

Staff Summary Report



Hearing Officer Hearing Date: 03/06/12

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Parker Property located at 1332 West 6th Street.

DOCUMENT NAME: HOr_ParkerPropAbate_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 **PARKER PROPERTY (PL120041)** (Shawn Daffara, Inspector; Mary and Louis Parker, property owners) located at 1332 W. 6th Street 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)

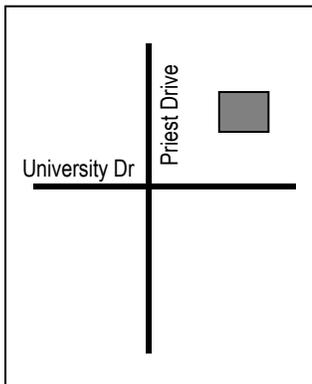
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$904.00 for abatement request, over height grass, landscape & weeds, trash & debris

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

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Parker Property located at 1332 W. 6th Street 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 requests the approval of abatement of the following nuisance items under Complaint CE113009: over height grass, landscape & weeds, trash & debris.

Due to the several attempts to have the site remediated by the property owner with no compliance, 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
- 3-8. Code Compliance Report & Photographs

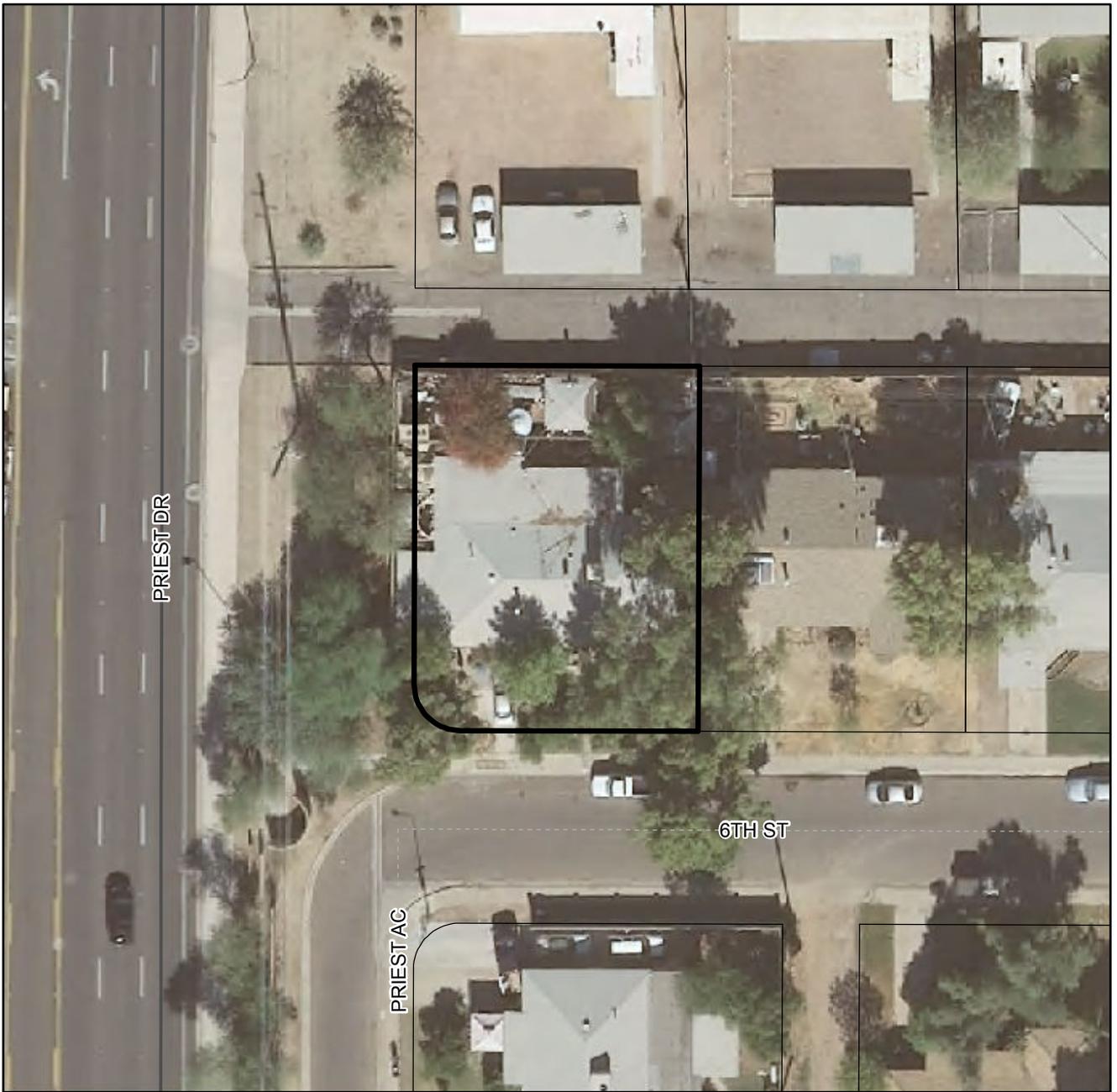
COMMENTS:

Code Compliance is requesting approval to abate the Parker Property located at 1332 West 6th Street. in the R1-6, Single Family Residential District. This case was initiated 08/11 following which Code Compliance has attempted to obtain compliance through correspondence with the property owners regarding violations of the Tempe City Code.

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. Due to the several attempts to have the site remediated by the property owner with no compliance, staff is requesting a 180 day open abatement to prevent repeated property neglect and neighborhood decline.

HISTORY & FACTS:

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



PARKER PROPERTY (PL120041)

DATE: 02/08/2012
TO: Michael Spencer, Senior Code Inspector
FROM: Shawn Daffara, Code Inspector II
SUBJECT: Request to Abate Nuisance and Zoning Violations

LOCATION: 1332 W. 6TH St. Tempe, AZ 85281

LEGAL: Book 124, Map 37, Parcel 105, as recorded with the Maricopa County Assessor

OWNER: PARKER, MARY & LOUIS
1332 W. 6TH ST.
TEMPE, AZ 85281

PARKER, WILLIAM
1332 W. 6TH ST
TEMPE, AZ 85281

SUN WEST MORTGAGE COMPANY
ATTN: MIKIESHA BARTON
18303 GRIDLEY ROAD
CERRITOS, CA 90703

CE113009-FINDINGS:

- 8/30/11 The Neighborhood Enhancement Department received a complaint for the above property for deteriorated landscaping, junk/debris in the backyard, damaged/missing alley fence and illegal structures in the back yard.
- 08/31/11 Inspected the property, yard has high grass and weeds in front yard, dead tree limbs on backyard tree, backyard full of junk and debris, and several illegal structures, building additions that appear to be a hazard. Half of the alley fence is missing. Notice sent to owners.
- 09/08/11 Son "William Parker" of the owners called said, his parents Mary and Louis are deceased, passed away several years ago. He has been living at the property since they passed away. He also mentioned the house was going into foreclosure. "Sun West Mortgage" is foreclosing and will be evicting him. Mr. Parker gave me the contact info for Sun West Mortgage.
- 09/08/11 Spoke with a Mikiesha Barton with Sun West Mortgage. She requested a copy of the notice so her team can assist Mr. Parker to correct the violations. Notice was emailed to Mikiesha Barton. She said mortgage company just started on the foreclosure proceedings and would like to assist Mr. Parker in cleaning up the property. The mortgage company would like to prevent liens on this property.
- 09/21/11 The high grass and weeds in front yard has been cleaned up and removed. No changes to backyard and remaining violations.

- 10/11/11 No new changes on backyard violations. Will contact Mr. Parker and Sun West Mortgage to get an update.
- 10/26/11 Some minor progress on backyard. Pile of brick and other construction debris has some progress; about 50% of the pile has been removed. More work still needed to correct remaining violations.
- 11/02/11 No new changes. Spoke with Mr. Parker he has been served with notice of foreclosure and must be out of the house by late January 2012. He has stopped the cleanup and is working on finding a new place to live. He asked I work directly with the mortgage company on remaining violations.
- 11/30/11 No new changes on site. Spoke with Mikiesha Barton, she said foreclosure is proceeding. Trustee Sale dated for Feb 17, 2012. She has asked her property preservation team to work with Mr. Parker on the remaining violations.
- 12/18/11 Could not inspect property. Priest Drive and alley under construction, portion of alley closed, with construction equipment.
- 1/04/12 Alley and Priest Drive still under construction. No way to access this property.
- 1/17/12 Street construction completed. No changes in backyard. Left voicemail for Mr. Parker and Sun West Mortgage.
- 2/01/12 No new changes. No call back from either party. Posted the property with "Notice to Abate." Notice sent to owner, William Parker and to Sun West Mortgage. Hearing scheduled for March 6, 2012

COMPLAINT HISTORY:

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|----------|------------|--|
| CE050804 | 02/10/2005 | Complaint for high grass and weeds. |
| CE060680 | 02/09/2006 | Complaint for large storage container in front yard, and no house numbers. |
| CE072352 | 05/08/2007 | Complaint for dead shrubs and limbs in front and backyards. |
| CE096159 | 11/10/2009 | Complaint for high grass and weeds in front yard. |
| CE112827 | 08/17/2011 | Complaint for street and sidewalk obstruction |

RECOMMENDATIONS:

I recommend an abatement of the nuisance violation be done at the property of 1332 W. 6th St due to Mr. Parker's and Mortgage Company failure to come into compliance with Tempe City Codes. Mr. Parker and the Mortgage Company has been given ample time in previous cases to come into compliance and maintain the property. There has been no indication in Mr. Parker or the Mortgage Company actions that they plan on coming into compliance. I request approval for a 6 month 180 day Standing Abatement to remove the over height grass and weeds and graffiti for this property, due to the past history of code violations and owners lack of response in correcting these violations.

Respectfully submitted,

Shawn Daffara

ACTION TAKEN:

SUBMIT
[Signature]
2.9.12

NAME

DATE:





