

# Staff Summary Report



Hearing Officer Hearing Date: September 7, 2010

Agenda Item Number: 8

**SUBJECT:** This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Jackson Property located at 3838 South Roosevelt Street.

**DOCUMENT NAME:** 20100907cdr102 **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 **JACKSON PROPERTY (PL100239/ABT10018/CE101852)** (Brandy Zedlar, Inspector; Mary Ann Jackson, property owner) located at 3838 South Roosevelt Street in the R1-6, Single Family Residential District.

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

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

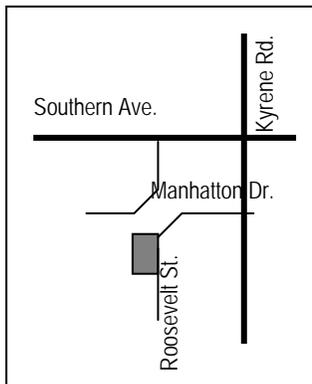
**LEGAL REVIEW BY:** N/A

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

**FISCAL NOTE:** N/A

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

**ADDITIONAL INFO:**



Code Compliance is requesting approval to abate the Jackson Property located at 3838 South Roosevelt Street in the R1-6, Single Family Residential District. The property is generally located southwest of Southern Avenue and Kyrene 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 CE101852: Dead or uncontrolled growth of landscape, and broken windows.

**Staff is requesting authorization of multiple abatements, for a period not to exceed 180 days from this abatement order, by the Hearing Officer to address future issues.**

**PAGES:**

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

**ATTACHMENTS:**

1. Location Map
2. Aerial Photo
- 3-12. Code Compliance Report & Photographs

**COMMENTS:**

Code Compliance is requesting approval to abate the Jackson Property located at 3838 South Roosevelt Street in the R1-6, Single Family Residential District. This case was initiated on May 19, 2010, following which Code Compliance has attempted to obtain compliance through correspondence with the property owner, Mary Ann Jackson, regarding violations of the Tempe City Code.

Ms. Jackson has received a courtesy notice citing the specific items in violation with Tempe City Code with regards to landscape dead or characterized by uncontrolled growth and broken windows.

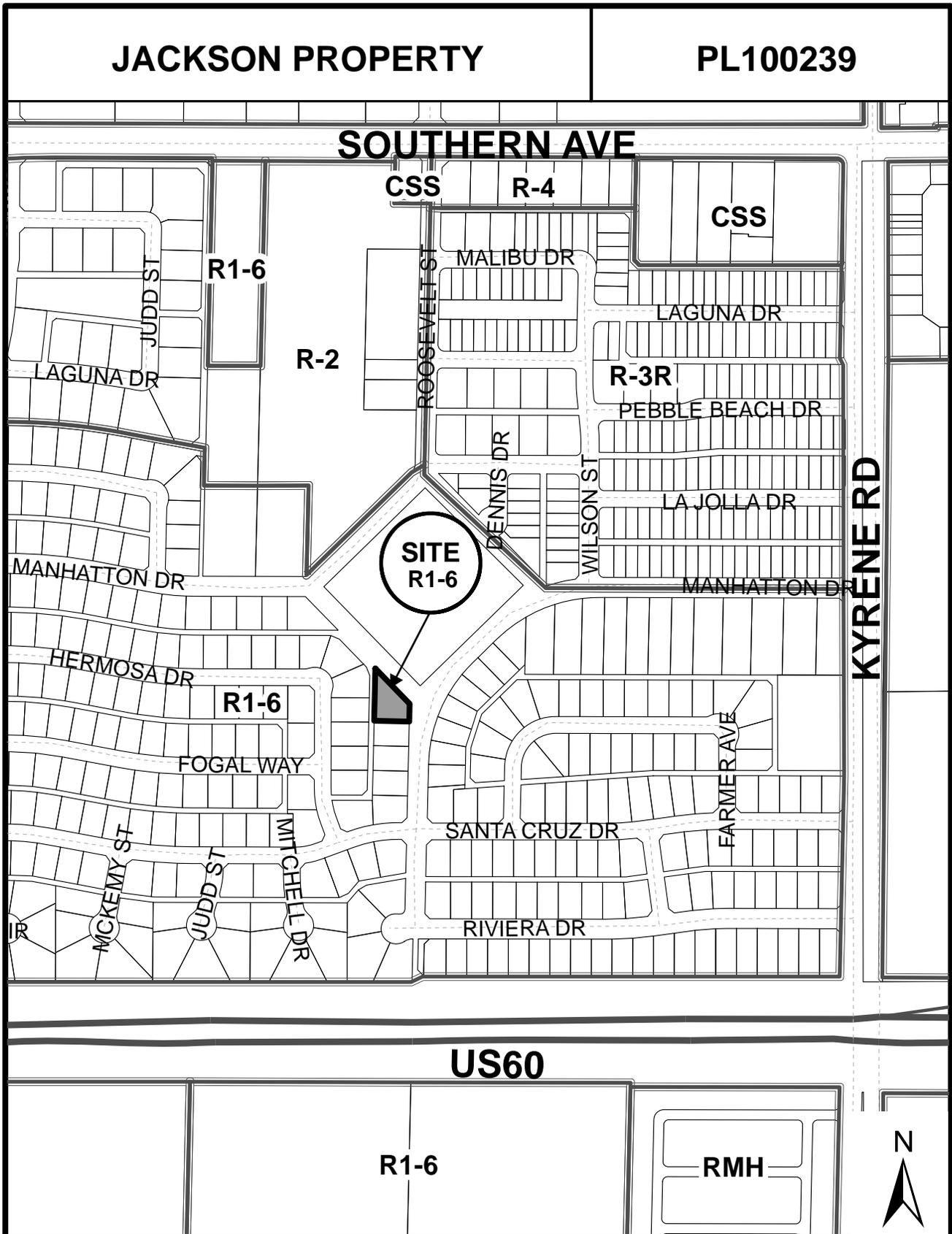
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with section 21-53 of the Tempe City Code.

**HISTORY & FACTS:**

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

JACKSON PROPERTY

PL100239



Location Map



**JACKSON PROPERTY (PL100239)**

**DATE:** 8/09/10  
**TO:** Michael Spencer, Sr. Code Inspector  
**FROM:** Brandy Zedlar  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE101852

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**LOCATION:** 3838 S. Roosevelt St., Tempe, AZ 85282  
**LEGAL:** Parcel #123-47-123, as recorded with the Maricopa County Assessor  
**OWNER:** Mary Ann Jackson  
6738 E. Cypress St.  
Scottsdale, AZ 85257

**FINDINGS:**

5/19/10 – The Neighborhood Enhancement Division received a complaint on the above property concerning deteriorated landscape and broken windows.

5/21/10 - The property was inspected and found to be vacant with deteriorated landscape and several broken windows. Notice to comply was mailed.

6/22/10 – The property was inspected with no change in its condition. Final notice to comply was mailed.

7/27/10 – The property was inspected with no change to its condition.

8/09/10 – Code Compliance filed for an Abatement Hearing.

**PROPERTY HISTORY:**

- 8/20/09 – Received a complaint for junk & debris and broken windows/doors.
- 2/19/09 – Received a complaint for junk & debris.
- 4 – Received complaints for deteriorated landscape between 2008 - 2003.

**RECOMMENDATIONS:**

I recommend the approval for abatement at 3838 S. Roosevelt St., which is owned by Mary Ann Jackson. The owner has been given ample time and opportunities to bring his property into compliance and has failed to take corrective action. Since the property is vacant, I am requesting approval for continuous abatements in the next 180 days if deemed necessary. There has been no indication from Ms. Jackson to correct and maintain her property.

Respectfully submitted,  
Brandy Zedlar

**ACTION TAKEN:** Referred to Hearing Officer

**NAME:** Michael Spencer

**DATE:** 8/09/10



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\*Market Overview \*Residential Similar Property Search

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\*(A parcel number is needed to use these Features)

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**Property Information**

**Parcel #:** 123-47-123  
**MCR #:** 19333  
**Property Address:** 3838 S ROOSEVELT ST  
 TEMPE 85282  
**Property Description:** SOUTHERN PALMS UNIT THREE PER MCR 193-33  
**Section Township Range:** 33 1N 4E  
**Associated Parcel:**

**Subdivision Name:** SOUTHERN PALMS UNIT THREE LOT 223-383  
**Lot #:** 343  
**School Dist:** TEMPE SCHOOL DISTRICT  
**Local Jurisdiction:** TEMPE  
[Tax District FAQs](#)

**Owner Information**

[View Tax Information](#)

**Owner:** JACKSON MARY ANN FRAM  
**In Care Of:**  
**Mailing Address:** 3838 S ROOSEVELT ST  
 TEMPE AZ 85282 USA  
**Deed #:** 051943045  
**Deed Date:** 12/27/2005

**Sales Price:** n/a  
**Sales Month/Year:** n/a

**Valuation Information**

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Tax Year:	2011	2010	2009
Full Cash Value (FCV):	\$137,300	\$159,800	\$177,200
Limited Property Value (LPV):	\$137,300	\$159,800	\$165,309
<b>Notice: The values displayed on this page may not reflect constitutional or statutory adjustments.</b>			
Legal Class:	3	3	3
Assessment Ratio:	10.0%	10.0%	10.0%
Assessed FCV:	\$13,730	\$15,980	\$17,720
Assessed LPV:	\$13,730	\$15,980	\$16,531
Property Use Code:	<u>0131</u>	<u>0131</u>	<u>0131</u>
Tax Area Code:	<u>031600</u>	<u>031600</u>	<u>031600</u>

**Additional Component Information (for this parcel)**

[Valuation](#) [Characteristics](#) [Commercial Property Overview](#)

**New Search Helpful Information:**

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**Disclaimer**

The data contained in this database is deemed reliable but not guaranteed. This information should be used for informational use only and does not constitute a legal document for the description of these properties. Every effort has been made to insure the accuracy of this data; however, this material may be slightly dated which would have an impact on its accuracy. The Maricopa County Assessor's Office disclaims any responsibility or liability for any direct or indirect damages resulting from the use of this data.

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Maricopa County Assessor || 301 W. Jefferson St. || Phoenix, AZ 85003  
602-506-3406



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

05-21-2010

MARY ANN JACKSON  
6738 E CYPRESS ST  
SCOTTSDALE, AZ 85257

Case#: CE101852  
Site Address: 3838 S ROOSEVELT ST

**SITE REINSPECTION ON OR AFTER: 06/21/2010**

This is a notice to inform you that this site was inspected on 5/20/10 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 21-4.a.2.e	Glazed areas not in sound condition or maintained free of missing, loose, cracked or broken glass.

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

CC 21-3.b.8	Please remove the weeds/grass growing within the gravel landscape in the front and side yard.
CC 21-3.b.8	Please trim the over height weeds/grass in the back yard area.
CC 21-4.a.2.e	Please replace all four broken windows along the back side of the residence.

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

**Brandy Zedlar**  
**Code Inspector II**

**Direct: 480-350-8623**  
**Code Compliance: (480)350-8372**  
**Email: brandy\_zedlar@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.



DEVELOPMENT SERVICES DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

06-22-2010

MARY ANN JACKSON
6738 E CYPRESS ST
SCOTTSDALE, AZ 85257

Case#: CE101852
Site Address: 3838 S ROOSEVELT ST

SITE REINSPECTION ON OR AFTER: 07/23/2010

This is a notice to inform you that this site was inspected on 5/20/10 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.8 (Landscaping that is substantially dead damaged or characterized by uncontrolled growth) and CC 21-4.a.2.e (Glazed areas not in sound condition or maintained free of missing, loose, cracked or broken glass).

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- CC 21-3.b.8 Please remove the weeds/grass growing within the gravel landscape in the front and side yard.
CC 21-3.b.8 Please trim the over height weeds/grass in the back yard area.
CC 21-4.a.2.e Please replace all broken windows along the back side of the residence.

\*\*\*If the above required corrections are not satisfied by 7/23/10, a \$300 civil citation will be issued.

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

Brandy Zedlar
Code Inspector II

Direct: 480-350-8623
Code Compliance: (480)350-8372
Email: brandy\_zedlar@tempe.gov

Civil and Criminal Penalties

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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: August 9, 2010

TO: Mary Ann Jackson  
6738 E. Cypress St.  
Scottsdale, AZ 85257

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

LEGAL: Parcel # 123-47-123, as recorded with the Maricopa County Assessor.

LOCATION: 3838 S. Roosevelt St., 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 Sept. 7, 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: Those items constituting a violation of TCC 21-3-b-8 and TCC 21-3-b-9 which would include the following: landscape clean-up in the front, side and back yard areas and to secure the residence.

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 \$632.00. 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: Brandy Zedlar

Phone Number 480-350-8372









