

Staff Summary Report



Hearing Officer Hearing Date: November 18, 2008

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 at the **TORRES RESIDENCE (PL080404/ABT08034)** located at 2105 East Howe Avenue.

DOCUMENT NAME: 20081118dsdp02

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 **TORRES RESIDENCE (PL080404/ABT08034)** (Donna Torres, property owner) Complaint CE076609 located at 2105 East Howe Avenue in the R1-6, Single Family Residential District.

PREPARED BY: Derek Partridge, Planner I (480-350-8867)

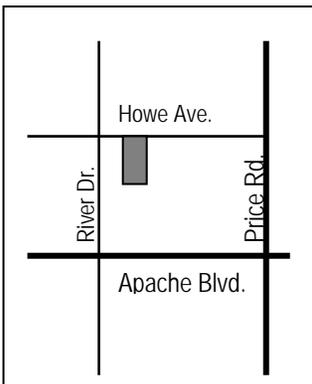
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

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 **TORRES RESIDENCE (PL080404/ABT08034)** (Donna Torres, property owner) Complaint CE076609 located at 2105 East Howe Avenue 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
8. Neighborhood Enhancement Photos

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **TORRES RESIDENCE (PL080404/ABT08034)** (Donna Torres, property owner) Complaint CE076609 located at 2105 East Howe Avenue 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 Bill Chesterfield, 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 – Donna Torres
Applicant – Bill Chesterfield, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 5,833 s.f./ 0.13 acres
Building area – 1,071 s.f.
Year of structure – 1955



Location Map



TORRES RESIDENCE (PL080404)



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: 10/21/2008

TO: Donna Torres
2105 E Howe Ave
Tempe, AZ 85281

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

LEGAL: Book 132, Map 72, Parcel 002, as recorded with the Maricopa County Assessor.

LOCATION: 2105 E Howe Ave Tempe, AZ 85281

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of November 18, 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:

The inoperable vehicle parked in the front driveway. A Dodge Caravan with a flat tire and expired license #809-MYD

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 \$335.00. 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: Bill Chesterfield
Phone Number 480-858-2327**

DATE: 10/15/2008
TO: Jan Koehn, Neighborhood Enhancement Administrator
FROM: Bill Chesterfield, Code Inspector
SUBJECT: Request abatement of nuisance violations case CE076609

COMPLAINT: CE076609

LOCATION: 2105 E Howe Tempe, AZ 85281

LEGAL: Book132, Map 72, Parcel 002

OWNER/ Donna Torres
OCCUPANT: Donna Torres
2105 E Howe Tempe, AZ 85281

FINDINGS:

- 11-05-07 Observed an inoperable vehicle (flat tire and expired license), junk and debris, trash and a deteriorated landscape with dead trees and over height grass. Took photos and sent notice to comply to Donna Torres 11/06/2007.
- 11-13-07 Notice to comply returned due to improper address (labeled as 2051 not 2105 E Howe). Resent the notice to comply to the correct address.
- 12-10-07 I reinspected the property and found that no improvement had been made in any of the violations. A second courtesy notice to Donna Torres was mailed out by first class mail.
- 01-08-08 I reinspected the property and found none of the violations had been corrected. Issued citation #1334197 for 21-3-b-8 (deteriorated landscape), 21-3-b-3 (inoperable vehicle) and 21-3-b-1 (trash covered exterior) for a court date of 01/25/2008.

- 02-12-08 Court hearing 2/11/2008 was missed by officer Chesterfield and all charges were dismissed. Officer Chesterfield stopped by the house and talked with Donna Torres. Two of the violations had been corrected and Donna Torres said the car would be removed within 2 to 3 days.
- 02-20-08 The vehicle was observed still in violation.
- 02-27-08 The vehicle was observed still in violation. Knocked on the door and was unable to make contact.
- 03-04-08 The vehicle was still in violation. Made contact with daughter Della Torres (who owns the car). Della was unwilling to commit to compliance. I issued citation #1381034 for 21-3-b-3 (inoperable vehicle) for 03/27/2008.
- 04-07-08 The owner failed to appear for citation #1381034.
- 04/08/08 The vehicle was observed still in violation.
- 04/15/08 The vehicle was observed still in violation. I issued citation #1381043 for 21-3-b-3 (inoperable vehicle) for 5/2/2008
- 05/06/08 The owner failed to appear for citation #1381043.
- 05/27/08 The vehicle was observed still in violation. I issued the third citation for an inoperable vehicle (citation #1413080) for 06/12/2008.
- 06/16/08 The owner failed to appear for citation #1413080.
- 10/15/08 The vehicle has not been registered or removed from the front of the property since the last citation was issued. I received an estimate from Jack Harrington for \$335.00 to remove the vehicle from the property and tow to a COT contracted storage yard. The estimate also includes the presence of an on duty officer during the abatement.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violation 21-3-B-3 (inoperable vehicle) be done at the property of 2105 E Howe. The owner (Donna Torres) has failed to bring the property into compliance after being issued several courtesy notices and civil citations.

Respectfully submitted,
Bill Chesterfield
Code Inspector #19176

ACTION TAKEN: submitted to Development Services
NAME Bill Chesterfield
DATE: 10/21/2008

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: JIM

FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS ___ PAGE(S)

DATE: 10/15/08 TIME: 2:40 A.M. P.M.

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK AT
ADDRESS: 2105 E. HOWE

1. TOW VEHICLE FROM PROPERTY	\$135.00
4 HRS FOR TEMPE POLICE @ \$50.00/HR	\$200.00
TOTAL	\$335.00

THANK YOU

ACCEPTANCE



JACK HARRINGTON

