

Staff Summary Report



Hearing Officer Hearing Date: September 7, 2010

Agenda Item Number: 10

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Mayo Property located at 1954 East Krista Way.

DOCUMENT NAME: 20100907cdr104 **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 **MAYO PROPERTY (PL100241/ABT10019/CE102221)** (Jack Scofield, Inspector; Angela Mayo Trust, property owner) located at 1954 East Krista Way in the R1-7, Single Family Residential District.

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

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

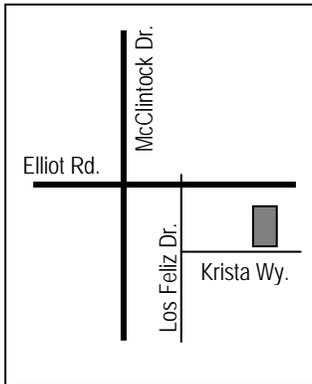
LEGAL REVIEW BY: N/A

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 Mayo Property located at 1954 East Krista Way in the R1-7, Single Family Residential District. The property is generally located southeast of Elliot Road and McClintock Drive. 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 CE102221: dead or overgrown landscape and swimming pool that is a health hazard.

PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-14. Code Compliance Report & Photographs

COMMENTS:

Code Compliance is requesting approval to abate the Mayo Property located at 1954 East Krista Way in the R1-7, Single Family Residential District. This case was initiated on June 18, 2010, following which Code Compliance has attempted to obtain compliance through correspondence with the property owner, Angela Mayo Trust, regarding violations of the Tempe City Code.

The Angela Mayo Trust has received a courtesy notice citing the specific items in violation with Tempe City Code with regards to dead or overgrown landscape and swimming pool that is a health hazard.

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.



MAYO PROPERTY (PL100241)

DATE: August 5, 2010
TO: Michael Spencer, Senior Code Inspector
FROM: Jack Scofield, Code Inspector
SUBJECT: CE102221, Mayo Residence Abatement

LOCATION: 1954 E KRISTA WAY TEMPE, AZ 85284
LEGAL: TEMPE ROYAL PALMS UNIT 18 AMD MCR 227-18
PARCEL: 301-50-296
OWNER: MAYO ANGELA L TR
1931 N HILLS DRAPT D
RALEIGH, NC 27612

FINDINGS:

6/18/2010 The Code Compliance Division received a complaint concerning over height grass and weeds, and a deteriorated pool on property.

6/21/2010 The Code Compliance Division received an additional complaint concerning over height grass and weeds, and a deteriorated pool on property.

6/28/2010 The Code Compliance Division received an additional complaint concerning over height grass and weeds, and a deteriorated pool on property.

6/29/2010 Inspected property and found over height grass and weeds in the front and rear yards and a deteriorated pool with green stagnant water. Contacted property owner Angela Mayo via phone and she stated that she has no money to correct violations and refused to comply. Notice to comply mailed to property owner.

7/9/2010 The Code Compliance Division received an additional complaint concerning over height grass and weeds, and a deteriorated pool on property.

7/12/2010 Mailed notice to comply to HSBC Bank (foreclosing bank).

7/26/2010 Final notice to comply mailed to property owner.

8/5/2010 Posted notice of intent to abate to property and mailed copy to property owner and foreclosing bank.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1954 E Krista Way, due to property owner's failure to bring property into compliance with Tempe City Codes 21-3.B.8 and 21-3.B.16. Ms Mayo has been given ample time to come into compliance and maintain the property. There has been no indication Ms. Mayo will come into compliance. The property represents a health hazard and an eyesore to the community.

Respectfully submitted,

Jack Scofield
Code Inspector II

ACTION TAKEN: submit
NAME: Jack Scofield
DATE: 8-6-10



**DEVELOPMENT SERVICES DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

06-29-2010

MAYO ANGELA;TR
1931 N HILLS DRAPT D
RALEIGH, NC 27612

Case#: CE102221
Site Address: 1954 E KRISTA WAY

SITE REINSPECTION ON OR AFTER: 07/08/2010

This is a notice to inform you that this site was inspected on 06/29/2010 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.16	Swimming pool that is deteriorated or presents a health hazard

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8	Please remove grass and weeds from gravel area of front and rear yard landscape
CC 21-3.b.16	Please restore water to a clear, clean condition

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

Jack Scofield
Code Inspector II

Direct: 480-350-8967
Code Compliance: (480)350-8372
Email: 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 \$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.

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

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.

Violation of City of Tempe Code 21-3-B-16

Any swimming pool areas that are not enclosed by a fence of at least five (5) feet in height and equipped with self-closing, self-latching gate(s), or padlocked at all times. Any openings in the fencing shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.



**DEVELOPMENT SERVICES DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

07-12-2010

HSBC BANK USA, NATIONAL ASSN.
400 COUNTRYWIDE WAY SV-35
SIMI VALEY, CA 93605

Case#: CE102221

Site Address: 1954 E KRISTA WAY TEMPE, AZ 85284, TS# 10-0015462

SITE REINSPECTION ON OR AFTER: 07/20/2010

This is a notice to inform you that this site was inspected on 07/12/2010 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.

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CC 21-3.b.16	Please restore water to a clear, clean condition

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

Jack Scofield
Code Inspector II

Direct: 480-350-8967
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DEVELOPMENT SERVICES DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

07/26/10

MAYO ANGELA;TR
1931 N HILLS DRAPT D
RALEIGH, NC 27612

Case#: CE102221
Site Address: 1954 E KRISTA WAY

SITE REINSPECTION ON OR AFTER: 08/04/2010

This is a notice to inform you that this site was inspected on 07/26/2010 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) and CC 21-3.b.16 (Swimming pool).

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- CC 21-3.b.8 Please remove grass and weeds from gravel area of front and rear yard landscape
CC 21-3.b.16 Please restore water to a clear, clean condition

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

Jack Scofield
Code Inspector II

Direct: 480-350-8967
Code Compliance: (480)350-8372
Email: jack_scofield@tempe.gov

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CASE # CE102221



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 08/05/2010

ANGELA MAYO
1931 N HILLS DRAPT D
RALEIGH, NC 27612

HSBC BANK USA, NATIONAL ASSN
400 COUNTRYWIDE WAY SV-35
SIMI VALLEY, CA 93605

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

Legal: TEMPE ROYAL PALMS UNIT 18 AMD MCR 227-18
Location: 1954 E KRISTA WAY TEMPE, AZ 85284
Parcel: 301-50-296

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of **09/07/2010**. 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:

- **Removal of all uncontrolled growth of grass and weeds in the gravel areas of the front and rear yard landscape(s).**
- **Restore pool water to a clean and clear state**

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 **\$653.00**. 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 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 EMAIL PLUS 0 PAGE(S)

DATE: 8-6-2010 TIME: A.M. 2:15 P.M.

PROPOSAL

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

ADDRESS: 1954 E. KRISTY WAY

1. MOW AND REMOVE WEEDS & DEBRIS FROM FRONT YARD & BACK YARD 24 MAN HRS @ \$22.00/HR.	\$528.00
2. PUMP POOL	<u>\$125.00</u>
TOTAL COST FOR ABOVE ITEMS	\$653.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

