

Staff Summary Report



Hearing Officer Hearing Date: August 17, 2010

Agenda Item Number: 9

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Hazelton Property located at 1219 South Maple Avenue.

DOCUMENT NAME: 20100817dsdk02 **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 **HAZELTON PROPERTY (PL100222/ABT10015/CE101373)** (Shawn Daffara, Inspector; Patrick Hazelton, property owner) located at 1219 South Maple Avenue in the R-2, Multi-Family Residential District.

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

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

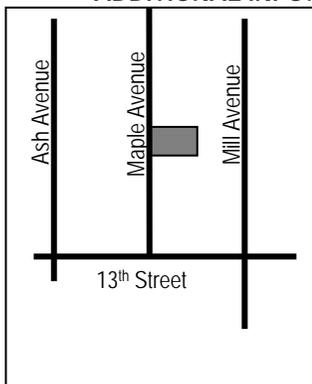
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval of Abatement Proceedings

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Hazelton Property located at 1219 South Maple Avenue in the R-2, Multi-Family Residential District. The property is located south of University Drive, west of Mill Avenue, north of 13th Street and east of Ash Avenue. 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 CE101373: CC21-3.b.8 landscape that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated growth higher than twelve (12) inches; and CC21-105.a. Graffiti prohibition and removal.

The property has had twelve complaints in the past ten years, three of which resulted in prior abatements. Due to the history of recidivism of the property owner and five months of attempts to have the site remediated by the property owner, **staff is requesting a 180-day continuous 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
- 3-13. Code Compliance Report including abatement bid and photographs

COMMENTS:

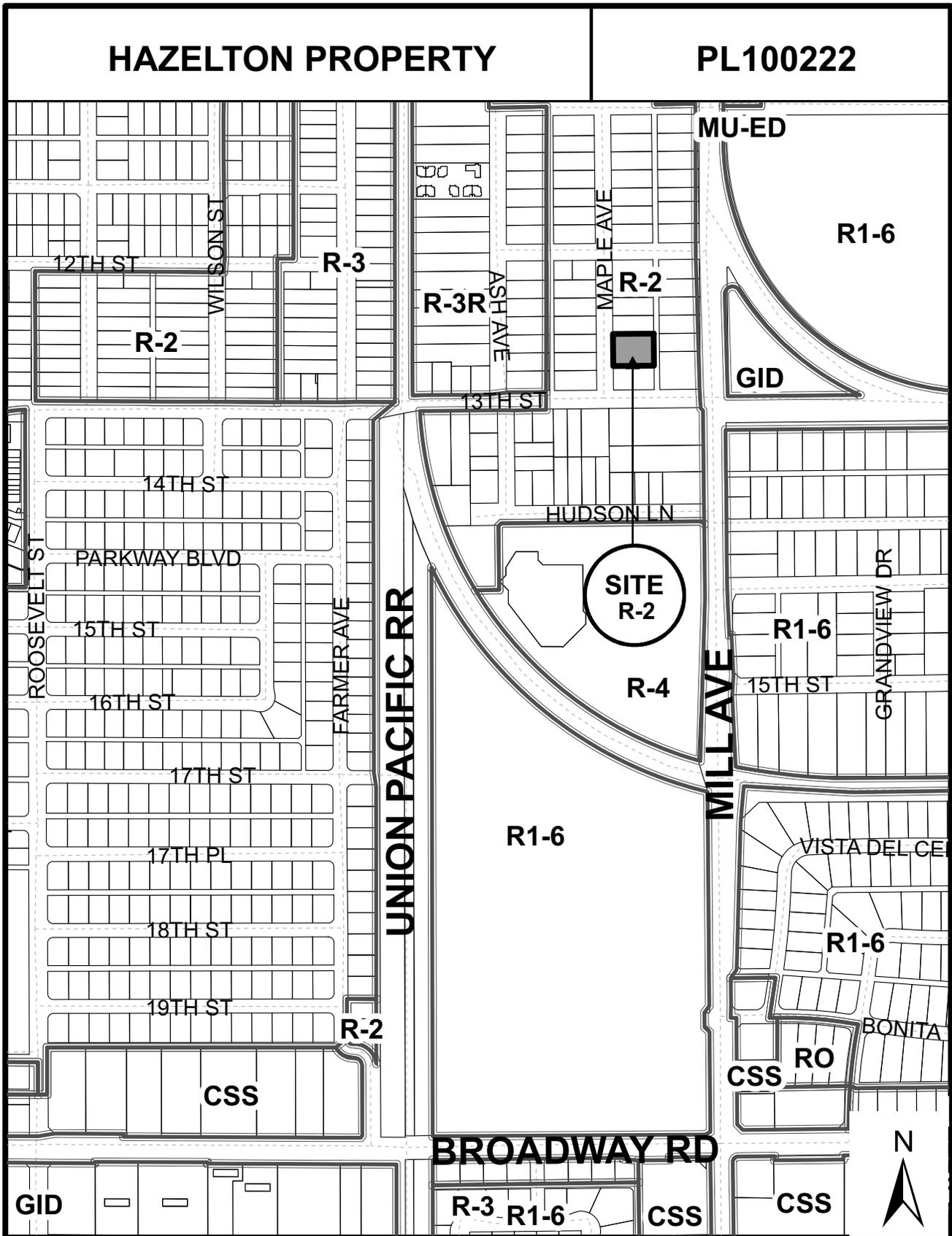
Code Compliance is requesting approval to abate the Hazelton Property located at 1219 South Maple Avenue in the R-2, Multi-Family Residential District. This case was initiated on April 16, 2010 following which Code Compliance has attempted to obtain compliance through correspondence with the property owner, Patrick Hazelton, regarding violations of the Tempe City Code for deteriorated landscaping and graffiti on the house.

Mr. Hazelton has received three notices citing the specific items in violation with Tempe City Code with regards to excessive weeds and graffiti.

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. The property has had twelve complaints in the past ten years, three of which resulted in prior abatements. Due to the history of recidivism of the property owner and five months of attempts to have the site remediated by the property owner, staff is requesting a 180-day continuous 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



HAZELTON PROPERTY (PL100222)

DATE: 07/09/2010
TO: Michael Spencer, Senior Code Inspector
FROM: Shawn Daffara, Code Inspector II
SUBJECT: Request to Abate Nuisance and Zoning Violations

LOCATION: 1219 S. Maple Ave. Tempe, AZ 85281
LEGAL: Book 132, Map 45, Parcel 033, as recorded with the Maricopa County Assessor
OWNER: PATRICK HAZELTON
23229 DOREMUS ST.
SAINT CLAIR SHORES, MI 48080

PATRICK HAZELTON
850 S. RIVER PKWY #1044
TEMPE, AZ 85281

CE101373-FINDINGS:

4/16/10 The Neighborhood Enhancement Department received a complaint for the above property for deteriorated landscaping and graffiti on the house and garage.

4/19/10 Inspected the property. There were some weeds and grass on property and graffiti on the property. Inspector Julie Scofield.

5/03/10 Checked the property, No progress or change. Inspector Julie Scofield.

5/10/10 Mailed Final Notice. Inspector Julie Scofield

6/17/10 No Change. Will proceed to abate property. Inspector Julie Scofield

6/22/10 Case transferred to Shawn Daffara. Final Notice resent by new inspector.

7/08/10 No Change. Received the estimate for the landscaping and removal of graffiti in the amount of \$402.00. Pictures were taken of the property.

7/09/10 Notice to abate was sent to the owner, with thirty days to correct prior to the hearing.

COMPLAINT HISTORY:

CE013910 10/23/01 Complaint for unsecure buildings on the property.
CE031424 04/03/03 Complaint for over height grass and weeds.

CE041043	03/16/04	Complaint for deteriorated construction fencing around the property
CE041732	05/05/04	Complaint for over height grass and weeds.
CE042959	08/17/04	Complaint for over height grass and weeds, trash and debris on the property and lawn parking.
CE044441	12/06/04	Complaint for unsecured buildings, over height grass and weeds. City had abatement contractor secure the buildings.
CE051171	03/02/05	Complaint for over height grass and weeds. Also buildings were unsecure.
CE054082	08/18/05	Complaint for over height grass and weeds and lawn parking.
CE061100	03/03/06	Complaint for junk and debris on property.
CE063089	06/21/06	Complaint for over height grass and weeds and the buildings were unsecure. Three citations were issued to gain compliance.
CE075217	09/08/07	Complaint for over height grass and weeds, lawn parking and the buildings being unsecured. One citation was issued and the property was abated to gain compliance.
CE085921	08/12/2008	Complaint for over height grass and weeds, the buildings being unsecured and graffiti. One citation was issued and the property was abated to gain compliance.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violation be done at the property of 1219 S. Maple Ave. due to Patrick Hazelton's failure to come into compliance with Tempe City Codes. Mr. Hazelton has been given ample time in previous cases to come into compliance and maintain the property. There has been no indication in Mr. Hazelton actions that he plans on coming into compliance. I request approval for a 120 day Standing Abatement to remove the over height grass and weeds and graffiti for this property, due to the past history of code violations and owners lack of response in correcting these violations.

Respectfully submitted,

Shawn Daffara

ACTION TAKEN: submit for statement
NAME: 
DATE: 7-9-10



**DEVELOPMENT SERVICES DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

04-19-2010

PATRICK HAZELTON
22978 CLAIRWOOD ST.
SAINT CLAIR SHORES, MI 48080

Case#: CE101373
Site Address: 1219 S MAPLE AVE

SITE REINSPECTION ON OR AFTER: 05/04/2010

This is a notice to inform you that this site was inspected on 04/19/2010 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	Uncultivated plants, weeds, tall grass, or growth higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8 Please cut overheight grass and or weeds throughout the property.

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

Julie Scofield
Code Inspector II

Direct: 480-350-8951
Code Compliance: (480)350-8372
Email: julie_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 \$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. |



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

05-10-2010

PATRICK HAZELTON
22978 CLAIRWOOD ST.
SAINT CLAIR SHORES, MI 48080

Case#: CE101373
Site Address: 1219 S MAPLE AVE

SITE REINSPECTION ON OR AFTER: 05/25/2010

This is a notice to inform you that this site was inspected on 05/10/2010 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>
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**DEVELOPMENT SERVICES DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE**

06-22-2010

PATRICK HAZELTON
22978 CLAIRWOOD ST.
SAINT CLAIR SHORES, MI 48080

Case#: CE101373
Site Address: 1219 S MAPLE AVE

SITE REINSPECTION ON OR AFTER: 07/08/2010

This is a notice to inform you that this site was inspected on 06/22/2010 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	Uncultivated plants, weeds, tall grass, or growth higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8	Please cut overheight grass and or weeds throughout the property. If violations are not corrected by July 8, 2010 the city will request an abatement to resolve this matter.
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Shawn Daffara
Code Inspector II

Direct: 480-858-2284
Code Compliance: (480)350-8372
Email: Shawn_Daffara@Tempe.gov

Civil and Criminal Penalties

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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: SHAWN DAFFARA
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS EMAIL PLUS 0 PAGE(S)

DATE: 7-8-2010 TIME: _____ A.M. 1:25 P.M.

PROPOSAL

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

ADDRESS: 1219 S. MAPLE TEMPE, AZ.

1.CLEAN LOT AT 1219 S. MAPLE 16 M.H. @ \$22.00/HR.	\$352.00
2. PAINT GRAFFITI	<u>\$50.00</u>
TOTAL COST FOR ABOVE ITEMS	\$402.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON







