

CITY OF TEMPE HEARING OFFICER

Meeting Date: 01/07/2020

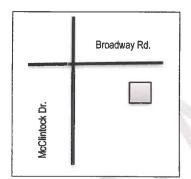
Agenda Item: 2

ACTION: Request approval to abate public nuisance items at the Maroney Property located at 1952 E. Concorda Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1702.00 for abatement request: removal of junk, trash, debris and other stored items from the exterior of the property.

RECOMMENDATION: Staff – Approval of 180 day open abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the MARONEY PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE195505: removal of junk, trash, debris and other stored items from the exterior of the property.



Property Owner

Applicant City
Zoning District: R1-

Code Compliance Inspector:

Patrick R. Maroney

City of Tempe – Code Compliance R1-6, Single Family Residential

Michael Glab, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Maroney Property located at 1952 E. Concorda Drive, in the R1-6, Single Family Residential district. This case was initiated 08/21/2019, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180 day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

Planning Application Part 1 of 2

City of Tempe
Community Development Department
31 East 5th Street, Garden Level, Tempe, Arizona 85281
(480) 350-4311 Fax (480) 350-8677
Planning Fax (480) 350-872
http://www.tempe.com/planning



http://www.tempe.gov/planning

All applications must be accompanied by the required plans, submittal materials, and correct fee(s)

	PROJECT NAME	MARONEY ABATEMENT		PROJECT INFORMAT	ION – REQUIRED	EXISTING	R1-6	
	PROJECT ADDITESS	1952 E. CONCORDA DR.,	TEMP	= A7 85282	ZONING SUITE(6)			
PR	DECT DESCRIPTION	PALMCROFT MANOR UN ABATEMENT OF CE19550 JANUARY 07, 2020	IT 9 LC		PARCEL NO(8)	133-51-084A		
		PROPERTY OWNER	INFOR	THE RESERVE THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER.	(EXCEPT PRELIMINARY	SITE PLAN REVIEW)		
	BUSINESS NAME			ADDRESS				
	CONTACT NAME			CITY		STATE		
	EMAIL			PHONE 1		PHONE 2	,	
I he	reby authorize the	applicant below to proces	ss this	application with the Ci	ty of Tempe.			
PROPERTY attach written statement authorizing the applicant to				R SIGNATURE X	· ·		DATE	
	r attach written stater			APPLICANT INFORMA	TION - REQUIRED	SERBE		
COMPANY / FIRM NAME CITY OF TEMPE / CODE			COMPL	IANCE ADDRESS	21 E 6TH ST SUITE 208			
	CONTACT NAME	MICHAEL GLAB / CODE IN	NSPEC.	TOR CHY	TEMPE	8(A)E	AZ 85281-3681	
	EMAIL	michael glab@tempe.gov		PHONE 1	(480) 350-5461	PHONE 2	1000	
		is application is accurate a			are complete. I acknowl	edge that if the applica	ation is deemed to be	
inco	omplete it will be r	eturned to me without revi		be resubmitted with an	y missing information.	A	DATE 40/5/2010	
			The state of the s	100	elved a lib		DATE 12/5/2019	
	BUSINESS NAME	BUSINES	S INFO	ADDRESS	O FOR USE PERMITS & S	SIGN DPRS		
CONTACT NAME				CITY		STATE		
	TYPE OF BUSINESS			PHONE		EMAIL	1	
V	APPLICATION (check all that ap	ioly)	QTY	SPECIFIC REQUEST	for type:	FOR CITY US	E ONLY ord tracking numbers)	
		SITE PLAN REVIEW				SPR		
	B. ADMINISTRATI	VE APPLICATIONS				MCIA		
	C. VARIANCES					VAR		
	D. USE PERMITS	USE PERMIT STANDARDS				ZUP		
	E. ZONING CODE	AMENDMENTS				ZOA	ZON	
	F. PLANNED ARE	A DEVELOPMENT OVERLAYS				PAD	REC	
	200 200 200 200 200 200 200 200 200 200	/ CONDOMINIUMS				SED	REC	
H. DEVELOPMENT PLAN REVIEW						DPR		
☐ I. APPEALS								
J. GENERAL PLAN AMENDMENTS					GPA			
K. ZONING VERIFICATION LETTERS				,		ZVL		
A	L. ABATEMENTS					Œ	OM	
	TOTAL	L NUMBER OF APPLICATIONS	0	FOR CITY US	SE ONLY			
	DE TRAVESTICE			HIS APPLICATION WITH	DATERESEVED (STAIR)	VALIDATION O	F PAYMENT (STAMP)	
	PL TRACKING #		CE/G	M TRACKING #				
	SPR TRACKING #					TOTAL APPLIC	ATIONEES	
	(If 2 nd or 3 nd submittel, planning resubmittel form)					RECEIVED BY	NTAKE STAFF (INITIALS)	

DATE:

12/05/2019

SUBJECT:

MARONEY Abatement

LOCATION:

1952 E CONCORDA DR, TEMPE, AZ 85282

LEGAL:

LOT 169, BOOK 105, PAGE 42, as recorded with the Maricopa County

Assessor

OWNER:

PATRICK R. MARONEY 1952 E. CONCORDA DR.

TEMPE, AZ 85282

FINDINGS:

In August of 2019, my office received a complaint. Violation(s) of Code was/were observed at the property and a notice was mailed to the property owner(s).

In September of 2019, I followed up at the property, saw little to no change, then mailed a second letter to the owner(s). I followed up later in the month and observed little to no change, so a notice was posted to the structure.

In October of 2019, I followed up at the property, saw little to no change, issued a citation and posted it to the structure.

In November of 2019, I followed up at the property, saw little to no change and requested bids to abate the property.

In December of 2019, I followed up at the property, saw little to no change and submitted application for addition to the January 07, 2020 hearing agenda.

The resident, as well as the complainant, has not reached out to my office to discuss the matter.

RECOMMENDATIONS:

The owner(s) of this property, PATRICK MARONEY, has made little to no attempt to bring the property into compliance. PATRICK MARONEY has had at least one prior abatement conducted on this property (2008). Due to the failure of the property owner(s) to address this matter, a 180-day open abatement period is being sought for this property. I therefore request the City of Tempe Community Development Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,

MICHAEL GLAB Code Inspector City of Tempe

ACTION TAKEN:

NAME

DATE:



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 12/05/2019 Case #: CE195505

PATRICK R. MARONEY 1952 E. CONCORDA 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:

Location: 1952 E. CONCORDA DR., TEMPE, AZ 85282

Parcel: 133-51-084A

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda to be held on 01/07/2020 at 5pm, at the Tempe History Museum, located at 809 E. Southern Ave., Tempe. 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:

CC 21-3.b.1 Junk/debris

If the violations have not been corrected within thirty (30) days, our office will proceed with the abatement process. As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below:

CC 21-3.b.1 Please remove junk, debris, trash and/or stored items from the exterior of the property, including but not limited to: carport; backyard landscape (e.g. bathtub; vehicle wheels/tires; bicycle parts; cabinets; etc.)

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 \$1,702.00. 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 of 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)350-4311

Code Inspector: Michael Glab Phone Number: 480-350-5461 E-mail: Michael_Glab@tempe.gov



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

08/21/2019

PATRICK MARONEY 1952 CONCORDA DR TEMPE, AZ 85282

Case #: CE195505

Site Address: 1952 E CONCORDA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 08/20/2019 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 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;
CC 21-3.b.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 CORRECTIVE ACTION	ON OR AFTER
CC 21-3.b.1	Please remove trash, litter, debris and/or stored items from exterior of the property (e.g. backyard landscape, roof of shed, carport, etc.). Working, intact, items designed for outside use may remain (e.g. bicycles, BBQ grill, patio furniture, etc.)	09/04/2019
CC 21-3.b.15	Please repair and/or replace broken slats on fence line (e.g. backyard/alley fence line, etc.)	09/23/2019

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael_Glab@tempe.gov SITE REINSP

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b). Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation |Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation.| Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines.| Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 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 the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

09/06/2019

PATRICK MARONEY 1952 CONCORDA DR TEMPE, AZ 85282

Case #: CE195505

Site Address: 1952 E CONCORDA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 09/05/2019 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 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;
CC 21-3.b.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 CORRECTIVE ACTION	ON OR AFTER
CC 21-3.b.1	Please remove trash, litter, debris and/or stored items from exterior of the property (e.g. backyard landscape, roof of shed, carport, etc.). Working, intact, items designed for outside use may remain (e.g. bicycles, BBQ grill, patio furniture, etc.)	09/23/2019
CC 21-3.b.15	Please repair and/or replace broken slats on fence line (e.g. backyard/alley fence line, etc.)	09/23/2019

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael_Glab@tempe.gov SITE REINSP

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b). Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation |Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. |Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. |Section 21-25: \$1,050 per violation. |Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 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 the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE POST TO STRUCTURE

09/23/2019

PATRICK MARONEY 1952 CONCORDA DR TEMPE, AZ 85282

Case #: CE195505

Site Address: 1952 E CONCORDA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 09/23/2019 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 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;
CC 21-3.b.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 CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove trash, litter, debris and/or stored items from exterior of the property (e.g. backyard landscape, roof of shed, carport, etc.). Working, intact, items designed for outside use may remain (e.g. bicycles, BBQ grill, patio furniture, etc.)	10/01/2019
CC 21-3.b.15	Please repair and/or replace broken slats on fence line (e.g. backyard/alley fence line, etc.)	10/24/2019

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael_Glab@tempe.gov Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b). Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation |Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation.| Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines.| Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 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 the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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You must Tempe Municipal Court Traffic Court 1/10 F. 5th Street Suite 150. 1st Floor Date: 10 17/19 Time: Between 9AM & 4PM																				
appear on Tempe, AZ 85281 Criminal Court																				
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Criminal: Without admitting guilt, I promise to appear as directed hereon. Civil: Without admitting responsibility, I acknowledge receipt of this complaint.																				
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COMPLAINT



If the defendant fails to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount.

							6	# Actions:
SYS			The afficiency	MDZ4	CLOSED CASE FILE PURGE DATE SET TO 10/19/2024			enozen m
SYS		\$200.00			FINES AND FEES PAID			10/17/2019
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	t Due:	TPC Amount Due:		\$0.00	Stayed Balance Owing:	19	1: 10/7/2019	Filed:
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							ORDA DR 5282	1952 E CONCORDA DR TEMPE, AZ 85282
							ATRICK R	MARONEY, PATRICK R
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rptCMS_11025

HAMANN ENTERPRISES, LLC

4001 W CAMELBACK RD C30 PHOENIX, AZ 85019 (602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME:

Micheal Glab

FIRM:

CITY OF TEMPE

DATE:

10/7/19

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE UNDER CONTRACT # T18-011-03

ADDRESS: 1952 E Concorda DR

1 Remove trash and defis from backyard	\$1,000.00
2 ESTAMATED DUMP FEES	\$150.00
3 Security by Tempe PD	\$552.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	\$1,702.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



