

November 15, 2018

RE: Deed Restriction Violation

Dear Mr. Rensel,

This letter is a reminder to please remove your extra vehicles from Sombrero Road again. You currently have a truck with a camper shell parked in front of our property, Lot #127. It is very difficult to sell a prime hill-side lot with a neighbor who parks an excessive number of vehicles out on the road. This makes it almost impossible for our realtor to sell the land. We have recently changed to a realtor with Russ Lyon International. He noticed the problem immediately and advised that I contact you & the Homeowner's Association.

My husband, John Pape & son, Jim Pape complained to you and the HOA Board in March of 2017. You promised to remove the vehicles & you evidently did for a while. You may have forgotten your promise. These vehicles downgrade the street & the property value considerably. I am writing this letter to appeal to your sense of compassion right now. I truly find it difficult to drive all the way out to another Board meeting to file a complaint or pursue the issue with the sheriff's department. My husband, John is very ill with cancer & is in a Care Home. We desperately need the money to pay for his care otherwise I will lose our home. The lot is the only other asset that John has left now.

I'm enclosing copies of the previous complaints in case you don't have them or have misplaced them. I will appreciate your help in this matter very much!

Sincerely,



Linda L. Pape

602-467-0375

cc: Tonto Hills Improvement Association

John & Linda Pape

From: Jim Pape <AmericanImageRealty@cox.net>
Sent: Tuesday, November 07, 2017 2:32 PM
To: Jim Pape; acc@tontohills.org
Cc: John & Linda Pape; jim.pape@cox.net
Subject: Re: Tonto Hills Deed Restriction Violation/Complaint
Attachments: 20171030_145644.jpg; 2415.pdf

11/7/17

To: Tonto Hills Improvement Association

RE: Please see attached photo from last weekend and the PDF (Maricopa County Parking Ordinance)
Mr. Steve Rensel and his excessive Vehicle parking problem.

Please consider this e-mail as another (2nd) formal complaint against Mr. Rensel. I met and spoke to Mr. Rensel at the last HOA meeting. Mr. Rensel assured me that he would remove the vehicles from the street. Which he did for a short time, but now they are back. I am currently in contact with the Listing agent (Jeff Fisher) of the house between Mr. Rensel's house and my father's vacant lot. We are planning to file a formal complaint to the Maricopa County Sheriff's office regarding Mr. Rensel's excessive Vehicle parking problem. I have to set up a time to meet a deputy there and voice my opinion and hopefully issue parking citations to Mr. Rensel. This blight to the neighborhood is unnecessary and disturbing to all that have to look at it. I know this was on the agenda for one of the last meetings, but we were unable to attend due to my father's health situation. We plan attending the next meeting and bring the issue up again and ask for support of other home/land owners in the development.

Sincerely
James E. Pape

From: [Jim Pape](#)
Sent: Friday, March 10, 2017 12:06 AM
To: acc@tontohills.org
Cc: [John & Linda Pape](#) ; jim.pape@cox.net
Subject: Tonto Hills Deed Restriction Violation/Complaint

3/9/17

Tonto Hills Improvement Association

42033 N. Old Mine Road

Cave Creek AZ 85331

RE: Deed Restriction Violation

TO: Whom It may concern

Please consider this letter as a formal complaint against the owner of Lot #125 (Steve Rensel). I realize that Mr. Rensel is a member of the HOA board. I believe that Mr. Rensel is in violation of #21 on the original deed restrictions. #21 states: "No lot shall be used or become in such a condition as to depreciate the value of adjacent properties". Mr. Rensel is parking his vehicles on the street in front of lot #127 & #126. (see attached photos) He is also parking his vehicle in the street in front of his own home (and has to put an orange cone in front of it to warn drivers not to avoid hitting it (see attached photos). I also believe that the vintage army fire truck parked in his front yard is also in violation of the restrictions. The fire truck has been parked there for over 5 years and has not moved, making it a permanent fixture (see attached photos).

I am currently trying to market lot #127, and with the junk vehicles parked out front, it adversely affects the marketability of the lot. These vehicles have been there for several months, and it appears that Mr. Rensel intends of storing them long term (as noted by the vinyl tire covers, placed on long term storage vehicles). I have had several Realtors call about the lot and ask about the "Junk Yard" down the street and the vehicles stored in front of #127 & #126. I can only imagine how many passed up on our lot without a call, just to avoid dealing with this problem of Blight.

We complained to Mr. Rensel several years ago about several vehicles stored along the street and a spiral stair case that was laying near the street. So this is not a new issue as to the Blight he causes to the development.

I would like this issue to be brought up at the next HOA meeting so we can come to an agreement and/or ruling on what is acceptable as to the number, type, term, and location of vehicles allowed to be stored on lots, streets, and in front of other peoples properties. please call or e-mail me to let me know when & where the next HOA meeting is being held.

Sincerely,

James E. Pape & John C. Pape (owner of lot #127)

602.579.1577 602.467.0375

ORDINANCE NO. P-5
ADOPTED June 5, 1989
-See Clerk's Note at end-

**MARICOPA COUNTY ORDINANCE
THE MARICOPA COUNTY RESIDENTIAL PARKING ORDINANCE #8901**

Prohibiting the parking of trucks, trailers and other Specified vehicles on residential streets.

ARTICLE I - TITLE AND PURPOSE

Section 101. Title

This Ordinance may be cited as "The Maricopa County Residential Parking Ordinance."

Section 102. Purpose

The purpose of this Ordinance is to promote the public health, safety and welfare in residential areas by prohibiting the parking of large trucks, trailers, recreational vehicles and buses on residential streets, thereby reducing traffic hazards and promoting property values, aesthetics and overall quality of life in residential areas. This Ordinance is adopted pursuant to the authority conferred in Arizona Revised Statutes Section 11-251.05.

ARTICLE II - RULES AND DEFINITIONS

Section 201. General Rules for Construction of Language

All words and terms in this Ordinance shall have their common and ordinary usage, except that certain words and terms shall have the meaning expressly stated below.

Section 202. Definitions

For the purpose of this Ordinance, the following definitions shall apply:

1. **Bus**: A large motor-driven passenger vehicle capable of carrying greater than 15 passengers at one time or having a gross vehicle weight over 10,000 pounds.
2. **Recreation Vehicles and Trailers**: A unit built on a truck, bus, or trailer chassis and equipped as a self-contained traveling home which is over 8 feet in height, 22.5 feet in length or over 10,000 pounds gross vehicle weight (GVW).
3. **Large Truck**: A large motor driven vehicle which is over 8 feet in height, 22.5 feet in length or over 10,000 pounds GVW.
4. **Collector Street**: Streets with the following characteristics:
 - a) typically built 40-48 feet in width;

- b) traffic volume of less than 5,000 vehicles per day or approximately 500 vehicles per peak hour;
 - c) traffic movements consisting of both land access and traffic circulation.
5. **Local Street:** Streets with the following characteristics:
- a) two lanes, with intersections at grade;
 - b) typically built to 32 feet in width;
 - c) volume of less than 2,000 vehicles per day or approximately 200 vehicles per peak hour;
 - d) traffic movements between collector streets and adjacent roads.
6. **Residential Area:** The territory fronting on and including a street, which territory is zoned residential (Rural 190, Rural 70, Rural 43, R1-35, R1-18, R1-10, R1-8, R1-7, R1-6, R2, R3, R4, or R5) according to the Zoning Ordinance for the Unincorporated Area of Maricopa County and on which exists a structure intended for human habitation.
7. **Street:** Any public right-of-way in the Unincorporated Area of Maricopa County.

ARTICLE III - PARKING OF CERTAIN VEHICLES PROHIBITED

Section 301.

No person shall stand or park any vehicle with a gross vehicle weight in excess of 10,000 pounds, or any tractor, semitrailer, tractor trailer, trailer, bus, or recreational vehicle on a local or collector street in a residential area except under the following conditions:

- 1. During the process of loading or unloading such vehicle.
- 2. During the time such vehicle is used to perform routine or emergency maintenance to utilities, transportation facilities or private property.
- 3. During the time such vehicle is used to perform the construction of utilities, transportation facilities, or private property.

Section 302.

The prohibition set forth in Section 301 of this Ordinance shall be applicable only to those residential areas posted by the Maricopa County Highway Department upon instructions by the Maricopa County Board of Supervisors.

ARTICLE IV - PENALTIES

Section 401.

Any person who violates this Ordinance may be cited and fined according to the following schedule:

First Offense:	\$ 50.00
Second Offense:	100.00
Third and Subsequent Offenses:	250.00

Section 402.

Each day a prohibited vehicle is in violation of this Ordinance shall constitute a separate offense.

ARTICLE V - SEPARABILITY CLAUSE, REPEAL OF CONFLICTING ORDINANCES, EFFECTIVE DATE

Section 501. Separability Clause

Should any article, section or regulation of this Ordinance be declared by the courts to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof other than the article, section or regulation so declared to be unconstitutional or invalid.

Section 502. Repeal of Conflicting Ordinances

All ordinances or portions of ordinances heretofore enacted which are in conflict with this Ordinance or inconsistent with the provisions of this Ordinance, are hereby superseded by this Ordinance to the extent necessary to give this Ordinance full force and effect.

Section 503. Effective Date

THIS ORDINANCE SHALL BECOME EFFECTIVE ON JUNE 5, 1989.

Clerk's Note: Only those streets that residents apply for and are granted by the Board can have the restriction placed on them by this ordinance. This is not a blanket ordinance for all of Maricopa County but rather permission to apply for the restrictions in a particular area with the prohibitions detailed in the ordinance.

Parking of Trucks on Residential Streets Ordinance P-5(A134) For unincorporated areas of Maricopa County

For this ordinance to be applicable:

The residential area must be posted by MCDOT with instructions by Board of Supervisors (BOS).

To be posted:

Residents apply with MCDOT.

The request is placed on the BOS agenda under Traffic Control Regulation Changes for consideration.

Enforcement:

After approval by BOS and being properly posted, enforcement is responsibility of the M.C. Sheriff's Office