

# Staff Summary Report



Hearing Officer Hearing Date: October 20, 2009

Agenda Item Number: 7

**SUBJECT:** This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items located at the **KOKES RESIDENCE** located at 608 East Fordham Drive.

**DOCUMENT NAME:** 20091020dssl03

**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 **KOKES RESIDENCE (PL090316/ABT09024)** (Joseph Kokes, property owner) Complaint 093713 located at 608 East Fordham Drive in the R1-6, Single Family Residential District.

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

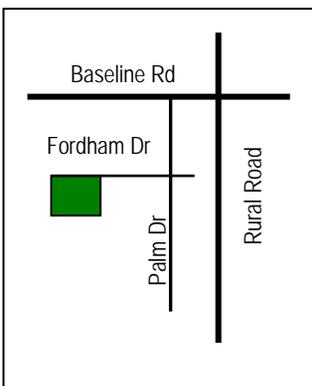
**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval

**ADDITIONAL INFO:** The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the **KOKES RESIDENCE (PL090316/ABT09024)** (Joseph Kokes, property owner) Complaint 093713 located at 608 East Fordham 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 the authorization of 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

**COMMENTS:**

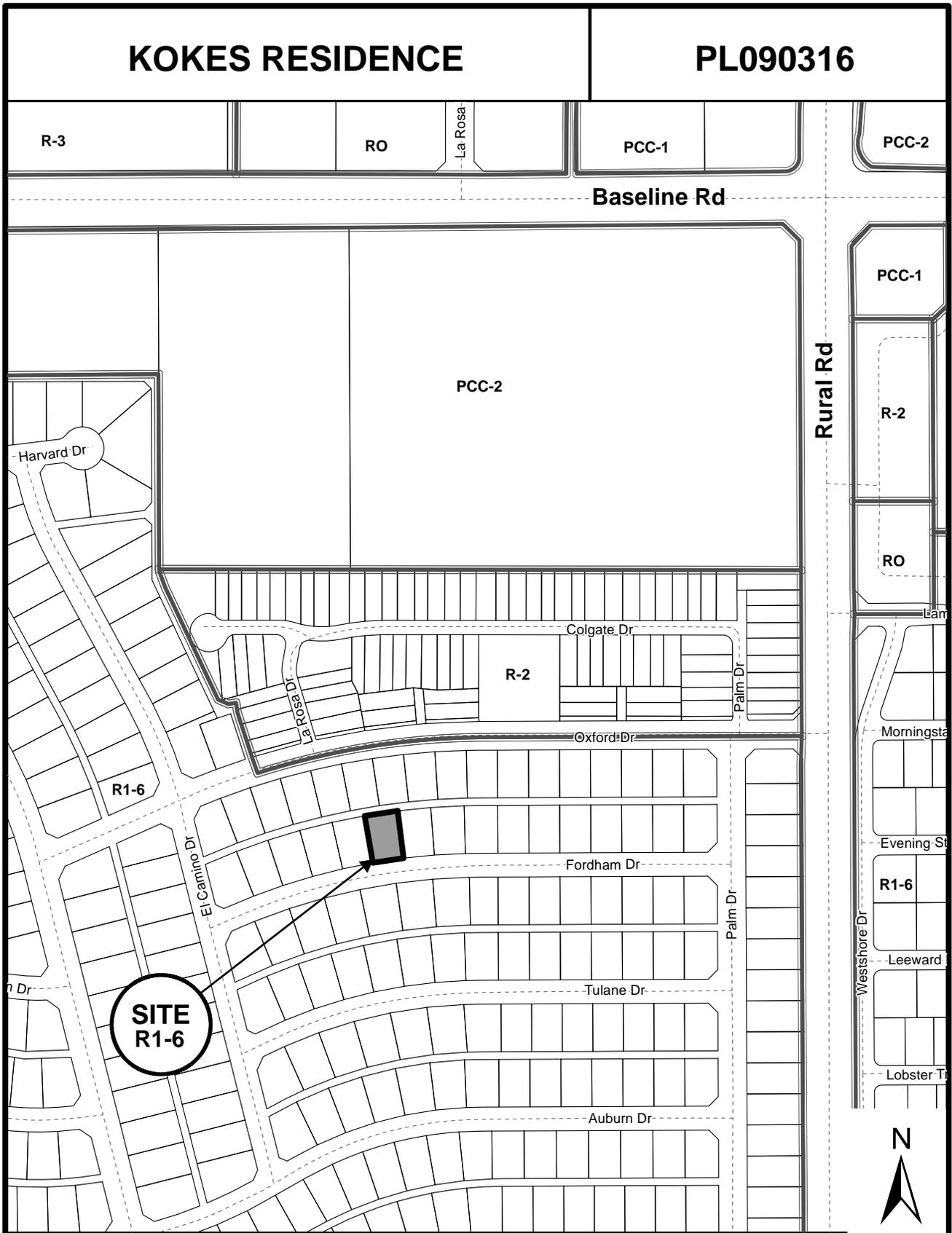
The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **KOKES RESIDENCE (PL090316/ABT09024)** (Joseph Kokes, property owner) Complaint 093713 located at 608 East Fordham Drive in the R1-6, Single Family Residential District. The details of this case 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 the authorization of abatement of this property.

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

October 6, 2009 Abatement proceedings continued to the October 20, 2009 Hearing Officer hearing due to cancellation of the October 6, 2009 hearing.

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



**Location Map**



**KOKES RESIDENCE (PL090316)**

**DATE:** 8/24/09  
**TO:** Michael Spencer, Senior Inspector  
**FROM:** Brandy Zedlar  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE093713

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**LOCATION:** 608 E. Fordham Dr., Tempe, AZ 85283  
**LEGAL:** Parcel # 301-80-275, as recorded with the Maricopa County Assessor  
**OWNER:** Joseph Kokes

**FINDINGS:**

06/05/09 – The Neighborhood Enhancement Division received a complaint on the above property concerning the green swimming pool.

06/12/09 – The property was inspected and found the pool to be green and in deteriorated condition. A notice to comply was sent to the property owner.

07/08/09 - The property was inspected and found no change to the condition of the pool. Final notice was sent to the property owner.

07/29/09 – Spoke to Mr. Kokes on the phone regarding the condition of the pool and he explained that he is losing the property to foreclosure. I then asked Mr. Kokes if he would be willing to sign a voluntary abatement form. Mr. Kokes indicated he would be willing to sign the form as it was mailed first class to his place of residence at 1241 E. El Parque Dr., Tempe, AZ 85282. The Notice of Trustee Sale has not yet been recorded with Maricopa County.

8/17/09 – The property was inspected with no change in its condition and no voluntary abatement form has been received by Mr. Kokes. The Neighborhood Enhancement Division filed for an Abatement Hearing.

**PROPERTY HISTORY:**

03/11/08 – Complaint was received for deteriorated landscape.

10/09/08 – Complaint was received for deteriorated landscape.

02/04/2009 – Complaint was received for deteriorated landscape.

**RECOMMENDATIONS:**

I recommend the approval for abatement at 608 E. Fordham Dr., which is owned by Mr. Joseph Kokes. Mr. Kokes has made it clear that he is losing the property to foreclosure and is unable to bring the property into compliance.

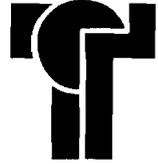
Respectfully submitted,  
Brandy Zedlar

**ACTION TAKEN:** Referred to Hearing Officer

**NAME:** Michael Spencer

**DATE:** 8/24/09

CASE #CE093713



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

Mailed on Date: 6/16/09

**John Kokes  
1241 E. El Parque Dr.  
Tempe, AZ 85282**

This notice to comply is to inform you that on **6/12/09**, the property located at **608 E. Fordham 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 **7/02/09** 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:**

**(16) Any swimming pool areas that are not enclosed by a fence of at least five (5) feet in height and equipped with self-closing, self-latching gate(s), or padlocked at all times. Any openings in the fencing shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance**

**Please take the following corrective action by: 7/02/09**

**Required Correction(s):**

- 1. Please remove the algae and dirt from the swimming pool bringing it back to a clear and clean condition.**

***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: 1<sup>st</sup> occurrence \$150 dollars per violation, 2<sup>nd</sup> occurrence \$250 dollars per violation, 3<sup>rd</sup> occurrence \$350 dollars per violation.

Section 21-3, Enumerated Violations subsections (b) 9-16: 1<sup>st</sup> occurrence \$350 dollars per violation, 2<sup>nd</sup> occurrence \$650 dollars per violation, 3<sup>rd</sup> occurrence \$950 dollars per violation.

Section 21-4 (B), Habitual Offender: 1<sup>st</sup> occurrence \$500 dollars + sum of other fines, 2<sup>nd</sup> occurrence \$1000 dollars + sum of other fines, 3<sup>rd</sup> 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](mailto:brandy_zedlar@tempe.gov)**

CASE #CE093713



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

**\*\*\*FINAL NOTICE\*\*\***

Mailed on Date: 7/09/09

**John Kokes  
1241 E. El Parque Dr.  
Tempe, AZ 85282**

This notice to comply is to inform you that on 7/08/09, the property located at 608 E. Fordham 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 7/24/09 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:

(16) Any swimming pool areas that are not enclosed by a fence of at least five (5) feet in height and equipped with self-closing, self-latching gate(s), or padlocked at all times. Any openings in the fencing shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance

**Please take the following corrective action by: 7/24/09**

**Required Correction(s):**

1. **Please remove the algae and dirt from the swimming pool bringing it back to a clear and clean condition.**

**\*\*If the above required correction is not satisfied by 7/24/09, a \$350 civil citation will be issued.**

***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: 1<sup>st</sup> occurrence \$150 dollars per violation, 2<sup>nd</sup> occurrence \$250 dollars per violation, 3<sup>rd</sup> occurrence \$350 dollars per violation.

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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**

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: BRANDY  
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS \_\_\_\_ PAGE(S)

DATE: 8-17-09      TIME: \_\_\_\_\_ A.M. \_\_\_\_\_ P.M.

**PROPOSAL**

WE PROPOSE TO DO THE FOLLOWING

1 PUMP POOL AT 608 E FORDHAM	\$ 125.00
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TOTAL	\$125.00

NOTE HOUSE IS ASSUMED TO BE VACANT IF NOT WE EED TO ADD POLICE ON TO TOTAL

THANK YOU

JACK HARRINGTON



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:** August 24, 2009

**TO:** Joseph Kokes  
1241 E. El Parque Dr.  
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:** Parcel # 301-80-275, as recorded with the Maricopa County Assessor.

**LOCATION:** 608 E. Fordham 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 October 6, 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 \$125.00. 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.

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Code Enforcement Officer: Brandy Zedlar

Phone Number 480-350-8372

