

# Staff Summary Report



Hearing Officer Hearing Date: October 7, 2008

Agenda Item Number: 11

**SUBJECT:** This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items at the **PORTER RESIDENCE (PL080330/ABT08026)** located at 1604 East Del Rio Drive.

**DOCUMENT NAME:** 20081007dsng02

**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 **PORTER RESIDENCE (PL080330/ABT08026)** (Sharon Porter, property owner) Complaint CE083249 located at 1604 East Del Rio Drive in the R1-6, Single Family Residential District.

**PREPARED BY:** Nick Graves, Planning Intern (480-350-8690)

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

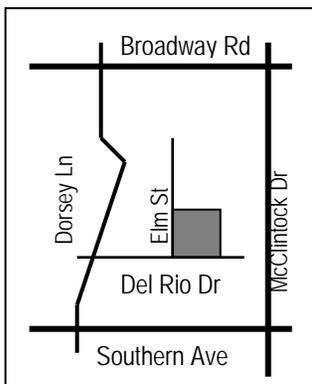
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**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval

**ADDITIONAL INFO:** The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the **PORTER RESIDENCE (PL080330/ABT08026)** (Sharon Porter, property owner) Complaint CE083249 located at 1604 East Del Rio Drive in the R1-6, Single Family Residential District. This residence is located in the Meyer Park Neighborhood, northwest of the intersection of Southern Avenue and McClintock Drive. The details of this case represent several months of correspondence for compliance with the property owner. Staff recommends authorizing 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
- 9-12. Neighborhood Enhancement Photos

**COMMENTS:**

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **PORTER RESIDENCE (PL080330/ABT08026)** (Sharon Porter, property owner) Complaint CE083249 located at 1604 East Del Rio Drive in the R1-6, Single Family Residential District. This residence is located in the Meyer Park Neighborhood, northwest of the intersection of Southern Avenue and McClintock Drive. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Julie Scofield, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

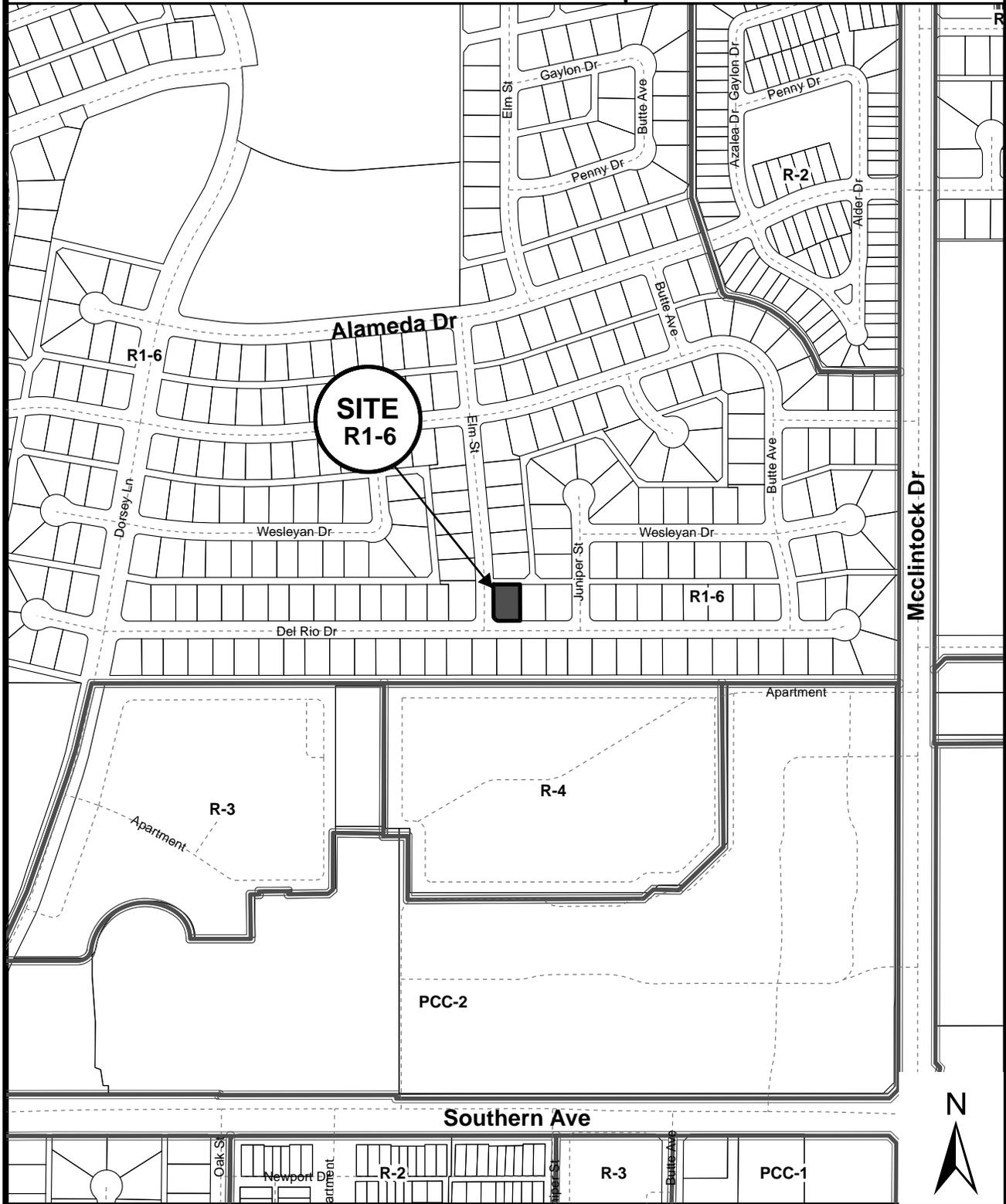
Staff recommends authorizing abatement of this property.

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

**DESCRIPTION:** Owner – Sharon Porter  
Applicant – Julie Scofield, COT Neighborhood Enhancement  
Existing zoning – R1-6, Single Family Residential District  
Lot area – 7,678 s.f. / .18 acres  
Building area – 1,709 s.f.  
Year of structure – 1968

**PORTER RESIDENCE**

**PL080330**



**Location Map**



**PORTER RESIDENCE (PL080330)**

**DATE:** 9/3/08  
**TO:** Mike Spencer, Senior Code Enforcement Inspector  
**FROM:** Julie Scofield, Code Inspector II  
**SUBJECT:** Request to Abate Nuisance Violations- Reference Complaint  
#CE083249

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**LOCATION:** 1604 E. Del Rio Dr. Tempe, AZ 85282  
**LEGAL:** Book 133, Map 33, Parcel 235, as recorded with the Maricopa County Assessor  
**OWNER:** Sharon C. Porter  
1604 E. Del Rio Dr.  
Tempe, AZ 85282

**FINDINGS:**

- 4/17/08 The Neighborhood Enhancement Department received a complaint for the back yard of the above property for deteriorated landscaping, junk and debris, and a deteriorated fence.
- 4/21/08 The property was inspected. Violations in the back yard included over height grass, dead plants/bushes, excessive dead palm tree fronds, dead trees, dead limbs on trees, and the fence has a slat missing. A courtesy notice was sent to the owner Sharon Porter to request compliance for the violations.
- 5/01/08 Received a call from the owner requesting an extension of two weeks. The extension was granted.
- 5/16/08 Received another call from the owner. She mentioned she was busy with some family issues and was not able to correct the violations. She requested another extension.
- 6/09/08 Reinspected the property. There has been no change in the condition of the landscaping in the back yard. I talked to the owner and explained that I was going on vacation. If the violations still existed by the 30<sup>th</sup> of June, I would have to issue the first citation.
- 7/07/08 Reinspected the property. There has been no change in the condition of the landscaping in the back yard. The first citation (#1413066) was issued. Pictures were taken.

- 7/28/08 Reinspected the property. There has been little change. The grass and weeds were cut down. The second citation (#1413070) was issued. Pictures were taken.
- 8/04/08 Received a call from the owner. Sharon Porter stated she was hiring someone to clean up the back yard.
- 8/15/08 Received another call from Sharon Porter. She stated the palm trees had been removed, but nothing else had been done.
- 8/21/08 Reinspected the property. The palm trees were cut down and removed. The remaining landscaping violations had not been corrected.
- 8/22/08 An estimate was requested from Jack Harrington to abate the property. Received the estimate for the abatement of the property in the amount of \$1104.00
- 9/03/08 Submitted the application for the abatement of this property.

**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violation of deteriorated landscape be done at the property of 1604 E. Del Rio Dr. due to Sharon Porters failure to come fully into compliance with Tempe City Codes. Sharon Porter has paid for both of the citations that were issued but still has neglected to come into compliance. She has been given ample time to come into compliance and maintain the property.

Respectfully submitted,

Julie Scofield

ACTION TAKEN: Submitted

NAME: 

DATE: 9-3-08



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

Neighborhood Enhancement Department

## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 9/3/08

TO:

SHARON PORTER  
1604 E. DEL RIO DR.  
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: Book 133, Map 33 Parcel 235, as recorded with the Maricopa County Assessor.**

**LOCATION: 1604 E. DEL RIO 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 10/7/08. We are requesting Hearing Officer Authorization to abate this public nuisance codes in accordance with Section 21-53 of the Tempe City Code by removal and repair of: The removal of dead bushes or plants, trimming off dead limbs from trees, and cutting over height grass and or weeds located in the back of the property. TCC 21-3-B-8 which prohibits landscaping that is dead, overheight, damaged, or presents a deteriorated or slum-like appearance.**

**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 \$1104.00. 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: Julie Scofield

Phone Number 480-350-8951

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: JUDY  
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 2 PAGE(S)

DATE: 8/23/08 TIME: 12:58 A.M. P.M.

**PROPOSAL**  
WE PROPOSE TO DO THE FOLLOWING WORK AT  
ADDRESS: 1604 E. DEL RIO DR. TEMPE, AZ.

1. MOW AND REMOVE WEEDS & DEBIS FROM BACK YARD 32 MH @ \$22./ HR.	\$ 704.00
3. TEMPE POLICE OFFICER 8 HRS @ \$50.00/HR	400.00
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TOTAL COST FOR ABOVE IDEMS	\$ 1104.00

THANK YOU  
  
JACK HARRINGTON

ACCEPTANCE  
\_\_\_\_\_

CASE #CE083249



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

Mailed on Date: 4/22/08

**HARRY/SHARON PORTER  
1604 E. DEL RIO DR.  
TEMPE, AZ 85282**

This notice to comply is to inform you that on 4/21/08, the property located at 1604 E. DEL RIO 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 5/5/08 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).

**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;

***Deteriorated or deterioration*** means a lowering in quality of the condition or appearance of a building, structure or premises, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, damage or lack of maintenance.

***Slum-like*** means a building, structure or premises characterized by deterioration or other similar conditions regardless of the condition of other properties in the neighborhood.

**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;

**Please take the following corrective action by: 5/5/08**

**Required Correction(s):**

1. PLEASE CUT ALL OVERHEIGHT GRASS AND OR WEEDS IN THE BACK YARD OF THE PROPERTY.
2. PLEASE TRIM OFF AND PROPERLY DISCARD ANY DEAD PALM TREE FRONDS FROM THE PALM TREES IN THE BACK OF THE PROPERTY.
3. PLEASE CUT DOWN TO GROUND LEVEL OR REMOVE THE DEAD TREES LOCATED IN THE BACK OF THE PROPERTY.
4. PLEASE TRIM OFF ANY DEAD TREE LIMBS FROM THE TREES IN THE BACK OF THE PROPERTY.
5. PLEASE REMOVE AND OR DISCARD ANY ITEMS IN THE BACK OF THE PROPERTY THAT IS NOT INTENDED FOR EXTERIOR USE OR THAT IS BROKEN OR UNUSABLE.
6. PLEASE REPLACE THE MISSING BOARD FROM THE GATE IN THE BACK OF THE PROPERTY FACING THE ALLEY.
7. PLEASE MAINTAIN THE LANDSCAPING.

***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: 1<sup>st</sup> occurrence \$150 dollars per violation, 2<sup>nd</sup> occurrence \$250 dollars per violation, 3<sup>rd</sup> occurrence \$350 dollars per violation.

Section 21-3, Enumerated Violations subsections (b) 9-16: 1<sup>st</sup> occurrence \$350 dollars per violation, 2<sup>nd</sup> occurrence \$650 dollars per violation, 3<sup>rd</sup> occurrence \$950 dollars per violation.

Section 21-4 (B), Habitual Offender: 1<sup>st</sup> occurrence \$500 dollars + sum of other fines, 2<sup>nd</sup> occurrence \$1000 dollars + sum of other fines, 3<sup>rd</sup> 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: JULIE SCOFIELD**

**Phone Number: 480-350-8951**

**E-mail: JULIE\_SCOFIELD@TEMPE.GOV**







