

Staff Summary Report



Hearing Officer Hearing Date: November 17, 2009

Agenda Item Number: 9

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items located at the **RICHARDSON RESIDENCE** located at 1553 West 5th Place.

DOCUMENT NAME: 20091117dssl03

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **RICHARDSON RESIDENCE (PL090400/ABT09036)** (Edna Richardson, property owner) Complaint CE091549 located at 1553 West 5th Place 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)

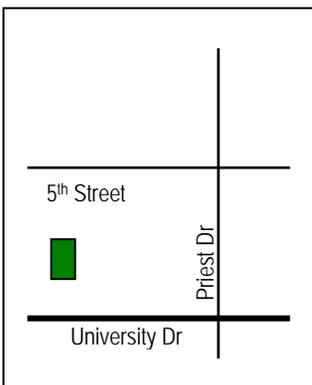
A handwritten signature in black ink, appearing to read 'SEA', located to the right of the 'REVIEWED BY' line.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval

ADDITIONAL INFO: The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the **RICHARDSON RESIDENCE (PL090400/ABT09036)** (Edna Richardson, property owner) Complaint CE091549 located at 1553 West 5th Place 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 recommends the authorization of abatement of this property.



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-11. Neighborhood Enhancement Report

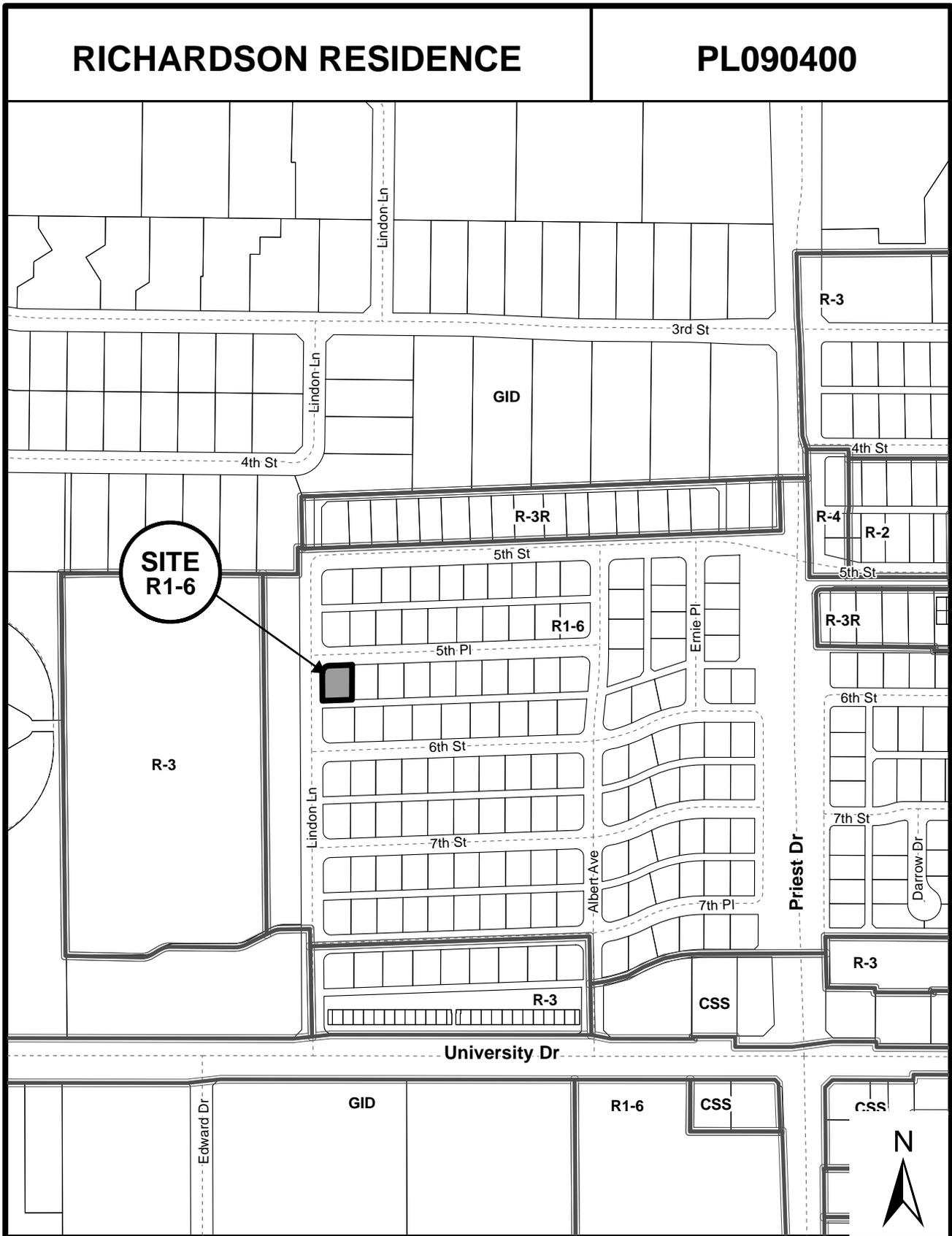
COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **RICHARDSON RESIDENCE (PL090400/ABT09036)** (Edna Richardson, property owner) Complaint CE091549 located at 1553 West 5th Place in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Andres Lara, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

Staff recommends the authorization of abatement of this property.

HISTORY & FACTS: See attached memo from the Neighborhood Enhancement Division.

DESCRIPTION: Owner – Edna Richardson
Applicant – Andres Lara, COT Neighborhood Enhancement
Existing Zoning – R1-6, Single Family Residential District



Location Map



RICHARDSON RESIDENCE (PL090400)

DATE: 10/13/2009
TO: Michael Spencer, Senior Code Inspector
FROM: Andres Lara
SUBJECT: Edna Richardson Property Abatement CE091549

LOCATION: 1553 W 5th Pl, Tempe, AZ 85281

LEGAL: Book 124, Map 72, Parcel 099, as recorded with the Maricopa County Assessor

OWNER: Edna Richardson
1553 W 5th Pl.
Tempe, AZ 85281

FINDINGS:

- 03/04/2009 Notice to comply mailed to the owner to cease all lawn parking west of the driveway area on Lindon St side and to remove all over height grass or weeds in the front and west side yard areas.
- 03/12/2009 No lawn parking, vehicle removed.
- 03/20/2009 No lawn parking, grass trimmed but growing again.
- 04/03/2009 No lawn parking. Observed over height grass or weeds in the front yard area, final notice mailed.
- 04/1720/09 Observed over height grass or weeds in the front yard area. First citation issued and mailed to Edna Richardson.
- 05/06/2009 Failed to appear in court to pay or appeal. Weeds were trimmed but were growing again. Also observed bare dirt areas and the dead yellow grass landscape in the front yard. Notice to comply mailed to the owner to restore the landscape or install a recognizable form of landscaping and to completely remove all grass or weeds over the gravel in the west side yard area.
- 06/05/2009 Grass and weeds over dirt in the side yard not removed, front yard landscape was not restored. There is no current banner information. It is possible that the property was abandoned or went into foreclosure.
- 07/10/2009 No information in banner, landscape remains deteriorated.
- 08/10/2009 No information in banner, landscape remains deteriorated.

- 09/10/2009 No information in banner, landscape remains deteriorated.
- 10/06/2009 Observed a deteriorated landscape and a ditch in the middle of the front yard. Banner has been re-activated as of September 1st. Abatement will be filed.

HISTORY:

- 03/11/2003 – 04/15/2003 Deteriorated landscape and no house number.
- 04/12/2006 – 04/26/2006 Deteriorated landscape.
- 01/12/2007 – 03/07/2007 Deteriorated landscape.
- 05/14/2007 – 05/25/2007 Over height grass or weeds.
- 05/27/2008 – 08/21/2008 Deteriorated landscape and no house number.

RECOMMENDATIONS:

Three notices and one citation were sent to the property owner Edna Richardson concerning the violations at the residence with minimum response. Edna Richardson has failed to correct the violations and staff feels that the only solution to rectify the problems at the residence is to conduct an abatement of the property. I therefore request the City of Tempe Development Services Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,
Andres Lara
City of Tempe Code Inspector



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: October 13, 2009

TO: Edna Richardson
1553 W 5th Pl
Tempe, AZ 85281

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

LEGAL: Book 124, Map 72, Parcel 099, as recorded with the Maricopa County Assessor.

LOCATION: 1553 W 5th Pl Tempe, AZ 85281

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of November 17, 2009. 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:

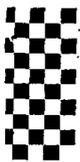
Over height grass or weeds and fill a ditch in the front yard area. (Ref - TCC 21-3-b-8, 13)

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 \$352.00. 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: Andres Lara

Phone Number 480-858-2289



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: ANDRESS
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 10-8-09 TIME: 2:25 A.M. P.M.

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # T08-092-02

ADDRESS: 1553 W 5 PL

1. CLEAN FRONT YARD AND FILL IN DITCH 16 MH	\$352.00

TOTAL	\$352.00

NOTE: THIS HOUSE APPEARS TO BE VACANT NO POLICE NECESSARY

THANK YOU

ACCEPTANCE

JACK HARRINGTON

CASE #CE091549



**City of Tempe Code Compliance Division
Notice to Comply: Article I. Nuisances**

Mailed on Date: 05/07/09

Edna Richardson
1553 W 5th Pl
Tempe, AZ 85281

This notice to comply is to inform you that on 05/06/09, the property located at 1553 W 5th Pl. was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. A re-inspection will be conducted on 06/05/09 or after this date to verify compliance. If the property is brought into compliance with the code you will not be subject to citations or fines for the violation(s).

Violation of the Tempe City Code, Chapter 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.

Please take the following corrective action by: 06/05/09

Required Correction(s):

1. Please restore the bare dirt spots and the dead yellow grass landscape to living condition in the front yard or install a recognizable form of landscaping in this area(s).

Note: The landscape could consist of bare dirt maintained free of vegetation, live green grass, gravel, desert or a combination of each with defined borders or a recognized landscape of your choosing.

**2. Please completely remove all grass or weeds over the gravel in the west side yard area.
Gravel landscape must be maintained free of uncontrolled growth of grass or weeds.**

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.

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.

Code Inspector: Andres Lara

Phone Number: 480-858-2289

E-mail: andres_lara-reyes@tempe.gov

CASE #CE091549



**City of Tempe Code Compliance Division
Notice to Comply: Article I. Nuisances
FINAL NOTICE**

Mailed on Date: 04/03/09

Edna Richardson
1553 W 5th PI
Tempe, AZ 85281

This notice to comply is to inform you that on 04/03/09, the property located at 1553 W 5th PI. was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. A re-inspection will be conducted on 04/17/09 or after this date to verify compliance. If the property is brought into compliance with the code you will not be subject to citations or fines for the violation(s).

Violation of the Tempe City Code, Chapter 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.

Please take the following corrective action by: 04/17/09

Required Correction(s):

Please remove all over height grass or weeds in the front yard area.

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 will result in civil citation, criminal charges or abatement of the violation.

Civil and Criminal Penalties

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The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of this chapter.

Code Inspector: Andres Lara

Phone Number: 480-858-2289

E-mail: andres_lara-reyes@tempe.gov



**City of Tempe Code Compliance Division
Notice to Comply: Article I. Nuisances**

Mailed on Date: 03/05/09

Edna Richardson
1553 W 5th Pl
Tempe, AZ 85281

This notice to comply is to inform you that on 03/04/09, the property located at 1553 W 5th Pl. was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. A re-inspection will be conducted on 03/12/09 or after this date to verify compliance. If the property is brought into compliance with the code you will not be subject to citations or fines for the violation(s).

Violation of the Tempe City Code, Chapter 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. An improved area shall:

- A. Be contiguous to, parallel with, and share an access point with, the required driveway;
- B. Have a consistent length and width, but not necessarily the same dimensions of the parking area or required driveway.
- C. Be no greater than Thirty-Five Percent (35%) of the front and side areas visible from the street;
- D. Be a minimum of three (3) inches in depth if gravel, crushed rock or other aggregate. If using materials other than asphalt or concrete, an improved surface containing material such as gravel or crushed rock must be contained within a permanent border, imbedded in the ground, delineating the improved area from the remainder of the yard; and
- E. Be maintained free of all vegetation, including, but not limited to grasses, trees, and bushes.

Violation of the Tempe City Code, Chapter 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.

Please take the following corrective action by: 03/12/09

Required Correction(s):

1. Please cease all lawn parking west of the driveway area on Lindon St side. See code above.

Please take the following corrective action by: 03/19/09

2. Please remove all over height grass or weeds in the front and west side yard areas.

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.

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