

Staff Summary Report



Hearing Officer Hearing Date: December 2, 2008

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items at the **THARP RESIDENCE (PL080415/ABT08039)** located at 1750 East Palmcroft Drive.

DOCUMENT NAME: 20081202dsng04

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items in violation of the Tempe City Code for the **THARP RESIDENCE (PL080415/ABT08039)** (Dawn Tharp, property owner) Complaint CE083934 located at 1750 East Palmcroft Drive in the R1-6, Single Family Residential District.

PREPARED BY: Nick Graves, Planning Intern (480-350-8690)

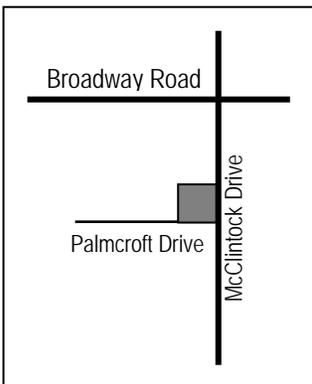
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

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 **THARP RESIDENCE (PL080415/ABT08039)** (Dawn Tharp, property owner) Complaint CE083934 located at 1750 East Palmcroft Drive in the R1-6, Single Family Residential District. This residence is located on the northwest corner of Palmcroft Drive and McClintock Drive. The details of this case represent several months of correspondence for compliance with the property owner. Staff recommends authorizing abatement of this property.



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-10. Neighborhood Enhancement Report
11. Neighborhood Enhancement Photos

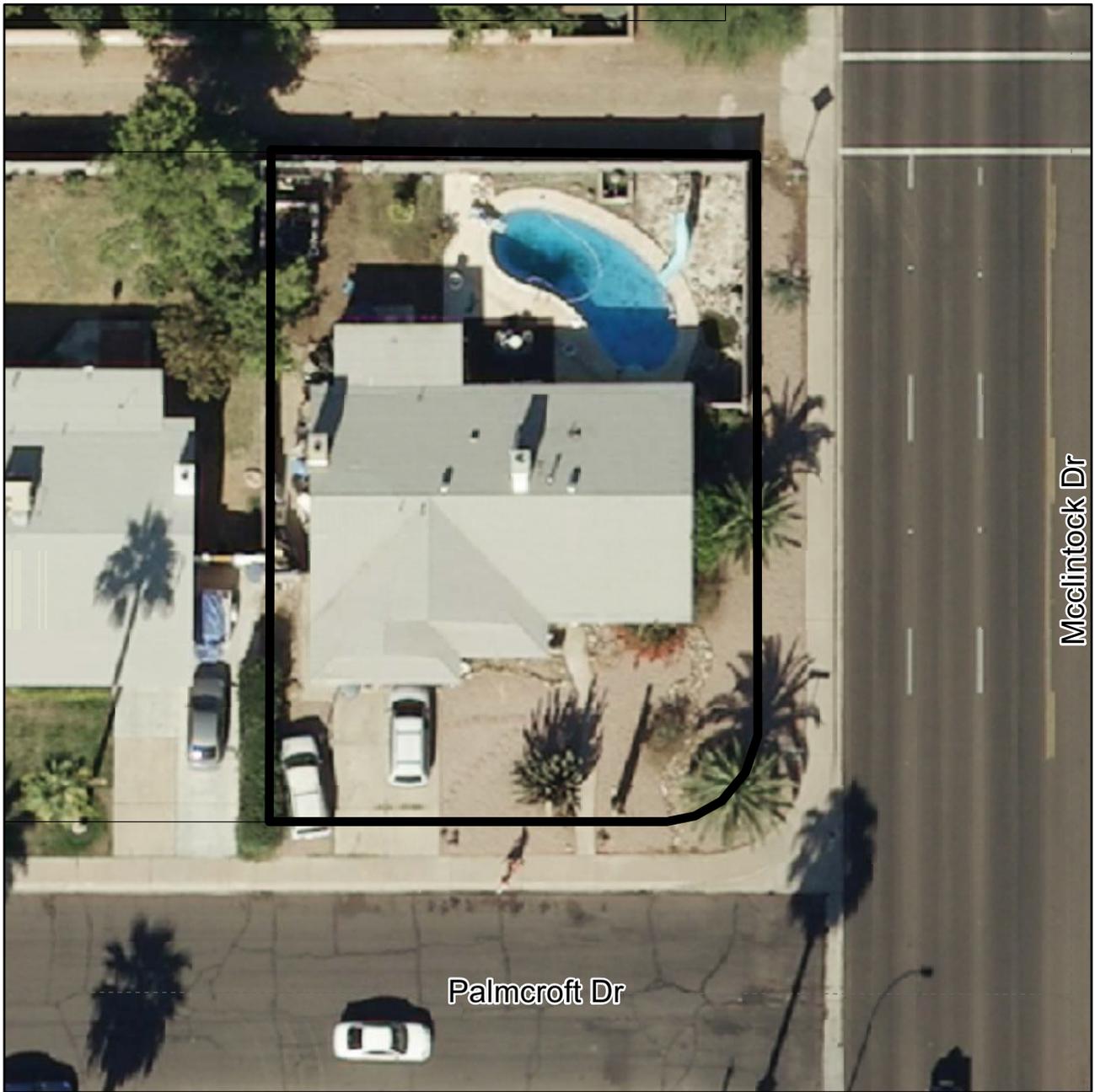
COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **THARP RESIDENCE (PL080415/ABT08039)** (Dawn Tharp, property owner) Complaint CE083934 located at 1750 East Palmcroft Drive in the R1-6, Single Family Residential District. This residence is located on the northwest corner of Palmcroft Drive and McClintock Drive. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Julie Scofield, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

Staff recommends authorizing abatement of this property.

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

DESCRIPTION: Owner – Dawn Tharp
Applicant – Julie Scofield, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 7,975 s.f./18 acres
Building area – 1,674 s.f.
Year of structure – 1969



THARP RESIDENCE (PL080415)

DATE: 10/30/08
TO: Mike Spencer, Senior Code Inspector
FROM: Julie Scofield, Code Inspector II
SUBJECT: Request to Abate Nuisance Violations- Reference Complaint
#CE083934

LOCATION: 1750 E. Palmcroft Dr. Tempe, AZ 85282
LEGAL: Book 133, Map 31, Parcel 180, as recorded with the Maricopa County Assessor
OWNER: Dawn Tharp
1750 E. Palmcroft Dr.
Tempe, AZ 85282

FINDINGS:

- 05/14/08 The Neighborhood Enhancement Department received a complaint for an unregistered vehicle parked in the front of the property.
- 05/15/08 The property was inspected. The violation at this property includes an unregistered Chrysler van. A courtesy notice was sent to the owner, Dawn Tharp to request compliance for the violation.
- 06/02/08 Reinspected the property. The vehicle is still parked in the same spot and does not have current tags. A final notice was sent to the owner to request compliance.
- 07/09/08 Reinspected the property. The Chrysler van is still unregistered. First citation (#1413068) was issued for the unregistered vehicle. Pictures were taken.
- 09/02/08 Reinspected the property. The Chrysler van is still unregistered. Second citation (#1413074) was issued. Pictures were taken.
- 09/24/08 An estimate was requested from contractor Jack Harrington to abate the property.
- 10/28/08 Received the estimate for the abatement of the property in the amount of \$335.00
- 10/30/08 Submitted the application for the abatement of this property.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violation of an unregistered vehicle be approved for the property at 1750 E. Palmcroft Dr. due to Dawn Tharp's failure to come fully into compliance with Tempe City Codes. Dawn Tharp paid the first citation, but has failed to appear on the second citation. Miss Tharp has failed to take corrective action even though she has been given ample time to come into compliance.

Respectfully submitted,

Julie Scofield

ACTION TAKEN: submit for abatement
NAME: 
DATE: 10-30-08



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2231 (fax)

Neighborhood Enhancement Department

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 10/30/08

TO:

Dawn Tharp
1750 E. Palmcroft 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: Book 133, Map 31 Parcel 180, as recorded with the Maricopa County Assessor.

**LOCATION: 1750 E. Palmcroft 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 12/2/08. We are requesting Hearing Officer Authorization to abate this public nuisance codes in accordance with Section 21-53 of the Tempe City Code by removal and repair of: The removal of an unregistered Chrysler van in the front of the property. TCC 21-3-B-3 which prohibits vehicles to be out in the open on a property, without being currently registered or operable.

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 \$335.00. 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: Julie Scofield

Phone Number 480-350-8951

JACK HARRINGTON
6828 N. 25TH DR., #B
PHOENIX, AZ 85017
TEL: (602) 446-2630
FAX : (602) 347-5487
FAX COVER & PROPOSAL

FAXED TO THE FOLLOWING NUMBER(S) : 480-858-2278

THE FOLLOWING DOCUMENT IS FOR:

NAME: JULIE

FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 10/28/08 **TIME: 2:30 A.M. (P.M.)**

PROPOSAL

**WE PROPOSE TO DO THE FOLLOWING WORK AT
ADDRESS: 1750 E. PALMCROFT**

1. TOW 1 VEHICLES FROM PROPERTY	\$135.00
4 HRS FOR TEMPE POLICE @ \$50.00/HR	\$200.00
TOTAL	<u>\$335.00</u>

THANK YOU

Jack Harrington
JACK HARRINGTON

ACCEPTANCE

CASE #CE083934



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

Mailed on Date: 5/16/08

**DAWN THARP
1750 E. PALMCROFT DR.
TEMPE, AZ 85282**

This notice to comply is to inform you that on 5/15/08, the property located at 1750 E. PALMCROFT DR. 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 5/29/08 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-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, except the safe and neat keeping of:

- a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building;
- b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period;
- c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;
- d. Lawful commercial activities involving vehicles as allowed by the Zoning and Development Code; or
- e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;

Inoperable vehicle means a vehicle that is physically incapable of its intended operation, or unable to be safely operated at that time, including but not limited to vehicles on blocks or similar devices, with a deflated tire or tires, or from which the engine, wheels or tires have been removed.

Vehicle means a machine propelled by power other than human power designed to travel along the ground, water or air to transport persons, property or machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, boat or aircraft.

Please take the following corrective action by: 5/29/08

Required Correction(s):

1. PLEASE REGISTER AND DISPLAY CURRENT REGISTRATION FOR THE WHITE TOWN AND COUNTRY VAN WITH THE PLATE OF (BNX77).
2. IF THE VEHICLE CANNOT BE REGISTERED, PLEASE MOVE THE VEHICLE TO AN ENCLOSED AREA OR REMOVE FROM THE PROPERTY.

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: JULIE SCOFIELD

Phone Number: 480-350-8951

E-mail: JULIE_SCOFIELD@TEMPE.GOV

CASE #CE083934



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

Mailed on Date: 6/3/08

**DAWN THARP
1750 E. PALMCROFT DR.
TEMPE, AZ 85282**

This notice to comply is to inform you that on 6/2/08, the property located at 1750 E. PALMCROFT DR. 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 6/17/08 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-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, except the safe and neat keeping of:

- a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building;
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- d. Lawful commercial activities involving vehicles as allowed by the Zoning and Development Code; or
- e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;

Inoperable vehicle means a vehicle that is physically incapable of its intended operation, or unable to be safely operated at that time, including but not limited to vehicles on blocks or similar devices, with a deflated tire or tires, or from which the engine, wheels or tires have been removed.

Vehicle means a machine propelled by power other than human power designed to travel along the ground, water or air to transport persons, property or machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, boat or aircraft.

Please take the following corrective action by: 6/17/08

Required Correction(s):

1. PLEASE REGISTER AND DISPLAY CURRENT REGISTRATION FOR THE WHITE TOWN AND COUNTRY VAN WITH THE PLATE OF (BNX77).
2. IF THE VEHICLE CANNOT BE REGISTERED, PLEASE MOVE THE VEHICLE TO AN ENCLOSED AREA OR REMOVE FROM THE PROPERTY.

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