

Staff Summary Report



Hearing Officer Hearing Date: September 16, 2008

Agenda Number: 10

SUBJECT: This is a public hearing for a request by the by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items at the **COX RESIDENCE (PL080294/ABT08024)** located at 1107 West 10th Street.

DOCUMENT NAME: 20080916dsac03

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 **COX RESIDENCE (PL080294/ABT08024)** (Amos Cox, property owner) Complaint CE075550 located at 1107 West 10th Street in the R1-6, Single Family Residential District.

PREPARED BY: Alan Como, Planner II (480-350-8439)

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

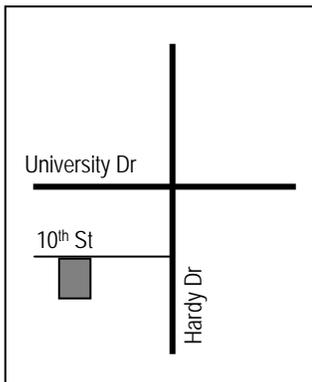
A handwritten signature in black ink, appearing to read 'SEA'.

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 **COX RESIDENCE (PL080294/ABT08024)** (Amos Cox, property owner) Complaint CE075550 located at 1107 West 10th Street in the R1-6, Single Family Residential District. The residence is on the south side of 10th St, west of Hardy Dr. 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
 2. Aerial Photo
 - 3-10. Neighborhood Enhancement Report
 - 11-16. Neighborhood Enhancement Photos

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **COX RESIDENCE (PL080294/ABT08024)** (Amos Cox, property owner) Complaint CE075550 located at 1107 West 10th Street in the R1-6, Single 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 Chantz Tieman, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

Staff recommends the authorization of abatement of this property.

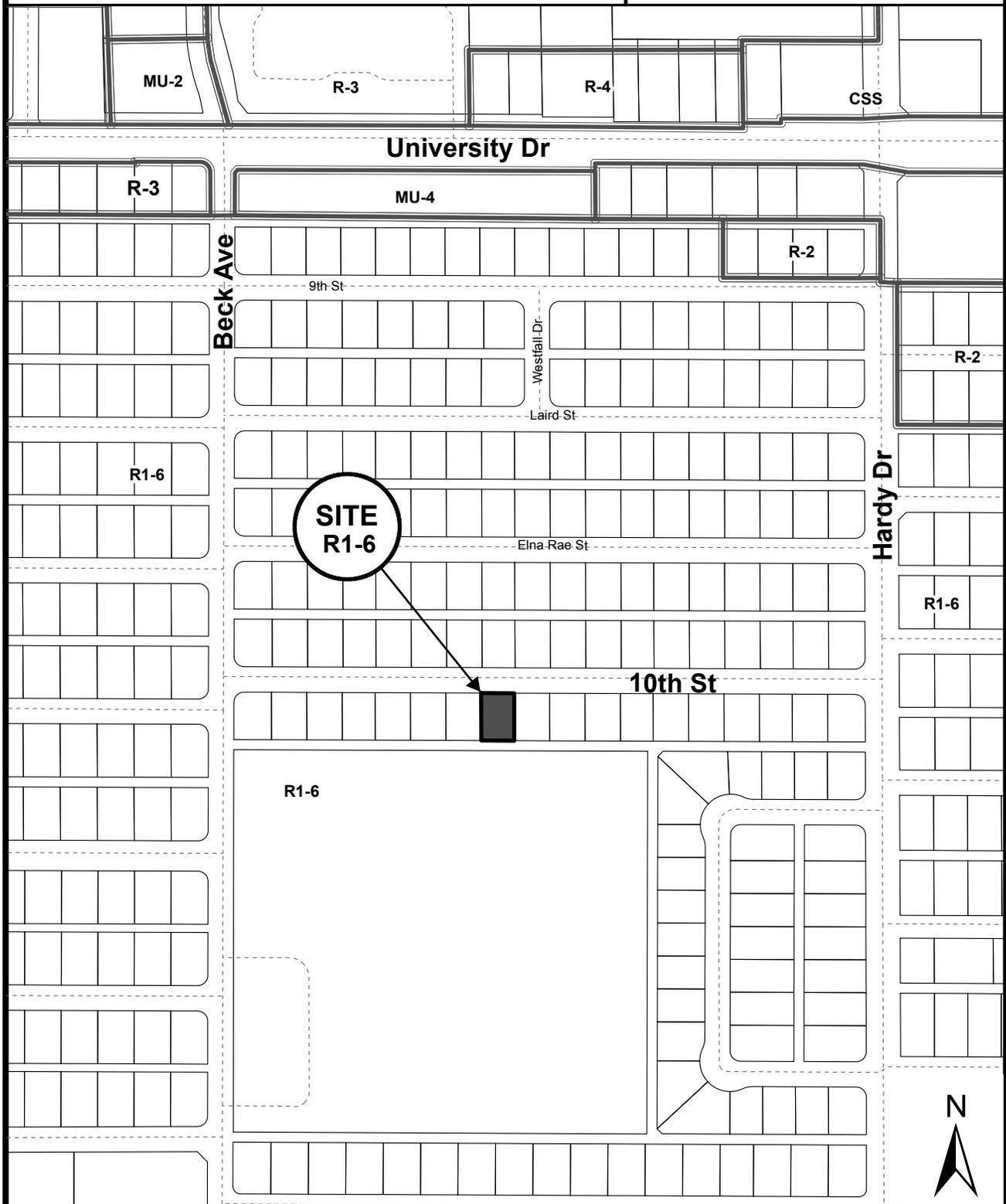
HISTORY & FACTS: See attached memo from the Neighborhood Enhancement Division.

September 2, 2008 At the request of Neighborhood Enhancement the Hearing Officer continued this request for abatement to the September 16, 2008 Hearing Officer hearing.

DESCRIPTION: Owner – Amos Cox
Applicant – Chantz Tieman, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 6,110 s.f. / .140 acres
Building area – 1,268 s.f.
Year of construction – 1961

COX RESIDENCE

PL080294



Location Map



COX RESIDENCE (PL080294)

DATE: JULY 31, 2008
TO: Michael Spencer, Senior Code Inspector
FROM: Chantz Tieman, Code Inspector I
SUBJECT: Request to authorize for abatement for CE075550.

COMPLAINT: CE075550

LOCATION: 1107 W 10th St, Tempe, AZ 85281

LEGAL: Book of Maps 92, Page 47, Lot 155, as recorded with the Maricopa County Assessor.

OWNER: Amos L. Cox

FINDINGS:

09/20/2007 Property was inspected by Pete DeMott and found to have deteriorated landscaping and dead bushes.

09/21/2007 First notice was issued for deteriorated landscape.

10/22/2007 Property was inspected with no change in its condition. Final notice was issued.

11/28/2007 Property was inspected with no change in the condition to the landscape. Additional violations are to be noted- stored items in the carport with trash and litter through out the front yard.

01/15/2008 Citation issued for deteriorated landscaping. Mr. Cox failed to appear in court and pay. Citation was defaulted.

03/19/2008 No changes in the condition of the property. Second citation was issued for deteriorated landscaping.

04/21/2008 Mr. Cox requested a hearing but failed to appear in court on the second citation and was found responsible.

06/01/2008 The case was turned over to Chantz Tieman.

07/28/2008 No change in the condition of the property. Notice to abate was posted on the door with the hearing scheduled for September 2nd, 2008.

RECOMMENDATIONS:

Mr. Cox has an extensive history with violating Tempe City Code in regards to deteriorated landscaping and junk and debris. There have been seven prior complaints dating back to 2003 for the same violations. Mr. Cox has been contacted multiple times via phone, letter and in person and has been shown what improvements need to be made by the previous Inspectors. Mr. Cox has been cited numerous times by Inspectors. As of the date of this submittal Mr. Cox has done nothing to the property and many neighbors are complaining about it.

Mr. Cox was given proper notice regarding the possibility of abatement if the property is not corrected. Without the intervention of this abatement the property will continue to deteriorate, and will be subject to more repeated complaints. I therefore make the request to the City of Tempe Development Services Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code.

Amos L. Cox is listed as the legal owner of the residence, as recorded by the Maricopa County Assessor's Office. He also maintains an account with the City of Tempe for water utilities at the residence.

COMPLAINT HISTORY

CE032818	<u>07-15-2003</u>	Complaint for rock climbing wall on a 36 foot trailer that is parked on the front yard rock landscaping.
CE033511	<u>09-10-2003</u>	Complaint for excessive dog feces and for deteriorated landscape..
CE034326	<u>11-12-2003</u>	Complaint for lawn parking.
CE042033	<u>05-24-2004</u>	Complaint for deteriorated landscape and debris.
CE051086	<u>02-25-2005</u>	Complaint for deteriorated landscape.
CE053427	<u>06-24-2005</u>	Complaint for deteriorated landscape.
CE060414	<u>01-24-2006</u>	Complaint for home occupation, and deteriorated landscape.

Respectfully submitted,
Chantz Tieman
City of Tempe Code Inspector I

ACTION TAKEN: Request for abatement

NAME: Jan Koehn

DATE: 7-31-08

CASE # CE075550



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

Mailed on Date: 09/21/2007

AMOS COX
1107 W. 10TH ST.
TEMPE, AZ 85281-5360

NOTICE TO COMPLY

This notice to comply is to inform you that on 09/20/2007, the property located at 1107 W. 10TH ST. TEMPE, AZ 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 10/21/2007 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).

121-3 (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: 10/21/2007

Required Correction(s):

PLEASE COMPLETELY REMOVE ANY AND ALL GRASS AND/OR WEEDS (GROWING OR DEAD) FROM THE ROCK LANDSCAPING IN THE FRONT AND SIDE YARDS AND MAINTAIN THESE AREAS FREE OF UNCULTIVATED VEGETATION. PLEASE REMOVE AND/OR REPLACE ANY AND ALL DEAD OR DAMAGED BUSHES, PLANTS OR SHRUBS.

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: Pete De Mott

**Phone Number: 480-350-2897
E-mail: peter_demott@tempe.gov**

CASE # CE075550



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

Mailed on Date: 10/22/2007

AMOS COX
1107 W. 10TH ST.
TEMPE, AZ 85281-5360

FINAL NOTICE TO COMPLY

This notice to comply is to inform you that on 10/22/2007, the property located at 1107 W. 10TH ST. TEMPE, AZ 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 11/22/2007 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) (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: 11/22/2007

Required Correction(s):

PLEASE COMPLETELY REMOVE ANY AND ALL GRASS AND/OR WEEDS (GROWING OR DEAD) FROM THE ROCK LANDSCAPING IN THE FRONT AND SIDE YARDS AND MAINTAIN THESE AREAS FREE OF UNCULTIVATED VEGETATION. PLEASE REMOVE AND/OR REPLACE ANY AND ALL DEAD OR DAMAGED BUSHES, PLANTS OR SHRUBS. FAILURE TO COMPLY WITH THIS NOTICE BY THE ABOVE DATE WILL RESULT IN A CITATION AND FINE.

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: Pete De Mott

Phone Number: 480-350-2897
E-mail: peter_demott@tempe.gov

Bishop Inc.
 6340 S. Rural Road, #118-217
 Tempe, Arizona 85283
 PH: (602) 339-2082 Fax (480) 413-1691

Estimate # 8473

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

Date: 7/1/08
 Order #
 Customer #
 Our Order #

Qty	Description	Unit Price	Total
	Work to be completed at: 1107 W 10 th Street Scope of work: Cut down tall weeds and grass. Clean up trash and debris in front, side, and back yard areas.		475.00
	Off duty police officer to be on site during abatement	\$47.50	142.50
	Contract #T05-102-01		
	Total		\$618.00

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 backyards, locked gates, occupied property and obstructions to the visual inspection such as tarps, plywood covering, over growth of trees and bushes, plastic bags, etc.



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: July 28th, 2008

TO: Amos L. Cox
1107 W. 10th 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 of Maps 92, Page 47, Lot 155, as recorded with the Maricopa County Assessor.

LOCATION: 1107 W 10th 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 September 2nd, 2008, 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:

- **ALL DISCARDED HOUSEHOLD ITEMS, TRASH, DEBRIS, APPLIANCES AND NON-WORKING OR NON-REPAIRABLE ITEMS STORED IN THE BACKYARD, CARPORT, DRIVEWAY, FRONT AND SIDE YARD(S) THAT ARE IN VIOLATION OF TEMPE CITY CODE 21-3-B-1.**
- **REMOVAL OF ALL GRASS AND WEEDS IN FRONT AND SIDE YARD GRAVEL LANDSCAPING. REMOVAL OF ALL OVER HEIGHT GRASS AND WEEDS IN FRONT, SIDE, AND BACK YARD(S) THAT ARE IN VIOLATION OF TEMPE CITY CODE 21-3-B-8.**

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 \$618.00. 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: Chantz Tieman

Phone Number 480-350-8146

Bishop Inc.

6340 S. Rural Road, #118-217
Tempe, Arizona 85283
PH: (602) 339-2082 Fax (480) 413-1691

ESTIMATE # 8473

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

Date
Order # 8/05/08
Customer #
Our Order #

Qty	Description
	SITE ADDRESS 1107 W 10 th Street
	Scope of work:
	Cut down tall weeds and grass. Clean up trash and debris in front, side, and back yard areas.
	Cut down dead tree in backyard
	Off duty police officer to be on site during abatement
	Contract #T05-102-01

Unit Price	Total
	475.00
	\$ 375.00
\$47.50	142.50
Total	\$ 992.50

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 backyards, locked gates, occupied property and obstructions to the visual inspection such as tarps, plywood covering, over growth of trees and bushes, plastic bags, etc.



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

Neighborhood Enhancement Division

REVISED NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: Aug. 4th, 2008

TO: Amos L. Cox
1107 W. 10th 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 of Maps 92, Page 47, Lot 155, as recorded with the Maricopa County Assessor.

LOCATION: 1107 W 10th 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 September 2nd, 2008, 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:

- **ALL DISCARDED HOUSEHOLD ITEMS, TRASH, DEBRIS, APPLIANCES AND NON-WORKING OR NON-REPAIRABLE ITEMS STORED IN THE BACKYARD, CARPORT, DRIVEWAY, FRONT AND SIDE YARD(S) THAT ARE IN VIOLATION OF TEMPE CITY CODE 21-3-B-1.**
- **REMOVAL OF ALL GRASS AND WEEDS IN FRONT AND SIDE YARD GRAVEL LANDSCAPING. REMOVAL OF ALL OVER HEIGHT GRASS AND WEEDS IN FRONT, SIDE, AND BACK YARD(S) THAT ARE IN VIOLATION OF TEMPE CITY CODE 21-3-B-8.**
- **REMOVAL OF DEAD EUCALYPTUS TREE IN THE BACK YARD THAT IS IN VIOLATION OF TEMPE CITY CODE 21-3-B-8.**

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 \$618.00. 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: Chantz Tieman

Phone Number 480-350-8146











