

Staff Summary Report



Hearing Officer Hearing Date: 8/02/11

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Thames Property located at 2135 East Oxford Drive.

DOCUMENT NAME: 20110802cdng05 **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 **THAMES PROPERTY (PL110256 /ABT11027 /CE111655)** (Jack Scofield, Inspector; Kristi Thames, property owner) located at 2135 East Oxford Drive in the R1-6, Single Family Residential District.

PREPARED BY: Nick Graves, Planner (480-350-8690)

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

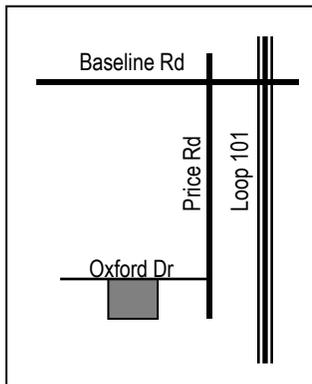
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$568.00 for abatement request, including landscape cleanup.

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

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Thames Property located at 2135 East Oxford 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 CE111655: deteriorated landscape and weeds in the front and side yards.

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
- 3-10. Code Compliance Report & Photographs

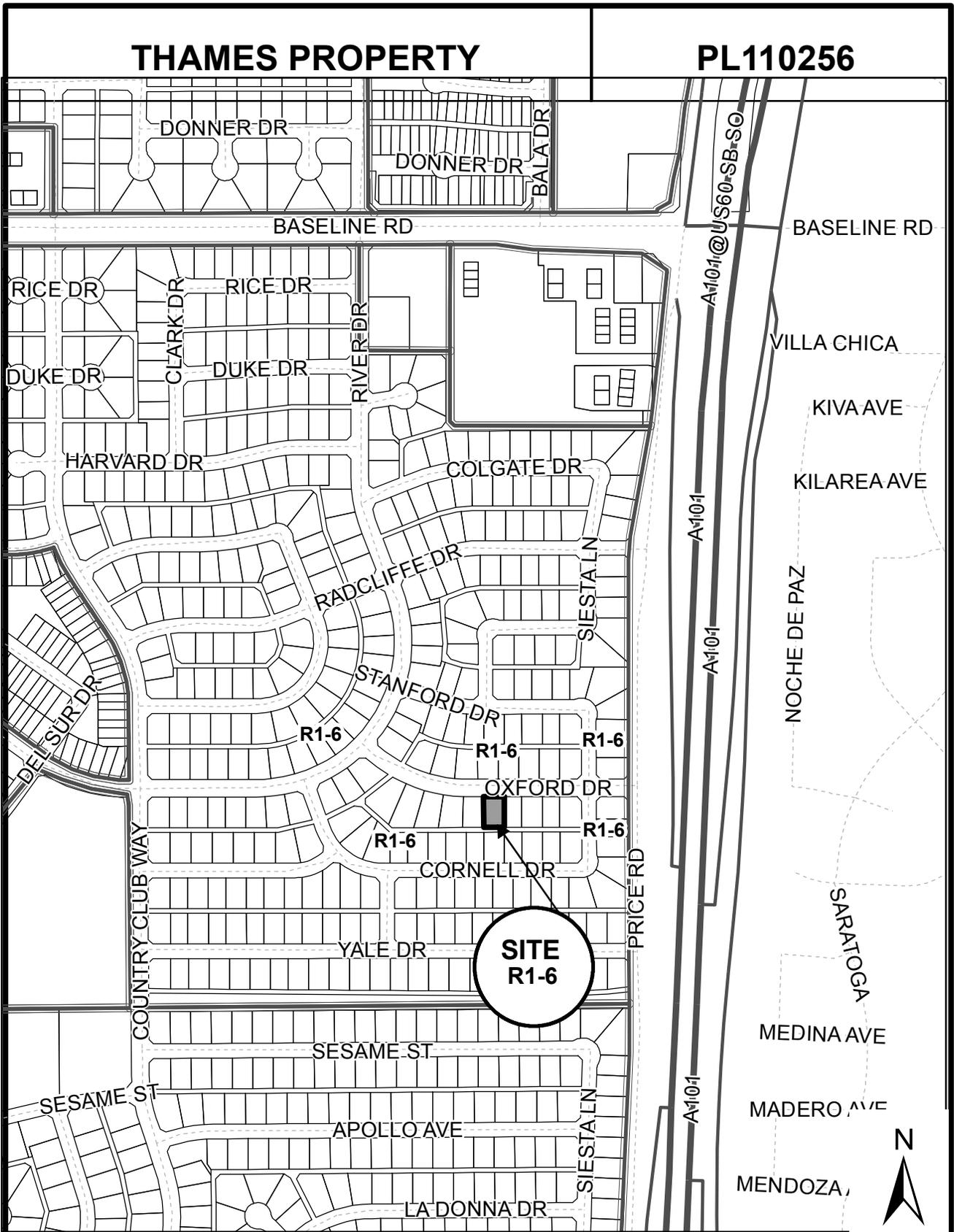
COMMENTS:

Code Compliance is requesting approval to abate the Thames Property located at 2135 East Oxford Drive in the R1-6, Single Family Residential District. This case was initiated May 2011 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.

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.



Location Map

Oxford Dr



THAMES PROPERTY (PL110256)

DATE: June 30, 2011
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Jack Scofield, Code Inspector
SUBJECT: CE11655, Thames Property Abatement

LOCATION: 2135 E OXFORD DR TEMPE, AZ 85283

LEGAL: KNOELL TEMPE UNIT 6

PARCEL: 305-01-156

OWNER: THAMES KRISTI
7815 E OBISPO AVE
MESA, AZ 85212

FINDINGS:

5/9/2011 The Code Compliance Division received a complaint concerning deteriorated landscape in the front and side yards.

5/10/2011 Inspected property and found grass and weeds growing in the gravel areas of the front and side yards. Notice to comply mailed to property owner.

5/24/2011 Final notice to comply mailed to property owner.

6/14/11 Civil citation issued.

6/29/2011 Property failed to appear for court.

6/30/2011 Posted notice of intent to abate to property and mailed copy to property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 2135 E Oxford Dr. due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8. Ms. Thames has been given ample time to come into compliance and maintain the property. The property owner has failed to appear for court concerning these violations. There has been no indication that the property owner will bring the property into compliance. The property represents a health hazard and an eyesore to the community.

Without the intervention of abatement the property will continue to deteriorate. I therefore make a request to the City of Tempe Community Development Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Respectfully submitted,

Jack Scofield
Code Inspector II

ACTION TAKEN: SUBMIT
NAME: [Signature]
DATE: 6.30.11



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

5/10/11

THAMES KRISTI
7815 E OBISPO AVE
MESA, AZ 85212

Case#: CE111655
Site Address: 2135 E OXFORD DR TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 05/24/2011

This is a notice to inform you that this site was inspected on 5/10/11 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.

VIOLATION SECTION:

Violation of City of Tempe Code 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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. REMOVE GRASS AND WEEDS FROM GRAVEL AREAS OF THE FRONT AND SIDE YARDS.**

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

**Jack Scofield
Code Inspector II
E-Mail**

**Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_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 \$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**

5/24/11

THAMES KRISTI
7815 E OBISPO AVE
MESA, AZ 85212

Case#: CE111655
Site Address: 2135 E OXFORD DR TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 06/07/2011

This is a notice to inform you that this site was inspected on 5/24/11 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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PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. REMOVE GRASS AND WEEDS FROM GRAVEL AREAS OF THE FRONT AND SIDE YARDS.**

CORRECTIVE ACTION MUST BE COMPLETED OR A \$170.00 CITATION WILL BE ISSUED.

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

**Jack Scofield
Code Inspector II
E-Mail**

**Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@tempe.gov**

Civil and Criminal Penalties

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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1442805		Case Number		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident <input type="checkbox"/> Fatality <input type="checkbox"/> Commercial		<input type="checkbox"/> 16 Passenger Vehicle <input type="checkbox"/> Haz. Material					
Driver's License No.				DLP <input type="checkbox"/>		State		Class		Endorsements M H N P T X D		Incident Report Number CE111655					
Defendant		Name (First, Middle, Last) Kristi Thames										Juvenile					
Residence Address, City, State, Zip Code 7815 E 06.5po Ave Mesa, AZ 85212										Residence Phone No. ()							
Sex	Height	Weight	Eyes	Hair	Origin	Date of Blrth	Restrictions										
Business Address, City, State, Zip Code										Business Phone No. ()							
Vehicle		Color		Year		Make		Model		Style		License Plate		State		Expiration Date	
Registered owner & address, City, State, Zip Code										Vehicle Identification Number							
The Undersigned Certifies That:																	
On	Month 06	Day 14	Year 2011	Time 1000	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Speed		Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace		Direction of Travel				
At	Location 2135 E Oxford Dr.									<input checked="" type="checkbox"/> Tempe <input type="checkbox"/> State of Arizona		Area	Dist.				
The Defendant Committed the Following:																	
A	Section: CC 21-3 B 8			ARS CC		Violation: Deteriorated landscape		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input checked="" type="checkbox"/> Municipal Code					
	Docket Number			Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense		MVD					
B	Section:			ARS CC		Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code					
	Docket Number			Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense		MVD					
C	Section:			ARS CC		Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code					
	Docket Number			Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense		MVD					
D	Section:			ARS CC		Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code					
	Docket Number			Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense		MVD					
E	Section:			ARS CC		Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code					
	Docket Number			Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense		MVD					
You must appear on the date and time indicated at:		Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753			<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor		Date: 06/28/2011		Time: Between 9AM & 4PM								
		<input type="checkbox"/> Court			<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor		Date: _____		Time: _____		<input type="checkbox"/> AM <input type="checkbox"/> PM		Court No. _____				
Court Address, City, State, Zip Code																	
Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.										Victim? <input type="checkbox"/>		Victim Notified? <input type="checkbox"/>					
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.										I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.							
X										Complainant <i>[Signature]</i>		PSN 70003					
Comments: Juvenile Notification: Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials _____																	
Date issued if not violation date _____																	

COMPLAINT



1442805

CASE # CE111655



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 6/30/11

**THAMES KRISTI
7815 E OBISPO AVE
MESA, AZ 85212**

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

Legal: KNOELL TEMPE UNIT 6
Location: 2135 E OXFORD DR TEMPE, AZ 85283
Parcel: 305-01-156

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of **08/02/2011**. 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:

1. REMOVE GRASS AND WEEDS FROM GRAVEL AREAS OF THE FRONT AND SIDE YARDS.

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 **\$568.00**. 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: Jack Scofield
Phone Number: (480)350-8967
E-mail: jack_scofield@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: JACK
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 6-8-11

PROPOSAL

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

ADDRESS: 2135 E OXFORD TEMPE, AZ.

1. MOW AND REMOVE WEEDS & DEBRIS FROM FRONT& BACK YARDS 24 M.H. @ \$22.00/HR.	\$528.00
2. 1 LOADS @ \$40/LOAD	40.00 -----
TOTAL COST FOR JOB	\$ 568.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

