Staff Summary Report

Tempe

Hearing Officer Hearing Date: May 1, 2007 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 CUPP RESIDENCE located at 226 East Pebble Beach Drive.

DOCUMENT NAME: 20070501dssa04 PLANNNED 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 CUPP RESIDENCE (PL070051/ABT07006) (Dolly Cupp, property owner) Complaint No. CE064967 located at 226 East Pebble Beach Drive in the R1-6, Single Family Residential District.

PREPARED BY: Steve Abrahamson, Senior Planner (480-350-8486)

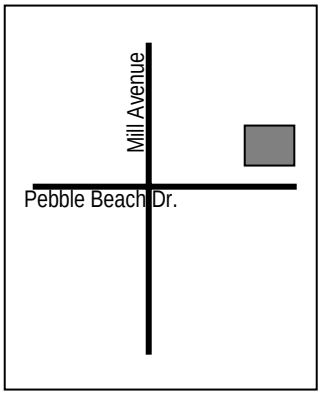
FINAL REVIEW BY: Lisa Collins, Planning Director (480-350-8989)

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 CUPP RESIDENCE located at 226 East Pebble Beach 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.



ATTACHMENTS:

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

A. Location Map(s)
B. Aerial Photo(s)
C. Neighborhood Enhancement Report
D. Staff Photographs

COMMENTS:

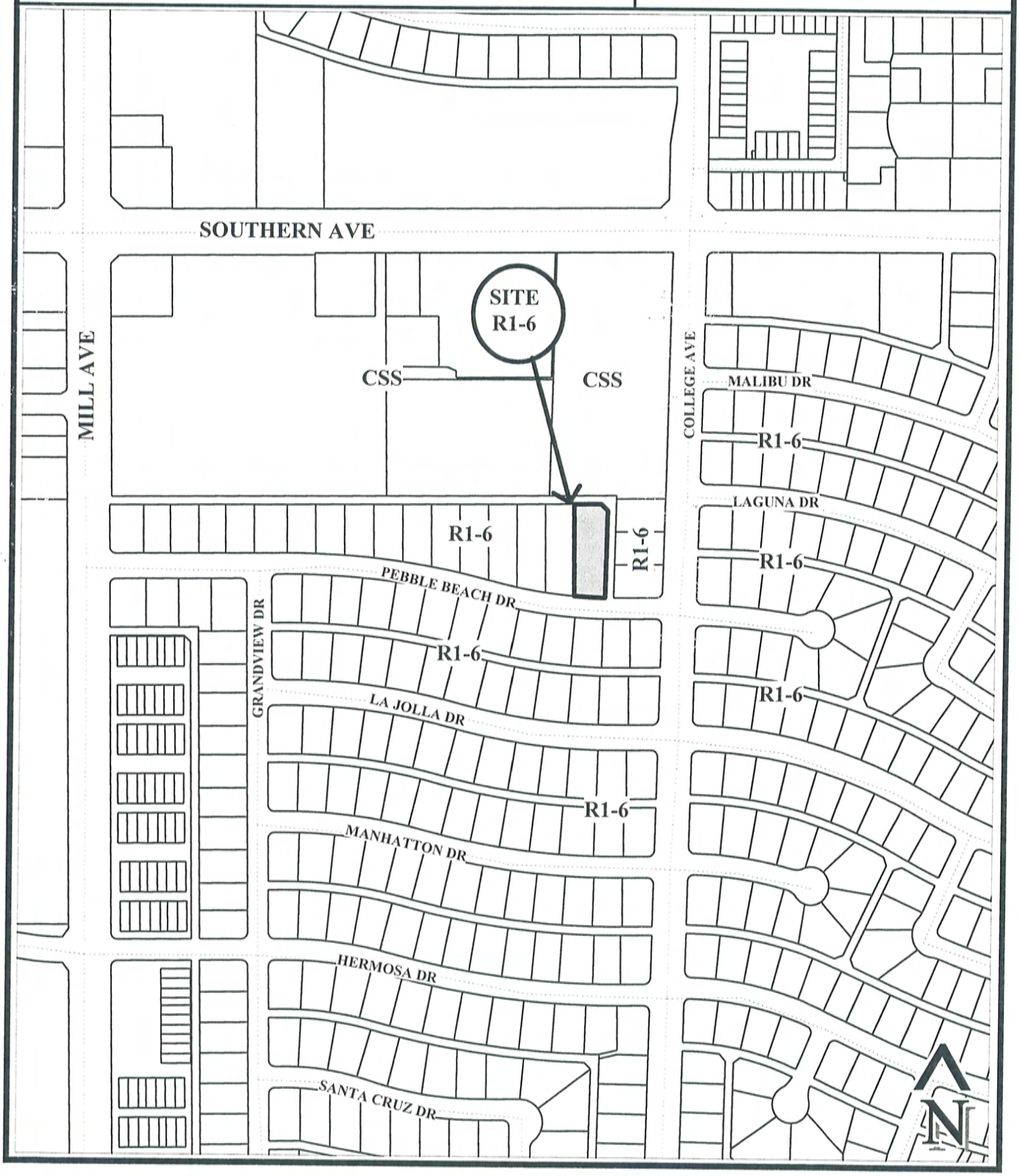
The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the CUPP RESIDENCE located at 226 East Pebble Beach Drive in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Kirk Erickson, 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.
March 6, 2007	The Hearing Officer continued abatement proceedings for PL070051/ABT07006 to the April 3 Hearing Officer hearing.
April 3, 2007	The Hearing Officer continued abatement proceedings for PL070051/ABT07006 to the May 1 Hearing Officer hearing.
DESCRIPTION:	Owner – Dolly Cupp Applicant – Kirk Erickson, COT Neighborhood Enhancement Existing zoning – R1-6, Single Family Residential District

Tempe

CUPP RESIDENCE	PL070051



Location Map

CUPP RESIDENCE (PL070051/ABT07006)

DATE: February 6th, 2007

TO: Michael Spencer, Senior Code Inspector

FROM: Kirk Erickson, Code Inspector II

SUBJECT: Authorization to abate CE064967

LOCATION: 226 E. Pebble Beach Dr, Tempe, AZ 85282

LEGAL: Book 133, Map 57, Parcel 031, as recorded with the Maricopa County Assessor

OWNER: Dolly A. Cupp
226 E. Pebble Beach Dr,
Tempe, AZ 85282

FINDINGS:

09/14/2006 Neighborhood Enforcement received a complaint from an adjoining neighbor to the property located at 226 E. Pebble Beach Drive regarding possible violations of the Tempe City Code. The complaint was for a severely deteriorated wooden fence that was not properly containing the multiple dogs located in the backyard of the property.

09/15/2006 I inspected the property and found the wooden fence on the east side of the property to be extensively deteriorated and in disrepair. The inspection also revealed that there were six to eight vehicles in the backyard along with excessive amounts of discarded and or stored household items. The registrations on the vehicles were not visible, missing, or expired. A courtesy notice was issued and mailed to the property owner.

10/11/2006 I re-inspected the property and found no change with the condition of fencing and the items in the backyard. A second and final courtesy notice was issued for the violations. Information was included on both notices to contact myself if any special assistance was needed, that the city may be able to provide.

11/15/2007 I re-inspected the property and found no change with the condition of the fencing and items in the backyard. I also received no contact from the property owner regarding the conditions. I issued the first citation and took photos of the property and violations.

11/29/2006 The first citation that was issued was paid.

12/14/2006 I re-inspected the property and found that the deteriorated fencing had been replaced with a six foot block wall. The wall is in compliance. There was no change with the conditions of the backyard.

During the re-inspection I contacted the property owner, Dolly Cupp, at the property, along with Mike Spencer, Senior Code Inspector. I informed her that the backyard was still in violation by having too many vehicles stored in it, and for having excessive amounts of items stored or discarded. She claimed that her son was responsible for the items and that he was going to be taking care of it. Since her son was not home, I requested that she ask him to contact me regarding the conditions. I left my business card and she understood to have him contact me.

01/02/2007 I re-inspected the property with Mike Spencer, and found no improvement or changes with the vehicles and stored or discarded items. We again contacted the property owner, Dolly Cupp, and she claimed that she had given my card to her son and that he was going to contact me. He again was not home at the time of the inspection. I requested that she have him contact me regarding the conditions or I would have to issue another citation and fine for the violations. I left another business card, and she would have him call me.

01/12/2007 I re-inspected the property and found no change with backyard storage and excessive vehicles. There has been no contact from the son of the property owner who is supposedly responsible for the conditions. The second citation was issued for the excessive vehicles and for the stored and or discarded household items. Additional photos were taken.

01/29/2007 The second citation that was issued was paid.

01/31/2007 I re-inspected the property and found no improvements or changes with the backyard conditions. I still have not received any contact from the property owner or her son since the last conversation at the property on 01/02/2007.

Per Mike Spencer, Senior Code Inspector, the filing for authorization to abate the violations of junk and debris and unregistered/excessive vehicles in the backyard at the property will be completed. A request for and estimate from Bishop Inc. was also completed for the request.

02/05/2007 I received an estimate from Bishop Inc. to abate the violations at a total cost of $750.00.

02/07/2007 The notice of Intent to Abate was posted at the property. The notice indicated the public hearing was scheduled for 03/06/07.

PROPERTY HISTORY:

CE990719	03/1999 thru 04/1999. Unregistered and inoperable vehicles.
CE993070	10/1999 thru 12/2001. Excessive vehicles in the backyard and junk and debris in the backyard. Abatement was authorized by the Hearing Officer, but the property was brought into compliance prior to the abatement.
CE022185	5/2002 thru 09/2002. Inoperable and unregistered vehicles in the front and back yards, deteriorated landscape, junk and debris in the backyard, and chipped or peeling paint.
CE044248	11/2004 thru 12/2004. Inoperable and unregistered vehicle and junk and junk and debris.
CE054136	08/2005 thru 09/2005. Deteriorated landscaping.
CE063341	07/2006 thru 08/2006. Deteriorated landscaping.

RECOMMENDATIONS:

Dolly A. Cupp is the owner of the property located at 226 E. Pebble Beach Drive, Tempe, AZ 85282, Book 133, Map 57, Parcel 031, as recorded with the Maricopa County Assessor's Office. Her mailing address is the same as the listed property, and she does maintain a current water billing account with the City of Tempe.

Since September of 2006 I have attempted to address the violations in the backyard of the property described above. The property owner has been personally contacted at the property and has been served with courtesy notifications and citations for the violations. The property has an extensive history dating back to 1999, when an abatement to remove the violations was authorized for similar violations at the property as this current complaint. That particular complaint, CE993070, took over two years to gain minimum compliance. Due to the extensive and multiple violations at the property, the property owner has become fully aware of the need to maintain the property, which she along with other parties residing at the property have repeatedly failed to do. I respectfully request the authorization from the Development Services Hearing Officer to abatement the said violations at the above listed property, in accordance with Tempe City Code 21-53.

Respectfully submitted,

Kirk Erickson
Code Inspector II

ACTION TAKEN: submit for abatement

NAME

DATE: 02/06/07

CASE #CE064967

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

Date mailed: 09/18/06

Dolly Cupp
226 E. Pebble Beach Dr,
Tempe, AZ 85282

This is a courtesy notice to inform you that on 09/15/06, 226 E. PEBBLE BEACH DR, TEMPE 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. If the property is brought into compliance with the code by 09/29/06, 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.

Violation of the Tempe City Code, Chapter 21-3-b-3
Unregistered and inoperable vehicles. 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.

Violation of the Tempe City Code, Chapter 21, Article I, Section 21-3. (b) (15)
Deteriorated walls or fencing. 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 09/29/06

1. **Provide adequate and secure fencing that is able to contain the dogs in the backyard in a safe and secure manner.**

2. **Begin to replace and or repair the damaged sections of the wooden fencing that have become deteriorated in the back yard.**

3. **Remove the unregistered and inoperable vehicles from the backyard to bring the property into compliance regarding the storage of vehicles in the back yard. Refer to the highlighted area above to what is allowed in the back yard of a property as far as unregistered and inoperable vehicles.**

Resources may be available for eligible home owners for financial and volunteer assistance to assist in taking corrective action. Please contact the issuing Inspector for information.

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.

Code Enforcement Officer Kirk Erickson Phone Number 480-350-8671 e-mail kirk_erickson@tempe.gov

CE21-15 11/99

CASE #CE064967

City of Tempe Code Enforcement Division
Courtesy Notice
We need your help to keep our City clean
SECOND NOTICE
Date mailed: 10/12/06

Dolly Cupp
226 E. Pebble Beach Dr,
Tempe, AZ 85282

This is the second courtesy notice to inform you that on 10/11/06, 226 E. PEBBLE BEACH DR, TEMPE was re-inspected and found to still be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. If the property is brought into compliance with the code by 11/13/06, you will not be subject to citations or fines for the violation(s). Another re-inspection will be conducted on or after the date indicated to verify compliance.

Violation of the Tempe City Code, Chapter 21-3-b-3
Unregistered and inoperable vehicles. 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.

Violation of the Tempe City Code, Chapter 21, Article I, Section 21-3. (b) (15)
Deteriorated walls or fencing. 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 11/13/06

1. **Begin to replace and or repair the damaged sections of the wooden fencing that have become deteriorated in the back yard.**

2. **Remove the unregistered and inoperable vehicles from the backyard to bring the property into compliance regarding the storage of vehicles in the back yard. Refer to the highlighted area above to what is allowed in the back yard of a property as far as unregistered and inoperable vehicles.**

Resources may be available for eligible home owners for financial and volunteer assistance to assist in taking corrective action. Please contact the issuing Inspector for information.

This is the second and final notice regarding the above violations. Failure to take corrective action, or to contact eh below issuing Inspector, WILL result in the issuing of a citation to the property owner with a minimum fine of $100.00 to $300.00.

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.

Code Enforcement Officer Kirk Erickson Phone Number 480-350-8671 e-mail kirk_erickson@tempe.gov

CE21-15 11/99

Bishop Inc.
6840 S. Rural Rd. #118-217
Tempe AZ 85283
PH: (602) 339-2082 Fax (480) 413-1691

Proposal 7057

Name: City of Tempe
Address:
City: Tempe, Az. 85283
Attn:

Date 2-2-07
Order #
Customer #
Our Order #

Qty	Description	Unit Price	Total
	Work done at: 226 E. PEBBLE BEACH Scope of work: Remove all trash and debris in front and backyard areas as directed by Code Compliance personal. 1 off duty officer to be on site during abatement. Tow away 8 un-registered vehicles from back yard areas. Price includes all labor, material, and dump fees.		

Recd. By:

Date:

Total: $ 750.00

Tempe

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

Neighborhood Enhancement Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: **February 7, 2007**

TO: **Dolly Cupp**
226 E. Pebble Beach 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 133, Map 57, Parcel 031, as recorded with the Maricopa County Assessor.**

LOCATION: **226 E. Pebble Beach Dr, Tempe, AZ 85282**

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of March 6th, 2007 at 1:30 pm. 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:

- **Removal of all excessive vehicles in the backyard that are unregistered and in violation of Tempe City Code 21-3.b3.**
- **Removal of all trash, debris, stored and or discarded household items, worn out and or inoperable appliances and mechanical equipment, and items that are in violation of Tempe City Code 21-3.b1.**

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 $750.00. 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: Kirk Erickson **Phone Number 480-350-8671**

Project: CE064967 11/15/06 INSPECTION

226 E. PEBBLE BEACH DR,
DETERIORATED FENCING AND UNREGISTERED VEHICLES

Printed: 02-06-2007 Kirk Erickson

Project: CE064967 11/15/06 INSPECTION

226 E. PEBBLE BEACH DR,
DETERIORATED FENCING AND UNREGISTERED VEHICLES

Printed: 02-06-2007 Kirk Erickson

Project: CE064967 11/15/06 INSPECTION

226 E. PEBBLE BEACH DR,
DETERIORATED FENCING AND UNREGISTERED VEHICLES

Printed: 02-06-2007 Kirk Erickson

Project: CE064967 11/15/06 INSPECTION

226 E. PEBBLE BEACH DR,
DETERIORATED FENCING AND UNREGISTERED VEHICLES

Printed: 02-06-2007 Kirk Erickson

Project: CE064967 11/15/06 INSPECTION

226 E. PEBBLE BEACH DR.
DETERIORATED FENCING AND UNREGISTERED VEHICLES

Printed: 02-06-2007 Kirk Erickson

Project: CE064967 11/15/06 INSPECTION

226 E. PEBBLE BEACH DR.
DETERIORATED FENCING AND UNREGISTERED VEHICLES

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Project: CE064967 11/15/06 INSPECTION

226 E. PEBBLE BEACH DR.
DETERIORATED FENCING AND UNREGISTERED VEHICLES

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226 E. PEBBLE BEACH DR.
DETERIORATED FENCING AND UNREGISTERED VEHICLES

Printed: 02-06-2007 Kirk Erickson

Project: CE064967 11/15/06 INSPECTION

226 E. PEBBLE BEACH DR,
DETERIORATED FENCING AND UNREGISTERED VEHICLES

Printed: 02-06-2007 Kirk Erickson

Project: CE064967 01/12/07 RE-INSPECTION

226 E. PEBBLE BEACH DR,
JUNK/DEBRIS, AND UNREGISTERED VEHICLES

Printed: 02-06-2007 Kirk Erickson

Project: CE064967 01/12/07 RE-INSPECTION

226 E. PEBBLE BEACH DR,
JUNK/DEBRIS, AND UNREGISTERED VEHICLES

Printed: 02-06-2007 Kirk Erickson

Project: CE064967 01/12/07 RE-INSPECTION

226 E. PEBBLE BEACH DR,
JUNK/DEBRIS, AND UNREGISTERED VEHICLES

Printed: 02-06-2007 Kirk Erickson

CUPP RESIDENCE

226 EAST PEBBLE BEACH DRIVE

PL070051

BACKYARD OF HOME: VIEW TO SOUTH

CUPP RESIDENCE

226 EAST PEBBLE BEACH DRIVE

PL070051

BACKYARD OF HOME: VIEW TO SOUTH

CUPP RESIDENCE

226 EAST PEBBLE BEACH DRIVE

PL070051

FRONT OF HOME: VIEW TO NORTH

CUPP RESIDENCE

226 EAST PEBBLE BEACH DRIVE

PL070051

BACKYARD OF HOME: VIEW TO SOUTH