

# Staff Summary Report



Hearing Officer Hearing Date: September 21, 2010 Agenda Item Number: 11

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the **HARRIS RESIDENCE** located at 2118 West Vineyard Road.

DOCUMENT NAME: 20100921cdr102 **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 **HARRIS RESIDENCE (PL100256/ABT10023/CE101965)** (Brandy Zedlar, Inspector; Dennis & Ruth Harris, property owner) located at 2012 West Vineyard Road 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: N/A

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

### ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Harris Residence located at 2012 West Vineyard Road in the R1-6, Single Family Residential District. The property is generally located northwest of Baseline Road and Interstate 10. 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 CE101965: Filthy, littered, debris or trash-covered exterior areas; Offensive odors (cat urine).

**PAGES:**

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

**ATTACHMENTS:**

1. Location Map
2. Aerial Photo
- 3-11. Code Compliance Report including abatement bid and photographs

**COMMENTS:**

Code Compliance is requesting approval to abate the Harris Residence located at 2012 West Vineyard Road in the R1-6, Single Family Residential District. This case was initiated on May 27, 2010, following which Code Compliance has attempted to obtain compliance through correspondence with the property owners, Dennis & Ruth Harris, regarding violations of the Tempe City Code.

Mr. & Mrs. Harris have received a courtesy notice citing the specific items in violation with Tempe City Code with regards to:

- 1). City Code Ch. 21-3.b.1. Filthy, littered, debris or trash-covered exterior areas. ACTION: *Please remove the bags of trash, discarded appliances, wood, plastic containers and miscellaneous items from the back yard.*
- 2). City Code Ch. 21-3.b.11. Offensive odors or other annoyances that are discomforting or offensive to the health of individuals or of the public. ACTION: *Please remove the cat urine smell coming from the exterior/interior of the home.*

**NOTE:** a criminal complaint has been filed at the Attorney's Office to address the feline odor smell (separate procedure).

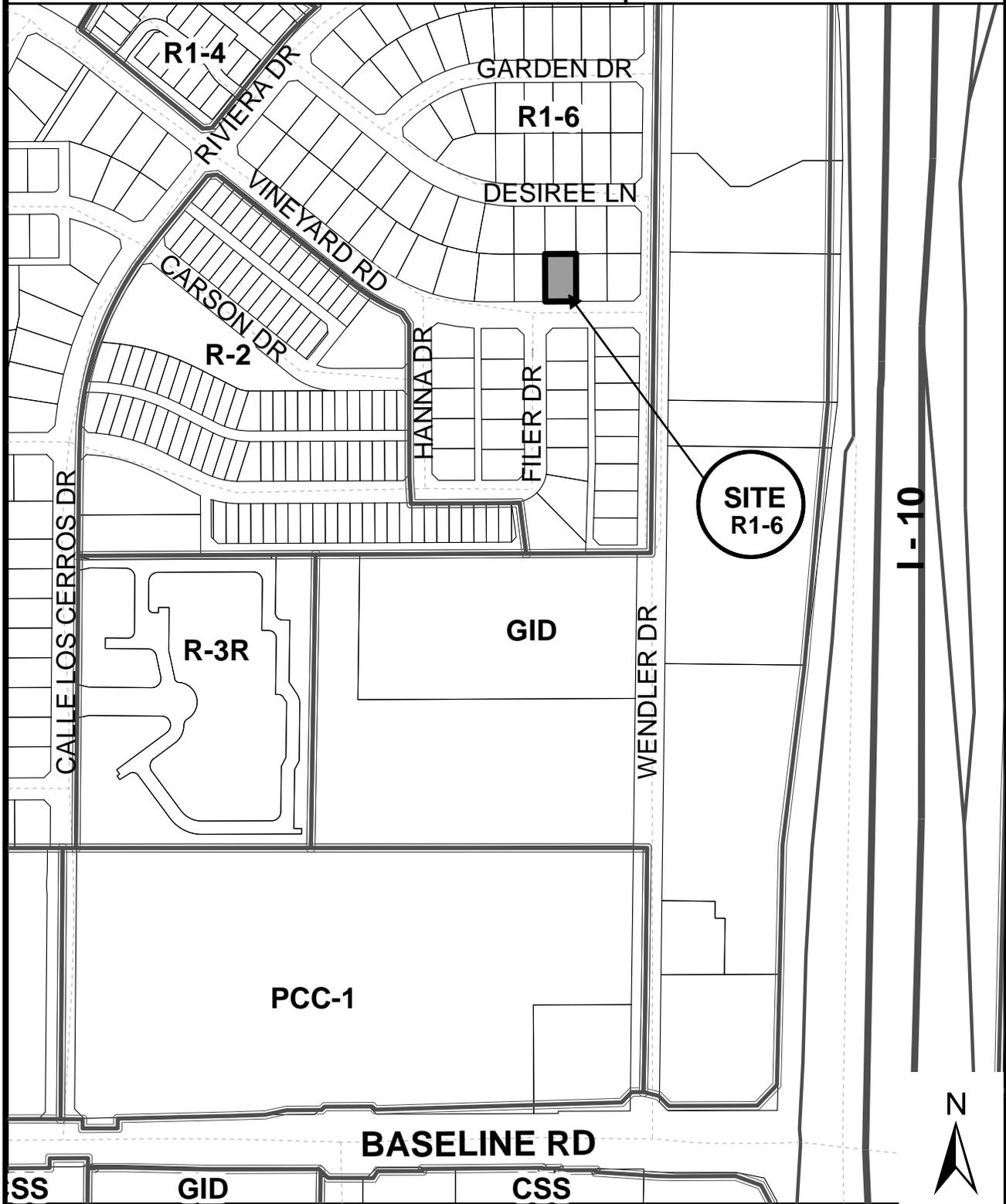
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

**HISTORY & FACTS:**

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

**HARRIS RESIDENCE**

**PL100256**



**Location Map**



VINEYARD RD

**HARRIS RESIDENCE (PL100256)**

**DATE:** 8/19/10  
**TO:** Michael Spencer, Sr. Code Inspector  
**FROM:** Brandy Zedlar  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE101965

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**LOCATION:** 2012 W VINEYARD RD., TEMPE, AZ 85282  
**LEGAL:** Parcel #123-22-210, as recorded with the Maricopa County Assessor  
**OWNER:** DENNIS & RUTH HARRIS

**FINDINGS:**

5/27/10 – The Neighborhood Enhancement Division received a complaint on the above property concerning a feline urine odor coming from the residence.

6/3/10 - The property was inspected and no smell was detected from the driveway or carport of neighboring house.

6/07/10 – The property was inspected and a strong feline urine smell was detected from the back yard of the neighboring property at 2102 W. Vineyard Rd. There was also a large amount of trash, wood, appliances and miscellaneous items in the back yard area. Courtesy notice was mailed to Mr. & Mrs. Harris.

6/29/10 – The property was inspected from the back yard of 2102 W. Vineyard Rd and the feline urine smell was stronger. There was little change to the condition of the back yard. Final notice was mailed to Mr. & Mrs. Harris.

7/19/10 – The property was inspected from the back yard of 2102 W. Vineyard Rd and there was no change to the strength of the feline urine smell. Citation #1442730 was issued.

8/9/10 – Mr. Harris defaulted on citation #1442730.

8/19/10 – The property was inspected with little to no change regarding the junk & debris and no change with the feline urine smell. Code Compliance filed for an Abatement Hearing.

**PROPERTY HISTORY:**

- 8/19/2010 – Criminal charges were filed with the City of Tempe Prosecutors Office regarding the feline urine smell.
- 5/16/2006 – Compliant was received for junk & debris in the back yard and feline urine smell.
- 5/24/2005 – Compliant was received for feline urine smell and junk & debris in the west side yard.

**RECOMMENDATIONS:**

I recommend the approval for abatement at 2012 W. Vineyard Rd., which is owned by Dennis & Ruth Harris. Mr. & Mrs. Harris have been given ample time and opportunities to bring their property into compliance and have failed to take corrective action. There has been no indication from Mr. & Mrs. Harris that they plan to correct and maintain their property.

Respectfully submitted,  
Brandy Zedlar

ACTION TAKEN: Referred to Hearing Officer

NAME: Michael Spencer

DATE: 8/19/10



QUICK LINKS ...

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[\\*Market Overview](#) \*Residential Similar Property Search

No Parcel Number? Use Advanced Search Options.

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

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**Property Information**

[View GIS Maps](#)

**Parcel #:** 123-22-210  
**MCR #:** 16343  
**Property Address:** 2012 W VINEYARD RD  
 TEMPE 85282  
**Property Description:** KNOELL GARDENS AMD  
**Section Township Range:** 32 1N 4E  
**Associated Parcel:**

**Subdivision Name:** KNOELL GARDENS AMD  
**Lot #:** 204  
**School Dist:** TEMPE SCHOOL DISTRICT  
**Local Jurisdiction:** TEMPE  
[Tax District FAQs](#)

**Owner Information**

[View Tax Information](#)

**Owner:** HARRIS DENNIS E & RUTH SUSAN  
**In Care Of:**  
**Mailing Address:** 2012 W VINEYARD  
 TEMPE AZ 85282 USA  
**Deed #:** 860475715  
**Deed Date:** 9/4/1986

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

**Valuation Information**

[View Similar Parcels](#)

Tax Year:	2011	2010	2009
Full Cash Value (FCV):	\$129,300	\$157,600	\$182,200
Limited Property Value (LPV):	\$129,300	\$157,600	\$164,519
<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:	\$12,930	\$15,760	\$18,220
Assessed LPV:	\$12,930	\$15,760	\$16,452
Property Use Code:	0131	0131	0131
Tax Area Code:	031600	031600	031600

**Additional Component Information (for this parcel)**

[Valuation](#) [Characteristics](#) [Commercial Property Overview](#)

**New Search Helpful Information:**

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**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



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

06-07-2010

DENNIS & RUTH HARRIS  
2012 W VINEYARD  
TEMPE AZ 85282

Case#: CE101965  
Site Address: 2012 W VINEYARD RD

**SITE REINSPECTION ON OR AFTER: 06/23/2010**

This is a notice to inform you that this site was inspected on 6/7/10 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.

<b><u>SECTION</u></b>	<b><u>VIOLATION</u></b>
<b>CC 21-3.b.1</b>	Filthy, littered, debris or trash-covered exterior areas
<b>CC 21-3.b.11</b>	Offensive odors or other annoyances that are discomforting or offensive to the health of individuals or of the public.

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

<b>CC 21-3.b.1</b>	Please remove the bags of trash, discarded appliances, wood, plastic containers and miscellaneous items from the back yard.
<b>CC 21-3.b.11</b>	Please remove the cat urine smell coming from the exterior/interior of the home.

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

**Brandy Zedlar  
Code Inspector II**

**Direct: 480-350-8623  
Code Compliance: (480)350-8372  
Email: [brandy\\_zedlar@tempe.gov](mailto: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 \$150 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.



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

06-29-2010

DENNIS & RUTH HARRIS  
2012 W VINEYARD  
TEMPE AZ 85282

Case#: CE101965  
Site Address: 2012 W VINEYARD RD

**SITE REINSPECTION ON OR AFTER: 07/16/2010**

This is a notice to inform you that this site was inspected on 6/29/10 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.

<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas
CC 21-3.b.11	Offensive odors or other annoyances that are discomforting or offensive to the health of individuals or of the public.

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

CC 21-3.b.1	Please remove the bags of trash, discarded appliances, wood, plastic containers and miscellaneous items from the back yard.
CC 21-3.b.11	Please remove the cat urine smell coming from the exterior/interior of the home.

**\*\*\*If the above required corrections are not satisfied by 7/16/10, a \$300 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

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

**Civil and Criminal Penalties**

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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: August 20, 2010

TO: Dennis & Ruth Harris  
2012 W. Vineyard Rd  
Tempe, AZ 85282

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

LEGAL: Parcel # 123-22-210, as recorded with the Maricopa County Assessor.

LOCATION: 2012 W. Vineyard Rd., 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 Sept 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: Those items constituting a violation of TCC 21-3-b-1 which would include the removal of all junk & debris in the back yard.

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 \$1304.00. 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

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  
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS EMAIL PLUS  0  PAGE(S)

DATE: 8-19-10            TIME: \_\_\_\_\_ A.M.  2:35  P.M.

**PROPOSAL**

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

ADDRESS: 2012 W. VINEYARD    TEMPE, AZ.

- |   |                 |
|---|-----------------|
| 1. CLEAN YARDS, HAUL JUNK, CUT DEAD TREES & SHRUBS<br>4 MEN 8 HRS = 32 M.H. @ \$22.00/HR. | \$704.00        |
| 2. 5- LOADS TO DUMP @ \$40./LOAD  | \$200.00        |
| 3. POLICE OFFICER – 8 HRS @ \$50./HR  | <u>\$400.00</u> |
| <br>TOTAL COST FOR ABOVE ITEMS  | <br>\$1,304.00  |

THANK YOU

ACCEPTANCE

JACK HARRINGTON

\_\_\_\_\_



