

Staff Summary Report



Hearing Officer Hearing Date: March 3, 2009

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items located at the **HAZELTON PROPERTY** located at 1219 South Maple Avenue.

DOCUMENT NAME: 20090303dsng02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items in violation of the Tempe City Code for the **HAZELTON PROPERTY (PL090056/ABT09001)** (Patrick Hazelton, property owner) Complaint CE085921 located at 1219 South Maple Avenue in the R-2, Multi-Family Residential District.

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

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

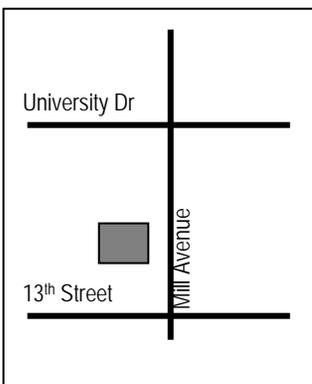
A handwritten signature in black ink, appearing to read 'SEA', located to the right of the 'REVIEWED BY' line.

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 **HAZELTON PROPERTY (PL090056/ABT09001)** (Patrick Hazelton, property owner) Complaint CE085921 located at 1219 South Maple Avenue in the R-2, Multi-Family Residential District. This residence is located south of University Drive and west of Mill Avenue. 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. To date, staff has received no public input on this case.



PAGES:

1. List of Attachments
2. Comments; History & Facts/Description

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-6. Neighborhood Enhancement Report
- 7-11. Neighborhood Enhancement Photos

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **HAZELTON PROPERTY (PL090056/ABT09001)** (Patrick Hazelton, property owner) Complaint CE085921 located at 1219 South Maple Avenue in the R-2, Multi-Family Residential District. This residence is located south of University Drive and west of Mill Avenue. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Chantz Tieman, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

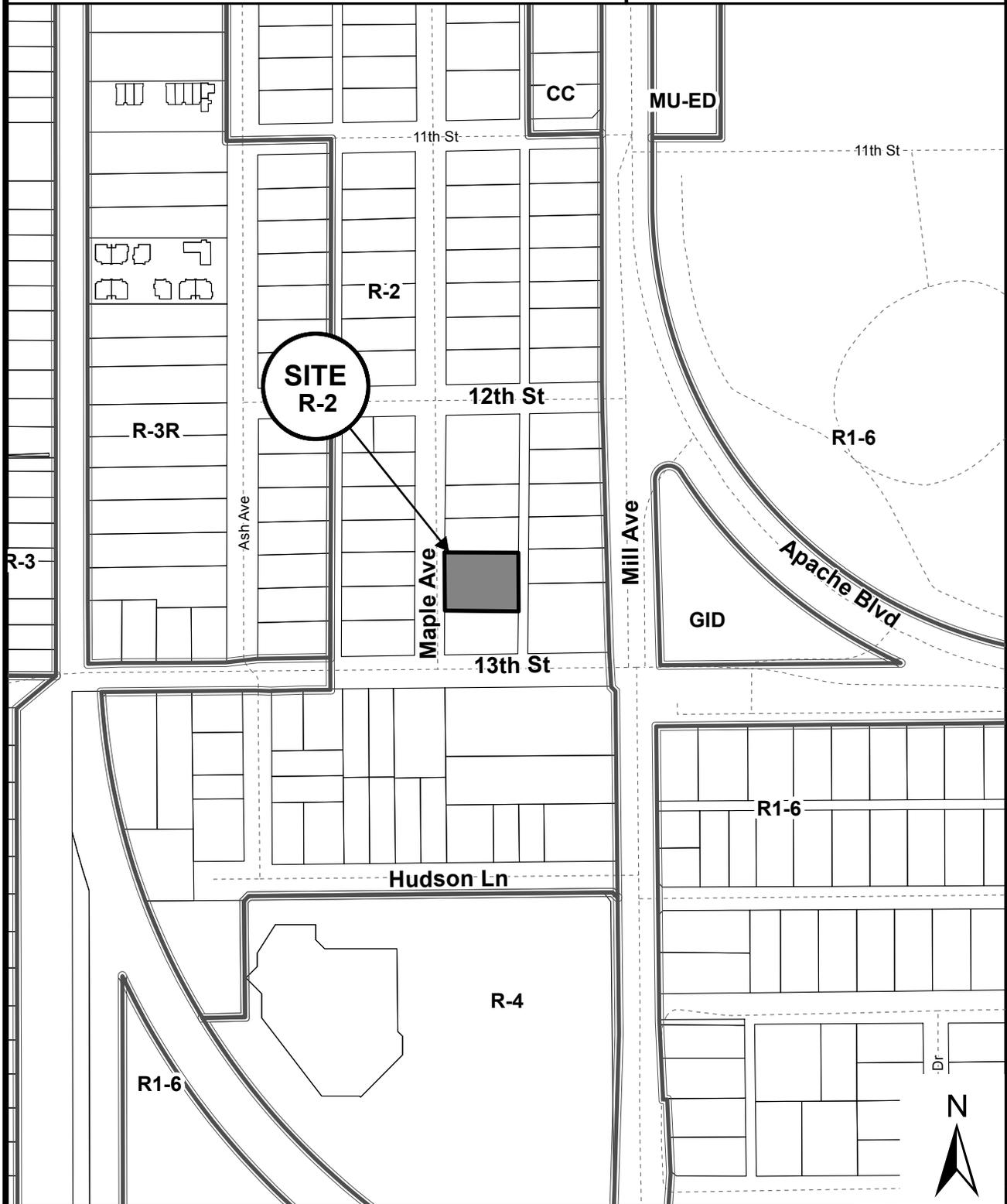
Staff recommends the authorization of abatement of this property.

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

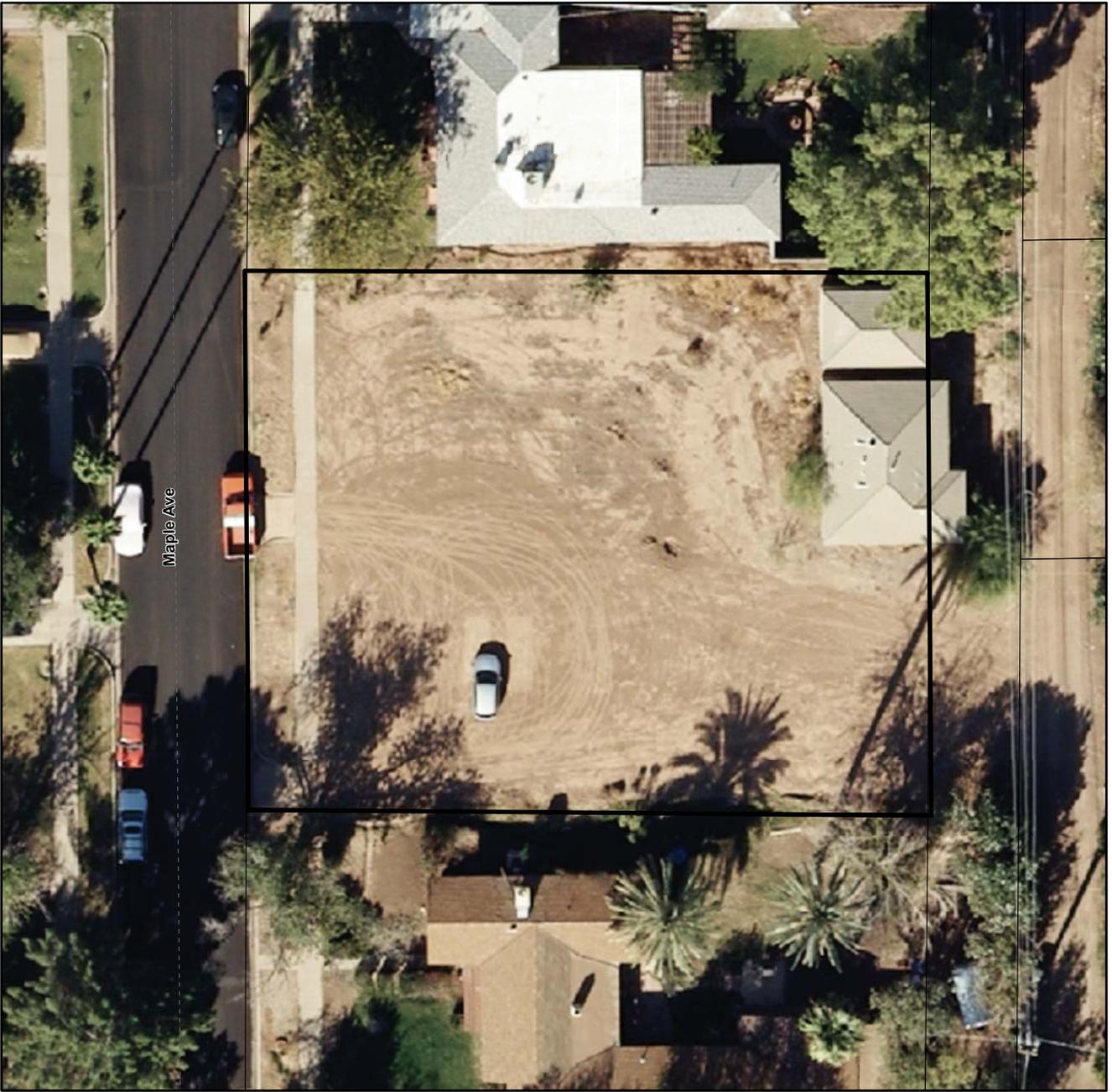
DESCRIPTION: Owner – Patrick Hazelton
Applicant – Chantz Tieman, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 16,809 s.f.
Building area –n/a
Year of construction – n/a

HAZELTON PROPERTY

PL090056



Location Map



HAZELTON PROPERTY (PL090056)



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

Neighborhood Enhancement Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: January 22nd, 2009

TO: PATRICK W. HAZELTON
850 S RIVER DR, #1044
TEMPE, AZ 85281

PATRICK W. HAZELTON
23229 DOREMUS ST.
SAINT CLAIR SHORES, MI 48080

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

LEGAL: Book 132, Map 45, Parcel 033, as recorded with the Maricopa County Assessor.

LOCATION: 1219 S. Maple 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 March 3rd, 2009, at 1:30 pm. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal or repair of:

- **GRAFFITI THAT IS ON THE EXTERIOR OF THE ABANDONED HOUSE, WHICH IS IN VIOLATION OF TEMPE CITY CODE 22-105.**
- **REMOVAL OF ALL OVER HEIGHT GRASS AND WEEDS ON THE PROPERTY THAT ARE IN VIOLATION OF TEMPE CITY CODE 21-3-B-8.**

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 \$572.00. 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 Inspector: Chantz Tieman

Phone Number 480-350-8146

JACK HARRINGTON
6828 N. 25TH DR., #B
PHOENIX, AZ 85017
TEL: (602) 446-2630
FAX : (602) 347-5487

FAX COVER & PROPOSAL

FAXED TO THE FOLLOWING NUMBER(S): 480-858-2278

THE FOLLOWING DOCUMENT IS FOR:

NAME: CHANCE

FIRM: CITY OF TEMPE CODE COMPLIANCE
THIS TRANSMISSION MEMORANDUM PLUS 2 PAGE(S)

DATE: 1/13/09

TIME: 12:56 A.M. P.M.

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT #T08-092-02.

ADDRESS: 1219 S. MAPLE TEMPE, AZ.

1. MOW AND REMOVE WEEDS & DEBRIS FROM FRONT , BACK AND SIDE YARDS 24 MAN HRS @ \$22./HR	\$528.00
2. PAINT GRAFFITI 2 MAN HRS @ \$22./HR	\$44.00
TOTAL COST FOR ABOVE IDEMS	\$572.00

THANK YOU

JACK A. HARRINGTON

ACCEPTANCE

DATE: 01/28/2009
TO: Michael Spencer, Senior Code Inspector
FROM: Chantz Tieman, Code Inspector I
SUBJECT: Request to Abate Nuisance and Zoning Violations

LOCATION: 1219 S. Maple Ave. Tempe, AZ 85281
LEGAL: Book 132, Map 45, Parcel 033, as recorded with the Maricopa County Assessor
OWNER: PATRICK HAZELTON
23229 DOREMUS ST.
SAINT CLAIR SHORES, MI 48080

PATRICK HAZELTON
850 S. RIVER PKWY #1044
TEMPE, AZ 85281

FINDINGS:

8/12/08 The Neighborhood Enhancement Department received a complaint for the above property for deteriorated landscaping and graffiti on the house and garage.

8/15/08 Inspected the property. There was some weeds and grass less than 12 inches high and minor graffiti on the property. Decided to go back to the property at a later date to reinspect.

9/08 to 01/09 Checked the property multiple times during this period to see if any changes.

1/20/09 Grass is now over height and more graffiti is present. Received the estimate for the landscaping and removal of graffiti in the amount of \$572.00. Pictures were taken of the property.

1/22/09 Notice to abate was sent to the owner, with thirty days to correct prior to the hearing.

COMPLAINT HISTORY:

CE013910 10/23/01 Complaint for unsecure buildings on the property.
CE031424 04/03/03 Complaint for over height grass and weeds.

CE041043	03/16/04	Complaint for deteriorated construction fencing around the property.
CE041732	05/05/04	Complaint for over height grass and weeds.
CE042959	08/17/04	Complaint for over height grass and weeds, trash and debris on the property and lawn parking.
CE044441	12/06/04	Complaint for unsecured buildings, over height grass and weeds. City had abatement contractor secure the buildings.
CE051171	03/02/05	Complaint for over height grass and weeds. Also buildings were unsecure.
CE054082	08/18/05	Complaint for over height grass and weeds and lawn parking.
CE061100	03/03/06	Complaint for junk and debris on property.
CE063089	06/21/06	Complaint for over height grass and weeds and the buildings were unsecure. Three citations were issued to gain compliance.
CE075217	09/08/07	Complaint for over height grass and weeds, lawn parking and the buildings being unsecured. One citation was issued and the property was abated to gain compliance.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violation be done at the property of 1219 S. Maple Ave. due to Patrick Hazelton's failure to come into compliance with Tempe City Codes. Mr. Hazelton has been given ample time in previous cases to come into compliance and maintain the property. There has been no indication in Mr. Hazelton actions that he plans on coming into compliance. I request approval for a 120 day Standing Abatement to remove the over height grass and weeds and graffiti for this property, due to the past history of code violations and owners lack of response in correcting these violations.

Respectfully submitted,

Chantz Tieman



