

# Staff Summary Report



Hearing Officer Hearing Date: 1/03/12

Agenda Item Number: 2

**SUBJECT:** This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Griesbacher Property located at 6744 South La Rosa Drive.

**DOCUMENT NAME:** 20120103cdsl01 **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 **GRIESBACHER PROPERTY (PL110412 /ABT11043 /CE111896)** (Brandy Zedlar, Inspector; Kathleen Griesbacher, property owner) located at 6744 South La Rosa 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*

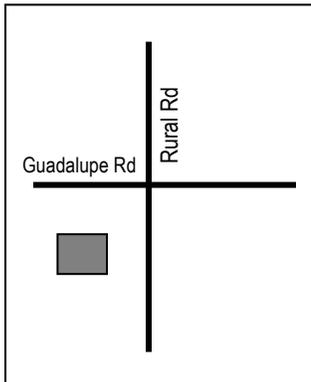
**LEGAL REVIEW BY:** N/A

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

**FISCAL NOTE:** \$1652.00 for abatement request, including weeds and debris and fence repair

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

**ADDITIONAL INFO:**



Code Compliance is requesting approval to abate the Griesbacher Property located at 6744 South La Rosa 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 CE111896: deteriorated landscape, weeds and debris, fence repair

Due to the history of recidivism of the property owner and several 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
- 3-12. Code Compliance Report & Photographs

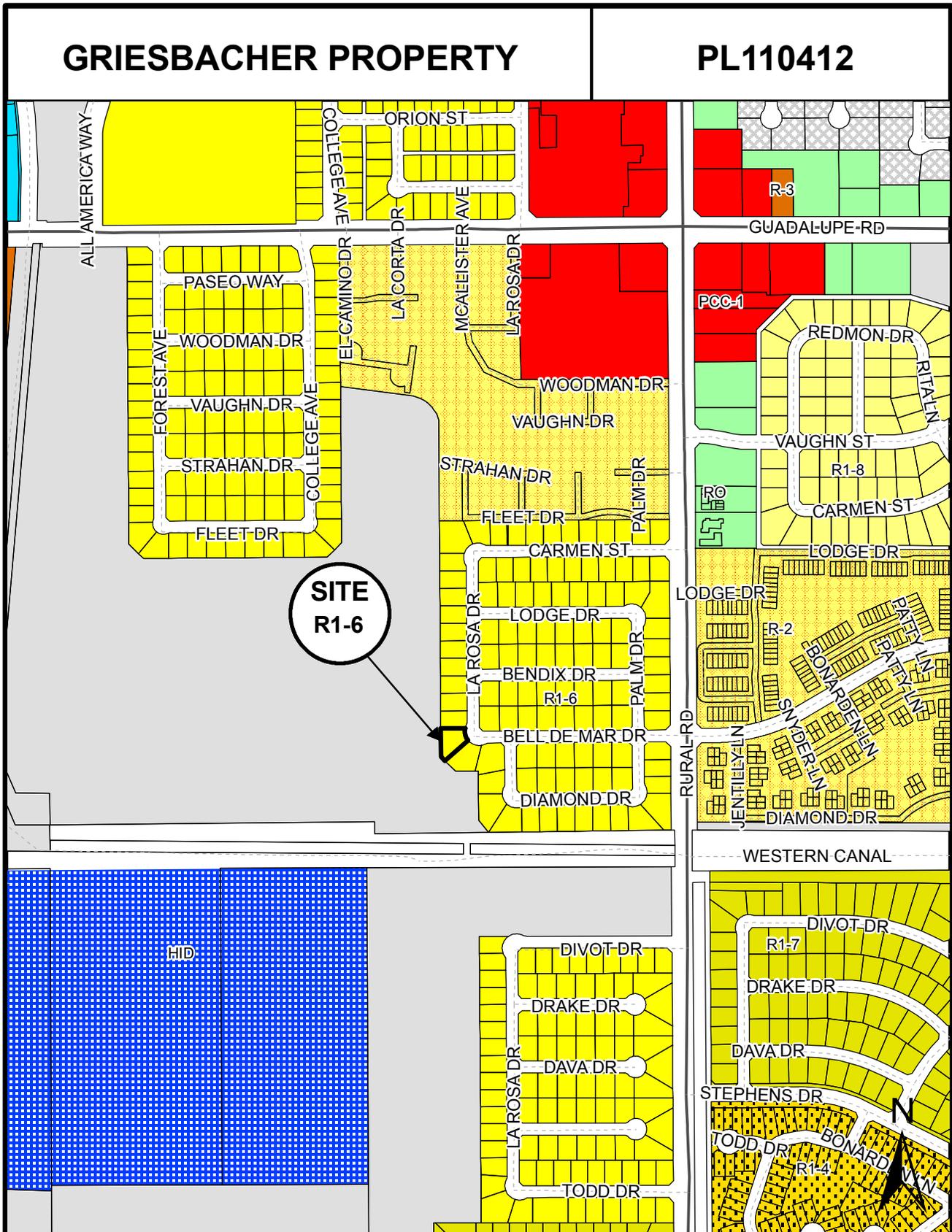
**COMMENTS:**

Code Compliance is requesting approval to abate the Griesbacher Property located at 6744 South La Rosa Drive in the R1-6, Single Family Residential District. This case was initiated 05/11 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. Due to the history of recidivism of the property owner and several 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

**HISTORY & FACTS:**

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



**Location Map**



**GRIESBACHER PROPERTY (PL110412)**

**DATE:** 11/14/11  
**TO:** Jeff Tamulevich, Code Compliance Administrator  
**FROM:** Brandy Zedlar  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE111896

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**LOCATION:** 6744 S. La Rosa Dr., Tempe, AZ 85283  
**LEGAL:** Parcel #301-47-292, as recorded with the Maricopa County Assessor  
**OWNER:** Kathleen Griesbacher  
6744 S. La Rosa Dr.  
Tempe, AZ 85283

**FINDINGS:**

5/31/11 – The Code Compliance Division received a complaint on the above property concerning a deteriorated fence and excessive palm fronds.

6/08/11 - The property was inspected and found to have over height grass/weeds in the front yard, excessive palm fronds on the palm tree in the back yard and sections of the wrought iron fencing down along the back side of the property. Notice to comply was mailed to Ms. Kathleen Griesbacher.

7/12/11 – The property was inspected with no change in its condition. Final notice was mailed to Ms. Kathleen Griesbacher.

8/9/11 – I spoke to Ms. Griesbacher on the phone and she indicated that she was having health issues and would like an extension to correct the violations.

10/23/11 – I spoke to Ms. Griesbacher on site and she stated she was moving out.

11/07/11 – The property was inspected and found no change to the existing violations. In addition, there is now a large amount of trash that was left in the front yard during Ms. Griesbacher's move out.

11/14/11 – The property was inspected with no change in its condition. The property is now in foreclosure with an auction date of 1/6/2012. Code Compliance filed for an Abatement Hearing.

**PROPERTY HISTORY:**

2008-2010 – 3 landscape violations  
2003 – inoperable/unregistered vehicle violation

**RECOMMENDATIONS:**

I recommend the approval for abatement at 6744 S. La Rosa Dr., which is owned by Kathleen Griesbacher. Ms. Griesbacher has been given ample time and opportunities to bring the property into compliance and has failed to take corrective action. . Since this property is in the foreclosure process, I am requesting approval for continuous abatements in the next 180 days if deemed necessary. There has been no indication from Ms. Griesbacher that she plans to correct and maintain the property.

Respectfully submitted,  
Brandy Zedlar

ACTION TAKEN: \_\_\_\_\_

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

*Handwritten signature and date:*  
SUBMIT  
11.14.11



QUICK LINKS ...

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No Parcel Number? Use Advanced Search Options.

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

[New Search](#)

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**Property Information**

[View GIS Maps](#)

**Parcel #:** 301-47-292  
**MCR #:** 15550  
**Property Address:** 6744 S LA ROSA DR  
 TEMPE 85283  
**Property Description:** TEMPE GARDENS 15  
**Section Township Range:** 10 1S 4E  
**Associated Parcel:**

**Subdivision Name:** TEMPE GARDENS 15 LOT 1593-1702  
**Lot #:** 1642  
**School Dist:** KYRENE SCHOOL DISTRICT  
**Local Jurisdiction:** TEMPE  
[Tax District FAQs](#)

**Owner Information**

[View Tax Information](#)

**Owner:** GRIESBACHER JOEL A/KATHLEEN E  
**In Care Of:**  
**Mailing Address:** 6744 S LA ROSA DR  
 TEMPE AZ 85283 USA  
**Deed #:** 020123103  
**Deed Date:** 2/5/2002

**Sales Price:** n/a  
**Sales Month/Year:** n/a

**Valuation Information**

[View Similar Parcels](#)

Tax Year:	2012	2011	2010
Full Cash Value (FCV):	\$161,700	\$180,600	\$206,300
Limited Property Value (LPV):	\$161,700	\$180,600	\$206,300
<b>Notice: The values displayed on this page may not reflect constitutional or statutory adjustments.</b>			
Legal Class:	3	3	3
Assessment Ratio:	10.0%	10.0%	10.0%
Assessed FCV:	\$16,170	\$18,060	\$20,630
Assessed LPV:	\$16,170	\$18,060	\$20,630
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



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

6-08-2011

**JOEL & KATHLEEN GRIESBACHER  
6744 S LA ROSA DR  
TEMPE, AZ 85283**

Case#: CE111896  
Site Address: 6744 S LA ROSA DR

**SITE REINSPECTION ON OR AFTER: 7/08/11**

This is a notice to inform you that this site was inspected on **6/07/11** 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 the Tempe City Code, Chapter 21-3-b-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;**

**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.**

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:**

- 1. Please trim the over height weeds/grass in the front, side and back yard areas.**
- 2. Please remove all dead/dry palm tree fronds from the palm tree in the back yard.**
- 3. Please repair or replace all broken and down sections of rod iron fencing along the back side of the property.**

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**

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.



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

7-08-2011

**JOEL & KATHLEEN GRIESBACHER  
6744 S LA ROSA DR  
TEMPE, AZ 85283**

Case#: CE111896  
Site Address: 6744 S LA ROSA DR

**SITE REINSPECTION ON OR AFTER: 8/10/11**

This is a notice to inform you that this site was inspected on 7/11/11 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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**Violation of the Tempe City Code, Chapter 21-3-b-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;

**Violation of the Tempe City Code, Chapter 21-3-b-8**

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**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:**

1. Please trim the over height weeds/grass in the front, side and back yard areas.
2. Please remove all dead/dry palm tree fronds from the palm tree in the back yard.
3. Please repair or replace all broken and down sections of rod iron fencing along the back side of the property.

\*\*\*If the above required corrections are not satisfied by 8/10/11, a \$340 civil citation will be issued.

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  
Civil and Criminal Penalties**

**Direct: 480-350-8623  
Code Compliance: 480-350-8372  
brandy\_zedlar@tempe.gov**

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 in the Tempe Municipal Court for violations of these codes.

# Unofficial Document

Recording requested by:

**ServiceLink**

When recorded mail to:

Quality Loan Service Corp.  
2141 5th Avenue  
San Diego, CA 92101

TS #: **AZ-11-459349-CT**  
Order #: **906846**

Space above this line for recorders use

## Notice of Trustee's Sale

The following legally described trust property will be sold, pursuant to the power of Sale under that certain Deed of Trust dated 10/25/2001 and recorded 10/31/2001 as Instrument 2001-1016523, and re-recorded on 2/5/2002 as Instrument Number 2002-0123101, in Book XXX, Page XXX in the office of the County Recorder of MARICOPA County, Arizona at public auction to the highest bidder:

Sale Date and Time: 1/6/2012 at 12:30:00 PM

Sale Location: At the main entrance of the Superior Court Building, 201 West Jefferson, Phoenix, AZ

Legal Description: LOT 1642, OF TEMPE GARDENS FIFTEEN, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 155 OF MAPS, PAGE 50.

Purported Street Address: 6744 SOUTH LA ROSA DRIVE, TEMPE, AZ 85283

Tax Parcel Number: 301-47-292 5

Original Principal Balance: \$100,000.00

Name and Address of Current Beneficiary: MetLife Home Loans, a division of MetLife Bank, N.A.  
C/O MetLife Home Loans a division of MetLife Bank  
NA  
4000 Horizon Way Foreclosure Dept. #6205  
Irving, TX 75063

Name(s) and Address(s) of Original Trustor(s): KATHLEEN E. GRIESBACHER, A MARRIED  
WOMAN, AS HER SOLE  
6744 SOUTH LA ROSA DRIVE, TEMPE, AZ 85283

Name and Address of Trustee/Agent: Quality Loan Service Corporation  
2141 5<sup>th</sup> Avenue, San Diego, CA 92101  
Phone: (866)-645-7711





City of Tempe  
P. O. Box 5002  
Tempe, AZ 85280  
[www.tempe.gov](http://www.tempe.gov)  
(480) 350-8372  
(480) 858-2231 (fax)

Code Compliance Division

## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: November 14, 2011

TO: KATHLEEN GRIESBACHER  
6744 S LA ROSA 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 # 301-47-292, as recorded with the Maricopa County Assessor.

LOCATION 6744 S. La Rosa Dr., Tempe, AZ 85283

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of December 20, 2011. 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-1 and TCC 21-3-b-15 which would include the following: removal of junk and debris, landscape clean-up and repairing the fence.

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 \$1652.00. 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 480-350-8623

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 ZEDLAR  
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS  0  PAGE(S)

DATE: 10-25-11

**PROPOSAL**

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

ADDRESS: 6744 S LA ROSA TEMPE, AZ.

1. REMOVAL WEEDS & DEBRIS FROM FRONT AND REAR YARDS	
56 MH @ 22/H	\$1232.00
4 LOADS @40.00	160.00
2. REPAIR BACK IRON FENCE	260.00
	-----
TOTAL COST FOR JOB	\$1652.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

\_\_\_\_\_



