

Staff Summary Report



Hearing Officer Hearing Date: February 5, 2008

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 **JAMES RESIDENCE (PL070554/ABT08002)** located at 2415 South Evergreen Road.

DOCUMENT NAME: 20080205dssd04

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 **JAMES RESIDENCE (PL070554/ABT08002)** (Elise James, property owner) Complaint CE071292 located at 2415 South Evergreen Road in the R1-6, Single Family Residential District.

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)
Nick Graves, Planning Intern (480-350-8942)

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

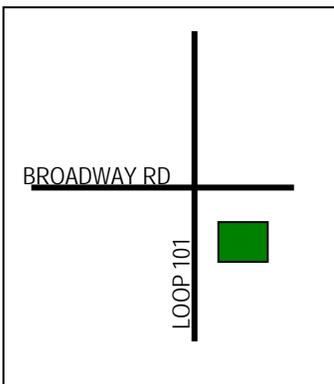
A handwritten signature in black ink, appearing to read 'SEA'.

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 **JAMES RESIDENCE** (Elise James, property owner) Complaint CE071292 located at 2415 South Evergreen Road 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 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)
- 3-8. Neighborhood Enhancement Report

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **JAMES RESIDENCE** (Elise James, property owner) Complaint CE071292 located at 2415 South Evergreen Road 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 Brett Barnes, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

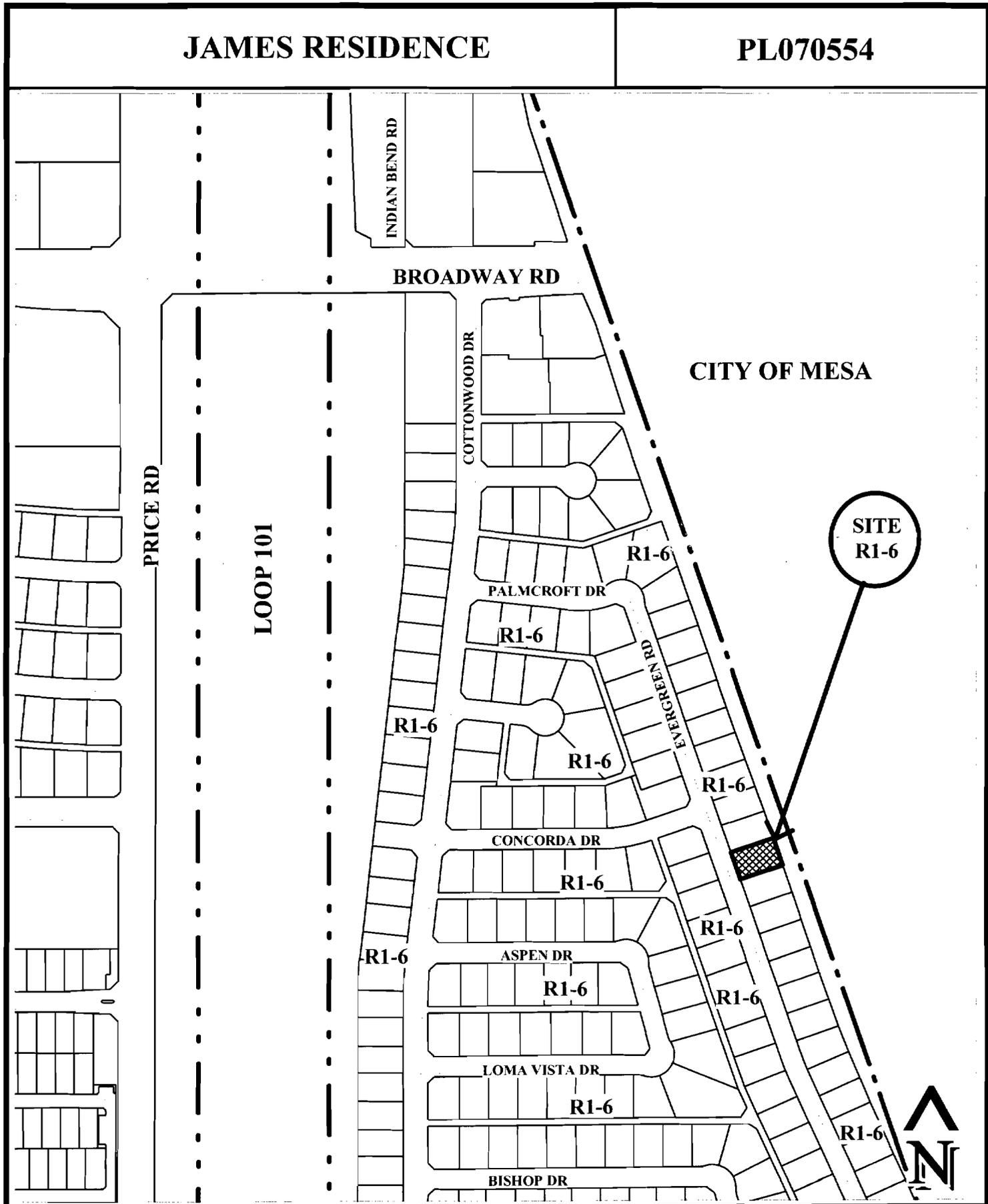
Staff recommends the authorization of abatement of this property.

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

DESCRIPTION: Owner – Elise James
Applicant – Brett Barnes, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 7,559 s.f. / .17 acres
Building area – 1,684 s.f.
Year of construction – 1979

JAMES RESIDENCE

PL070554



Location Map



JAMES RESIDENCE (PL070554/ABT08002)

DATE: December 24, 2007
TO: Mike Spencer, Senior Code Inspector
FROM: Brett Barnes
SUBJECT: Request to abate nuisance violations case CE071292

LOCATION: 2415 S. Evergreen Rd. Tempe, AZ
LEGAL: Book 134, Map 40, Parcel 030, as recorded with the Maricopa County Assessor
OWNER/ OCCUPANT: Elise Ann James
2415 S. Evergreen Rd. Tempe AZ 85282

FINDINGS:

- 03-15-07 A complaint was generated regarding over height grass and weeds in the front and side yard landscape, and for having a green swimming pool in the backyard at the property of 2415 S. Evergreen Rd.
- A courtesy notice was sent to Elise James for a deteriorated landscape and deteriorated swimming pool violation. The notice requested her to remove the over height grass and weeds from the gravel landscape in the front and side yards, and to restore the green swimming pool to a clean and clear condition. Elise James was given until 04-02-07 to bring the property into compliance.
- 04-03-07 I reinspected the property and found the swimming pool had been drained and was in compliance. The deteriorated landscape violation had not been corrected. A second and final courtesy notice was sent out to Elise James for having deteriorated landscape. She was given until 04-18-07 to bring the property into compliance.
- 04-18-07 I reinspected the property and found the deteriorated landscape violation had not been corrected. Pictures were taken and a first civil citation was issued for the deteriorated landscape violation.
- 05-11-07 I reinspected the property and found the deteriorated landscape violation had still not been corrected. Elise James was found responsible for the first civil citation by default. Pictures were taken and a second civil citation was issued for having deteriorated landscape.

- 05-30-07 I reinspected the property and found no improvements or corrections had been made to the deteriorated landscape. Elise James was found responsible for the second civil citation by default. Pictures were taken and a third civil citation was issued for having deteriorated landscape.

- 06-13-07 The deteriorated landscape violation has not been corrected, I placed a call with Bishop Inc. to submit an estimate to abate the nuisance violation at the property of 2415 S. Evergreen Road.

- 11-13-07 The front and side yards still have over height grass and weeds in the gravel landscape. The deteriorated landscape violation has not been corrected.

- 12-11-07 I received an estimate from Bishop Inc. to abate the deteriorated landscape violation in the amount of \$317.50 which includes the removal of the over height grass and weeds and debris from the front and side yards. The estimate also included an off duty officer to be on site during the abatement.

RECOMMENDATIONS:

I recommend the abatement of the nuisance violation at the property of 2415 S. Evergreen Road. Elise Ann James failed to bring the property into compliance after being issued several courtesy notices and several civil citations. This is the second request to abate the nuisance violation of having deteriorated landscape in the last two years.

Respectfully submitted,

Brett Barnes
Lead Code Inspector

ACTION TAKEN: submit for Abatement

NAME: 

DATE: 12-24-07



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: 12/24/07

TO: Elise Ann James

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

LEGAL: Book 134, Map 40, Parcel 030, as recorded with the Maricopa County Assessor.

LOCATION : 2415 S. Evergreen Road Drive Tempe AZ 85282

Violation of Tempe City 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.

The necessary work will be performed at the expense of the property owner. The cost of this work will be **\$317.50**. 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: Brett Barnes

Phone Number 480-350-8658

Bishop Inc.

8340 S. Rural Rd. #118-217
 Tempe AZ 85283
 PH: (602) 339-2082 Fax (480) 413-1691

7844

Estimate

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

Date	12/06/2007
Order #	
Customer #	
Our Order #	

Qty	Description
	Work done at: 2415 S. Evergreer Scope of work: Cut down tall weeds. clean up trash, and debris in front yard area. Off duty police officer to be on site During abatement (3 hrs. min.) Price includes all labor, material, and dump fees Contract #T05-102-01

Unit Price	Total
	\$ 175.00
\$ 47.50 hr.	\$ 142.50

Total: \$ 317.50

Disclaimer:

Prices may vary do 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 bushess, plastic bags, etc. etc.



