

Staff Summary Report



Hearing Officer Hearing Date: 03/06/12

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Carpenter Property located at 715 West Diamond Drive.

DOCUMENT NAME: HOr_CarpenterPropAbate_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 **CARPENTER PROPERTY (PL120033)** (Brandy Zedlar, Inspector; Gary Carpenter, property owners) located at 715 West Diamond Drive in the R1-6, Single Family Residence District.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

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

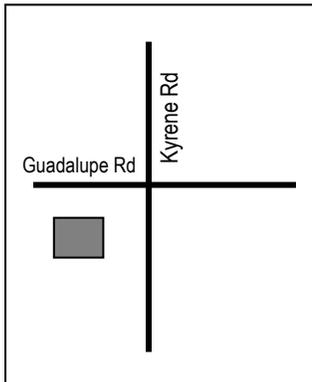
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$952.00 for abatement request, over height grass, landscape & weeds cleanup and debris removal and secure fence.

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

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Carpenter Property located at 715 West Diamond 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 CE1120049: over height grass, landscape & weeds cleanup, trash & debris, secure fence.

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
- 3-12. Code Compliance Report & Photographs

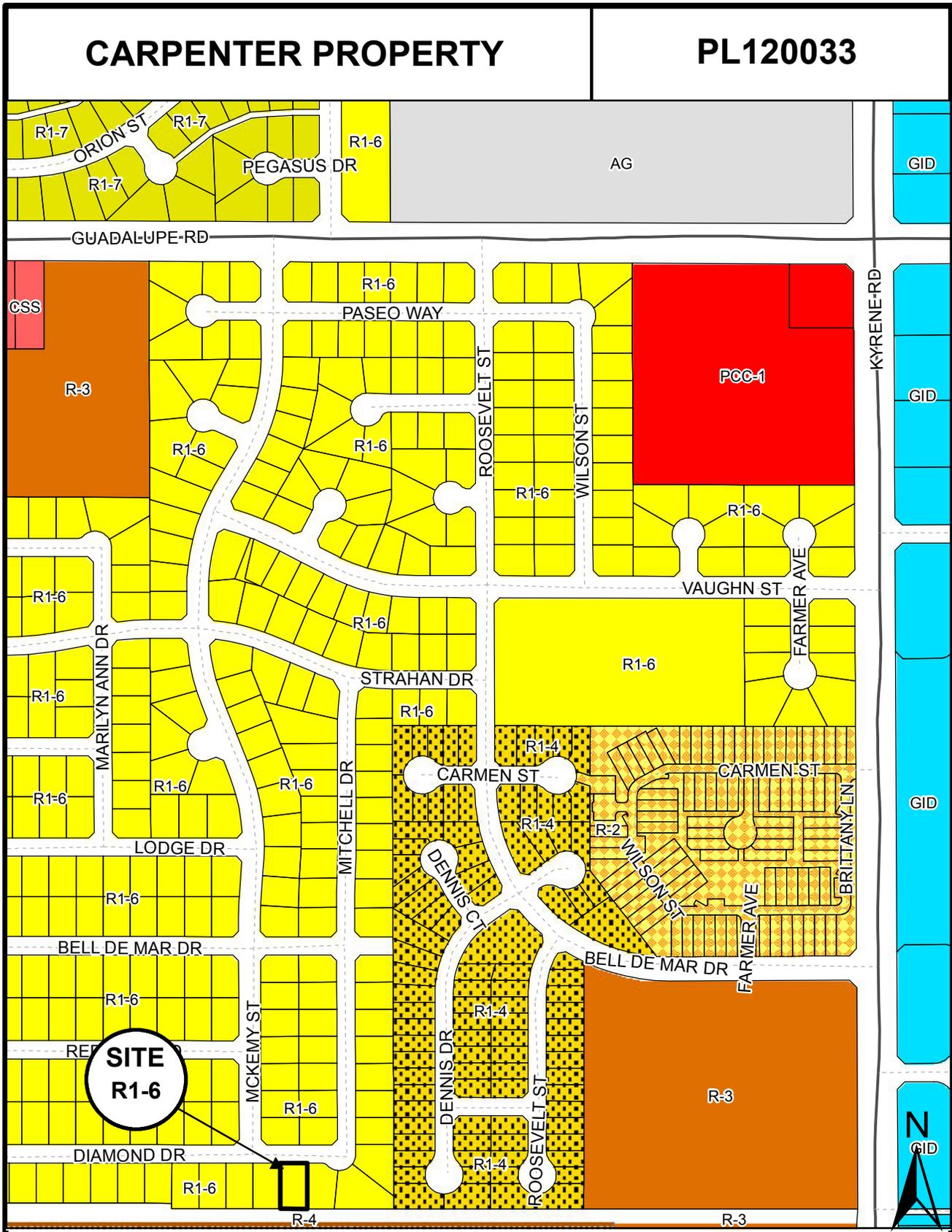
COMMENTS:

Code Compliance is requesting approval to abate the Carpenter Property located at 715 West Diamond Drive in the R1-6, Single Family Residential District. This case was initiated 01/12 following which Code Compliance has attempted to obtain compliance through correspondence with the property owners regarding violations of the Tempe City Code.

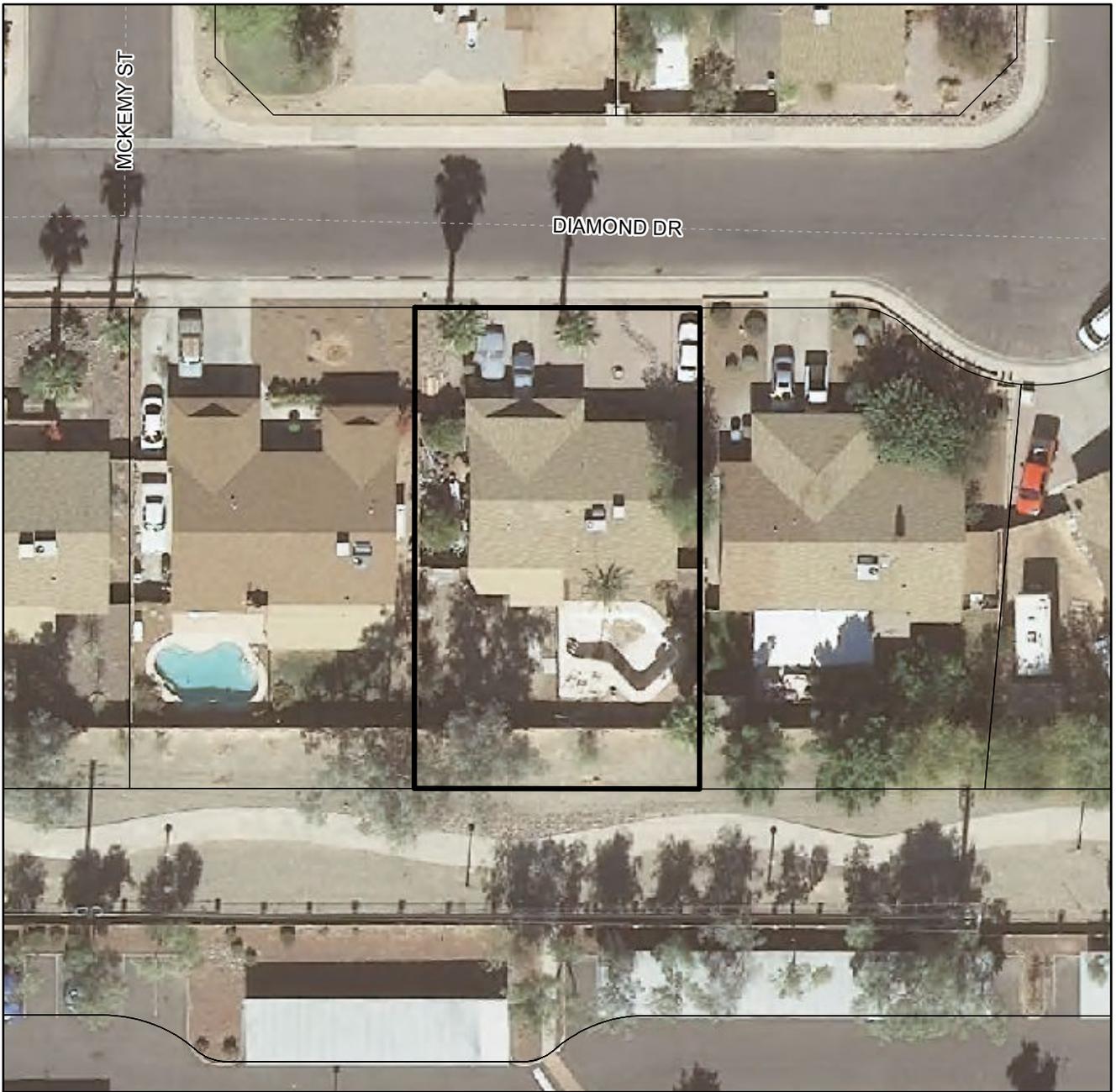
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code. Due to the several attempts to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



Location Map



CARPENTER PROPERTY (PL120033)



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: February 2, 2012

TO: CITIMORTGAGE INC
P O BOX 790017
ST LOUIS, MO 63179

GARY CARPENTER
715 W DIAMOND DR
TEMPE, AZ 85283

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

LEGAL: Parcel # 301-45-229, as recorded with the Maricopa County Assessor.

LOCATION 715 W. Diamond Dr., Tempe, AZ 85283

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of March 6, 2012. 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, TCC 21-3-b-15 and TCC 21-3-b-1 which would include the following: landscape clean-up and removal of junk and debris in the front and back yard and repairing the side gate.

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 \$ 952.00. 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: 2-2-12

PROPOSAL

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

ADDRESS: 715 E DIAMOND DR TEMPE, AZ.

CLEAN FRONT AND BACK YARDS INCLUDING R/W TO STREET AND TRIM PLAM TREES	
36 MANHOURS	\$ 792.00
4 TRAILAIR LOADS	160.00

TOTAL COST FOR JOB	\$952.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON



QUICK LINKS ...

Home



Contacts

*Parcel Search:



Advanced Search Options

*Market Overview

*Residential Similar Property Search

No Parcel Number? Use Advanced Search Options.

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

New Search

Printer Friendly Version

View GIS Maps

Property Information

Parcel #: 301-45-229
MCR #: 25136
Property Address: 6715 W DIAMOND DR
 TEMPE 85283
Property Description: TEMPE ROYAL ESTATES UNIT 4 MCR 251-36
Section Township Range: 9 1S 4E
Associated Parcel:

Subdivision Name: TEMPE ROYAL ESTATES 4 LOT 166-226
Lot #: 222
School Dist: KYRENE SCHOOL DISTRICT
Local Jurisdiction: TEMPE
Tax District FAQs

Owner Information

View Tax Information

Owner: CARPENTER GARY
In Care Of:
Mailing Address: 715 W DIAMOND DR
 TEMPE AZ 85283 USA
Deed #: 000094924
Deed Date: 2/8/2000

Sales Price: \$130,000
Sales Month/Year: 2/2000

Valuation Information

View Similar Parcels

Tax Year:	2012	2011	2010
Full Cash Value (FCV):	\$118,700	\$132,200	\$175,600
Limited Property Value (LPV):	\$118,700	\$132,200	\$175,600
Notice: The values displayed on this page may not reflect constitutional or statutory adjustments.			
Legal Class:	3	3	3
Assessment Ratio:	10.0%	10.0%	10.0%
Assessed FCV:	\$11,870	\$13,220	\$17,560
Assessed LPV:	\$11,870	\$13,220	\$17,560
Property Use Code:	0131	0131	0131
Tax Area Code:	281600	281600	281600

Additional Component Information (for this parcel)

Valuation

Characteristics

Commercial Property Overview

New Search Helpful Information:

[recorder](#) [glossary](#) [forms](#)

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

Unofficial Document

This information was recorded at request of:

CAL-WESTERN RECONVEYANCE CORPORATION
525 EAST MAIN STREET
P.O. BOX 22004
EL CAJON CA 92022-9004
The recording official is directed to return
This information or a copy to above person

Space Reserved For Recording Information

NOTICE OF TRUSTEE'S SALE UNDER DEED OF TRUST

Trust No. 1329144-11

Ref. GARY A CARPENTER
UNVER

Date: December 19, 2011

County where Real Property is Located MARICOPA, Arizona

ORIGINAL TRUSTOR
GARY A CARPENTER
715 WEST DIAMOND DRIVE
TEMPE, AZ 85282

CURRENT TRUSTEE
CAL-WESTERN RECONVEYANCE CORPORATION
525 EAST MAIN STREET
P.O. BOX 22004
EL CAJON CA 92022-9004

1(800)546-1531

CURRENT BENEFICIARY
CITIMORTGAGE, INC.

C/O CITIMORTGAGE, INC.
P.O. BOX 790017
ST. LOUIS 63179

ORIGINAL PRINCIPAL BALANCE AS SHOWN ON DEED OF TRUST: \$133,200.00

DEED OF TRUST RECORDING INFORMATION RECORDING NUMBER: 20040296071
DOCKET: XX
PAGE: XX
DATE: March 23, 2004
COUNTY ASSESSOR'S TAX PARCEL NUMBER: 301-45-229 2

T.S. No: 1329144-11

SUBJECT REAL PROPERTY (ADDRESS OR LOCATION)

715 WEST DIAMOND DRIVE
TEMPE AZ 85282

SUBJECT REAL PROPERTY (LEGAL DESCRIPTION)

LOT 222, TEMPE ROYAL ESTATES UNIT 4, ACCORDING TO BOOK 251 OF MAPS, PAGE 36 AND AFFIDAVIT OF CORRECTION RECORDED IN DOCUMENT NO. 83 0362106, RECORDS OF MARICOPA COUNTY, ARIZONA.

NOTICE IS HEREBY given pursuant to ARS SEC. 33-808 that the Subject Real Property will be sold pursuant to the power of sale under the above described Deed of Trust, at public auction to the highest bidder at the below date, time and place. In accordance with ARS SEC. 33-808(B), time of sale is between 9 a.m. and 5 p.m. at a specific place on the Subject Real Property, at the courthouse or at a specific place at the principal place of business of Trustee.

DATE: March 19, 2012

TIME: 12:00pm

PLACE: IN THE COURTYARD, BY THE MAIN
ENTRANCE TO THE SUPERIOR COURT
BUILDING, 201 WEST JEFFERSON
PHOENIX, ARIZONA

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Cal-Western Reconveyance Corporation
A Licensed Escrow Agent

By *[Signature]*
Yvonne J. Wheeler, A.V.P.

Unofficial Document Rosalyn Hall

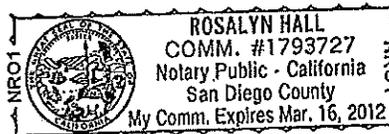
On DEC 19 2011 before me, _____
a Notary Public, personally appeared Yvonne J. Wheeler

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature *[Signature]*

(Seal)



THE SUCCESSOR TRUSTEE HEREIN QUALIFIES AS TRUSTEE OF THE TRUST DEED IN THE TRUSTEE'S CAPACITY AS A LICENSED ESCROW AGENT AS REQUIRED BY A.R.S. SECTION 33-803, SUBSECTION A(1)

THE TRUSTEE'S REGULATOR IS THE ARIZONA STATE BANKING DEPARTMENT



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

1-11-2012

**GARY CARPENTER
715 W DIAMOND DR
TEMPE, AZ 85282**

Case#: CE120049
Site Address: 715 W DIAMOND DR

SITE REINSPECTION ON OR AFTER: 1/27/12

This is a notice to inform you that this site was inspected on **1/10/12** 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:

Sec. 21-3. Enumerated violations.

(b) A nuisance includes any one or more of the following conditions:

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.

Violation of the Tempe City Code, Chapter 21-3-b-1

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof 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, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. Please remove the trash, litter and debris from the front, side and back yard areas.
2. Please reattach all gates to secure the property.
3. Please remove the weeds/grass growing with the gravel landscape in the front and side yard.
4. Please remove the dead/dry palm tree fronds from both palm trees in the front and side yard.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Brandy Zedlar
Code Inspector II
email**

**Direct: 480-350-8623
Code Compliance: 480-350-8372
brandy_zedlar@tempe.gov**

Civil and Criminal Penalties

<p>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 \$170 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.</p>





