

Staff Summary Report



Hearing Officer Hearing Date: December 18, 2007

Agenda Item Number: 13

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 **LOPEZ RESIDENCE** located at 734 East Papago Drive.

DOCUMENT NAME: 20071218dssd05

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 **LOPEZ RESIDENCE (PL070488/ABT07030)** (Frank and Adela Lopez, property owners) Complaint CE074242 located at 734 East Papago 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)

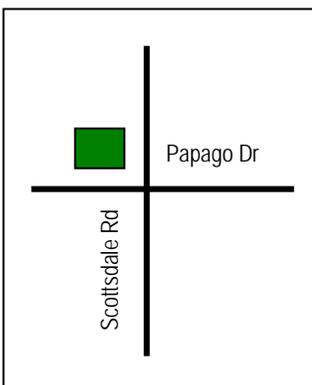
A handwritten signature in black ink, appearing to read 'SEA'.

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 **LOPEZ RESIDENCE (PL070488/ABT07030)** (Frank and Adela Lopez, property owners) Complaint CE074242 located at 734 East Papago 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)
- 3-11. Neighborhood Enhancement Report

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **LOPEZ RESIDENCE (PL070488/ABT07030)** (Frank and Adela Lopez, property owners) Complaint CE074242 located at 734 East Papago 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.

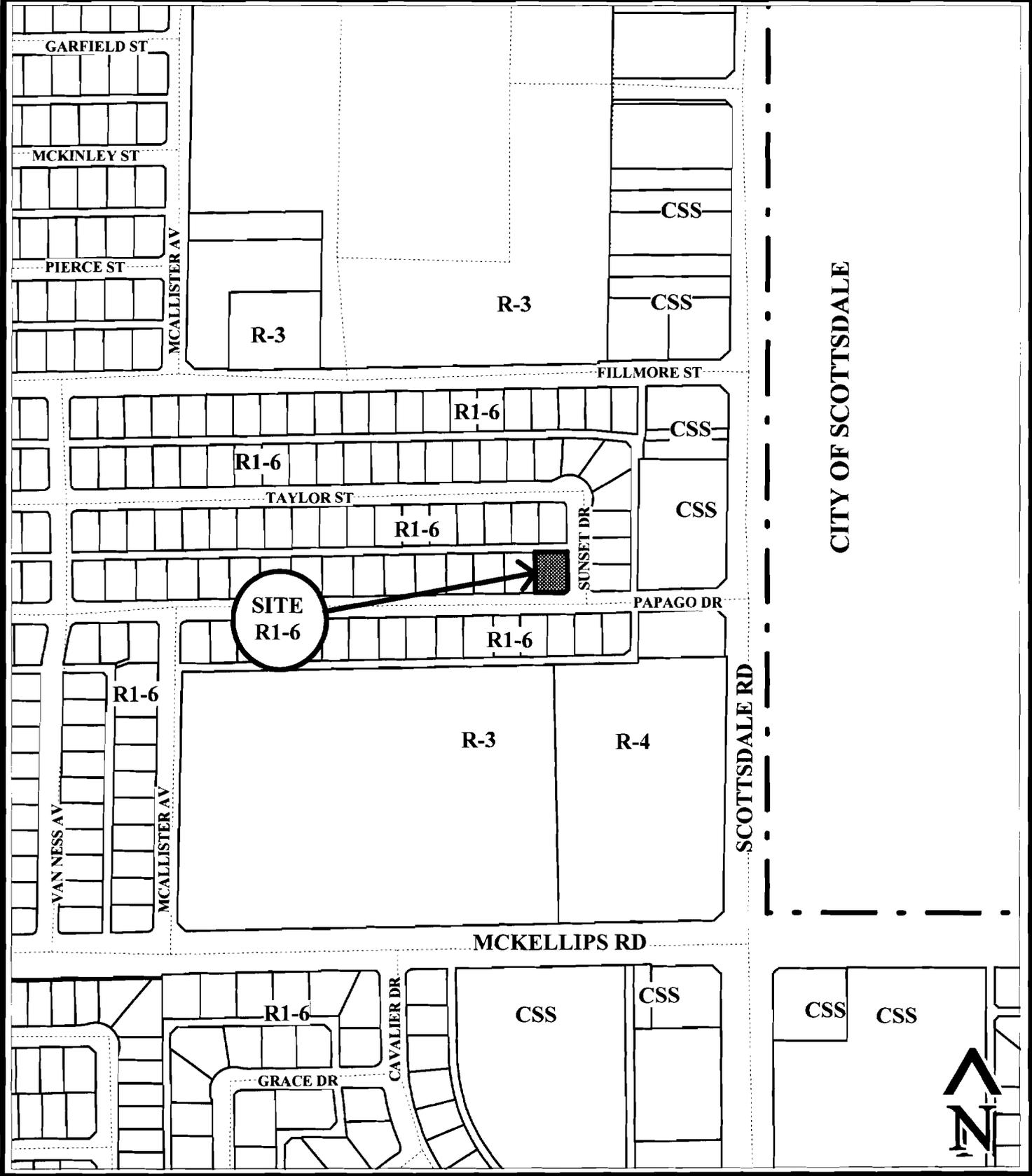
Staff recommends the authorization of abatement of this property.

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

DESCRIPTION: Owner – Frank and Adela Lopez
Applicant – Andres Lara, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 7,064 s.f./16 acres
Building area – 1,508 s.f.
Year of construction – 1961

LOPEZ RESIDENCE

PL070488



CITY OF SCOTTSDALE

SCOTTSDALE RD



LOPEZ RESIDENCE (PL070488/ABT07030)

DATE: 11/07/2007
TO: Jan Koehn, Code Compliance Manager
FROM: Andres Lara
SUBJECT: Frank and Adela Lopez Property Abatement

LOCATION: 734 E Papago Dr, Tempe, AZ 85281

LEGAL: Book 129, Map 17, Parcel 017, as recorded with the Maricopa County Assessor

OWNER: Frank and Adela Lopez
734 E Papago Dr.
Tempe, AZ 85281

FINDINGS:

07/30/2007 Notice to comply sent to the owner for inoperable or unregistered vehicles - beige 4 door Toyota Corolla with an expired license plate (299-LVY) and a white 4 door Jaguar with an expired license plate (BRE-134) parked in the driveway.

08/13/20007 Observed the same inoperable or unregistered vehicles parked in the driveway. Final notice to comply mailed to the owner.

08/30/20007 Beige Toyota corolla registered. White 4 door Jaguar still displaying expiration plates. 1st citation mailed to the owner for unregistered vehicle.

09/18/2007 Owner failed to appear for civil traffic arraignment. First citation not paid.

09/19/2007 Vehicle still not in compliance. Second citation mailed to the owner.

10/04/2007 Owner failed to appear for civil traffic arraignment. The fines remain unpaid.

11/07/2007 Notice to abate posted and mailed to the owner.

HISTORY:

07/02/1998 – 07/15/1998 Oleanders obstructing view.
06/18/1999 – 07/09/1999 Junk vehicles with expired tags.
12/04/2000 – 01/03/2001 Deteriorated landscape.

RECOMMENDATIONS:

Two notices and two citations were sent to the property owners Frank and Adela Lopez concerning the problems at the residence with no response. The fines remain unpaid. Frank and Adela Lopez have 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: November 7, 2007

TO: Frank & Adela Lopez
734 E Papago Dr
Tempe, AZ 85281

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

LEGAL: Book 129, Map 17, Parcel 017, as recorded with the Maricopa County Assessor.

LOCATION: 734 E Papago 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 18, 2007. 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:

Inoperable or unregistered vehicle a white 4 door Jaguar with an expired license plate number (BRE-134) parked in the driveway. (Ref - TCC 21-3-b-3)

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 \$150.00. 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



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

Mailed on Date: 07/30/07

**Frank Lopez
734 E Papago Dr
Tempe, AZ 85281**

This notice to comply is to inform you that on **07/30/07**, the property located at **734 E Papago 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 **08/13/07** 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-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, except the safe and neat keeping of:

- a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building;
- b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period;
- c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;
- d. Lawful commercial activities involving vehicles as allowed by the zoning ordinance; or
- e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;

Inoperable vehicle means a vehicle that is physically incapable of its intended operation, or unable to be safely operated at that time, including but not limited to vehicles on blocks or similar devices, with tire or tires, or from which the engine, wheels or tires have been removed.

Off-road vehicle means a recreational vehicle designed for off-road use and not required to be licensed, including without limitation all-terrain vehicles, motocross cycles, sand rails and dune buggies.

Vehicle means a machine propelled by power other than human power designed to travel along the ground, water or air to transport persons, property or machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, boat or aircraft.

Please take the following corrective action by: 08/13/07

Required Correction(s):

Inoperable or unregistered vehicle(s)

Please obtain valid registration (tags) for the Beige 4door Toyota Corolla license plate (299-LVY) and the white 4door Jaguar license plate number (BRE-134) parked in the driveway or move vehicle(s) to an enclosed area.

Note: All vehicles maintained in the open in the front of the property must be operable and have valid registration.

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 \$100 dollars per violation, 2nd occurrence \$200 dollars per violation, 3rd occurrence \$300 dollars per violation.

Section 21-3, Enumerated Violations subsections (b) 9-16: 1st occurrence \$300 dollars per violation, 2nd occurrence \$600 dollars per violation, 3rd occurrence \$900 dollars per violation.

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 #CE074242



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

Mailed on Date: 08/13/07

Frank Lopez
734 E Papago Dr
Tempe, AZ 85281

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Code Inspector: Andres Lara

Phone Number: 480-858-2289

E-mail: andres_lara-reyes@tempe.gov

Bishop Inc.

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

#71081

Estimate

Name: City of Tempe
 Address: P.O. Box 5002
 City: Tempe, Az. 85281
 Attn: _____

Date 10/26/2007
 Order # _____
 Customer # _____
 Our Order # _____

Qty	Description
	Work done at 734 E. Papago Drive
	Scope of work:
	Tow away 1 unregistered vehicle
	Price includes all labor, material, and dumo fees.
	Contract # T05-102-01

Unit Price	Total
\$150.00	\$150.00
Total: \$150.00	

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. etc.

