

### CITY OF TEMPE HEARING OFFICER

Meeting Date: 06/02/2020

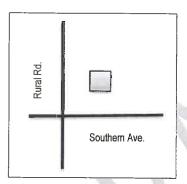
Agenda Item: 4

**ACTION:** Request approval to abate public nuisance items at the Cummings-Patel Property located at 1060 E Geneva Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$994.00 for abatement request: Remove grass and weeds from gravel landscape in front and side yards.

**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 CUMMINGS-PATEL 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 CE197844: Remove grass and weeds from gravel landscape in front and side yards.



Property Owner Christopher Cummings & Priti Patel
Applicant City of Tempe – Code Compliance
Zoning District: R1-6, Single Family Residential
Code Compliance Inspector: 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 Cummings-Patel Property located at 1060 E. Geneva Drive, in the R1-6, Single Family Residential district. This case was initiated 12/31/2019, 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 5<sup>th</sup> Street, Garden Level, Tempe, Arizona 85281
(480) 350-4311 Fax (480) 350-8677
Planning Fax (480) 350-8872
<a href="http://www.tempe.gov/planning">http://www.tempe.gov/planning</a>



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

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	C		MICHAEL GLAB / CODE II	NSPEC	TOR	CHY	TEMPE		AZ	<b>ZP</b> 852	81-3681	
		EMAIL	michael glab@tempe.gov		PHO	NE 1	(480) 350-5461	PHONE 2				
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form												

DATE:

04/21/2020

SUBJECT:

**CUMMINGS-PATEL Abatement** 

LOCATION:

1060 E GENEVA DR, TEMPE, AZ 85282

LEGAL:

LOT 159, BOOK 108, PAGE 033, as recorded with the Maricopa County

Assessor

**OWNER:** 

**CHRISTOPHER CUMMINGS & PRITI PATEL** 

1060 E GENEVA DR TEMPE, AZ 85282

#### **FINDINGS:**

In December of 2019, I observed a violation of Tempe City Code present at the property. Notice was mailed to the property owner(s).

In January of 2020, I observed little to no change at the property. A second notice was mailed to the owner(s)

In February of 2020, I observed little to no change at the property. I then posted a notice to the property. I returned to the property and observed little to no change. Citation(s) was/were issued to the property owner(s) and posted to the structure.

In March of 2020, the violation(s) remained, and the abatement process was sought to address the violation(s). I did receive a single voicemail from the owner, which a return voicemail was made, but have yet to hear back from the owner.

11 complaints have been received by my office related to this property.

#### **RECOMMENDATIONS:**

The owner(s) of this property, CHRISTOPHER CUMMINGS & PRITI PATEL, have/has made little to no attempt to bring the property into compliance. CHRISTOPHER CUMMINGS & PRITI PATEL have/has not had a prior abatement conducted on this property. 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: 04/21/2020 Case #: CE197844

CHRISTOPHER CUMMINGS & PRITI PATEL 1060 E GENEVA 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: 1060 E GENEVA DR., TEMPE, AZ 85282

Parcel: 133-32-162

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 06/02/2020 at 5pm, at the City of Tempe Council Chambers, located at 31 E. 5<sup>th</sup> Street, 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.8 Deteriorated landscape

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.8 Please remove the grass/weeds from all portions of gravel landscape, including: the west side of the driveway; the front yard; the east side located between the fence line and the sidewalk, 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 \$994.00. 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

12/31/2019

CHRISTOPHER CUMMINGS & PRITI PATEL 1060 E GENEVA DR TEMPE, AZ 85282

Case #: CE197844

Site Address: 1060 E GENEVA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 12/31/2019 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.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	ON OR AFTER
CC 21-3.b.8 Please remove the grass/weeds located in the gravel portions of the front and/or east side landscape. Gravel landscapes should be free of all grass/weeds.	01/14/2020

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 CITE DEINICD

**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

01/22/2020

CHRISTOPHER CUMMINGS & PRITI PATEL 1060 E GENEVA DR TEMPE, AZ 85282

Case #: CE197844

Site Address: 1060 E GENEVA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/22/2020 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.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 T	HE FOLLOWING CORRECTIVE ACTION	ON OR AFTER
CC 21-3.b.8	Please remove the grass/weeds located in the gravel portions of the front and/or east side landscape. Gravel landscapes should be free of all grass/weeds.	02/05/2020

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 CITE DEILIOD

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#### COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE POST TO STRUCTURE

02/06/2020

CHRISTOPHER CUMMINGS & PRITI PATEL 1060 E GENEVA DR TEMPE, AZ 85282

Case #: CE197844

Site Address: 1060 E GENEVA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/05/2020 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.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	ON OR AFTER
CC 21-3.b.8	Please remove the grass/weeds located in the gravel portions of the front and/or east side landscape. Gravel landscapes should be free of all grass/weeds.	02/14/2020

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** 

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## Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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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.



COMPLAINT

### Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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COMPLAINT



If the defendant falls 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.

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### HAMANN ENTERPRISES, LLC

### 2925 N 19TH AVE UNIT 97 PHOENIX, AZ 85015 (602) 575-4455

#### hamannenterprises@yahoo.com

#### THE FOLLOWING DOCUMENT IS FOR:

NAME:

MICHEAL GLAB

FIRM:

CITY OF TEMPE

DATE:

4/20/20

#### **PROPOSAL**

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

ADDRESS: 1060 E GENEVA DR

1 REMOVAL OF TALL WEEDS, GRASS AND DEBRIS	\$600.00
2 ESTAMATED DUMP FEES	\$50.00
3 APPLICATION OF PRE-EMERGENT	\$300.00
4 SECURITY BY EMPE POLICE 14	\$44.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	\$994.00

THANK YOU FOR YOUR BUSINESS

**BOB HAMANN** 

