

Staff Summary Report



Hearing Officer Hearing Date: 9/06/11

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the BAC Home Loans Servicing LP Property located at 4432 South Juniper Street.

DOCUMENT NAME: 20110906cdsl07 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **BAC HOME LOANS SERVICING LP PROPERTY (PL110297 /ABT11035 /CE112275)** (Jack Scofield, Inspector; BAC Home Loans Servicing LP, property owner) located at 4432 South Juniper Street in the R1-6, Single Family Residential District.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

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

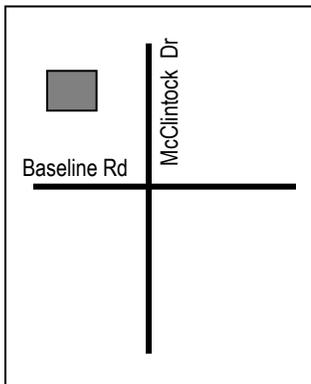
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

FISCAL NOTE: \$653.00 for abatement request, including deteriorated landscape, trash & debris, stagnant pool water.

RECOMMENDATION: **Staff – Approval of Abatement Proceedings**

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the BAC Home Loans Servicing LP Property located at 4432 South Juniper Street 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 requests the approval of abatement of the following nuisance items under Complaint 112275: deteriorated landscape, trash & debris, stagnant pool water.

Due to the history of recidivism of the property owner and several months of attempts to have the site remediated by the property owner, staff is requesting a 180 day open abatement to prevent repeated property neglect and neighborhood decline.

PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-12. Code Compliance Report & Photographs

COMMENTS:

Code Compliance is requesting approval to abate the BAC Home Loans Servicing LP Property located at 4432 South Juniper Street in the R1-6, Single Family Residential District. This case was initiated 07/11 following which Code Compliance has attempted to obtain compliance through correspondence with the property owners regarding violations of the Tempe City Code for deteriorated landscape, trash & debris and stagnant pool water.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code. Due to the history of recidivism of the property owner and several months of attempts to have the site remediated by the property owner, staff is requesting a 180 day open abatement to prevent repeated property neglect and neighborhood decline

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

**BAC HOME LOANS
SERVICING LP PROPERTY**

PL110296



Location Map



BAC HOME LOANS SERVICING LP PROPERTY (PL110297)

DATE: August 8, 2011
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Jack Scofield, Code Inspector
SUBJECT: CE112275, BAC Home Loans Servicing LP Property Abatement

LOCATION: 4432 ~~A~~^S JUNIPER ST TEMPE AZ 85282

LEGAL: TEMPE GARDENS UNIT SEVEN

PARCEL: 133-39-037

OWNER: BAC HOME LOANS SERVICING LP
6400 LEGACY DR
PLANO, TX 75024

FINDINGS:

7/1/2011 The Code Compliance Division received a complaint concerning a deteriorated pool.

7/5/2011 Inspected property and found grass and weeds growing in the gravel areas of the front and side yards, trash and debris in the front and rear yards, and a deteriorated pool with green stagnant water. Notice to comply mailed to property owner.

7/19/2011 Final notice to comply mailed to property owner.

8/3/2011 Posted notice of intent to abate to property and mailed copy to property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 4432 S Juniper St, due to property owner's failure to bring property into compliance with Tempe City Codes 21-3-B.1, 21-3.B.8, and 21-3.B.16. The property owner has been given ample time to come into compliance and maintain the property. There has been no indication that the property owner will bring the property into compliance. The property represents a health hazard and an eyesore to the community.

Without the intervention of abatement the property will continue to deteriorate. I therefore make a request to the City of Tempe Community Development Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Respectfully submitted,

Jack Scofield
Code Inspector II

ACTION TAKEN: Submit
NAME: [Signature]
DATE: 8.8.11



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

7/5/11

BAC HOME LOANS SERVICING LP
6400 LEGACY DR
PLANO, TX 75024

Case#: CE112275
Site Address: 4432 S JUNIPER DR TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 07/19/2011

This is a notice to inform you that this site was inspected on 7/5/11 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

VIOLATION SECTION:

Violation of City of Tempe Code 21-3-B-1

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof 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. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

Violation of City of Tempe Code 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.

Violation of City of Tempe Code 21-3-B-16

Any swimming pool areas that are not enclosed by a fence of at least five (5) feet in height and equipped with self-closing, self-latching gate(s), or padlocked at all times. Any openings in the fencing shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. REMOVE TRASH AND DEBRIS FROM THE FRONT, SIDE, AND REAR YARDS.**
- 2. REMOVE GRASS AND WEEDS FROM GRAVEL AREAS OF THE SIDE YARD.**
- 3. RESTORE POOL WATER TO CLEAN AND CLEAR STATE.**

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Jack Scofield
Code Inspector II
E-Mail

Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@tempe.gov

Civil and Criminal Penalties

City Code Section 21-3, subsections (b) 1-8, 15 and 17-19; Section 21-4; Sections 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 per violation, 2nd occurrence \$270 per violation, 3rd occurrence \$370 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$270 per violation, 2nd occurrence \$470 per violation, 3rd occurrence \$670 per violation | Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$370 per violation, 2nd occurrence \$670 per violation, 3rd occurrence \$970 per violation. | Section 21-25: \$1020 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (B) Habitual Offender: 1st occurrence \$520 in addition to other fines, 2nd occurrence \$1020 in addition to other fines, 3rd occurrence, \$1520 in addition to other fines. | Zoning and Development Code: 1st occurrence \$140 per violation, 2nd occurrence \$390 per violation, 3rd occurrence \$790 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 the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.

Sec. 21-43.D Notice to comply

Additional notice; notice not required. Nothing herein shall preclude the city from giving additional verbal or written notice at its discretion but it is not obligated to notify the same person as to a second (or additional) violation which has been the subject of a notice to comply within the previous twelve (12) month period. If the city does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situations. Nothing in this section shall require the issuance of a second notice to comply within twelve (12) months prior to commencement of civil or criminal violation proceedings.



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE**

7/19/11

BAC HOME LOANS SERVICING LP
6400 LEGACY DR
PLANO, TX 75024

Case#: CE112275
Site Address: 4432 S JUNIPER DR TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 08/02/2011

This is a notice to inform you that this site was inspected on 7/19/11 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

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- 2. REMOVE GRASS AND WEEDS FROM GRAVEL AREAS OF THE FRONT AND SIDE YARDS.**
- 3. RESTORE POOL WATER TO CLEAN AND CLEAR STATE.**

CORRECTIVE ACTIONS MUST BE COMPLETED OR A \$710.00 CITATION WILL BE ISSUED.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Jack Scofield
Code Inspector II
E-Mail

Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@tempe.gov

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CASE # CE112275



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 8/8/11

**BAC HOME LOANS SERVICING LP
6400 LEGACY DR
PLANO, TX 75024**

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

Legal: TEMPE GARDENS UNIT SEVEN
Location: 4432 A JUNIPER ST TEMPE AZ 85282
Parcel: 133-39-037

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of **09/06/2011**. 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:

- 1. REMOVE TRASH AND DEBRIS FROM THE FRONT, SIDE, AND REAR YARDS.**
- 2. REMOVE GRASS AND WEEDS FROM GRAVEL AREAS OF THE FRONT AND SIDE YARDS.**
- 3. RESTORE POOL WATER TO CLEAN AND CLEAR STATE.**

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 **\$653.00**. 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: Jack Scofield
Phone Number: (480)350-8967
E-mail: jack_scofield@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 JACK SCOFIELD
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 8-4-11

PROPOSAL

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

ADDRESS: 4432 W JUNIPER TEMPE, AZ.

1. MOW AND REMOVE WEEDS & DEBRIS FROM FRONT& BACK YARDS 24 M.H. @ \$22.00/HR.	\$528.00
2. PUMP POOL	125.00 -----
TOTAL COST FOR JOB	\$653.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON



