

Staff Summary Report



Hearing Officer Hearing Date: December 2, 2008

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items at the **CORDEIRO RESIDENCE (PL080416/ABT08040)** located at 1743 East Palmcroat Drive.

DOCUMENT NAME: 20081202dsng05

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items in violation of the Tempe City Code for the **CORDEIRO RESIDENCE (PL080416/ABT08040)** (Mary Cordeiro, property owner) Complaint CE082793 located at 1743 East Palmcroat Drive in the R1-6, Single Family Residential District.

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

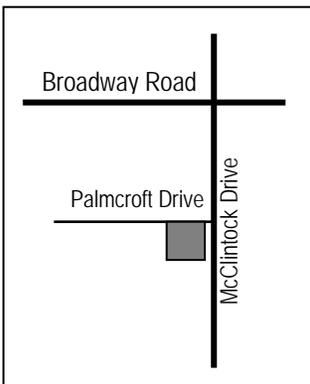
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

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 **CORDEIRO RESIDENCE (PL080416/ABT08040)** (Mary Cordeiro, property owner) Complaint CE082793 located at 1743 East Palmcroat Drive in the R1-6, Single Family Residential District. This residence is located west of McClintock Drive on Palmcroat 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
- 3-13. Neighborhood Enhancement Report
- 14-17. Neighborhood Enhancement Photos

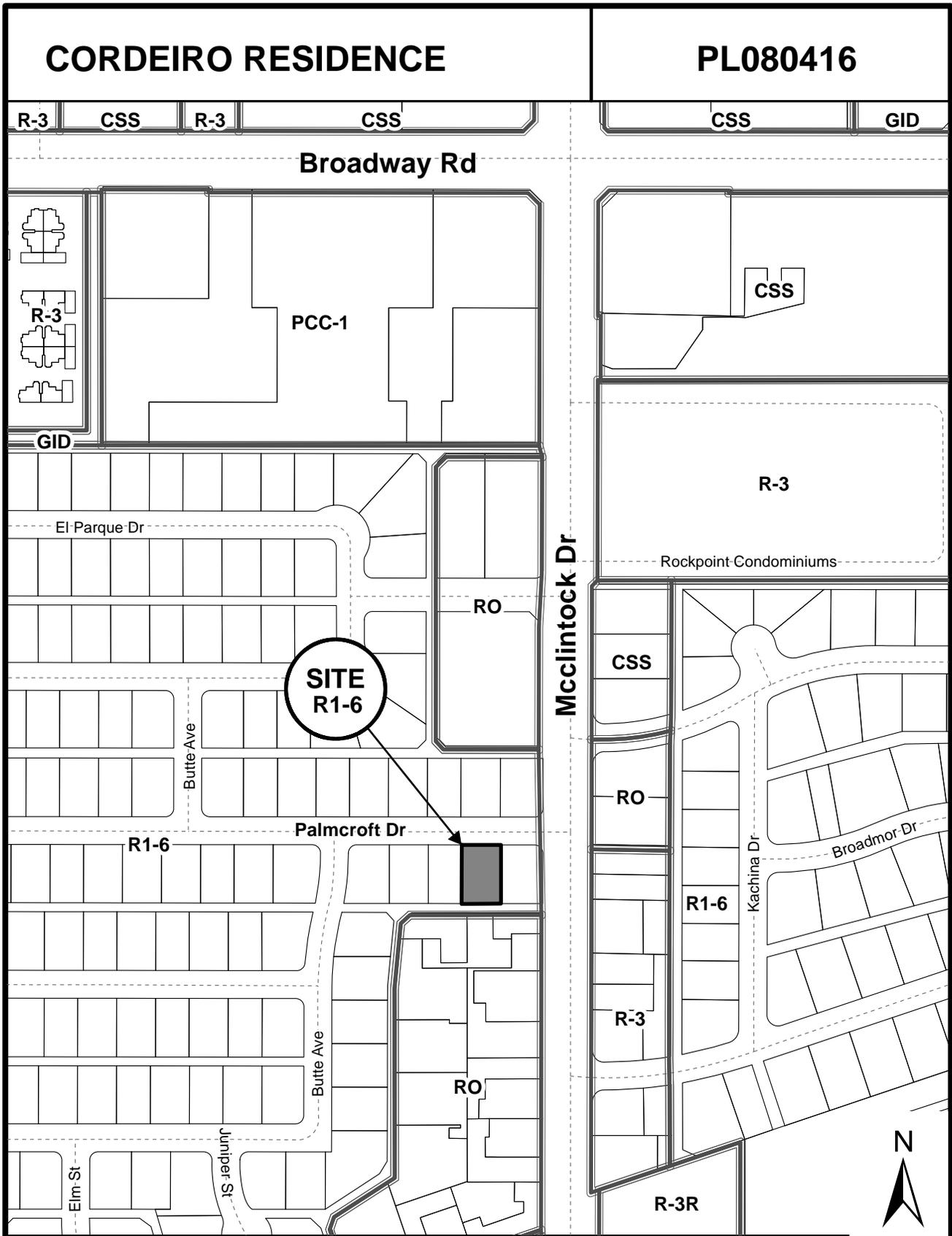
COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **CORDEIRO RESIDENCE (PL080416/ABT08040)** (Mary Cordeiro, property owner) Complaint CE082793 located at 1743 East Palmcroft Drive in the R1-6, Single Family Residential District. This residence is located west of McClintock Drive on Palmcroft 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 Julie Scofield, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

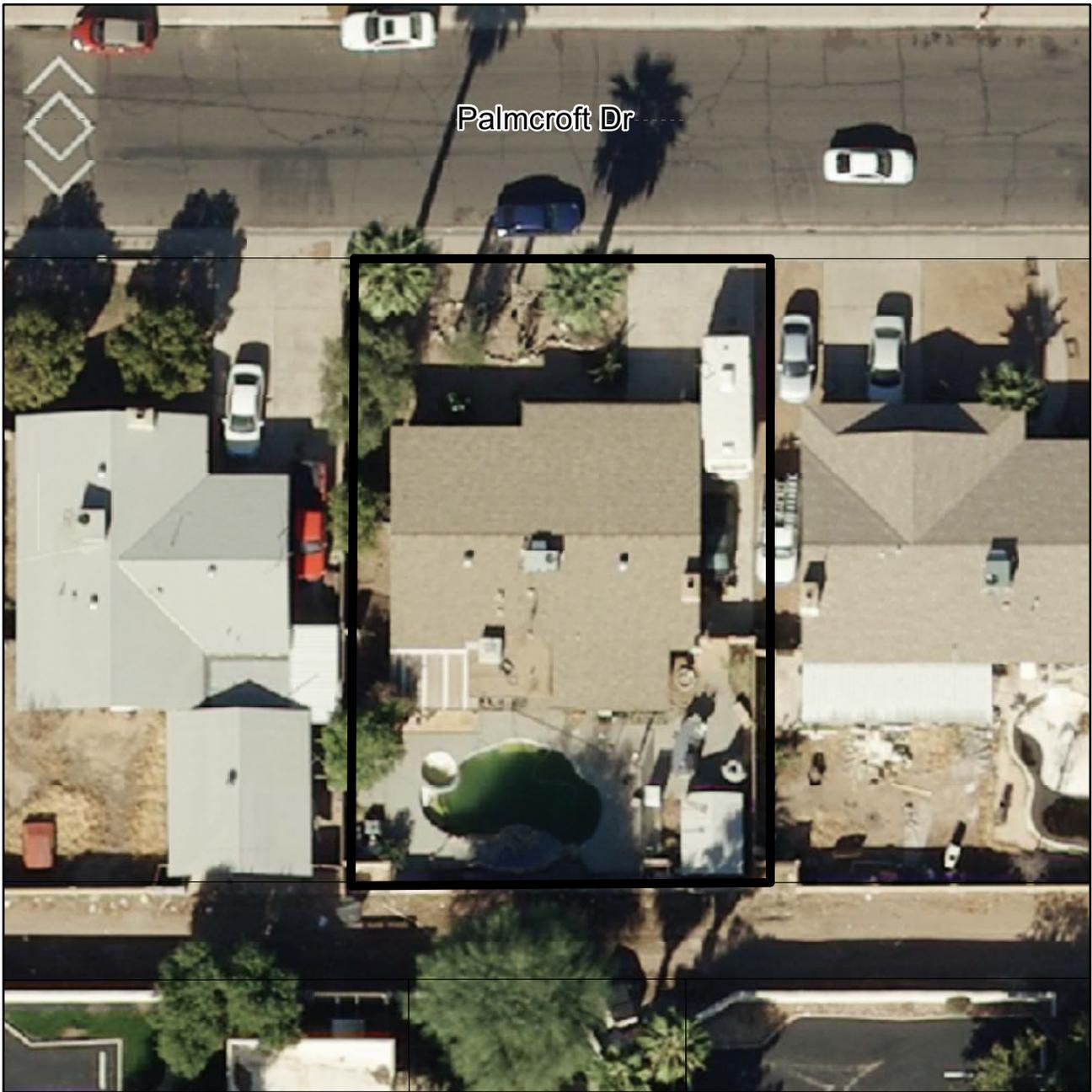
Staff recommends authorizing abatement of this property.

HISTORY & FACTS: See attached memo from the Neighborhood Enhancement Division.

DESCRIPTION: Owner – Mary Cordeiro
Applicant – Julie Scofield, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 7,353 s.f./17 acres
Building area – 1,640 s.f.
Year of structure – 1969



Location Map



CORDEIRO RESIDENCE (PL080416)

DATE: 10/30/08
TO: Mike Spencer, Senior Code Inspector
FROM: Julie Scofield, Code Inspector II
SUBJECT: Request to Abate Nuisance Violations- Reference Complaint
#CE082793

LOCATION: 1743 E. Palmcroft Dr. Tempe, AZ 85282
LEGAL: Book 133, Map 31, Parcel 178, as recorded with the Maricopa County Assessor
OWNER: Mary Cordeiro
1743 E. Palmcroft Dr.
Tempe, AZ 85282

FINDINGS:

- 4/03/08 The Neighborhood Enhancement Department received a complaint for a recreational vehicle being parked in the side yard.
- 4/07/08 The property was inspected. Violations at this property included an El Dorado motor home displaying an expired temporary plate, a Ford Mustang with no registration, household items and trash in the carport, and deteriorated landscape. A courtesy notice was sent to the owner Mary Cordeiro to request compliance for the violations.
- 4/22/08 Property was re-inspected with no change in its condition. A final notice was sent to the owner to request compliance.
- 5/20/08 Re-inspected the property. No change in the condition of the El Dorado motor home or Ford Mustang. The landscaping appears to be better and the items in the front of the property are minimal. First citation (#1413058) was issued for the unregistered vehicles. Pictures were taken.
- 6/09/08 Re-inspected the property. No change in the condition of the El Dorado motor home or Ford Mustang. Second citation (#1413059) was issued. Pictures were taken.
- 7/09/08 Re-inspected the property. No change in the condition of the El Dorado motor home or Ford Mustang. Third citation (#1413067) was issued. Pictures were taken.

- 9/3/08 Re-inspected the property. No change in the condition of the El Dorado motor home or Ford Mustang. New household items have appeared in the front and side of the property. Landscaping is once again deteriorated. An estimate was requested from contractor Jack Harrington to abate the property.
- 10/28/08 Received the estimate for the abatement of the property in the amount of \$734.00
- 10/30/08 Submitted the application for the abatement of this property.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations of deteriorated landscape, junk and debris, and unregistered vehicles be done at the property at 1743 E. Palmcroft Dr. due to Mary Cordeiros failure to come fully into compliance with Tempe City Codes. Mary Cordeiro has failed to appear on all three citations issued and has neglected to come into compliance. Miss Cordeiro has been given ample time to come into compliance and maintain the property.

Respectfully submitted,

Julie Scofield

ACTION TAKEN: submitted for abatement
NAME: 
DATE: 10-30-08



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

Neighborhood Enhancement Department

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 10/30/08

TO:

Mary Cordeiro
1743 E. Palmcroft 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 31 Parcel 178, as recorded with the Maricopa County Assessor.

LOCATION: 1704 E. Palmcroft 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 12/2/08. We are requesting Hearing Officer Authorization to abate this public nuisance codes in accordance with Section 21-53 of the Tempe City Code by removal and repair of: grass and weeds in gravel, the removal of household items and removal of unregistered vehicles. TCC 21-3-B-8 which prohibits landscaping that is dead, overheight, damaged, or presents a deteriorated or slum-like appearance, TCC21-3-B-3 which prohibits unregistered vehicles to be out in the open and unenclosed, TCC 21-3-B-1 which prohibits outside storage.

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 \$734.00. 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: Julie Scofield

Phone Number 480-350-8951

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: JULIE

FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 10/28/08 TIME: 2:30A.M. P.M.

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK AT
ADDRESS: 1743 E. PALMCROFT

1. TOW 2 VEHICLES FROM PROPERTY @ \$135./EA	\$270.00
2. REMOVE APPLIANCES FROM FRONT OF HOUSE AND MOW AND CLEAN YARD 12 MAN HRS @ \$22./HR	\$264.00
4 HRS FOR TEMPE POLICE @ \$50.00/HR	\$200.00
TOTAL	\$734.00

THANK YOU

JACK HARRINGTON

ACCEPTANCE



**City of Tempe Code Compliance Division
Courtesy Notice**

Mailed on date 4/8/08

This is a courtesy notice to inform you that on 4/7/08, 1743 E. PALMCROFT DR. was inspected and found to be in violation of the following subsection(s) of the Zoning and Development Code and the Nuisance codes of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the City of Tempe. 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 4/22/08 (FOR THE REGISTRATION AND VACATING THE RV) AND 5/5/08 (FOR THE PERMIT), 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.

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 and Development Code; 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;

Inoperable vehicle means a vehicle that is physically incapable of its intended operation, or unable to be safely operated at that time, including but not limited to vehicles on blocks or similar devices, with a deflated tire or tires, or from which the engine, wheels or tires have been removed.

Vehicle means a machine propelled by power other than human power designed to travel along the ground, water or air to transport persons, property or machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, boat or aircraft.

Section 4-602 General Parking Standards.

***Recreational vehicles* exceeding twenty-one (21) feet in length and all boats and trailers shall not be parked in the required front yard building or required street side yard, except for periods of up to forty-eight (48) hours within seven (7) consecutive days for the purpose of loading, unloading and cleaning. Such vehicles parked or stored in the defined setbacks shall be subject to a use permit;**

Recreational vehicle (RV) means any motor vehicle that is designed or customarily used for sleeping or camping.

Section 3-416: Mobile Homes.

- A. A mobile home, recreational vehicle, or similar vehicle shall not be considered a dwelling unit, nor occupied as such, unless located in a trailer or mobile home park.**

Please take the following corrective action by 4/22/08 (FOR THE REGISTRATION AND VACATING THE RV) AND 5/5/08 (FOR THE PERMIT)

Required Correction(s):

1. IN ORDER FOR A VEHICLE TO BE OUT IN THE OPEN, IT MUST BE REGISTERED AND APPEAR OPERABLE. PLEASE REGISTER AND DISPLAY A CURRENT PLATE WITH TAGS FOR THE RECREATIONAL VEHICLE. IF THE VEHICLE CANNOT BE REGISTERED, PLEASE MOVE THE VEHICLE TO AN ENCLOSED AREA, OR REMOVE FROM THE PROPERTY.
2. IF THE RECREATIONAL VEHICLE IS ABLE TO BE REGISTERED, PLEASE REGISTER AND THEN OBTAIN THE PROPER USE PERMIT TO ALLOW THE RECREATIONAL VEHICLE TO REMAIN AT THE FRONT OF THIS PROPERTY. YOU CAN OBTAIN THE PERMIT THROUGH THE DEVELOPMENT SERVICES DEPARTMENT AT 480-350-8331.
3. ANOTHER OPTION WOULD BE TO REMOVE THE RECREATIONAL VEHICLE FROM THE PROPERTY.
4. PLEASE VACAT THE RECREATIONAL VEHICLE PARKED IN THE DRIVEWAY. THE RECREATIONAL VEHICLE MAY NOT BE USED OR OCCUPIED AS A DWELLING UNIT.

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.

Notice was delivered to:

**MARY CORDEIRO
1743 E. PALMCROFT DR.
TEMPE, AZ 85282**

Code Enforcement Officer: Julie Scofield

Phone Number 480-350-8951

CASE #CE082793



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

Mailed on Date: 4/8/08

**MARY CORDEIRO
1743 E. PALMCROFT DR.
TEMPE, AZ 85282**

This notice to comply is to inform you that on 4/7/08, the property located at 1743 E. PALMCROFT DR. 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 4/21/08 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 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 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;

Deteriorated or deterioration means a lowering in quality of the condition or appearance of a building, structure or premises, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, damage or lack of maintenance.

Slum-like means a building, structure or premises characterized by deterioration or other similar conditions regardless of the condition of other properties in the neighborhood.

Please take the following corrective action by: 4/21/08

Required Correction(s):

1. PLEASE COMPLETELY REMOVE ALL GRASS AND WEEDS FROM THE GRAVEL LANDSCAPING.
2. WILDFLOWERS ARE OKAY TO REMAIN IN THE LANDSCAPING.
3. PLEASE REMOVE AND OR DISCARD THE MISCELLANEOUS ITEMS AND TRASH FROM THE FRONT AND SIDES OF THE PROPERTY.
4. PLEASE MAINTAIN THE PROPERTY.

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.

Civil and Criminal Penalties

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

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

Section 21-4 (B), Habitual Offender: 1st occurrence \$500 dollars + sum of other fines, 2nd occurrence \$1000 dollars + sum of other fines, 3rd 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: JULIE SCOFIELD

Phone Number: 480-350-8951

E-mail: JULIE_SCOFIELD@TEMPE.GOV



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

Mailed on Date: 4/23/08

**MARY CORDEIRO
1743 E. PALMCROFT DR.
TEMPE, AZ 85282**

This notice to comply is to inform you that on 4/22/08, the property located at 1743 E. PALMCROFT DR. 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 5/7/08 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 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 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;

Deteriorated or deterioration means a lowering in quality of the condition or appearance of a building, structure or premises, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, damage or lack of maintenance.

Slum-like means a building, structure or premises characterized by deterioration or other similar conditions regardless of the condition of other properties in the neighborhood.

Please take the following corrective action by: 5/7/08

Required Correction(s):

1. PLEASE COMPLETELY REMOVE ALL GRASS AND WEEDS FROM THE GRAVEL LANDSCAPING.
2. WILDFLOWERS ARE OKAY TO REMAIN IN THE LANDSCAPING.
3. PLEASE REMOVE AND OR DISCARD THE MISCELLANEOUS ITEMS AND TRASH FROM THE FRONT AND SIDES OF THE PROPERTY.
4. PLEASE MAINTAIN THE PROPERTY.

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.

Civil and Criminal Penalties

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

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

Section 21-4 (B), Habitual Offender: 1st occurrence \$500 dollars + sum of other fines, 2nd occurrence \$1000 dollars + sum of other fines, 3rd 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: JULIE SCOFIELD

Phone Number: 480-350-8951

E-mail: JULIE_SCOFIELD@TEMPE.GOV

CASE # CE082793



**City of Tempe Code Compliance Division
Final Notice**

Mailed on date 4/23/08

This is a courtesy notice to inform you that on 4/22/08, 1743 E. PALMCROFT DR. was inspected and found to be in violation of the following subsection(s) of the Nuisance codes of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the City of Tempe. 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 5/07/08, 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.

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 and Development Code; 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;

Inoperable vehicle means a vehicle that is physically incapable of its intended operation, or unable to be safely operated at that time, including but not limited to vehicles on blocks or similar devices, with a deflated tire or tires, or from which the engine, wheels or tires have been removed.

Vehicle means a machine propelled by power other than human power designed to travel along the ground, water or air to transport persons, property or machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, boat or aircraft.

Please take the following corrective action by 5/7/08

Required Correction(s):

1. IN ORDER FOR A VEHICLE TO BE OUT IN THE OPEN, IT MUST BE REGISTERED AND APPEAR OPERABLE. PLEASE REGISTER AND DISPLAY A CURRENT PLATE WITH TAGS FOR THE RECREATIONAL VEHICLE. IF THE VEHICLE CANNOT BE REGISTERED, PLEASE MOVE THE VEHICLE TO AN ENCLOSED AREA, OR REMOVE FROM THE PROPERTY.

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.

Notice was delivered to:

**MARY CORDEIRO
1743 E. PALMCROFT DR.
TEMPE, AZ 85282**

Code Enforcement Officer: Julie Scofield

Phone Number 480-350-8951







