

# Staff Summary Report



Hearing Officer Hearing Date: June 2, 2009

Agenda Item Number: 12

**SUBJECT:** This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items at the **FRAWLEY RESIDENCE (PL090155 / ABT09009)** located at 1103 East Palmcroft Drive.

**DOCUMENT NAME:** 20090602dssl04 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **FRAWLEY RESIDENCE (PL090155/ABT09009)** (Richard Frawley, property owner) Complaint 086331 located at 1103 East Palmcroft 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*

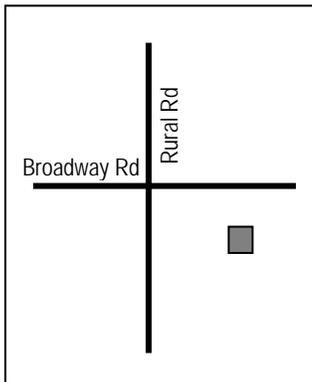
**LEGAL REVIEW BY:** N/A

**DEPARTMENT REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval

**ADDITIONAL INFO:**



The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the **FRAWLEY RESIDENCE (PL090155/ABT09009)** (Richard Frawley, property owner) Complaint 086331 located at 1103 East Palmcroft 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 recommends authorizing abatement of this property.

- PAGES:**
1. List of Attachments
  2. Comments; History & Facts/Description

- ATTACHMENTS:**
1. Location Map
  2. Aerial Photo
  - 3-8. Neighborhood Enhancement Report
  - 9-12. Neighborhood Enhancement Photos

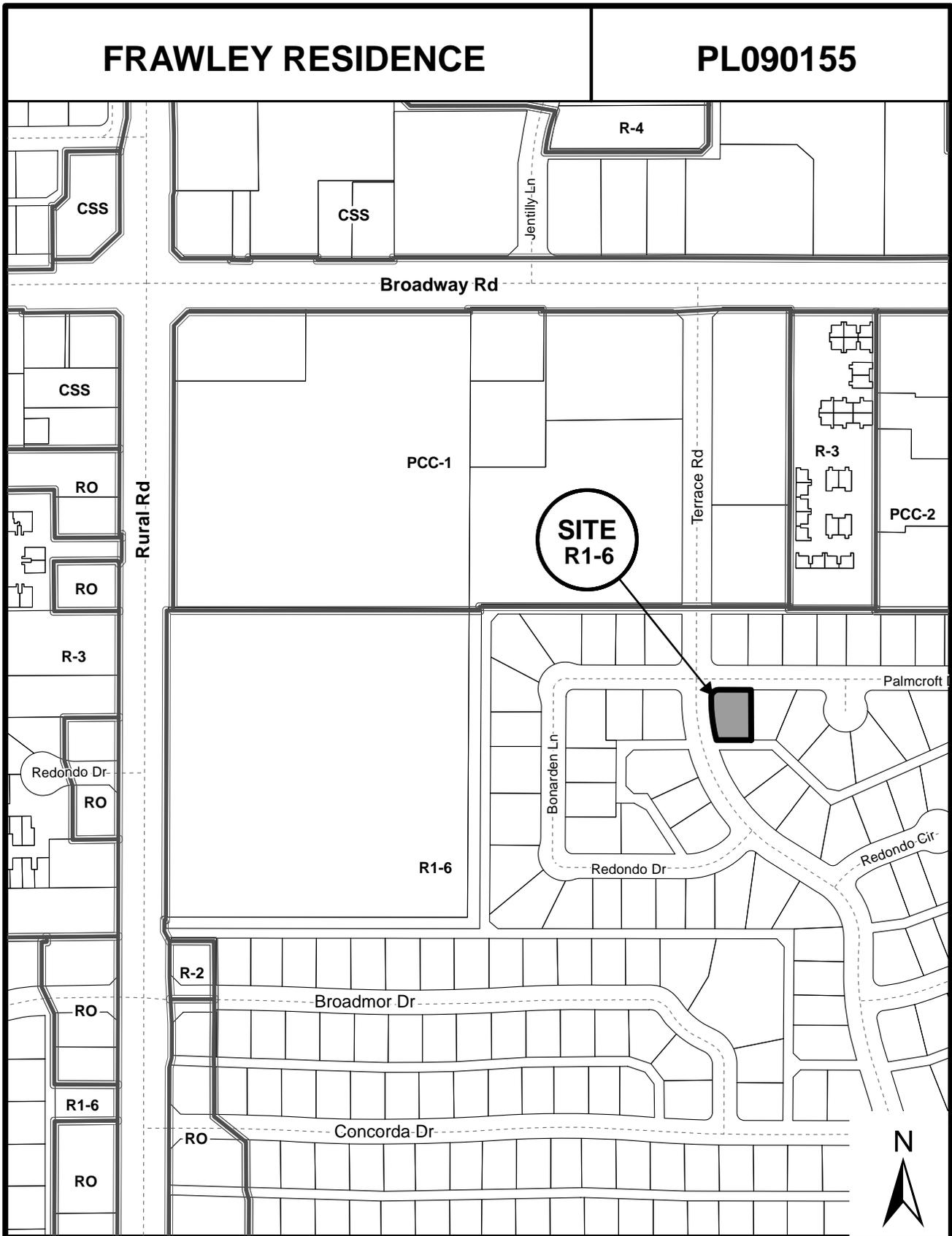
**COMMENTS:**

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **FRAWLEY RESIDENCE (PL090155/ABT09009)** (Richard Frawley, property owner) Complaint 086331 located at 1103 East Palmcroft 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. 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 – Richard Frawley  
Applicant – Julie Scofield, COT Neighborhood Enhancement  
Existing zoning – R1-6, Single Family Residential District  
Home Area – 1,889 s.f.  
Building Year – 1970



**Location Map**



**FRAWLEY RESIDENCE (PL090155)**



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: 04/27/09

TO:

**RICHARD FRAWLEY  
1103 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 56 Parcel 111, as recorded with the Maricopa County Assessor.**

**LOCATION: 1103 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 06/02/09. We are requesting Hearing Officer Authorization to abate this public nuisance codes in accordance with Section 21-53 of the Tempe City Code by cutting over height grass and or weeds in a gravel landscaping. TCC 21-3-B-8 which prohibits landscaping that is dead, over height, damaged, or presents a deteriorated or slum-like appearance.**

**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 \$564.00. 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

**DATE:** 04/27/09  
**TO:** Jan Koehn, Administrator  
**FROM:** Julie Scofield  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE086331

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**LOCATION:** 1103 E. Palmcroft Dr. Tempe, AZ 85282  
**LEGAL:** Book 133, Map 56, Parcel 111, as recorded with the Maricopa County Assessor  
**OWNER:** Richard Frawley  
1103 E. Palmcroft Dr.  
Tempe, AZ 85282

**FINDINGS:**

- 08/26/08 The Neighborhood Enhancement Department received a complaint on the above property for deteriorated landscaping.
- 08/27/08 The property was inspected. Uncontrolled growth of grass and weeds are growing throughout the gravel landscaping in the front and side yard. A notice to comply was mailed to the property owner, Richard Frawley.
- 09/15/08 The property was re-inspected. There has been no change in the condition of the property. A final notice was mailed to the property owner.
- 10/07/08 The property was re-inspected. There has been no change in the condition of the property. A citation (#1413336) was issued to the property owner. Pictures were taken.
- 12/03/08 The property was re-inspected. A memorandum was mailed to the owner about the possibility of another citation being issued if the property was not brought into compliance.
- 01/05/09 The property was re-inspected. The grass and weeds were cut down and looked as though the yard was sprayed to kill the grass and weeds. .
- 03/11/09 The property was re-inspected. There has been no change in the condition of the property. A second citation (#1413195) was issued for the landscaping and also for habitual offender. Pictures were taken
- 04/16/09 An estimate from contractor Jack Harrington was requested for the abatement of the deteriorated landscaping.
- 04/21/09 The estimate was received for the abatement in the amount of \$564.00
- 04/27/09 The application for the abatement was submitted.

**PROPERTY HISTORY:**

- 08/16/00 Property was in violation for deteriorated landscaping.
- 07/20/01 Property was in violation for deteriorated landscaping.

- 03/20/01 Property was in violation for deteriorated landscaping.
- 05/07/02 Property was in violation for deteriorated landscaping. Citation was issued.
- 07/24/02 Property was in violation for deteriorated landscaping. A second citation was issued for the landscaping.
- 02/12/03 Property was in violation for deteriorated landscaping.
- 04/02/04 Property was in violation for deteriorated landscaping.
- 11/03/04 Property was in violation for deteriorated landscaping.
- 01/27/05 Property was in violation for deteriorated landscaping.
- 06/20/05 Property was in violation for deteriorated landscaping.
- 07/28/05 Property was in violation for deteriorated landscaping. A citation was issued.
- 08/16/05 Property was in violation for deteriorated landscaping. A second citation was issued for the landscaping.
- 02/08/06 Property was in violation for deteriorated landscaping.
- 03/08/06 Property was in violation for deteriorated landscaping. A. Citation was issued.
- 03/30/06 Property was in violation for deteriorated landscaping. A second citation was issued for the landscaping.

**RECOMMENDATIONS:**

I recommend the approval for abatement at 1103 E. Palmcroft Dr., which is owned by Mr. Richard Frawley. I would also like to ask for a rolling abatement that would allow Neighborhood Enhancement to do abatement if needed within the next 180 days. Mr. Frawley has been given ample time and opportunities to bring his property into compliance and has failed to take corrective action. Due to the history of this property, it is very clear that Mr. Frawley is unable to keep his property in compliance. There has been no indication in Mr. Frawley actions that he plans to correct and maintain his property.

Respectfully submitted,  
Julie Scofield

ACTION TAKEN: Referred for abatement  
NAME Jan Koel  
DATE: 4-27-09

CASE #CE086331



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

Mailed on Date: 8/28/08

**RICHARD FRAWLEY  
1103 E. PALMCROFT DR.  
TEMPE, AZ 85282**

This notice to comply is to inform you that on 8/27/08, the property located at 1103 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 9/15/08 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-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 by: 9/15/08**

Required Correction(s):

1. PLEASE COMPLETELY REMOVE ALL GRASS AND WEEDS FROM THE GRAVEL LANDSCAPING.
2. PLEASE MAINTAIN THE LANDSCAPING.

*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: 1<sup>st</sup> occurrence \$150 dollars per violation, 2<sup>nd</sup> occurrence \$250 dollars per violation, 3<sup>rd</sup> occurrence \$350 dollars per violation.

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

Section 21-4 (B), Habitual Offender: 1<sup>st</sup> occurrence \$500 dollars + sum of other fines, 2<sup>nd</sup> occurrence \$1000 dollars + sum of other fines, 3<sup>rd</sup> 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](mailto:JULIE_SCOFIELD@TEMPE.GOV)**

**PLEASE COMPLY TO AVOID POSSIBLE CRIMINAL CHARGES FOR THE LANDSCAPING. PLEASE MAINTAIN THE LANDSCAPING.**

CASE #CE086331



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

Mailed on Date: 9/16/08

**RICHARD FRAWLEY  
1103 E. PALMCROFT DR.  
TEMPE, AZ 85282**

This notice to comply is to inform you that on 9/15/08, the property located at 1103 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 9/30/08 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).

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**Please take the following corrective action by: 9/30/08**

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**Code Inspector: JULIE SCOFIELD**

**Phone Number: 480-350-8951**

**E-mail: JULIE\_SCOFIELD@TEMPE.GOV**

**JACK HARRINGTON**  
 6828 N. 25TH DR., #B  
 PHOENIX, AZ 85017  
 TEL: (602) 446-2630  
 FAX : (602) 347-5487  
 EMAIL: JACKHBOARDUPS@YAHOO.COM  
**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: 4/21/09**                      **TIME: 11:30 A.M. P.M.**

**PROPOSAL**

**WE PROPOSE TO DO THE FOLLOWING WORK AT FOR THE CITY OF TEMPE UNDER CONTRACT # T08-092-02**

**ADDRESS: 1103 E. PALMCROFT**

<b>1. CLEAN FRONT AND SIDE YARD OF GRASS</b>	<b>\$264.00</b>
12 MAN HRS @ \$22./HR	
<b>2. POLICE OFFICER FOR 4 HRS @ \$50/HR</b>	<b>\$200.00</b>
<b>TOTAL</b>	<b>\$564.00</b>

**THANK YOU**  
  
**JACK HARRINGTON**

**ACCEPTANCE**

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