

Staff Summary Report



Hearing Officer Hearing Date: September 21, 2010 Agenda Item Number: 12

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the **PAASCH PROPERTY** located at 97 East Evelyn Lane.

DOCUMENT NAME: 20100921cdr103 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 **PAASCH PROPERTY (PL100257/ABT10024/CE102530)** (Jack Scofield, Inspector; David & Pamela Paasch, property owner) located at 97 East Evelyn Lane 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*

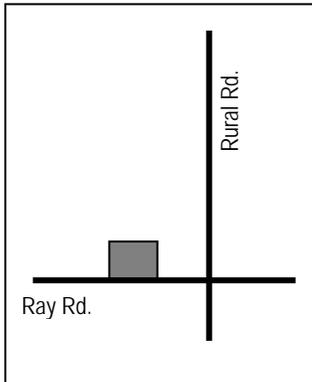
LEGAL REVIEW BY: N/A

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 Paasch Property located at 97 East Evelyn Lane in the R1-7, Single Family Residential District. The property is generally located just North of Ray Road and West of Rural 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 CE102530: Overgrown grass and weeds; Dead palm tree; Swimming pool that creates a health hazard.

The property has received numerous complaints in the past months, as a result of this abandoned property. Due to the history of recidivism of the property owner and 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
- 3-10. Code Compliance Report including abatement bid and photographs

COMMENTS:

Code Compliance is requesting approval to abate the Paasch Property located at 97 East Evelyn Lane in the R1-7, Single Family Residential District. This case was initiated on July 14, 2010 following which Code Compliance has attempted to obtain compliance through correspondence with the property owners, David & Pamela Paasch, regarding violations of the Tempe City Code.

Mr. & Mrs. Paasch have received a courtesy notice citing the specific items in violation with Tempe City Code with regards to:

- 1). Cut over height grass and weeds from front and rear yards.
- 2). Remove dead palm tree from front yard, stump needs to be removed or cut to ground level.
- 3). Restore pool water to a clean and clear state.

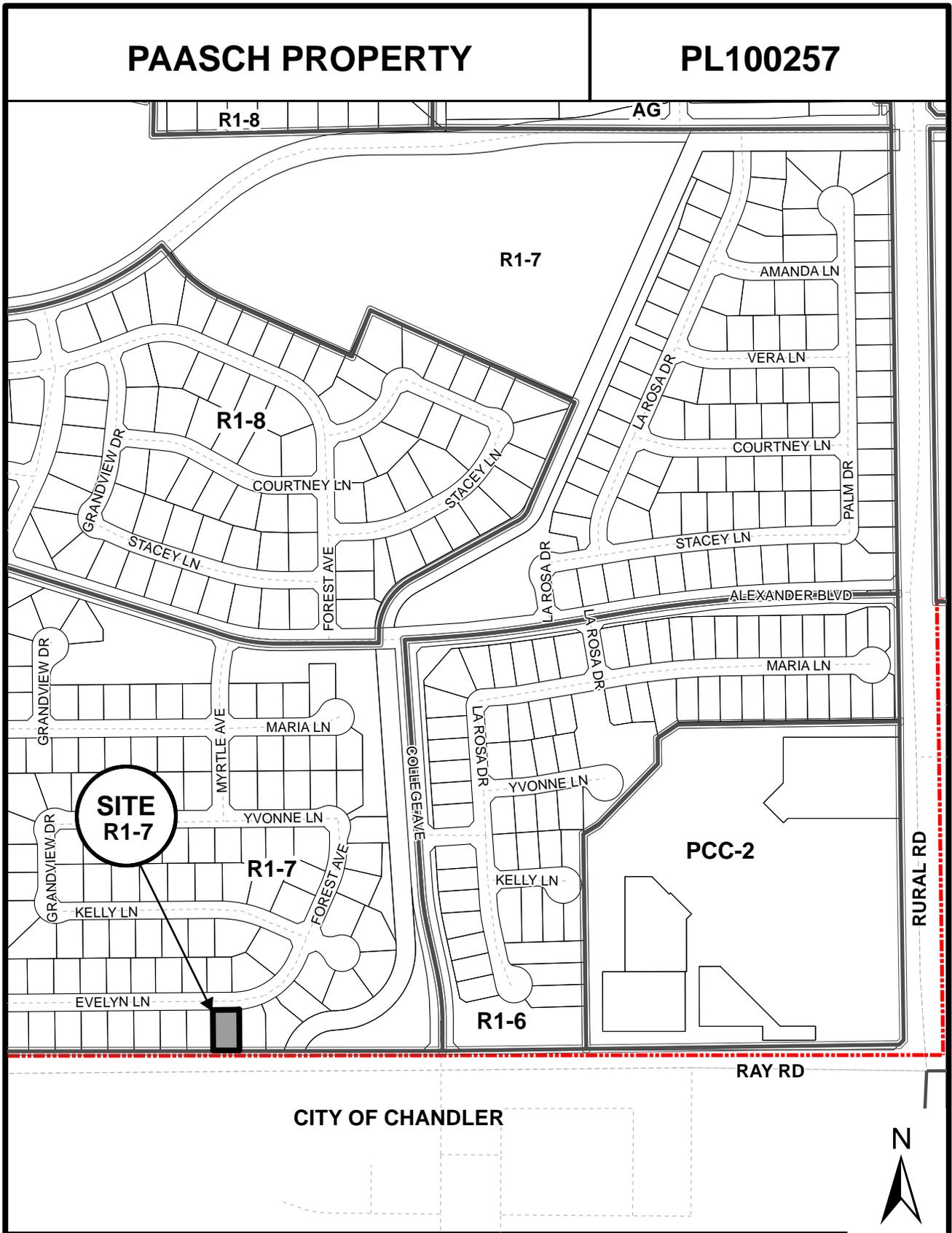
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

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

PAASCH PROPERTY

PL100257



Location Map



PAASCH PROPERTY (PL100257)

DATE: August 19, 2010
TO: Michael Spencer, Senior Code Inspector
FROM: Jack Scofield, Code Inspector
SUBJECT: CE102530, Paasch Residence Abatement

LOCATION: 97 E. EVELYN LN. TEMPE, AZ 85284
LEGAL: WARNER RANCH CROSSING UNIT 3 MCR 317-31
PARCEL: 308-07-109
OWNER: PAASCH DAVID;PAMELA
2025 GARRY OAKS AVE UNIT A
DUPONT, WA 98327

FINDINGS:

7/14/2010 The Code Compliance Division received a complaint concerning over height grass and weeds, and a deteriorated pool on property.

7/15/2010 Inspected property and found over height grass and weeds in the front and rear yards, a dead palm tree in the front yard, and a deteriorated pool with green stagnant water. Posted notice to comply on property.

7/21/2010 Notice to comply mailed to property owner.

7/23/2010 The Code Compliance Division received an additional complaint concerning over height grass and weeds, and a deteriorated pool on property.

7/28/2010 The Code Compliance Division received an additional complaint concerning over height grass and weeds, and a deteriorated pool on property.

7/29/2010 Final notice to comply mailed to property owner.

8/11/2010 The Code Compliance Division received an additional complaint concerning over height grass and weeds, and a deteriorated pool on property.

8/19/2010 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 97 E. Evelyn, due to property owner's failure to bring property into compliance with Tempe City Codes 21-3.B.8 and 21-3.B.16. Mr. Paasch has been given ample time to come into compliance and maintain the property. There has been no indication Mr. Paasch will come 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 Development Services 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: 8-19-10

CASE # CE102530



City of Tempe Code Compliance Division
Notice to Comply

This is a courtesy notice to inform you that on 7-15-10, the property located at 97 E Evelyn was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21 of the Tempe City Code. A re-inspection will be conducted on or after the date indicated to verify compliance. If the property is brought into compliance with the code by 7-26-10, you will not be subject to citations or fines for the violation(s).

- 21-3 (b) (1): Filthy, littered, debris or trash covered exterior areas, including exterior areas under any roof area not enclosed by the walls, doors or windows of any building; including but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled.
- 21-3 (b) (3) : Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot.
- 21-3 (b) (4) : To leave or permit to remain outside of any single-family or multifamily dwelling or accessory building any camper, vehicle, or part thereof in any portion of the front or side area of the building visible from the street that is not on an improved area designed or intended for such use.
- 21-3 (b) (7) : Any object, building, tree, bush or vehicle that interferes with, obstructs, tends to obstruct, or renders dangerous the free passage, use or vision in the customary manner of any sidewalk, street or highway.
- 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.
- 21-3 (b) (16): Unsecured swimming pool or Deteriorated or green pool
- Other _____

Required Correction(s) to avoid further enforcement action:
Please cut over height grass and weeds. Remove dead vegetation.
Stumps need to be removed or cut to ground level.
Restore pool water to clean and clear condition

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.

Posted to the property _____ or delivered to _____

Code Inspector Jack Scofield Phone Number 480- 350-8967

Civil and Criminal Penalties

Section 21-3, Enumerated Violations subsections (b) 1-8 and 17-19, Section 21-4 Enumerated Violations 1-4: 1st occurrence \$150 dollars per violation, 2nd occurrence \$250 dollars per violation, 3rd occurrence \$350 dollars per violation. Section 21-3, Enumerated Violations subsections (b) 9-16: 1st occurrence \$350 dollars per violation, 2nd occurrence \$650 dollars per violation, 3rd occurrence \$950 dollars per violation. Section 21-4 (B), Habitual Offender: 1st occurrence \$500 dollars + sum of other fines, 2nd occurrence \$1000 dollars + sum of other fines, 3rd 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.



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

07/21/10

PAASCH DAVID;PAMELA
2025 GARRY OAKS AVE UNIT A
DUPONT, WA 98327

Case#: CE102530
Site Address: 97 E. EVELYNE LN TEMPE, AZ 85284

SITE REINSPECTION ON OR AFTER: 07/28/2010

This is a notice to inform you that this site was inspected on 07/21/10 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.

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.

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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. CUT OVERHIEGHT GRASS AND WEEDS FROM THE FRONT AND REAR YARDS**
- 2. REMOVE DEAD PALM TREE FROM FRONT YARD, STUMP NEEDS TO BE REMOVED OR CUT TO GROUND LEVEL**
- 3. RESTORE POOL WATER TO A CLEAN AND CLEAR STATE**

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**



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

07/28/10

PAASCH DAVID;PAMELA
2025 GARRY OAKS AVE UNIT A
DUPONT, WA 98327

Case#: CE102530
Site Address: 97 E. EVELYNE LN TEMPE, AZ 85284

SITE REINSPECTION ON OR AFTER: 08/09/2010

This is a notice to inform you that this site was inspected on 07/28/10 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.

VIOLATION SECTION:

Violation of City of Tempe Code 21-3-B-8

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- 2. REMOVE DEAD PALM TREE FROM FRONT YARD, STUMP NEEDS TO BE REMOVED OR CUT TO GROUND LEVEL**
- 3. RESTORE POOL WATER TO A CLEAN AND CLEAR STATE**

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**

CASE # CE102530



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 08/19/2010

**PAASCH DAVID;PAMELA
2025 GARRY OAKS AVE UNIT A
DUPONT, WA 98327**

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

Legal: WARNER RANCH CROSSING UNIT 3 MCR 317-31
Location: 97 E. EVELYN LN. TEMPE, AZ 85284
Parcel: 308-07-109

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of **09/21/2010**. 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:

- **Cut over height grass and weeds from front and rear yards**
- **Remove dead palm tree from front yard, stump needs to be removed or cut to ground level**
- **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
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS EMAIL PLUS 0 PAGE(S)

DATE: 8-17-10 TIME: _____ A.M. 2:25 _____ P.M.

PROPOSAL

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

ADDRESS: 97 E. EVELYN LN. TEMPE, AZ.

1. REMOVE WEEDS & DEBRIS FROM FRONT & BACK YARDS 3 MEN 8 HRS = 24 MAN HRS @ \$22./HR	\$528.00
2. PUMP POOL	<u>\$125.00</u>
TOTAL COST FOR ABOVE ITEMS	\$653.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

