

Staff Summary Report



Hearing Officer Hearing Date: June 3, 2008

Agenda Item Number: 10

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: 20080603dsng03

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/ABT08008)** (Greg McCombs, property owner) Complaint CE075864 located at 1272 East La Jolla Drive in the R1-6, Single Family Residential District.

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

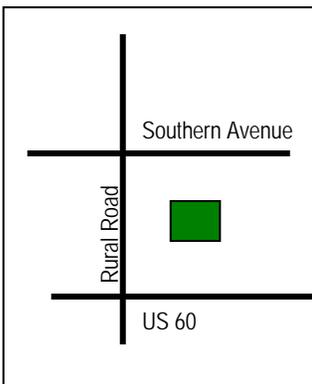
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

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 **MCCOMBS RESIDENCE (PL080063/ABT08008)** (Greg McCombs, property owner) Complaint CE075864 located at 1272 East La Jolla Drive in the R1-6, Single Family Residential District. The property is southeast of the intersection of Rural Road and Southern Avenue. 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
- 3-7. Neighborhood Enhancement Report

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **MCCOMBS RESIDENCE (PL080063/ABT08008)** (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 Jan Koehn, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

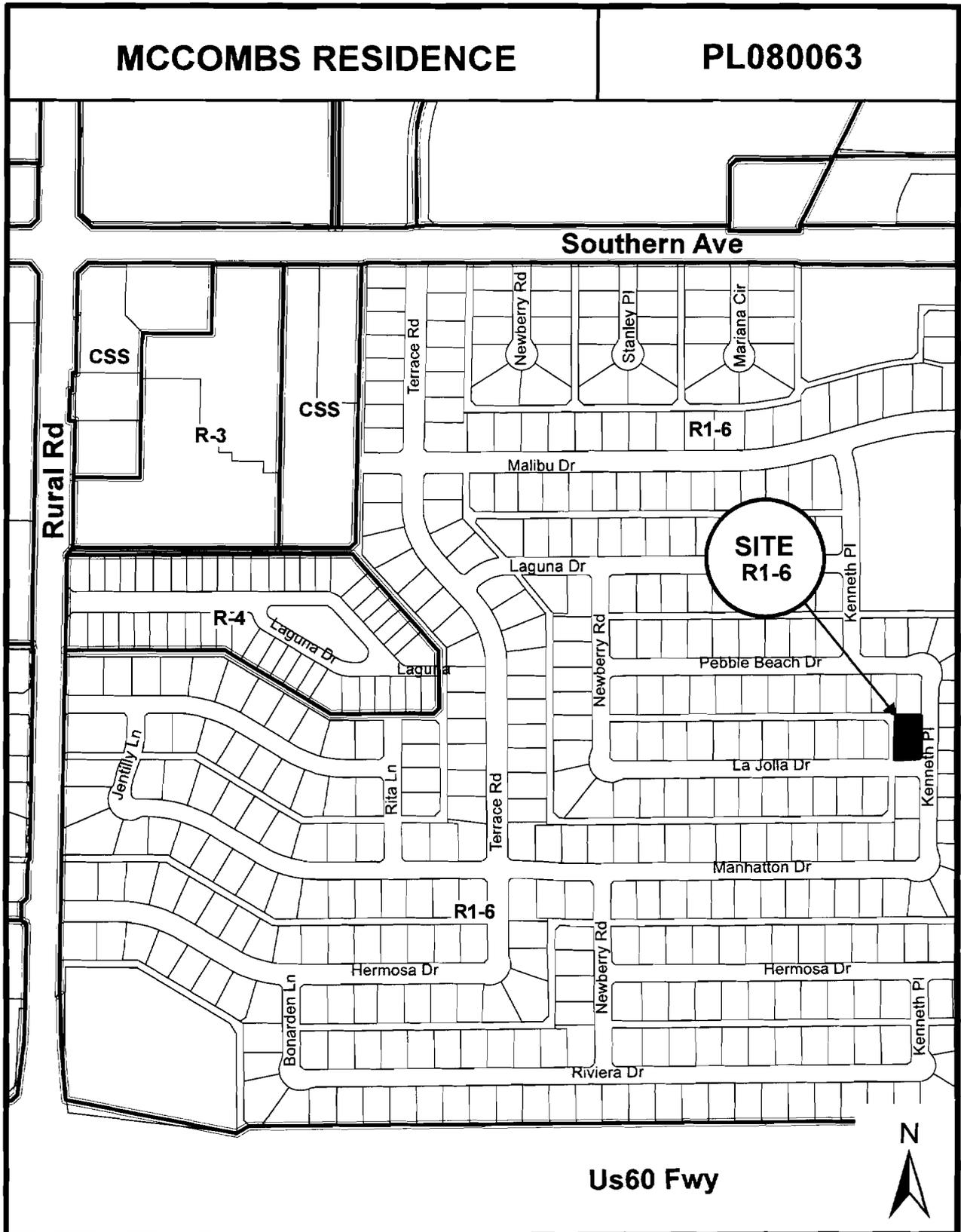
Staff recommends the authorization of abatement of this property.

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



Location Map



MCCOMBS RESIDENCE (PL080063)



DATE: 05/04/2008

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.

3/18/08: Abatement approved by Hearing Officer for block wall and debris.

4/22/08: Abatement carried out – block wall rebuilt, debris removed. The pool is now stagnant and green, a tree in the front yard is primarily dead and the home is vacant and abandoned. Contractor provided an on-site estimate of \$375 to drain the pool and \$200 to trim/remove the tree.

05/02/08: Posted notice to abate for green, stagnant pool and dead/dying tree. Photos taken. Hearing Officer scheduled for 6/3/08.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations of 21.3.b.8, unmaintained landscaping – dead tree limbs, and 21.3.b.16, deteriorated swimming pool, be approved for the property at of 12725 E. La Jolla Drive due to Mr. Greg A McCombs failure to bring his property into compliance with Tempe City Codes. 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, and the property appears to have been abandoned, although Mr. McCombs is still listed as the legal property owner.



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: May 1, 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 June 3, 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:

Removing green water from pool or restoring water to clear, clean and safe condition. Tempe City Code, Section 21-3.b.16 prohibits any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

Removal of dead tree. Tempe City Code, Section 21-3.b.8 prohibits dead trees, bushes or portions thereof on properties.

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 \$575.00. 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



ATTACHMENT 6

