Staff Summary Report

Hearing Officer Hearing Date: **9/06/11** **Agenda Item Number:** **5**

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Simpson Property located at 1714 South Parkside Drive.

DOCUMENT NAME: 20110906cdsl05 **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 **SIMPSON PROPERTY (PL110295 /ABT11034 /CE111879)** (Shawn Daffara, Inspector; Delores Simpson, property owner) located at 1714 South Parkside 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

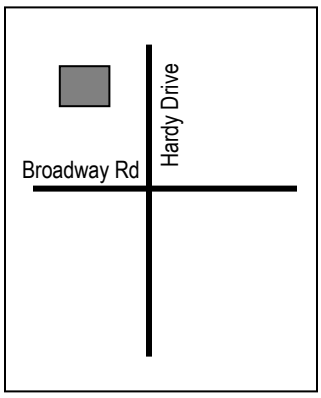
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: $1943.00 for abatement request, including deteriorated landscape, dead trees, trash, litter and inoperable vehicles.

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

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Simpson Property located at 1714 South Parkside 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 111879: deteriorated landscape, trash & debris, dead trees, inoperable vehicles.

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

3-16. Code Compliance Report & Photographs

COMMENTS:

Code Compliance is requesting approval to abate the Simpson Property located at 1714 South Parkside 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 for deteriorated landscape, dead trees, trash, litter and inoperable vehicles.

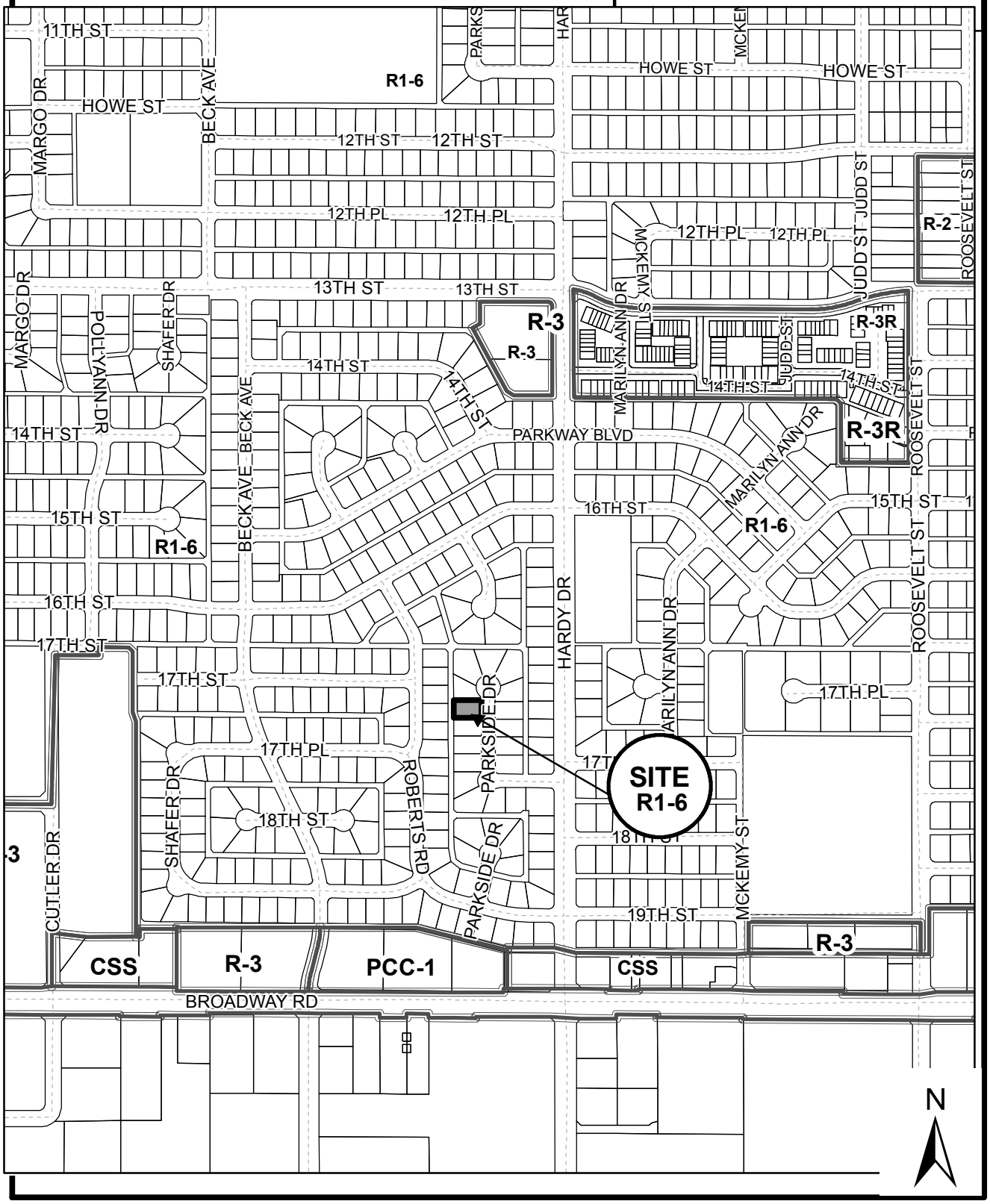
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code. Due to the history of recidivism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

Tempe

SIMPSON PROPERTY

PL110295



Location Map

SIMPSON PROPERTY (PL110295)

DATE: 08/04/2011

TO: Jeff Tamulevich, Code Enforcement Manager

FROM: Shawn Daffara, Code Inspector II

SUBJECT: Request to Abate Nuisance and Zoning Violations

LOCATION: 1714 South Parkside Drive. Tempe, AZ 85282

LEGAL: Book 124, Map 73, Parcel 114, as recorded with the Maricopa County Assessor

OWNER: DELORES ANN SIMPSON (PROPERTY OWNER)
1714 S. PARKSIDE DR.
TEMPE, AZ 85282

DAVID WHISLER (TENANT)
1714 S. PARKSIDE DR.
TEMPE, AZ 85282

CE111879-FINDINGS:

05/27/11 The Neighborhood Enhancement Department received a complaint for the above property for deteriorated landscaping, dead trees, dead limbs, junk/debris in front carport, side and backyards, and inoperable vehicles.

06/07/11 Inspected the property. Junk/debris, litter, trash in front carport, side yard, and some misc. junk/debris in backyard. Three (3) inoperable vehicles in driveway and carport with flat tires. Cream Jeep (AZ) HCB-616, motorcycle (AZ) JLH1, and second motorcycle (no plate), all vehicles have flat tires. One (1) inoperable vehicle in backyard not screened. Backyard fence is a chain link fence. Backyard has high grass and weeds, dead trees and landscape debris. Sent first notice to owner and tenant.

06/21/11 No changes on site. Final Notice sent to owner and tenant.

07/06/11 No changes on site. No contact from the owner Delores Simpson or the tenant David Whisler. I spoke with a neighbor and they said David Whisler lives at the property, they see him around at night. They had no idea where Delores Simpson lives. I left my business card on front door.

07/08/11 Went back to property my business card has been removed. While inspecting property, David Whisler shows up on his bike. David said he lives at the property for last 12 years. I asked if he had received correction notices and he said he thought it was City of Tempe junk mail and through them in the trash. I asked him for contact information for Delores Simpson, he said he had no idea where she is at, and he hasn't spoken to the owner in several years. He said he would like to avoid a citation and said he will have property cleaned up in one week.

07/21/11	No change on site, no progress. Citation issued to David Whisler, posted to front door.
08/04/11	No change on site. Will start the abatement process.
08/08/11	Abatement notice posted to front door of property.

COMPLAINT HISTORY:

CE050837	02/10/05	Complaint for over height grass and weeds.
CE055553	12/02/05	Complaint for an inoperable vehicle.
CE066794	12/14/06	Complaint for deteriorated landscape, dead tree limbs, and tree debris
CE072657	05/23/07	Complaint for over height grass and weeds.
CE083032	04/11/08	Complaint for high grass and weeds, dead trees, inoperable vehicles and no address numbers.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violation be done at the property 1714 South Parkside Drive due to owner Delores Simpson and tenant David Whisler failure to come into compliance with Tempe City Codes. Both parties has been given ample time in previous cases to come into compliance and maintain the property. There has been no indication that they plan on coming into compliance. I request approval for a 6 month, 180 day open Abatement period to correct the violations, due to the past history of code violations and owner and tenant lack of response in correcting these violations.

Respectfully subrnitted,

Shawn Daffara

ACTION TAKEN: SUBMIT

NAME

DATE: 8 · 8 · 11

COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

06-08-2011

SIMPSON DELORES ANN
1714 S. PARKSIDE DR
TEMPE, AZ 85282

Case#: CE111879
Site Address: 1714 S PARKSIDE DR. TEMPE, AZ

SITE REINSPECTION ON OR AFTER: 06/21/2011

This is a notice to inform you that this site was inspected on 06/07/2011 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.

SECTION	VIOLATION
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas
CC 21-3.b.3	An inoperable vehicle or parts thereof outside of or under a roof area not enclosed
CC 21-3.b.3	An unregistered vehicle outside of or under a roof area not enclosed
CC 21-3.b.8	Landscaping that is substantially dead damaged or characterized by uncontrolled growth

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.1	Please remove trash, litter, and landscape debris from property
CC 21-3.b.3	All vehicles in front of property including carport must be operable and have current registration.
CC 21-3.b.8	Please cut all high grass and weeds on your property. Please remove dead trees and tree debris from property.

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

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 $270 per violation, 3rd occurrence $370 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence $270 per violation, 2nd occurrence $470 per violation, 3rd occurrence $670 per violation | Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence $370 per violation, 2nd occurrence $670 per violation, 3rd occurrence $970 per violation. | Section 21-25: $1020 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 $520 in addition to other fines, 2nd occurrence $1020 in addition to other fines, 3rd occurrence, $1520 in addition to other fines. | Zoning and Development Code: 1st occurrence $140 per violation, 2nd occurrence $390 per violation, 3rd occurrence $790 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

06-21-2011

SIMPSON DELORES ANN
1714 S. PARKSIDE DR.
TEMPE, AZ 85281

Case#: CE111879
Site Address: 1714 S PARKSIDE DR. TEMPE, AZ

SITE REINSPECTION ON OR AFTER: 07/06/2011

This is a notice to inform you that this site was inspected on 06/07/11, 6/21/11 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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This will be Final Notice. If violations are not corrected a citation and fine will be issued.

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

06-08-2011

DAVID WHISLER
1714 S. PARKSIDE DR.
TEMPE, AZ 85281

Case#: CE111879
Site Address: 1714 S PARKSIDE DR. TEMPE, AZ

SITE REINSPECTION ON OR AFTER: 06/21/2011

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06-21-2011

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Tempe

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

Neighborhood Enhancement Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: August 4, 2011

TO: DELORES ANN SIMPSON (PROPERTY OWNER)
1714 S. PARKSIDE DR.
TEMPE, AZ 85282

DAVID WHISLER (TENANT)
1714 S. PARKSIDE DR.
TEMPE, AZ 85282

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations **CE103870** on the following described property:

LEGAL: **Book 124, Map 73, Parcel 114, as recorded with the Maricopa County Assessor.**

LOCATION: **1714 S. Parkside 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 6, 2011, at 1:30 pm. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal or repair of:

- **REMOVAL OF ALL OVER HEIGHT GRASS/WEEDS, LANDSCAPE DEBRIS AND DEAD TREES, ON THE PROPERTY THAT ARE IN VIOLATION OF TEMPE CITY CODE 21-3-B-8.**
- **REMOVAL OF ALL LITTER, JUNK/DEBRIS ON THE PROPERTY THAT IS IN VIOLATION OF TEMPE CITY CODE 21-3-B-1.**
- **REMOVAL OF ALL INOPERABLE/UNREGISTERED VEHICLES THAT ARE IN VIOLATION OF TEMPE CITY CODE 21-3-B-3.**

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 $1,943.00. 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 Inspector: Shawn Daffara
Phone Number: 480-858-2284
E-mail: Shawn_Daffara@Tempe.gov

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 TRANSMISSION MEMORANDUM PLUS __0__ PAGE(S)

DATE: 8-6-11

PROPOSAL

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

ADDRESS: 1714 S PARKSIDE TEMPE, AZ.

1.	MOW AND REMOVE WEEDS & DEBRIS FROM FRONT& BACK YARDS AND TRIM TREE&BRUSHES 36 M.H. @ $22.00/HR.	$792.00
2.	8- LOADS @ $40/LOAD	320.00
3.	3 VEHICLE REMOVE FROM PROPERTY	375.00
4.	POLICE OFFICER 8 HOUR	456.00

TOTAL COST FOR JOB		$1943.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

_____

ATTACHMENT 11

ATTACHMENT 12

JUL
ARIZONA
AZ
02
HCB 616
GRAND CANYON STATE

HCB 616

ATTACHMENT 16