

Staff Summary Report



Hearing Officer Hearing Date: August 21, 2007

Agenda Item Number: 13

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 **LANGEVIN RESIDENCE** located at 1009 West 16th Street.

DOCUMENT NAME: 20070821dssd06

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 **LANGEVIN RESIDENCE (PL070329/ABT07022)** (Richard Langevin, property owner) Complaint No. CE070465 located at 1009 West 16th Street, in the R1-6, Single Family Residential District.

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

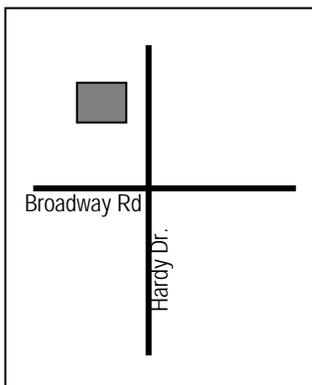
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

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 **LANGEVIN RESIDENCE (PL070329/ABT07022)** (Richard Langevin, property owner) Complaint No. CE070465 located at 1009 West 16th 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. 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)
- 3-13. Neighborhood Enhancement Report

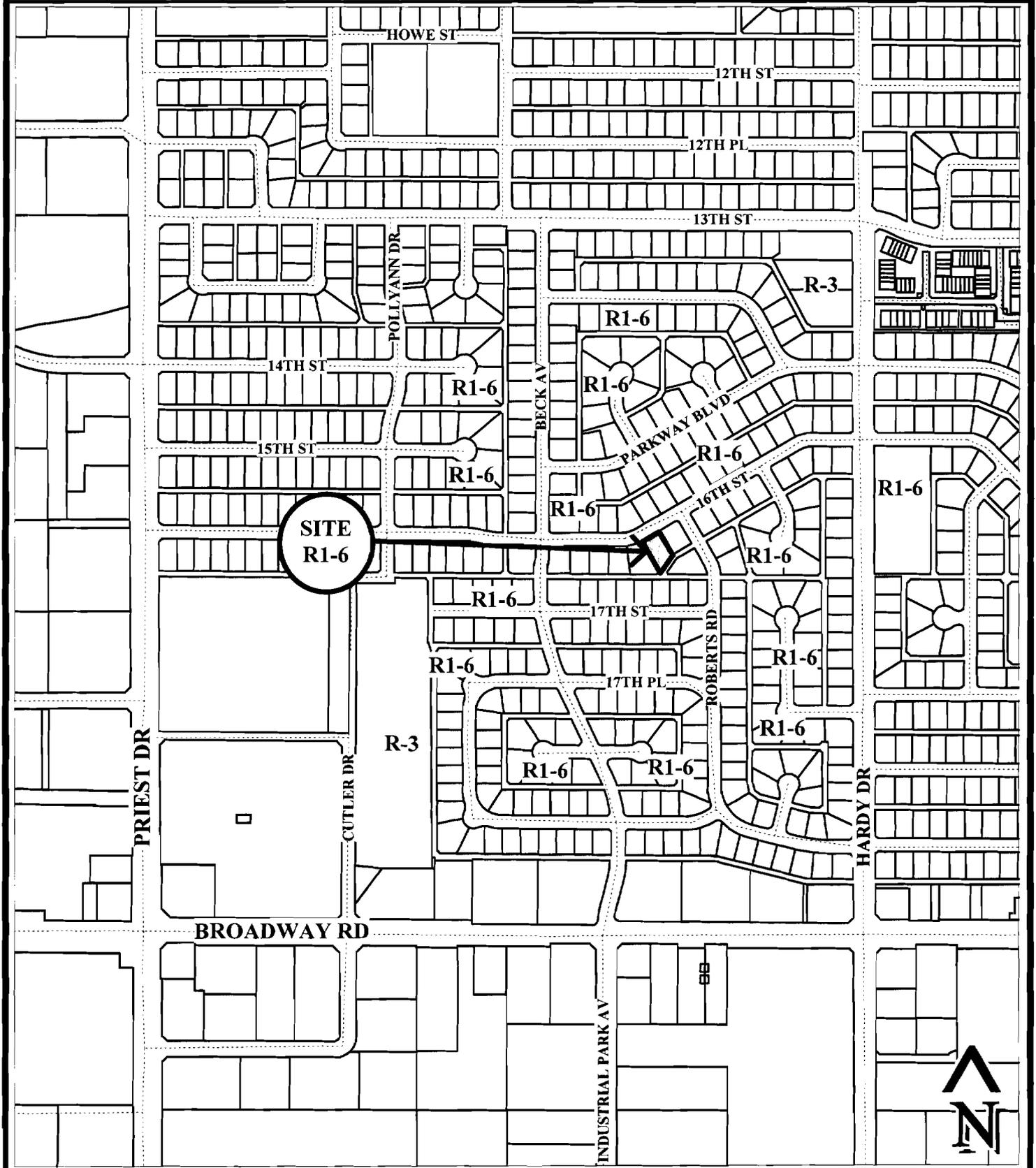
COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **LANGEVIN RESIDENCE (PL070329/ABT07022)** (Richard Langevin, property owner) Complaint No. CE070465 located at 1009 West 16th 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 Julie Scofield, 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 – Richard Langevin
Applicant – Julie Scofield, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 8,506 s.f. / .19
Building area – 1,274 s.f.
Year of construction - 1962

LANGEVIN RESIDENCE**PL070329/ABT07022**



LANGEVIN RESIDENCE (PL070329/ABT07022)



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: 7/23/07

TO: RICHARD LANGEVIN

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 62, Parcel 36, as recorded with the Maricopa County Assessor.

LOCATION: 1009 W. 16TH ST.

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of August 21, 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: The items constituting a violation of TCC 21-3-B-3 which prohibits any unregistered or inoperable vehicles to be out in the open and not enclosed by fencing, walls, etc.

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 \$100.00. 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: Julie Scofield

Phone Number 480-350-8372

DATE: 7/23/07
TO: Michael Spencer, Senior Code Inspector
FROM: Julie Scofield, Code Inspector II
SUBJECT: Request to Abate Nuisance Violations- Reference Complaint
#CE070465

LOCATION: 1009 W. 16th ST. Tempe, AZ 85281
LEGAL: Book 124, Map 62, Parcel 036, as recorded with the Maricopa County Assessor
OWNER: RICHARD LANGEVIN
1009 W. 16TH ST.
Tempe, AZ 85281

FINDINGS:

2/6/07 Went to the property located at 1009 W. 16th St. This property has a Nissan Sentra with AZ plate of 789EYY. The plate was displaying an expiration date of January 31, 2004. This vehicle also has a flat tire. There is trash and leaves throughout the front yard. The first notice was sent to the property owner.

3/9/07 Reinspected the property. There has been no change to the condition of the property. A second notice was mailed to the property owner.

3/26/07 Reinspected the property. At this time, the property has been cleaned up. However, the vehicle has shown no change. It is still unregistered and has a flat tire. A final notice was mailed to the property owner.

5/1/07 Reinspected the property. There has been no change to the condition of the vehicle. The first citation was issued, #1333907. Pictures were taken.

5/24/07 Reinspected the property. There has been no change to the condition of the vehicle. A second citation was issued, # 1333918. Pictures were taken.

6/11/07 Reinspected the property. There has been no change to the condition of the vehicle. The third citation was issued, #1333922. Pictures were taken.

6/28/07 Called Bishop Inc. to get an estimate to abate the property. The estimate was for \$100 to tow away the vehicle.

7/26/07 Applying for an abatement.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property of 1009 W. 16TH St. due to Mr. Richard Langevin failure to come into compliance with Tempe City Codes. Mr. Langevin has been given ample time to come into compliance and maintain the property and has failed to appear on three civil citations. There has been no indication in Mr. Langevine's actions that he plans on coming into compliance.

Respectfully submitted,

Julie Scofield
Code Inspector

ACTION TAKEN: submit for abatement
NAME: 
DATE: 07/23/07

CASE # CE070465

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 2/6/07, 1009 W. 16TH 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, 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 2/22/07, 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.

Violation of the Tempe City Code, Chapter 21-3-b-1

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof 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, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

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;
- b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period;
- c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;
- d. Lawful commercial activities involving vehicles as allowed by the zoning ordinance; or
- e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;

Inoperable vehicle means a vehicle that is physically incapable of its intended operation, or unable to be safely operated at that time, including but not limited to vehicles on blocks or similar devices, with tire or tires, or from which the engine, wheels or tires have been removed.

Vehicle means a machine propelled by power other than human power designed to travel along the ground, water or air to transport persons, property or machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, boat or aircraft.

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 2/22/07

Required Correction(s):

1. **PLEASE REMOVE AND OR DISCARD ANY TRASH AND LEAVES THAT ARE LOCATED IN THE FRONT YARD.**
2. **PLEASE REGISTER AND DISPLAY CURRENT REGISTRATION FOR THE NISSAN SENTRA PARKED IN THE DRIVEWAY. ALSO, THE TIRES MUST ALWAYS REMAIN INFLATED.**

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.

Notice was delivered to:

**RICHARD LANGEVIN
1009 W. 16TH ST.
TEMPE, AZ 85281**

Code Enforcement Officer: Julie Scofield

Phone Number 480-350-8951

CASE # CE070465

COMPLAINT: YES NO



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

This is a courtesy notice to inform you that on 3/9/07, 1009 W. 16TH 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, 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 3/26/07, 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.

Violation of the Tempe City Code, Chapter 21-3-b-1

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof 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, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

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;
- b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period;
- c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;
- d. Lawful commercial activities involving vehicles as allowed by the zoning ordinance; or
- e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;

Inoperable vehicle means a vehicle that is physically incapable of its intended operation, or unable to be safely operated at that time, including but not limited to vehicles on blocks or similar devices, with tire or tires, or from which the engine, wheels or tires have been removed.

Vehicle means a machine propelled by power other than human power designed to travel along the ground, water or air to transport persons, property or machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, boat or aircraft.

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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 3/26/07

Required Correction(s):

1. **PLEASE REMOVE AND OR DISCARD ANY TRASH AND LEAVES THAT ARE LOCATED IN THE FRONT YARD.**
2. **PLEASE REGISTER AND DISPLAY CURRENT REGISTRATION FOR THE NISSAN SENTRA PARKED IN THE DRIVEWAY. ALSO, THE TIRES MUST ALWAYS REMAIN INFLATED.**

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.

Notice was delivered to:

**RICHARD LANGEVIN
1009 W. 16TH ST.
TEMPE, AZ 85281**

Code Enforcement Officer: Julie Scofield

Phone Number 480-350-8951

CASE # CE070465

COMPLAINT: YES NO



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

This is a courtesy notice to inform you that on 3/26/07, 1009 W. 16TH 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, 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 4/16/07, 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.

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;**
- b. **A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period;**
- c. **Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;**
- d. **Lawful commercial activities involving vehicles as allowed by the zoning ordinance; or**
- e. **Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;**

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Vehicle means a machine propelled by power other than human power designed to travel along the ground, water or air to transport persons, property or machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, boat or aircraft.

Please take the following corrective action by 4/16/07

Required Correction(s):

1. **ANY VEHICLES LEFT OUT IN THE OPEN MUST BE REGISTERED, DISPLAY CURRENT REGISTRATION, AND APPEAR OPERABLE.**
2. **PLEASE REGISTER AND DISPLAY CURRENT REGISTRATION FOR THE NISSAN SENTRA, AND OLDSMOBILE VAN PARKED IN THE DRIVEWAY.**
3. **PLEASE MAINTAIN INFLATED TIRES ON VEHICLES LEFT OUT IN OPEN.**
4. **IF THE VEHICLE(S) CANNOT BE REGISTERED, PLEASE MOVE VEHICLE(S) TO AN ENCLOSED AREA OR REMOVE THE VEHICLE(S) FROM THE PROPERTY.**

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.

Notice was delivered to:

**RICHARD LANGEVIN
1009 W. 16TH ST.
TEMPE, AZ 85281**

THIS IS THE FINAL NOTICE. PLEASE COMPLY TO AVOID A POSSIBLE CITATION.

Code Enforcement Officer: Julie Scofield

Phone Number 480-350-8951

Bishop Inc.

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

7717

Estimate

Name: <u>City of Tempe</u>
Address: <u>P.O. Box 5002</u>
City: <u>Tempe, Az. 85281</u>
Attn: <u>JULIE</u>

Date	<u>6/30/2007</u>
Order #	<u> </u>
Customer #	<u> </u>
Our Order #	<u> </u>

Qty	Description
	Work done at: 1009 W. 16th Street Tempe, Az.
	Scope of work: Tow away 1 unregistered vehicle in driveway
	Contract #T05-102-01

Unit Price	Total
\$100.00	\$100.00

\$100.00

