

Staff Summary Report



Hearing Officer Hearing Date: January 5, 2010

Agenda Item Number: 12

SUBJECT: Public hearing for a request by City of Tempe Code Compliance to abate public nuisance items at the **CANZANO RESIDENCE** located at 1133 East Concorda Drive.

DOCUMENT NAME: 20100105dsjls03

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by City of Tempe Code Compliance to abate public nuisance items in violation of the Tempe City Code for the **CANZANO RESIDENCE (PL090459/ABT09042/CE095875)** (Robert Canzano, property owner) located at 1133 East Concorda Drive in the R1-6, Single Family Residential District.

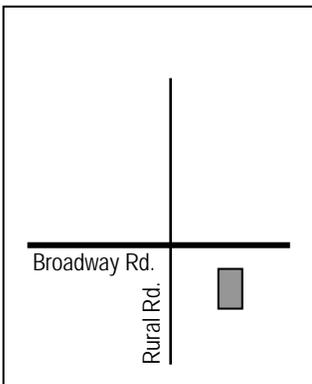
PREPARED BY: Julie Scofield, Code Compliance Inspector (480-350-8951)

REVIEWED BY: Decima Sever, Development Services Liaison (480-350-8920)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

ADDITIONAL INFO: Code Compliance is requesting approval to abate the **CANZANO RESIDENCE** located at 1133 East Concorda Drive. The property is generally located south of Broadway Road and east of Rural Road. 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 CE095875: unsecured building.



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-12. Neighborhood Enhancement Report

COMMENTS:

Code Compliance is requesting approval to abate the Canzano Residence at 1133 E. Concorda Drive in the R1- 6 Single Family Residential District. This case was initiated on October 22, 2009 following which Code Compliance has attempted to obtain compliance through correspondence with the property owner, Robert Canzano, regarding a violation of the Tempe City Code for an unsecured building.

Mr. Canzano has a significant history of violating Tempe City Codes with regards to deteriorated landscaping, outside storage, unregistered/inoperable vehicles, green pool, deteriorated roof, missing/chipped paint, and now unsecured building. To date the City of Tempe has abated this property three (3) times for various violations. In 2001 and 2005, Mr. Canzano had criminal charges filed against him and was found guilty both times. Fourteen (14) citations have been issued since 2001, all for which he failed to pay or appear in court.

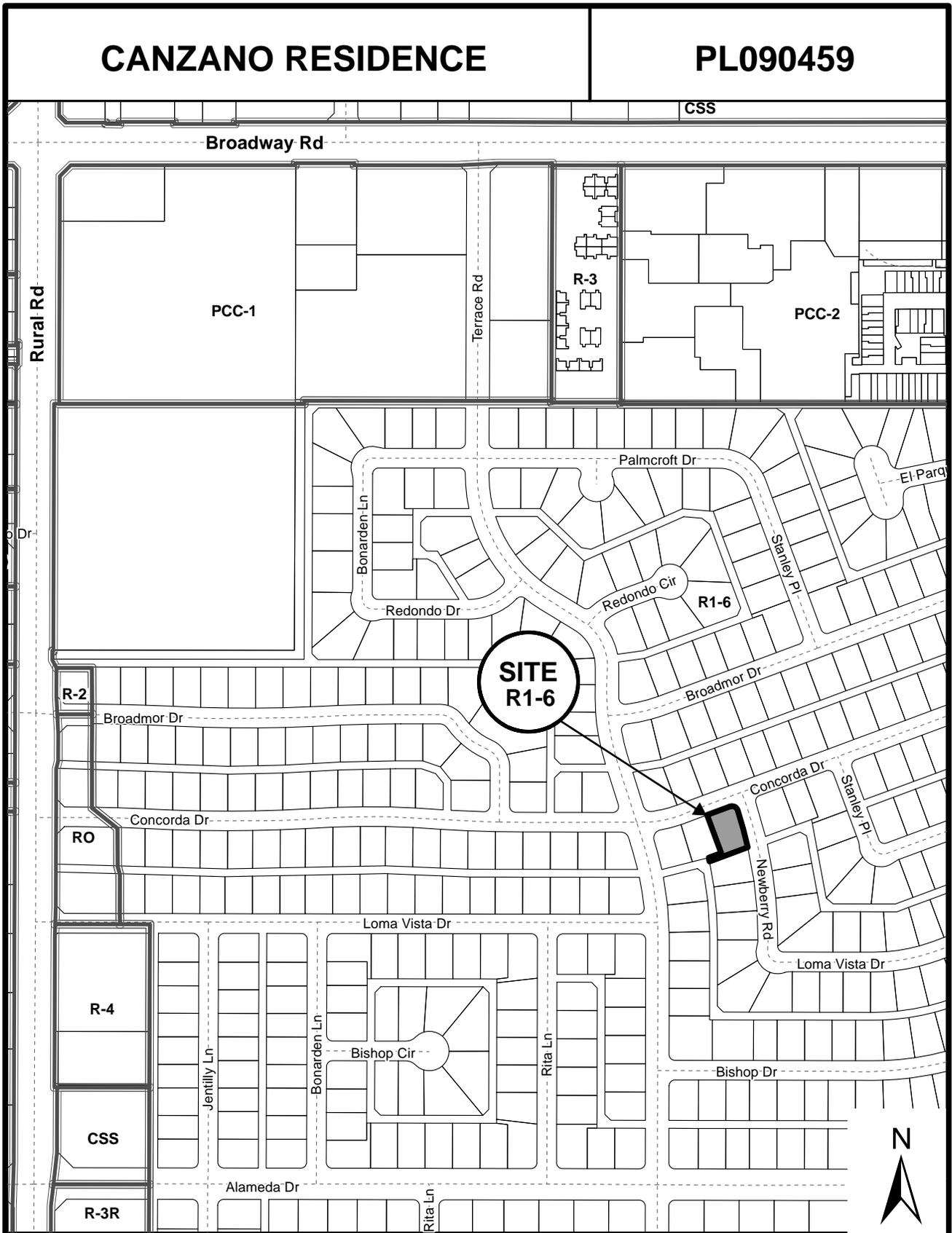
It is therefore requested that the City of Tempe Hearing Officer approve the abatement of this public nuisance in accordance with section 21-53 of the Tempe City Code.

HISTORY & FACTS:

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

CANZANO RESIDENCE

PL090459



Location Map



CANZANO RESIDENCE (PL090459)

DATE: 11/30/09
TO: Michael Spencer, Sr. Code Inspector
FROM: Julie Scofield
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE095875

LOCATION: 1133 E. Concorda Dr., Tempe, AZ 85282
LEGAL: Book 133, Map 56, Parcel 059, as recorded with the Maricopa County Assessor
OWNER: Robert A. Canzano
2417 S. Newberry Rd.
Tempe, AZ 85282

FINDINGS:

- 10/22/09 Code Compliance received a complaint on the above property for unsecured building. The property was inspected. A window in the back of the property has been broken, the sliding glass door was wide open, and the front door was closed, but had signs of forced entry. A notice to comply was sent to the property owner, Robert Canzano.
- 11/18/09 The property was re-inspected. There has been no change in the condition of the property.
- 11/19/09 An estimate from contractor Jack Harrington was requested for the abatement of boarding up the broken window.
- 11/24/09 The estimate was received for the abatement in the amount of \$314.00
- 11/30/09 The application for the abatement was submitted.

PROPERTY HISTORY:

- 03/05/01 Property was in violation of an open pool gate.
- 03/20/01 Citation was issued for the pool gate.
- 04/05/01 Property was in violation of peeling paint, trash and debris, opened pool gate, green swimming pool, and unregistered vehicles.
- 05/10/01 Citations were issued for all violations found on 04/05/01.
- 06/29/01 Second citations were issued for all violations found on 04/05/01.
- 07/09/01 Neighborhood Enhancement Dept. received a complaint for dead oleander bushes.
- 07/20/01 Third citations were issued for all the violations found on 04/05/01.
- 10/19/01 Criminal charges were filed with the prosecutor's office.
- 01/07/03 The defendant Robert Canzano pleaded no contest. The defendant agreed to have the property in compliance by Feb 13, 2003.

- 02/26/03 Property was re-inspected. All violations still exist.
- 08/27/03 Received a bid from contractor Bishop Inc. to abate the property.
- 10/07/03 The abatement was approved through Hearing Officer.
- 10/21/03 The owner appealed the decision.
- 12/29/03 The board approved the abatement.
- 02/03/04 Abatement was carried out. The violations were corrected.
- 04/29/05 Neighborhood Enhancement Department received complaint for green pool, and deteriorated landscaping. An inspection was conducted and a notice was given to Robert Canzano to correct the violations.
- 07/29/05 Re-inspected the property. Second notice was sent to Robert Canzano for the violations
- 08/30/05 Re-inspected the property. No changes in the condition of the property.
- 09/02/05 Criminal charges were filed with the city prosecutor's office.
- 04/28/06 Mr. Canzano failed to appear for his pre-trial conference.
- 08/29/06 Court was continued and set for re-trial on 10/31/06.
- 10/31/06 Mr. Canzano failed to appear for his pre-trial conference. A warrant was issued for his arrest.
- 01/03/07 Property was re-inspected. All violations still existed such as the green pool and deteriorated landscaping. Received a bid from contractor Bishop Inc., to abate the property.
- 02/16/07 Abatement paperwork was submitted.
- 03/06/07 The abatement was approved through the hearing officer.
- 04/17/07 The property was abated and the violations were corrected.
- 09/14/07 Neighborhood Enhancement Department received complaint for unregistered vehicle, and deteriorated landscaping.
- 09/27/07 An inspection was conducted and a notice was given to Robert Canzano to correct the violations of unregistered vehicle and deteriorated landscape.
- 10/19/07 Re-inspected the property. No changes in the condition of the landscaping.
- 11/14/07 Citation was issued for the deteriorated landscape.
- 12/20/07 A request for abatement was submitted.
- 02/05/08 The hearing officer approved the abatement.
- 02/27/08 The property was abated and the violations were corrected.
- 10/15/08 The Neighborhood Enhancement Department received a complaint for deteriorated landscaping. Broken garage windows were also present. A notice to comply was mailed and a notice was also posted on the owner's residence.

- 11/18/08 Re-inspected the property. There has been no change in the condition of the property. A final notice was sent to the property owner.
- 11/06/08 An estimate from contractor Jack Harrington was requested for the abatement of the deteriorated landscaping and boarding up the broken windows.
- 02/24/09 The application for the abatement was submitted.
- 04/21/09 The Hearing Officer approved the abatement.
- 05/20/09 The abatement cleanup was performed.

RECOMMENDATIONS:

I recommend the approval for abatement at 1133 E. Concorda Dr., which is owned by Mr. Robert Canzano. Mr. Canzano has been given ample time to bring his property into compliance and has failed to take corrective action. Due to the history of this property, it is very clear that Mr. Canzano is unable to keep his property in compliance. There has been no indication in Mr. Canzano actions that he plans to correct and maintain his property.

Respectfully submitted,
Julie Scofield

ACTION TAKEN: submit
NAME: Nickel Spence
DATE: 11-30-09

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 Scofield

FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS EMAIL MEMORANDUM PLUS 0 PAGE(S)

DATE: 11-24-09 TIME: _____ A.M. ____ 1:57 ____ P.M.

PROPOSAL

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

ADDRESS: 1133 E. Concorda Dr.

- | | |
|--|----------------|
| 1. 2 sheets of plywood @ \$60./sheet | \$120.00 |
| 2. Tempe Police officer 3 hrs @ \$50./hr | \$150.00 |
| 3. 2 man hrs @ \$22./hr | <u>\$44.00</u> |

Total	\$314.00
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THANK YOU

ACCEPTANCE

JACK HARRINGTON



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: 11/30/09

TO:

**ROBERT A. CANZANO
2417 S. NEWBERRY RD.
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 059, as recorded with the Maricopa County Assessor.

**LOCATION: 1133 E. CONCORDA 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 1/5/10. We are requesting Hearing Officer Authorization to abate this public nuisance codes in accordance with Section 21-53 of the Tempe City Code by boarding up a broken window. TCC 21-3-B-9 which prohibits a vacated or abandoned building to be left unsecured.

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 \$314.00. 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

CASE #CE095875



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

Mailed on Date: 10/27/09

**ROBERT CANZANO
33057 W. SANTA CRUZ AVE.
MARICOPA, AZ 85238**

This notice to comply is to inform you that on 10/22/09, the property located at 1133 E. CONCORDA 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 11/9/09 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 21-4-b-2

(a) It shall be unlawful and a violation of this code for any person to erect, maintain, use, place, deposit, cause, allow, leave or permit to remain any of the following:

- (2) For any residential property:
 - a. Any wood surfaces unprotected from the elements by paint or other protective treatment, except those naturally resistant to decay;
 - b. Exterior painted surfaces with loose, cracked, scaling, chipping or peeling paint, visible from a public area, in such amounts as to present a deteriorated or slum-like appearance;
 - c. Broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated or slum-like appearance;
 - d. Replacement materials and paint used to repair or repaint exterior surfaces of a building shall be visually compatible with the remainder of the materials and paint on the exterior of the structure;
 - e. Glazed areas not in sound condition or maintained free of missing, loose, cracked or broken glass;
or
 - f. Exterior doors, garage doors, door hardware and door frames not maintained in sound condition, or kept free from holes, breaks and cracks; or any exterior door incapable of functioning as intended by its design.

Violation of the Tempe City Code, Chapter 21-3-b-9

Any dangerous, deteriorated, abandoned, partially destroyed or unfinished building, addition, appendage or other structure, or any building in violation of the uniform building code as adopted by the city, and any vacated or abandoned building not securely closed at all times; any wood, metal or other material used for securing a vacated or abandoned building must be compatible with the color of the building;

Please take the following corrective action by: 11/9/09

Required Correction(s):

1. PLEASE PROPERLY SECURE THE BROKEN WINDOW IN THE BACK OF THE PROPERTY BY BOARDING IT UP OR REPLACING THE GLASS.
2. PLEASE PROPERLY SECURE THE FRONT AND BACK DOORS TO PREVENT UNWANTED ENTRY INTO THE PROPERTY.

3. ALL REPLACEMENT MATERIALS MUST BE COMPATIBLE WITH EXISTING COLOR OF THE BUILDING.

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-

E-mail: JULIE_SCOFIELD@TEMPE.GOV

CASE #CE095875



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

Mailed on Date: 10/27/09

**ROBERT CANZANO
C/O VINCENT CANZANO
19409 S. SOSSAMON RD.
QUEEN CREEK, AZ 85242**

**ROBERT CANZANO
2417 S. NEWBERRY RD.
TEMPE, AZ 85282**

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