandate

or Basis for Support?:

Information

Agenda Item Text:

Uphold or deny the appeal of David R. and Diane M. Ruozi for the Hearing Officer's decision regarding zoning violation number V-15-358.

Background:

The Ruozi's have appealed the Hearing Officer's decision regarding zoning violation V-15-358.

Department's Next Steps (if approved):

Dependent on the outcome of the Board's decision.

Impact of NOT Approving/Alternatives:

n/a.

To BOS Staff: Document Disposition/Follow-Up:

Budget Information

Information about available funds

Budgeted: ☐Funds Available: ☐

Amount Available:

Unbudgeted: ☐Funds NOT Available: ☐Amendment: ☐

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

Appellant Memorandum

Zoning Violation Memoranda and Record

1 Law Offices of
2 **E. HARDY SMITH**
3 7887 W. Pima Farms Rd.
4 Tucson, AZ 85743
5 (520) 403-8786
6 FAX: 1-(877) 572-9876
7 Hardy@AzLawSmith.com
8 E. Hardy Smith, AZ Bar No. 010463
9 Attorney for Respondents

6 **COCHISE COUNTY HEARING OFFICER**
7 **1415 MELODY LANE, BLDG. E**
8 **BISBEE, ARIZONA 85603**

9 COUNTY OF COCHISE,

10 Complainant

11 vs.

12 DAVID R. RUOZI, SR., and DIANE M. RUOZI,
13 Respondents,

Case No.: V-15-358

APPEAL MEMORANDUM

15 **I. Issues on Appeal**

16 The issue is whether the County Hearing Officer incorrectly ruled that Mr. and Mrs. Ruozis
17 violated County Zoning Regulations 1811 regarding Outdoor Storage and 2301, declaring the
18 violation a nuisance. The decision is in error because the Ruozis' use is not contrary to the
19 Outdoor Storage provisions of Section 1811 in this Category D Rural Growth Area property.

20 Further, the Ruozis' right to the Outdoor Storage was reserved and "grandfathered" by the
21 CC&Rs recorded when their subdivision, Sunsites Unit No. 7, was created in 1962. The recording
22 of the subdivision and its CC&Rs predate Cochise County's adoption of a zoning code. The
23 CC&Rs permit the type of outdoor storage for which the Ruozis were cited.

24 Moreover, the County's enforcement of this alleged violation appears to be selective and
25 biased, carrying out the retaliatory scheme of a neighboring landowner whose own violations
26 were not fully remediated and prosecuted by the Planning, Zoning and Building Safety
27 Department.

28

*Read via
fax 8/12/16*

1 **II. Location of Subject Property**

2 Sunsites Unit No. 7 lies immediately west of the Apache Generating Station and south of
3 its settlement ponds. It is north of Dragoon Road, east of North Cochise Stronghold Road and
4 west of Highway 191. The Ruozis own 3 adjacent one-acre lots fronting Sandal Street, which
5 forms the subdivision's southern boundary.

6 **III. History of Development of Subject Property**

7 In 1962, when the Horizon Corporation platted and recorded the subdivision, Cochise
8 County had no zoning code. The County allowed the developer to plan the future use, and
9 limitations to use, of land within the subdivision. As shown on the recorded plat,¹ the developer
10 established all boundaries surrounding and within the subdivision, laid out all streets, established
11 easements, determined lot sizes and setbacks, and designated lots for both commercial and
12 residential uses. The developer recorded two sets of Restrictive Covenants, applicable to
13 residential and commercial lots respectively,² by which the developer further defined and limited
14 permitted land uses. In the absence of county zoning requirements, the recorded plat and the
15 restrictive covenants became the governing documents for the subdivision.

16 **IV. Facts of Alleged Violation**

17 The zoning violation cites the Ruozis for the presence of utility trailers, tractors, a fuel
18 tank and "metal"³ on the property. The Ruozis admit the described materials were on their
19 property⁴ but assert that they were neatly situated and unobtrusive and were necessary for
20 maintenance of the property, including weed and fire hazard control, and grading of the private
21 roads that are their sole ingress and egress. It is noteworthy that Cochise County formally
22 abandoned Sandal Street, leaving it to the Ruozis, or others within the subdivision, to maintain
23
24

25 ¹ Attachment 2 to Answer.

26 ² Attachment 3 to Answer.

27 ³ The tractors are a small backhoe/front-end loader and small bulldozer. The reference to "metal" is unclear. The
28 Ruozis did not store any scrap metal on the property. They did have "metal" implements for the tractors, which they
 used for grading, mowing, fire suppression and property maintenance. They also had a small gasoline generator to
 operate their well pump and other small tools used for maintenance of the property and their equipment.

⁴ The materials have been removed in compliance with the Hearing Officer's Order.

1 this primitive dirt road and keep it passable. In addition, the Ruozis use their equipment on behalf
2 of Sunsites Unit No. 7 Homeowners Association for road maintenance and fire suppression.

3 **V. Application of Zoning Code to Alleged Violation**

4 The citation charges violation of Zoning Code Section 1811. Section 1811.01,
5 "Residential Uses," provides: "It shall be the intent of this Section to provide acceptable limits of
6 outdoor storage accessory to residential uses based upon the Comprehensive Plan Growth
7 Category Area in which located." The Sunsites Unit No. 7 recorded plat and CC&Rs, as well as
8 the County's subsequently adopted SR-22 zoning, limit the Ruozis' property to residential use
9 and, in fact, the Ruozis are developing the land for their residence. Toward that goal, they have
10 fenced their property, installed a well and planted trees for landscaping and shade.

11 The zoning citation relies on Section 1811.01(A), which states: "Accessory Use Outdoor
12 Storage and parking which is permitted under this Section is an accessory use only and shall not
13 be permitted unless a primary residential use of the property has been established." Although the
14 Ruozis do not yet have a house on their property, their use is solely and directly related to their
15 goal of living there. Thus, their primary use of the property is residential, for purposes of
16 applying Section 1811. The Ruozis' ability to achieve their goal is, ironically, forestalled by the
17 unavailability of electric service, despite the close proximity of the Apache Generating Station
18 and the fact that AEPCO and SSVEC both have transmission lines bisecting the subdivision.

19 Section 1811.01(D) provides, in relevant part: "The outdoor storage or parking of ... any
20 construction equipment (except as provided on a temporary basis in Section 1811.01.B.2, above)
21 such as bulldozers, graders, ... and back hoes shall not be permitted in any residential Zoning
22 Districts in a Category A (Urban) Growth Area." The County agrees that Sunsites Unit No. 7 is a
23 Category D Rural Growth Area. Section 1811.01(D) allows equipment such as the Ruozis had on
24 their property. The Hearing Officer's ruling should be reversed and the citation dismissed.

25 **VI. Inconsistency of SR-22 Zoning with Recorded Plat and CC&Rs**

26 With no Zoning Code existing in 1962, the recorded subdivision plat and CC&Rs became
27 the sole documents governing property use and development. The subdivision promoted a rural
28

1 lifestyle with 1-acre minimum lots for residences and smaller commercial lots along a designated
2 commercial corridor.

3 In contrast to the recorded plat, the subsequently adopted Cochise County Zoning Code
4 classified all land within Sunsites Unit No. 7 as SR-22, which is strictly an urban residential
5 zoning that allows a minimum 22,000 square foot lot (one-half acre) per single residence. In the
6 blanket application of SR-22 to Sunsites Unit No. 7, no apparent consideration was given to its
7 rural character, location, the sizes of the lots or the distinction between the commercial and
8 residential uses in the recorded plat and CC&Rs.

9 **VII. The CC&Rs, as Pre-existing Governing Documents, "Grandfathered" the Usage**
10 **Rights Exercised by the Respondents.**

11 As noted above, the platting and recordation of the subdivision with its CC&Rs predates
12 both the County's Comprehensive Plan and its Zoning Code. The development plan for all of the
13 property within the subdivision was permanently established by the original documents that
14 created Sunsites Unit No. 7. The Ruozis' parking of equipment on their property did not violate
15 the subdivision's CC&Rs. The later adoption of the County's Comprehensive Plan and Zoning
16 Code should not be interpreted as altering a legally binding, fully enforceable land use plan and
17 covenants already in place. The fact that only minimal development has occurred does not change
18 the terms and conditions by which the land was subdivided and sold, and upon which the
19 developer and subsequent purchasers have relied. Those recorded covenants and conditions bind
20 not only the landowners but also Cochise County.

21 Although the county clearly should enforce codes for building standards, wastewater
22 treatment and other public sanitation and safety issues, with respect to actual use and
23 development of the subdivision land, the recorded plat and CC&Rs should be recognized as
24 controlling. In fact, the Respondents are aware of at least one prior occasion where the County
25 declined to prosecute a nuisance complaint within a planned community,⁵ deferring resolution to
26 the governing homeowners association. Such an approach conserves county resources and allows

27 ⁵ The Respondents are aware of the County having declined to prosecute a nuisance complaint within the High
28 Lonesome subdivision and deferring to the local homeowners association for enforcement.

1 subdivision property owners to resolve disputes in accordance with the CC&Rs that govern their
2 subdivision or, alternatively, to turn to the courts for prosecution of nuisance claims. The
3 County's response to the present complaint should have been to decline prosecution, in deference
4 to the CC&Rs governing the subdivision.

5 **VIII. Prosecution of the Ruozis Suggests Selective Enforcement.**

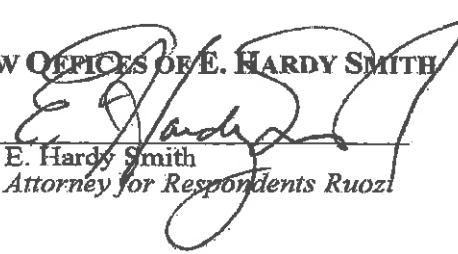
6 The Board of Supervisors should be concerned that the County's prosecution of the
7 Ruozis suggests selective enforcement initiated as retaliation by another property owner who
8 bears them a grudge. The Ruozis reported to the Cochise County Sheriff's Office, the County
9 Highway and Floodplain Department and the State Brand Inspector that Complainant Dennis
10 Clark had illegally fenced off roads within the subdivision so he could lease to others cattle
11 grazing rights on private subdivision land he did not own. Although its officials knew of the
12 violation, the County made no effort to prosecute Mr. Clark for his numerous, obvious violations
13 of not only zoning but also criminal law. The Ruozis also complained to Planning and Zoning of
14 Mr. Clark's multiple unpermitted septic systems on his subdivision property but saw no action by
15 the County. The County's refusal to act on the Ruozis' complaint, coupled with its enthusiastic
16 prosecution of the Clark complaint against the Ruozis, strongly suggests bias. Even if unintended,
17 prosecuting Clark's retaliatory complaint against the Ruozis makes the County a willing tool of
18 Clark's retribution – not an appropriate use of county resources.

19 **IX. Conclusion**

20 For the foregoing reasons, the decision of the Hearing Officer should be reversed and the
21 zoning violation issued to the Respondents should be dismissed.

22 Respectfully submitted August 11, 2016.

23 **LAW OFFICES OF E. HARDY SMITH**

24 By: 
25 E. Hardy Smith
26 Attorney for Respondents Ruozis
27
28

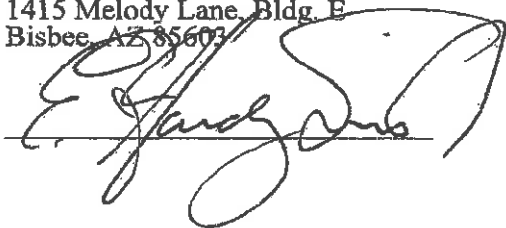
1 Served by email and by mail on 8/12/16 as follows:

2 Clerk, Cochise County Board of Supervisors (original and 3 copies mailed)
3 1415 Melody Lane
4 Building G
5 Bisbee, AZ 85603

6 Britt W. Hanson
7 Cochise County Attorney's Office
8 Civil Division
9 150 Quality Hill Road
10 PO Drawer CA
11 Bisbee, AZ 85603

12 Chris Saylor, Enforcement Officer
13 Cochise County Community Development
14 1415 Melody Lane, Bldg. E
15 Bisbee, AZ 85603

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

*REV'D 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. Ruozzi

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. Ruozzi, 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



COCHISE COUNTY COMMUNITY DEVELOPMENT

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COCHISE COUNTY HEARING OFFICER

1415 Melody Lane
Bisbee, Arizona 85603
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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. Ruozzi, 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:
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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 17, 2015
Pay to the Order of Cochise County Treasurer \$ 300.00
Three-hundred and 00/100 — Dollars

Washington Federal

For Appeal Rwozi V-15-358

E. Hardy Smith

⑆325070980⑆62760838797⑆400⑆

GUARDIAN SAFETY® YELLOW



Cochise County
Community Development
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
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

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.			
Owner or Resident Contacted? ☐ Y ☒ NX		Latitude =	
Phone Number:		Longitude=	
X Failed / No Correction ☐ Failed / Partial Correction ☐ Passed / Corrected	Date Assigned: 9-16-15 Date Inspected: 9-16-15	No 1= UTILITY TRAILER No 2= TRACTOR No 3= FUEL TANK No 4= No 5= No 6= No 7=	No 8= No 9= No10= No11= No12= No13= No14=
Inspector signature: CHUCK COOPER			
Number of photos: 2			

ATTACHMENT A



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? ☐ Y ☒ NX Phone Number:		Latitude = Longitude=	
☒ Failed / No Correction ☐ Failed / Partial Correction ☐ Passed / Corrected	Date Assigned: 10-20-15 Date Inspected: 10-20-15	No 1= UTILITY TRAILER No 2= FUEL TANK No 3=TRACTOR No 4= METAL ITEMS No 5= No 6= No 7=	No 8= No 9= No10= No11= No12= No13= No14=
Inspector signature: CHUCK COOPER			
Number of photos: 2			





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



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

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 3/14/16, 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*, 2015*6*

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: "desparza@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 Ruozis' 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 Ruozhi'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
Public Programs...Personal Service
www.cochise.az.gov

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.

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

LOCATION PLAN
TOWNSHIP 16 NORTH, RANGE 22 EAST
COUNTY OF COCHISE, ARIZONA



SCALE: 1" = 400'

DEDICATION

WE, the undersigned, do hereby dedicate to the public the portions of land shown on the attached plat, to be used for the purposes of a subdivision and for the purposes of a public utility, and we do hereby agree to execute all such documents as may be required to carry out the purposes of this dedication.

HORIZON LAND CORPORATION, a Delaware Corporation,
by Robert H. Horner, President

State of Arizona, by Robert H. Horner, Secretary

County of Pima, by Robert H. Horner, Secretary

City of Tucson, by Robert H. Horner, Secretary

County of Pima, by Robert H. Horner, Secretary

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City of Tucson, by Robert H. Horner, Secretary

County of Pima, by Robert H. Horner, Secretary

RECORDING DATA

State of Arizona, by Robert H. Horner, Secretary

County of Pima, by Robert H. Horner, Secretary

City of Tucson, by Robert H. Horner, Secretary

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County of Pima, by Robert H. Horner, Secretary

CERTIFICATION OF SURVEY

I, the undersigned, being a duly qualified surveyor of the State of Arizona, do hereby certify that the foregoing is a true and correct copy of the original survey as the same appears in my records.

Witness my hand and seal this 10th day of May, 1974.

Notary Public for the State of Arizona

My Commission Expires May 10, 1976

My Notary Public Seal No. 12345

NOTES

All lot corners are 1/2" reinforced steel polished galvanized.

Boundaries are shown by 1/2" reinforced steel polished galvanized.

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ARIZONA SUN SITES

UNIT No. 7

BLOCK 723 THRU BLOCK 766

BEING A SUBDIVISION OF PORTIONS OF

SECTIONS 4 & 10 ALL IN T-16-S, R-24-E.

G.A.S.R.S. COCHISE COUNTY, ARIZONA

blanton | cole | Map M-66

Tucson, Arizona

Engineers

**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.

Edward J. Walden
Assistant Secretary

HORIZON LAND CORPORATION
By: *Eileen J. Walden*
Vice President

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

Edward J. Walden
Notary Public
I have in hand and Official Seal
I, NEWBY L. GUNTER Recorder
I, NEWBY L. GUNTER Sheriff
I, NEWBY L. GUNTER Treasurer
I, NEWBY L. GUNTER Auditor

Notary Public
I certify that the within instrument was filed in the office of the Recorder of the County of Pima, Arizona, on this 7th day of July, 1962.
For RECORDED
I, R. H. NEWBY L. GUNTER
Date JUL 10 1962
349 (172)

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)
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:

May 15, 1964

STATE OF ARIZONA
COUNTY OF PIMA

I, Notary Public, do hereby certify that the within instrument was duly and lawfully recorded as required by law.

Notary Public

Notary Public

Notary Public

Notary Public

Notary Public

Notary Public

Notary Public

Notary Public

Notary Public

Notary Public

Notary Public

Notary Public

Notary Public

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? ☐ Y ☒ NX Phone Number:		Latitude = Longitude =	
☒ Failed / No Correction ☐ Failed / Partial Correction ☐ Passed / Corrected	Date Assigned: 5-16-16 Date Inspected: 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= No 10= No 11= No 12= No 13= No 14=
Inspector signature: CHUCK COOPER			
Number of photos: 3			





COCHISE COUNTY INSPECTION REPORT VIOLATION / HAZARD

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	
THE OUTDOOR STORAGE OF UTILITY TRAILERS, FUEL TANK, TRACTORS AND MOWER HAS NOT BEEN REMOVED.			
Owner or Resident Contacted? ☐ Y ☒ NX		Latitude =	
Phone Number:		Longitude =	
☒ Failed / No Correction ☐ Failed / Partial Correction ☐ 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= No 10= No 11= No 12= No 13= No 14=
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

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 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,

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

Pat Hoefer
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

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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,

A handwritten signature in cursive script that reads "Deborah Keffen Pat Hofer".

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
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Cochise County
Community Development
Highway and Floodplain Division

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April 5, 2016

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

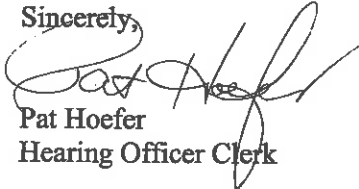
SUBJECT: Cochise County Hearing Officer's Zoning Violation V-15-358 Parcel #205-12-347B Property Located at W. SANDAL STREET, PEARCE, AZ. 85625.

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 Hoefer
Hearing Officer Clerk

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

Highway and Floodplain
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Bisbee, Arizona 85603
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Community Development
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May 19, 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 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 stylized 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
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Community Development
Highway and Floodplain Division**

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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 Hoefer".

Pat Hoefer
Hearing Officer Clerk

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

Highway and Floodplain
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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

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**

Officer for Pat Hoefler
By

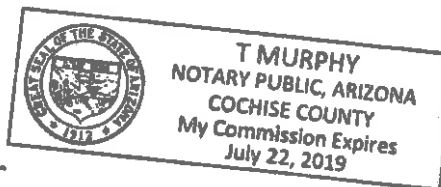
SUBSCRIBED AND SWORN TO BEFORE ME this 21st day of December, 2015, by
Pat Hoefler

[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
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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 sender 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
 - ☐ Adult Signature Restricted Delivery
 - ☐ Certified Mail®
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery
 - ☐ Collect on Delivery Restricted Delivery
 - ☐ Insured Mail (over \$500)
 - ☐ Insured Mail Restricted Delivery
 - ☐ Priority Mail Express®
 - ☐ Registered Mail™
 - ☐ Registered Mail Restricted Delivery
 - ☐ Return Receipt for Merchandise
 - ☐ Signature Confirmation™
 - ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



Cochise County
Community Development
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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

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

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Cochise County
Community Development
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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:

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

Dated this _____ day of _____, 2015

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
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Cochise County
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COCHISE COUNTY HEARING OFFICER
1415 W. Melody Lane, Bldg. E
Bisbee, AZ 85603
(520) 432-9240

COUNTY OF COCHISE, COMPLAINANT

VS.

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

CASE NO. V-15-358

COMPLAINT

Address of Respondent(s):

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

Property Location:

**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: 

Date: 12/15/2015

Highway and Floodplain
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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

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

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
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COCHISE COUNTY HEARING OFFICER
1415 Melody Lane, Bldg. G
Bisbee, Arizona 85603
(520) 432-9240

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
1415 Melody Lane, Bldg. E
Bisbee, AZ 85603

Highway and Floodplain
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