

Staff Summary Report



Hearing Officer Hearing Date: 1/03/12

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Dunbar Property located at 1729 North Palm Drive.

DOCUMENT NAME: 20120103cdsl02 **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 **DUNBAR PROPERTY (PL110414 /ABT11042 /CE113376)** (Michael Spencer, Inspector; Carol Dunbar, property owner) located at 1729 North Palm Drive in the R1-4, Single Family Residential District.

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

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

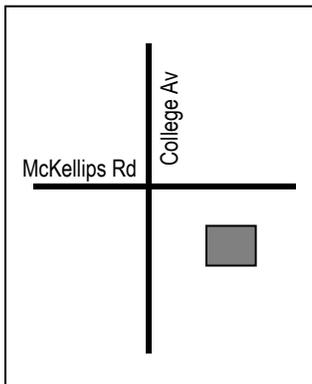
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$528.00 for abatement request, including weeds and debris and gate repair

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

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Dunbar Property located at 1729 North Palm Drive in the R1-4, 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 CE113376: deteriorated landscape, weeds and debris, gate repair

PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-10. Code Compliance Report & Photographs

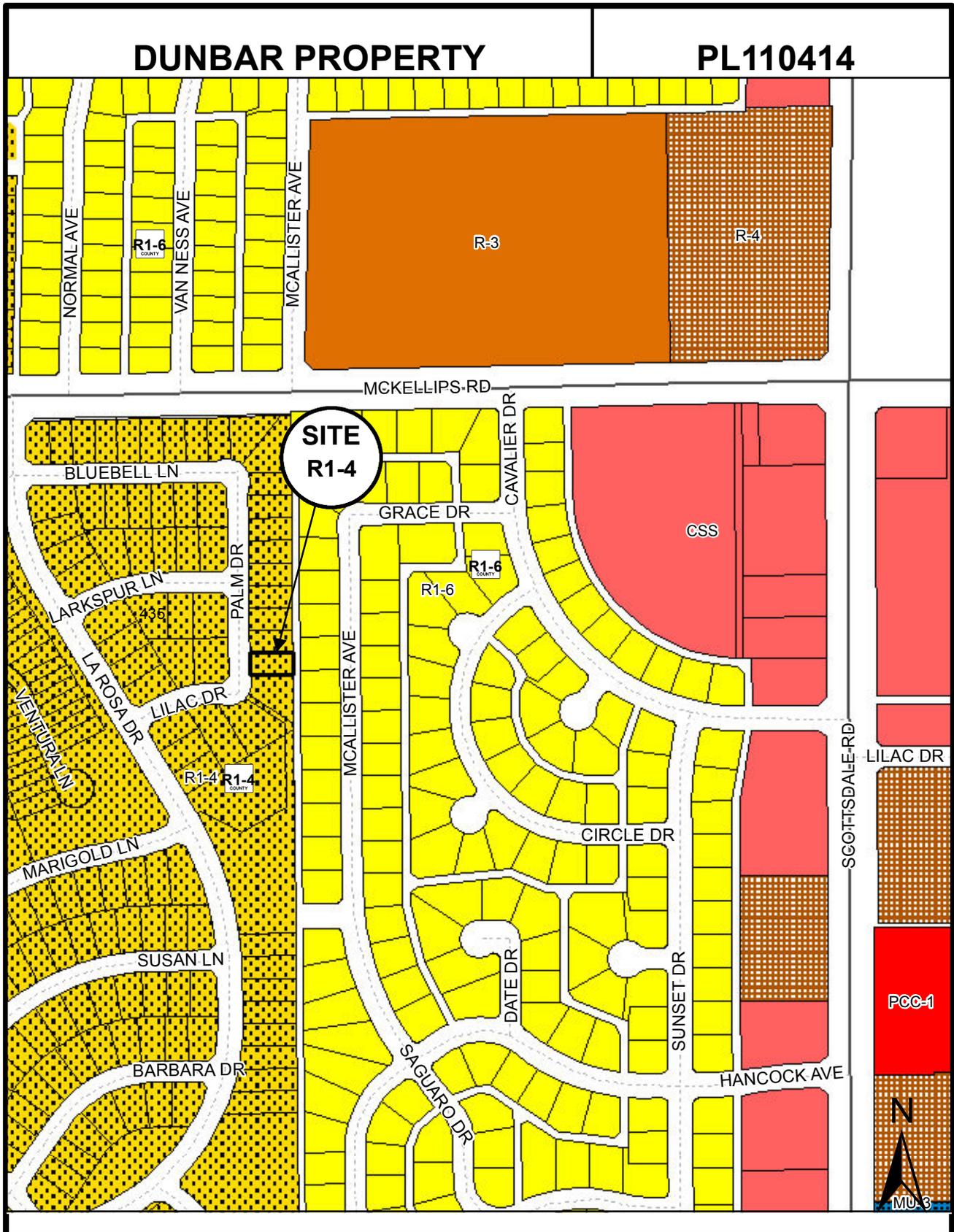
COMMENTS:

Code Compliance is requesting approval to abate the Dunbar Property located at 1729 North Palm Drive in the R1-4, Single Family Residential District. This case was initiated 09/11 following which Code Compliance has attempted to obtain compliance through correspondence with the property owners regarding violations of the Tempe City Code.

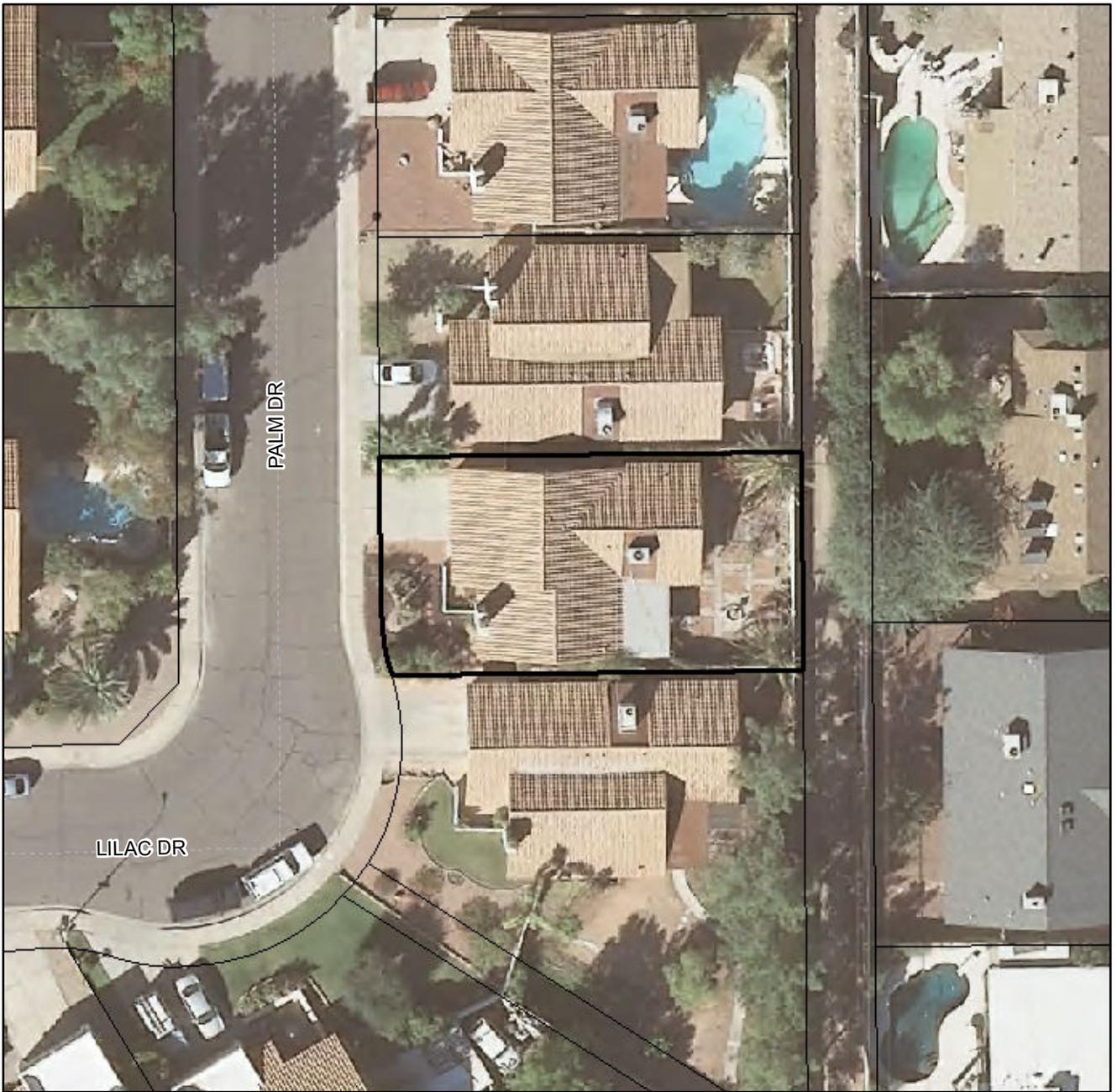
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

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



Location Map



DUNBAR PROPERTY (PL110414)

DATE: 11/17/2011

SUBJECT: Carol Dunbar Property Abatement

LOCATION: 1729 N PALM DR

LEGAL: Book 132, Map 02, Parcel 136, as recorded with the Maricopa County Assessor

OWNER: Carol Dunbar
1850 E Yale DR
Tempe, AZ 85283

FINDINGS:

09/28/2011 The property was inspected and found to have grass and weeds in the gravel of the front and north side yards. Fence gate on the north side of the front yard is broken. Notice was sent to the owner.

10/13/2011 No change in the condition of the violations on the property. Final notice was mailed to the owner.

10/28/2011 No change in the condition of the violations on the property. Found a phone number for the owner's daughter Kimberley Inman. Left a message for her to call concerning the property.

10/31/2011 Received a return message from Kimberley. She indicated that her mother was in an adult care facility and not able to take care of the property.

11/03/2011 Spoke with Kimberley concerning the property. She indicated that she would have a landscape company take care of the violations on the property.

11/17/2011 No change in the condition of the property. Received a cleanup bid of \$528.00 dollars.

RECOMMENDATIONS:

Mrs. Carol Dunbar has been given ample time to come into compliance and has failed to take corrective action. The owners daughter has also been given time to bring the property into compliance but has failed to do so. I therefore request the City of Tempe, Community Development Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,

Michael Spencer
Senior Code Inspector
City of Tempe

ACTION TAKEN: SUBMIT
NAME: [Signature]
DATE: 11.17.11



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

09-28-2011

CAROL DUBAR / KIMBERLY INMAN
1850 E YALE DR
TEMPE AZ 85283

Case#: CE113376
Site Address: 1729 N PALM DR

SITE REINSPECTION ON OR AFTER: 10/13/2011

This is a notice to inform you that this site was inspected on 09/28/2011 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	Landscaping that is substantially dead damaged or characterized by uncontrolled growth
CC 21-3.b.15	A wall or fence deteriorated in appearance or which constitutes a hazard

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8	Please remove grass and weeds from the gravel of the front and north side yards.
CC 21-3.b.15	Repair or replace the broken gate on the north side yard of the property.

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

Michael Spencer
Senior Code Inspector

Direct: 480-350-8075
Code Compliance: (480)350-8372

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.



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

10-13-2011

CAROL DUBAR / KIMBERLY INMAN
1850 E YALE DR
TEMPE AZ 85283

Case#: CE113376
Site Address: 1729 N PALM DR

SITE REINSPECTION ON OR AFTER: 10/28/2011

This is a notice to inform you that this site was inspected on 10/13/2011 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.

Table with 2 columns: SECTION and VIOLATION. Row 1: CC 21-3.b.8, Landscaping that is substantially dead damaged or characterized by uncontrolled growth. Row 2: CC 21-3.b.15, A wall or fence deteriorated in appearance or which constitutes a hazard.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

Table with 2 columns: SECTION and VIOLATION. Row 1: CC 21-3.b.8, Please remove grass and weeds from the gravel of the front and north side yards. Row 2: CC 21-3.b.15, Repair or replace the broken gate on the north side yard of the property.

IF NOT IN COMPLIANCE BY 10/28/2011 A \$340.00 DOLLAR CITATION WILL BE ISSUED.

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

Michael Spencer
Senior Code Inspector

Direct: 480-350-8075
Code Compliance: (480)350-8372

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.



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: 11/17/2011

TO: CAROL DUNBAR
1850 E YALE DR
TEMPE, AZ 85283

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

LEGAL: Book 132, Map 02, Parcel 136, as recorded with the Maricopa County Assessor.

LOCATION: 1729 N PALM DR

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 12/20/2011. 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:

CC 21-3.b.8 Please remove grass and weeds from the gravel areas of the landscape. Gravel landscaping must be maintained free of grass and weeds.

CC 21-3.b.15 Repair or replace the broken gate on the north side yard of the property.

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 \$528.00. 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: Michael Spencer

Phone Number 480-350-8075

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:

NAMEMICHAEL SPENCER
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 11-16-11

PROPOSAL

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

ADDRESS: 1729 N PALM DR TEMPE, AZ.

- | | |
|--|----------|
| 1. MOW AND REMOVE WEEDS & DEBRIS FROM FRONT & REAR YARDS
ALSO REPAIR GATE ON NORTH SIDE
24 MH @ 22/H | \$528.00 |
|--|----------|

TOTAL COST FOR JOB	----- \$528.00
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THANK YOU

ACCEPTANCE

JACK HARRINGTON



