

Staff Summary Report



Hearing Officer Hearing Date: May 20, 2008

Agenda Item Number: 19

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items at the **MARONEY RESIDENCE (PL080137/ABT08007)** located at 1952 East Concorda Drive.

DOCUMENT NAME: 20080520dsng05

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 **MARONEY RESIDENCE (PL080137/ABT08007)** (Patrick R. Maroney, property owner) Complaint CE074728 located at 1952 East Concorda 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)

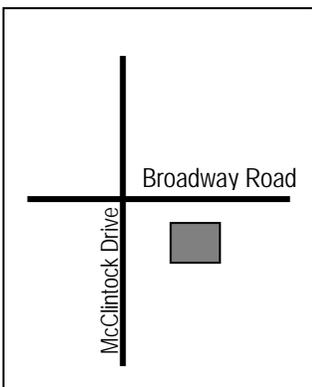
A handwritten signature in black ink, appearing to read 'SEA'.

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 **MARONEY RESIDENCE (PL080137/ABT08007)** (Patrick R. Maroney, property owner) Complaint CE074728 located at 1952 East Concorda 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
- 3-7. Neighborhood Enhancement Report

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **MARONEY RESIDENCE (PL080137/ABT08007)** (Patrick R. Maroney, property owner) Complaint CE074728 located at 1952 East Concorda Drive in the R1-6, Single Family Residential District. The property is located to the southeast of Broadway Road and McClintock 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 Brett Barnes, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

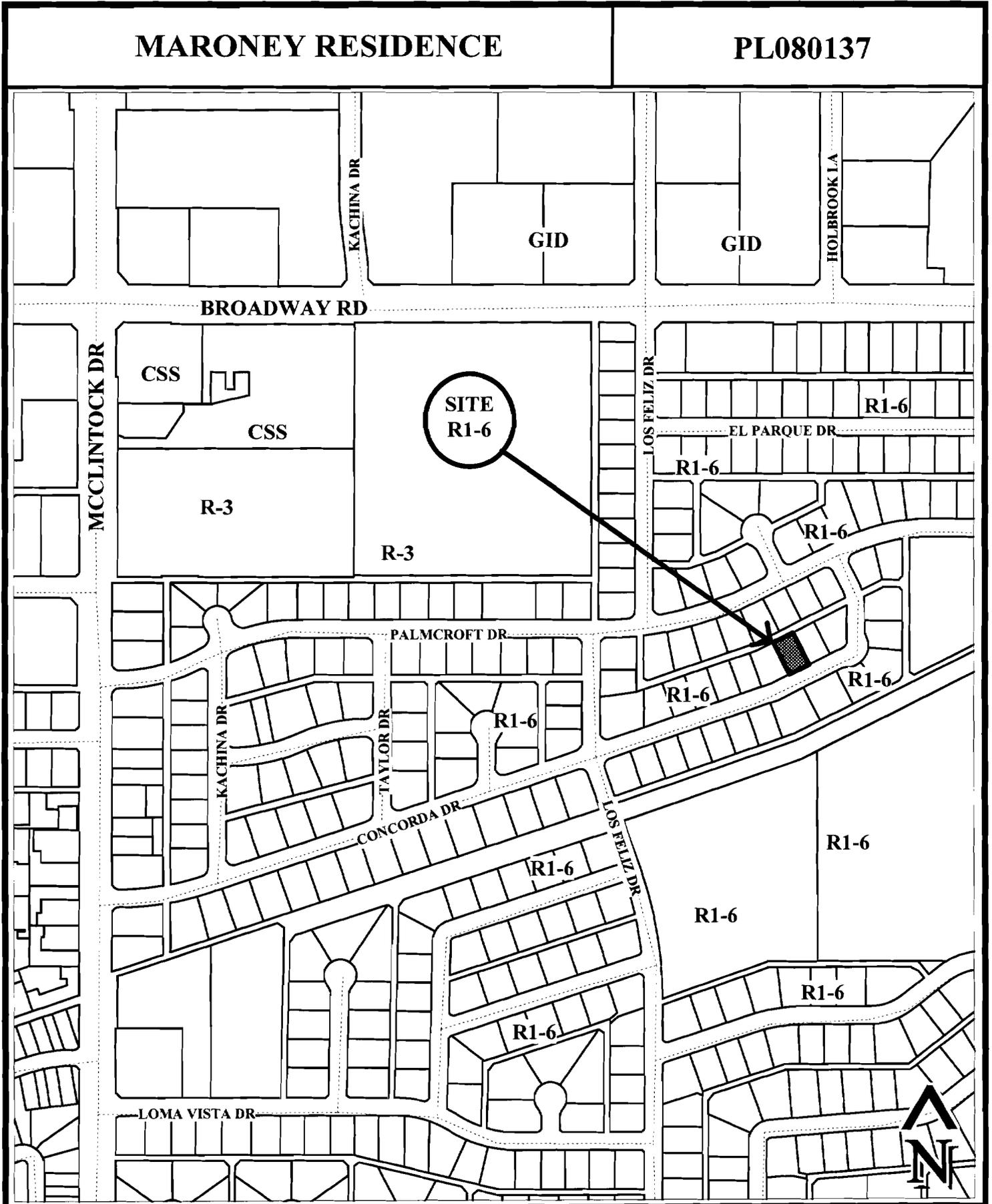
Staff recommends authorizing abatement of this property.

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

DESCRIPTION: Owner – Patrick R. Maroney
Applicant – Brett Barnes, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 5,967 sf./14 acres
Building area – 1,404 sf.
Year of structure – 1967

MARONEY RESIDENCE

PL080137





MARONEY RESIDENCE (PL080137)



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 17, 2008

TO: Patrick R. Maroney

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

LEGAL: Book 133, Map 51, Parcel 084A, as recorded with the Maricopa County Assessor.

LOCATION: 1952 E. Concorda Dr. Tempe AZ 85282

This office will submit this complaint to the Neighborhood Enhancement Abatement Hearing Officer to be placed on the Hearing Officer agenda of May 20, 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-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.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violations. 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 \$525.00 plus an additional \$100.00 per each inoperable / unregistered vehicle needing to be towed. 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: Brett Barnes

Phone Number 480-350-8658

DATE: April 17, 2008
TO: Mike Spencer, Neighborhood Enhancement Supervisor
FROM: Brett Barnes
SUBJECT: Request abatement of nuisance violation case CE074728

LOCATION: 1952 E. Concorda Dr. Tempe, AZ

LEGAL: Book 133, Map 51, Parcel 084A, as recorded with the Maricopa County Assessor

OWNER/ Patrick R. Maroney

OCCUPANT: 1952 E. Concorda Dr. Tempe AZ 85282

FINDINGS:

08-28-07 A complaint was received regarding deteriorated landscape in the front and side yards at the property of 1952 E. Concorda Drive. An inspection of the property was conducted, and the property was found to be in violation of TCC 21-3 b 8 for having deteriorated landscape in the front and both side yards. A courtesy notice was sent first class mail to the property owner Patrick R. Maroney regarding the violation on his property, and the corrections needed to bring the property into compliance.

09-29-07 A second inspection of the property was conducted, and the property was found to be in violation for having deteriorated landscape. No corrections have been made to bring the property into compliance. A second and final courtesy notice was sent first class mail to the property owner Patrick R. Maroney regarding the violation on his property, and the corrections needed to bring the property into compliance.

10-15-07 A third inspection of the property was conducted, no corrections to the deteriorated landscape violation have been made. An attempt to make contact with the property owner Patrick R. Maroney was made by knocking on the door of the residence, with negative results. Notice was posted to the property regarding the deteriorated landscape violation and what corrections were needed.

- 10-16-07 No corrections have been made to the deteriorated landscape violation. Pictures of the violation were taken, and a civil citation for being in violation of TCC 21-3-b-8 for having deteriorated landscape was issued and sent to the property owner Patrick R. Maroney by first class mail.
- 11-01-07 The property owner Patrick R. Maroney has been found responsible for having deteriorated landscape by default. The property has not been brought into compliance.
- 03-17-08 The complaint has been reassigned to Code Inspector Brett Barnes.
- 03-19-08 The violation for deteriorated landscape has not been corrected. Bishop Inc. was contacted to submit an estimate to abate the deteriorated landscape violation at the property of 1952 E. Concorda Drive.
- 04-16-08 I received an estimate from Bishop Inc. for \$525.00 to remove and trim the over height grass and weeds from the landscape in the front and side yards.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violation be done at the property of 1952 E. Concorda Dr. Patrick R. Maroney failed to bring the property into compliance after being issued several courtesy notices and a civil citation. This is the second time filing to abate the nuisance violation for having deteriorated landscape in the last twelve (12) months. The last abatement at the property of 1952 E. Concorda Drive took place on 4/25/07.

Respectfully submitted,

Brett Barnes
Code Inspector

ACTION TAKEN: submit
NAME Michael E. Jones
DATE: 4-17-08



ATTACHMENT 6

