

Staff Summary Report



Hearing Officer Hearing Date: 8/02/11

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Escovar Property located at 1415 North Oleander Street.

DOCUMENT NAME: 20110802cdng03 **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 **ESCOVAR PROPERTY (PL110254 /ABT11025 /CE111813)** (Michael Spencer, Inspector; Hector Escovar, property owner) located at 1415 North Oleander Street in the R1-6, Single Family Residential District.

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

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

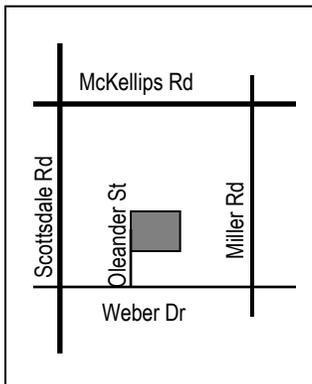
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$1,136.00 for abatement request, including landscape clean up and debris/trash removal.

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

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Escovar Property located at 1415 North Oleander 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 CE111813: deteriorated landscape, weeds, and debris or trash-covered exterior areas.

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
- 3-13. Code Compliance Report & Photographs

COMMENTS:

Code Compliance is requesting approval to abate the Escovar Property located at 1415 North Oleander Street in the R1-6, Single Family Residential District. This case was initiated May 2011 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.

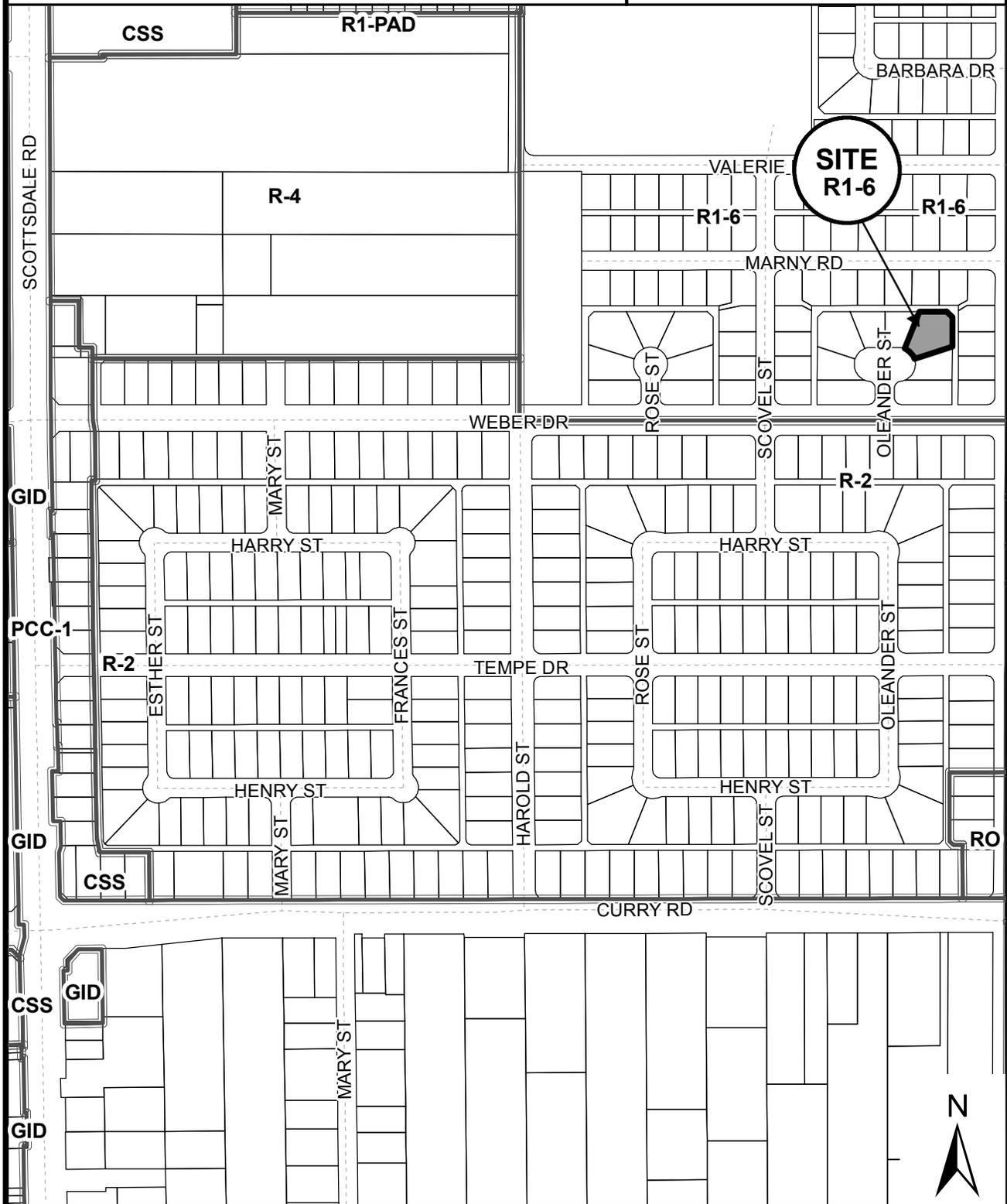
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code. Due to the history of recidivism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

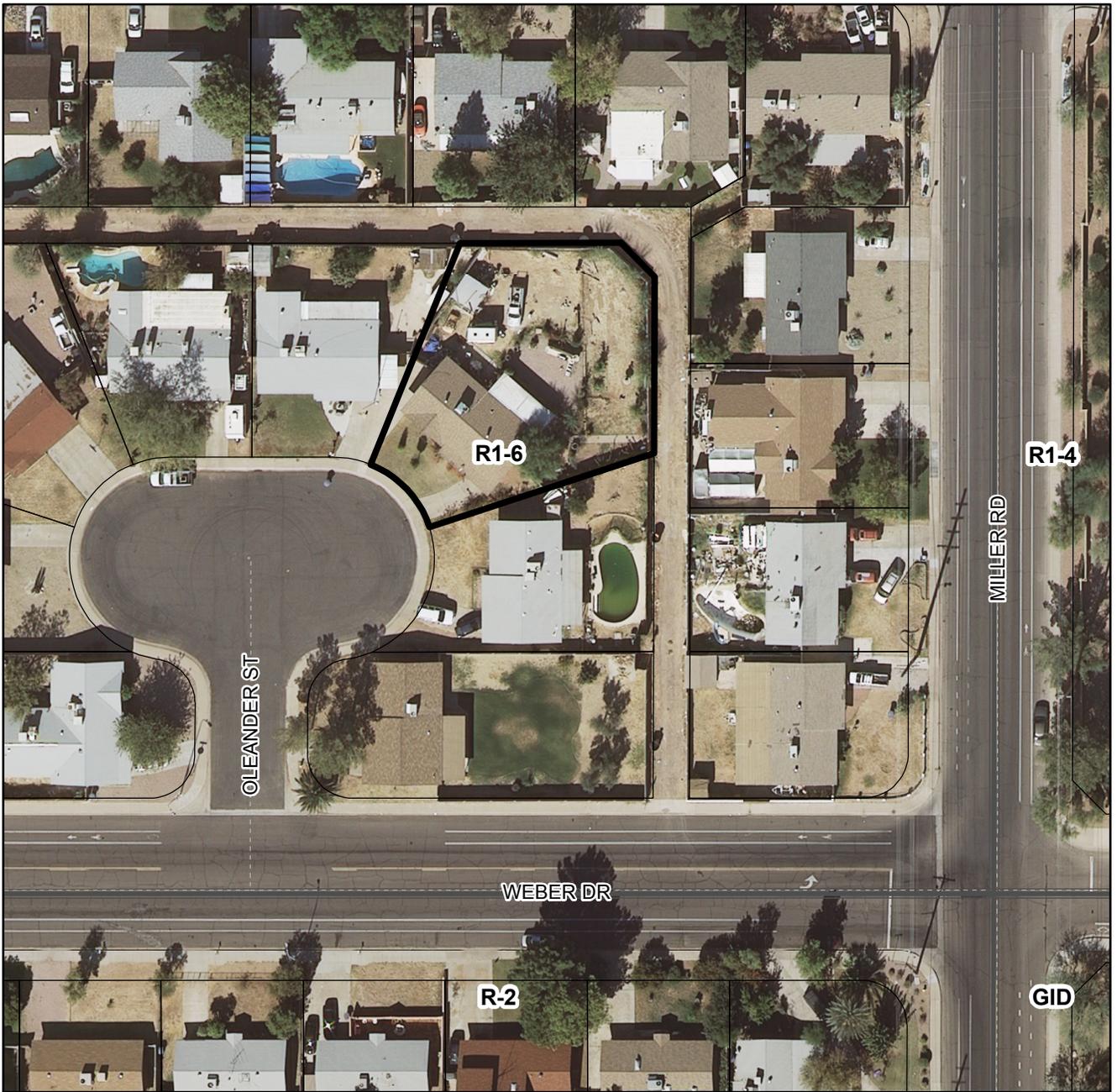
The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

ESCOUVAR PROPRTY

PL110254



Location Map



ESCOUVAR PROPERTY (PL110254)

DATE: 06/30/2011

SUBJECT: Hector Delgado Escovar Property Abatement

LOCATION: 1415 N Oleander St

LEGAL: Book 132, Map 10, Parcel 046, as recorded with the Maricopa County Assessor

OWNER: Hector Delgado Escovar
1415 N Oleander St
Tempe, AZ 85281

FINDINGS:

05/23/2011 The property was inspected and found to have over height grass & weeds and dead bushes on the front and south side yards. Large amount of trash & debris on the driveway and south side yard. The residence appears to be abandon with no active water service to the residence. Notice was posted to the front door and mailed.

06/07/2011 No change in the condition of the property. First notice was returned with no forwarding address. Posted notice was no longer on the front door. Final notice was posted to the front door.

06/22/2011 No change in the condition of the property. Final notice was still posted to the front door.

06/24/2011 Received an additional complaint concerning the backyard of the residence. Backyard has over height grass and &weeds along with a large amount of trash and debris. Photos were taken of the property and a bid for cleanup was requested.

06/28/2011 Bid was received from Jack Harrington with a cost of \$1.136.00 dollars for cleanup of the property. Abatement notice posted to the property.

RECOMMENDATIONS:

Mr. Hector Delgado Escovar has been given ample time to come into compliance and has failed to take corrective action. This is a property appears to have been abandon and record searches have turned up no other address or information concerning Mr. Escovar. 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 for Abatement
NAME: [Signature]
DATE: 6-30-11



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

05-23-2011

HECTOR DELGADO ESCOVAR
1415 N OLEANDER ST
TEMPE, AZ 85281

Case#: CE111813
Site Address: 1415 N OLEANDER ST

SITE REINSPECTION ON OR AFTER: 06/07/2011

This is a notice to inform you that this site was inspected on 05/23/2011 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.1	Filthy, littered, debris or trash-covered exterior areas
CC 21-3.b.8	Uncultivated plants, weeds, tall grass, or growth higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- CC 21-3.b.1 Please remove trash, litter, and debris from the carport and south side yard. (wood, plastic containers, tiles, cardboard, cans, and other miscellaneous items)
- CC 21-3.b.8 Please cut over height weeds and grass from the front and south side yard. Remove dead bushes and trim dead areas from bushes on the front and south side yard.

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

<p>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.</p>



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

06-07-2011

HECTOR DELGADO ESCOVAR
1415 N OLEANDER ST
TEMPE, AZ 85281

Case#: CE111813
Site Address: 1415 N OLEANDER ST

SITE REINSPECTION ON OR AFTER: 06/22/2011

This is a notice to inform you that this site was inspected on 06/07/2011 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. Rows include CC 21-3.b.1 (Filthy, littered, debris or trash-covered exterior areas) and CC 21-3.b.8 (Uncultivated plants, weeds, tall grass, or growth higher than 12 inches).

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- CC 21-3.b.1 Please remove trash, litter, and debris from the carport and south side yard. (wood, plastic containers, tiles, cardboard, cans, and other miscellaneous items)
CC 21-3.b.8 Please cut over height weeds and grass from the front and south side yard. Remove dead bushes and trim dead areas from bushes on the front and south side yard.

IF NOT IN COMPLIANCE BY 06/22/2011 AN ABATEMENT PROCESS WILL CONDUCTED ON THE PROPERTY. THIS COULD RESULT IN LIENS BEING PLACED AGAINST THE PROPERTY FOR CLEAN UP COST.

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: 06/30/2011

TO: Hector Delgado Escovar
1415 N Oleander 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 132, Map 10, Parcel 046, as recorded with the Maricopa County Assessor.

LOCATION: 1415 N Oleander St

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 08/02/2011. 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.1 Filthy, littered, debris or trash-covered exterior areas
CC 21-3.b.8 Uncultivated plants, weeds, tall grass, or growth higher than 12 inches

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 \$1,136.00. 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:

NAME: MICHEAEL SPENCER
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 6-27-11

PROPOSAL

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

ADDRESS 1415 N OLEANDER ST TEMPE, AZ.

1. MOW AND REMOVE WEEDS & DEBRIS FROM FRONT & BACK YARDS 48 M.H. @ \$22.00/HR.	\$1056.00
2. 2- LOADS @ \$40/LOAD	80.00 -----
TOTAL COST FOR JOB	\$1136.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON









