

Staff Summary Report



Hearing Officer Hearing Date: June 17, 2008

Agenda Number: 13

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 **WAYMIRE PROPERTY (PL080178/ABT08010)** located at 1128 South Farmer Avenue.

DOCUMENT NAME: 20080617dsng04

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 **WAYMIRE PROPERTY (PL080178/ABT08010)** (David & Pamela Waymire, property owners) Complaint CE075685 located at 1128 South Farmer Avenue in the R-3, Multi-Family Residential Limited District.

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

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

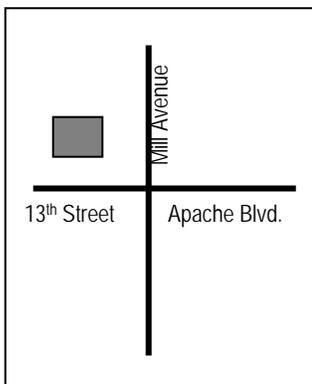
A handwritten signature in black ink, appearing to read 'Sh'.

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 **WAYMIRE PROPERTY (PL080178/ABT08010)** (David & Pamela Waymire, property owners) Complaint CE075685 located at 1128 South Farmer Avenue in the R-3, Multi-Family Residential Limited District. This property is northwest of the intersection of Mill Avenue and 13th Street/Apache Boulevard. 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
 - 3-15. Neighborhood Enhancement Report

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **WAYMIRE PROPERTY (PL080178/ABT08010)** (David & Pamela Waymire, property owners) Complaint CE075685 located at 1128 South Farmer Avenue in the R-3, Multi-Family Residential Limited District. This property is northwest of the intersection of Mill Avenue and 13th Street/Apache Boulevard. 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.

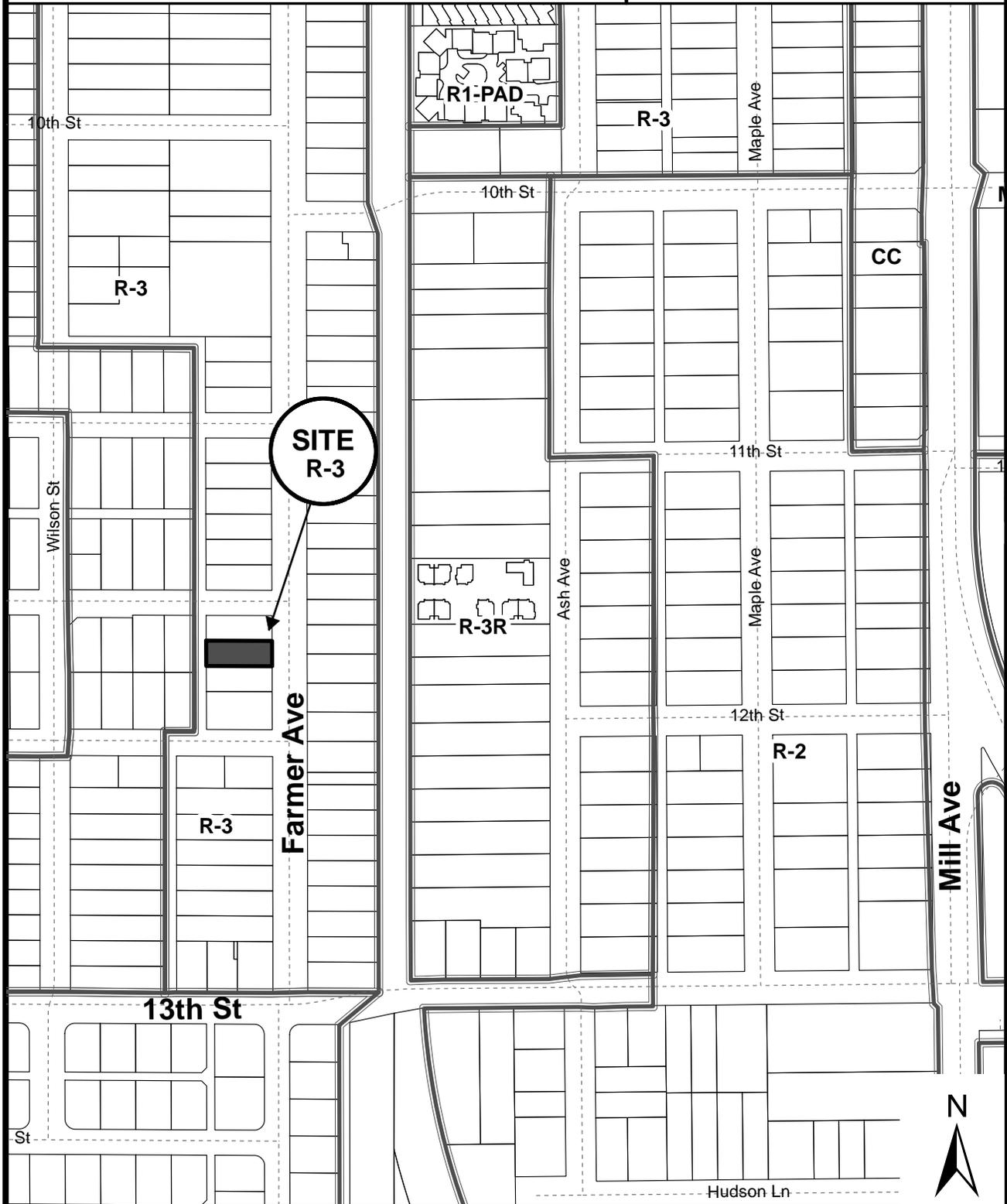
Staff recommends the authorization of abatement of this property.

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

DESCRIPTION: Owner – David & Pamela Waymire
Applicant – Julie Scofield, COT Neighborhood Enhancement
Existing zoning – R-3, Multi-Family Residential Limited District
Lot area – 6,504 s.f./15 acres
Building area – 657 s.f.
Year of construction – 1950

WAYMIRE PROPERTY

PL080178



Location Map



WAYMIRE PROPERTY (PL080178)



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: 5/13/08

TO:

David/Pamella Waymire
349 E. Broadmor Dr.
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 124, Map 70 Parcel 072, as recorded with the Maricopa County Assessor.

**LOCATION: 1128 S. FARMER AVE.
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 and rental housing code in accordance with Section 21-53 of the Tempe City Code by removal and repair of: The overheight grass and weeds constituting a violation of TCC 21-3-B-8 which prohibits landscaping that is dead, overheight, damaged, or presents a deteriorated or slum-like appearance and TCC 21-38(J) which prohibits inoperable/unregistered vehicles in common parking lots and areas.

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 \$592.50. 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
#CE075685

LOCATION: 1128 S. Farmer Ave. Tempe, AZ 85281
LEGAL: Book 124, Map 70, Parcel 072, as recorded with the Maricopa County Assessor
OWNER: David/Pamella Waymire
349 E. Broadmor Dr.
Tempe, AZ 85308

FINDINGS:

- 9/26/07 The Neighborhood Enhancement Department received a complaint for the above property for deteriorated landscaping and inoperable/unregistered vehicles.
- 9/27/07 Inspected the property. The back yard and side of the property consists of overheight grass and weeds. The front yard consists of dirt. In the back parking lot, there are two vehicles, a Ford and Toyota truck. Both vehicles appear to be unregistered and appear inoperable. This property is zoned for multi-family. Therefore, vehicles cannot be in the parking lot without being registered and or operable. A courtesy notice was sent to David and Pamella Waymire to request compliance for the violations.
- 10/29/07 Reinspected the property. There has been no change in the condition of the property. A final notice was sent to the owners.
- 12/5/07 Reinspected the property. There is now overheight weeds in the front of the property and the vehicles are still there. A revised notice was sent to the owners.
- 1/3/08 Reinspected the property. There has been no change in the condition of the property. A citation (#1380950) was issued for the landscaping and unregistered/inoperable vehicles. Pictures were taken.
- 2/7/08 Reinspected the property. The landscaping is in compliance at this time. However there has been no change to the condition of the vehicles. A second citation (#1327856) was issued for the unregistered/inoperable vehicles. Pictures were taken.

- 2/26/08 Reinspected the property. The landscaping once again is overheight and the unregistered/inoperable vehicles are still parked in the back of the property. A third citation (#11380956) was issued for both violations. Pictures were taken.
- 3/18/08 Reinspected the property. There has been no change in the condition of the property. All citations that were issued have been paid, but the violations still exist. An estimate was requested from Bishop Inc. to abate the property.
- 5/13/08 Received the estimate for the abatement of the property in the amount of \$592.50.
- 5/15/08 Submitted the application for the abatement of this property.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations be done at the property of 1128 S. Farmer Ave. due to David and Pamela Waymires failure to come into compliance with Tempe City Codes. The Waymires have been given ample time to come into compliance and maintain the property. There has been no indication in the Waymires actions that they plan on coming into compliance.

Respectfully submitted,

Julie Scofield

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



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

Mailed on Date: 9/28/07

**DAVID/PAMELLA WAYMIRE
349 E. BROADMOR DR.
TEMPE, AZ 85202**

This notice to comply is to inform you that on 9/27/07, the property located at 1128 S. FARMER AVE. 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 10/22/07 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-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.

Deteriorated or deterioration means a lowering in quality of the condition or appearance of a building, structure or premises, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, damage or lack of maintenance.

Slum-like means a building, structure or premises characterized by deterioration or other similar conditions regardless of the condition of other properties in the neighborhood.

Violation of the Tempe City Code, Chapter 21-38 (h)

Landscaping. Every rental housing unit shall have landscaping in all yard areas which are visible from a public street, alley or sidewalk or a neighboring property. Such landscaping shall be installed and maintained so as to enhance the appearance and value of the property on which it is located and shall not present a deteriorated or slum-like appearance.

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;

Please take the following corrective action by: 10/22/07

Required Correction(s):

- 1. PLEASE HAVE THE OWNER(S) OF THE WHITE FORD TRUCK WITH NO PLATE AND RED TOYOTA TRUCK WITH PLATE OF (497MJE) REGISTER AND DISPLAY CURRENT TAGS AND PLATES. THE VEHICLES MUST ALSO LOOK OPERABLE WITH INFLATED TIRES. IF THE OWNER(S) IS NOT FOUND OR THE VEHICLES CANNOT BE REGISTERED, PLEASE MOVE THE VEHICLES TO AN ENCLOSED AREA OR REMOVE FROM THE PROPERTY.**
- 2. ALL RENTAL PROPERTIES MUST HAVE LANDSCAPING INSTALLED AND MAINTAINED. PLEASE INSTALL SOME SORT OF LANDSCAPING. IT COULD CONSIST OF GRAVEL, GRASS, DESERT, OR A COMBINATION WITH DEFINED BORDERS. PLEASE CUT ANY OVERHEIGHT GRASS AND OR WEEDS LOCATED IN THE BACK OF 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.

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: JULIE SCOFIELD

**Phone Number: 480-350-8951
E-mail: JULIE_SCOFIELD@TEMPE.GOV**



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

Mailed on Date: 10/30/07

DAVID/PAMELLA WAYMIRE
349 E. BROADMOR DR.
TEMPE, AZ 85202

This notice to comply is to inform you that on 10/29/07, the property located at 1128 S. FARMER AVE. 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 11/19/07 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-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.

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Violation of the Tempe City Code, Chapter 21-38 (j)

Inoperable vehicles; common parking areas. Common parking lots and parking areas, serving more than one rental housing unit, shall be maintained free from the storage of abandoned, wrecked, dismantled, unregistered or inoperable vehicles.

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;

Please take the following corrective action by: 11/19/07

Required Correction(s):

1. PLEASE HAVE THE OWNER(S) OF THE WHITE FORD TRUCK WITH NO PLATE AND RED TOYOTA TRUCK WITH PLATE OF (497MJE) REGISTER AND DISPLAY CURRENT TAGS AND PLATES. THE VEHICLES MUST ALSO LOOK OPERABLE WITH INFLATED TIRES. IF THE OWNER(S) IS NOT FOUND OR THE VEHICLES CANNOT BE REGISTERED, PLEASE MOVE THE VEHICLES TO AN ENCLOSED AREA OR REMOVE FROM THE PROPERTY.
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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.

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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



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

Mailed on Date: 12/6/07

DAVID/PAMELLA WAYMIRE
349 E. BROADMOR DR.
TEMPE, AZ 85202

This notice to comply is to inform you that on 12/5/07, the property located at 1128 S. FARMER AVE. 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 12/20/07 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-8

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- 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;

Please take the following corrective action by: 12/20/07

Required Correction(s):

1. PLEASE HAVE THE OWNER(S) OF THE WHITE FORD TRUCK WITH NO PLATE AND RED TOYOTA TRUCK WITH PLATE OF (497MJE) REGISTER AND DISPLAY CURRENT TAGS AND PLATES.
2. IF THE OWNER(S) IS NOT FOUND OR THE VEHICLES CANNOT BE REGISTERED, PLEASE MOVE THE VEHICLES TO AN ENCLOSED AREA OR REMOVE FROM THE PROPERTY.
3. PLEASE CUT ALL OVERHEIGHT WEEDS AND OR GRASS IN THE FRONT AND SIDES OF 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.

Civil and Criminal Penalties

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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 # 8505

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
	SITE ADDRESS 1128 S Farmer
	Scope of work: Tow away 3 unregistered vehicles
	Off duty police officer to be on site during abatement
	Contract #T05-102-01

Unit Price	Total
150.00	450.00
\$47.50	142.50
Total	\$592.50

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.





