

Staff Summary Report



Hearing Officer Hearing Date: September 2, 2008

Agenda Number: 9

SUBJECT: This is a public hearing for a request by the by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items at the **LASCHOBER RESIDENCE (PL080284/ABT08019)** located at 6817 South Roosevelt Street.

DOCUMENT NAME: 20080902dsac02

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 **LASCHOBER RESIDENCE (PL080284/ABT08019)** (Jon Laschober, property owner) Complaint CE081602 located at 6817 South Roosevelt Street in the R1-4, Single Family Residential District.

PREPARED BY: Alan Como, Planner II (480-350-8439)

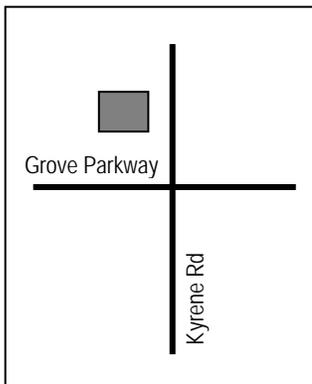
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

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 **LASCHOBER RESIDENCE (PL080284/ABT08019)** (Jon Laschober, property owner) Complaint CE081602 located at 6817 South Roosevelt Street in the R1-4, Single Family Residential District. The residence is located on the east side of Roosevelt St, north of Grove Parkway. 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
 - 9-10. Neighborhood Enhancement Photos

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **LASCHOBER RESIDENCE (PL080284/ABT08019)** (Jon Laschober, property owner) Complaint CE081602 located at 6817 South Roosevelt Street in the R1-4, 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.

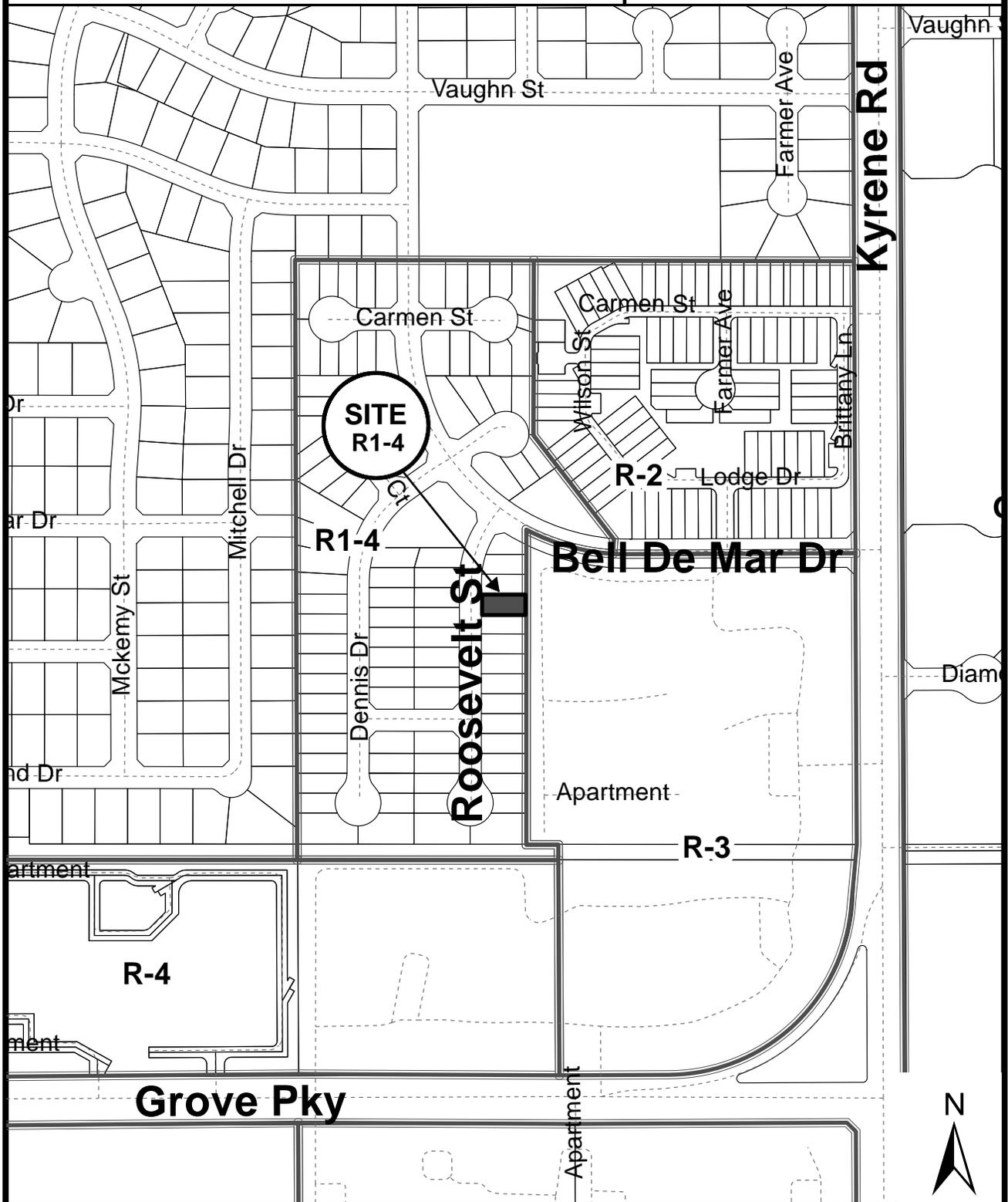
Staff recommends the authorization of abatement of this property.

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

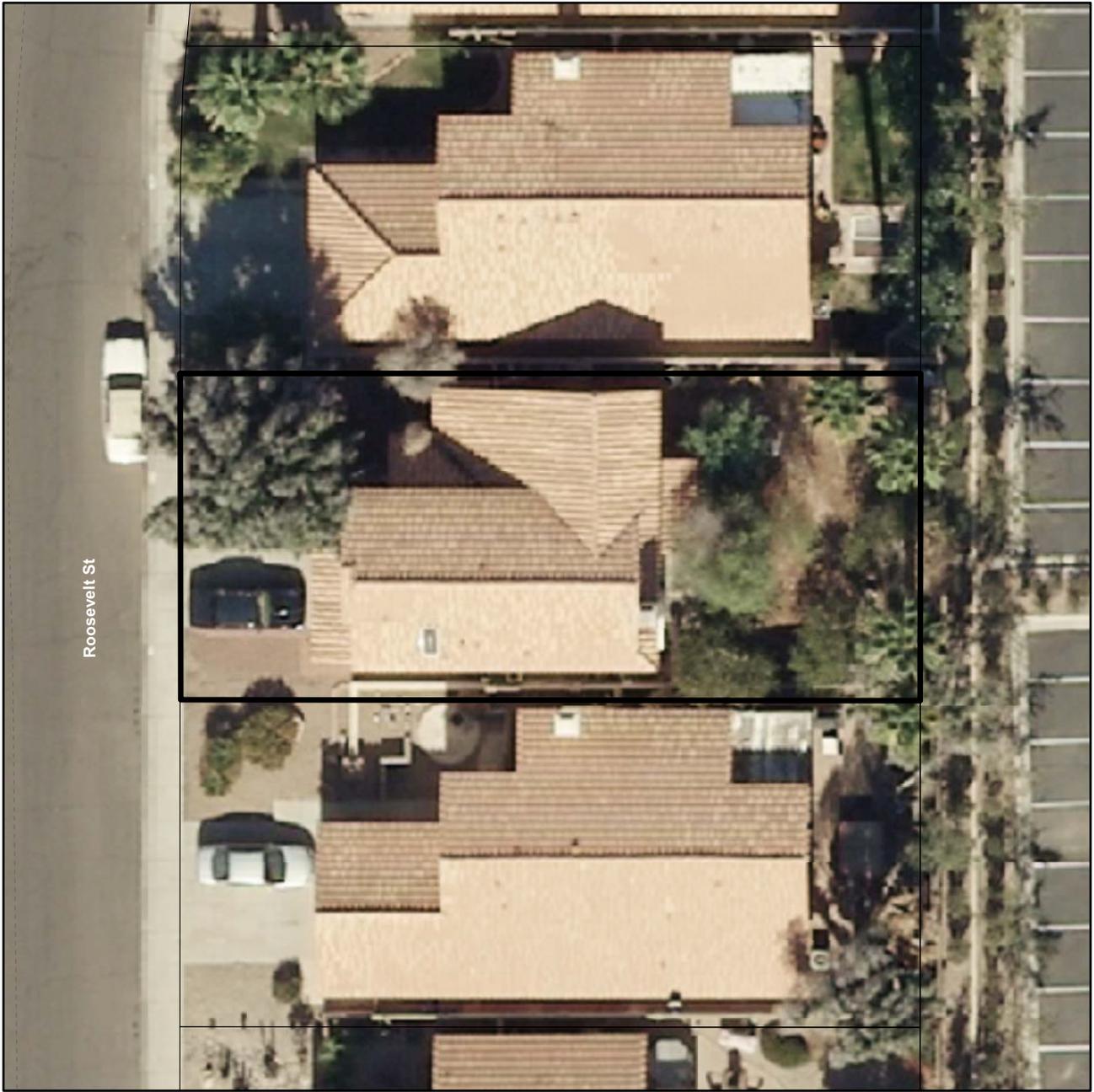
DESCRIPTION: Owner – Jon Laschober
Applicant – Brandy Zedlar, COT Neighborhood Enhancement
Existing zoning – R1-4, Single Family Residential District
Lot area – 4,587 s.f. / .105 acres
Building area – 1,843 s.f.
Year of construction – 1986

LASCHOBER RESIDENCE

PL080284



Location Map



LASCHOBBER RESIDENCE (PL080284)

DATE: 7/29/08
TO: Jan Koehn, Administrator
FROM: Brandy Zedlar
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE081602

LOCATION: 6817 S. Roosevelt St., Tempe, AZ 85283
LEGAL: Book 301, Map 45, Parcel 401, as recorded with the Maricopa County Assessor
OWNER: Jon A. Laschober

FINDINGS:

2/26/08 – The Neighborhood Enhancement Division received a complaint on the above property concerning excessive garage sales.

3/28/08 – The property was inspected and found no sign of any garage sale but had one inoperable/unregistered Mercedes (license #845-VZC) parked in the driveway.

4/18/08 – The property was inspected and found there an additional inoperable/unregistered vehicle (license #262-ZDL) parked in the driveway.

6/23/08 – The property was inspected with no change in its condition. Pictures were taken and a civil citation was issued.

7/11/08 – Mr. Laschober defaulted on civil citation #13809942.

7/23/08 – The property was inspected with no change in its condition. The Neighborhood Enhancement Division filed for an Abatement Hearing.

PROPERTY HISTORY:

No prior complaints.

RECOMMENDATIONS:

I recommend the approval for abatement at 6817 S. Roosevelt St., which is owned by Mr. Jon A. Laschober. Mr. Laschober has been given ample time and opportunities to bring his property into compliance and has failed in every case. There has been no indication in Mr. Laschober actions that he plans on removing the vehicles from the property.

Respectfully submitted,
Brandy Zedlar

ACTION TAKEN: Referred to Hearing Officer

NAME: Jan Koehn

DATE: 7/23/08



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: July 29, 2008

TO: Jon A. Loschober

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

LEGAL: Book 301, Map 45, Parcel 401, as recorded with the Maricopa County Assessor.

LOCATION: 6817 S. Roosevelt St., 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 September 2, 2008. 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-3 which would include the removal of two unregistered/inoperable Mercedes parked in the driveway.

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 \$470.00. 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

FAX COVER & PROPOSAL

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

THE FOLLOWING DOCUMENT IS FOR:

NAME: BRADY

FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 7/22/08 **TIME:** 12:25 **A.M.** **P.M.**

PROPOSAL

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

ADDRESS: 6817 S. ROOSEVELT

**1. TWO VEHICLES TO BE REMOVED FROM FRONT DRIVEWAY
2 VEHICLES @ \$135.00 EACH 270.00**

2. TEMPE POLICE OFFICER : 4 HRS @ 50.00 200.00

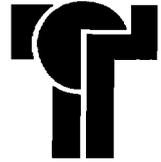
TOTAL COST FOR ABOVE IDEMS \$470.00

THANK YOU

JACK HARRINGTON

ACCEPTANCE

CASE #CE081602



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

Mailed on Date: 4/01/08

**Jon Laschober
6817 S. Roosevelt St.
Tempe, AZ 85283**

This notice to comply is to inform you that on **3/28/08**, the property located at **6817 S. Roosevelt St.** 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 **4/16/08** 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:

(3) Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot

Please take the following corrective action by: 4/16/08

Required Correction(s):

- 1. Please provide valid registration on the black Mercedes Lic #845-VZC and repair the flat tires or move the vehicle into an enclosed area.**

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

CASE #CE081602



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

*****FINAL NOTICE*****

Mailed on Date: 4/21/08

Jon Laschober
6817 S. Roosevelt St.
Tempe, AZ 85283

This notice to comply is to inform you that on 3/28/08, the property located at 6817 S. Roosevelt St. 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 5/06/08 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:

(3) Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot

Please take the following corrective action by: 5/06/08

Required Correction(s):

1. Please provide valid registration on the black Mercedes Lic #845-VZC and repair the flat tires or move the vehicle into an enclosed area.
2. Please repair the flat tires on the green Jaguar Lic #262-ZDL or move the vehicle into an enclosed area.

****If the above required corrections are not satisfied by 5/6/08, a \$150.00 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: 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



