

# Staff Summary Report



Hearing Officer Hearing Date: November 3, 2010

Agenda Item Number: 13

**SUBJECT:** This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Rangel Residence located at 2612 West Carter Drive.

**DOCUMENT NAME:** 20101103cdr106 **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 **RANGEL RESIDENCE (PL100316 /ABT10030 /CE101987)** (Brandy Zedlar, Inspector; Gilbert Rangel, property owner) located at 2612 West Carter Drive 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*

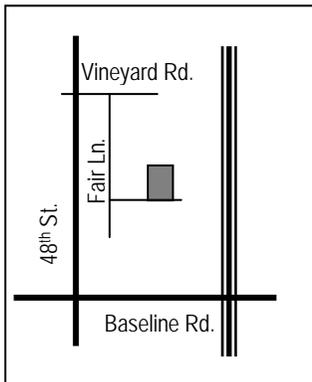
**LEGAL REVIEW BY:** N/A

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

**FISCAL NOTE:** \$1,125.00 for abatement request, including the removal of weeds and debris, cost of hauling, and a police officer on-site.

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

**ADDITIONAL INFO:**



Code Compliance is requesting approval to abate the Rangel Residence located at 2612 West Carter Drive 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 CE101987: "Litter/debris; Landscape substantially dead, damaged or uncontrolled; Weeds or grass growth higher than 12 inches"

**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 Rangel Residence located at 2612 West Carter Drive in the R1-6, Single Family Residential District. This case was initiated on May 28, 2010, following which Code Compliance has attempted to obtain compliance through correspondence with the property owner, Gilbert Rangel, regarding violations of the Tempe City Code for "Litter/debris; Landscape substantially dead, damaged or uncontrolled; Weeds or grass growth higher than 12 inches".

Mr. Rangel have received a courtesy notice citing the specific items in violation with Tempe City Code with regards to removing the trash, junk and debris from the back yard area; remove the weeds/grass growing in the gravel landscape in the front and side yard; trim over height grass in the back yard; and secure the leaning section of wood fencing on the west side yard and replace all missing slats.

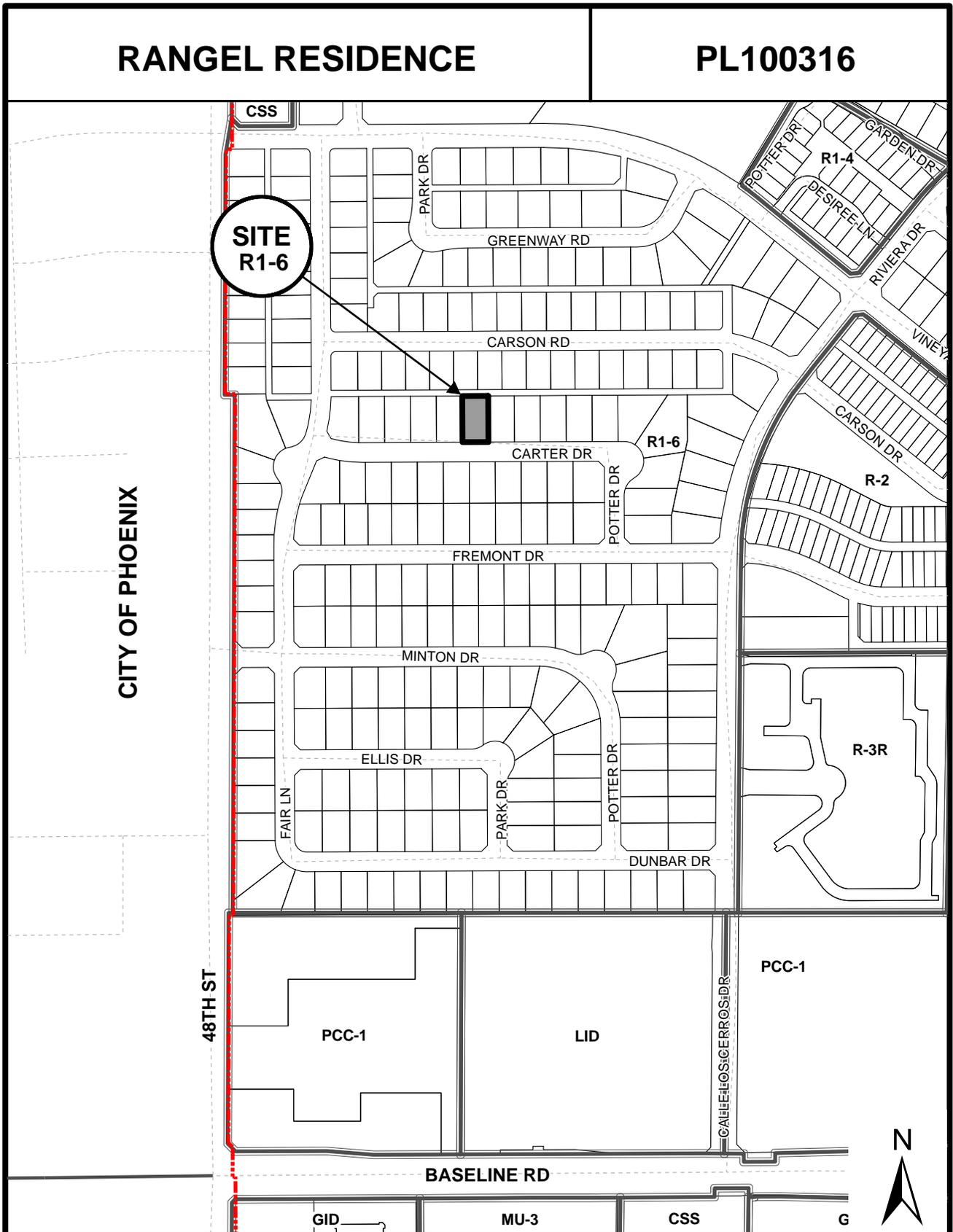
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

**HISTORY & FACTS:**

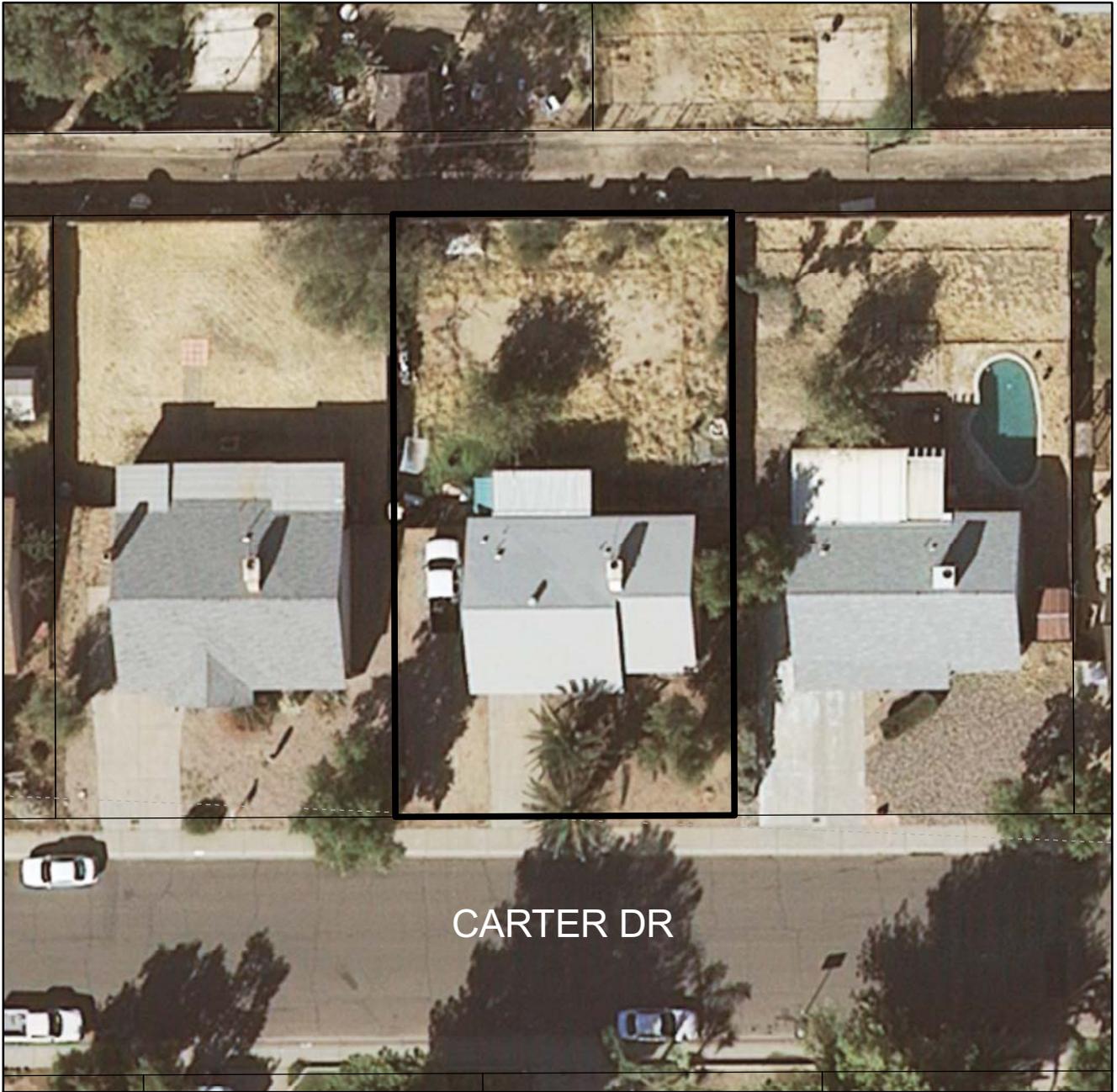
The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

**RANGEL RESIDENCE**

**PL100316**



**Location Map**



**RANGEL RESIDENCE (PL100316)**

**DATE:** 9/27/10  
**TO:** Michael Spencer, Sr. Code Inspector  
**FROM:** Brandy Zedlar  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE101987

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**LOCATION:** 2612 W. Carter Dr., Tempe, AZ 85282  
**LEGAL:** Parcel #123-22-014, as recorded with the Maricopa County Assessor  
**OWNER:** Casimiro Rangel  
Gilbert Rangel

**FINDINGS:**

5/28/10 – The Neighborhood Enhancement Division received a complaint on the above property concerning the deteriorated landscape and junk & debris in the back yard.

6/3/10 - The property was inspected and found to have deteriorated landscape, junk & debris and missing wood slats on the west side yard gate. Notice to comply was mailed to Casimiro Rangel.

7/07/10 – The property was inspected and the west side yard gate had been repaired but no change to the condition of the front or back yard. Final notice to comply was mailed to Casimiro Rangel.

7/29/10 – The property was inspected with no change in its condition. Upon research it was determined that the property owner Casimiro Rangel has been deceased since 2005 and Gilbert Rangel is residing at the property. Gilbert Rangel is also listed on the tax records. Final notice was mailed to Gilbert Rangel.

8/29/10 – The property was inspected with no change in its condition. Citation #1442734 was issued to Gilbert Rangel.

9/07/10 – Mr. Rangel defaulted on citation #1442734.

9/16/10 – Notice was posted to the door to contact Code Enforcement by 9/17/10 to avoid abatement proceedings.

9/27/10 – No contact has been received by Gilbert Rangel. The Neighborhood Enhancement Division filed for an Abatement Hearing.

**PROPERTY HISTORY:**

- 7 complaints have been received for deteriorated landscape and junk/debris between 2004-2010.

**RECOMMENDATIONS:**

I recommend the approval for abatement at 2612 W. Carter Dr., which is owned by Casimiro Rangel & Gilbert Rangel. Mr. Gilbert Rangel has been given ample time and opportunities to bring his property into compliance and has failed to take corrective action. There has been no indication in Mr. Rangel's actions that he plans to correct and maintain his property.

Respectfully submitted,  
Brandy Zedlar

**ACTION TAKEN:** Referred to Hearing Officer

**NAME:** Michael Spencer

**DATE:** 9/27/10



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

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**Property Information**

[View GIS Maps](#)

**Parcel #:** 123-22-014  
**MCR #:** 16343  
**Property Address:** 2612 W CARTER DR  
 TEMPE 85282  
**Property Description:** KNOELL GARDENS AMD  
**Section Township Range:** 32 1N 4E  
**Associated Parcel:**

**Subdivision Name:** KNOELL GARDENS AMD  
**Lot #:** 8  
**School Dist:** TEMPE SCHOOL DISTRICT  
**Local Jurisdiction:** TEMPE  
[Tax District FAQs](#)

**Owner Information**

[View Tax Information](#)

**Owner:** RANGEL CASIMIRO O  
**In Care Of:**  
**Mailing Address:** 2612 W CARTER DR  
 TEMPE AZ 85282 USA  
**Deed #:** 960519789  
**Deed Date:** 7/24/1996

**Sales Price:** \$60,000  
**Sales Month/Year:** 7/1996

**Valuation Information**

[View Similar Parcels](#)

Tax Year:	2011	2010	2009
<b>Full Cash Value (FCV):</b>	\$88,600	\$109,100	\$122,000
<b>Limited Property Value (LPV):</b>	\$88,600	\$109,100	\$105,772
<b>Notice: The values displayed on this page may not reflect constitutional or statutory adjustments.</b>			
<b>Legal Class:</b>	3	3	3
<b>Assessment Ratio:</b>	10.0%	10.0%	10.0%
<b>Assessed FCV:</b>	\$8,860	\$10,910	\$12,200
<b>Assessed LPV:</b>	\$8,860	\$10,910	\$10,577
<b>Property Use Code:</b>	0131	0131	0131
<b>Tax Area Code:</b>	031600	031600	031600

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

[Valuation](#)

[Characteristics](#)

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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



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2010 Property Tax Statement - Parcel 123-22-014 5		
Tax Bill Summary		
2010 Assessed Value	Totals	2010 Tax Amount
\$10,910	<b>Primary (Limited)</b>	\$543.78
\$10,910	<b>Secondary (Full Cash)</b>	\$392.44
	<b>Special Districts</b>	\$5.46
No delinquent prior year taxes	<b>Full Year Amount*</b>	\$941.68
\$470.84	<1st Due each half 2nd>	\$470.84
Area Code: 031600	<b>Total Payments Made</b>	\$0.00

\* The Full Year Amount is for the current tax year only. It does NOT include late payment interest charges or delinquent prior year taxes. The statement is for 2010 only. To view the Total Amount Due including interest and penalties [Click Here](#). The first half payment is due 1 Oct 2010, and the second half is due 1 Mar 2011.

Please call (602) 506-8511 for any questions concerning the Statement or Amount Due. Include a [Tax Stub](#) with your check.

[Tax History](#) [New Parcel](#) [Treasurer's Home Page](#) [Current Assessed Value](#) [Parcel Map](#)

Property Information		
Legal Description		
Section/Lot	Township/Block	Range/Tract
8		
KNOELL GARDENS AMD		
Current Mailing Name & Address		
RANGEL CASIMIRO O		
GILBERT RANGEL		
2612 W CARTER DR		
TEMPE AZ 852826262		

[Request Name/Mailing Address Changes](#)  
or call the Treasurer at (602)506-8511.

[Top](#)

2010 Primary (Limited) Assessed Values - Parcel 123-22-014			
Assessment Type	Limited Value	Assessment Ratio	Assessed Value
Land/Bldg/Improvements	\$109,100	10%	\$10,910
<b>Primary Assessed Totals</b>	<b>\$109,100</b>		<b>\$10,910</b>



DEVELOPMENT SERVICES DEPARTMENT
CODE COMPLIANCE
FIRST CORRECTION NOTICE

06-03-2010

CASIMIRO O RANGEL
2612 W CARTER DR
TEMPE AZ 85282

Case#: CE101987
Site Address: 2612 W CARTER DR

SITE REINSPECTION ON OR AFTER: 07/02/2010

This is a notice to inform you that this site was inspected on 6/2/10 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.1 (Filthy, littered, debris or trash-covered exterior areas), CC 21-3.b.8 (Landscaping that is substantially dead damaged or characterized by uncontrolled growth), CC 21-3.b.8 (Uncultivated plants, weeds, tall grass, or growth higher than 12 inches), and CC 21-3.b.15 (A wall or fence deteriorated in appearance or which constitutes a hazard).

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

Table with 2 columns: SECTION and VIOLATION. Rows include CC 21-3.b.1 (Please remove the trash, junk and debris from the back yard area), 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 grass in the back yard area), and CC 21-3.b.15 (Please secure the leaning section of wood fencing on the west side yard and replace all missing slats).

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

07-29-2010

GILBERT RANGEL
2612 W CARTER DR
TEMPE AZ 85282

Case#: CE101987
Site Address: 2612 W CARTER DR

SITE REINSPECTION ON OR AFTER: 08/16/2010

This is a notice to inform you that this site was inspected on 7/7/10 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.1 (Filthy, littered, debris or trash-covered exterior areas), CC 21-3.b.8 (Landscaping that is substantially dead damaged or characterized by uncontrolled growth), and CC 21-3.b.8 (Uncultivated plants, weeds, tall grass, or growth higher than 12 inches).

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- CC 21-3.b.1 Please remove the trash, junk and debris from the back yard area.
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 grass in the back yard area.

\*\*\*If the above required corrections are not satisfied by 8/16/10, a \$170 civil citation will be issued for each violation.

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

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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: September 27, 2010

TO: Casimiro Rangel  
Gilbert Rangel  
2612 W. Carter Dr.  
Tempe, AZ 85282

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

LEGAL: Parcel # 123-22-014, as recorded with the Maricopa County Assessor.

LOCATION: 2612 W. Carter Dr., 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 Nov. 3, 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-1 which would include the following: landscape clean-up in the front, side and back yard areas and remove all junk & debris.

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 \$1125.00. 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

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: BRANDY  
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 9-14-10      TIME: \_\_\_\_\_ A.M. 2:55 \_\_\_\_\_ P.M.

**PROPOSAL**

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

ADDRESS: 2612 W CARTER

1. MOW AND REMOVE WEEDS & DEBRIS FROM FRONT AND REAR YARDS 24 M.H. @ \$22.00/HR.	\$528.00
2. COST OF HAULING	125.00
3. TEMPE POLICE OFFICER NEEDED 8 HRS @ \$59.00/HRS	\$472.00
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TOTAL COST FOR ABOVE ITEMS	\$1125.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

\_\_\_\_\_





