

Staff Summary Report



Hearing Officer Hearing Date: December 2, 2008

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items at the **PAOLUCCI RESIDENCE (PL080398/ABT08035)** located at 730 East Cavalier Drive.

DOCUMENT NAME: 20081202dsng01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items in violation of the Tempe City Code for the **PAOLUCCI RESIDENCE (PL080398/ABT08035)** (Emma Paolucci, property owner) (Complaint CE086695) located at 730 East Cavalier Drive in the R1-6, Single Family Residential District.

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

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

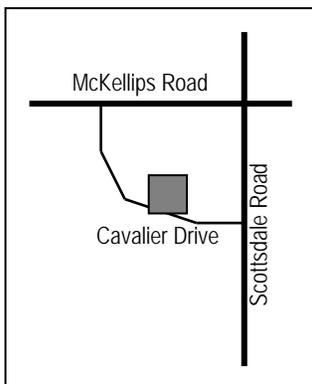
SEA

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 RESIDENCE (PL080398/ABT08035)** (Emma Paolucci, property owner) (Complaint CE086695) located at 730 East Cavalier Drive in the R1-6, Single Family Residential District. This residence 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 authorizing abatement of this property.



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-7. Neighborhood Enhancement Report
- 8-10. Neighborhood Enhancement Photos

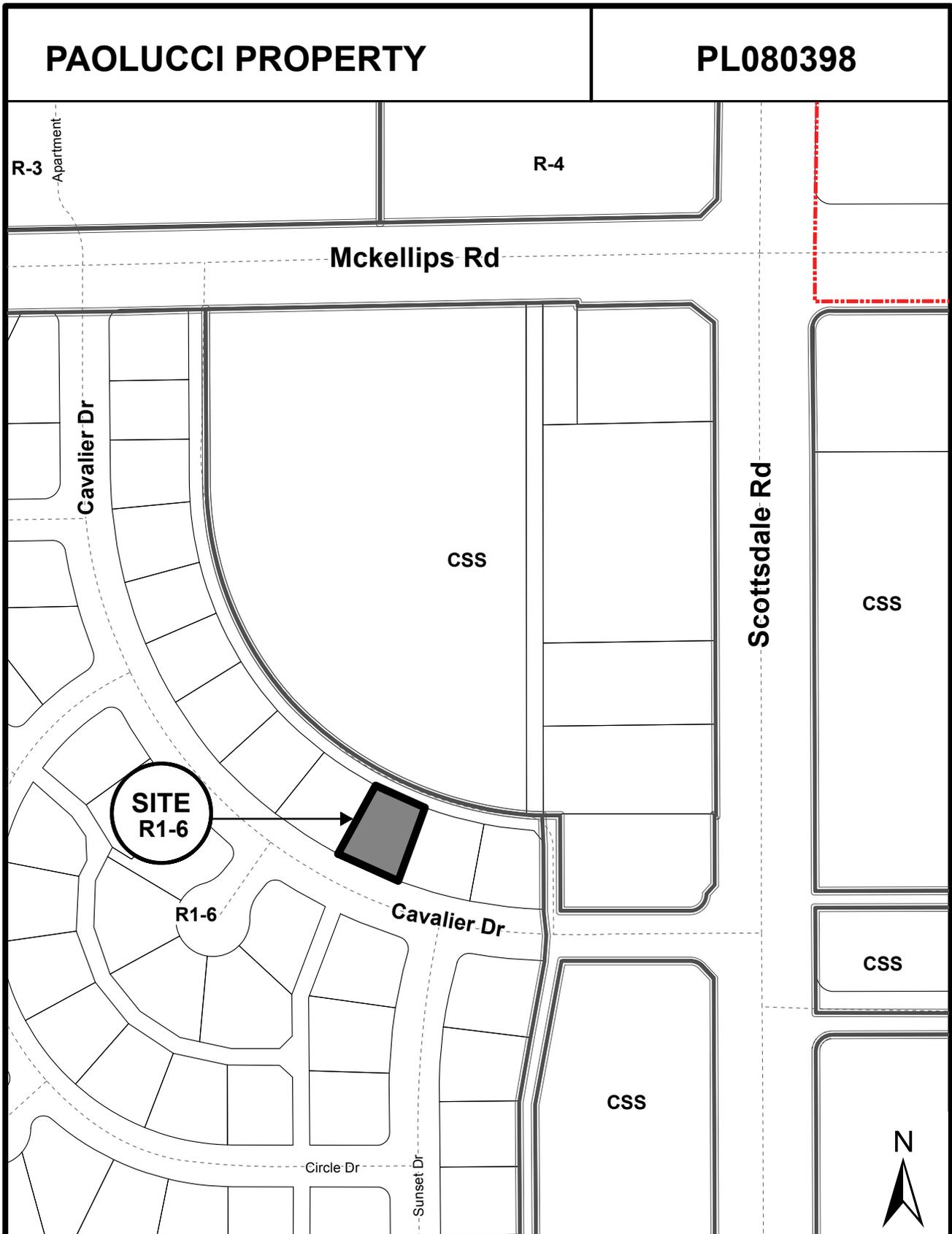
COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **PAOLUCCI RESIDENCE (PL080398/ABT08035)** (Emma Paolucci, property owner) (Complaint CE086695) located at 730 East Cavalier Drive in the R1-6, Single Family Residential District. This residence 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 authorizing 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 structure – 1962



Location Map



PAOLUCCI PROPERTY (PL080398)



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: October 20, 2008

TO: Emma Paolucci
1186 E. Walton Dr.
Prescott, AZ 86303

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 December 2, 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 over height grass and weeds in the front yard area. (Ref - TCC 21-3-b-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 \$352.00. 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 Enforcement Officer: Andres Lara

Phone Number 480-858-2289

DATE: 10/20/2008
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:

09/16/2008 Based on a complaint observed over height grass and weeds over dirt in the front and side yard areas. A Notice to comply was mailed to the owner.

09/30/2008 Over height grass and weeds remain. Final notice mailed to the owner.

10/20/2008 No improvements or changes made to remove the weeds. Notice of intent to abate posted and submitted.

RECOMMENDATIONS:

I recommend abatement of the property against Mrs. Emma Paolucci for being a habitual offender of the Tempe City Code. Mrs. Emma Paolucci has been issued four notices and one citation for the same violations in the past year. A notice of intent to abate for over height grass and weeds was filed on 05/21/08. Mrs. Emma Paolucci has had 9 complaints concerning the same issues. The property remains in violation with no attempt to come into compliance. Due to the history of violations at this property, we would request a 180 day standing abatement order from the Hearing Officer.

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.
An unregistered vehicle parked in the driveway.
04/27/2007 - 05/21/2008 Deteriorated landscape, inoperable or unregistered vehicles
and required address number.

Respectfully submitted,
Andres Lara
City of Tempe Code Inspector

CASE #CE086695



**City of Tempe Code Compliance Division
Notice to Comply: Article I. Nuisances**

Mailed on Date: 09/16/08

**Emma C. Paolucci
1186 E Walton Dr
Prescott, AZ 86303**

This notice to comply is to inform you that on **09/16/08**, the property located at **730 E Cavalier Dr.** was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. A re-inspection will be conducted on **09/30/08** or after this date to verify compliance. If the property is brought into compliance with the code you will not be subject to citations or fines for the violation(s).

Violation of the Tempe City Code, Chapter 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.

Please take the following corrective action by: 09/30/08

Required Correction(s):

Please remove all over height grass or weeds in the front and side yard areas.

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.

Civil and Criminal Penalties

Section 21-3, Enumerated Violations subsections (b) 1-8 and 17-19, Section 21-4 Enumerated Violations 1-4: 1st occurrence \$150 dollars per violation, 2nd occurrence \$250 dollars per violation, 3rd occurrence \$350 dollars per violation.

Section 21-3, Enumerated Violations subsections (b) 9-16: 1st occurrence \$350 dollars per violation, 2nd occurrence \$650 dollars per violation, 3rd occurrence \$950 dollars per violation.

Section 21-4 (B), Habitual Offender: 1st occurrence \$500 dollars + sum of other fines, 2nd occurrence \$1000 dollars + sum of other fines, 3rd occurrence \$1,500 dollars + sum of other fines.

The city has authority to abate the violation should the owner neglect, fail, or refuse to correct the violation within (30) days and to assess a lien against the property for cost of abatement.

The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of this chapter.

Code Inspector: Andres Lara

**Phone Number: 480-858-2289
E-mail: andres_lara-reyes@tempe.gov**

CASE #CE086695



**City of Tempe Code Compliance Division
Notice to Comply: Article I. Nuisances
FINAL NOTICE**

Mailed on Date: 09/30/08

**Emma C. Paolucci
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Prescott, AZ 86303**

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Code Inspector: Andres Lara

**Phone Number: 480-858-2289
E-mail: andres_lara-reyes@tempe.gov**





