Staff Summary Report

Tempe

Hearing Officer Hearing Date: February 17, 2009 Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items at the KOEN RESIDENCE (PL080465/ABT08042) located at 132 West Balboa Drive.

DOCUMENT NAME: 20090217dsng02 PLANNNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items in violation of the Tempe City Code for the KOEN RESIDENCE (PL080465/ABT08042) (Adrienne Koen, property owner) Complaint CE086895 located at 132 West Balboa Drive in the R1-6, Single Family Residential District.

PREPARED BY: Nick Graves, Planning Intern (480-350-8690)

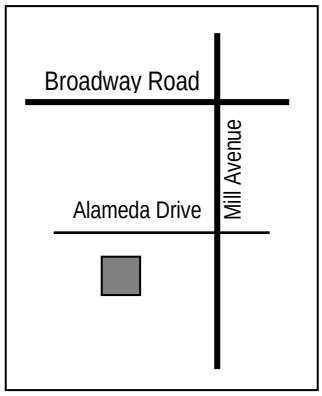
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) SEA

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 KOEN RESIDENCE (PL080465/ABT08042) (Adrienne Koen, property owner) Complaint CE086895 located at 132 West Balboa Drive in the R1-6, Single Family Residential District. This residence is located at the northeast corner of Dromedary Drive and Balboa Drive, just west of Mill Avenue and South of Alameda Drive. 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
	3-7.	Neighborhood Enhancement Report
	8-9.	Neighborhood Enhancement Photos

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the KOEN RESIDENCE (PL080465/ABT08042) (Adrienne Koen, property owner) Complaint CE086895 located at 132 West Balboa Drive in the R1-6, Single Family Residential District. This residence is located at the northeast corner of Dromedary Drive and Balboa Drive, just west of Mill Avenue and South of Alameda Drive. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Jody Benson, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

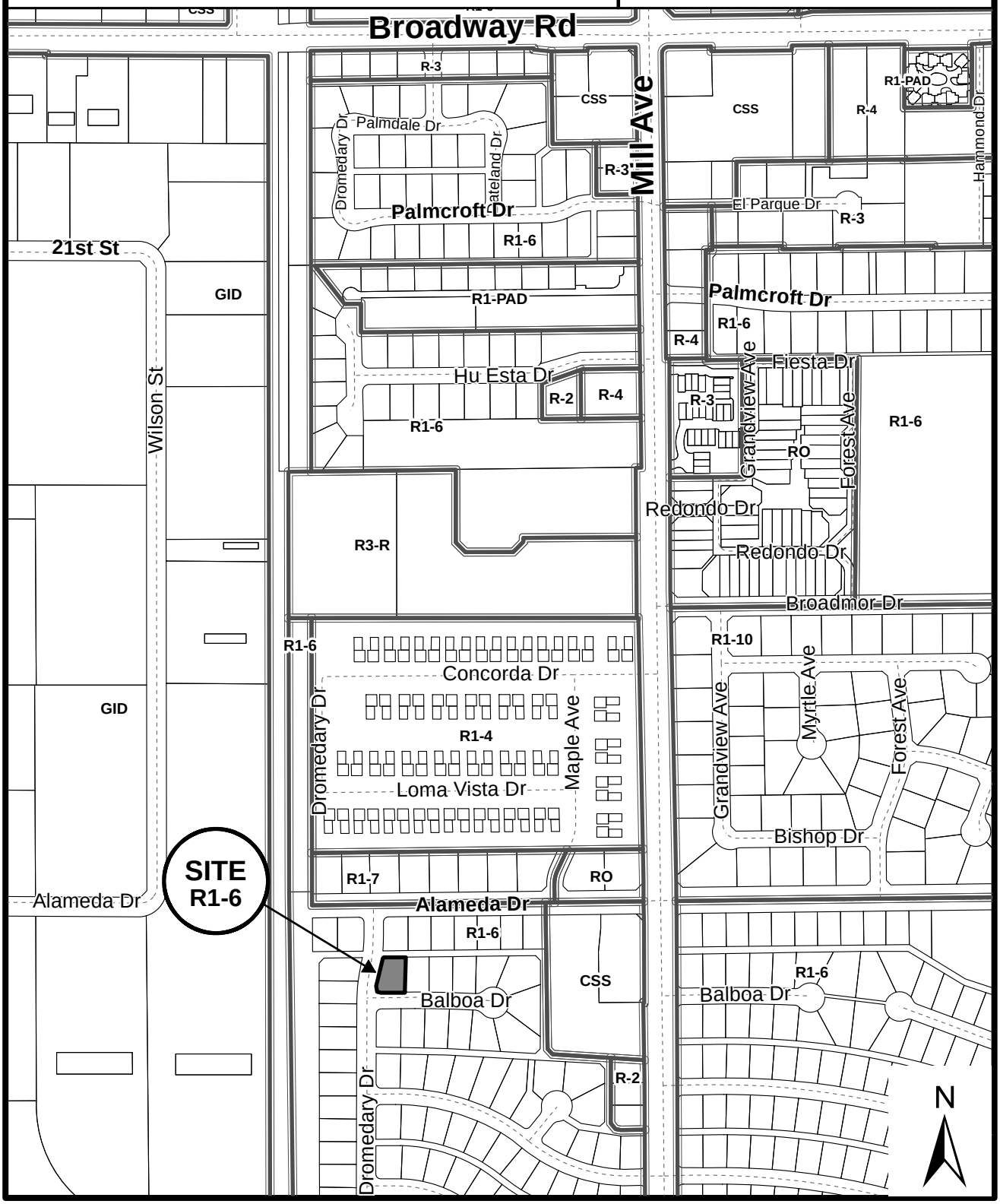
Staff recommends authorizing abatement of this property.

HISTORY & FACTS:	See attached memo from the Neighborhood Enhancement Division.
January 20, 2009	ABT08042 – The Hearing Officer continued a request by the Neighborhood Enhancement Division to authorize the abatement of the Koen Residence located at 132 West Balboa Drive.

DESCRIPTION:	Owner – Adrienne Koen Applicant – Jody Benson, COT Neighborhood Enhancement Existing zoning – R1-6, Single Family Residential District Lot area – 8,053 s.f. / .19 acres Building area – 1,653 s.f. Year of structure – 1960

Tempe

KOEN RESIDENCE	PL080465



Location Map

KOEN RESIDENCE (PL080465)

DATE: December 16, 2008

TO: Jan Koehn, Neighborhood Enhancement Administrator

FROM: Jody Benson, Code Inspector

SUBJECT: Request for Authorization to Abate Complaint CE086895

COMPLAINT: CE086895

LOCATION: 132 W. Balboa Drive, Tempe, AZ 85282

LEGAL: Lot 266, NU-VISTA UNIT FIVE, Book 93 of Maps Page 17, as recorded with the Maricopa County Assessor.

OWNER: Adrienne Koen
132 W. Balboa Drive
Tempe, AZ 85282

FINDINGS:

09/24/08 Proactive complaint opened for deteriorated landscape after observing extensive uncontrolled growth of grass and weeds in the gravel landscape. After speaking to Jan Koehn, Neighborhood Enhancement Administrator, the decision was made to seek abatement for the violations due to the homeowner's health.

09/24/08 Received abatement estimate for $928.00 from Jack Harrington Inc. authorized abatement contractor for the City of Tempe.

10/02/08 Inspected the property and found no change. Sent and posted Notice of Intent to abate for the 11/04/08 hearing.

10/07/08 Inspected the property to take photographs for the abatement submittal. Some of the grass and weeds had been removed and the decision was made to wait to submit the abatement request. No answer at the door.

11/07/08 Found no change at the property.

11/12/08 Ms. Koen called and stated that she has been in and out of the hospital with a severe condition. She asked for two to four weeks time to see if her son can help her with the landscape. This was granted to Ms. Koen.

12/11/08 Found no changes at the property. Sent Notice of Intent to Abate.

12/15/08 Found no changes at the property. Photographs were taken for this submittal.

COMPLAINT HISTORY

The following history reflects all valid complaints on this property since Adrienne Koen established ownership of 132 W. Balboa Drive in May of 1997.

CE001662 **05/05/00 through 05/12/08** Complaint for an unused or unwanted air conditioner abandoned in the north side yard. In compliance in one week. Lucy Morales was the inspector.

CE061515 **04/03/06 through 06/29/06** Complaint for inoperable/unregistered vehicle, deteriorated landscape, and lawn parking. In compliance just under 3 months. Kirk Erickson was the inspector.

CE064468 **08/30/06 through 009/25/08** Complaint for impeding the public sidewalk with a discarded cement or concrete debris. In compliance in just under one month. Kirk Erickson was the inspector.

CE066827 **08/30/06 through 009/25/08** Complaint for excessive feces, junk and debris, and deteriorated landscape. In compliance in just under two months. Kirk Erickson was the inspector.

CE074489 **08/30/06 through 009/25/08** Complaint for deteriorated landscape, junk and debris (all in the back yard), impeding the public sidewalk, and lawn parking. In compliance in just over four and ½ months, however the first two violation notice(s) were returned accounting for two weeks of that time. Jody Benson was the inspector.

RECOMMENDATIONS:

There have been five prior complaints for 132 W. Balboa Drive dating back to 2000 for various violations. Three of the prior cases included deteriorated landscape. During the case in 2007 Ms. Koen advised that she has severe physical limitations due to prior injuries, however Ms. Koen denied each offer to put her in touch with volunteers. This was offered by me on several occasions.

After receiving the Notice of Intent to Abate for this case, Ms. Koen contacted me to advise that she was hospitalized two or three times this year with an untreatable condition that further debilitates her. Ms. Koen asked if I could allow her a few weeks to allow her son to try and get the yard in compliance. After a month there appears to be no change.

The home continues to be in violation of Tempe City Code 21-3(b)(8) for deteriorated landscape.

Without the intervention of abatement the property will continue to deteriorate. I therefore make a request to the City of Tempe Development Services Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Adrienne Koen is the listed legal owner of the residence, as recorded by the Maricopa County Assessor's Office.

Respectfully submitted,
Jody Benson #16559
City of Tempe Code Inspector

ACTION TAKEN: Referred for abatement

NAME Jan Koel

DATE: 12/16/08

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: JODY

FIRM: CITY OF TEMPE CODE CONPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 10/1/00 **TIME:** 1:40 **A.M.** / **P.M.**

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK AT
ADDRESS: 132 WEST BALBOA

1. REMOVE GRASS FROM GRAVEL & ANY DEBRIS LEAVING GRAVEL AND ORNAMENTAL POTTERY 3 MEN FOR 8 HRS = 24 MAN HRS @ $ 22.00/HR	**$528.00**
2. TEMPE POLICE OFFICER 8 HRS@ $50.00 HR	**$400.00**
TOTAL	**$928.00**

THANK YOU
JACK HARRINGON

ACCEPTANCE

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CASE # **CE086895A**

Tempe

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: **12/11/08**

TO: **ADRIENNE KOEN**
132 W. BALBOA DRIVE
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: Lot 266, NU-VISTA UNIT FIVE (5), Book 93 of Maps, Page 17, as Recorded with the Maricopa County Assessor.

LOCATION: 132 W. Balboa Drive 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 **01/20/09**. 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:

1. **Removal of all uncontrolled growth of grass and weeds and dead pine straw in the front and side yard gravel landscape(s).**

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 **$928.00**. 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: JODY BENSON

Phone Number: (480)350-8671
E-mail: JODY_BENSON@TEMPE.GOV

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