

Staff Summary Report



Hearing Officer Hearing Date: September 2, 2008

Agenda Number: 10

SUBJECT: This is a public hearing for a request by the by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items at the **LAFRANCE RESIDENCE (PL080285/ABT08020)** located at 2330 West Carson Drive.

DOCUMENT NAME: 20080902dsac03

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **LAFRANCE RESIDENCE (PL080285/ABT08020)** (Kathi LaFrance, property owner) Complaint CE082687 located at 2330 West Carson Drive in the R-2, Multi-Family Residential District.

PREPARED BY: Alan Como, Planner II (480-350-8439)

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

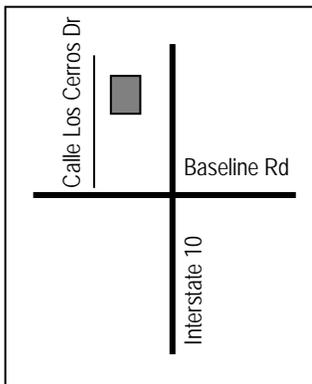
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval

ADDITIONAL INFO: The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the **LAFRANCE RESIDENCE (PL080285/ABT08020)** (Kathi LaFrance, property owner) Complaint CE082687 located at 2330 West Carson Drive in the R-2, Multi-Family Residential District. The residence is on the north side of Carson Dr, west of Interstate 10. The details of this case represent several months of correspondence for compliance with the property owner. Staff recommends the authorization of abatement of this property.



- PAGES:**
1. List of Attachments
 2. Comments; History & Facts/Description

- ATTACHMENTS:**
1. Location Map
 2. Aerial Photo
 - 3-8. Neighborhood Enhancement Report
 - 9-10. Neighborhood Enhancement Photos

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **LAFRANCE RESIDENCE (PL080285/ABT08020)** (Kathi LaFrance, property owner) Complaint CE082687 located at 2330 West Carson Drive in the R-2, Multi-Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Brandy Zedlar, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

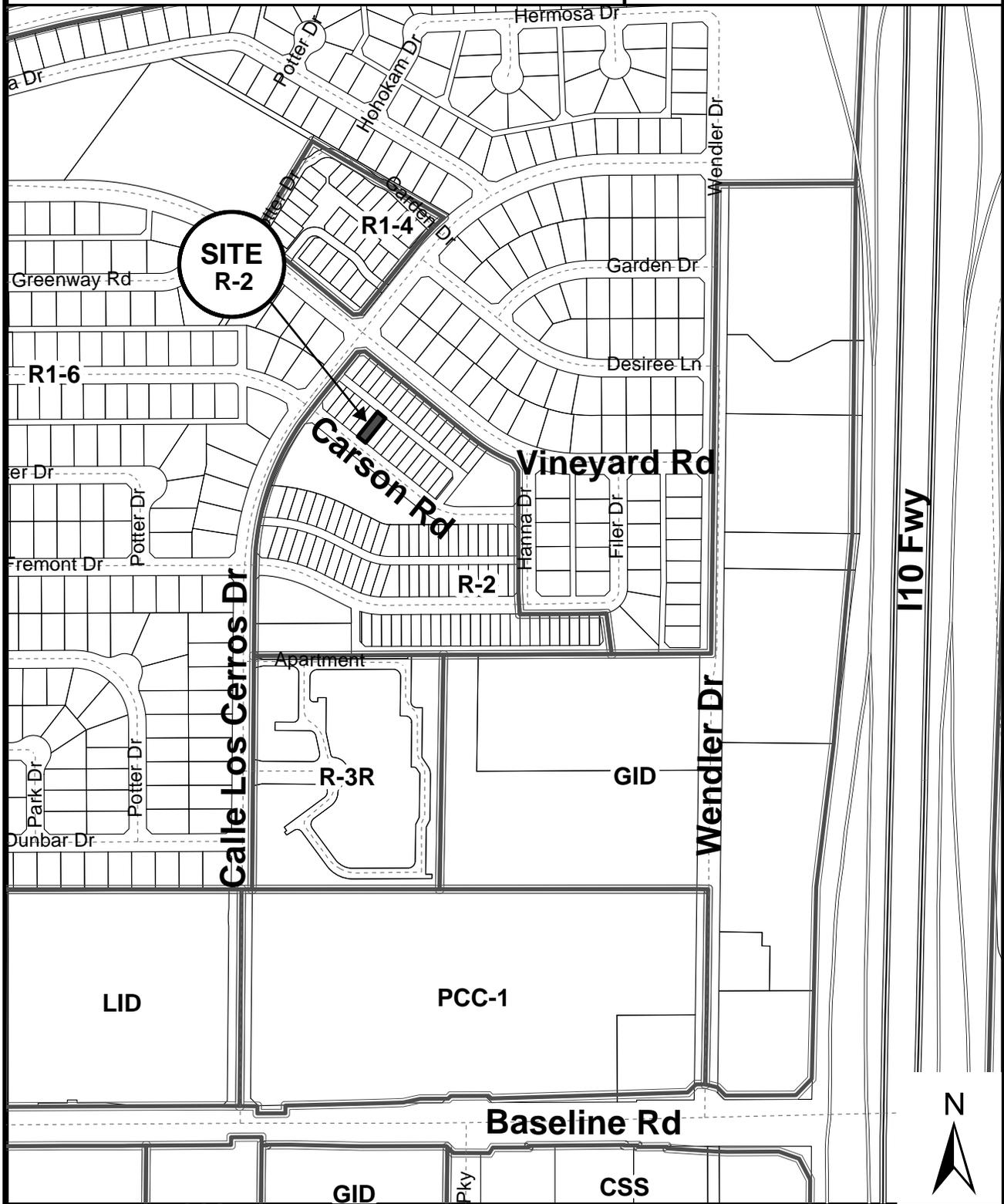
Staff recommends the authorization of abatement of this property.

HISTORY & FACTS: See attached memo from the Neighborhood Enhancement Division.

DESCRIPTION: Owner – Kathi LaFrance
Applicant – Brandy Zedlar, COT Neighborhood Enhancement
Existing zoning – R-2, Multi-Family Residential District
Lot area – 2,518 s.f. / .058 acres
Building area – 928 s.f.
Year of construction – 1974

LAFRANCE RESIDENCE

PL080285



Location Map



LAFRANCE RESIDENCE (PL080285)

DATE: 7/29/08
TO: Jan Koehn, Administrator
FROM: Brandy Zedlar
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE082687

LOCATION: 2330 W. Carson Dr., Tempe, AZ 85282
LEGAL: Book 123, Map 22, Parcel 290, as recorded with the Maricopa County Assessor
OWNER: Kathi K La France

FINDINGS:

2/26/08 – The Neighborhood Enhancement Division received a complaint on the above property concerning the deteriorated landscape and trash.

4/09/08 – The property was inspected and found weeds growing within the gravel landscape and piles of trash by the front door. A notice to comply was sent to the property owner.

4/16/08 – Notice to comply was returned.

4/29/08 – Notice to comply was resent to property owner at different address.

5/05/08 – Notice to comply was returned.

5/22/08 – Final notice to comply was posted to the property.

6/24/08 - The property was inspected with no change in its condition. Pictures were taken and a civil citation was issued.

7/11/08 – Ms. La France defaulted on civil citation #1380943.

7/24/08 – The property was inspected with no change in its condition. The Neighborhood Enhancement Division filed for an Abatement Hearing.

PROPERTY HISTORY:

10/25/07 – Complaint was received for trash and debris.

1/3/08 – Complaint was received for deteriorated landscape in the front yard and in the carport area.

RECOMMENDATIONS:

I recommend the approval for abatement at 2330 W. Carson Dr., which is owned by Ms. Kathi K La France. Ms. La France has been given ample time and opportunities to bring his property into compliance and has failed in every case. There has been no indication in Ms. La France actions that she plans on maintaining the property and keeping it in compliance.

Respectfully submitted,
Brandy Zedlar

ACTION TAKEN: Referred to Hearing Officer

NAME: Jan Koehn

DATE: 7/24/08



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: July 29, 2008

TO: Kathi K La France

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

LEGAL: Book 123, Map 22, Parcel 290, as recorded with the Maricopa County Assessor.

LOCATION: 2330 W. Carson 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 **September 2, 2008**. 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-3/8 which would include the removal of weeds and trash from the front 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 \$564.00. 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
6828 N. 25TH DR., #B
PHOENIX, AZ 85017
TEL: (602) 446-2630
FAX : (602) 347-5487

FAX COVER & PROPOSAL

FAXED TO THE FOLLOWING NUMBER(S) :480-858-2278

THE FOLLOWING DOCUMENT IS FOR:

NAME: BRADY

FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 2 PAGE(S)

DATE: 7/23/08

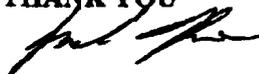
TIME: 12:45 A.M. P.M.

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE UNDER CONTRACT #T08-092-02.

ADDRESS: 2330 W. CARSON

1. CLEAN FRONT YARD & BACK CARPORT AREA	
12 MH @ 22.00	264.00
2. TEMPE POLICE OFFICER : 6 HRS @ 50.00	300.00
TOTAL COST FOR ABOVE ITEMS	\$564.00

THANK YOU

JACK HARRINGTON

ACCEPTANCE



Keith E. Russell
M.A.I.



Maricopa
County
Assessor

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Advanced Search Options

*Residential Similar Property Search

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 #: 123-22-290

Subdivision Name: KNOELL GARDEN VILLAS 1 AMD

MCR #: 16341

Lot #: 26

Property Address: 2330 W CARSON DR
TEMPE 85282

Property Description: KNOELL GARDEN VILLAS 1 AMD

Section Township Range: 32 1N 4E

Associated Parcel:

Owner Information

[View Tax Information](#)

Owner: LA FRANCE KATHI K

In Care Of:

Mailing Address: 2330 W CARSON DR
TEMPE AZ 85252 USA

Deed #: 880299873

Deed Date: 6/21/1988

Sales Price: n/a

Sales Date: n/a

Valuation Information

[View Similar Parcels](#)

Tax Year:	2009	2008	2007
Full Cash Value (FCV):	\$116,000	\$118,000	\$98,000
Limited Property Value (LPV):	\$96,891	\$88,083	\$78,110
Notice: The values displayed on this page may not reflect constitutional or statutory adjustments.			
Legal Class:	3	3	3
Assessment Ratio:	10.0%	10.0%	10.0%
Assessed FCV:	\$11,600	\$11,800	\$9,800
Assessed LPV:	\$9,689	\$8,808	\$7,811
Property Use Code:	0736	0736	0736
Tax Area Code:	031600	031600	031600

Additional Component Information (for this parcel)

[Valuation](#) [Characteristics](#)

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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

CASE #CE082687



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

Mailed on Date: 4/10/08

**Kathi LaFrance
2330 W. Carson Dr.
Tempe, AZ 85282**

This notice to comply is to inform you that on **4/09/08**, the property located at **2330 W. Carson 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 **4/25/08** 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:

(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

(1) Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city

Please take the following corrective action by: 4/25/08

Required Correction(s):

- 1. Please remove the weeds/grass growing within the gravel landscape by the front door and in the carport area.**
- 2. Please remove the trash and miscellaneous items around the front door area.**

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 # CE082687

City of Tempe Code Enforcement Division
Courtesy Notice
We need your help to keep our City clean

Notice was delivered to: Owner/Agent/ or Manager

Date: Mailed or Posted : 5/22/08

To: Ruthi La France OR
TENANT

* FINAL NOTICE !

This is a courtesy notice to inform you that on 5/22/08, 2330 W. CARSON 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. If the property is brought into compliance with the code by 6/12/08, you will not be subject to citations or fines for the violation(s). A re-inspection will be conducted on or after the date indicated to verify compliance. If the violations have not been corrected by this date and additional reinspections are necessary, you may be assessed a \$75.00 reinspection fee.

- 21-3 (b) (1): Filthy, littered, debris or trash covered exterior areas, including exterior areas under any roof area not enclosed by the walls, doors or windows of any building; including but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled.
- 21-3 (b) (2) : Exterior areas used or maintained as junkyards or dumping grounds.
- 21-3 (b) (3) : Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot.
- 21-3 (b) (4) : To leave or permit to remain outside of any single-family or multi-family dwelling or accessory building any camper, vehicle, or part thereof in any portion of the front or side area of the building visible from the street that is not on an improved area designed or intended for such use. An improved area shall extend to the street with a permanent border and the total area including driveways shall not exceed fifty percent (50%) of the front and side area.
- 21-3 (b) (6) : Excessive animal waste.
- 21-3 (b) (7) : Any object, building, tree, bush or vehicle that interferes with, obstructs, tends to obstruct, or renders dangerous the free passage, use or vision in the customary manner of any sidewalk, street or highway.
- 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.

Other _____

Please take the following corrective action by 6/12/08

-remove the weeds in the gravel landscape around the front door
-remove the bags of trash around the front door.

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.

Code Inspector Brandy Zedlar
CE21-1 Rev 07/02

Phone Number 480- 350-8623



