

Staff Summary Report



Hearing Officer Hearing Date: 04/03/2012

Agenda Item Number: 2

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Moll Property located at 1637 East Calle De Caballos

DOCUMENT NAME: HOr_MollPropAbate_030612 **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 **MOLL PROPERTY (PL120063)** (Jack Scofield, Inspector; James Cahill and Christy Moll, property owners) located at 1637 East Calle De Caballos in the AG, Agricultural Residential District.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

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

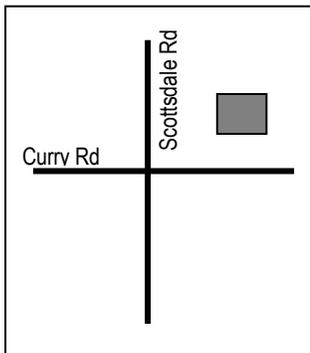
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$309.00- Graffiti on perimeter block wall

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

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Moll Property located at 1637 East Calle De Caballos in the AG-Agricultural Residential District. The details of this case represent several weeks of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE120431: graffiti removal.

PAGES:

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

ATTACHMENTS:

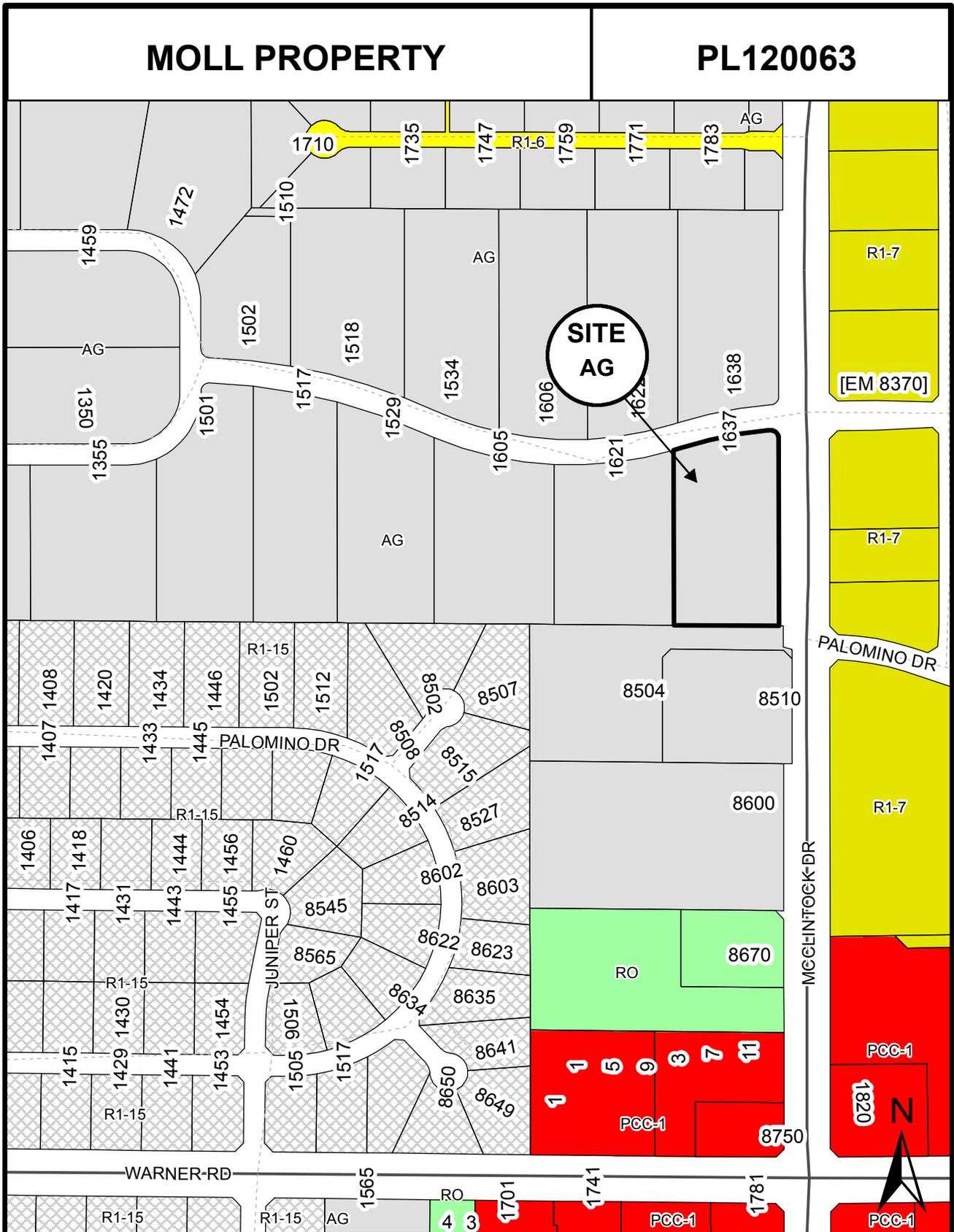
1. Location Map
2. Aerial Photo
- 3-9. Code Compliance Report & Photographs

COMMENTS:

Code Compliance is requesting approval to abate the Moll Property located at 1637 E. Calle De Caballos in AG, Agricultural Residential District. This case was initiated 01/12 following which Code Compliance has attempted to obtain compliance through correspondence with the property owners regarding violations 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.



Location Map



MOLL PROPERTY (PL120063)

DATE: March 5, 2012
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Jack Scofield, Code Inspector
SUBJECT: CE120431, Moll Property Abatement

LOCATION: 1637 E CALLE DE CABALLOS TEMPE, AZ 85284
LEGAL: CALLE DE CABALLOS LOT 24 & UND 1/24 INT IN TR A & TR B EX S
50' OF N 70' OF E 70' OF TR B
PARCEL: 301-22-024-A
OWNER: CAHILL JAMES E/ANN V/MOLL CHRISTY
1637 E CALLE DE CABALLOS
TEMPE, AZ 85284

FINDINGS:

1/31/2012 The Code Compliance Division received a complaint concerning graffiti on the south bridle path wall.

2/2/2012 The Code Compliance Division received an additional complaint concerning graffiti on the south bridle path wall.

2/3/2012 Inspected property and found graffiti on the south bridle path block fence. Notice to comply mailed to property owner

2/9/2012 Received call from the property owner Christy Moll refusing responsibility and to correct the violation.

2/14/2012 Final notice to comply mailed to property owner. Sent e-mail to Calle De Caballos HOA.

2/15/2012 Received e-mail from HOA stating that they are not responsible for the removal of the graffiti.

3/4/2012 Received additional e-mail from HOA refusing to correct the graffiti.

3/5/2012 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 1637 E Calle De Caballos, due to property owner's failure to bring property into compliance with Tempe City Codes 22-105-A. Ms. Moll 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.

Respectfully submitted,

Jack Scofield
Code Inspector II

ACTION TAKEN: SUBMIT
NAME: [Signature]
DATE: 3.9.12

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: 3-1-12

PROPOSAL

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

ADDRESS: 1637 E CALLE DEL CABALLOS, TEMPE AZ

| | |
|-----------------------------|----------|
| 1. POLICE OFFICER 3 HOUR | 177.00 |
| 2. PAINT GRAFFITI 6MANHOURS | 132.00 |
| | ----- |
| TOTAL COST FOR JOB | \$309.00 |

THANK YOU

ACCEPTANCE

JACK HARRINGTON



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

2/14/12

CAHILL JAMES E/ANN V/MOLL CHRISTY
1637 E CALLE DE CABALLOS
TEMPE, AZ 85284

Case#: CE120431
Site Address: 1637 E CALLE DE CABALLOS TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 02/27/2012

This is a notice to inform you that this site was inspected on 2/14/12 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 22-105.A

(a) Graffiti prohibited. All sidewalks, walls, buildings, fences, signs, and other structures or surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. REMOVE GRAFFITI FROM SOUTH BLOCK FENCE ON BRIDAL PATH. PAINT NEEDS TO BE COMPATABLE WITH EXISTING WALL COLOR**

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
CORRECTION NOTICE**

2/3/12

CAHILL JAMES E/ANN V/MOLL CHRISTY
1637 E CALLE DE CABALLOS
TEMPE, AZ 85284

Case#: CE120431
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Civil and Criminal Penalties

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CASE # CE120431



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 3/5/12

**CAHILL JAMES E/ANN V/MOLL CHRISTY
1637 E CALLE DE CABALLOS
TEMPE, AZ 85284**

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

Legal: CALLE DE CABALLOS LOT 24 & UND 1/24 INT IN TR A & TR B EX S 50' OF N 70' OF E 70' OF TR B
Location: 1637 E CALLE DE CABALLOS TEMPE, AZ 85284
Parcel: 301-22-024-A

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **04/03/2012**. 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 GRAFFITI FROM SOUTH BLOCK FENCE ON BRIDAL PATH. PAINT NEEDS TO BE COMPATABLE WITH EXISTING WALL COLOR.**

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 **\$309.00**. 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



03/05/2012