

Staff Summary Report



Board of Adjustment Hearing Date: December 16, 2009

Agenda Item Number: 2

SUBJECT: Appeal of the October 20, 2009 Hearing Officer's decision to approve the request by City of Tempe Code Compliance to abate public nuisance items at the **ANDERSON RESIDENCE** located at 1123 East Palmcroft Drive.

DOCUMENT NAME: 20091216dsjs01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Appeal of the October 20, 2009 Hearing Officer's decision to approve the request by City of Tempe Code Compliance to abate public nuisance items in violation of the Tempe City Code for the **ANDERSON RESIDENCE (PL090275 /ABT09017 /ABA09004 /CE092084)** (Don Anderson, property owner) located at 1123 East Palmcroft Drive in the R1-6, Single Family Residential District.

PREPARED BY: Julie Scofield, Code Compliance Inspector (480-350-8951)

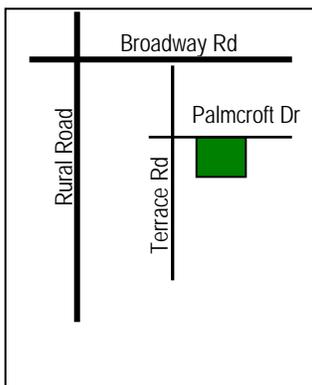
REVIEWED BY: Jeff Tamulevich, Code Compliance Administrator (480-350-844)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

ADDITIONAL INFO: Code Compliance is requesting approval to abate the **ANDERSON RESIDENCE** at 1123 East Palmcroft Drive in the R1-6, Single Family Residential District. This residence is located south of Broadway Road and east of Terrace Road along Palmcroft Drive. 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 CE092084: junk and debris in the backyard, deteriorated landscape in the back yard.

Existing zoning – R1-6, Single Family Residential District
Lot area – 9,014 s.f. / .21 acres
Building area – 1,674 s.f.
Year of construction – 1966



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-14. Neighborhood Enhancement Report
15. COT correspondence, dated 11/3/09, acknowledging appeal
- 16-17. Letter of Appeal w/attached support petition with one (1) signature
- 18-19. HO Minutes, dated 10/20/09

COMMENTS:

Code compliance is requesting approval to abate the **ANDERSON RESIDENCE** at 1123 East Palmcroft Drive in the R1-6, Single Family Residential District. This case was initiated on March 24, 2009 following which Code Compliance has attempted to obtain compliance through many months of correspondence with the property owner, Don Anderson, regarding violations of the Tempe City Code for deteriorated landscaping, junk and debris, and bee infestation.

Mr. Anderson has a history of violating Tempe City Code, this being the thirteenth (13th) case, representing 28 separate violations, dating back to 2003. For this and previous cases, Code Compliance has granted extensions in an effort to assist Mr. Anderson in bringing his property into compliance. Civil citations have been issued on past cases; no abatements have been conducted previously.

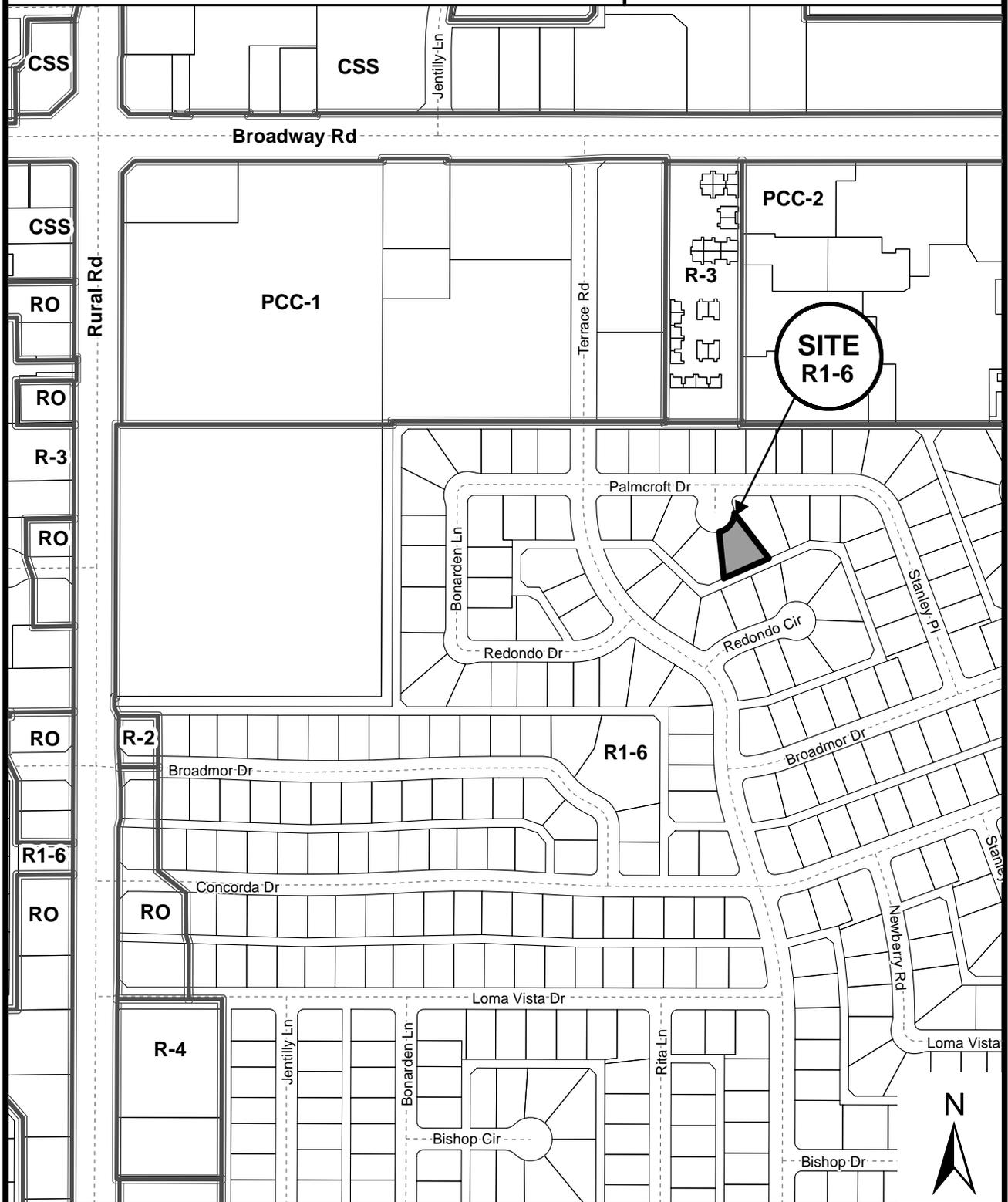
HISTORY & FACTS:

A detailed history and facts of this case are outlined in the attached memorandum from the Code Compliance Inspector. Key dates include:

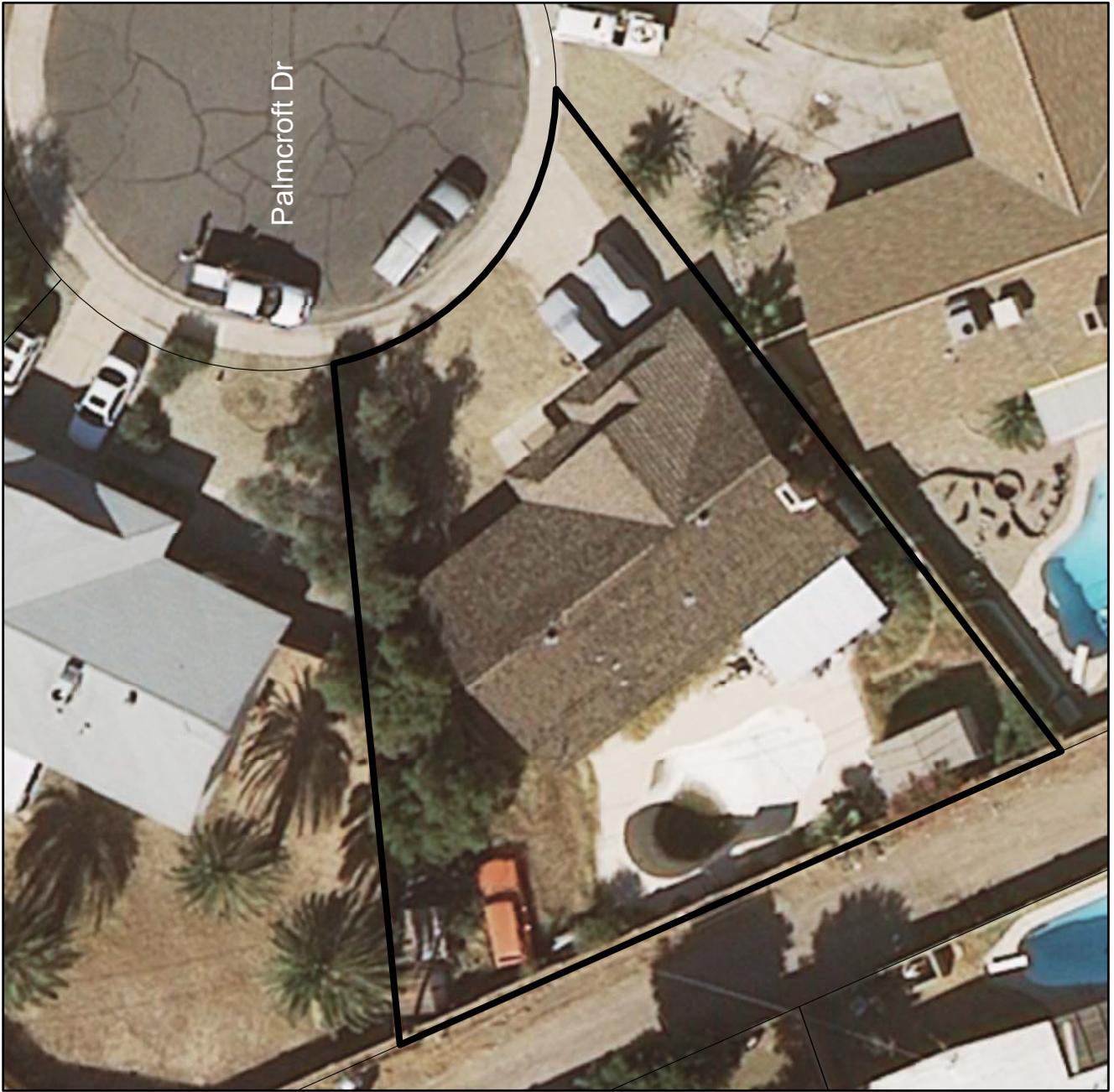
November 3, 2009	Mr. Anderson filed an appeal of the Hearing Officer's decision
October 20, 2009	Hearing Officer approved abatement for junk and debris in backyard; deteriorated landscape in back yard.
October 6, 2009	Hearing Officer hearing canceled; case rescheduled for October 20, 2009
September 1, 2009	Hearing Officer continued abatement proceedings to October 6, 2009 at the request of the property owner
July 30, 2009	Abatement process initiated
July 27, 2009	No change to back yard junk and debris and over height grass
July 13, 2009	Citation dismissed upon owner providing proof of bee service
June 29, 2009	Citation issued for bee infestation; front yard violations resolved
June 24, 2009	Notice issued for backyard junk and debris and over height grass
June 2, 2009	New complaints of junk and debris in back yard and over height grass in back yard; still no compliance regarding junk and debris in front yard or bee infestation
May 12, 2009	Mr. Anderson declined assistance through volunteers or the Hardship Program
April 20, 2009	Final Notice sent for landscaping in the front and junk and debris in the front; added new violation of bee infestation in back yard
April 16, 2009	Volunteer assistance and Hardship Program offered to Mr. Anderson
March 24, 2009	Case initiated following complaint for junk and debris and deteriorated landscaping in the front yard

ANDERSON RESIDENCE

PL090275



Location Map



ANDERSON RESIDENCE (PL090275)

DATE: 07/29/09
TO: Jan Koehn, Administrator
FROM: Julie Scofield
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE092084

LOCATION: 1123 E. Palmcroft Dr. Tempe, AZ 85282
LEGAL: Book 133, Map 56, Parcel 107, as recorded with the Maricopa County Assessor
OWNER: Don L. Anderson
1123 E. Palmcroft Dr.
Tempe, AZ 85282

FINDINGS:

- 03/23/09 The Neighborhood Enhancement Department received a complaint on the above property for deteriorated landscaping, junk and debris, and inoperable vehicles.
- 03/24/09 The property was inspected. There is grass and weeds growing through the gravel landscaping and items in the front of the property. A notice to comply was mailed to the property owner, Don Anderson. Tried to call Don Anderson with a previous phone number, but it was out of service.
- 04/16/09 After talking to Mr. Anderson, we decided to see if he could qualify for the hardship program and or volunteers. The paperwork for the hardship program was posted on the front door of Mr. Andersons home.
- 04/20/09 The Neighborhood Enhancement department received a complaint for bees in the back of the property. Re-inspected the property. There has been no change to the condition of the front of the property. Mailed a final notice for the landscaping and added the bees to the violations that need to be corrected.
- 05/??/09 Mr. Anderson called and said he did not want help from volunteers or hardship program. He said he was going to do it himself.
- 06/02/09 Received another complaint for the bees, junk and debris and landscaping. Called and left a message for Mr. Anderson asking for an update and mentioned that if the violations were not corrected, citations were a possibility.
- 06/23/09 Re-inspected the property. The landscaping has been corrected, but the items are still in the front of the property.
- 06/24/09 Received another complaint for the bees and junk and debris in the front and back of the property. Called Mr. Anderson again and left a message that if the items in the front were not removed by 06/26/09, a citation would be issued. The bees were to be gone by Monday 6/29/09. A notice was mailed for the junk and debris and over height grass in the back of the property. The notice gave Mr. Anderson one (1) month to clean up the back of the property.
- 06/29/09 Re-inspected the property. A citation #1413542 was issued for the infestation of bees.

- 07/09/09 Meeting with Mr. Anderson in the office. He agreed to fax in a copy of receipt from bee service if we would dismiss the citation. Mr. Anderson said he was thinking of renting a storage unit for the items in the back yard. Another copy of the notice for the back of the property was given to him.
- 07/13/09 Received a copy of the receipt for the bee service.
- 07/27/09 Re-inspected the property. There has been no change to the condition of the back of the property.
- 07/28/09 Requested an estimate from Contractor Jack Harrington for the abatement of the back of the property for the over height grass and junk and debris.
- 07/29/09 Received the estimate for abatement in the amount of \$2208.00 Submitted the paperwork for the abatement hearing to be held on 9/1/09.

PROPERTY HISTORY:

- 06/06/03 Property was in violation of a green pool, trash and debris in back yard, and deteriorated landscape.
- 11/12/03 Property was in violation of a green pool and deteriorated landscape.
- 04/02/04 Property was in violation of deteriorated landscape.
- 02/11/05 Property was in violation of deteriorated landscape, unregistered vehicles and green pool.
- 04/13/06 Property was in violation of trash and debris in front yard, deteriorated landscape in back yard, deteriorated car covers and bee infestation.
- 07/03/06 Property was in violation of bee infestation.
- 11/13/06 Property was in violation of deteriorated landscape and unregistered vehicles.
- 08/27/07 Property was in violation of deteriorated landscape.
- 10/24/07 Citation was issued for deteriorated landscape.
- 02/12/08 Property was in violation of trash and debris in front yard, deteriorated landscape, and bee infestation.
- 03/26/08 Property was in violation of trash and debris in back yard,
- 09/02/08 Property was in violation of deteriorated landscape.

RECOMMENDATIONS:

I recommend approval for the abatement of 1123 E. Palmcroft Dr., which is owned by Mr. Don Anderson. Mr. Anderson has been given ample time and opportunities to bring his property into compliance. He has failed to take corrective action. Due to the history of this property, it is very clear that Mr. Anderson is unable to keep his property in compliance. There has been no indication in Mr. Anderson's actions that he plans to correct and maintain his property.

Respectfully submitted,
Julie Scofield

ACTION TAKEN: Referred for hearing
NAME: Jan Koehn
DATE: 7/30/09



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: 07/29/09

TO: **Don Anderson**
1123 E. Palmcroft 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 133, Map 56 Parcel 107, as recorded with the Maricopa County Assessor.

LOCATION: 1123 E. Palmcroft Dr. Tempe, AZ 85282

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 9/01/09. We are requesting Hearing Officer Authorization to abate this public nuisance codes in accordance with Section 21-53 of the Tempe City Code by cleaning up the landscaping and towing an unregistered vehicle. TCC 21-3-B-8 which prohibits landscaping that is dead, over height, damaged, or presents a deteriorated or slum-like appearance and TCC 21-3-B-1 which prohibits outside storage of items not intended for exterior use.

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 \$2208.00 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 Enforcement Officer: Julie Scofield

Phone Number 480-350-8951

JACK HARRINGTON
3831 W AVALON
PHOENIX, AZ. 85019
TEL: (602) 446-2630
FAX: (602) 347-5487
EMAIL: JACKHBOARDUPS@YAHOO.COM

THE FOLLOWING DOCUMENT IS FOR:

NAME: JULIE
FIRM: CITY OF TEMPE CODE COMPLIANCE

DATE: 07-30-09 TIME: _____ A.M. _____ P.M.

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # TO8-092-02

ADDRESS: 1123 E PALMCROFT DR Tempe, AZ.

- | | |
|---|-----------|
| 1. CLEAN AND HUAL AWAY DEDRIS FROM BACK YARD AT 1123 E PALMCOFT | |
| 64 MANHOURS HRS @ \$22./HR | \$1408.00 |
| 2. TEMPE POLICE 2 DAY 16 MANHOURS @\$50.00/ | 800.00 |

TOTAL	\$2208.00
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THANK YOU

ACCEPTANCE

JACK HARRINGTON

CASE #CE092084



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

Mailed on Date: 3/25/09

**DON ANDERSON
1123 E. PALMCROFT DR.
TEMPE, AZ 85282**

This notice to comply is to inform you that on 3/24/09, the property located at 1123 E. PALMCROFT DR. 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 4/8/09 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-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 by: 4/8/09

Required Correction(s):

- 1. PLEASE COMPLETELY REMOVE ALL GRASS AND WEEDS FROM THE GRAVEL LANDSCAPING.**
- 2. PLEASE REMOVE AND OR DISCARD THE CONTAINERS, BOXES, TRASH, AND ANY OTHER MISCELLANEOUS ITEMS FROM THE FRONT 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 \$150 dollars per violation, 2nd occurrence \$250 dollars per violation, 3rd occurrence \$350 dollars per violation.

Section 21-3, Enumerated Violations subsections (b) 9-16: 1st occurrence \$350 dollars per violation, 2nd occurrence \$650 dollars per violation, 3rd occurrence \$950 dollars per violation.

Section 21-4 (B), Habitual Offender: 1st occurrence \$500 dollars + sum of other fines, 2nd occurrence \$1000 dollars + sum of other fines, 3rd occurrence \$1,500 dollars + sum of other fines.

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 # CE092084



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

Mailed on Date: 4/21/09

**DON ANDERSON
1123 E. PALMCROFT DR.
TEMPE, AZ 85282**

This notice to comply is to inform you that on 4/20/09, the property located at 1123 E. PALMCROFT DR. 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 5/5/09 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-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;

Violation of the Tempe City Code, Chapter 21-3-b-20

To leave or permit to remain on any property, areas infested with insects or rodents including, but not limited to: bees, wasps, hornets, yellow jackets, mice, rats, or roaches, in an amount that may become a hazard to public health or safety.

Please take the following corrective action by: 5/5/09

Required Correction(s):

- 1. PLEASE TAKE IMMEDIATE ACTION TO REMOVE AND ELIMINATE ANY BEES AND OR BEE HIVES THAT ARE LOCATED IN THE BACK YARD OF THE PROPERTY.**
- 2. PLEASE COMPLETELY REMOVE ALL GRASS AND WEEDS FROM THE GRAVEL LANDSCAPING.**
- 3. PLEASE REMOVE AND OR DISCARD THE CONTAINERS, BOXES, TRASH, AND ANY OTHER MISCELLANEOUS ITEMS FROM THE FRONT 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 \$150 dollars per violation, 2nd occurrence \$250 dollars per violation, 3rd occurrence \$350 dollars per violation.

Section 21-3, Enumerated Violations subsections (b) 9-16: 1st occurrence \$350 dollars per violation, 2nd occurrence \$650 dollars per violation, 3rd occurrence \$950 dollars per violation.

Section 21-4 (B), Habitual Offender: 1st occurrence \$500 dollars + sum of other fines, 2nd occurrence \$1000 dollars + sum of other fines, 3rd occurrence \$1,500 dollars + sum of other fines.

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 #CE092084



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

Mailed on Date: 6/24/09

**DON ANDERSON
1123 E. PALMCROFT DR.
TEMPE, AZ 85282**

This notice to comply is to inform you that on 6/23/09, the property located at 1123 E. PALMCROFT DR. 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 7/27/09 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-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 by: 7/27/09

Required Correction(s):

1. PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS IN THE BACK OF THE PROPERTY.
2. PLEASE REMOVE AND OR DISCARD THE CONTAINERS, BOXES, TRASH, HOUSEHOLD ITEMS, AND ANY OTHER MISCELLANEOUS ITEMS FROM 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 \$150 dollars per violation, 2nd occurrence \$250 dollars per violation, 3rd occurrence \$350 dollars per violation.

Section 21-3, Enumerated Violations subsections (b) 9-16: 1st occurrence \$350 dollars per violation, 2nd occurrence \$650 dollars per violation, 3rd occurrence \$950 dollars per violation.

Section 21-4 (B), Habitual Offender: 1st occurrence \$500 dollars + sum of other fines, 2nd occurrence \$1000 dollars + sum of other fines, 3rd occurrence \$1,500 dollars + sum of other fines.

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**







Development Services
Department

(480) 350-8331 (Phone)

November 3, 2009

Mr. Don Anderson
1123 East Palmcroft Drive
Tempe, Arizona 85282

RE: **PL090275/ABT09017 – ANDERSON RESIDENCE ABATEMENT
COMPLAINT NO. CE092084
ABA09004 – APPEAL OF HEARING OFFICER'S DECISION**

Dear Mr. Anderson:

The request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **ANDERSON RESIDENCE (PL090275/ABT09017)** (Don Anderson, property owner) Complaint 092084 located at 1123 East Palmcroft Drive in the R1-6, Single Family Residential District was re-heard by the Hearing Officer on October 20, 2009. At that time, the Hearing Officer approved abatement proceedings for PL090275/ABT09017 as outlined in the abatement documentation.

Your appeal of the Hearing Officer's decision has been received, and is scheduled to be heard by the Board of Adjustment on **December 16, 2009**. If you fail to bring your property into compliance prior to this date, the code violation(s) addressed at the public hearing on October 20th will be reviewed by the Board of Adjustment.

If you have any questions please contact me at (480) 350-8486.

Sincerely,



Sherri Lesser
Senior Planner

SL/dm

cc: Ms. Julie Scofield/Neighborhood Enhancement Inspector
Mr. Michael Spencer/Neighborhood Enhancement Senior Inspector
Mr. Jeff Tamulevich/DSD – Code Compliance Department
Ms. Decima Server – Neighborhood Enhancement Liaison
File

TO BOARD OF ADJUSTMENT

I wish to APPEAL THE ABATEMENT
OF MY PROPERTY

Don L. Anderson, Ph.D.
11/3/09

Rec'd 11/3/09
DM

PL090275/ABT09017
ABA09004

To Whom it MAY CONCERN:

NOV 2, 2009

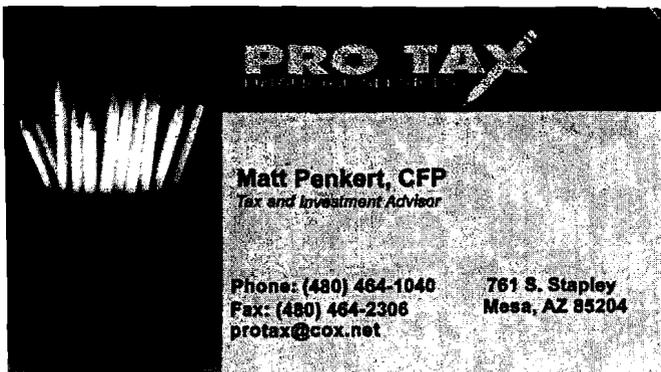
PLEASE DO NOT ABATE DON ANDERSON'S PROPERTY



MAT PENKERT

602-410-9682

Rec'd 11/3/09
cm



PRO TAX
Tax and Investment Services

Matt Penkert, CFP
Tax and Investment Advisor

Phone: (480) 464-1040 761 S. Stapley
Fax: (480) 464-2306 Mesa, AZ 85204
protax@cox.net

Mr. Williams noted that Mr. Godusi's property is not actually adjacent to this location but is approximately 200 ft. distant. He did not see any obstacle that this monopalm would present to the development of Mr. Godusi's property and did not feel that it would present significant impact on this property.

Ms. Morelli returned to the podium and noted that this monopalm would be beneficial to the community by offering improved wireless coverage and services. She noted that there is a monopalm located at Apache Boulevard and McClintock that sets a precedent for this type of monopalm in the Apache corridor area.

Mr. Williams addressed the issue of verticality in relation to the new condominiums across the street from this location and questioned the locality. Ms. Morelli explained that when this project was first proposed they were in contact with the property management of the condominiums who expressed a concern with privacy issues regarding the condo residents. She noted that the nature of this request requires 24 hr maintenance access to the monopalm to insure coverage is continuous.

DECISION:

Mr. Williams approved PL090199/ZUP09132 subject to the following conditions of approval:

1. Obtain all necessary clearances from the Building Safety Division.
2. The monopalm shall be no greater than 60'-0" (sixty feet) in height (to the top of the monopalm fronds) Antenna RAD Center at 55'-0" (fifty-five feet).
3. The monopalm shall be designed to resemble a Mexican fan palm tree (not Date Palm tree). Fronds and pole to be designed to match new Mexican fan palm trees to be located on site.
4. Two (2) Mexican fan palm trees shall be planted as proposed in the drawings submitted with this request.
5. Any intensification or expansion of use, including co-location of additional antennas, will require a new use permit.
6. Any proposed roof-mounted A/C units shall be concealed on all sides by elements that are an integral part of the building design and are equal to or greater in height than the mechanical equipment.
7. The wireless device shall be removed within 30 days of discontinuance of use.

-
6. Request by City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **ANDERSON RESIDENCE ABATEMENT (PL090275/ABT09017)** (Don Anderson, property owner) Complaint 092084 located at 1123 East Palmcroft Drive in the R1-6, Single Family Residential District.

Mr. Don Anderson, property owner, was present, stating that he had been a resident and business owner for thirty (30) years. He noted that the weeds had been removed from his property. The items stored on the patio area is not junk, he explained, but good stuff, and asked for additional time to sell those items.

Ms. Julie Scofield, Neighborhood Enhancement Inspector, stated that this case was opened in March 2009 due to a complaint and notices were sent regarding grass, weeds, gravel, junk and debris and inoperable vehicle(s). In April 2009 final notice(s) were sent regarding the landscaping and junk/debris in the front yard, as well as bees located in the shed area in the back yard. In June 2009 the landscaping items had been corrected, however there was still junk/debris located in the rear yard. There have been no changes to the property's condition since the September 1st continuance by the Hearing Officer. She presented photographs, taken yesterday, that documented the current state of this property.

Mr. Williams noted that six (6) weeks ago, on September 1st, Mr. Anderson stated that 30 days were adequate to bring these violations into compliance. He noted that Mr. Anderson would have a period of time to obtain storage accommodations for the items presently on the patio area. He suggested that Mr. Anderson meet with staff to determine the period of time available before abatement proceedings would be activated. In response to a question from Mr. Anderson it was noted that the cars were adequately screened and were not part of the abatement proceedings at this time.

DECISION:

Mr. Williams approved abatement proceedings for PL090275/ABT09017.

7. Request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **CRESS RESIDENCE (PL090315/ABT09023)** (Robert Cress, property owner) Complaint 094298 located at 511 East Carter Drive in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Ms. Brandy Zedlar, Neighborhood Enhancement Inspector, stated that there had been no change in the condition of this property and the pool area. Mr. Cress is no longer occupying the property and the property is going into foreclosure. Ms. Zedlar explained that Mr. Cress had declined to sign the form authorizing a voluntary abatement. As of today, no auction date has been set by Maricopa County, stated Ms. Zedlar.

DECISION:

Mr. Williams approved abatement proceedings for PL090315/ABT09023.

8. Request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **KOKES RESIDENCE (PL090316/ABT09024)** (Joseph Kokes, property owner) Complaint 093713 located at 608 East Fordham Drive in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Ms. Brandy Zedlar, Neighborhood Enhancement Inspector, stated that there had been no change in the condition of this property or the pool area. Mr. Kokes had indicated he would sign the voluntary authorization for abatement, however, the signed form had never been received, Ms. Zedlar stated. Mr. Kokes had stated that he was losing the property to foreclosure. November 18th is the date set for the auction of this property due to foreclosure.

DECISION:

Mr. Williams approved abatement proceedings for PL090316/ABT09024.

9. Request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **MILES RESIDENCE (PL090322/ABT09022)** (Cris Miles, property owner) Complaint 072012 located at 702 East Taylor Street in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Mr. Andres Lara, Neighborhood Enhancement Inspector, stated that although the front yard has improved, there are dead bushes and weeds in the back yard area, and there is still an unregistered vehicle in the driveway.

DECISION:

Mr. Williams approved abatement proceedings for PL090322/ABT09022.
