Staff Summary Report

Tempe

Hearing Officer Hearing Date: October 2, 2007 Agenda Item Number: 10

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items located at the BARRIGA RESIDENCE located at 1139 East Weber Drive.

DOCUMENT NAME: 20071002dsjc04 PLANNNED 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 BARRIGA RESIDENCE (PL070396/ABT07026) (Miguel & Hilda Barriga, property owners) Complaint CE072943 located at 1139 East Weber Drive in the R-2, Multi-Family Residential District.

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

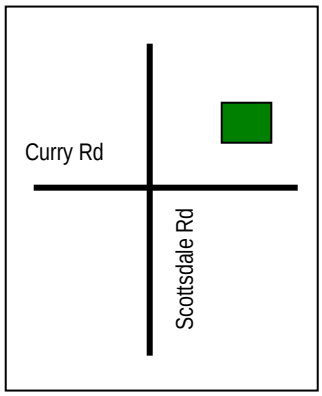
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) SEA

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 BARRIGA RESIDENCE (PL070396/ABT07026) (Miguel & Hilda Barriga, property owners) Complaint CE072943 located at 1139 East Weber 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. Staff recommends the authorization of abatement of this property.



PAGES:	1.	List of Attachments
	2.	Comments; History & Facts/Description
ATTACHMENTS:	1.	Location Map(s)
	2.	Aerial Photo(s)
	3-11.	Neighborhood Enhancement Report

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the BARRIGA RESIDENCE (PL070396/ABT07026) (Miguel & Hilda Barriga, property owners) Complaint CE072943 located at 1139 East Weber 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 Andres Lara, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

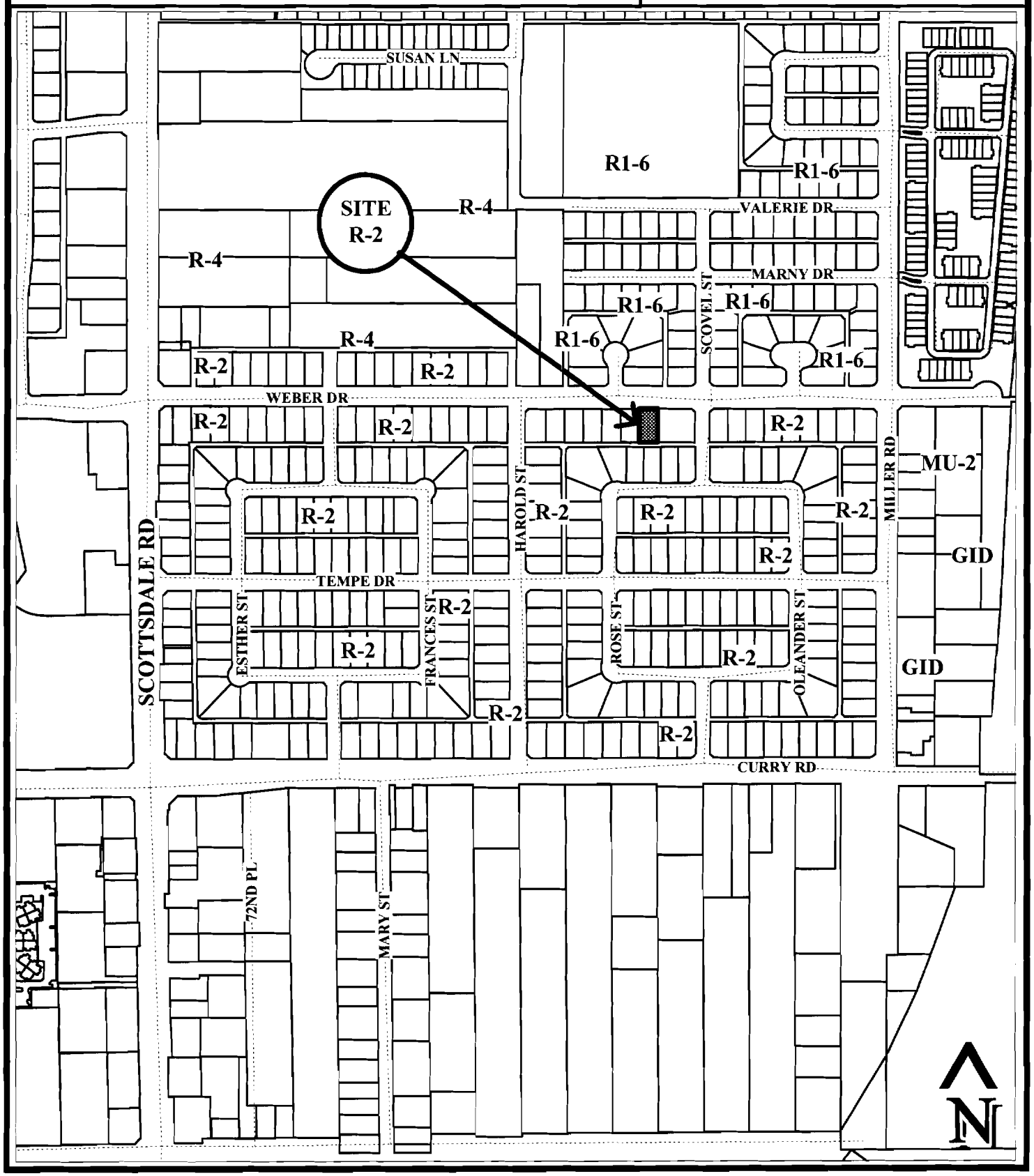
Staff recommends the authorization of abatement of this property.

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

DESCRIPTION:
Owner – Miguel & Hilda Barriga
Applicant – Andres Lara, COT Neighborhood Enhancement
Existing zoning – R-2, Multi Family Residential District
Lot area – 7,576 s.f. / .17 acres
Building area – 945 s.f.
Year of construction – 1959

Tempe

BARRIGA RESIDENCE	PL070396



Location Map

ATTACHMENT 1

BARRIGA RESIDENCE (PL070396/ABT07026)

DATE: 08/23/2007

TO: Jan Koehn, Code Compliance Manager

FROM: Andres Lara

SUBJECT: Miguel and Hilda Barriga Property Abatement

LOCATION: 1139 E Weber Dr, Tempe, AZ 85281

LEGAL: Book 132, Map 13, Parcel 015, as recorded with the Maricopa County Assessor

OWNER: Miguel and Hilda Barriga
1139 E Weber Dr.
Tempe, AZ 85281

FINDINGS:

06/06/2007 First inspection of the property was conducted and the following items were noted; trash, litter, debris, vehicle parts, engine puller, vehicle batteries and a used evaporative cooler in the front yard and porch. Courtesy notice was sent to the owner.

06/20/2007 Property was inspected with no change in its condition. Second and final notice was sent to the owner.

07/06/2007 No change in the condition of the property. Photos taken and first citation issued to Miguel Barriga for trash, litter and debris.

07/24/2007 Miguel Barriga failed to appear and fine was imposed by court.

07/26/2007 Property was inspected and the following items were noted. Vehicle parts and items covered with a tarp on the front yard, evaporative cooler box on the porch. A scrap pick up truck without a trunk in the alley way. Lots of trash & debris vehicle tires & furniture in the back yard.

07/30/2007 Final notice to comply mailed to the owner, re-inspection due 8/15/07.

08/15/2007 Observed no changes in the condition of the property.

08/17/2007 Notice to abate for trash, litter and debris mailed and posted to the front door of the residence.

08/23/2007 Revised notice to abate posted for new hearing date.

HISTORY:

03/04/1999 – 04/05/1999	Vehicles and junk in the front yard.
04/21/1999 – 05/28/2002	Junk in the yard, junk vehicles. Criminal prosecution with probationary period imposed.
07/08/2003 – 01/08/2004	Junk, debris and lawn parking.
11/23/2004 – 12/16/2004	Lawn parking.
03/15/2005 – 04/04/2005	Over height grass or weeds.
04/25/2005 – 06/14/2005	Vehicle, lawn parking, junk and debris.
08/22/2005 – 09/08/2005	Lawn parking, junk and debris.
01/27/2006 – 07/05/2006	Junk, deteriorated landscape and unregistered vehicle. Civil citation issued and fine imposed.
09/26/2006 – 05/02/2007	Unregistered vehicle, junk and trash in the carport.

RECOMMENDATIONS:

Three notices and one citation were sent to the Miguel and Hilda Barriga concerning the problems at the residence with no response. Miguel and Hilda Barriga have failed to comply and it appears 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

ACTION TAKEN: Refer for abatement

NAME Jan Koehn

DATE: 08/23/2007

Tempe

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: August 23, 2007

TO: Miguel & Hilda Barriga
1139 E Weber Dr
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 132, Map 13, Parcel 015, as recorded with the Maricopa County Assessor.**

LOCATION: 1139 E Weber Dr 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 October 2, 2007. 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:

Junk, trash & debris including – car parts & items covered with a tarp front yard & evaporative cooler box in the front porch. Scrap pick-up truck with no trunk in the alleyway. Evaporative cooler, vehicle tires & furniture in the back yard or any outdoor storage not enclosed by walls, doors, or windows of any building. (Ref –TCC 21-3-b 1, 2,3)

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 $3250.00. 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**

CASE # CE072943

COMPLAINT: YES NO

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

This is a courtesy notice to inform you that on 6/6/07, 1139 E Weber 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, and II of the Tempe City Code. A re-inspection will be conducted on or after the date indicated to verify compliance. If the property is brought into compliance with the code by 6/20/07, you will not be subject to citations or fines for the violation(s). We appreciate your cooperation in this matter. For questions or further information please contact the Code Compliance Division at 480-350-8372.

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.

Please take the following corrective action by 6/20/07

Required Correction(s):

Carport and Front yard

1. **Remove all trash, litter and debris in carport including all car parts, engine puller and boxes in front yard.**

Note: Carport and front yard must be maintained free of trash, litter and debris at all times.

If the violations have not been corrected by this date and additional re-inspections are necessary it could result in civil citation, criminal charges or abatement of the violation.

Mike Barriga
1139 E Weber Dr
Tempe, AZ 85281

Code Inspector: Andres Lara **Phone Number 480-350-2289**

CASE # CE072943

COMPLAINT: YES NO

City of Tempe Code Compliance Division
2nd and FINAL NOTICE
We need your help to keep our City clean

This is a courtesy notice to inform you that on 6/20/07, 1139 E Weber Dr.,
was re-inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, and II of the Tempe City Code. A re-inspection will be conducted on or after the date indicated to verify compliance. If the property is brought into compliance with the code by 7/05/07, you will not be subject to citations or fines for the violation(s). We appreciate your cooperation in this matter. For questions or further information please contact the Code Compliance Division at 480-350-8372.

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.

Please take the following corrective action by 7/05/07

Required Correction(s):

Junk, trash and debris

1. **Please remove all trash, litter, debris including all car parts, engine puller, boxes in the front yard and evaporative cooler in the front porch.**

Note: Porch, carport and front yard must be maintained free of trash, litter and debris at all times.

If the violations have not been corrected by this date and additional re-inspections are necessary it could result in civil citation, criminal charges or abatement of the violation.

Mike Barriga
1139 E Weber Dr
Tempe, AZ 85281

1st Violation - $100.00
2nd Violation - $200.00
3rd Violation - $300.00

Code Inspector: Andres Lara **Phone Number 480-858-2289**

CASE #CE072943

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

Mailed on Date: 07/30/07

Mike Barriga
1139 E Weber Dr
Tempe, AZ 85281

This notice to comply is to inform you that on 07/26/07 , the property located at 1139 E Weber 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 08/15/07 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).

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.

Please take the following corrective action by: 08/15/07

Required Correction(s):

Trash, litter and debris

Please remove all trash, litter and debris in the back yard including tires, evaporative cooler & furniture. Remove scrap pick-up truck with no trunk in the alleyway. Remove all trash, litter & debris in the front yard including car part & items covered with a tarp & evaporative cooler box in the front porch.

Note: Failure to clean up all trash, litter and debris from both the front and back yards will result in criminal charges and/or abatement on the property to be pursued.

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 $100 dollars per violation, 2nd occurrence $200 dollars per violation, 3rd occurrence $300 dollars per violation.
Section 21-3, Enumerated Violations subsections (b) 9-16: 1st occurrence $300 dollars per violation, 2nd occurrence $600 dollars per violation, 3rd occurrence $900 dollars 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 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

Bishop Inc.
6340 S. Rural Rd. #118-217
Tempe AZ 85283
PH: (602) 339-2082 Fax (480) 413-1681

7822

Estimate

Name:	City of Tempe
Address:	P.O. Box 5002
City:	Tempe, Az. 85281
Attn:	Code Compliance

Date	8-16-07
Order #	
Customer #	
Our Order #	

Qty	Description	Unit Price	Total
	Workdone at:		
	1139 E.Weber drive		
	Scope of work:		
1	Cut down tall weeds and grass on property		
2	Cleanup trash and debris, non-working and/ or non-repairable items as directed by Code Compliance personal.		
3	Area includes front yard, back yard, and items inside open carport areas.		
4	Removal of 1 vehicle		
5			
6			
7			
8			
9			
	Contract # T05-102-01		

Total: $ 3,250.00

Disclaimer: Prices may vary due to work completed by homeowner, and the time lapse between this estimate and the abatement date. This estimate is based on a visual inspection of the property due to no access to back yards, locked gates, occupied property and obstructions to the visual inspection such as tarps, plywood coverings, over growth of trees and bushes, plastic bags, ect. Ect.

COS