

Staff Summary Report



Hearing Officer Hearing Date: June 22, 2010

Agenda Item Number: 14

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Department to abate public nuisance items at the Ganev Property located at 1143 North Oleander Street.

DOCUMENT NAME: 20100622dskko01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the City of Tempe – Code Compliance Department to abate public nuisance items in violation of the Tempe City Code for the **GANEV PROPERTY (PL100143/ABT10008/CE100813)** (Marvin White, Inspector; Alex & Vania Ganev, property owners) located at 1143 North Oleander Street in the R-2, Multi-Family Residential District.

PREPARED BY: Kevin O'Melia, Senior Planner (480-350-8432)

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

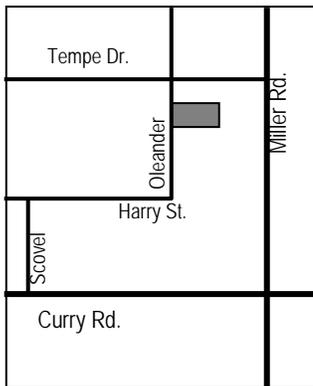
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval of Abatement Proceedings

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Ganev Property located at 1143 North Oleander Street District in the R-2, Multi-Family Residential District. The property is north of the Town Lake and is generally located north of Curry Road, west of McClintock Drive, south of McKellips Road and east of Scottsdale Road. Details of this case represent several months of correspondence for compliance with the property owner. The owner has indicated to staff that the property is in foreclosure and resources are unavailable to comply with affected provisions of the City Code. Staff requests the approval of abatement of the following nuisance items under Complaint CE100813, specifically to cut overgrown grass and weeds and remove junk and debris from the front, back and side yards of the property in compliance with Tempe City Code (TCC 21-3-b-8 and TCC 21-3-b-1).

PAGES:

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

ATTACHMENTS:

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

COMMENTS:

Code Compliance is requesting approval to abate the Ganev Property located at 1143 North Oleander Street in the R-2, Multi-Family Residential District. This case was initiated upon receipt of a complaint on March 23, 2010. A site inspection was made by Tempe Code Compliance staff on March 23, 2010, following which Code Compliance staff has attempted to obtain remedy through correspondence with the property owners, Alex and Vania Ganev, regarding violations of the Tempe City Code for filthy, littered, debris and trash-covered exterior areas as well as uncultivated plants, weeds, tall grass or growth higher than twelve (12) inches.

Alex and Vania Ganev were mailed a correction notice, dated March 24, 2010 citing the specific items in violation with Tempe City Code with regards to trash and debris as well as tall grass and weeds in the front, side and rear yards of the property. A second correction notice, dated April 05, 2010 and a final correction notice, dated April 26, 2010 were mailed to Alex and Vania Ganev. Tempe Code Compliance staff spoke by telephone with Mr. Ganev on April 29, 2010 and was informed that resources did not exist to remedy the corrections requested. A subsequent inspection on May 12, 2010 led to the posting of a Notice of Intent to Abate on the property that very day.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Development Services 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.

DESCRIPTION:

Lot area:	0.16 acres (7,135 sf.)
Building area:	1,296 sf.
Building Lot Coverage:	0.18
Vehicle Parking:	4 off-street spaces on gravel (2 from alley and 2 from Oleander)

GANEV PROPERTY

PL100143



Location Map



GANEV PROPERTY (PL100143)

DATE: May 11, 2010
TO: Jeff Tamulevich, Code Compliance Manager
FROM: Marvin White, Code Inspector
SUBJECT: CE100813, Alex / Vania Ganev Property Abatement

LOCATION: 1143 N. Oleander St. Tempe, AZ 85281
LEGAL: Book , Map , Parcel , as recorded with the Maricopa County Assessor
OWNER: Alex / Vania Ganev
14834 S. 46TH St.
Phoenix, AZ 85044

FINDINGS:

03/23/2010 The Code Compliance Division received a complaint concerning over height grass weeds and debris on a vacant property.

03/23/2010 Inspected site and found overgrown grass weeds junk and debris in the front back and side of the property.

03/24/2010 First notice to comply mailed to property owner Alex / Vania Ganev President Prodigy Investments Inc.

04/05/2010 Second notice to comply mailed to property owner Alex / Vania Ganev President Prodigy Investments Inc.

04/20/2010 Inspected property and found no change in property.

04/26/2010 Final notice to comply mailed to property owner Alex / Vania Ganev President Prodigy Investments Inc.

04/29/2010 Contacted the property owner Alex / Vania Ganev President Prodigy Investments Inc. 480-200-4194 about property Alex advised me that the property has been foreclosed on and is scheduled for a trustee sale on 07-07-2010 and his attorneys Harold Campbell and Kelly Segal 480-839-4828 ext. 205 is assisting him with the process if I have any questions. He advised me he does not have the money or resources to bring the property into compliance. I advised him that the property will be abated.

05/12/2010 received an estimate for the abatement from Jack Harrington for the amount of \$728.00

05/12/2010 Inspected property and found no change in property posted notice of intent to abate property and mailed a copy to the property owner Alex / Vania Ganev President Prodigy Investments Inc.

RECOMMENDATIONS:

I recommend an abatement of the property at 1143 N. Oleander St. due to the fact that the property owners Alex / Vania Ganev President Prodigy Investments Inc. have failed to bring the property into compliance with the City of Tempe Nuisance Code and the property has become blight on the neighborhood. Alex / Vania Ganev have been notified multiple times to bring the property into compliance.

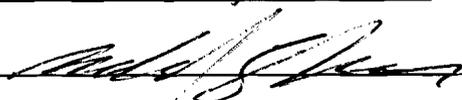
Thank you,

Marvin White
Code Inspector II

ACTION TAKEN:

submit

NAME



DATE:

5-12-10



**DEVELOPMENT SERVICES DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

03-24-2010

GANEV / VANIA ALEX
14834 S. 46TH ST.
PHOENIX, AZ 85044

Case#: CE100813
Site Address: 1143 N. OLEANDER ST.

SITE REINSPECTION ON OR AFTER: 04/05/2010

This is a notice to inform you that this site was inspected on 03/23/2010 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas
CC 21-3.b.8	Uncultivated plants, weeds, tall grass, or growth higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.1	Please remove trash, litter, and debris from property
CC 21-3.b.8	Please cut overheight/weeds and grass

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Marvin White
Code Inspector II

Direct: 480-350-8966
Code Compliance: (480)350-8372
Email: marvin_white@tempe.gov

Civil and Criminal Penalties

City Code Section 21-3, subsections (b) 1-8, 15 and 17-19; Section 21-4; Sections 21-13; Section 21-38, subsections (a-k) and (m-q):
1st occurrence \$150 per violation, 2nd occurrence \$250 per violation, 3rd occurrence \$350 per violation | Sections 21-31, 21-32, 21-

33, 21-35, 21-36: 1st occurrence \$250 per violation, 2nd occurrence \$450 per violation, 3rd occurrence \$650 per violation | Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$350 per violation, 2nd occurrence \$650 per violation, 3rd occurrence \$950 per violation. | Section 21-25: \$1000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (B) Habitual Offender: 1st occurrence \$500 in addition to other fines, 2nd occurrence \$1000 in addition to other fines, 3rd occurrence, \$1500 in addition to other fines. | Zoning and Development Code: 1st occurrence \$120 per violation, 2nd occurrence \$370 per violation, 3rd occurrence \$770 per violation | 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 the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.

SEE PAGE 2 (OTHER SIDE OF NOTICE) FOR CC/ZDC REFERENCE

PAGE 2 - TEMPE CITY CODE/ZONING AND DEVELOPMENT CODE REFERENCE

Violation of City of Tempe Code 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 City of Tempe Code 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.



**DEVELOPMENT SERVICES DEPARTMENT
CODE COMPLIANCE
SECOND CORRECTION NOTICE**

04-05-2010

PRODIGY INVESTMENTS INC.
14834 S. 46TH ST.
PHOENIX, AZ 85044

Case#: CE100813
Site Address: 1143 N. OLEANDER ST.

SITE REINSPECTION ON OR AFTER: 04/16/2010

This is a notice to inform you that this site was inspected on 04/05/2010 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas
CC 21-3.b.8	Uncultivated plants, weeds, tall grass, or growth higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.1	Please remove trash, litter, and debris from property
CC 21-3.b.8	Please cut overheight/weeds and grass

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Marvin White
Code Inspector II

Direct: 480-350-8966
Code Compliance: (480)350-8372
Email: marvin_white@tempe.gov

Civil and Criminal Penalties

City Code Section 21-3, subsections (b) 1-8, 15 and 17-19; Section 21-4; Sections 21-13; Section 21-38, subsections (a-k) and (m-q):
1st occurrence \$150 per violation, 2nd occurrence \$250 per violation, 3rd occurrence \$350 per violation | Sections 21-31, 21-32, 21-



**DEVELOPMENT SERVICES DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE**

04-26-2010

ALEX / VANIA GANEV
14834 S. 46TH ST.
PHOENIX, AZ. 85044

Case#: CE100813
Site Address: 1143 N. OLEANDER ST.

SITE REINSPECTION ON OR AFTER: 04/26/2010

This is a notice to inform you that this site was inspected on 04/30/2010 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas
CC 21-3.b.8	Uncultivated plants, weeds, tall grass, or growth higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.1	Please remove trash, litter, and debris from property
CC 21-3.b.8	Please cut overheight/weeds and grass and remove from property

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Marvin White
Code Inspector II

Direct: 480-350-8966
Code Compliance: (480)350-8372
Email: marvin_white@tempe.gov

Civil and Criminal Penalties

City Code Section 21-3, subsections (b) 1-8, 15 and 17-19; Section 21-4; Sections 21-13; Section 21-38, subsections (a-k) and (m-q):
1st occurrence \$150 per violation, 2nd occurrence \$250 per violation, 3rd occurrence \$350 per violation | Sections 21-31, 21-32, 21-

CASE # CE100813



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 05/11/2010

ALEX / VANIA GANEV
14834 S. 46TH ST.
PHOENIX, AZ. 85044

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

Legal: LOT 260, NORTH TEMPE THREE, ACCORDING TO BOOK 71 OF MAPS, PAGE 40, RECORDS OF MARICOPA COUNTY, ARIZONA.

Location: 1143 N. OLEANDER ST. 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 **06/22/2010**. 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:

- **REMOVE TRASH JUNK AND DEBRIS FROM THE FRONT BACK AND SIDE OF PROPERTY.**
- **REMOVE OVERGROWN GRASS WEEDS AND DEBRIS FROM FRONT BACK AND SIDE OF PROPERTY.**

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 **\$728.00** 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: MARVIN WHITE
Phone Number: (480)350-8966
E-mail: marvin_white@tempe.gov



