

Staff Summary Report



Hearing Officer Hearing Date: September 2, 2008

Agenda Number: 12

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 **ORTEGA RESIDENCE (PL080288/ABT08022)** located at 2714 West Dunbar Drive.

DOCUMENT NAME: 20080902dsac05

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 **ORTEGA RESIDENCE (PL080288/ABT08022)** (Robert Ortega, property owner) Complaint CE082882 located at 2714 West Dunbar Drive in the R1-6, Single Family Residential District.

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

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

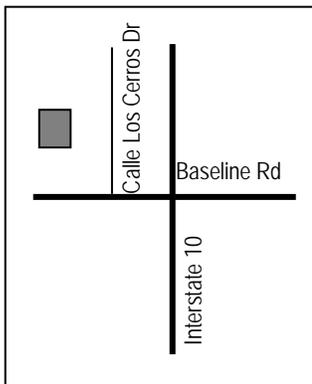
A handwritten signature in black ink, appearing to read 'SEA'.

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 **ORTEGA RESIDENCE (PL080288/ABT08022)** (Robert Ortega, property owner) Complaint CE082882 located at 2714 West Dunbar Drive in the R1-6, Single Family Residential District. The residence is located on the north side of Dunbar Dr, west of Interstate 10 and Calle Los Cerros Dr. 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. Neighborhood Enhancement Photos

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **ORTEGA RESIDENCE (PL080288/ABT08022)** (Robert Ortega, property owner) Complaint CE082882 located at 2714 West Dunbar 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.

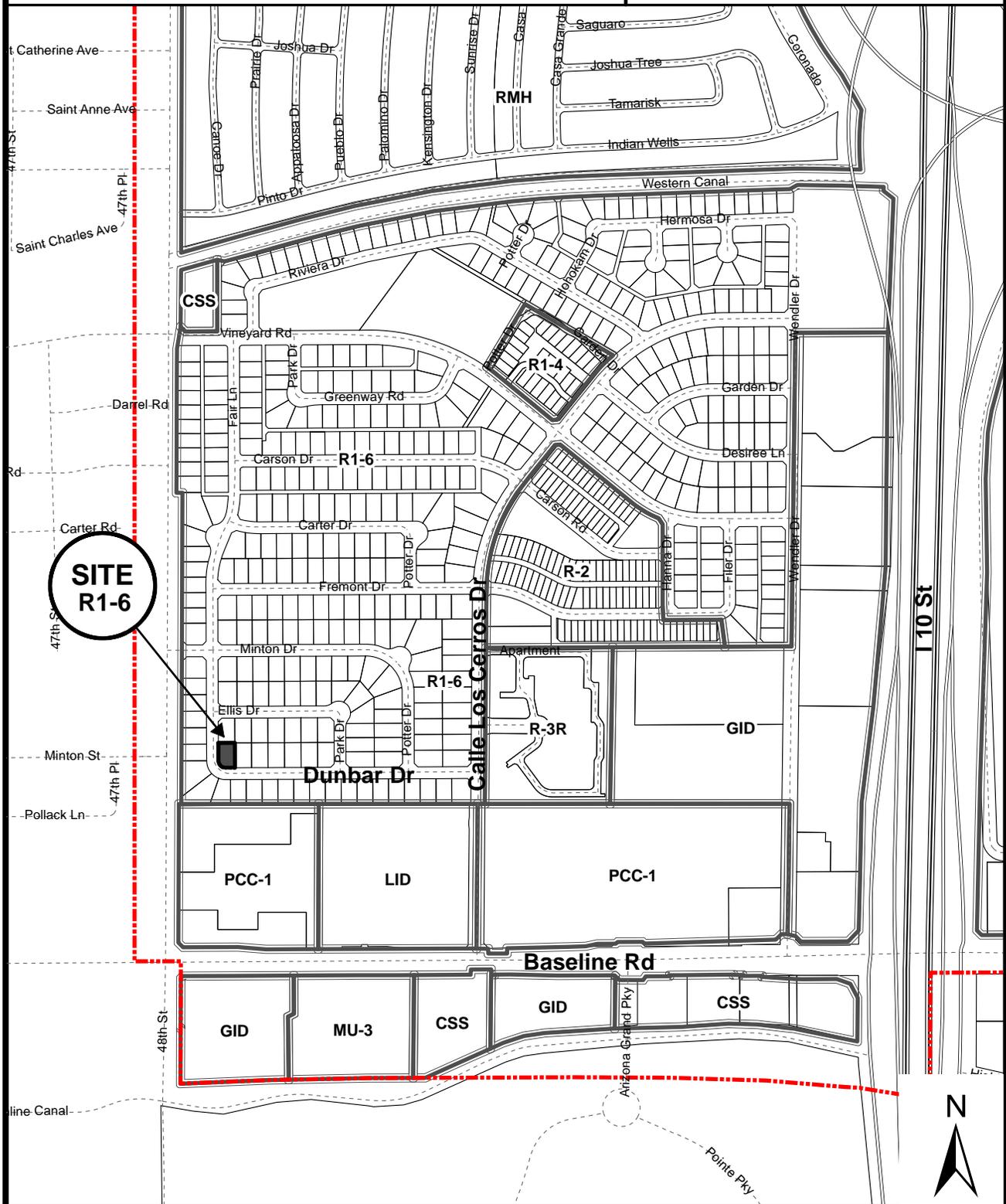
Staff recommends the authorization of abatement of this property.

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

DESCRIPTION: Owner – Robert Ortega
Applicant – Brandy Zedlar, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 7,156 s.f. / .164 acres
Building area – 900 s.f.
Year of construction – 1978

ORTEGA RESIDENCE

PL080288



Location Map



ORTEGA RESIDENCE (PL080288)

DATE: 7/31/08
TO: Jan Koehn, Administrator
FROM: Brandy Zedlar
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE082882

LOCATION: 2714 W. Dunbar Dr., Tempe, AZ 85282
LEGAL: Book 123, Map 22, Parcel 141, as recorded with the Maricopa County Assessor
OWNER: Robert Ortega

FINDINGS:

4/07/08 – The Neighborhood Enhancement Division received a complaint on the above property concerning the deteriorated landscape.

4/17/08 – The property was inspected and found the landscape in deteriorated condition. Notice to comply was sent to the property owner.

5/02/08 – The property was inspected and found no change. Final notice to comply was sent to the property owner.

6/03/08 – The property was inspected with no change in the condition of the landscape. Pictures were taken and a civil citation was issued. (#1380939)

7/11/08 – Mr. Robert Ortega defaulted on civil citation #1380939.

7/31/08 – The property was inspected with no change in its condition. The Neighborhood Enhancement Division filed for an Abatement Hearing.

PROPERTY HISTORY:

8/22/2005 – A complaint was received for deteriorated landscape.

10/02/2006 – A complaint was received for deteriorated landscape.

02/01/2007 – A complaint was received for uncontrolled running water on an outdoor faucet.

RECOMMENDATIONS:

I recommend the approval for abatement at 2714 W. Dunbar Dr., which is owned by Mr. Robert Ortega. Mr. Ortega has been given ample time and opportunities to bring his property into compliance and has failed to take corrective action. Due to the history of this property, it is very clear that Mr. Ortega is unable to keep his property in compliance. There has been no indication in Mr. Ortega actions that he plans to correct and maintain his property.

Respectfully submitted,
Brandy Zedlar

ACTION TAKEN: Referred to Hearing Officer

NAME: Jan Koehn

DATE: 7/31/08



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 31, 2008

TO: Robert Ortega

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

LEGAL: Book 123, Map 22, Parcel 141, as recorded with the Maricopa County Assessor.

LOCATION: 2714 W. Dunbar Dr., 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 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-8 which would include landscape clean-up in the front, side and back 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 \$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: 12:35 P.M.

PROPOSAL

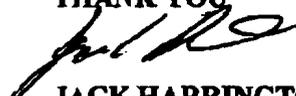
WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT #T08-092-02.

ADDRESS: 2714 W. Dunbar

- 1. MOW AND REMOVE WEEDS FROM FRONT AND REAR YARDS
10 MH @ 22.1 220.00
- 2. TEMPE POLICE OFFICER : 5 HRS @ 50.00 250.00

TOTAL COST FOR ABOVE IDEMS \$470.00

THANK YOU


JACK HARRINGTON

ACCEPTANCE



Keith E. Russell
M.A.I.



Maricopa
County
Assessor

QUICK LINKS ... [Home](#) [Contacts](#) *Parcel Search:

[Advanced Search Options](#) [*Residential Similar Property Search](#)

No Parcel Number? Use Advanced Search Options. [*\(A parcel number is needed to use these Features\)](#)

[New Search](#) [Printer Friendly Version](#) [View GIS Maps](#)

Property Information

Parcel #: 123-22-141 **Subdivision Name:** KNOELL GARDENS AMD
MCR #: 16343 **Lot #:** 135
Property Address: 2714 W DUNBAR DR
 TEMPE 85282
Property Description: KNOELL GARDENS AMD
Section Township Range: 32 1N 4E **Associated Parcel:**

Owner Information [View Tax Information](#)

Owner: ORTEGA ROBERT C
In Care Of:
Mailing Address: 808 W FLINT ST
 CHANDLER AZ 85225 U SA
Deed #: 041333833 **Sales Price:** \$138,500
Deed Date: 11/15/2004 **Sales Date:** 11/1/2004

Valuation Information [View Similar Parcels](#)

Tax Year:	2009	2008	2007
Full Cash Value (FCV):	\$129,500	\$141,500	\$126,000
Limited Property Value (LPV):	\$118,732	\$107,938	\$96,750
Notice: The values displayed on this page may not reflect constitutional or statutory adjustments.			
Legal Class:	4	4	4
Assessment Ratio:	10.0%	10.0%	10.0%
Assessed FCV:	\$12,950	\$14,150	\$12,600
Assessed LPV:	\$11,873	\$10,794	\$9,675
Property Use Code:	0131	0131	0131
Tax Area Code:	031600	031600	031600

Additional Component Information (for this parcel)

[Valuation](#) [Characteristics](#)

[New Search](#)

Helpful Information:
[recorder](#) [glossary](#) [forms](#)

Disclaimer
 The data contained in this database is deemed reliable but not guaranteed. This information should be used for informational use only and does not constitute a legal document for the description of these properties. Every effort has been made to insure the accuracy of this data; however, this material may be slightly dated which would have an impact on its accuracy. The Maricopa County Assessor's Office disclaims any responsibility or liability for any direct or indirect damages resulting from the use of this data.

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Maricopa County Assessor || 301 W. Jefferson St. || Phoenix, AZ 85003
 602-506-3406

CASE #CE082882



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

Mailed on Date: 4/17/08

Robert Ortega
2714 W. Dunbar Dr.
Tempe, AZ 85282

NOTICE TO COMPLY

This notice to comply is to inform you that on 4/17/08, the property located at 2714 W. Dunbar 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 5/02/08 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:

(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

Please take the following corrective action by: 5/02/08

Required Correction(s):

1. **Please remove the weeds/grass growing within the gravel landscape in the front, side and street side yard.**

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 #CE082882



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

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

Mailed on Date: 5/07/08

**Robert Ortega
2714 W. Dunbar Dr.
Tempe, AZ 85282**

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