

Staff Summary Report



Hearing Officer Hearing Date: June 2, 2009

Agenda Item Number: 14

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items at the **CROW RESIDENCE (PL090168 / ABT09011)** located at 2149 East Minton Drive.

DOCUMENT NAME: 20090602dssl06 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **CROW RESIDENCE (PL090168/ABT09011)** (Jacquelyn Crow, property owner) Complaint 085550 located at 2149 East Minton Drive in the R1-4, Single Family Residential District.

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

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

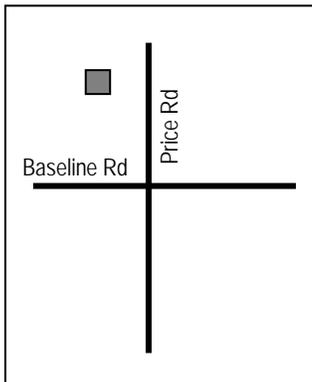
LEGAL REVIEW BY: N/A

DEPARTMENT 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 **CROW RESIDENCE (PL090168/ABT09011)** (Jacquelyn Crow, property owner) Complaint 085550 located at 2149 East Minton Drive in the R1-4, Single Family Residential District. 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
 - 3-8. Neighborhood Enhancement Report
 9. Neighborhood Enhancement Photos

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **CROW RESIDENCE (PL090168/ABT09011)** (Jacquelyn Crow, property owner) Complaint 085550 located at 2149 East Minton Drive in the R1-4, 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 Brett Barnes, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

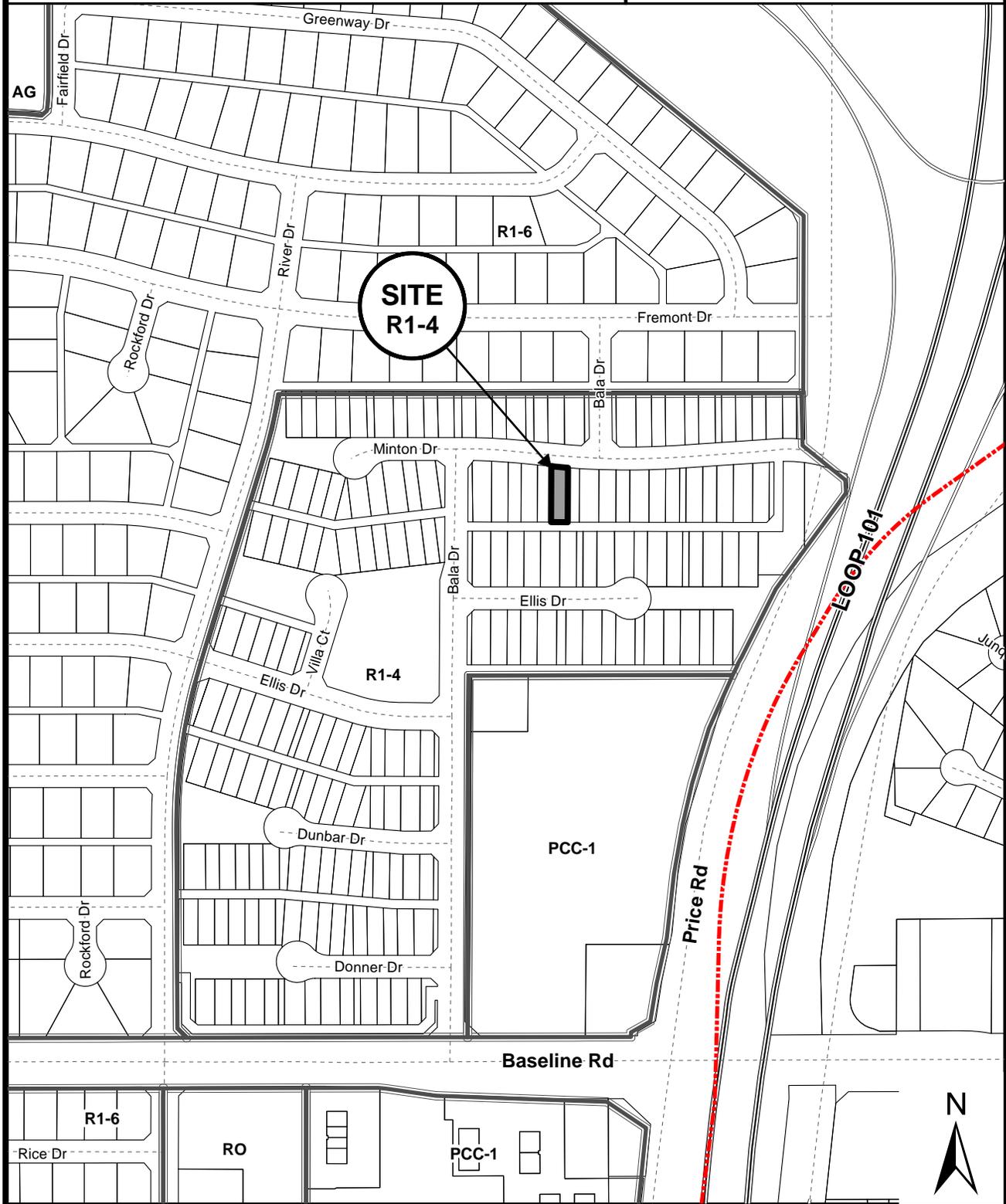
Staff recommends authorizing abatement of this property.

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

DESCRIPTION: Owner – Jacquelyn Crow
Applicant – Brett Barnes, COT Neighborhood Enhancement
Existing zoning – R1-4, Single Family Residential District
House Area– 1,371 s.f.
Building Year –1973

CROW RESIDENCE

PL090168



Location Map



CROW RESIDENCE (PL090168)



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: 4/27/09

TO: Jacquelyn Crow

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 35, Parcel 398, as recorded with the Maricopa County Assessor.

LOCATION: 2149 E. Minton Drive Tempe AZ 85282

This office will submit this complaint to the Neighborhood Enhancement Abatement Hearing Officer to be placed on the Hearing Officer agenda of June 02, 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: Those items constituting a violation of TCC 21-3-b-1 : Filthy, littered, debris or trash covered areas , including exterior areas under any roof not enclosed by walls, doors, or windows of any building. TCC 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.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violations. 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 \$176.00. 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: Brett Barnes

Phone Number 480-350-8658

DATE: April 27, 2009
TO: Mike Spencer, Senior Code Inspector
FROM: Brett Barnes
SUBJECT: Request to abate nuisance violations case CE085550

LOCATION: 2149 E. Minton Dr. Tempe, AZ 85282

LEGAL: Book 133, Map 35, Parcel 398, as recorded with the Maricopa County Assessor

OWNER/ Jacquelyn Crow
OCCUPANT: 2149 E. Minton Dr. Tempe AZ 85282

FINDINGS:

- 08-01-08 A complaint was received regarding trash and debris and over height grass and weeds in the backyard at the property of 2149 E. Minton Drive.
- 08-27-08 The property was inspected, and a courtesy notice was sent to Jacquelyn Crow for having trash and debris, and deteriorated landscape violations in the backyard. The notice requested her to remove the trash and debris, and over height grass and weeds from the backyard landscape. Jacquelyn Crow was given until 09-10-08 to bring the property into compliance.
- 09-11-08 I inspected the property and found the trash and debris, and deteriorated landscape violations had not been corrected. A second and final courtesy notice was sent to Jacquelyn Crow for having trash and debris, and over height grass and weeds in the backyard landscape. She was given until 09-26-08 to bring the property into compliance.
- 09-29-08 I inspected the property and found the trash and debris, and deteriorated landscape violations had not been corrected. Pictures of the violations were taken, showing the condition of the property.
- 09-30-08 A first civil citation was issued to Jacquelyn Crow for having trash and debris, and over height grass and weeds in the backyard landscape.

- 10-29-08 I inspected the property and found the trash and debris, and deteriorated landscape violations had not been corrected. Pictures of the violations were taken, showing the condition of the property.
- 10-30-08 A second civil citation was issued to Jacquelyn Crow for having trash and debris, and over height grass and weeds in the backyard landscape.
- 11-19-08 I received an estimate from Jack Harrington to abate the trash and debris and deteriorated landscape violations in the backyard for the amount of \$176.00. This estimate includes the removal of trash and debris, and the cutting and removal of over height grass and weeds from the backyard.
- 4-27-09 There have been no changes to the condition of the property, and the violations have not been corrected. Both civil citations have gone unpaid, and Jacquelyn Crow has failed to appear in court.

RECOMMENDATIONS:

I recommend the abatement of the nuisance violations at the property of 2149 E. Minton Drive. Jacquelyn Crow has failed to bring the property into compliance after being issued several courtesy notices and civil citations.

Respectfully submitted,

Brett Barnes
Code Inspector

ACTION TAKEN: submit for Abatement
NAME: 
DATE: 4-28-09



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

Mailed on Date: 8/27/08

**Name JACQUELYN CROW
Address 2149 E. MINTON DR.
City State TEMPE AZ 85282**

NOTICE TO COMPLY

This notice to comply is to inform you that on 8/21/08, the property located at 2149 E. Minton Drive 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 **9/10/08** 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).

- 21-3 (b) (1) Filthy, littered, debris or trash covered exterior areas, including exterior areas under any roof area 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.
- 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 9/10/08

Required Correction(s):

- **PLEASE REMOVE THE GARBAGE FROM THE BACKYARD.**
- **CUT THE OVER HEIGHT GRASS AND WEEDS IN THE BACKYARD.**

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 Enforcement Inspector: BRETT BARNES

Phone Number 480-350-8658

CASE #CE085550



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

Mailed on Date: 9/12/08

Name JACQUELYN CROW
Address 2149 E. MINTON DR.
City State TEMPE AZ 85282

NOTICE TO COMPLY

This notice to comply is to inform you that on 9/11/08, the property located at 2149 E. Minton Drive 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 **9/26/08** 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).

- 21-3 (b) (1) Filthy, littered, debris or trash covered exterior areas, including exterior areas under any roof area 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.
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Please take the following corrective action by 9/26/08

Required Correction(s):

- **PLEASE REMOVE THE GARBAGE FROM THE BACKYARD.**
- **CUT THE OVER HEIGHT GRASS AND WEEDS IN THE BACKYARD.**

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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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 Enforcement Inspector: BRETT BARNES

Phone Number 480-350-8658

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: BRENT

FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 11/18/08

TIME: 3:05 A.M. P.M.

PROPOSAL

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

ADDRESS: 2149 E. MINTON DR. TEMPE, AZ.

**1. MOW AND CLEAN BACK YARD
8 MAN HRS @ \$22./HR**

\$176.00

TOTAL COST FOR ABOVE IDEMS

\$ 176.00

THANK YOU

ACCEPTANCE


JACK HARRINGTON

