

Staff Summary Report



Hearing Officer Hearing Date: November 4, 2008

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items at the **BREWER RESIDENCE (PL080357/ABT08031)** located at 4027 South Hazelton Lane.

DOCUMENT NAME: 20081104dssl01

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 **BREWER RESIDENCE (PL080357/ABT08031)** (Brad Brewer, property owner) Complaint CE084219 located at 4027 South Hazelton Lane in the R1-6, Single Family Residential District.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

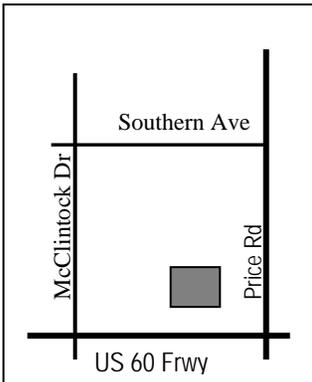
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

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 **BREWER RESIDENCE (PL080357/ABT08031)** (Brad Brewer, property owner) Complaint CE084219 located at 4027 South Hazelton Lane in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Staff recommends authorizing abatement of this property.



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-8. Neighborhood Enhancement Report
- 9-10. Neighborhood Enhancement Photos

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **BREWER RESIDENCE (PL080357/ABT08031)** (Brad Brewer, property owner) Complaint CE084219 located at 4027 South Hazelton Lane in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Brett Barnes, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

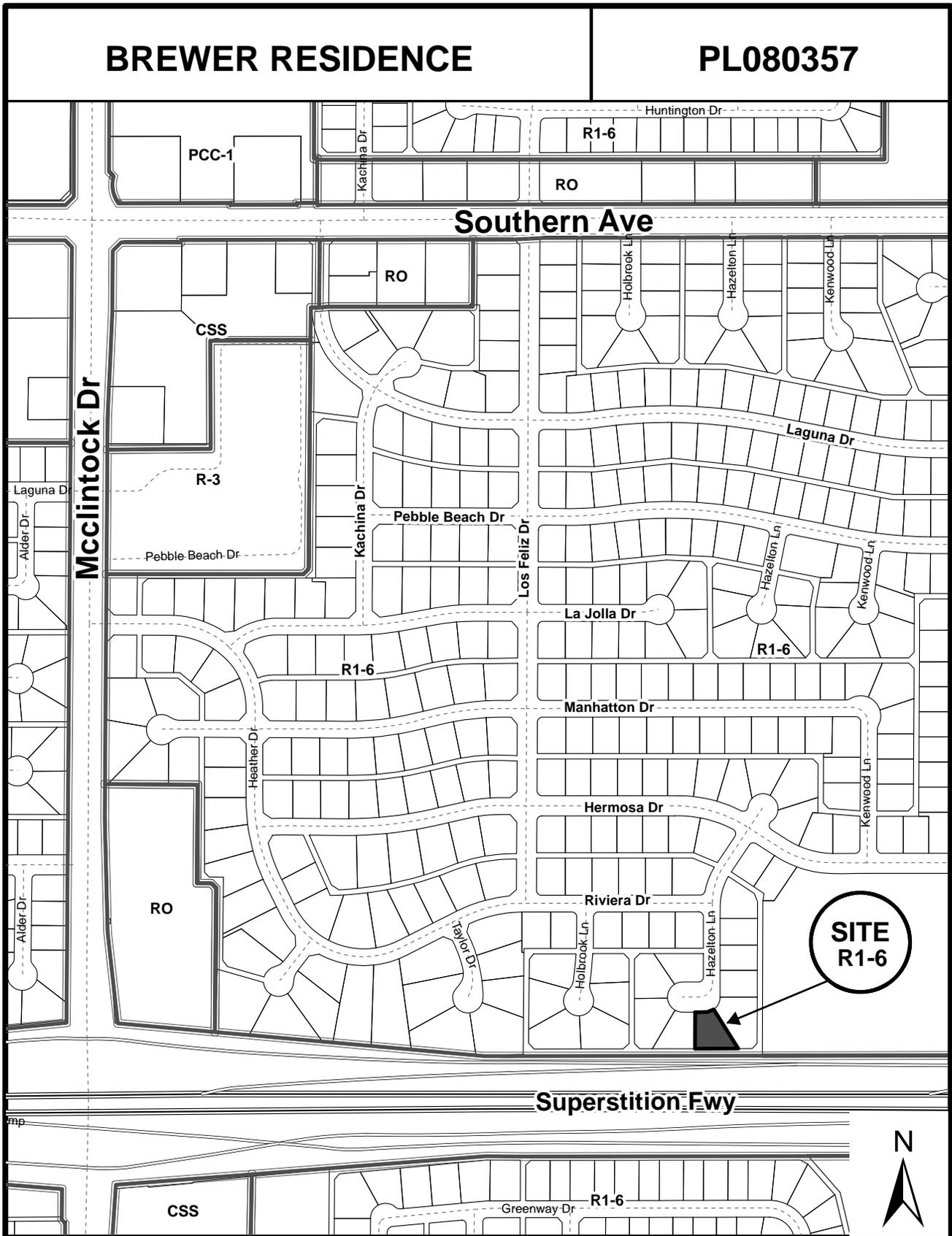
Staff recommends authorizing abatement of this property.

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

DESCRIPTION: Owner – Brad Brewer
Applicant – Brett Barnes, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 10659 s.f.
Year of structure – 1969

BREWER RESIDENCE

PL080357



Location Map



BREWER RESIDENCE (PL080357)

DATE: September 23, 2008
TO: Mike Spencer, Senior Code Inspector
FROM: Brett Barnes
SUBJECT: Request to abate nuisance violations case CE084219

LOCATION: 4027 S. Hazelton Lane Tempe, AZ 85282
LEGAL: Book 133, Map 36, Parcel 284, as recorded with the Maricopa County Assessor
OWNER/ Brad S. Brewer
OCCUPANT: 4027 S. Hazelton Lane Tempe AZ 85282

FINDINGS:

- 05-29-08 A complaint was generated regarding two inoperable and or unregistered vehicles parked in the driveway of the property located at 4027 S. Hazelton Lane. An inspection was conducted and the property was found to be in violation.
- 06-04-08 A courtesy notice was sent to Brad Brewer for an inoperable and or unregistered vehicle violation. The notice requested him to register, repair, and or remove the two vehicles from the driveway. Brad Brewer was given until 06-18-08 to bring the property into compliance.
- 06-18-08 I reinspected the property and found the violation had not been corrected. A second and final courtesy notice was sent to Brad Brewer requested him to register, repair, and or remove the two vehicles from the driveway. Brad Brewer was given until 07-03-08 to bring the property into compliance.
- 0709-08 I reinspected the property and found one vehicle had been registered and removed. The other vehicle was still unregistered and sitting on a flat tire in the driveway. The violation had not been corrected. Pictures of the vehicle in violation were taken.
- 07-10-08 A civil citation was issued to the property owner Brad Brewer for having an inoperable unregistered vehicle in the driveway.

- 07-30-08 A reinspection of the property was conducted, and the violation had not been corrected. Pictures of the vehicle in violation were taken.
- 07-31-08 A second civil citation was issued to the property owner Brad Brewer for having an inoperable unregistered vehicle in the driveway.
- 08-18-08 A reinspection of the property was conducted, and the violation had not been corrected. Pictures of the vehicle in violation were taken. A third civil citation was issued to the property owner Brad Brewer for having an inoperable unregistered vehicle in the driveway.
- 09-03-08 The violation on the property had not been corrected, contacting Jack Harrington to get an estimate, and file to abate the violation.
- 09-23-08 I received an estimate from Jack Harrington to abate the nuisance violation in the amount of \$285.00. The estimate includes the removal of the inoperable and unregistered vehicle, and an off duty officer to be on site during the abatement.

RECOMMENDATIONS:

I recommend the abatement of the nuisance violation at the property of 4027 S. Hazelton Lane. Brad Brewer has failed to bring the property into compliance after being issued several courtesy notices and civil citations. Brad Brewer has failed to pay and or appear in court for all three civil citations issued.

Respectfully submitted,

Brett Barnes
Code Inspector

ACTION TAKEN: submit for Abatement
NAME: [Signature]
DATE: 9-23-2008

CASE #CE084219



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

Mailed on Date: 6/4/08

Name BRAD BREWER
Address 4027 S. HAZELTON LN.
City State TEMPE AZ 85282

NOTICE TO COMPLY

This notice to comply is to inform you that on 5/29/08, the property located at 4027 S. Hazelton Lane 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 **6/18/08** 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).

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.

Please take the following corrective action by 6/18/08

Required Correction(s):

- **PLEASE REGISTER THE NISSAN SENTRA WITH NO LICENSE PLATE, AND REGISTER AND REPAIR THE CADILLAC WITH EXPIRED REGISTRATION SITTING ON A FLAT TIRE IN THE DRIVEWAY.**

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 Enforcement Inspector: BRETT BARNES

Phone Number 480-350-8658

CASE #CE084219



**City of Tempe Code Compliance Division
Notice to Comply: Article I. Nuisances
SECOND AND FINAL NOTICE**

Mailed on Date: 6/19/08

Name BRAD BREWER
Address 4027 S. HAZELTON LN.
City State TEMPE AZ 85282

NOTICE TO COMPLY

This notice to comply is to inform you that on 6/18/08, the property located at 4027 S. Hazelton Lane 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 **7/3/08** 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).

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.

Please take the following corrective action by 7/3/08

Required Correction(s):

- **PLEASE REGISTER THE NISSAN SENTRA WITH NO LICENSE PLATE, AND REGISTER AND REPAIR THE CADILLAC WITH EXPIRED REGISTRATION SITTING ON A FLAT TIRE IN THE DRIVEWAY.**

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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The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of this chapter.

Code Enforcement Inspector: BRETT BARNES

Phone Number 480-350-8658

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: BRENT**

FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 2 PAGE(S)

DATE: 9/25/08 TIME: 11:50 A.M. P.M.

PROPOSAL

**WE PROPOSE TO DO THE FOLLOWING WORK AT
ADDRESS: 4027 S. HAZELTON**

- | | |
|--|-----------------|
| 1. REMOVAL OF BLUE CADILLAC FROM DRIVEWAY | \$135.00 |
| 2. TEMPE POLICE OFFICE 3 HRS @ \$50.00/HR | \$150.00 |

| | |
|-----------------------------------|-----------------|
| TOTAL COST FOR ABOVE IDEMS | \$285.00 |
|-----------------------------------|-----------------|

THANK YOU

JACK HARRINGTON

ACCEPTANCE



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

Code Compliance Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 9/23/08

TO: Brad S. Brewer

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 36, Parcel 284, as recorded with the Maricopa County Assessor.

LOCATION : 4027 S. Hazelton Lane Tempe AZ 85282

This office will submit this complaint to the Neighborhood Enhancement Abatement Hearing Officer to be placed on the Hearing Officer agenda of November 04, 2008. 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: Those items constituting a violation of TCC 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.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violations. 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 \$285.00. 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: Brett Barnes

Phone Number 480-350-8658



