

Staff Summary Report



Hearing Officer Hearing Date: June 22, 2010

Agenda Item Number: 13

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Department to abate public nuisance items at the Davidson Property located at 1100 East Knox Road.

DOCUMENT NAME: 20100622dsr104 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the City of Tempe – Code Compliance Department to abate public nuisance items in violation of the Tempe City Code for the **DAVIDSON PROPERTY (PL100138/ABT10007/CE100838)** (Jack Scofield, Inspector; Keith Davidson, property owner) located at 1100 East Knox Road in the AG, Agricultural District.

PREPARED BY: Ryan Levesque, Senior Planner (480-858-2393)

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

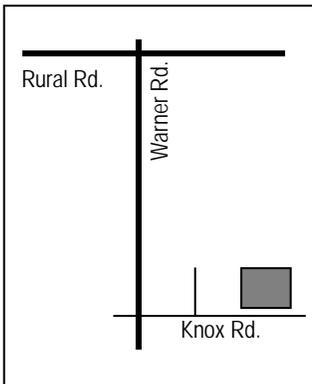
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval of Abatement Proceedings

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Davidson Property located at 1100 East Knox Road in the AG, Agricultural District. The property is generally located east of Warner Road off of Knox Road. 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 CE100838: A green pool which the City has performed an emergency abatement and overgrown weeds on the property and along the street.

The contract bid to complete the abatement is \$3,646.00

PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-13. Neighborhood Enhancement Report

COMMENTS:

Code Compliance is requesting approval to abate the Davidson Property located at 1100 East Knox Road in the AG, Agricultural District. This case was initiated on March 23, 2010, in which Code Compliance has attempted to obtain compliance through correspondence with the property owner, Keith Davidson, regarding violations of the Tempe City Code for a green pool and overgrown weeds/grass. The inspector performed an emergency abatement on the pool and is now drained.

Mr. Davidson has received a courtesy notice citing the specific items in violation with Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Development Services Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

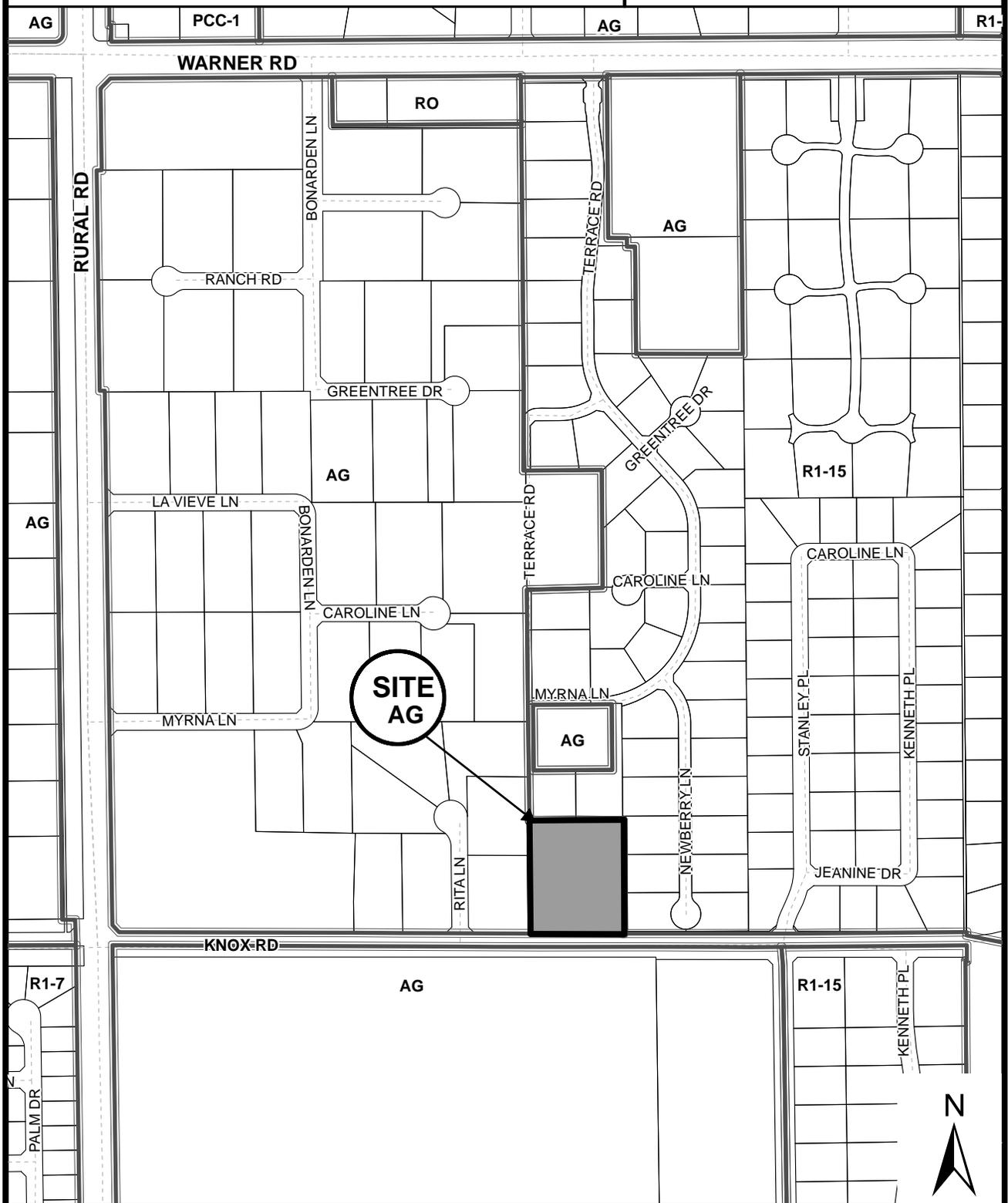
HISTORY & FACTS:

March 23, 2010 Complaint reported of property with overgrown weeds at 1100 East Knox Road.

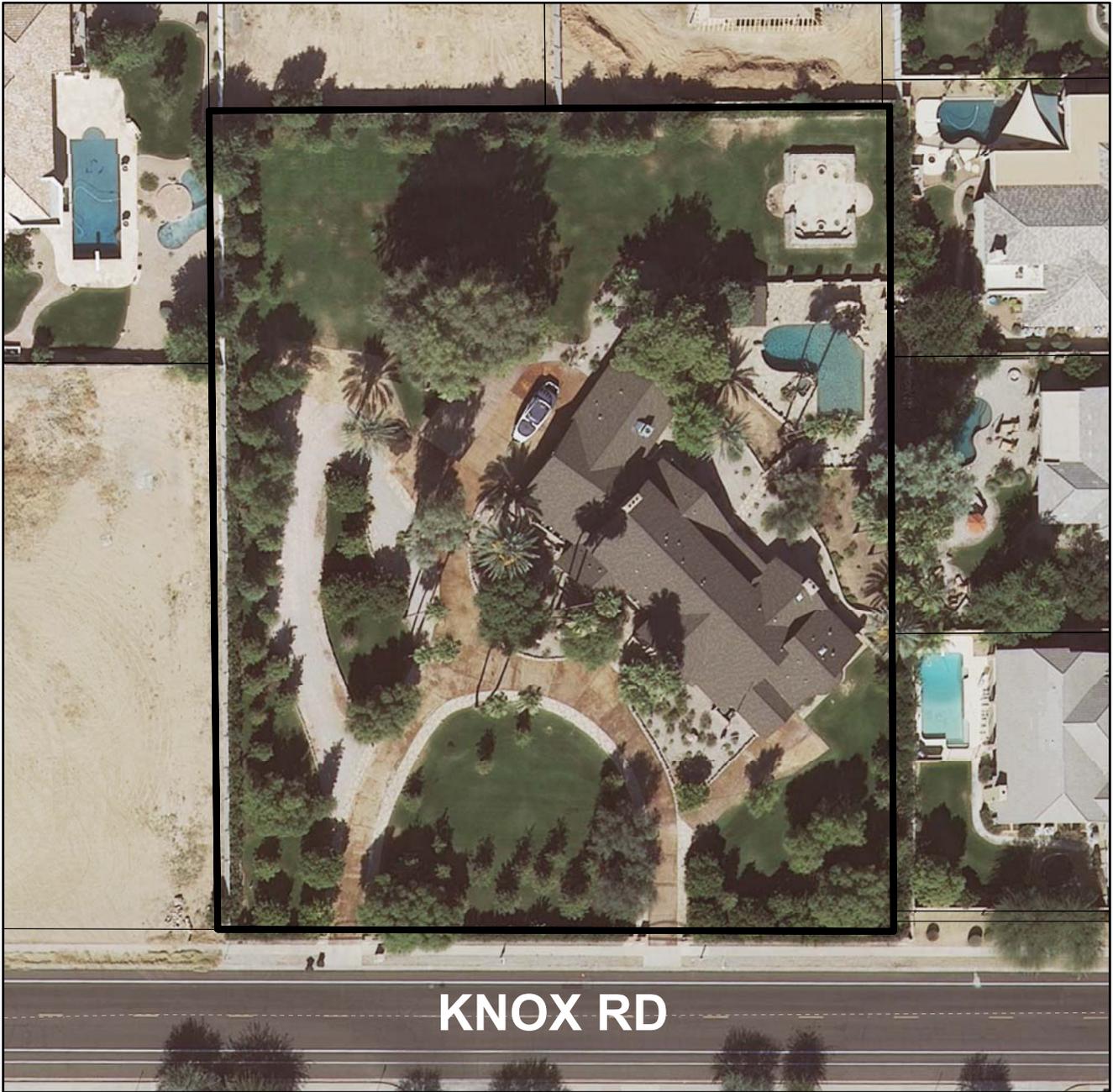
The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

DAVIDSON PROPERTY

PL100138



Location Map



DAVIDSON PROPERTY (PL100138)

DATE: May 11, 2010
TO: Jeff Tamulevich, Code Compliance Manager
FROM: Jack Scofield, Code Inspector
SUBJECT: CE100838, Davidson Residence Abatement

LOCATION: 1100 E. Knox Rd. Tempe, AZ 85284

LEGAL: Book , Map , Parcel , as recorded with the Maricopa County Assessor

OWNER: Keith Davidson
13209 W. Palo Verde Dr.
Litchfield Park, AZ 85340

FINDINGS:

03/23/2010 The Code Compliance Division received a complaint concerning over height grass and weeds, and a deteriorated pool on a vacant property.

03/24/2010 Inspected site and found grass and weeds in the gravel area in front of the property, over height grass and weeds through out the property, and a deteriorated pool with green and stagnant water.

03/25/2010 Notice to comply mailed to property owner Keith Davidson.

04/13/2010 Inspected property and found no progress on resolving violations.

04/22/2010 Inspected property and found no progress on resolving violations. Final notice to comply mailed to property owner Keith Davidson.

04/27/2010 The Code Compliance Division received an additional complaint concerning over height grass and weeds.

5/04/2010 Inspected property and found no progress on resolving violations.

05/05/2010 Received an estimate for the abatement from Jack Harrington for the amount of \$3646.00

05/06/2010 Posted emergency abatement notice to property and mailed copy to property owner Keith Davidson for abatement of deteriorated pool with green stagnant water.

05/10/2010 The Code Compliance Division received an additional complaint concerning over height grass and weeds, deteriorated pool, and insects coming from property.

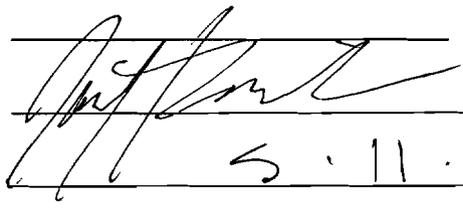
05/11/2010 Posted notice of intent to abate to property and mailed copy to property owner Keith Davidson.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1100 E. Knox Rd. due to property owner Keith Davidson's failure to come into compliance with Tempe City Codes. Keith Davidson has been given ample time to come into compliance and maintain the property. There has been no indication that Keith Davidson will come into compliance.

Respectfully submitted,

Jack Scofield
Code Inspector II

ACTION TAKEN: _____
NAME: 
DATE: 5.11.10



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

04-22-2010

KEITH C DAVISON
13209 W PALO VERDE DR
LITCHFIELD PARK, AZ 85340

Case#: CE100838
Site Address: 1100 E KNOX RD

SITE REINSPECTION ON OR AFTER: 05/06/2010

This is a notice to inform you that this site was inspected on 04/22/2010 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.

<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.b.8	Uncultivated plants, weeds, tall grass, or growth higher than 12 inches
CC 21-3.b.16	Swimming pool that is deteriorated or presents a health hazard

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8	Please cut overheight weeds and grass to include street frontage area
CC 21-3.b.16	Please restore water to a clear, clean condition

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

Jack Scofield
Code Inspector II

Direct: 480-350-8967
Code Compliance: (480)350-8372
Email: 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 \$150 per violation, 2nd occurrence \$250 per violation, 3rd occurrence \$350 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$250 per violation, 2nd occurrence \$450 per violation, 3rd occurrence \$650 per violation | Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$350 per violation, 2nd occurrence \$650 per violation, 3rd occurrence \$950 per violation. | Section 21-25: \$1000 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 \$500 in addition to other fines, 2nd occurrence \$1000 in addition to other fines, 3rd occurrence, \$1500 in addition to other fines. | Zoning and Development Code: 1st occurrence \$120 per violation, 2nd occurrence \$370 per violation, 3rd occurrence \$770 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.

SEE PAGE 2 (OTHER SIDE OF NOTICE) FOR CC/ZDC REFERENCE



**DEVELOPMENT SERVICES DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

03-25-2010

KEITH C DAVISON
13209 W PALO VERDE DR
LITCHFIELD PARK, AZ 85340

Case#: CE100838
Site Address: 1100 E KNOX RD

SITE REINSPECTION ON OR AFTER: 04/08/2010

This is a notice to inform you that this site was inspected on 03/24/2010 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.

<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.b.8	Uncultivated plants, weeds, tall grass, or growth higher than 12 inches
CC 21-3.b.16	Swimming pool that is deteriorated or presents a health hazard

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CC 21-3.b.16	Please restore water to a clear, clean condition

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

Jack Scofield
Code Inspector II

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

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SEE PAGE 2 (OTHER SIDE OF NOTICE) FOR CC/ZDC REFERENCE

CASE # CE100838



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE MAILED AND POSTED TO PROPERTY: 05/11/2010

**KEITH C DAVISON
13209 W PALO VERDE DR
LITCHFIELD PARK, AZ 85340**

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 62, Parcel 999K, as recorded with the Maricopa County Assessor
Location: 1100 E. KNOX RD TEMPE, AZ 85284**

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of **06/22/2010**. 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:

- **Cut all over height grass and weeds on entire property, remove weeds and grass from gravel areas.**

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 **\$3646.00**. 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**

CASE # CE100838



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2278 (fax)

Code Enforcement Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE IMMEDIATE THREAT TO THE HEALTH OR SAFETY OF THE PUBLIC

DATE MAILED: 05/06/2010

DATE POSTED TO THE PROPERTY: 05/06/2010

TO:
KEITH C DAVISON
13209 W PALO VERDE DR
LITCHFIELD PARK, AZ 85340

CC:

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 62, Parcel 999K, as recorded with the Maricopa County Assessor

LOCATION: 1100 E. KNOX DR. TEMPE, AZ 85284

This office will abate this public nuisance in accordance with Section 21-53 and Resolution 2006.41, III B.8, of the Tempe City Code by removal and repair of:

1. RESTORE POOL WATER TO CLEAN CLEAR CONDITION.

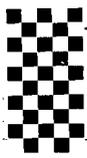
Tempe City Code, section 21-3.b.16 prohibits any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance and requires that a pool be equipped with self-closing, self-latching gate(s), or padlocked at all times.

As owner of the property, you have until 5-14-2010 to correct the violation. If the violations have not been corrected within this time period, our office will proceed with the abatement process. The necessary work will be performed at the expense of the property owner. The cost of this work will be **\$125.00**. 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
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 5-5-10

PROPOSAL

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

ADDRESS: 1100 E KNOX

1. MOW AND REMOVE WEEDS & DEBRIS FROM FRONT YARD
4MEN -5 DAYS @22.00 \$3520.00

2. PUMP POOL & FOUNTAIN \$125.00

TOTAL COST FOR ABOVE ITEMS \$3646.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

NOTE: Could you please email Jack
at Jackhboardups@yahoo.com.
I couldn't get through to your email. Thank

