



City of Valdez  
**ALASKA**

Department of Community  
Development

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## STATEMENT OF FINDINGS

On June 20<sup>th</sup>, 2017 the Community Development office issued an abatement notice and order to Misty Phillips in regard to the real property located at 137 Gulkana Street, Valdez, Alaska. *Document Attached*. This is a result of complaints citing Nuisance Code violations from adjacent landowners. Complaints were filed with the Community Development office on the dates listed below.

Complaints: 05/30/2017, 06/09/2017, 06/14/2017, 06/25/2017, 06/29/2017, 07/18/2017

In accordance with Valdez Municipal Code, Chapter 8.20.190, Misty Phillips filed an appeal to the Planning and Zoning Commission within the required time-frame with the city clerk. The appeal was filed on July 5<sup>th</sup>, 2017. *Document Attached*

On July 10<sup>th</sup>, 2017 the building inspector was sent for a follow-up inspection. *Document and Photos Attached*

The appeal letter states that there are no junk vehicles on the property. Valdez Municipal Code, Chapter 8.20.040, states the following:

1. The term “abandoned” includes any vehicle which, at the time of the notice of abandonment, cannot be operated as a motor vehicle in compliance with the laws of the state because of mechanical failure or condition.
2. The term “vehicle” means any motor vehicle as defined in this code and includes any body or part of any such motor vehicle.

The inspection photos show the back seat of a vehicle located in the yard. The Nuisance chapter of the code is inclusive in its language to include *any body or part of the motor vehicle* as a junk vehicle. The term ‘vehicle’ is defined further to include *any motor vehicle*, which would include boats, snowmachines, motorcycles, ect. The inspection document notes a couple of disassembled outboard boat engines located in the yard.

*There is factual evidence to suggest there are junk vehicles, which includes any body or part of any such motor, located on the property in violation Valdez Municipal Code, Chapter 8.20.040.*

The appeal letter states that all vehicles are registered, insured, and in good working order. On the date of the inspection a motor-home, GMC pickup, White Van, a motorcycle, and two canoes were identified on the property. Although the abatement letter doesn't address this violation, private storage in yards are not to exceed more

than a total of two of the following: a truck up to one ton, a boat, a recreational vehicle, or a trailer (excluding mobile homes); maintained in a safe and orderly manner and separated by at least ten feet from any property line.

*There is factual evidence to suggest that the private storage on the property exceeds the maximum storage allowed in Valdez Municipal Code. There is not enough evidence to determine if the storage meets the required separation distances of ten feet from any property line.*

The appeal letter states that the 1997 RV is no longer on the property. Although the RV referenced in the building file from 1997 may no longer be on the property, there is a motorhome located on the property which has received multiple complaints for housing tenants.

The appeal letter states that Richard Moffett owns the Winnebago and that no tenants are on the property. Although the abatement letter doesn't address this violation, Chapter 8.20.030 states that the following conditions constitute a public nuisance, "trailers, campers, boats and other mobile equipment stored for unreasonable periods in unsheltered front yard areas, thirty days being prima facie evidence of an unreasonable period."

*There is factual evidence to suggest that the Winnebago, being stored in an unsheltered front yard area for a period longer than thirty days, constitutes as a public nuisance as outlined in Valdez Municipal Code.*

At the follow-up inspection on July 10<sup>th</sup>, additional compliance issues were identified such as broken and discarded household equipment in yard areas and the use of a tarp as a rain shelter over a fire pit. The tarp is a potential fire safety issue and could be determined unsightly by reason of its condition or its inappropriate location (8.20.020 Enumerated- Acts prohibited in all zones).

*There is factual evidence to suggest that there are additional compliance issues that will need to be followed up on with a subsequent enforcement notice.*

The filing, report, and stay of proceedings for this appeal are outlined below. Should the Planning and Zoning Commission choose to dismiss the appeal, the time-frame for enforcement proceeding will re-zoom on the day of determination.

## **FINDINGS OF FACT**

The Building Official makes the following express findings:

1. There is factual evidence to suggest that there are junk vehicles, which includes any body or part of any such motor, located on the property in violation Valdez Municipal Code, Chapter 8.20.040.
2. There is factual evidence to suggest that the private storage on the property exceeds the maximum storage allowed in Valdez Municipal Code. There is not enough factual evidence to determine if the storage meets the required separation distances of ten feet from any property line.
3. There is factual evidence to suggest that the Winnebago, being stored in an unsheltered front yard area for a period longer than thirty days, constitutes as a public nuisance as outlined in Valdez Municipal Code.
4. There is factual evidence to suggest that there are additional compliance issues that will need to be followed up on with a subsequent enforcement notice.

