

Staff Summary Report



Hearing Officer Hearing Date: June 1, 2010

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Department to abate public nuisance items at the Greenway Trust Property located at 1224 East Greenway Drive.

DOCUMENT NAME: 20100601dsdk01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the City of Tempe – Code Compliance Department to abate public nuisance items in violation of the Tempe City Code for the **GREENWAY TRUST PROPERTY (PL100114/ABT10006/CE100020)** (Brandy Zedlar, Inspector; 1224 Greenway Trust, property owner) located at 1224 East Greenway Drive in the R1-6, Single Family Residential District.

PREPARED BY: Diana Kaminski, Senior Planner (480-858-2391)

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

LEGAL REVIEW BY: N/A

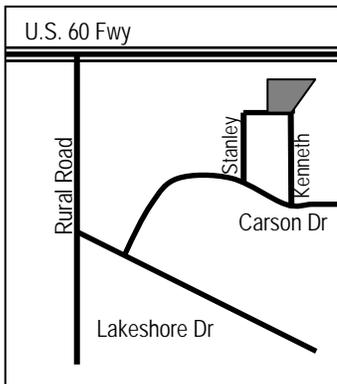
DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:

Code Compliance is requesting approval to abate the Greenway Trust Property located at 1224 East Greenway Drive in the R1-6, Single Family Residential District. The property is generally located south of the US 60 Freeway, east of Rural Road, north of Lakeshore Drive and west of McClintock. 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 CE100020: TCC 21-3-b-8 and TCC 21-3-b-1 for landscape clean-up in the front and back yard and removal of junk and debris. An emergency abatement was conducted in April 2010 to drain and secure a pool. The property is vacant and the owner is out of town; therefore staff is requesting an ongoing 180 day continuous abatement to assure public health, safety and welfare.



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-12. Neighborhood Enhancement Report

COMMENTS:

Code Compliance is requesting approval to abate the Greenway Trust Property located at 1224 East Greenway Drive in the R1-6, Single Family Residential District. This case was initiated on January 8, 2010, following which Code Compliance has attempted to obtain compliance through correspondence with the property owner, 1224 Greenway Trust, regarding violations of the Tempe City Code for excessive weeds, deteriorated landscape, broken gates, green pool, junk and debris.

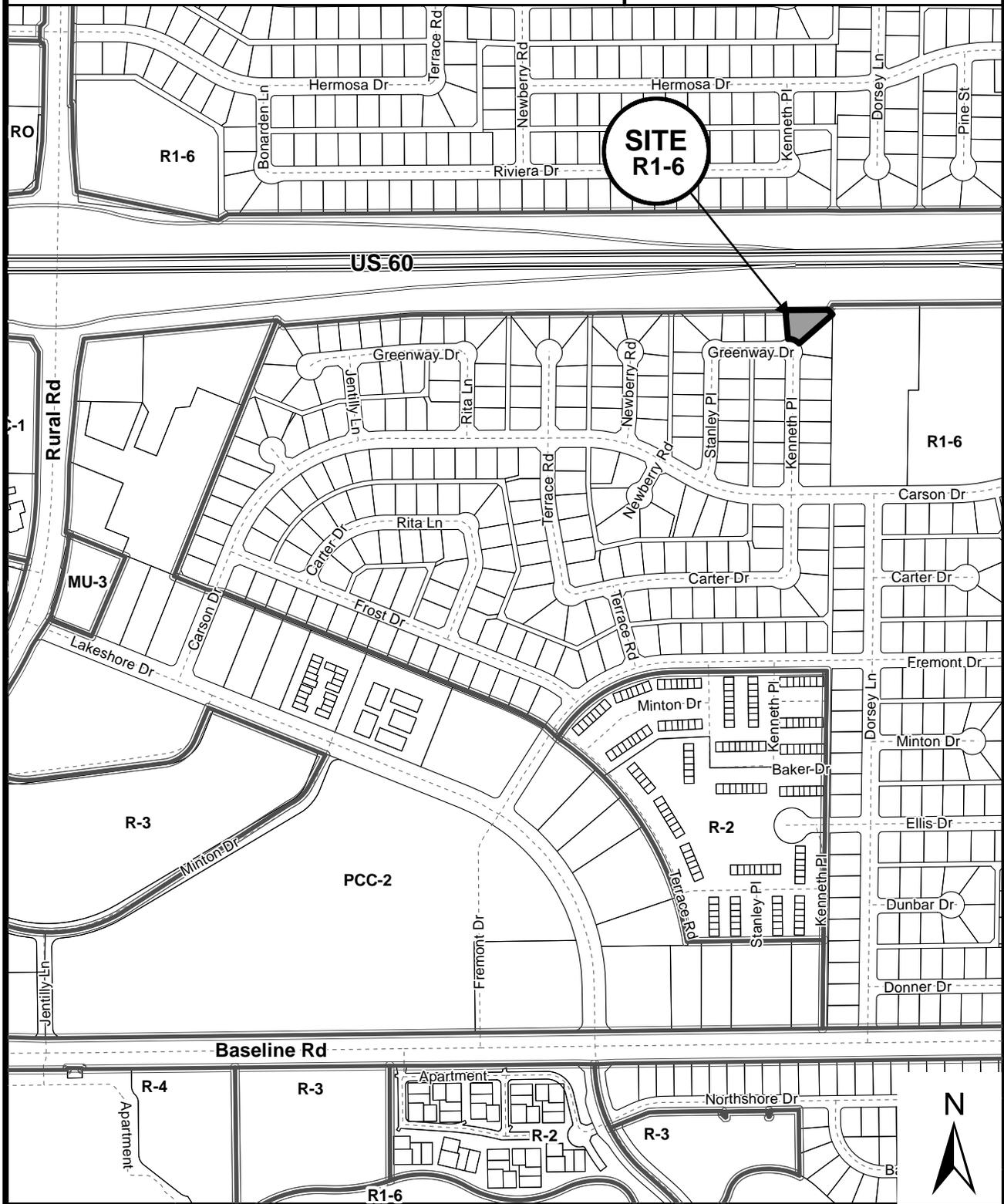
Notifications of the citations were sent to the owner's address in Sedona and the property was re-inspected in February and March; there was no change to the condition of the property. The property appears to be abandoned. The Tempe Police Department expressed concern regarding the broken gate and an unsecure pool and staff requested an emergency abatement to drain the pool and secure the property. An immediate abatement was done at the beginning of April to meet these safety issues. The weeds and junk and debris remained without any communication or effort from the owner. Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Development Services Hearing Officer approve the abatement of this public nuisance in accordance with section 21-53 of the Tempe City Code, and allow a continuous abatement for up to 180-days as necessary to maintain the property for preservation of the neighborhood.

HISTORY & FACTS:

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

GREENWAY TRUST PROPERTY

PL100114



Location Map



GREENWAY TRUST PROPERTY (PL100114)

DATE: 4/20/10
TO: Michael Spencer, Sr. Code Inspector
FROM: Brandy Zedlar
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE100020

LOCATION: 1224 E. Greenway Dr., Tempe, AZ 85282
LEGAL: Parcel #133-38-073, as recorded with the Maricopa County Assessor
OWNER: 1224 E. Greenway Trust
P O Box 20338
Sedona, AZ 86341

FINDINGS:

1/07/10 – The Neighborhood Enhancement Division received a complaint on the above property concerning the unsecured deteriorated swimming pool.

1/8/10 - The property was inspected and found to be vacant with deteriorated landscape, junk & debris, broken gates and a green pool. Notice to comply was mailed.

2/12/10 – The property was inspected with no change in its condition. Final notice to comply was mailed.

3/5/10 – The property was inspected with no change to its condition. A correction was made to the mailing address and the final notice to comply was mailed.

3/29/10 – Jeff Tamulevich was contacted by Tempe Police Department regarding the broken gate and unsecure pool.

3/30/10 – Jeff Tamulevich requested an emergency abatement be done to secure the property and drain the pool.

4/1/10 – The abatement was completed by Jack Harrington and the property was secured.

4/20/10 – The property was inspected with no change to the amount of junk & debris or deteriorated landscape. Code Compliance filed for an Abatement Hearing.

PROPERTY HISTORY:

- 3/05/09 – Received a complaint for deteriorated landscape and broken gates.

RECOMMENDATIONS:

I recommend the approval for abatement at 1224 E. Greenway Dr., which is owned by 1224 E. Greenway Trust. The owner has been given ample time and opportunities to bring his property into compliance and has failed to take corrective action. Since the property has been abandoned, I am requesting approval for continuous abatements in the next 180 days if deemed necessary. There has been no indication from the 1224 E. Greenway Trust to correct and maintain his property.

Respectfully submitted,
Brandy Zedlar

ACTION TAKEN: Referred to Hearing Officer

NAME: Michael Spencer

DATE: 4/20/10



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: April 20, 2010

TO: 1224 E. Greenway Dr Trust
P O Box 20338
Sedona, AZ 86341

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

LEGAL: Parcel # 301-38-073, as recorded with the Maricopa County Assessor.

LOCATION: 1224 E. Greenway 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 **June 1, 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: Those items constituting a violation of TCC 21-3-b-8 and TCC 21-3-b-1 which would include landscape clean-up in the front and back yard and removal of all junk & debris.

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 **\$396.00**. 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

CASE #CE100020



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

Mailed on Date: 1/08/10

1224 E. Greenway Trust
L. Marolakos
P O Box 20338
Sedona, AZ 85341

This notice to comply is to inform you that on 1/08/10, the property located at 1224 E. Greenway 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 2/05/10 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).

Sec. 21-3. Enumerated violations.

(a) It shall be unlawful and a violation of this code for any person to commit a nuisance or willfully omit to perform any legal duty relating to the removal of a nuisance.

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

- 15) Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or slum-like appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof;

Please take the following corrective action by: 2/05/10

Required Correction(s):

1. **Please completely repair or replace the deteriorated gate along the alley side and replace all missing wood slats.**

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: Brandy Zedlar

Phone Number: 480-350-8623

E-mail: brandy_zedlar@tempe.gov

CASE #CE100020



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

Mailed on Date: 2/16/10

1224 E. Greenway Trust
L. Marolakos
P O Box 20338
Sedona, AZ 85341

This notice to comply is to inform you that on 2/012/10, the property located at 1224 E. Greenway 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 3/03/10 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).

Sec. 21-3. Enumerated violations.

(a) It shall be unlawful and a violation of this code for any person to commit a nuisance or willfully omit to perform any legal duty relating to the removal of a nuisance.

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

- 15) Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or slum-like appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof;

Please take the following corrective action by: 3/03/10

Required Correction(s):

1. Please completely repair or replace the deteriorated gate along the alley side and replace all missing wood slats.

*****If the above required correction is not satisfied by 3/3/10, a \$150 civil citation will be issued.**

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.

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Code Inspector: Brandy Zedlar

Phone Number: 480-350-8623
E-mail: brandy_zedlar@tempe.gov

CASE #CE100020



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

Mailed on Date: 3/05/10

1224 E. Greenway Trust
L. Marolakos
P O Box 20338
Sedona, AZ 86341

This notice to comply is to inform you that on 3/05/10, the property located at 1224 E. Greenway 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 4/02/10 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).

Sec. 21-3. Enumerated violations.

(a) It shall be unlawful and a violation of this code for any person to commit a nuisance or willfully omit to perform any legal duty relating to the removal of a nuisance.

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

- 15) Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or slum-like appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof;

Please take the following corrective action by: 4/02/10

Required Correction(s):

1. **Please completely repair or replace the deteriorated gate along the alley side and replace all missing wood slats.**

*****If the above required correction is not satisfied by 4/02/10, a \$150 civil citation will be issued.**

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

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