



Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case:	V202000275 – Code Compliance Review
Hearing Date:	May 20, 2021
Supervisor District:	4
Respondent:	Caroline Trotter
Request:	Appeal of the Hearing Officer's Order of Judgment
Site Location:	14155 W. Pennystone Drive, Sun City West, AZ (Parcel 232-15-381)
Site Size:	9,300-sq. ft. (0.213 ac.)
Violation:	Unshielded landscape lighting

Synopsis:

This case was opened February 21, 2020 due to citizen complaints regarding unshielded landscape lights. Staff conducted an inspection on March 4, 2020 and verified the violation. A Notice and Order to Comply (NOTC) was sent on March 26, 2020 with a compliance deadline of July 27, 2020. This was later extended to November 2, 2020 through a revised NOTC, dated September 24, 2020. A follow up inspection found the lighting remained in violation and an administrative hearing was scheduled for January 21, 2021. This hearing was later rescheduled to March 4, 2021. The Summons was sent to the Respondent via USPS certified mail and staff received a copy of the signed receipt (attached). The case was heard by the Hearing Officer on March 4, 2021. The Respondent and her representative were present at the hearing and provided testimony.

After the **administrative hearing held on March 4, 2021, the hearing officer found the Respondent responsible** for the violation listed above. The judgment of the hearing officer was based on testimony from staff. The respondent was ordered to pay a \$350.00 non-compliance fine. No daily non-compliance fine was assessed; however, the hearing officer directed the case to remain open for one year from the date of the hearing in the event additional complaints were received. No fine amount has been paid to date.

On March 22, 2021, the Respondents appealed for code enforcement review with oral arguments.

The hearing officer made a finding of fact and reached his conclusion pursuant to Section 1502 of the Maricopa County Zoning Ordinance.

Pursuant to Article 1504.3.2 of the Maricopa County Zoning Ordinance, the BOA may either affirm the hearing officer's order of judgment, or remand it to the hearing officer due to finding of a procedural error. Staff has reviewed the record and believes the evidence supports the decision of the hearing officer. Further, staff's review finds no administrative or procedural errors. Staff recommends the BOA affirm the hearing officer's order of judgment.

2019 - 20 Aerial Photo



Presented by: Charles Hart, AICP, Code Compliance Manager
Reviewed by: Darren V. Gerard, AICP

Attachments:

- Appeal (1 page)
- Notice of appearance (1 page)
- Order of Judgement (2 pages)
- NOTC 3-26-20 (1 page)
- NOTC 9-24-20 (1 page)
- Summons 12-9-21 (1 page)
- Certified Receipt (1 page)
- Revised Summons (1 page)
- Departmental Report (3 pages)

1 Name: CAROLINE TROTTER
2 Address: 14155 W. PENNYSTONE DR.
3 City: SUN CITY WEST
4 State: ARIZONA 85375
5 Phone: (650) 945-6703
6 Fax: -
7 State Bar #(if applicable): -



8
9 **BEFORE THE MARICOPA COUNTY BOARD OF ADJUSTMENT**
10 **IN AND FOR THE COUNTY OF MARICOPA**

11
12 Maricopa County Planning and)
13 Development Department, Code)
14 Enforcement Division)
15)
16)
17 Vs.)
18)
19 CAROLINE TROTTER)
20)
21)
22 Defendant/s)

CASE No.: V202000275
NOTICE OF REQUEST FOR REVIEW
BY THE BOARD OF ADJUSTMENT
Oral Argument Requested? YES NO

- 23
24
25 1. Pursuant to A.R.S. § 11-808(G) and the rule of the Civil Hearing Process, as adopted by the
26 Board of Supervisors, the Defendant in the above entitled action requests a review of the
27 judgement by the Hearing Officer. A copy of the judgement is attached and incorporated
28 herein.
29 2. All relevant parties to this Request are listed below:
30 MARICOPA COUNTY PLANNING and DEVELOPMENT DEPARTMENT,
31 CODE ENFORCEMENT DIVISION,
32 CAROLINE TROTTER / HAL LIND
33
34
35 3. If a party requesting review is represented by counsel or a designated representative, a Notice
36 of Appearance is attached and incorporated herein. The counsel or designated representative
37 must sign this Notice of Request for Review, in addition to the party.
38 4. The part (or counsel or designated representative) hereby timely files this Request for Review
39 within ten (10) days of receipt of the judgement of the Hearing Officer.
40
41

42 The name and address for Attorneys for the Defendant:

43
44 C. Trotter
45 CAROLINE TROTTER

46 Hal Lind
47 21433 N. 142nd DRIVE, SUN CITY WEST, A.
85375

Offered this 22nd day of MARCH 2021

**BEFORE THE MARICOPA COUNTY BOARD OF ADJUSTMENT
IN AND FOR THE COUNTY OF MARICOPA**

NOTICE OF APPEARANCE

No. V202000275

Maricopa County Planning and Development Department,
Code Enforcement Division, Plaintiff,

Vs.

Caroline Trotter, Defendant.

Hal Lind, Designated Representative, hereby does enter his appearance for
Defendant Caroline Trotter, in the above-entitled action.

Dated this 22nd day of March 2021.

By: Hal Lind
Hal Lind



MARICOPA COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT

JUDGMENT AND ORDERS
OF THE HEARING OFFICER

COMPLAINT NO. V202000275
IN THE MATTER OF: CAROLINE TROTTER
PROPERTY LOCATION: – Parcel No. 232-15-381
ZONING CLASSIFICATION OF PROPERTY: R 1-7

HEARING DATE: March 4, 2021

APPEARANCES: Respondent appeared in person. Also appearing was Hal Lind. Code Compliance Officer Charles Hart appeared on behalf of the Department together with Deputy County Attorney Wayne Peck..

CHARGES: Chapter 6 Section 605 605.2; Chapter 11, Section 1112

FINDINGS — RESPONSIBLE NOT RESPONSIBLE
 DEFAULT DISMISS W/O PREJUDICE

BASIS FOR FINDINGS:

Respondent is the owner of the subject property located in Maricopa County. The Department received a complaint in February 2020, alleging that the landscape lighting from Respondent's residence is unshielded and shines brightly into neighboring property. The Department had investigated an earlier complaint against Respondent for the same allegations and had closed the earlier case. Through repeat nighttime inspections by the Code Compliance Officer, he found that Respondent's numerous 20 watt halogen bulb landscape lights had been moved from their required horizontal positions and had been angled up in order to shine into neighboring properties. Each time the Code Compliance Officer conducted a nighttime inspection in Respondent's presence, the violations were immediately corrected but, after the Code Compliance Officer left Respondent's property, the landscape lights were again angled upwards towards the neighbors' properties. On the most recent inspection conducted on December 4, 2020, the Code Compliance Officer told Respondent to re-direct two of the landscape lights and Respondent did so. As of the date of hearing, Respondent was in compliance with Chapter 11 of the Maricopa County Zoning Ordinance.

At the hearing, Respondent and Mr. Lind both stated that the Department was unfairly enforcing the Zoning Ordinance as the halogen lights on the property are deemed to be incandescent for which no shielding or lighting direction trespass violations are proper. Evidence was adduced at the hearing that, after Respondent had earlier made the argument about her lighting being exempted, the Department Director issued a ruling, pursuant to Chapter 11 of the Zoning Ordinance, that her halogen bulbs were not considered incandescent bulbs for the purpose of enforcing Chapter 11 and that she was required to shield and horizontally direct the light coming from her lighting fixtures. Respondent was also informed that, if she disagreed with the Department Director's decision, she had the right to seek an appeal before the Board of Adjustment. As of the date of hearing, Respondent had not filed an appeal of the Director's determination regarding whether her lights should be classified as incandescent to the Board of Adjustment. No evidence exists in the record of this hearing to show that the Director has altered her conclusions in any way that Respondent is required to conform to the requirements of the Zoning Ordinance with her landscaping lights.

As of the date of hearing, insufficient evidence exists in the record of this matter on which to conclude that Respondent is exempt from the shielding requirements of Article 1112.4.1 or that Respondent is exempt from the horizontal plane projection for her outdoor lighting required by Article 1112.4.1.1.

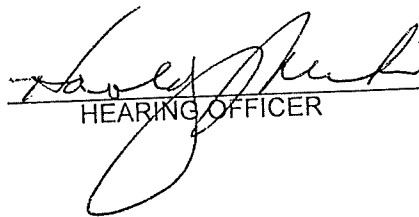
IT IS THEREFORE ORDERED THAT THE RESPONDENT
PAY THE FOLLOWING FINES/SANCTIONS:

NON-COMPLIANCE FINE: \$ 350.00
DAILY NON-COMPLIANCE FINE: \$ 0 AT THIS TIME

NON-COMPLIANCE FINE IS DUE AND PAYABLE IMMEDIATELY. THIS CASE WILL REMAIN OPEN FOR A PERIOD OF TWELVE (12) MONTHS FROM THE DATE OF THIS JUDGMENT AND THE UNDERSIGNED WILL RETAIN JURISDICTION OF THIS CASE TO DETERMINE WHETHER ANY ADDITIONAL NON-COMPLIANCE FINES OR ANY DAILY NON-COMPLIANCE FINES WILL BE ASSESSED AGAINST RESPONDENT FOR ANY FURTHER VIOLATIONS OF THE MARICOPA COUNTY ZONING ORDINANCE.

IN ACCORDANCE WITH THE PROCEDURES FOR CIVIL HEARINGS AND REVIEW OF HEARINGS, MCZO CHAPTER 15, YOU HAVE 10 BUSINESS DAYS TO FILE AN APPEAL TO THE MARICOPA COUNTY BOARD OF ADJUSTMENT.

DATED: March 9, 2021


HEARING OFFICER



Planning & Development Department
CODE COMPLIANCE DIVISION
NOTICE AND ORDER TO COMPLY

March 26, 2020

Violation Case #: V202000275
Assessor's Parcel #: 232-15-381

TROTTER CAROLINE C
14155 W PENNYSTONE DRIVE
SUN CITY WEST, AZ 85375

A letter was mailed to you on February 21, 2020, advising that a complaint alleging a code violation had been received by the department.

On March 4, 2020, staff verified the complaint at:
14155 W PENNYSTONE DR SUN CITY WEST , AZ 85375

Based on the inspection, a violation of the adopted Maricopa County ordinances was confirmed and must be corrected. The violation(s) cited are:
Outdoor Light Control Provisions.

You may review the ordinances and permitting information at:
<http://www.maricopa.gov/planning/resources>.

The action(s) needed to resolve the violation and achieve compliance involve:
Remove all non-conforming lighting or bring lighting into compliance with Maricopa County Zoning Ordinance Requirements.

The violation must be corrected by MONDAY, JULY 27, 2020. You are encouraged to contact the assigned Code Compliance Officer identified below if you need more time or information on how to resolve. If you have a permitting concern and need assistance, you may schedule a Customer Outreach meeting by calling 602-506-3301. To better assist you, please be sure to provide the above case number and any other pertinent details.

The department seeks and supports voluntary compliance in these matters. However, if the violation remains unresolved or without an approved plan of action, a Summons will be issued and a Civil Hearing will be scheduled. A maximum fine of \$750 per day may be imposed if found responsible by the Hearing Officer and a notice of violation may be recorded with the County Recorder's Office. Ordered fines will accrue until compliance is verified.

Your immediate attention and action is required in this matter.

Code Compliance Officer: Charles Hart

Telephone: 602-506-7159



Planning & Development Department
CODE COMPLIANCE DIVISION
NOTICE AND ORDER TO COMPLY

September 24, 2020

Violation Case #: V202000275
Assessor's Parcel #: 232-15-381

TROTTER CAROLINE C
14155 W PENNYSTONE DRIVE
SUN CITY WEST, AZ 85375

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Remove all non-conforming lighting or bring lighting into compliance with Maricopa County Zoning Ordinance Requirements.

The violation must be corrected by MONDAY, NOVEMBER 02, 2020. You are encouraged to contact the assigned Code Compliance Officer identified below if you need more time or information on how to resolve. If you have a permitting concern and need assistance, you may schedule a Customer Outreach meeting by calling 602-506-3301. To better assist you, please be sure to provide the above case number and any other pertinent details.

The department seeks and supports voluntary compliance in these matters. However, if the violation remains unresolved or without an approved plan of action, a Summons will be issued and a Civil Hearing will be scheduled. A maximum fine of \$750 per day may be imposed if found responsible by the Hearing Officer and a notice of violation may be recorded with the County Recorder's Office. Ordered fines will accrue until compliance is verified.

Your immediate attention and action is required in this matter.

Code Compliance Officer: Charles Hart

Telephone: 602-506-7159



Planning & Development Department
CODE COMPLIANCE DIVISION
HEARING SUMMONS

This SUMMONS is issued under the Authority of Section 11-815 of the Arizona Revised Statutes and Chapter 15 of the Maricopa County Zoning Ordinance.

Date: December 09, 2020

Violation Case Number: V202000275

Issued To: TROTTER CAROLINE C
14155 W PENNYSTONE DRIVE
SUN CITY WEST, AZ 85375
US

Violation Address: 14155 W PENNYSTONE DR
SUN CITY WEST, AZ 85375

Parcel Number: 232-15-381

Legal Description: LOT 156 SUN CITY WEST UNIT 22 MCR 275-17

Chapter(s) / Section(s) / Article(s) of the Maricopa County Zoning Ordinance Violated:

Outdoor Light Control Provisions; Chapter 11 - General Regulations, Section 1112

Description of Violation(s):

Unshielded Light(s) - Outdoor Light Control Provisions

YOU ARE HEREBY NOTIFIED THAT A CIVIL HEARING ON THIS MATTER IS SET BEFORE THE HEARING OFFICER ON THURSDAY, JANUARY 21, 2021 @ 9:00AM AT THE ADDRESS LISTED BELOW.

The purpose of this hearing is for testimony to be heard on the merits of this case. You have the right to represent yourself or be represented by counsel or other designated representative.

"FAILURE TO PROVIDE NOTICE OF YOUR INTENT TO BE REPRESENTED BY COUNSEL OR DESIGNATED REPRESENTATIVE AT LEAST TEN (10) DAYS PRIOR TO THE HEARING CONSTITUTES A WAIVER OF THE RIGHT."

A MAXIMUM FINE OF \$750 PER DAY MAY BE IMPOSED IF FOUND RESPONSIBLE BY THE HEARING OFFICER AND A NOTICE OF VIOLATION MAY BE RECORDED WITH THE COUNTY RECORDER'S OFFICE. ORDERED FINES WILL ACCRUE UNTIL COMPLIANCE IS VERIFIED.

If you wish to plead RESPONSIBLE, you may appear at the hearing to enter this plea or submit a Statement of Responsibility to the Hearing Officer in writing indicating your wish to plead RESPONSIBLE, at the address listed below, prior to the hearing. The hearing will then become a Penalty Hearing to determine the appropriate penalty to be imposed for this Zoning Violation.

YOUR FAILURE TO APPEAR OR RESPOND IN WRITING TO THE HEARING OFFICER WILL RESULT IN A DETERMINATION OF RESPONSIBLE AND THE HEARING OFFICER MAY IMPOSE A CIVIL PENALTY.

Code Compliance Officer: Charles Hart CharlesHart@mail.maricopa.gov

Please refer to the Violation Case Number: V202000275 when inquiring about this case.

Note: Please contact me by email to setup an appointment prior to visiting our office in reference to this case. I am often in the field conducting site inspections, so it is possible I would be unavailable if you arrive unannounced.

