

# Staff Summary Report



Hearing Officer Hearing Date: October 21, 2008

Agenda Item Number: 6

**SUBJECT:** This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items at the **SCOFIELD RESIDENCE (PL080351/ABT08028)** located at 5714 South Beck Avenue.

**DOCUMENT NAME:** 20081021dsng01

**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 **SCOFIELD RESIDENCE (PL080351/ABT08028)** (Aaron Scofield, property owner) Complaint CE084478 located at 5714 South Beck Avenue in the R1-6, Single Family Residential District.

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

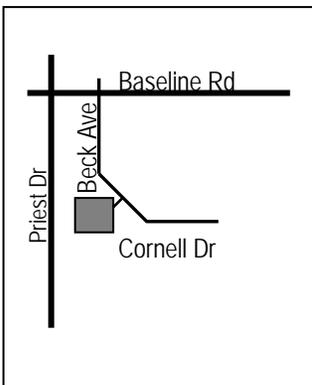
**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

**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 **SCOFIELD RESIDENCE (PL080351/ABT08028)** (Aaron Scofield, property owner) Complaint CE084478 located at 5714 South Beck Avenue in the R1-6, Single Family Residential District. This residence is located southeast of the intersection of Baseline Road and Priest Drive. 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
- 3-8. Neighborhood Enhancement Report
- 9-11. Neighborhood Enhancement Photos

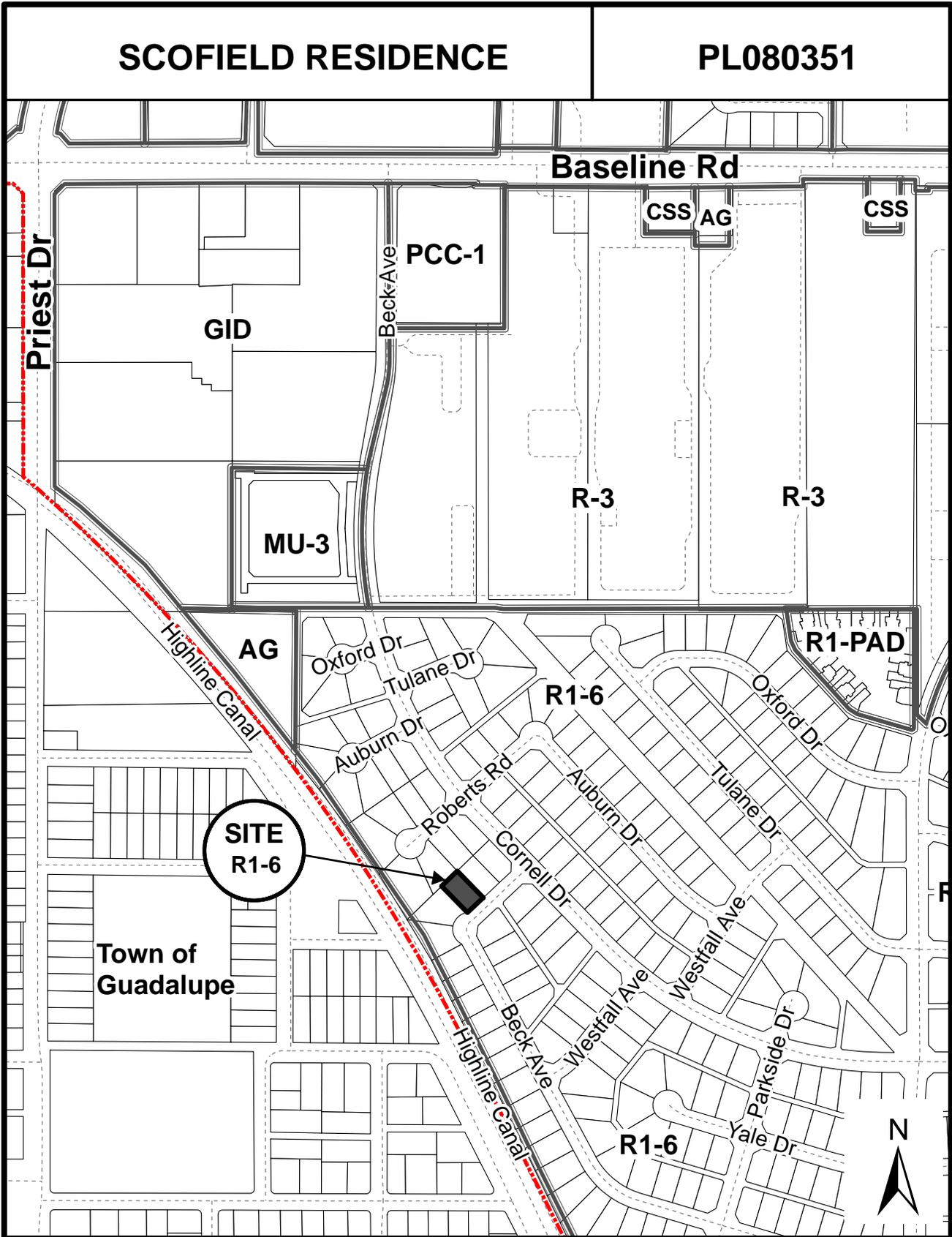
**COMMENTS:**

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **SCOFIELD RESIDENCE (PL080351/ABT08028)** (Aaron Scofield, property owner) Complaint CE084478 located at 5714 South Beck Avenue in the R1-6, Single Family Residential District. This residence is located southeast of the intersection of Baseline Road and Priest Drive. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Brandy Zedlar, 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 – Aaron Scofield  
Applicant – Brandy Zedlar, COT Neighborhood Enhancement  
Existing zoning – R1-6, Single Family Residential District  
Lot area – 7,195 s.f./.17 acres  
Building area – 1,172 s.f.  
Year of structure – 1980



**Location Map**



**SCOFIELD RESIDENCE (PL080351)**

**DATE:** 9/16/08  
**TO:** Jan Koehn, Administrator  
**FROM:** Brandy Zedlar  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE084478

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**LOCATION:** 5714 S. Beck Ave., Tempe, AZ 85283  
**LEGAL:** Book 301, Map 07, Parcel 061, as recorded with the Maricopa County Assessor  
**OWNER:** Aaron Scofield

**FINDINGS:**

6/11/08 – The Neighborhood Enhancement Division received a complaint on the above property concerning the deteriorated landscape and swimming pool.

6/16/08 – The property was inspected and found to have deteriorated landscape and the pool was in clean condition. Notice to comply was sent to the property owner.

7/07/08 – The property was inspected with no change in the condition of the landscape. Final notice sent to the property owner.

7/24/08 – The property was inspected with no change in the condition of the landscape. Pictures were taken and a civil citation was issued. (#1380947)

8/11/08 – Mr. Scofield defaulted on civil citation #1380947

8/18/08 – The property was inspected with no change to the landscape. Pictures were taken and a second civil citation was issued. (#1413229) Notice to comply was sent for the green swimming pool.

9/05/08 – Mr. Scofield defaulted on civil citation #1413229

9/09/08 – The property was inspected with no change in its condition. The Neighborhood Enhancement Division filed for an Abatement Hearing.

**PROPERTY HISTORY:**

2/08/2002 – A complaint was received for deteriorated landscape.

8/09/2002 – A complaint was received for deteriorated landscape, green pool and a broken fence.

12/31/2001 – A complaint was received for an open trench on the south side yard.

4/20/2005 – A complaint was received for deteriorated landscape, green pool and a inoperable vehicle.

**RECOMMENDATIONS:**

I recommend the approval for abatement at 5714 S. Beck Ave., which is owned by Mr. Aaron Scofield. Mr. Scofield has been given ample time and opportunities to bring his property into compliance and has failed to take corrective action. Due to the history of this property, it is very clear that Mr. Scofield is unable to keep his property in compliance. There has been no indication in Mr. Scofield actions that he plans to correct and maintain his property.

Respectfully submitted,  
Brandy Zedlar

ACTION TAKEN: Referred to Hearing Officer

NAME: Jan Koehn

DATE: 9/16/08



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:** September 16, 2008

**TO:** Aaron Scofield

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

**LEGAL:** Book 301, Map 07, Parcel 061, as recorded with the Maricopa County Assessor.

**LOCATION:** 5714 S. Beck Ave., Tempe, AZ 85283

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of October 21, 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: Those items constituting a violation of TCC 21-3-b-16/8 which would include the removal of the weeds/grass growing within the gravel landscape and draining the swimming pool.

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 \$1050.00. 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: Brandy Zedlar

Phone Number 480-350-8372

JACK HARRINGTON  
6828 N. 25TH DR., #B  
PHOENIX, AZ 85017  
TEL: (602) 446-2630  
FAX : (602) 347-5487  
**FAX COVER & PROPOSAL**

**FAXED TO THE FOLLOWING NUMBER(S) : 480-858-2278**

**THE FOLLOWING DOCUMENT IS FOR:**

**NAME: BRANDY**

**FIRM: CITY OF TEMPE CODE COMPLIANCE**

**THIS TRANSMISSION MEMORANDUM PLUS \_\_\_ PAGE(S)**

**DATE: 9-12-08 TIME: \_\_\_ A.M. P.M.**

**PROPOSAL**

**WE PROPOSE TO DO THE FOLLOWING WORK AT  
ADDRESS: 5714 SOUTH BECK AVE.**

- |   |                  |
|---|------------------|
| <b>1. WEED-EAT AND MOW FRONT &amp; BACK YARDS<br/>20 MAN HRS @ \$22.00/HR</b> | <b>\$440.00</b>  |
| <b>2. DRAIN POOL</b>  | <b>\$125.00</b>  |
| <b>3. REPAIR GATE AND REPLACE SLATS</b>                                       | <b>\$ 85.00</b>  |
| <b>4. TEMPE POLICE OFFICE - 8 HRS @ \$50.00/HR</b>                            | <b>\$400.00</b>  |
| <b>TOTAL COST FOR ABOVE IDEMS</b>   | <b>\$1050.00</b> |

**THANK YOU**

**ACCEPTANCE**

**JACK HARRINGTON**



\_\_\_\_\_

CASE # CE084478



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

Mailed on Date: 06/17/2008

AARON SCOFIELD  
5714 S BECK AVE  
TEMPE, AZ 85283

**NOTICE TO COMPLY**

This notice to comply is to inform you that on 06/16/2008, the property located at 5714 S BECK AVE 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 07/01/2008 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).

**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: 07/01/2008.**

Required Correction(s):

**PLEASE REMOVE OVER HEIGHT GRASS AND WEEDS FROM THE GRAVEL OF THE FRONT YARD LANDSCAPE. GRAVEL LANDSCAPING MUST BE MAINTAINED FREE OF GRASS AND WEEDS.**

***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.***

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**Civil and Criminal Penalties**

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

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

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

Phone Number: 480-350-8623

CASE # CE084478



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

Mailed on Date: 07/07/2008

AARON SCOFIELD  
961 E. LAMPLIGHTER LN  
TEMPE, AZ 85283

**NOTICE TO COMPLY**

This notice to comply is to inform you that on **06/16/2008**, the property located at **5714 S BECK AVE** 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 **07/23/2008** 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).

**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.**

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