

Staff Summary Report



Hearing Officer Hearing Date: July 1, 2008

Agenda Number: 5

SUBJECT: This is a public hearing for a request by the by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items at the **PAOLUCCI PROPERTY (PL080188/ABT08013)** located at 730 East Cavalier Drive.

DOCUMENT NAME: 20080701dsng02

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 **PAOLUCCI PROPERTY (PL080188/ABT08013)** (Emma Paolucci, property owner) Complaint CE072127 located at 730 East Cavalier Drive in the R1-6, Single Family Residential District.

PREPARED BY: Nick Graves, Planning Intern (480-350-8690)
Kate Atwood, Planning Intern (480-350-8942)

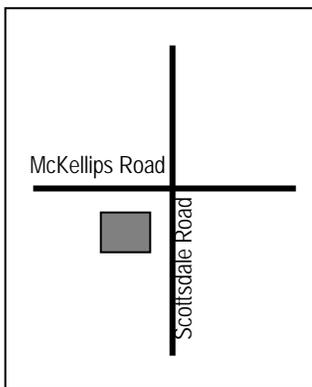
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

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 **PAOLUCCI PROPERTY (PL080188/ABT08013)** (Emma Paolucci, property owner) Complaint CE072127 located at 730 East Cavalier Drive in the R1-6, Single Family Residential District. The property is located southwest of the intersection of McKellips Road and Scottsdale Road. 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
 2. Aerial Photo
 - 3-13. Neighborhood Enhancement Report

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **PAOLUCCI PROPERTY (PL080188/ABT08013)** (Emma Paolucci, property owner) Complaint CE072127 located at 730 East Cavalier Drive in the R1-6, Single Family Residential District. The property is located southwest of the intersection of McKellips Road and Scottsdale Road. 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 – Emma Paolucci
Applicant – Andres Lara, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 6,910 s.f. / .16 acres
Building area – 1,778 s.f.
Year of construction – 1962

PAOLUCCI PROPERTY

PL080188



Location Map



PAOLUCCI PROPERTY (PL080188)

DATE: 05/20/2008
TO: Jan Koehn, Code Compliance Manager
FROM: Andres Lara
SUBJECT: Emma Paolucci Property Abatement

LOCATION: 730 E. Cavalier Dr. Tempe, Arizona 85281
LEGAL: Book 132, Map 71, Parcel 103, as recorded with the Maricopa County Assessor
OWNER: Emma Paolucci
1186 E. Walton Dr.
Prescott, AZ 86303-8334

FINDINGS:

- 04/27/2007 The property was inspected and found to be in violation for dead bushes, tall weeds and grass growing along the edges of bare dirt front and side yards, two unregistered vehicles parked in the driveway and no visible address numbers on the building. A notice to comply was mailed to the owner in Prescott, AZ.
- 05/31/2007 The property was inspected and found to still be in violation and a final notice was sent to the owner
- 06/28/2007 The property was inspected and found unchanged and a citation was issued for the three Tempe code violations.
- 02/06/2008 Inspector Pete DeMott received a message from Mrs. Paolucci indicating that she was trying to get the property cleaned and the vehicles removed.
- 03/01/2008 Requested bid for abatement from contractor.
- 04/19/2008 To date, a small patch of weeds has been cut but the majority of the violations remain unchanged.
- 05/12/2008 Bid received for cleaning in the amount of \$767.50
- 05/19/2008 File was transferred from inspector Pete DeMontt to Andres Lara.
- 05/21/2008 Notice of intent to abate posted and mailed to the owner.

HISTORY

08/20/1998 - 09/30/1998 Lawn parking.
11/16/1999 - 12/07/1999 Lawn parking.
08/01/2000 – 10/09/2000 Deteriorated landscaping – tall grass/weeds
06/11/2002 – 10/01/2002 Deteriorated landscaping – tall grass/weeds in dirt yard
09/08/2003 – 10/30/2003 Deteriorated landscaping – tall grass/weeds in dirt yard Car
with flat tire in driveway
10/11/2004 – 11/09/2004 Deteriorated landscaping – tall grass/weeds in dirt yard
04/28/2005 – 05/12/2005 Deteriorated landscaping – tall grass/weeds in dirt yard
12/15/2005 – 04/17/2006 Deteriorated landscaping – tall grass/weeds in dirt yard
Unregistered van in driveway.
08/31/2006 – 12/08/2006 Deteriorated landscaping – tall grass/weeds in dirt yard.
Unregistered van in driveway.

RECOMMENDATIONS:

Two notices and one citation were issued to the property owner Mrs. Emma Paolucci concerning the problems at the residence with minimum response. Mrs. Emma Paolucci has failed to correct the violations and staff feels that the only solution to rectify the problems at the residence is to conduct an abatement of the property. I therefore request the City of Tempe Development Services Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,
Andres Lara
City of Tempe Code Inspector



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2231 (fax)

Code Compliance Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: May 21, 2008

TO: Emma Paolucci
1186 E. Walton Dr.
Prescott, AZ 85303

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

LEGAL: Book 132, Map 71, Parcel 103, as recorded with the Maricopa County Assessor.

LOCATION: 730 E. Cavalier Dr Tempe, AZ 85281

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of July 01, 2008. 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:

Remove all trash, litter and debris in the front and side yard areas. Tow away one (1) unregistered vehicle parked in the driveway. Remove all over height grass and weeds in the front yard area. (Ref - TCC 21-3-b-1, 3, 8).

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 \$767.50. 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 Enforcement Officer: Andres Lara

Phone Number 480-858-2289

Bishop Inc.

6340 S. Rural Road, #118-217
 Tempe, Arizona 85283
 PH: (602) 339-2082 Fax (480) 413-1691

ESTIMATE # 8475

Name: City of Tempe
Address: P.O. Box 5002
City: Tempe, AZ 85281
Attn: Code Compliance

Date 4/20/08
Order #
Customer # Pete
Our Order #

Qty	Description
	SITE ADDRESS 730 E Cavalier
	Scope of work:
	Cut down tall weeds and grass. Clean up trash and debris in front and side yard areas.
	Tow away 1 unregistered vehicle
	Off duty police officer to be on site during abatement
	Contract #T05-102-01

Unit Price	Total
	475.00
	150.00
\$47.50	142.50
Total	\$767.50

Disclaimer:

Prices may vary due to work completed by homeowner and the time lapse between this estimate and the abatement date. This estimate is based on a visual inspection of the property due to no access to backyards, locked gates, occupied property and obstructions to the visual inspection such as tarps, plywood covering, over growth of trees and bushes, plastic bags, etc.

CASE # CE072127



CODE INSPECTOR PETE DEMOTT
480-350-2897
E-MAIL: peter_demott@tempe.gov

EMMA PAOLUCCI
1186 E WALTON DR.
PRESCOTT, AZ 86303

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

This is a courtesy notice to inform you that on 4/24/2007, 730 E. CAVALIER DR. TEMPE was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Section 21 of the Tempe City Code. A re-inspection will be conducted on or after the date indicated to verify compliance. If the property is brought into compliance with the code by 5/26/2007, you will not be subject to citations or fines for the violation(s). We appreciate your cooperation in this matter. For questions or further information please contact the Code Compliance Division at 480-350-8372.

21-3 (b) (3) : Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot.

21-3 (b) (8) : Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

21-4-(3): Outside of any building, any required address numbers which are not mounted to the building in a permanent and stationary manner, or are obstructed by trees, shrubs, or anything that would tend to hide or obscure the numbers, or are not visible at all times from public access areas to the dwelling.

Please take the following corrective action by 5/26/2007

Required Correction(s):

PLEASE REGISTER THE VAN, MOVE IT TO THE GARAGE OR BACK YARD OR REMOVE IT FROM THE PROPERTY.
PLEASE MOUNT ADDRESS NUMBERS OR MAKE CURRENT NUMBERS VISIBLE.
PLEASE REMOVE ANY AND ALL WEEDS OR GRASS FROM THE LANDSCAPING IN THE FRONT AND SIDE YARDS.
LANDSCAPING MAY BE ROCK, DESERT, BARE EARTH, GRASS (GREEN AND VERDANT), A COMBINATION OF THESE WITH DEFINED BORDERS, OR ANY OTHER RECOGNIZABLE FORM OF LANDSCAPING.

If the violations have not been corrected by this date and additional re-inspections are necessary, you may be assessed a \$75.00 re-inspection fee. 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)

CE21-1 06/02

CASE # CE072127



CODE INSPECTOR PETE DEMOTT
480-350-2897
E-MAIL: peter_demott@tempe.gov

ROGER PAOLUCCI
1186 E WALTON DR.
PRESCOTT, AZ 86303

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CE21-1 06/02

CASE # CE072127



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480-350-2897
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EMMA PAOLUCCI
1186 E WALTON DR.
PRESCOTT, AZ 86303

City of Tempe Code Compliance Division
SECOND AND FINAL NOTICE
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Please take the following corrective action by 6/27/2007

Required Correction(s):

PLEASE REGISTER THE VAN AND MUSTANG, MOVE THEM TO THE GARAGE OR BACK YARD OR REMOVE THEM FROM THE PROPERTY.

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FAILURE TO COMPLY WITH THIS NOTICE WILL RESULT IN A CITATION AND FINE.

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