

# Staff Summary Report



Hearing Officer Hearing Date: 1/03/12

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 Flagstar Bank Property located at 2014 East Rice Drive.

**DOCUMENT NAME:** 20120103cds103 **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 **FLAGSTAR BANK PROPERTY (PL110425 /ABT11046 /CE113407)** (Jack Scofield, Inspector; Flagstar Bank, property owner) located at 2014 East Rice Drive 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*

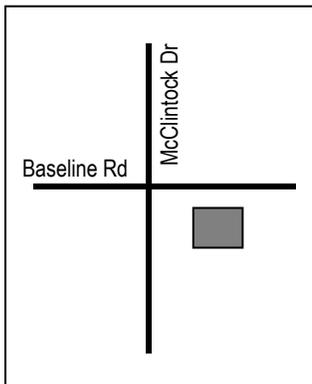
**LEGAL REVIEW BY:** N/A

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

**FISCAL NOTE:** \$872.00 for abatement request, deteriorated landscape including weeds, debris & dead trees

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

**ADDITIONAL INFO:**



Code Compliance is requesting approval to abate the Flagstar Bank Property located at 2014 East Rice Drive 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 CE113407: deteriorated landscape, weeds, dead trees and debris.

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
- 3-11. Code Compliance Report & Photographs

**COMMENTS:**

Code Compliance is requesting approval to abate the Flagstar Bank Property located at 2014 East Rice Drive in the R1-6, 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.

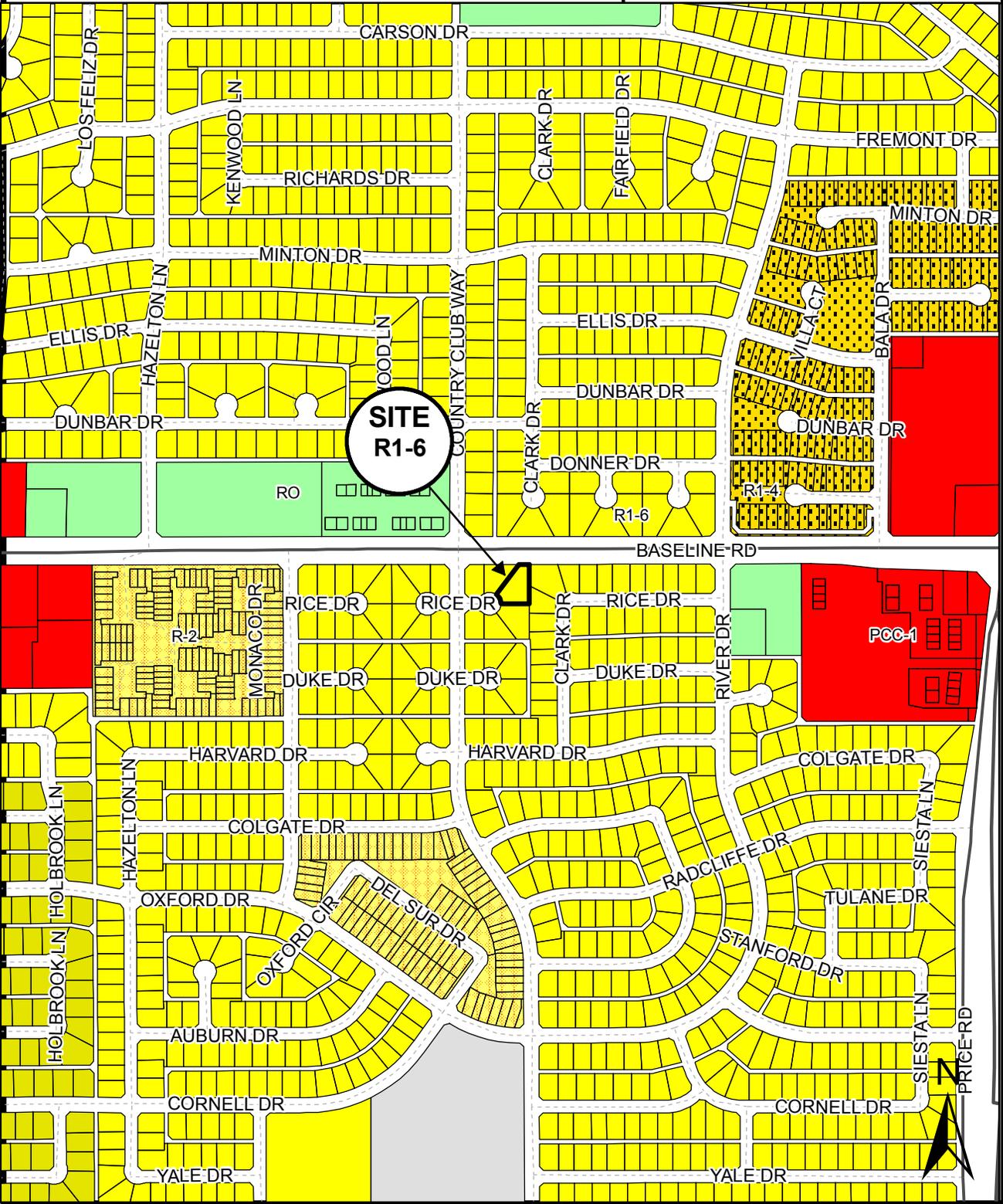
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

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

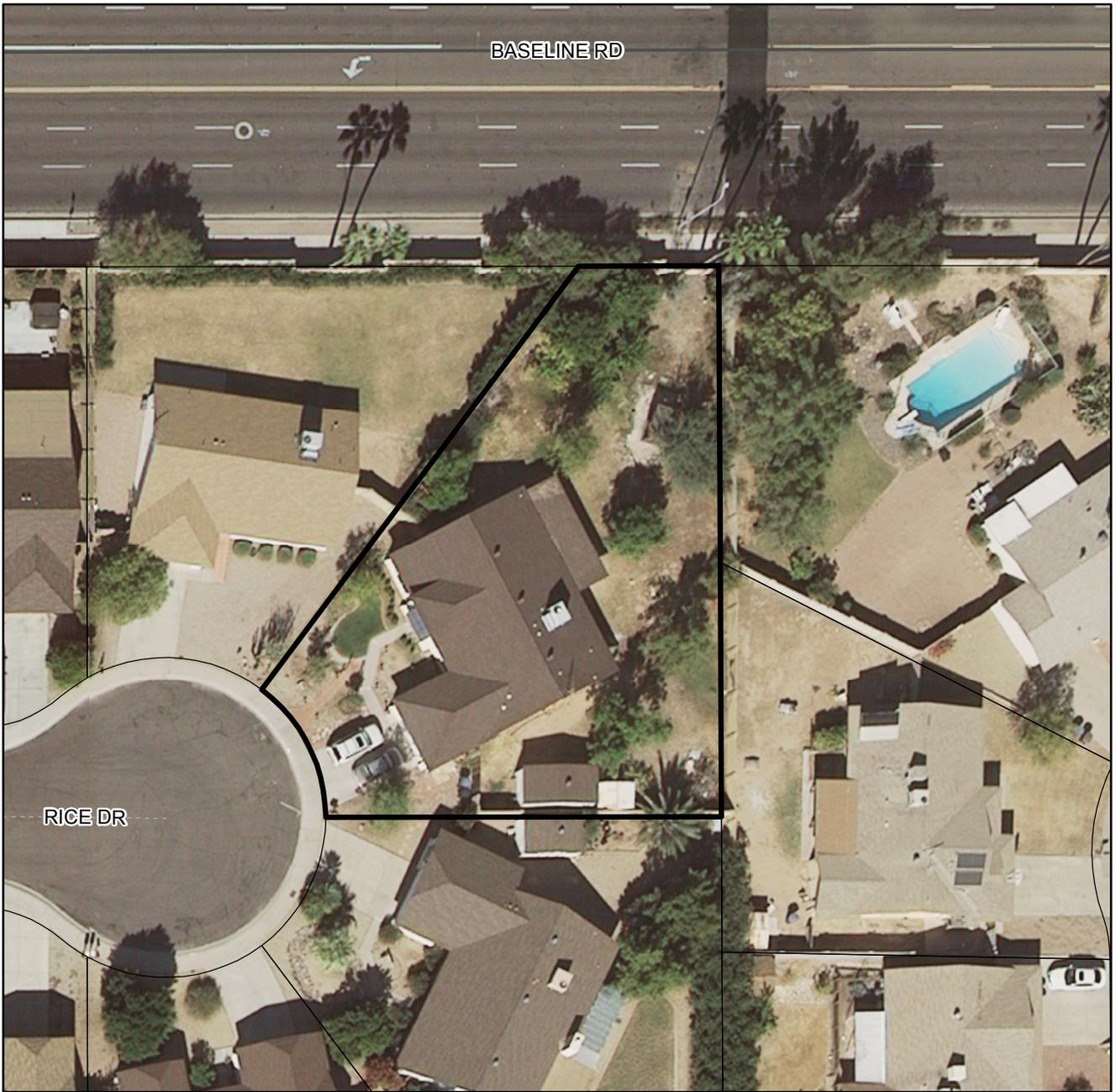
**HISTORY & FACTS:**

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

<b>FLAGSTAR BANK PROPERTY</b>	<b>PL110425</b>
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**Location Map**



**FLAGSTAR BANK PROPERTY (PL110425)**

**DATE:** November 30, 2011  
**TO:** Jeff Tamulevich, Code Compliance Administrator  
**FROM:** Jack Scofield, Code Inspector  
**SUBJECT:** CE113407, Flagstar Bank Property Abatement

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**LOCATION:** 2014 E RICE DR TEMPE AZ 85283

**LEGAL:** KNOELL TEMPE UNIT 5

**PARCEL:** 301-01-700

**OWNER:** FLAGSTAR BANK  
5151 CORPORATE DR  
TROY, MI 48098

**FINDINGS:**

9/30/2011 The Code Compliance Division received a complaint concerning deteriorated landscape in the front and side yards.

10/4/2011 Patty Carey Inspected property and found a deteriorated landscape and dead trees. Notice to comply mailed to property owner.

10/24/2011 Case re-assigned to Jack Scofield. Inspected property and found grass and weeds growing in the gravel areas of the front and side yards and over height grass and weeds in other areas of the front, side and rear yards. Notice to comply mailed to property owner.

11/4/11 Final notice to comply mailed to property owner.

11/30/2011 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 2014 E Rice Dr., due to property owner's failure to bring property into compliance with Tempe City Codes 21-3.B.8. Flagstar Bank 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: 11.30.11



**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE**

10-10-2011

FLAGSTAR BANK  
5151 CORPORATE DR  
TROY, MI 48098

Case#: CE113407  
Site Address: 2014 E RICE DR

**SITE REINSPECTION ON OR AFTER: 10/24/2011**

This is a notice to inform you that this site was inspected on 10/04/2011 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

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

CC 21-3.b.8	Please water grass to bring it to a living state. Please remove grass and weeds from gravel area of front yard landscape
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Patricia Carey  
Code Inspector**

**Direct: 480-350-2895  
Code Compliance: (480)350-8372  
Email: patricia\_carey@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.

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



**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE**

10/24/11

**FLAGSTAR BANK  
5151 CORPORATE DR  
TROY, MI 48098**

Case#: CE113407  
Site Address: 2014 E RICE DR TEMPE, AZ 85283

**SITE REINSPECTION ON OR AFTER: 11/07/2011**

This is a notice to inform you that this site was inspected on 10/24/11 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-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.

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:**

- 1. REMOVE GRASS AND WEEDS FROM THE GRAVEL AREAS OF THE FRONT, SIDE, AND REAR YARDS.**
- 2. CUT OVER HEIGHT GRASS AND WEEDS FROM THE FRON AND REAR YARDS.**
- 3. REMOVE DEAD TREES FROM THE FRONT, SIDE, AND REAR YARDS. STUMPS NEED TO BE REMOVED OR CUT TO GROUND LEVEL.**

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.



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

11/7/11

**FLAGSTAR BANK  
5151 CORPORATE DR  
TROY, MI 48098**

Case#: CE113407  
Site Address: 2014 E RICE DR TEMPE, AZ 85283

**SITE REINSPECTION ON OR AFTER: 11/21/2011**

This is a notice to inform you that this site was inspected on 11/7/11 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-8**

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- 3. REMOVE DEAD TREES FROM THE FRONT, SIDE, AND REAR YARDS. STUMPS NEED TO BE REMOVED OR CUT TO GROUND LEVEL.**

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.

CASE # CE113407



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 11/30/11

**FLAGSTAR BANK  
5151 CORPORATE DR  
TROY, MI 48098**

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

**Legal:** KNOELL TEMPE UNIT 5  
**Location:** 2014 E RICE DR TEMPE AZ 85283  
**Parcel:** 301-01-700

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This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **01/03/2012**. 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 GRASS AND WEEDS FROM THE GRAVEL AREAS OF THE FRONT, SIDE, AND REAR YARDS.**
- 2. CUT OVER HEIGHT GRASS AND WEEDS FROM THE FRON AND REAR YARDS.**
- 3. REMOVE DEAD TREES FROM THE FRONT, SIDE, AND REAR YARDS. STUMPS NEED TO BE REMOVED OR CUT TO GROUND LEVEL.**

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 **\$872.00**. 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.**

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**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: 11-10-11

**PROPOSAL**

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

ADDRESS: 2014 E RICE DR TEMPE, AZ.

1. MOW AND REMOVE WEEDS & DEBRIS & DEAD TREES FROM FRONTAND REAR YARDS 35 MH @ 22/H	\$792.00
2. LOADS TO DUMP 2 @\$40.00PER	80.00
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TOTAL COST FOR JOB	\$872.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

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