

Staff Summary Report



Hearing Officer Hearing Date: May 5, 2009

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items at the **DOEDE RESIDENCE (PL090123/ABT09007)** located at 1028 West Cornell Drive.

DOCUMENT NAME: 20090505dssl03 **PLANNED DEVELOPMENT (0406)**

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 **DOEDE RESIDENCE (PL090123/ABT09007)** (Douglas Doede, property owner) Complaint 091340 located at 1028 West Cornell Drive 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) *SEA*

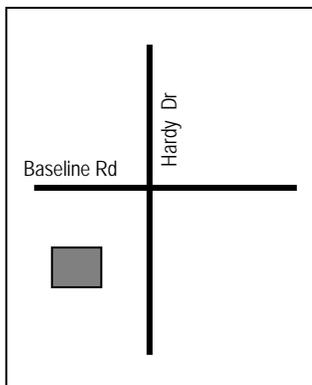
LEGAL REVIEW BY: N/A

DEPARTMENT 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 **DOEDE RESIDENCE (PL090123/ABT09007)** (Douglas Doede, property owner) Complaint 091340 located at 1028 West Cornell Drive 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
- 3-6. Neighborhood Enhancement Report
- 7-8. Neighborhood Enhancement Photos

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **DOEDE RESIDENCE (PL090123/ABT09007)** (Douglas Doede, property owner) Complaint 091340 located at 1028 West Cornell Drive 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 Brandy Zedlar, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

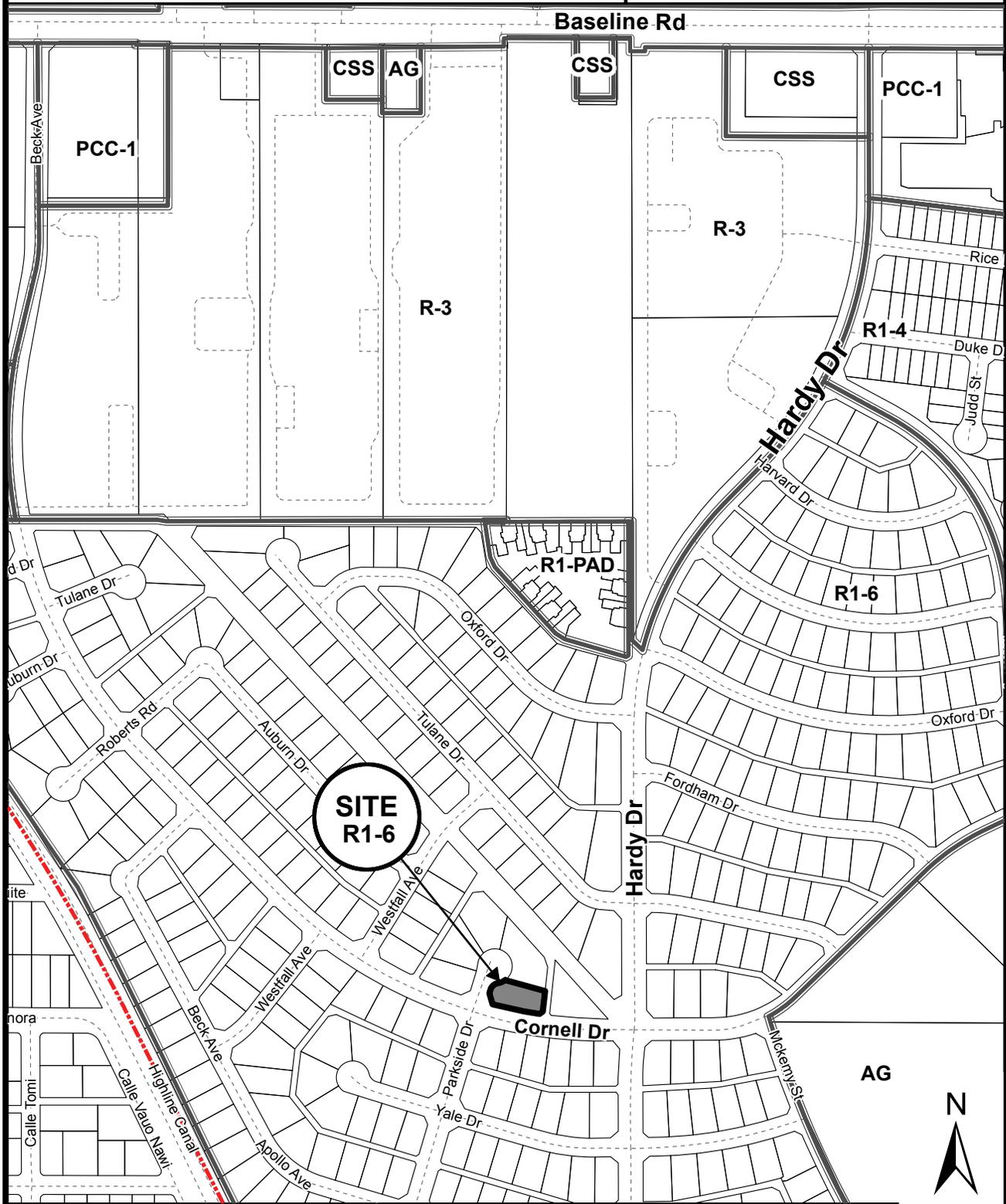
Staff recommends authorizing abatement of this property.

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

DESCRIPTION: Owner – Douglas Doede
Applicant – Brandy Zedlar, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District

DOEDE RESIDENCE

PL090123



Location Map



DOEDE RESIDENCE (PL090123)



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: April 2, 2009

TO: Douglas Doede
1028 W. Cornell Dr.
Tempe, AZ 85283

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

LEGAL: Parcel # 301-07-217, as recorded with the Maricopa County Assessor.

LOCATION: 1028 W. Cornell Dr. Tempe, AZ 85283

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of **May 5, 2009**. 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-8 which would include landscape clean-up in the front and side yard.

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 **\$552.00**. 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: Brandy Zedlar

Phone Number 480-350-8372

JACK HARRINGTON
 6828 N. 25TH DR., #B
 PHOENIX, AZ 85017
 TEL: (602) 446-2630
 FAX : (602) 347-5487
 EMAIL: JACKHBOARDUPS@YAHOO.COM
FAX COVER & PROPOSAL

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

THE FOLLOWING DOCUMENT IS FOR:

NAME: BRANDY

FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

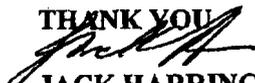
DATE: 3/19/09 TIME: 12:51 A.M. (P.M.)

PROPOSAL

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

ADDRESS: 1028 W. CORNELL DR. TEMPE, AZ.

1. CLEAN FRONT & BACK YARD & SIDE YARDS OF WEEDS	
16 MAN HRS @ \$22./HR	\$352.00
2. TEMPE POLICE OFFICER 4 HRS @ \$50./HR	\$200.00
TOTAL	\$552.00

THANK YOU

 JACK HARRINGTON

ACCEPTANCE

DATE: 4/02/09
TO: Michael Spencer, Sr. Code Inspector
FROM: Brandy Zedlar
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE091340

LOCATION: 1028 W. Cornell Dr., Tempe, AZ 85283
LEGAL: Parcel #301-07-217, as recorded with the Maricopa County Assessor
OWNER: Douglas Doede

FINDINGS:

2/24/09 – The Neighborhood Enhancement Division received a complaint on the above property concerning the deteriorated landscape.

2/25/09 – The property was inspected and found to have deteriorated landscape in the front and side yard. Final notice to comply was sent to the property owner.

3/20/09 – The property was inspected with no change in its condition. The Neighborhood Enhancement Division filed for an Abatement Hearing.

PROPERTY HISTORY:

- 10/21/08 - Abatement was approved by the Hearing Officer.
- 11/14/08 - Landscape was cleaned up per Abatement approval.
- 10 complaints have been received for deteriorated landscape between 2002-2008.
- 2 civil citations have been issued in 2008 for deteriorated landscape in which Mr. Doede defaulted.

RECOMMENDATIONS:

I recommend the approval for abatement at 1028 W. Cornell Dr., which is owned by Mr. Douglas Doede. Mr. Doede has been given ample time and opportunities to bring his property into compliance and has failed to take corrective action. Due to the history of this property, I am requesting approval for continuous abatements in the next 180 days if deemed necessary. There has been no indication in Mr. Doede actions that he plans to correct and maintain his property.

Respectfully submitted,
Brandy Zedlar

ACTION TAKEN: Referred to Hearing Officer

NAME: Michael Spencer
DATE: 4/02/09

CASE #CE091340



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

Mailed on Date: 2/26/09

Douglas Doede
1028 W. Cornell Dr.
Tempe, AZ 85283

This notice to comply is to inform you that on **2/25/09**, the property located at **1028 W. Cornell 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 **3/16/09** 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).

Sec. 21-3. Enumerated violations.

(a) It shall be unlawful and a violation of this code for any person to commit a nuisance or willfully omit to perform any legal duty relating to the removal of a nuisance.

(b) A nuisance includes any one or more of the following conditions:

(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: 3/16/09

Required Correction(s):

1. Please remove the weeds/grass growing within the gravel landscape in the front and side yard.

*****If the above required correction is not satisfied by 3/16/09, the City of Tempe will abate and place a lien against the property for the clean-up costs.**

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: Brandy Zedlar

Phone Number: 480-350-8623

E-mail: brandy_zedlar@tempe.gov



