

Staff Summary Report



Hearing Officer Hearing Date: 02/21/12

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Felsing Property located at 1031 East Lilac Drive.

DOCUMENT NAME: 20120221cdsl02 **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 **FELSINGER PROPERTY (PL120012 /ABT12003 /CE114044)** (Michael Spencer, Inspector; Arthur Felsing, property owner) located at 1031 East Lilac Drive 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) *SEA*

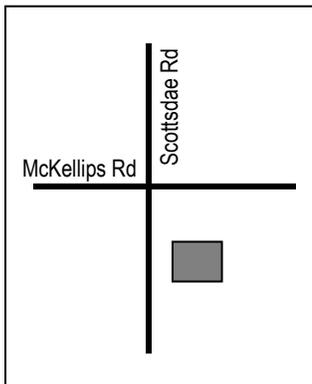
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$1000.00 for abatement request, grass & weeds in front & east yards; palm frond debris

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

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Felsing Property located at 1031 East Lilac 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 CE114044: grass & weeds in front & east yards; palm frond debris

PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-9. Code Compliance Report & Photographs

COMMENTS:

Code Compliance is requesting approval to abate the Felsing Property located at 1031 East Lilac Drive in the R1-6, Single Family Residential District. This case was initiated 12/11 following which Code Compliance has attempted to obtain compliance through correspondence with the property owners regarding violations of the Tempe City Code.

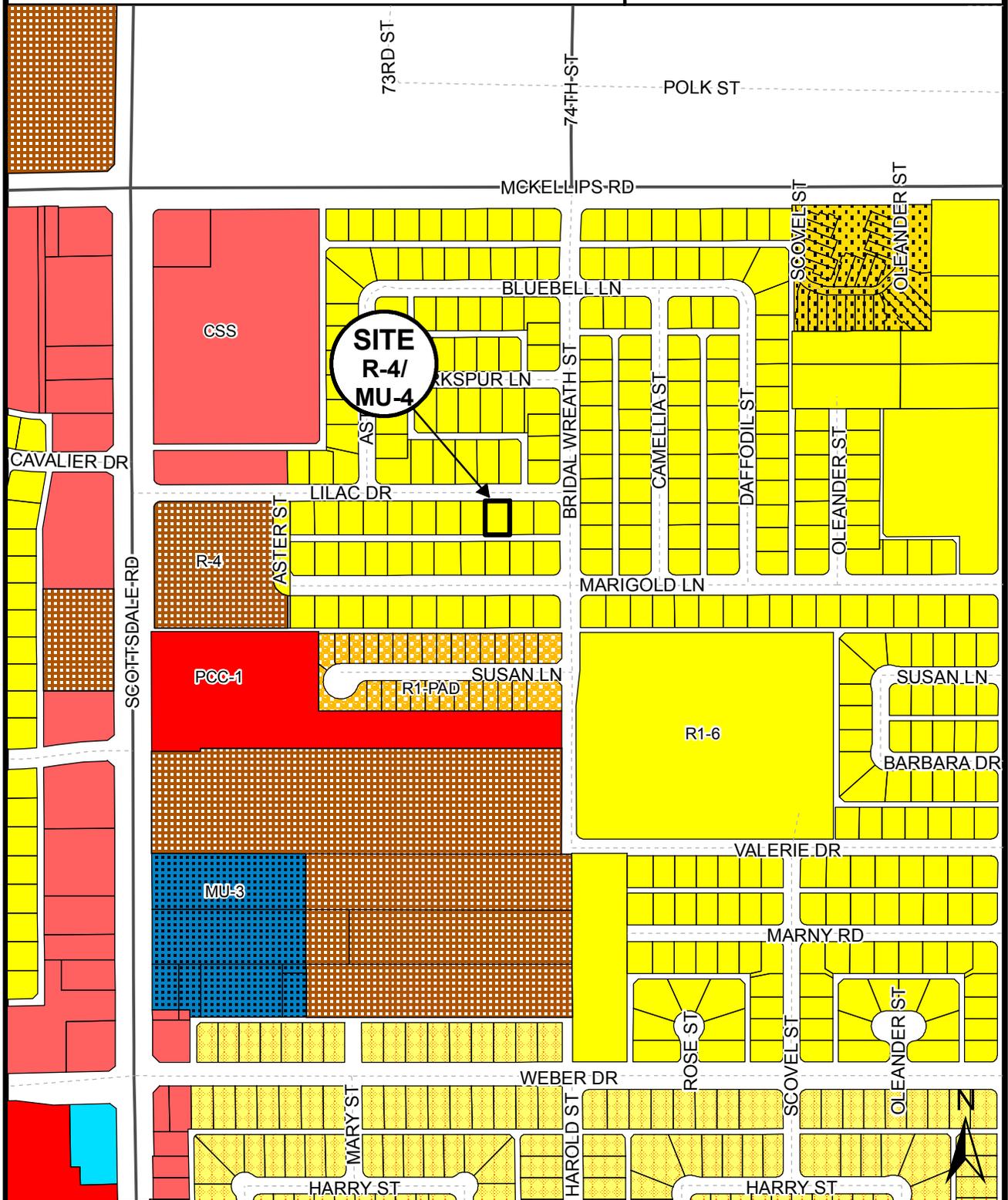
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

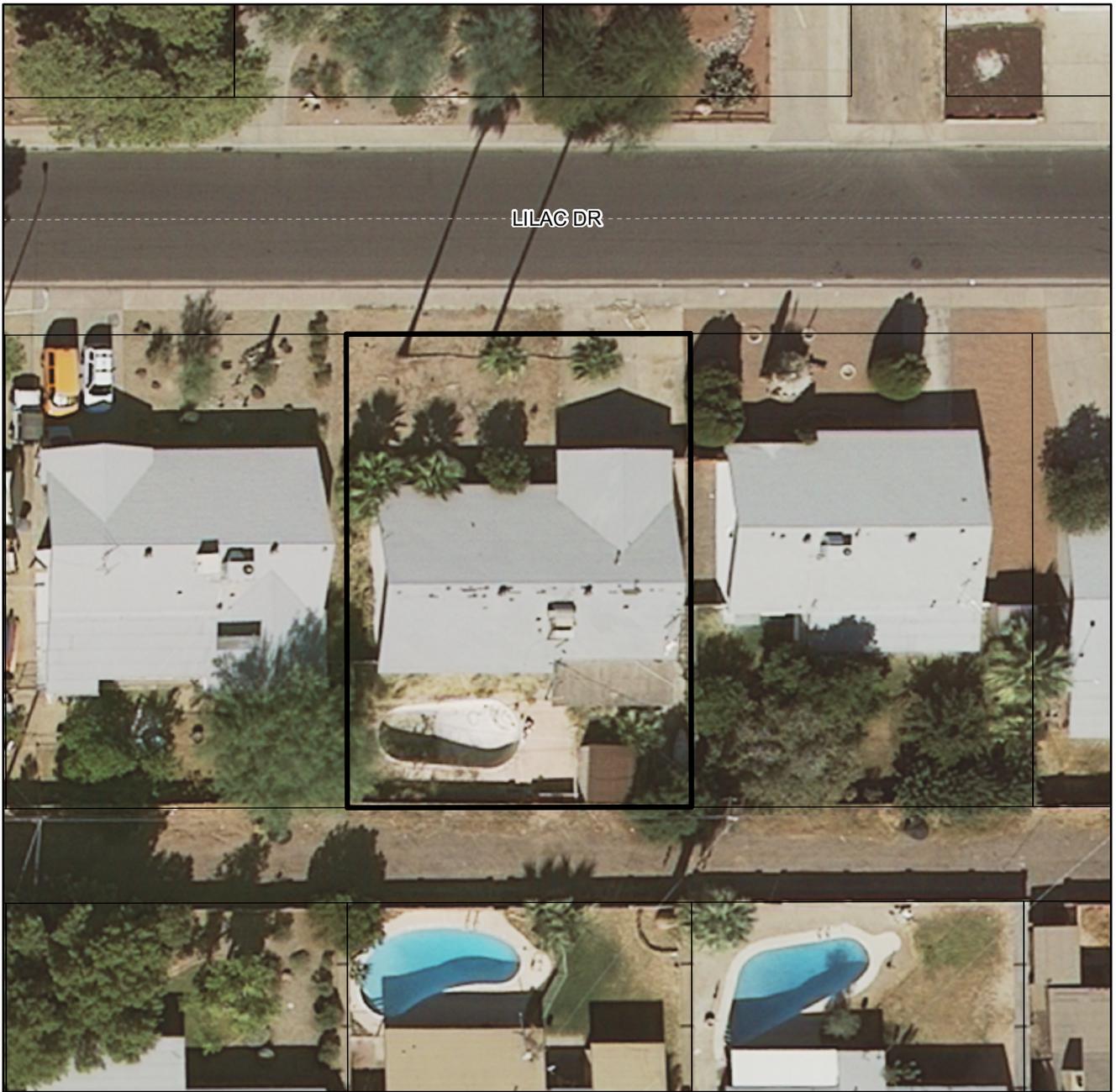
The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

FELSINGER PROPERTY

PL120012



Location Map



FELSINGER PROPERTY (PL120012)

DATE: 01/17/2012

SUBJECT: Arthur I Felsing Property Abatement

LOCATION: 1031 E Lilac DR

LEGAL: Book 132, Map 05, Parcel 114, as recorded with the Maricopa County Assessor

OWNER: Arthur I Felsing
1031 E Lilac DR
Tempe, AZ 85281

FINDINGS:

12/01/2011 Property was inspected and found to have over height weeds on the front, east and west side yards. Notice was mailed to the owner.

12/15/2011 No change in the condition of the landscape. Final Notice was mailed to the owner.

12/30/2011 No change in the condition of the landscape. Abatement process will be implemented on this property.

01/12/2012 Bid was received with a cost of \$1000.00 dollars. Photos taken of the property.

RECOMMENDATIONS:

The owner of this property Arthur I Felsing has made no attempt to bring the property into compliance. Mr. Felsing has had several abatements conducted on his property over the past several years and shows no inclination to maintain the property. I therefore request the City of Tempe Community Development Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

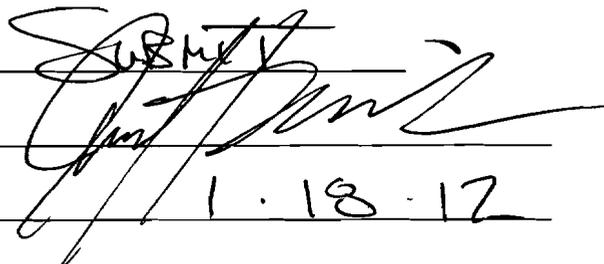
Respectfully submitted,

Michael Spencer
Senior Code Inspector
City of Tempe

ACTION TAKEN: _____

NAME _____

DATE: _____


1.18.12



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

12-01-2011

FELSINGER ARTHUR I
1031 E LILAC DR
TEMPE AZ 85281

Case#: CE114044
Site Address: 1031 E LILAC DR

SITE REINSPECTION ON OR AFTER: 12/15/2011

This is a notice to inform you that this site was inspected on 12/01/2011 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.

<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.b.8	Landscaping that is substantially dead damaged or characterized by uncontrolled growth

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8	Please remove grass and weeds from the gravel of the front and east side yard. Dispose of palm frond debris on the front yard landscape.
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Michael Spencer
Senior Code Inspector

Direct: 480-350-8075
Code Compliance: (480)350-8372

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 \$170 per violation, 2nd occurrence \$270 per violation, 3rd occurrence \$370 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$270 per violation, 2nd occurrence \$470 per violation, 3rd occurrence \$670 per violation | Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$370 per violation, 2nd occurrence \$670 per violation, 3rd occurrence \$970 per violation. | Section 21-25: \$1020 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 \$520 in addition to other fines, 2nd occurrence \$1020 in addition to other fines, 3rd occurrence, \$1520 in addition to other fines. | Zoning and Development Code: 1st occurrence \$140 per violation, 2nd occurrence \$390 per violation, 3rd occurrence \$790 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.



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE**

12-15-2011

FELSINGER ARTHUR I
1031 E LILAC DR
TEMPE AZ 85281

Case#: CE114044
Site Address: 1031 E LILAC DR

SITE REINSPECTION ON OR AFTER: 12/29/2011

This is a notice to inform you that this site was inspected on 12/15/2011 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.

<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.b.8	Landscaping that is substantially dead damaged or characterized by uncontrolled growth

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8 Please remove grass and weeds from the gravel of the front and east side yard. Dispose of palm frond debris on the front yard landscape.

IF NOT IN COMPLIANCE BY 12/29/2011 A \$170.00 DOLLAR CITATION WILL BE ISSUED.

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

Michael Spencer
Senior Code Inspector

Direct: 480-350-8075
Code Compliance: (480)350-8372

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 \$170 per violation, 2nd occurrence \$270 per violation, 3rd occurrence \$370 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$270 per violation, 2nd occurrence \$470 per violation, 3rd occurrence \$670 per violation | Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$370 per violation, 2nd occurrence \$670 per violation, 3rd occurrence \$970 per violation. | Section 21-25: \$1020 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 \$520 in addition to other fines, 2nd occurrence \$1020 in addition to other fines, 3rd occurrence, \$1520 in addition to other fines. | Zoning and Development Code: 1st occurrence \$140 per violation, 2nd occurrence \$390 per violation, 3rd occurrence \$790 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.



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: 01/17/2012

TO: ARTHUR I FELSINGER
1031 E LILAC DR
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 132, Map 05, Parcel 114, as recorded with the Maricopa County Assessor.

LOCATION: 1031 E LILAC DR

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 02/21/2012. 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:

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;

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 \$1000.00. 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: Michael Spencer

Phone Number 480-350-8075

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: MIKE SPENCER
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE 1-6-12

PROPOSAL

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

ADDRESS: 1031 E LILAC

1.MOW AND REMOVE WEEDS & DEBRIS FROM FRONT & SIDE YARDS 24 M.H. @ \$22.00/HR.	\$528.00
2. IF TEMPE POLICE OFFICER NEEDED 8HRS @ \$59.00/HRS	\$472.00
TOTAL COST FOR ABOVE ITEMS	\$1000.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON



