

Staff Summary Report



Hearing Officer Hearing Date: March 17, 2009

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items located at the **THOMAS RESIDENCE** located at 1117 West Second Street.

DOCUMENT NAME: 20090317dsng02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items in violation of the Tempe City Code for the **THOMAS RESIDENCE (PL090067/ABT09003)** (Paul Thomas, property owner) Complaint CE087492 located at 1117 West Second Street 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)

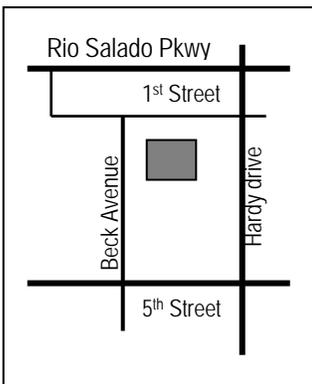
A handwritten signature in black ink, appearing to read 'SEA'.

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 **THOMAS RESIDENCE (PL090067/ABT09003)** (Paul Thomas, property owner) Complaint CE087492 located at 1117 West Second Street in the R1-6, Single Family Residential District. This residence is located southwest of Rio Salado Parkway and Hardy Drive. 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. To date, staff has received no public input on this case.



PAGES:

1. List of Attachments
2. Comments; History & Facts/Description

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-8. Neighborhood Enhancement Report
9. Neighborhood Enhancement Photo

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **THOMAS RESIDENCE (PL090067/ABT09003)** (Paul Thomas, property owner) Complaint CE087492 located at 1117 West Second Street in the R1-6, Single Family Residential District. This residence is located southwest of Rio Salado Parkway and Hardy 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 Andres Lara, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

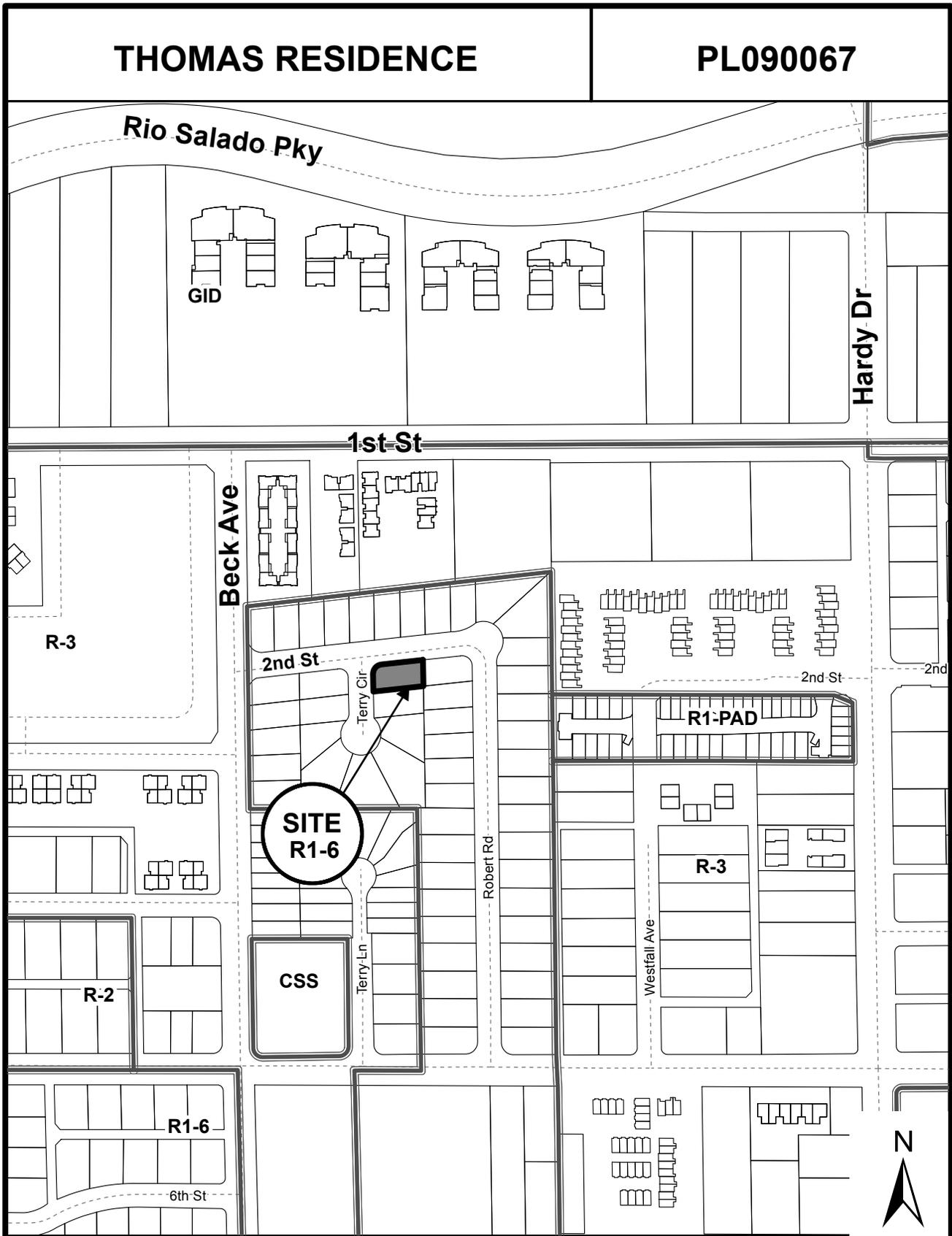
Staff recommends the authorization of abatement of this property.

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

DESCRIPTION: Owner – Paul Thomas
Applicant – Andres Lara, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 5,631 s.f. / .13 acres
Building area – 912 s.f.
Year of construction – 1955

THOMAS RESIDENCE

PL090067



Location Map



THOMAS RESIDENCE (PL090067)



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: February 13, 2009

TO: Paul J. Thomas
1117 W 2nd St.
Tempe, AZ 85281

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

LEGAL: Book 124, Map 29, Parcel 061, as recorded with the Maricopa County Assessor.

LOCATION: 1117 W 2nd St. Tempe, AZ 85281

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of March 17, 2009. 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:

An inoperable or unregistered vehicle (Ref - TCC 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 \$285.00. 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: Andres Lara

Phone Number 480-858-2289

DATE: 02/13/2009
TO: Jan Koehn, Code Compliance Manager
FROM: Andres Lara
SUBJECT: Paul J. Thomas Property Abatement

LOCATION: 1117 W 2nd St, Tempe, AZ 85281

LEGAL: Book 124, Map 29, Parcel 061, as recorded with the Maricopa County Assessor

OWNER: Paul J. Thomas
1117 W 2nd St.
Tempe, AZ 85281

FINDINGS:

10/28/2008 Observed an inoperable or unregistered truck with one flat tire parked in the west side parking lot area. Notice to comply mailed.

11/12/2008 The same inoperable or unregistered truck with one flat tire remained. Final notice to comply mailed.

12/01/2008 Truck flat tire inflated but remained inoperable or unregistered.

12/15/2008 Truck not registered. First citation issued.

12/30/2008 Owner failed to appear in court to pay or appeal. Truck remained inoperable or unregistered. Second citation issued.

01/15/2009 Owner failed to appear in court to pay or appeal on the second citation issued. Inoperable or unregistered truck parked in the same spot.

02/11/2009 Same inoperable or unregistered truck parked in the west side parking lot area.

02/13/2009 Notice of abatement posted and mailed to the owner.

HISTORY:

03/29/2002 – 04/01/2002 Garbage on sidewalk. Junk, debris and a refrigerator.

10/13/2003 – 12/18/2003 Junk vehicles.

RECOMMENDATIONS:

Two notices and two citations have been issued to the property owner Paul J. Thomas concerning the inoperable or unregistered truck parked at the residence with minimum response. Paul J. Thomas has failed to correct the violation and staff feels that the only solution to rectify the problems at the residence is to conduct an abatement of the property. I therefore request the City of Tempe Development Services Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,
Andres Lara
City of Tempe Code Inspector

JACK HARRINGTON
6828 N. 25TH DR., #B
PHOENIX, AZ 85017
TEL: (602) 446-2630
FAX : (602) 347-5487
EMAIL: JACKHBOARDUPS@YAHOO.COM
FAX COVER & PROPOSAL

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

THE FOLLOWING DOCUMENT IS FOR:

NAME: ANDREAS

FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS PAGE(S)

DATE: 2/12/09 TIME: 10:15 A.M. P.M.

PROPOSAL

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

ADDRESS: 1117 W. 2ND ST. TEMPE

1. REMOVE VEHICLE FROM VEHICLE	\$135.00
2. TEMPE POLICE OFFICER 3 HRS @ \$50./HR	<u>\$150.00</u>
TOTAL	\$285.00

THANK YOU

JACK HARRINGTON

ACCEPTANCE

CASE #CE087492



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

Mailed on Date: 10/28/08

**Paul Thomas
1117 W 2nd St
Tempe, AZ 85281**

This notice to comply is to inform you that on **10/28/08**, the property located at **1117 W 2nd St.** 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 **11/12/08** 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-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, except the safe and neat keeping of:

- a. **Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building;**

Please take the following corrective action by: 11/12/08

Required Correction(s):

Please register and fix the flat tire or remove to the red Chevrolet pick-up truck license plate (GNE123) with expired tags 08/04 parked in the west side parking lot 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.

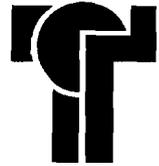
The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of this chapter.

Code Inspector: Andres Lara

Phone Number: 480-858-2289

E-mail: andres_lara-reyes@tempe.gov

CASE #CE087492



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

Mailed on Date: 12/01/08

**Paul Thomas
1117 W 2nd St
Tempe, AZ 85281**

This notice to comply is to inform you that on **12/01/08**, the property located at **1117 W 2nd St.** 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 **12/15/08** 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-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.

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.

Please take the following corrective action by: 12/15/08

Required Correction(s):

- 1. Please register or remove to the red Chevrolet pick-up truck license plate (GNE123) with expired tags 08/04 parked in the west side parking lot area.**
- 2. Please remove all over height grass or weeds behind the back yard fence half way up into the alley.**

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

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Code Inspector: Andres Lara

Phone Number: 480-858-2289

E-mail: andres_lara-reyes@tempe.gov

