

# Staff Summary Report



Board of Adjustment Hearing Date: December 16, 2009

Agenda Item Number: 3

**SUBJECT:** Appeal of the October 20, 2009 Hearing Officer's decision to approve the request by City of Tempe Code Compliance to abate public nuisance items at the **MILES RESIDENCE** located at 702 East Taylor Street.

**DOCUMENT NAME:** 20091216dsma01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Appeal of the October 20, 2009 Hearing Officer's decision to approve the request by the City of Tempe Code Compliance to abate public nuisance items in violation of the Tempe City Code for the **MILES RESIDENCE (PL090322 /ABT09022 /ABA09003 /CE072012)** (Cris Miles, property owner) located at 702 East Taylor Street in the R1-6, Single Family Residential District.

**PREPARED BY:** Michelle Arnieri, Code Compliance Inspector (480-858-2088)

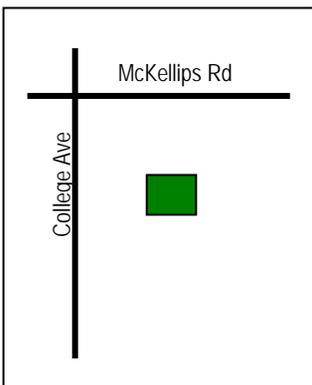
**REVIEWED BY:** Jeff Tamulevich, Code Compliance Administrator (480-350-8441)

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**ADDITIONAL INFO:** Code Compliance is requesting approval to authorize the abatement of the **MILES RESIDENCE** at 702 East Taylor Street in the R1-6, Single Family Residential District. This residence is located south of McKellips Road and east of College Avenue. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE072012: litter, debris, over height grass/weeds and inoperable/unregistered vehicles in the front yard; trash, litter, debris and over height grass/weeds in the back yard.

Existing zoning – R1-6, Single Family Residential District  
Lot area – 5,994 s.f.  
Building area – 1,767 s.f.  
Year of construction – 1961



**PAGES:**

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

**ATTACHMENTS:**

1. Location Map
2. Aerial Photo
- 3-15. Neighborhood Enhancement Report
16. COT correspondence, dated 11/3/09, acknowledging appeal
17. Property Owner letter of appeal, dated 11/3/09
18. HO Minutes, 10/20/09

**COMMENTS:**

Code Compliance is requesting approval to abate the Miles residence at 702 East Taylor Street in the R1-6, Single Family Residential District. This case was initiated on April 19, 2007 following which Code Compliance has attempted to obtain compliance through many months of correspondence with the property owner, Cris Miles, regarding violations of the Tempe City Code for trash and debris, over height grass/weeds and unregistered/inoperable vehicles.

Mr. Miles has a history of violating Tempe City Code, this being the fourth (4<sup>th</sup>) case since 2002. For this current case, Mr. Miles has been issued four notices and one citation, had one pre-trial conference and been found guilty on criminal charges. He has yet to correct the violations on his property.

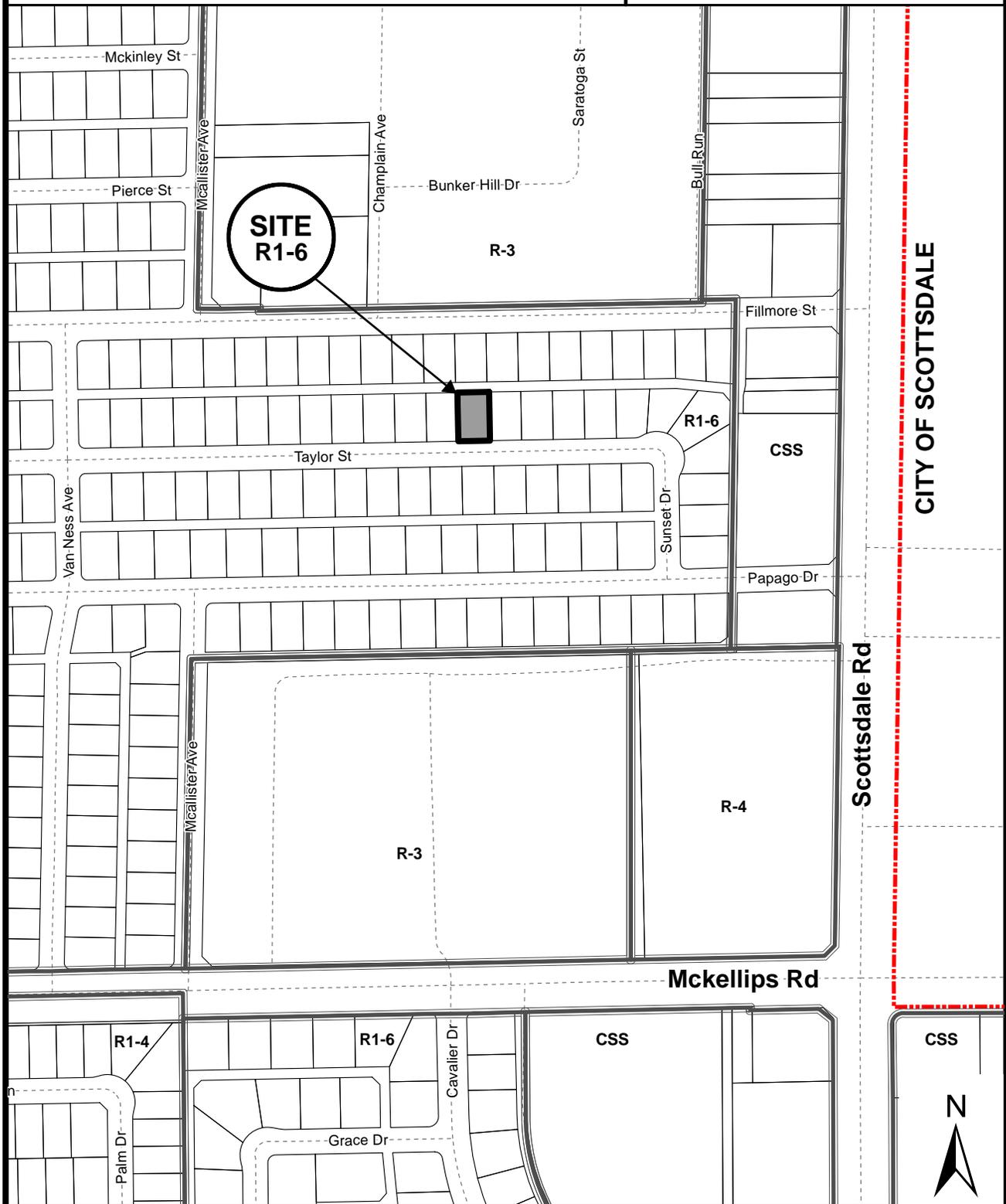
**HISTORY & FACTS:**

A detailed history and facts of this case are outlined in the attached memorandum from the Code Compliance Inspector. Key dates include:

November 3, 2009	Mr. Miles filed an appeal of the Hearing Officer's decision
October 20, 2009	Hearing Officer approved abatement for litter, debris, over height grass/weeds and inoperable/unregistered vehicle in the front yard; trash, litter debris and over height grass/weeds in the back yard
October 6, 2009	Hearing Officer hearing canceled; case rescheduled for October 20, 2009
August 26, 2009	Notice of Intent to Abate issued
August 13, 2009	New complaint for junk, debris, inoperable/unregistered vehicles, stagnant materials and decaying plant matter in the front and back yard areas
May 6, 2009	Mr. Miles pleaded guilty on criminal charges and was assessed a \$300 fine
March 25, 2009	Pre-trial conference continued to allow Mr. Miles additional time to correct violations
September 10, 2008	Criminal charges filed
August 6, 2008	Final Notice mailed
July 23, 2008	New inspector assigned; new initial notice to comply issued for unregistered/inoperable vehicles, over height grass/weeds, dead growth, trash, litter, debris, junk
June 27, 2007	Citation issued for littered exterior and unregistered vehicle
May 21, 2007	Final notice sent
April 19, 2007	Initial notice sent for trash and debris, unregistered vehicles

**MILES RESIDENCE**

**PL090322**



**Location Map**



**MILES RESIDENCE (PL090322)**

**DATE:** 08/26/2009  
**TO:** Michael Spencer, Senior Code Inspector  
**FROM:** Andres Lara  
**SUBJECT:** Cris H. Miles Property Abatement

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**LOCATION:** 702 E Taylor St, Tempe, AZ 85281

**LEGAL:** Book 129, Map 17, Parcel 058, as recorded with the Maricopa County Assessor

**OWNER:** Cris H. Miles  
702 E Taylor St.  
Tempe, AZ 85281

**FINDINGS:**

- 04/19/2007 Courtesy notice sent to owner from Pete DeMott for trash and debris and an unregistered olds cutlass in the back yard and an unregistered white Chrysler minivan in the front driveway.
- 05/21/2007 No changes, final notice sent.
- 06/27/2007 Citation issued for littered exterior areas and unregistered vehicle.
- 07/23/2008 Complaint was given to Andres Lara by Pete DeMott. Based on a complaint, an inspection was conducted by Jody Benson and Andres Lara. A new initial notice to comply was mailed to the owner to register or remove the gray Plymouth Voyager van with no license plate parked in the driveway, remove all over height grass or weeds and remove all dead growth from the tree in the front yard area, remove all trash, litter, debris, plastic bags with trash, plastic bucket and containers, vehicle and bicycle tires, boxes, unused and discarded patio furniture and all other household and miscellaneous items in the back yard area, remove the inoperable or unregistered vehicles (a gold Dodge van Colorado license plate (197-IZE) with expired tags 11/06 and a white 4 door Oldsmobile vehicle with no license plate) or install an opaque fence in the back yard area to screen it from the public view and remove or cut down to the stump all the dead trees, dead bushes and dead growth leaves in the back yard area.
- 08/06/2008 No improvements made. Piles of grass and weeds and an inoperable or unregistered vehicle in the front yard and all violations in the back yard remain. Final notice mailed.
- 08/22/2008 No improvements or changes made. All required corrections remain in violation.

- 09/10/2008 Criminal charges filed.
- 03/25/2009 Pre-trial conference scheduled for Mr. Miles was continued to allow him time to bring the property up to compliance. He was advised to contact our office to schedule a re-inspection.
- 05/04/2009 Front yard dead growth in the trees was removed. Over height weeds were trimmed but the landscape remained in violation for dead yellow grass. The same inoperable or unregistered van with no license plate remained in the driveway. Back yard dead tree branches were trimmed but lots of trash and debris remained in violation.
- 05/06/2009 Mr. Miles pleaded guilty on criminal charges and was assessed a \$300 fine.
- 08/13/2009 Web complaint received for junk, debris, inoperable or unregistered vehicles, stagnant materials and decaying plant matter in the front and back yard areas.
- 08/21/2009 Based on a web complaint observed litter, debris and an inoperable or unregistered vehicle in the front yard area. Trash, litter, debris and over height grass or weeds remain in the back yard area. No improvements have been made since the first inspection. A notice of intent to abate will be submitted, mailed and posted.

**HISTORY:**

- 12/18/2002 – 01/13/2003 Litter and debris.  
10/22/2003 - 02/07/2005 Inoperable or unregistered vehicle.  
02/08/2005 – 07/27/2006 Over height grass and weeds.

**RECOMMENDATIONS:**

Mr. Miles has had four notices, one citation, one pre-trial conference and was found guilty on criminal charges concerning the problems at the residence with minimum response. Mr. Miles has 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: August 26, 2009

TO: Cris H. Miles  
702 E Taylor St.  
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 058, as recorded with the Maricopa County Assessor.

**LOCATION:** 702 E Taylor St 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 October 6, 2009. 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:**

**Litter, debris, over height grass or weeds and an inoperable or unregistered vehicle in the front yard area. Trash, litter, debris and over height grass or weeds in the back yard area (Ref - TCC 21-3-b- 1, 3 and 8).**

**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 \$2, 728.00. 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

CASE # CE072012



CODE INSPECTOR PETE DEMOTT  
480-350-2897  
E-MAIL: [peter\\_demott@tempe.gov](mailto:peter_demott@tempe.gov)

CRIS H. MILES  
702 E. TAYLOR ST.  
TEMPE, AZ 85281

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

This is a courtesy notice to inform you that on 4/19/2007, 702 E. TAYLOR ST. was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Section 21 of the Tempe City Code. A re-inspection will be conducted on or after the date indicated to verify compliance. If the property is brought into compliance with the code by 5/21/2007, you will not be subject to citations or fines for the violation(s). We appreciate your cooperation in this matter. For questions or further information please contact the Code Compliance Division at 480-350-8372.

21-3 (b) (1): Filthy, littered, debris or trash covered exterior areas, including exterior areas under any roof area not enclosed by the walls, doors or windows of any building; including but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation .

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.

Please take the following corrective action by 5/21/2007

**Required Correction(s):**

**PLEASE REMOVE ALL TRASH AND DEBRIS FROM THE BACK YARD. REMOVE THE UNREGISTERED VEHICLE FROM THE BACK YARD OR INSTALL OPAQUE FENCING TO SCREEN IT FROM THE PUBLIC RIGHT OF WAY.  
PLEASE REGISTER OR REMOVE THE WHITE VAN IN THE FRONT DRIVEWAY.**

If the violations have not been corrected by this date and additional re-inspections are necessary, you may be assessed a \$75.00 re-inspection fee. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

**(FIRST VIOLATION/\$100.00 FINE)**  
**(SECOND VIOLATION/\$200.00 FINE)**  
**(THIRD VIOLATION/\$300.00 FINE)**

CE21-1 06/02

CASE # CE072012



CODE INSPECTOR PETE DEMOTT  
480-350-2897  
E-MAIL: [peter\\_demott@tempe.gov](mailto:peter_demott@tempe.gov)

CRIS H. MILES  
702 E. TAYLOR ST.  
TEMPE, AZ 85281

City of Tempe Code Compliance Division  
**SECOND AND FINAL NOTICE**  
*We need your help to keep our City clean*

This is a courtesy notice to inform you that on 5/21/2007, 702 E. TAYLOR ST. was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Section 21 of the Tempe City Code. A re-inspection will be conducted on or after the date indicated to verify compliance. If the property is brought into compliance with the code by 6/21/2007, you will not be subject to citations or fines for the violation(s). We appreciate your cooperation in this matter. For questions or further information please contact the Code Compliance Division at 480-350-8372.

21-3 (b) (1): Filthy, littered, debris or trash covered exterior areas, including exterior areas under any roof area not enclosed by the walls, doors or windows of any building; including but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation .

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.

Please take the following corrective action by 6/21/2007

Required Correction(s):

PLEASE REMOVE ALL TRASH AND DEBRIS FROM THE BACK YARD. REMOVE THE UNREGISTERED VEHICLE FROM THE BACK YARD OR INSTALL OPAQUE FENCING TO SCREEN THE VIEW OF THE BACK YARD FROM THE PUBLIC RIGHT OF WAY.

PLEASE REGISTER OR REMOVE THE WHITE VAN IN THE FRONT DRIVEWAY.

FAILURE BY THE PROPERTY OWNER TO COMPLY WITH THIS NOTIFICATION WILL RESULT IN THE ISSUANCE OF A CIVIL CITATION AND FINE.

If the violations have not been corrected by this date and additional re-inspections are necessary, you may be assessed a \$75.00 re-inspection fee. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

**(FIRST VIOLATION/\$100.00 FINE)**  
**(SECOND VIOLATION/\$200.00 FINE)**  
**(THIRD VIOLATION/\$300.00 FINE)**

CE21-1 06/02

CASE #CE072012



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

Mailed on Date: 07/23/08

**Cris H. Miles  
702 E Taylor St  
Tempe, AZ 85281**

This notice to comply is to inform you that on **07/23/08**, the property located at **702 E Taylor St.** 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 **08/06/08** 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-1**

Filthy, littered, debris or trash covered exterior areas, including exterior areas under any roof area not enclosed by the walls, doors or windows of any building; including but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled.

**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;

**Violation of the Tempe City Code, Chapter 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: 08/06/08**

**Required Correction(s):**

- 1. Please register or remove the gray Plymouth Voyager van with no license plate parked in the driveway.**
- 2. Please remove all over height grass or weeds in the front yard area and remove all dead growth from the tree in front of the porch area.**
- 3. Please remove all trash, litter, debris, plastic bags with trash, plastic bucket and containers, vehicle and bicycle tires, boxes, unused and discarded patio furniture and all other household and miscellaneous items in the back yard area.**
- 4. Please remove the inoperable or unregistered vehicles (a gold Dodge van Colorado license plate (197-IZE) with expired tags 11/06 and a white 4 door Oldsmobile vehicle with no license plate) or install an opaque fence in the back yard area to screen it from the public view.**
- 5. Please remove or cut down to the stump all the dead trees, dead bushes and dead growth leaves in the back yard area.**

***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: Andres Lara**

**Phone Number: 480-858-2289**

**E-mail: andres\_lara-reyes@tempe.gov**

CASE #CE072012



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

Mailed on Date: 08/06/08

**Cris H. Miles  
702 E Taylor St  
Tempe, AZ 85281**

This notice to comply is to inform you that on **08/06/08**, the property located at **702 E Taylor St.** 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 **08/22/08** 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-1**

Filthy, littered, debris or trash covered exterior areas, including exterior areas under any roof area not enclosed by the walls, doors or windows of any building; including but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled.

**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;

**Violation of the Tempe City Code, Chapter 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: 08/22/08**

**Required Correction(s):**

- 1. Please register or remove the gray Plymouth Voyager van with no license plate parked in the driveway.**
- 2. Please remove all piles of grass and weeds in the front yard area and remove all dead growth from the tree in front of the porch area.**
- 3. Please remove all trash, litter, debris, plastic bags with trash, plastic bucket and containers, vehicle and bicycle tires, boxes, unused and discarded patio furniture and all household and miscellaneous items in the back yard area.**
- 4. Please remove the inoperable or unregistered vehicles (a gold Dodge van Colorado license plate (197-IZE) with expired tags 11/06 and a white 4 door Oldsmobile vehicle with no license plate) or install an opaque fence in the back yard area to screen the vehicles from the public view.**
- 5. Please remove or cut down to the stump all the dead trees, dead bushes and dead growth leaves in the back yard area.**

***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: Andres Lara**

**Phone Number: 480-858-2289**

**E-mail: andres\_lara-reyes@tempe.gov**

JACK HARRINGTON  
3831 W AVALON  
PHOENIX, AZ. 85019  
TEL: (602) 446-2630  
FAX: (602) 347-5487  
EMAIL: JACKHBOARDUPS@YAHOO.COM

THE FOLLOWING DOCUMENT IS FOR:

NAME: ANDREAS  
FIRM: CITY OF TEMPE CODE COMPLIANCE

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

DATE: 8-25-09 TIME: 9:15 A.M. \_\_\_\_\_ P.M.

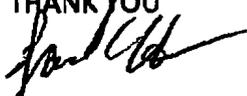
**PROPOSAL**

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE  
UNDER CONTRACT # TO8-092-02

ADDRESS: 702 E. TAYLOR TEMPE, AZ

- |  |                   |
|--|-------------------|
| 1. CLEAN FRONT YARDS OF DEBRIS AND LARGE AMOUNTS<br>OF PALO VERDE TREE BRANCHES & LEAVES |                   |
| 2. 1- 40 YARD DUMPSTER   | \$285.00          |
| 3. 2 - TRAILER LOADS   | \$100.00          |
| 4. REMOVE VEHICLE FROM PREMISES  | \$135.00          |
| 5. TEMPE POLICE OFFICER 16 MAN HRS@ \$50./HR   | \$800.00          |
| 4 MEN / 2 DAYS = 64 MAN HRS @ \$22./HR   | <u>\$1,408.00</u> |
| <br>TOTAL  | <br>\$2,728.00    |

NOTE: REVISED PROPOSAL OF 702 E. TAYLOR DONE ON 8-24-09

THANK YOU  
  
JACK HARRINGTON

ACCEPTANCE  
  
\_\_\_\_\_







Development Services  
Department

(480) 350-8331 (Phone)

November 3, 2009

Mr. Cris Miles  
702 East Taylor Street  
Tempe, Arizona 85281

RE: **PL090322/ABT09022 – MILES RESIDENCE ABATEMENT  
COMPLAINT NO. CE072012  
ABA09003 – APPEAL OF HEARING OFFICER'S DECISION**

Dear Mr. Miles:

The request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **MILES RESIDENCE (PL090322/ABT09022)** (Cris Miles, property owner) Complaint 072012 located at 702 East Taylor Street in the R1-6, Single Family Residential District was heard by the Hearing Officer on October 20, 2009. At that time, the Hearing Officer approved abatement proceedings for PL090322/ABT09022 as outlined in the abatement documentation.

Your appeal of the Hearing Officer's decision has been received, and is scheduled to be heard by the Board of Adjustment on **December 16, 2009**. If you fail to bring your property into compliance prior to this date, the code violation(s) addressed at the public hearing on October 20<sup>th</sup> will be reviewed by the Board of Adjustment.

If you have any questions please contact me at (480) 350-8486.

Sincerely,

A handwritten signature in cursive script that reads 'Sherri Lesser'.

Sherri Lesser  
Senior Planner

SL/dm

cc: Mr. Andres Lara/Neighborhood Enhancement Inspector  
Mr. Michael Spencer/Neighborhood Enhancement Senior Inspector  
Mr. Jeff Tamulevich/DSD – Code Compliance Department  
Ms. Decima Server – Neighborhood Enhancement Liaison  
File

cc'd 11/3/09  
dm

To Whom it may concern :

I will have The yard done  
by Nov. 25 all except The Trees.  
On The 30th of Nov. 2 Trees will be  
Cut down & removed.

Because of health problems  
I have not been able to do what  
I should have but I got some  
help now (help I didn't ~~know~~ know  
I had). Please allow me this  
and you will never see a problem  
again.

Thank-you

Cris Mills

702 E. Taylor St. Tempe, Az 85281

PL090322 / ABT09022  
ABA09003

**DECISION:**

Mr. Williams approved abatement proceedings for PL090275/ABT09017.

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7. Request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **CRESS RESIDENCE (PL090315/ABT09023)** (Robert Cress, property owner) Complaint 094298 located at 511 East Carter Drive in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Ms. Brandy Zedlar, Neighborhood Enhancement Inspector, stated that there had been no change in the condition of this property and the pool area. Mr. Cress is no longer occupying the property and the property is going into foreclosure. Ms. Zedlar explained that Mr. Cress had declined to sign the form authorizing a voluntary abatement. As of today, no auction date has been set by Maricopa County, stated Ms. Zedlar.

**DECISION:**

Mr. Williams approved abatement proceedings for PL090315/ABT09023.

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8. Request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **KOKES RESIDENCE (PL090316/ABT09024)** (Joseph Kokes, property owner) Complaint 093713 located at 608 East Fordham Drive in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Ms. Brandy Zedlar, Neighborhood Enhancement Inspector, stated that there had been no change in the condition of this property or the pool area. Mr. Kokes had indicated he would sign the voluntary authorization for abatement, however, the signed form had never been received, Ms. Zedlar stated. Mr. Kokes had stated that he was losing the property to foreclosure. November 18<sup>th</sup> is the date set for the auction of this property due to foreclosure.

**DECISION:**

Mr. Williams approved abatement proceedings for PL090316/ABT09024.

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9. Request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **MILES RESIDENCE (PL090322/ABT09022)** (Cris Miles, property owner) Complaint 072012 located at 702 East Taylor Street in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Mr. Andres Lara, Neighborhood Enhancement Inspector, stated that although the front yard has improved, there are dead bushes and weeds in the back yard area, and there is still an unregistered vehicle in the driveway.

**DECISION:**

Mr. Williams approved abatement proceedings for PL090322/ABT09022.

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