

# Staff Summary Report



Hearing Officer Hearing Date: June 17, 2008

Agenda Number: 12

**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 **ROBBINS RESIDENCE** located at 513 West 17<sup>th</sup> Place.

**DOCUMENT NAME:** 20080617dsng03

**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 **ROBBINS RESIDENCE (PL080177/ABT08009)** (David Robbins, property owner) Complaint CE077230 located at 513 West 17<sup>th</sup> Place in the R1-6, Single Family Residential District.

**PREPARED BY:** Nick Graves, Planning Intern (480-350-8690)

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

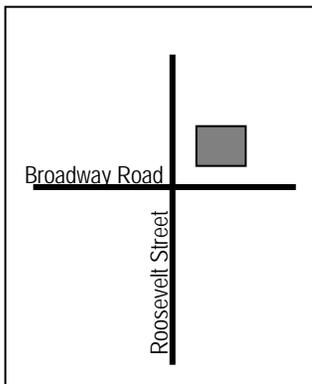
A handwritten signature in black ink, appearing to be 'SA', located to the right of the 'REVIEWED BY' line.

**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 **ROBBINS RESIDENCE (PL080177/ABT08009)** (David Robbins, property owner) Complaint CE077230 located at 513 West 17<sup>th</sup> Place in the R1-6, Single Family Residential District. This residence is northeast of the intersection of Roosevelt Street and Broadway Road. 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

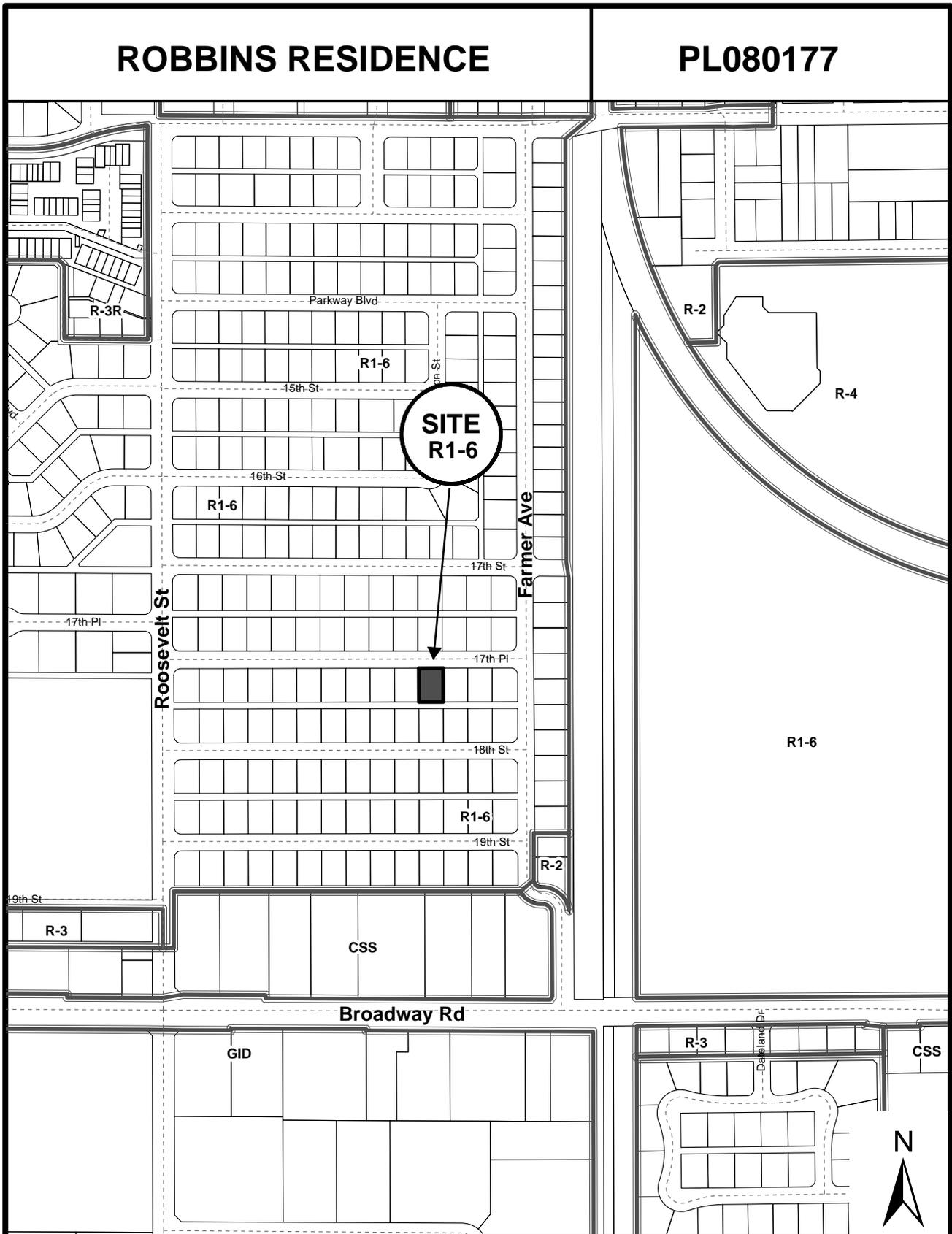
**COMMENTS:**

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **ROBBINS RESIDENCE (PL080177/ABT08009)** (David Robbins, property owner) Complaint CE077230 located at 513 West 17<sup>th</sup> Place in the R1-6, Single Family Residential District. This residence is northeast of the intersection of Roosevelt Street and Broadway Road. 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 – David Robbins  
Applicant – Julie Scofield, COT Neighborhood Enhancement  
Existing zoning – R1-6, Single Family Residential District  
Lot area – 7,376 s.f./17 acres  
Building area – 1,600 s.f.  
Year of construction – 1957



**Location Map**



**ROBBINS RESIDENCE (PL080177)**



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

Neighborhood Enhancement Department

## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 5/15/08

TO:

David Robbins  
513 W. 17<sup>th</sup> Pl.  
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 124, Map 64 Parcel 042, as recorded with the Maricopa County Assessor.**

**LOCATION: 513 W. 17<sup>th</sup> Pl.  
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 6/17/08. 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: The items stored in the carport of the property named constituting a violation of TCC 21-3-B-1 which prohibits outside areas to store items that may or is a hazard to public health and safety, or may harbor insects or infestations.**

**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 \$392.50 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: Julie Scofield

Phone Number 480-350-8951

**DATE:** 5/15/08  
**TO:** Jan Koehn, Code Enforcement Administrator  
**FROM:** Julie Scofield, Code Inspector II  
**SUBJECT:** Request to Abate Nuisance Violations- Reference Complaint  
#CE077230

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**LOCATION:** 513 W. 17<sup>TH</sup> Pl. Tempe, AZ 85281

**LEGAL:** Book 124, Map 64, Parcel 042, as recorded with the Maricopa County Assessor

**OWNER:** David Robbins  
513 W. 17<sup>th</sup> Pl.  
Tempe, AZ 85281

**FINDINGS:**

- 12/05/07 The Neighborhood Enhancement Department received a complaint for the above property for junk and trash in the carport.
- 12/11/07 Inspected the property. The carport is full of furniture, boxes, and household items. A courtesy notice was sent to David Robbins to request compliance for the violation.
- 01/10/07 Reinspected the property. There has been no change in the condition of the property. A final notice was sent to the owner.
- 02/20/07 Reinspected the property. There has been no change in the condition of the property. A citation (#1327858) was issued for the outdoor storage located in the carport. Pictures were taken.
- 03/10/08 Reinspected the property. There has been no change in the condition of the property. A second citation (#1380959) was issued for the outdoor storage. Pictures were taken.
- 03/26/08 Reinspected the property. There has been no change in the condition of the property. A third citation (#1380963) was issued for the outdoor storage. Pictures were taken.
- 04/16/08 Reinspected the property. The violations still exist on the property and the three citations that were issued have been ignored. An estimate was requested from Bishop Inc. to abate the property.

- 05/13/08 Received the estimate for the abatement of the property in the amount of \$392.50.
- 05/15/08 Submitted the application for the abatement of this property.

**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violation be done at the property of 513 W. 17<sup>th</sup> Pl. Due to David Robbins failure to come into compliance with Tempe City Code. Mr. Robbins has been given ample time to come into compliance and maintain the property. There has been no indication in Mr. Waymires actions that he plans on coming into compliance.

Respectfully submitted,

Julie Scofield

ACTION TAKEN: Referred for abatement  
NAME Jan Koel  
DATE: 5/15/08

CASE #CE077230



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

Mailed on Date: 12/12/07

**DAVID ROBBINS  
513 W. 17<sup>TH</sup> PL.  
TEMPE, AZ 85281**

This notice to comply is to inform you that on 12/11/07, the property located at 513 W. 17<sup>TH</sup> PL. 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 12/28/07 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).

**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-4**

To leave or permit to remain outside of any single-family or multifamily dwelling or accessory building any camper, vehicle, or part thereof in any portion of the front or side area of the building visible from the street that is not on an improved area designed or intended for such use. An improved area shall:

- a. Be contiguous to, and share an access point with, the required driveway;
- b. Be no greater than Thirty-Five Percent (35%) of the front and side areas visible from the street;
- c. Be a minimum of three (3) inches in depth if gravel, crushed rock or other aggregate. If using materials other than asphalt or concrete, an improved surface containing material such as gravel or crushed rock must be contained within a permanent border, imbedded in the ground, delineating the improved area from the remainder of the yard; and
- d. Be maintained free of all vegetation, including, but not limited to grasses, trees, and bushes.

**Please take the following corrective action by: 12/28/07**

Required Correction(s):

1. PLEASE REMOVE AND OR DISCARD THE ITEMS IN THE FRONT OF THE PROPERTY INCLUDING IN THE CARPORT. THIS INCLUDES BOXES, FURNITURE, HOUSEHOLD ITEMS, AND ANY OTHER MISCELLANEOUS ITEMS NOT INTENDED FOR EXTERIOR USE.
2. PLEASE CEASE ALL LAWN PARKING UNTIL AN IMPROVED AREA HAS BEEN CREATED. SEE CODE ABOVE.

***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: 1<sup>st</sup> occurrence \$100 dollars per violation, 2<sup>nd</sup> occurrence \$200 dollars per violation, 3<sup>rd</sup> occurrence \$300 dollars per violation.

Section 21-3, Enumerated Violations subsections (b) 9-16: 1<sup>st</sup> occurrence \$300 dollars per violation, 2<sup>nd</sup> occurrence \$600 dollars per violation, 3<sup>rd</sup> 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: JULIE SCOFIELD

Phone Number: 480-350-8951  
E-mail: JULIE\_SCOFIELD@TEMPE.GOV

CASE #CE077230



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

Mailed on Date: 1/11/08

**DAVID ROBBINS  
513 W. 17<sup>TH</sup> PL.  
TEMPE, AZ 85281**

This notice to comply is to inform you that on 1/10/08, the property located at 513 W. 17<sup>TH</sup> PL. 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 1/28/08 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).

**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.

**Please take the following corrective action by: 1/28/08**

**Required Correction(s):**

- 1. PLEASE REMOVE AND OR DISCARD THE ITEMS IN THE FRONT OF THE PROPERTY INCLUDING IN THE CARPORT. THIS INCLUDES BOXES, FURNITURE, HOUSEHOLD ITEMS, AND ANY OTHER MISCELLANEOUS ITEMS NOT INTENDED FOR EXTERIOR USE.**

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**Code Inspector: JULIE SCOFIELD**

**Phone Number: 480-350-8951  
E-mail: JULIE\_SCOFIELD@TEMPE.GOV**

**Bishop Inc.**

6340 S. Rural Road, #118-217

Tempe, Arizona 85283

PH: (602) 339-2082 Fax (480) 413-1691

**ESTIMATE # 8515**

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

Date	5/1/08
Order #	
Customer #	Julie
Our Order #	

Qty	Description	Unit Price	Total
	<b>SITE ADDRESS</b> 513 W 17 <sup>th</sup> Place		
	Scope of work:		
	Clean up trash and debris piled in driveway		250.00
	Off duty police officer to be on site during abatement	\$47.50	142.50
	Contract #T05-102-01		
	<b>Total</b>		<b>\$392.50</b>

**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.



