

Staff Summary Report



Hearing Officer Hearing Date: August 5, 2008

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items at the **JORDAN RESIDENCE (PL080243/ABT08014)** located at 3403 South Westfall Avenue.

DOCUMENT NAME: 20080805dssd01

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 **JORDAN RESIDENCE (PL080243/ABT08014)** (Donna Jordan, property owner) Complaint CE081484 located at 3403 South Westfall Avenue in the R1-6, Single Family Residential District.

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

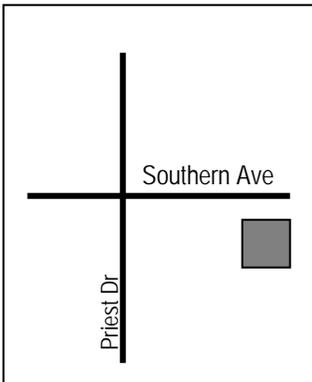
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

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 **JORDAN RESIDENCE (PL080243/ABT08014)** (Donna Jordan, property owner) Complaint CE081484 located at 3403 South Westfall Avenue 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 recommends authorizing 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
- 11-12. Neighborhood Enhancement Photos

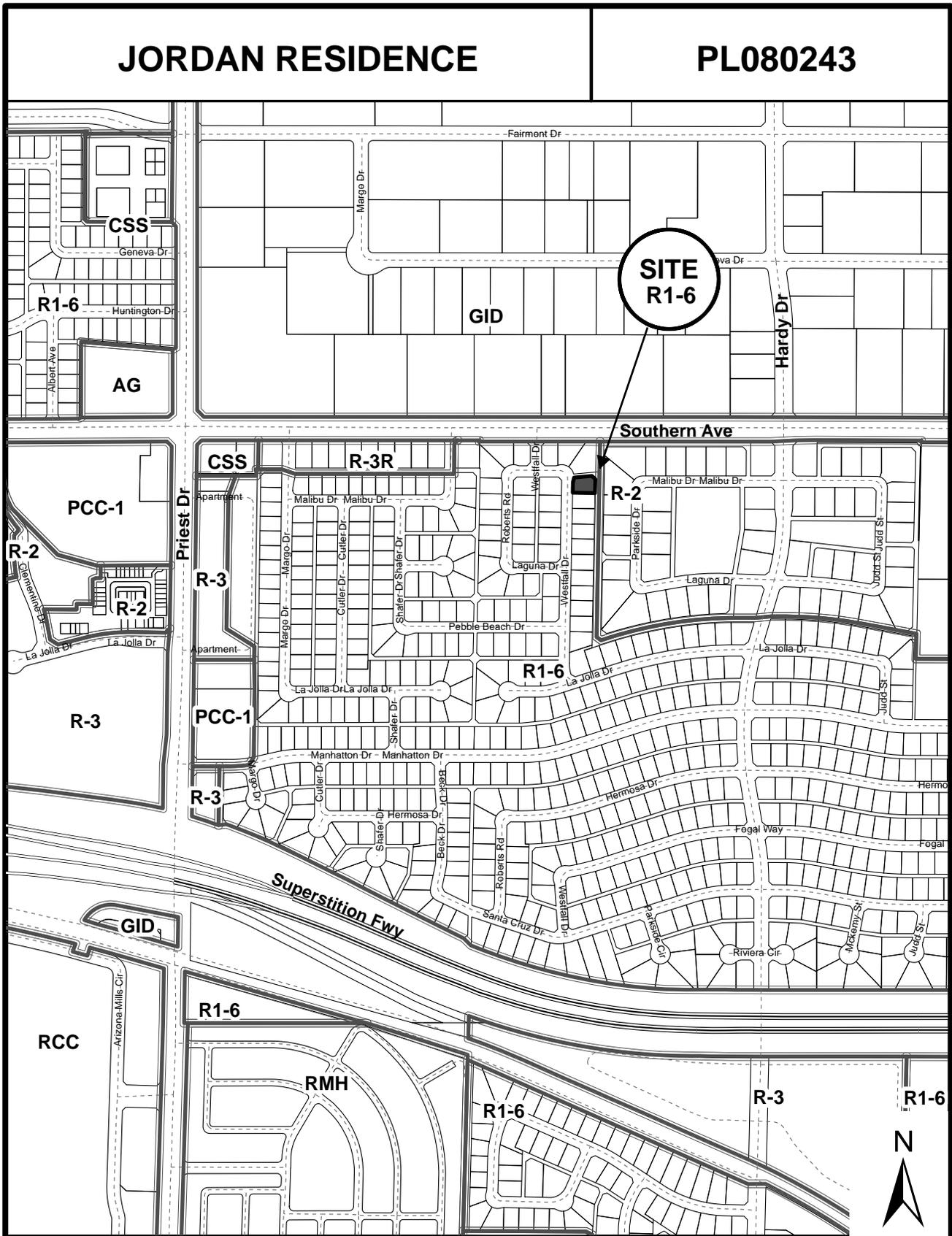
COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **JORDAN RESIDENCE (PL080243/ABT08014)** (Donna Jordan, property owner) Complaint CE081484 located at 3403 South Westfall Avenue 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 Jody Benson, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

Staff recommends authorizing abatement of this property.

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

DESCRIPTION: Owner – Donna Jordan
Applicant – Jody Benson, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 7,048 s.f. / .16 acres
Building area – 1,341 s.f.
Year of structure – 1978



Location Map



JORDAN RESIDENCE (PL080243)

DATE: 07/08/08

TO: Jan L. Koehn, Code Enforcement Administrator

FROM: Jody Benson, Code Inspector

SUBJECT: Request for Authorization to Abate Complaint CE081484

LOCATION: 3403 S. Westfall ^{Drive} Drive, Tempe, AZ

LEGAL: Book of Maps 187, Page 16, Lot 022, as recorded with the Maricopa County Assessor

OWNER: Donna Jordan
3403 S. Westfall ^{Drive} Drive
Tempe, AZ 85282

FINDINGS:

- 02/23/08 Case opened proactively by temporary Code Inspector Kristen Battafarano for over height grass and weeds in the front yard.
- 02/29/08 Front yard is still characterized by tall growth of over height grass and weeds in the front yard. Notice sent.
- 03/01/08 Received complaint of green pool at the location.
- 03/17/08 Property was re-inspected by temporary Code Inspector Kristen Battafarano. No change in the front yard. Found no water in the pool. The back yard is characterized by very tall grass and weeds. The back wall is missing several blocks presenting a deteriorated appearance viewable from the public alley.
- 04/01/08 Property was re-inspected by temporary Code Inspector Kristen Battafarano. The back yard is characterized by very tall grass and weeds. The back wall is missing several blocks presenting a deteriorated appearance viewable from the public alley. A final notice was sent.
- 04/19/08 Property was re-inspected by temporary Code Inspector Kristen Battafarano and no changes were noted except that the tall grass and weeds are now dead and brown.
- 04/25/08 Property was re-inspected by temporary Code Inspector Kristen Battafarano and no changes were noted. Final notice posted to the door.
- 05/07/08 Property was re-inspected and the front yard has been cut. The back wall is still un-repaired and back yard is engulfed in weeds. Attempted to

contact the homeowner by ringing the doorbell to no avail.

05/21/08 Property was re-inspected by temporary Code Inspector Kristen Battafarano and no changes were noted except the weeds in back are completely dead and almost 4' high. Knocked on carport door and Donna Jordan (the homeowner) answered. She said she is worried about her safety and only answered because she saw the car. She stated she injured her back so she has not been able to take care of the yard, nor does she have the money to pay for service. A neighbor cut her front yard as a kind gesture. She stated that the back wall has been hit 3 times; 2 times she witnessed the garbage collection truck hit the wall. She will do her best to clean up the back in the next 3 days. I asked her to call if she does not complete the violations. I

05/30/08 Property was re-inspected by temporary Code Inspector Kristen Battafarano and slight improvement was found on the south side of the back yard. Still in bad condition.

Re-assigned the case to full time inspector Jody Benson.

06/02/08 Reviewed the case file. Property was re-inspected and found the backyard area to be a severe violation for Deteriorated Landscape. The block wall has many blocks missing creating both a deteriorated appearance and a direct view from the public alley to the slum-like backyard. Photographs were taken. Verified with solid waste supervisor the damage was not caused by his trucks. I also verified with risk management that no claim has been filed for the wall. Issued citation for deteriorated landscape and deteriorated fencing. Citation posted to the property also.

06/18/08 Donna Jordan failed to appear in court on the citation.

06/30/08 Received an estimate of \$1083 from Abatement Contractor Jack Harrington for removal of all dead growth and over height grass and weeds in the back yard landscape and repair of the block wall.

07/01/08 Sent and posted a thirty day Notice to Abate.

COMPLAINT HISTORY:

CE072149 04/26/07 thru 07/16/07 Complaint for excessive feces/smell and deteriorated landscape. Two citations issued and paid for deteriorated landscape. Jody Benson was the Code Inspector on this case.

RECOMMENDATIONS:

3403 S. Westfall Drive is violating Tempe City Code in regards to allowing over height grass and weeds, dead growth, and deteriorated fencing to remain in the backyard of the property. Attempts to allow the Donna Jordan (the homeowner) to correct the violations have met with very little improvement in the past 4 months. This may be due

to health and monetary issues as was indicated to temporary Code Inspector Kristen Battafarano on 05/21/08.

Without the intervention of abatement the property will continue to deteriorate. I therefore make a 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.

Donna Jordan is the listed legal owner of the residence, as recorded by the Maricopa County Assessor's Office.

Respectfully submitted,
Jody Benson
City of Tempe Code Inspector

ACTION TAKEN: Referred for abatement
NAME: Jan Koel
DATE: 7/8/08

CASE # CE081484



CODE INSPECTOR KRISTEN BATAFARANO
480-350-2893
E-MAIL: kristen_batafarano@tempe.gov
Date Mailed: 2/29/08

DONNA L JORDAN
3403 S WESTFALL DR
TEMPE, AZ 85282
NOTICE TO COMPLY

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

This notice to comply is to inform you that on 2/29/08, 3403 S WESTFALL 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 3/18/08 or after the date indicated 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 ACTIONS BY 3/18/08

- PLEASE CUT ANY OVERHEIGHT GRASS OR WEEDS IN THE FRONT AND SIDE YARDS TO AVOID A \$100 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 \$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.

CASE # CE081484-2



CODE INSPECTOR KRISTEN BATTAFARANO
480-350-2893

E-MAIL: kristen_battafarano@tempe.gov
Date Mailed: 4/2/08

DONNA L JORDAN
3403 S WESTFALL DR
TEMPE, AZ 85282

NOTICE TO COMPLY

FINAL NOTICE

FINAL NOTICE

FINAL NOTICE

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

This notice to comply is to inform you that on 4/1/08, 3403 S WESTFALL 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 4/19/08 or after the date indicated 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.

21-3 (15): Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or slum-like appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof;

PLEASE TAKE THE FOLLOWING ACTIONS BY 4/19/08

- PLEASE CUT ANY OVERHEIGHT GRASS OR WEEDS IN THE FRONT AND SIDE YARDS TO AVOID A \$100 FINE.
- PLEASE CUT ANY OVERHEIGHT WEEDS IN THE BACK YARD TO AVOID A \$100 FINE.
- PLEASE REPAIR THE BROKEN BACK PERIMETER WALL TO THE SPECIFICATIONS OF 21-3 (15).

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.

CASE # CE081484-3



CODE INSPECTOR KRISTEN BATTAFARANO
480-350-2893
E-MAIL: kristen_battafarano@tempe.gov
Date Mailed: 4/25/08

DONNA L JORDAN
3403 S WESTFALL DR
TEMPE, AZ 85282

FINAL NOTICE

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

This notice to comply is to inform you that on 4/25/08, 3403 S WESTFALL 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 5/7/08 or after the date indicated 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.

21-3 (15): Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or slum-like appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof;

PLEASE TAKE THE FOLLOWING ACTIONS BY 5/7/08

- PLEASE CUT ANY OVERHEIGHT GRASS OR WEEDS IN THE FRONT AND SIDE YARDS TO AVOID A \$100 FINE.
- PLEASE CUT ANY OVERHEIGHT WEEDS IN THE BACK YARD TO AVOID A \$100 FINE.
- PLEASE REPAIR THE BROKEN BACK PERIMETER WALL TO THE SPECIFICATIONS OF 21-3 (15).

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.

JACK HARRINGTON
6828 N. 25TH DR., #B
PHOENIX, AZ 85017
TEL: (602) 446-2630
FAX : (602) 347-5487

FAX COVER & PROPOSAL

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

THE FOLLOWING DOCUMENT IS FOR:

NAME: JODY

FIRM: CITY OF TEMPE CODE CONPLANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 6-30-08

TIME: 8:30 A.M. P.M.

PROPOSAL

**WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT #T08-092-02.
ADDRESS 3403 S WESTFALL**

- | | |
|--|-------------------|
| 1. MOW AND REMOVE WEEDS AND DEAD TREES FROM BACK YARD | |
| 24 MH @ \$ 22. / | \$ 528.00 |
| 2 REPAIR BLOCK FENCE IN REAR YARD LABOR | 125.00 |
| MATERIAL 4X8 X 16 BLOCK 21 + MICS MATERIAL | 30.00 |
| 3, POLICE OFFICER 8 HOUR | 400.00 |
| | <hr/> |
| TOTAL COST FOR ABOVE ITEMS | \$ 1083.00 |

THANK YOU

ACCEPTANCE


JACK HARRINGTON

CASE # CE081484



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 07/01/08

TO: Donna Jordan
3403 S. Westfall Drive
Tempe, AZ 85282

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 187, PAGE 16, LOT 22, AS RECORDED WITH THE MARICOPA COUNTY ASSESSOR.

LOCATION: 3403 S. Westfall Drive, 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 **08/05/08**. 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. Removal of all over height grass and weeds in the back yard and dead growth in the backyard.
2. Repair of the broken block wall in the backyard.

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 **\$1,083** 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: JODY BENSON

Phone Number: (480)350-8671
E-mail: JODY_BENSON@TEMPE.GOV



