

Staff Summary Report



Hearing Officer Hearing Date: March 18, 2008

Agenda Item Number: 9

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items located at the **MCCOMBS RESIDENCE** located at 1272 East La Jolla Drive.

DOCUMENT NAME: 20080318dsng05

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **MCCOMBS RESIDENCE (PL080063/ABT08003)** (Greg McCombs, property owner) Complaint CE075864 located at 1272 East La Jolla Drive in the R1-6, Single Family Residential District.

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)
Nick Graves, Planning Intern (480-350-8942)

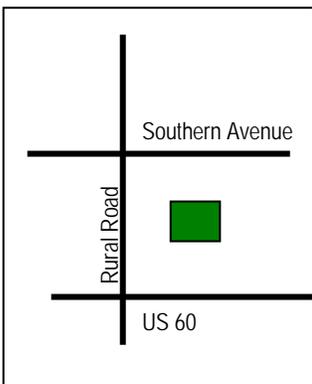
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval

ADDITIONAL INFO: The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the **MCCOMBS RESIDENCE (PL080063/ABT08003)** (Greg McCombs, property owner) Complaint CE075864 located at 1272 East La Jolla Drive in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Staff recommends the authorization of abatement of this property.



PAGES:

1. List of Attachments
2. Comments; History & Facts/Description

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-15. Neighborhood Enhancement Report

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **MCCOMBS RESIDENCE (PL080063/ABT08003)** (Greg McCombs, property owner) Complaint CE075864 located at 1272 East La Jolla Drive in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Andres Lara, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

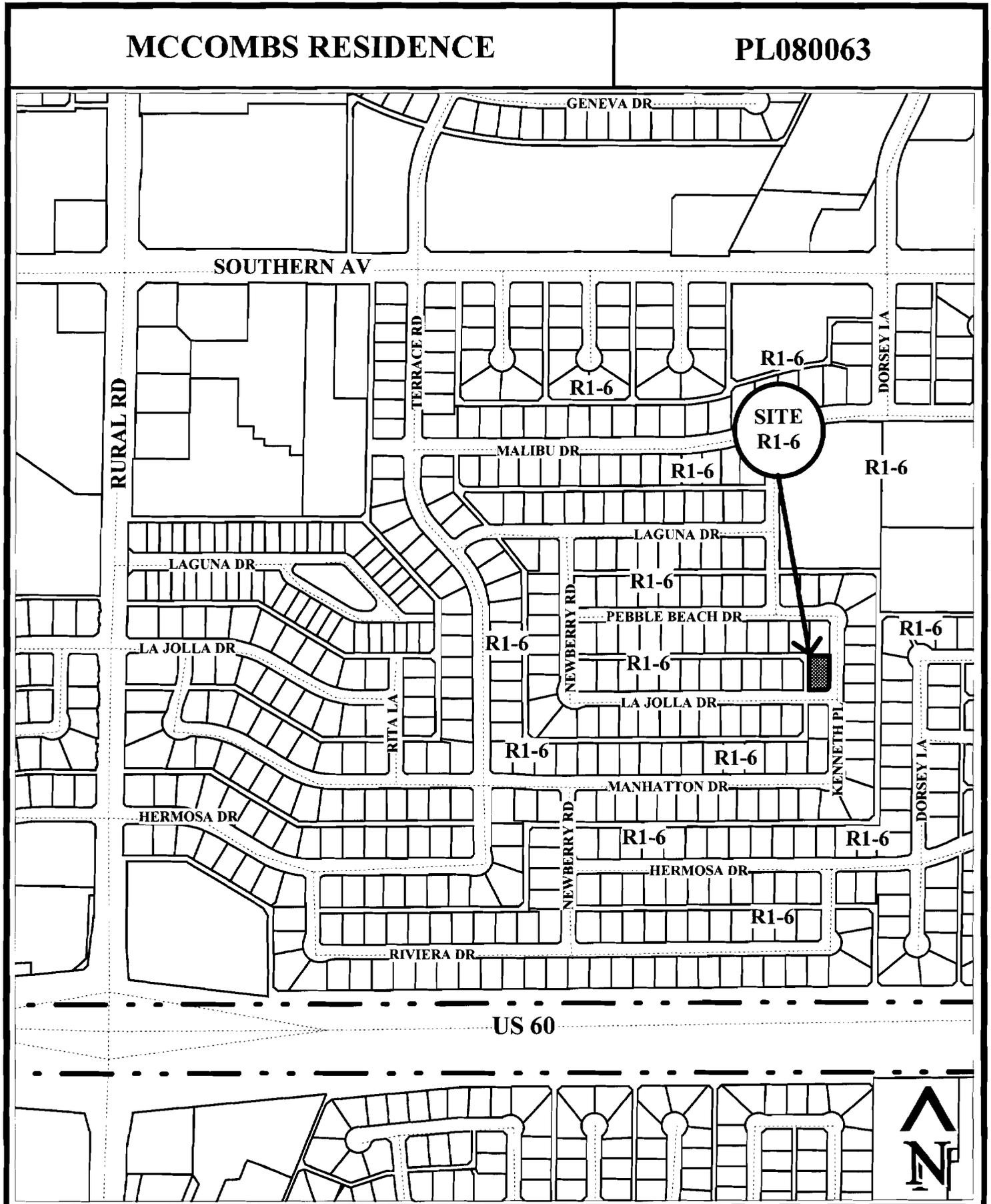
Staff recommends the authorization of abatement of this property.

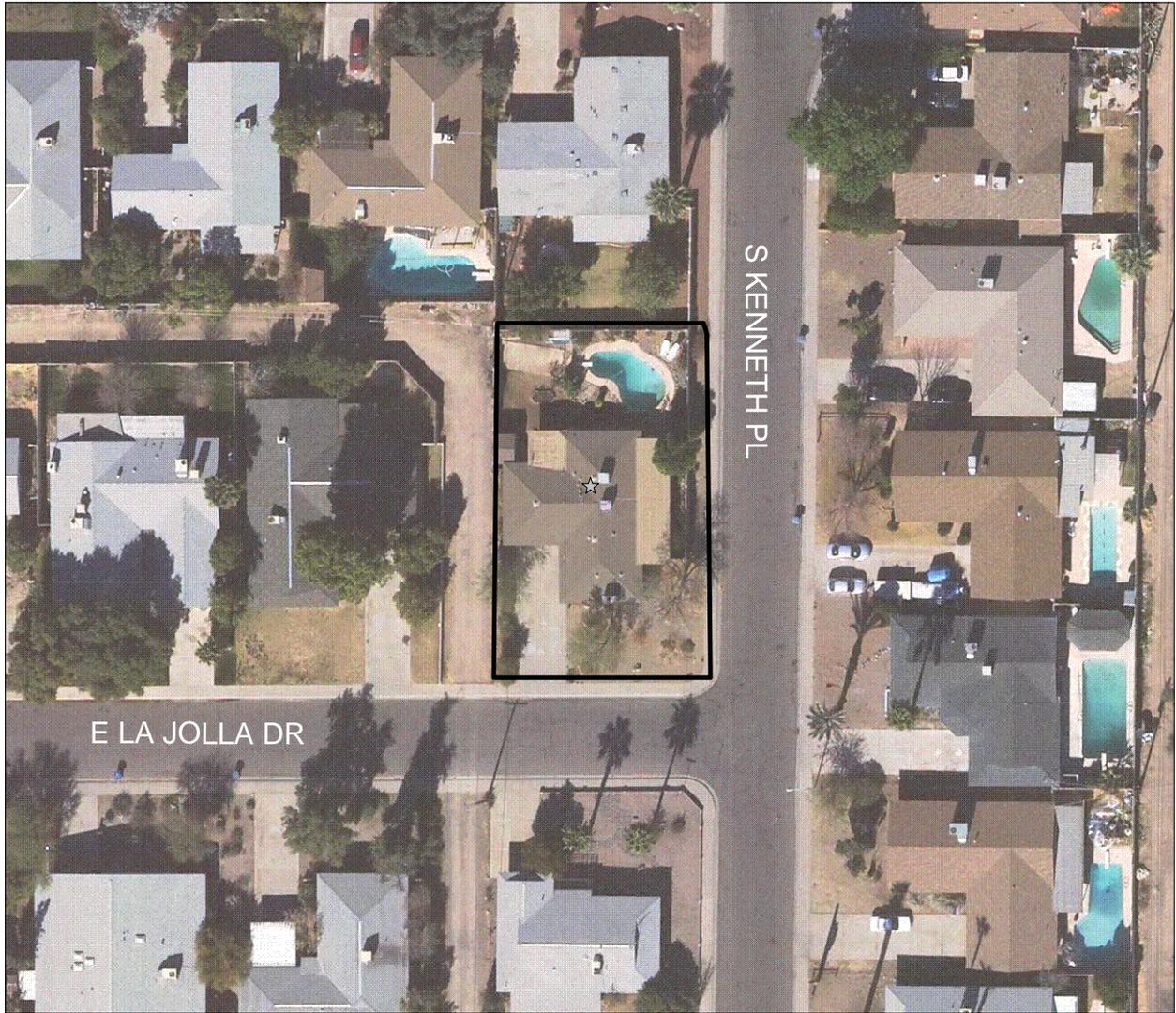
HISTORY & FACTS: See attached memo from the Neighborhood Enhancement Division.

DESCRIPTION: Owner – Greg McCombs
Applicant – Jan Koehn, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 8,308 sf./ .19 acre
Building area – 1,339 sf.
Year of construction – 1963

MCCOMBS RESIDENCE

PL080063





MCCOMBS RESIDENCE (PL080063/ABT08003)



DATE: 2/12/08

SUBJECT: Request to Abate Nuisance Violations- Reference Complaint #CE075864

LOCATION: 1272 E LA JOLLA DR.

LEGAL: Book 99, Map 30, Lot 166, as recorded with the Maricopa County Assessor, parcel #133-54-166

OWNER: Greg A. McCombs
1272 E La Jolla Dr
Tempe, AZ 85282

FINDINGS:

10/09/07 An inspection of the property revealed that the east facing block wall was missing several blocks that exposed a swimming pool within the rear yard area that was unsecured. A courtesy notice was mailed to the property owner for deteriorated block wall. Fence area was secured with temporary fencing.

11/21/07 The area inspector spoke to Mr. Greg McCombs at his home and he stated that the fence would be restored by 11/30/07. Mr. McCombs was advised that that we would go to citation if the fence repair was not complete. A final notice was mailed to the property owner, Greg McCombs, for a deteriorated block wall missing several blocks and exposing a swimming pool.

12/03/07 An inspection showed that the fence had not been repaired. A courtesy notice was posted to the property on the property owner's door. Household items and plywood are piled against the opening to prevent access to the backyard swimming pool.

12/14/07 At 11:40 am a citation was issued and mailed to the property for a deteriorated block wall that is missing several blocks within the east side yard.

1/07/08 A revised citation was re-mailed sent to the property for a deteriorated block wall that is missing several blocks within the east side yard at 1015 am.

1/23/08 Greg McCombs failed to appear on the citation and a default judgment in the amount of \$170.00 was entered by the Tempe Municipal Court for nuisance code violation 21-3b15.

01/23/08 A call back notice was posted to the property owner's front door. The note stated that a second citation will be issued on 1/28/08 if the property is not brought into compliance.

01/29/08 A second citation was issued and mailed to the property for a deteriorated block wall that is missing several blocks within the east side yard.

2/12/08 Greg A McCombs did not appear in court and a default judgment was entered. I received an estimate from Bishop Inc. to abate the property in the amount of \$250.00.

2/15/08: Property abatement notice posted – requested Hearing Officer date of 3/18/08.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violation be done at the property of 1275 E. La Jolla drive due to Mr. Greg A McCombs failure to bring his property into compliance with Tempe City Nuisance Codes 21-3.b.1, 21-3-b.15 and 21-3.b.16. Mr. Greg McCombs has been given ample time to correct the violation and maintain the property. There has been no indication that Mr. Greg McCombs plans to correct the violation.



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2278 (fax)

Neighborhood Enhancement Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: February 15, 2008

TO: Greg A McCombs
1272 E La Jolla Dr
Tempe, AZ 85282

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

LEGAL: Book 99 , Map 30 , Parcel 133-54-166 , as recorded with the Maricopa County Assessor.

LOCATION: 1272 E La Jolla Drive, Tempe, Arizona 85281

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of March 18. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

Dilapidated and damaged fence (wall) missing blocks and that does not meet the enclosure requirements for swimming pool fencing of being at least five (5) feet in height and secured from the public. Removal of junk and debris that has been piled near the opening of the gap in the block wall. Code reference 21-3-b-15, 21-3-b-16 and 21-3-b-1.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$ 250.00. In addition to the actual cost of abatement, an administrative charge of fifteen (15%) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City. If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Inspector: Jan Koehn

Phone Number: 480-350-8076

CASE # CE075864



CODE INSPECTOR PATRICIA CAREY
480-350-2895
E-MAIL: patricia_carey@tempe.gov

GREG MCCOMBS
1272 E. LA JOLLA DR.
TEMPE AZ. 85282

City of Tempe Code Enforcement Division
Courtesy Notice
We need your help to keep our City clean

This is a courtesy notice to inform you that on 10/09/07 , 1272 E. LA JOLLA DR.
(date) (location)

was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21 of the Tempe City Code. If the property is brought into compliance with the code by 11/06/07 , you will not be subject to citations or fines for the violation(s). A re-inspection will be conducted on or after the date indicated to verify compliance. If the violations have not been corrected by this date and additional reinspections are necessary, you may be assessed a \$75.00 reinspection fee.

21-3-(b) (15) : Any wall or fence with missing blocks, boards or other material or is otherwise deteriorated so as to constitute a hazard.

Please take the following corrective action by 11/06/07

Required Correction(s):

- PLEASE REPAIR THE BLOCK FENCE AT THE EAST SIDE OF THE PROPERTY.

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

(FIRST VIOLATION/\$100.00 FINE)
(SECOND VIOLATION/\$200.00 FINE)
(THIRD VIOLATION/\$300.00 FINE)

(FIRST VIOLATION/\$300.00 FINE)
(SECOND VIOLATION/\$600.00 FINE)
(THIRD VIOLATION/\$900.00 FINE)

CE21-15 11/99

CASE # CE075864



CODE INSPECTOR PATRICIA CAREY
480-350-2895
E-MAIL: patricia_carey@tempe.gov

FINAL NOTICE

**GREG MCCOMBS
1272 E. LA JOLLA DR.
TEMPE AZ. 85282**

**City of Tempe Code Enforcement Division
Courtesy Notice
We need your help to keep our City clean**

This is a courtesy notice to inform you that on 11/21/07 , 1272 E. LA JOLLA DR.
(date) (location)

was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21 of the Tempe City Code. If the property is brought into compliance with the code by 11/30/07, you will not be subject to citations or fines for the violation(s). A re-inspection will be conducted on or after the date indicated to verify compliance. If the violations have not been corrected by this date and additional reinspections are necessary, you may be assessed a \$75.00 reinspection fee.

21-3-(b) (15) : Any wall or fence with missing blocks, boards or other material or is otherwise deteriorated so as to constitute a hazard.

Please take the following corrective action by 11/30/07

Required Correction(s):

- PLEASE REPAIR THE BLOCK FENCE AT THE EAST SIDE OF THE PROPERTY.

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

(FIRST VIOLATION/\$100.00 FINE)
(SECOND VIOLATION/\$200.00 FINE)
(THIRD VIOLATION/\$300.00 FINE)

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(SECOND VIOLATION/\$600.00 FINE)
(THIRD VIOLATION/\$900.00 FINE)

CE21-15 11/99

CASE # CE075864



CODE INSPECTOR PATRICIA CAREY
480-350-2895
E-MAIL: patricia_carey@tempe.gov

POSTED

**GREG MCCOMBS
1272 E. LA JOLLA DR.
TEMPE AZ. 85282**

**City of Tempe Code Enforcement Division
Courtesy Notice
*We need your help to keep our City clean***

This is a courtesy notice to inform you that on 12/03/07, 1272 E. LA JOLLA DR.
(date) (location)

was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21 of the Tempe City Code. If the property is brought into compliance with the code by 12/14/07, you will not be subject to citations or fines for the violation(s). A re-inspection will be conducted on or after the date indicated to verify compliance. If the violations have not been corrected by this date and additional reinspections are necessary, you may be assessed a \$75.00 reinspection fee.

21-3-(b) (15) : Any wall or fence with missing blocks, boards or other material or is otherwise deteriorated so as to constitute a hazard.

Please take the following corrective action by 12/14/07

Required Correction(s):

- PLEASE REPAIR THE BLOCK FENCE AT THE EAST SIDE OF THE PROPERTY.

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

(FIRST VIOLATION/\$100.00 FINE)

**(SECOND VIOLATION/\$200.00 FINE)
(THIRD VIOLATION/\$300.00 FINE)**

**(FIRST VIOLATION/\$300.00 FINE)
(SECOND VIOLATION/\$600.00 FINE)
(THIRD VIOLATION/\$900.00 FINE)**

CE21-15 11/99



City of Tempe
Neighborhood Enhancement
21 E. 6th St., #208
Tempe, AZ 85281

Phone 480-350-8372
Fax 480-858-2278
TDD 480-350-8400

Neighborhood Enhancement
Office Hours are 7am to 5pm,
Monday through Friday.

We attempted to contact you on 1/23/08 regarding the indicated violation or to gather information related to our activities.

- Junk, rubbish or debris
- Inoperable/Unregistered vehicle
- Tall grass or weeds
- Home occupation
- Lawn Parking
- Swimming pool enclosure
- Street or sidewalk obstruction
- Other Deteriorated Fence

Message
Greg McCombs.
a second citation
will be issued on
1/28/08 if the property
is not in compliance

Inspector Patricia Carey
 Phone 480-350-2895
 Email Patricia-Carey@tempe.gov

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa Co
State of Ariz



Complaint Number 1334203		Case Number CE075864		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury	<input type="checkbox"/> Accident	<input type="checkbox"/> Fatality	<input type="checkbox"/> Commercial	
Driver's License No.		<input type="checkbox"/> DLP	State	Class	Endorsements M H N P T X D			Incident Report Number				
Defendant Name (First, Middle, Last) GREG A. McCOMBS											Juvenile	
Residence Address, City, State, Zip Code 1272 E. LA JOLLA DR - TEMPE AZ 85283											Residence Phone No. (480) 342-1000	
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions					
Business Address, City, State, Zip Code											Business Phone No. ()	
Vehicle Color		Year	Make	Model	Style	License Plate		State	Expiration Date			
Registered owner & address, City, State, Zip Code								Vehicle Identification Number				

The Undersigned Certifies That:

On	Month 01	Day 07	Year 2008	Time 10:15	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Speed	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace		Direction of Travel
At	Location 1272 E. LA JOLLA DR TEMPE AZ 85283								<input checked="" type="checkbox"/> Tempe	Area	Dist.	

The Defendant Committed the Following:

A	Section:	213B15	ARS CC	Violation: DETERIORATED FENCE	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:		Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code	
	MVD						
B	Section:		ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:		Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	
	MVD						
C	Section:		ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:		Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	
	MVD						
D	Section:		ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:		Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	
	MVD						
E	Section:		ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:		Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	
	MVD						

You must appear on the date and time indicated at:

Tempe Municipal Court
140 E. 5th Street
Tempe, AZ 85281
Court No. 0753

<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor	Date: 1/22/08	Time: Between 9AM & 4PM
<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
<input type="checkbox"/> Court:	Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM

Court Address, City, State, Zip Code

Criminal: Without admitting guilt, I promise to appear as directed hereon.
Civil: Without admitting responsibility, I acknowledge receipt of this complaint.

Victim? Victim Notified?
I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.

X **MAILER 01/09/08**

Complainant **PATRICIA CAREY 9027**
CODE COMPLAINT BSN

Comments: **JUVENILE NOTIFICATION: FAILURE TO APPEAR OR COMPLY AS ORDERED WILL RESULT IN A SUSPENSION OF YOUR DRIVER'S LICENSE/DRIVING PRIVILEGES UNTIL YOU COMPLY OR REACH YOUR 18TH BIRTHDAY. INITIALS _____**
FIRST VIOLATION(A) \$100.00 FINE

Date issued if not violation date

COMPLAINT



1334203

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1334204		Case Number CE075864		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident <input type="checkbox"/> Fatality		<input type="checkbox"/> Commercial			
Driver's License No.				DLP <input type="checkbox"/>		State		Class		Endorsements M H N P T X D				Incident Report Number	
Defendant		Name (First, Middle, Last) GREG A. McCOMBS										Juvenile			
Residence Address, City, State, Zip Code 1272 E. LA JOLLADR. TEMPE, AZ 85281												Residence Phone No. 480.342-1000			
Sex		Height		Weight		Eyes		Hair		Origin		Date of Birth		Restrictions	
Business Address, City, State, Zip Code												Business Phone No.			
Vehicle		Color		Year		Make		Model		Style		License Plate		State	
Registered owner & address, City, State, Zip Code												Vehicle Identification Number			

The Undersigned Certifies That:

On		Month 01	Day 29	Year 2008	Time 12:36	<input type="checkbox"/> AM	<input checked="" type="checkbox"/> PM	Speed	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace			Direction of Travel	
At		Location 1272 E. LA JOLLADR. TEMPE, AZ 85281										<input checked="" type="checkbox"/> Tempe		Area		Dist.

The Defendant Committed the Following:

A	Section:		213 B 15		ARS CC		Violation: DETERIORATED FENCE		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal		<input type="checkbox"/> Criminal Traffic	
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input checked="" type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic		<input type="checkbox"/> Petty Offense	
	MVD													
B	Section:				ARS CC		Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal		<input type="checkbox"/> Criminal Traffic	
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic		<input type="checkbox"/> Petty Offense	
	MVD													
C	Section:				ARS CC		Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal		<input type="checkbox"/> Criminal Traffic	
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic		<input type="checkbox"/> Petty Offense	
	MVD													
D	Section:				ARS CC		Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal		<input type="checkbox"/> Criminal Traffic	
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic		<input type="checkbox"/> Petty Offense	
	MVD													
E	Section:				ARS CC		Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal		<input type="checkbox"/> Criminal Traffic	
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic		<input type="checkbox"/> Petty Offense	
	MVD													

You must appear on the date and time indicated at:	Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753		<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor		Date: 2/11/08		Time: Between 9AM & 4PM	
			<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor		Date: _____		Time: _____	
	<input type="checkbox"/> Court:		Date:		Time:		<input type="checkbox"/> AM <input type="checkbox"/> PM	
Court Address, City, State, Zip Code								

Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.		Victim? <input type="checkbox"/>		Victim Notified? <input type="checkbox"/>	
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.		I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.			
X		Complainant PATRICIA CAREY 8027		CODE COMPLIANCE	

Comments:
Juvenile Notification:
 Failure to appear or comply as ordered will result in a suspension of your driver's license / driving privileges until you comply or reach your 18th birthday. Initials _____

SECOND VIOLATION (A) \$650.00 FINE

Date issued if not violation date _____

COMPLAINT



1334204



1272 E La Jolla Dr - 12/15/08



2272 E La Jolla Dr - 1-29-08



3272 E La Jolla Dr - 2-15-08



4272 E La Jolla - 2/15/08