

Staff Summary Report



Hearing Officer Hearing Date: 12/21/10

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the **FLAGSTAR BANK FSB PROPERTY** located at 2014 East Rice Drive.

DOCUMENT NAME: 20101221cdr102 **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 **FLAGSTAR BANK, FSB PROPERTY (PL100385/ABT10037/CE103783)** (Jack Scofield, Inspector; Flagstar Bank, FSB, property owner) located at 2014 East Rice Drive in the R1-6, Single Family Residential District.

PREPARED BY: Ryan Levesque, Senior Planner (480-858-2393)

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

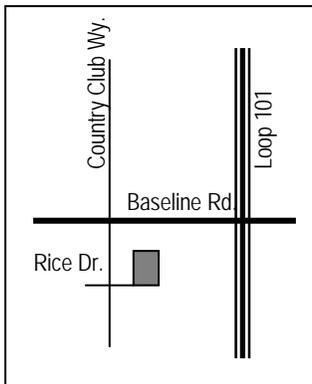
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$1,056.00 for abatement request, including the removal of weeds, debris, two dead trees and labor.

RECOMMENDATION: Staff – Approval of Abatement Proceedings

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Flagstar Bank FSB Property located at 2014 East Rice Drive in the R1-6, Single Family Residential District. The property is generally located southeast of Baseline Road and Country Club Way. 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 CE103783: "Over height grass and weeds; dead trees in front and rear yard"

180 DAY OPEN ABATEMENT REQUEST:

The property has been foreclosed from previous owner resulting in the abatement request. Due to the history of recidivism of the property owner and the months of attempts to have the site remediated by the property owner, **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
- 3-10. Code Compliance Report & Photographs

COMMENTS:

Code Compliance is requesting approval to abate the Flagstar Bank FSB Property located at 2014 East Rice Drive in the R1-6, Single Family Residential District. This case was initiated on October 11, 2010, following which Code Compliance has attempted to obtain compliance through correspondence with the property owner, Flagstar Bank, regarding violations of the Tempe City Code.

Flagstar Bank has received a courtesy notice citing the specific items in violation with Tempe City Code with regards to "Over height grass and weeds; dead trees in front and rear yard".

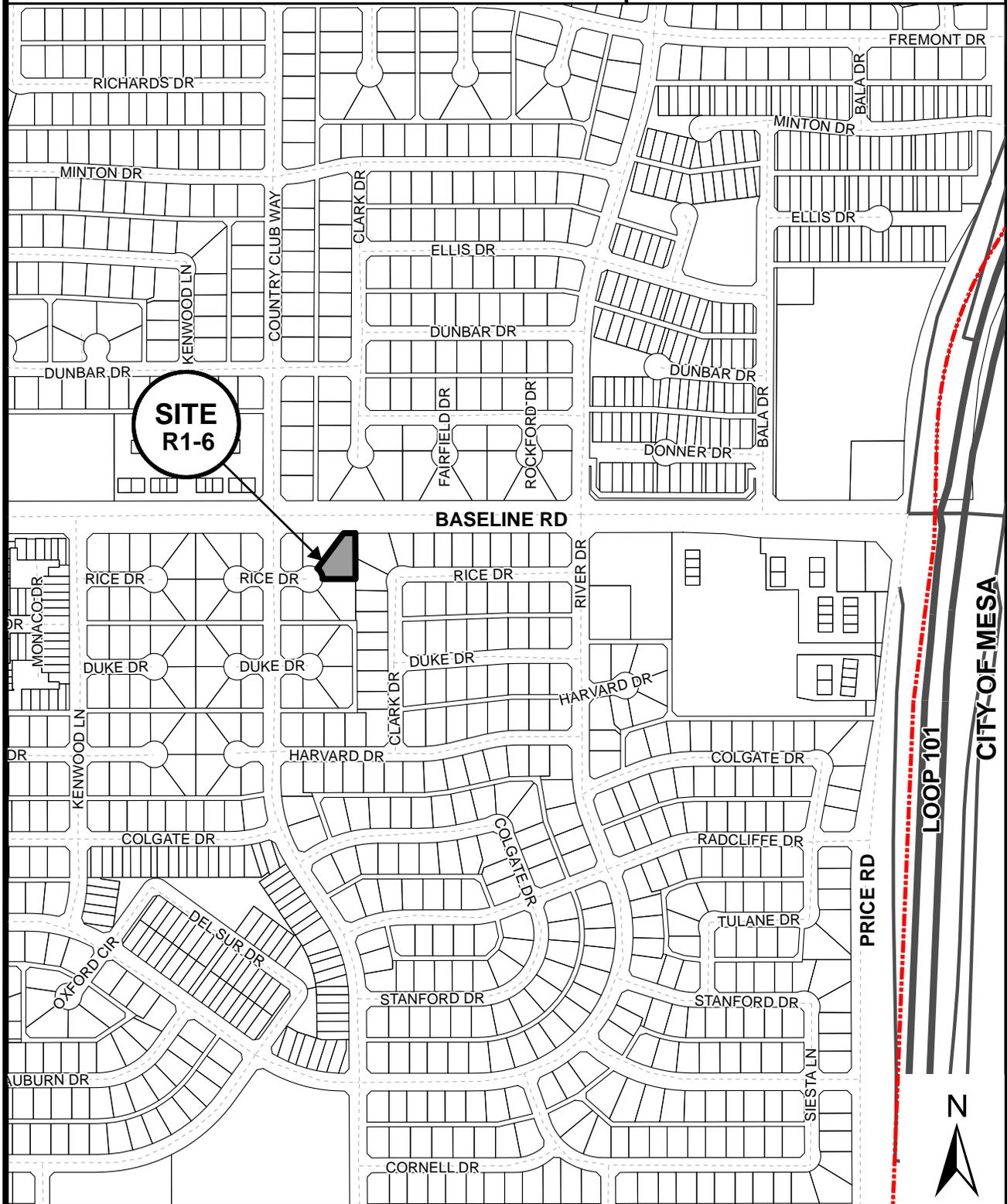
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

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

FLAGSTAR BANK, FSB PROPERTY

PL100385



Location Map



FLAGSTAR BANK, FSB PROPERTY (PL100385)

DATE: November 16, 2010
TO: Dean Miller, Senior Code Inspector
FROM: Jack Scofield, Code Inspector
SUBJECT: CE103783, Flagstar Bank, FSB Property Abatement

LOCATION: 2014 E RICE DR TEMPE, AZ 85283

LEGAL: KNOELL TEMPE UNIT 5

PARCEL: 301-01-700

OWNER: FLAGSTAR BANK, FSB
5151 CORPORATE DR
TROY, MI 48098

FINDINGS:

10/11/2010 The Code Compliance Division received a complaint concerning deteriorated landscaping.

10/12/2010 Inspected property and found over height grass and weeds in the front and rear yards, grass and weeds in the gravel areas of the front and side yards, and several dead trees. Notice to comply mailed to property owner.

10/27/2010 Final notice to comply mailed to property owner.

11/16/2010 Posted notice of intent to abate to property and mailed copy to property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 2014 E Rice Dr., due to property owner's failure to bring property into compliance with Tempe City Codes 21-3.B.8. Flagstar Bank, FSB has been given ample time to come into compliance and maintain the property. There has been no indication that Flagstar Bank, FSB will come into compliance. The property represents a health hazard and an eyesore to the community.

Without the intervention of abatement the property will continue to deteriorate. I therefore make a request to the City of Tempe Development Services Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Respectfully submitted,

Jack Scofield
Code Inspector II

ACTION TAKEN: submit

NAME Dean Miller

DATE: 11-17-10



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

10/13/10

FLAGSTAR BANK, FSB
5151 CORPORATE DR
TROY, MI 48098

Case#: CE103783
Site Address: 2014 E RICE DR TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 10/27/2010

This is a notice to inform you that this site was inspected on 10/13/10 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:

Violation of City of Tempe Code 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:

- 1. PLEASE REMOVE GRASS AND WEEDS FROM GRAVEL AREAS OF THE FRONT, SIDE, AND REAR YARDS.**
- 2. PLEASE CUT OVERHEIGHT GRASS AND WEEDS FROM OTHER AREAS OF THE FRONT, SIDE, AND REAR YARDS.**
- 3. PLEASE REMOVE DEAD TREES FROM FRONT AND REAR YARDS. STUMPS NEED TO BE CUT TO GROUND LEVEL OR REMOVED.**

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

Jack Scofield
Code Inspector II
E-Mail

Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@tempe.gov

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**

10/27/10

FLAGSTAR BANK, FSB
5151 CORPORATE DR
TROY, MI 48098

Case#: CE103783
Site Address: 2014 E RICE DR TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 11/10/2010

This is a notice to inform you that this site was inspected on 10/27/10 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.

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**Jack Scofield
Code Inspector II
E-Mail**

**Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@tempe.gov**

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CASE # CE103783



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 11/16/2010

**FLAGSTAR BANK, FSB
5151 CORPORATE DR
TROY, MI 48098**

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

Legal: KNOELL TEMPE UNIT 5
Location: 2014 E RICE DR TEMPE, AZ 85283
Parcel: 301-01-700

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of **12/21/2010**. 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:

- **CUT OVERHEIGHT GRASS AND WEEDS FROM FRONT AND REAR YARDS**
- **REMOVE GRASS AND WEEDS FROM GRAVEL AREAS OF THE FRONT AND SIDE YARDS**
- **REMOVE DEAD TREES IN FRONT AND REAR YARD. STUMPS NEED TO BE REMOVED OR CUT TO GROUND LEVEL**

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 **\$1056.00**. 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 Inspector: Jack Scofield

Phone Number: (480)350-8967

E-mail: jack_scofield@tempe.gov

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: Jack
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS EMAIL MEMORANDUM PLUS 0 PAGE(S)

DATE: 11-15-2010 TIME: A.M. 2:10 P.M.

PROPOSAL

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

ADDRESS: 2014 E. RICE DR.

1. MOW AND REMOVE WEEDS & DEBRIS FROM FRONT & BACKS YARDS.
REMOVE 2 – DEAD TREES – 1 IN FRONT – 1 IN BACK
LABOR- 48 MAN HRS = \$1056.00

TOTAL COST FOR ABOVE ITEMS \$1056.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON



