

Staff Summary Report



Hearing Officer Hearing Date: September 2, 2008

Agenda Number: 13

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 **WENZEL RESIDENCE (PL080291/ABT08023)** located at 1006 South Una Avenue.

DOCUMENT NAME: 20080902dsac06

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 **WENZEL RESIDENCE (PL080291/ABT08023)** (Bill Wenzel, property owner) Complaint CE085245 located at 1006 South Una Avenue 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)

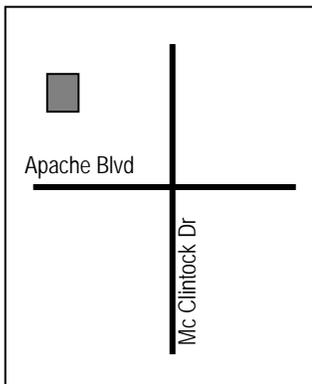
A handwritten signature in black ink, appearing to read 'SEA'.

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 **WENZEL RESIDENCE (PL080291/ABT08023)** (Bill Wenzel, property owner) Complaint CE085245 located at 1006 South Una Avenue in the R1-6, Single Family Residential District. The residence is on the west side of Una Ave, north of Apache Blvd. 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 **WENZEL RESIDENCE (PL080291/ABT08023)** (Bill Wenzel, property owner) Complaint CE085245 located at 1006 South Una 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 Michelle Arnieri, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

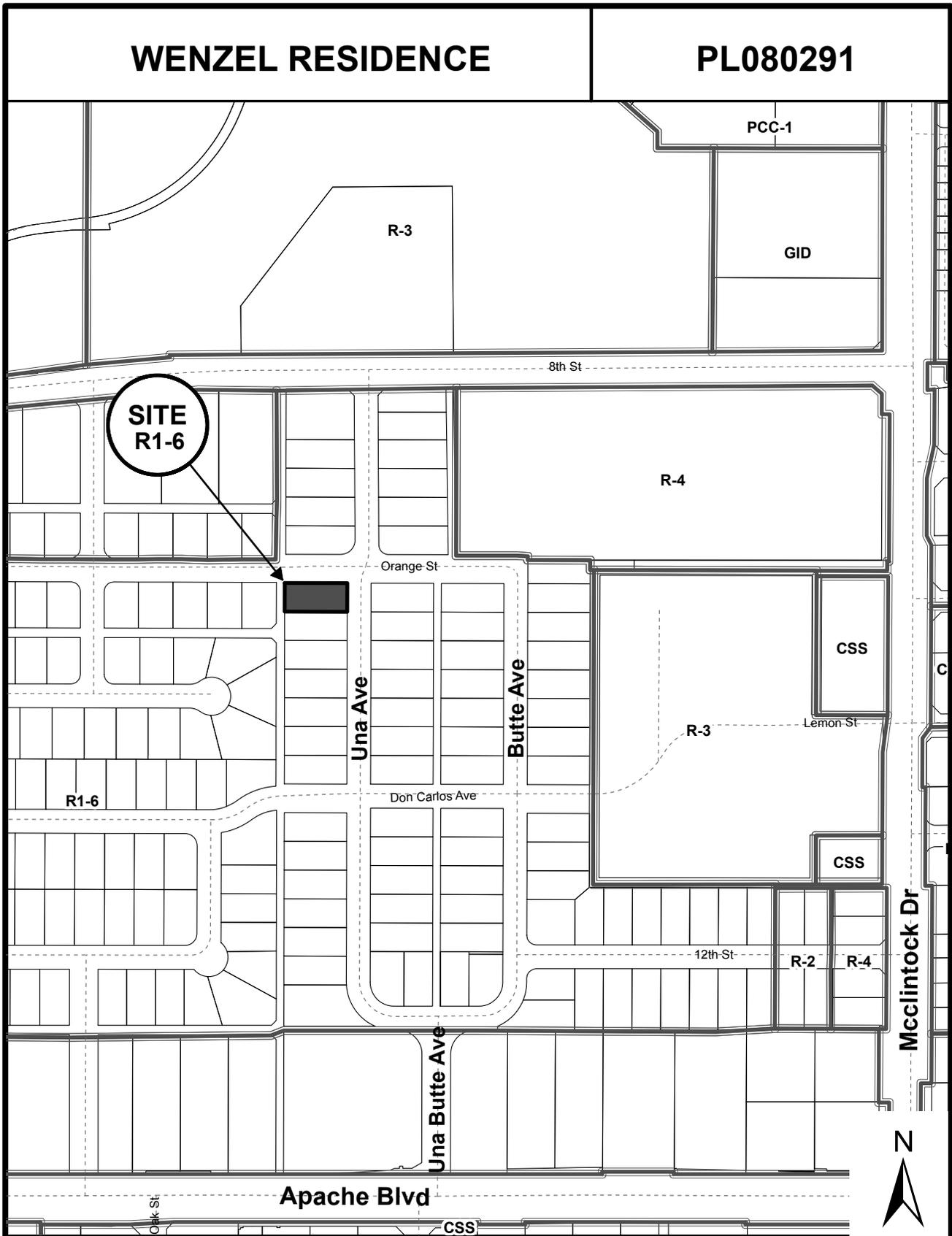
Staff recommends the authorization of abatement of this property.

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

DESCRIPTION: Owner – Bill Wenzel
Applicant – Michelle Arnieri, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 7,846 s.f. / .180 acres
Building area – 1,290 s.f.
Year of construction – 1948

WENZEL RESIDENCE

PL080291



Location Map



WENZEL RESIDENCE (PL080291)

DATE: August 1, 2008
TO: Jan Koehn, Neighborhood Enhancement Administrator
FROM: Michelle Arnieri, Code Inspector
SUBJECT: Request Authorization to Abate Complaint CE085245

LOCATION: 1006 S. Una Ave., Tempe AZ 85281

LEGAL: Book 132, Map 61, Parcel 015, as recorded with the Maricopa County Assessor

OWNER: William C. Wenzel

FINDINGS:

7-24-08 Our office received a complaint regarding the deteriorated fence at the property. I inspected the property and observed that the fence had fallen over in many sections. There was also a visible unregistered vehicle in the backyard, over height grass as well as debris.

7-25-08 I requested a bid from city approved contractor Jack Harrington.

7-30-08 I received the bid from Jack Harrington for clean up of the property in the amount of \$975.00. I went to the property and placed a hang tag with instructions for the owner Bill Wenzel to call me regarding the state of the property and possibility of filing for abatement and/or criminal charges.

7-31-08 I received an e-mail from the owner Bill Wenzel stating that he was going to get bids to repair the fence and would let me know when he had approved a bid. I sent him a response stating that I would continue to file for abatement and if he was able to get the property in compliance prior to the hearing I will request that it is pulled from the hearing officer's agenda.

RECOMMENDATIONS:

Staff recommends the abatement of code violations be authorized due to Mr. Bill Wenzel failing to comply with repeated notifications, citations, and four previous abatement filings on the property. Three abatements have been conducted at the property between February 2006 and May 2008. One resulted in a last minute withdrawal. Mr. Wenzel has been sent numerous courtesy notices regarding the fence, litter and debris at his property and it continues to remain in violation for the codes he has been cited for. It should be noted that I have had several prior cases at this property that took extensive time to reach resolution. Mr. Wenzel is a habitual offender of city nuisance codes 21-3-b-1 & 21-3-b-15. Jack Harrington a city contractor has submitted a bid for \$975.00 to remove the deteriorated fence, junk vehicle and debris from the property.

Respectfully submitted,

Michelle Arnieri

City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov

Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2278 (fax)

Neighborhood Enhancement

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

August 1, 2008

William Wenzel
1006 S. Una 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 61, Parcel 015, as recorded with the Maricopa County Assessor.

LOCATION: 1006 S. Una 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 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 of the **deteriorated fence, junk vehicle and debris.**

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 **\$ 975.00**. 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 or contact me at **(480) 858-2088**.

Michelle Arnieri, Code Inspector

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: mischel arnire

FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 7/28/11 TIME: 10:57 A.M. P.M.

PROPOSAL-REVISED

WE PROPOSE TO DO THE FOLLOWING WORK AT
ADDRESS: 1006 S UNA

1. MOW AND REMOVE WEEDS AND DEBRIS FROM BACK YARD

2. FRMOVE AND HAUL BROKEN DOWN FENCE
20 MH @ 22/

440.00

3. TEMPE POLICE OFFICER : 8 HRS @ 50.00

400.00

TOTAL COST FOR ABOVE IDEMS

\$ 840.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON
JACK HARRINGTON

\$1350 for vehicle tow

\$975⁰⁰

7/30/08

Bill,

Please contact me as soon as possible regarding your property. If I do not receive a call I will have to file an abatement and/or criminal charges.



Michelle Amieri

Code Inspector
Community Development/Neighborhood Enhancement

(480) 858-2088

(480) 858-2278 Fax

(480) 350-8372 Department

michelle_amieri@tempe.gov

www.tempe.gov

City of Tempe

21 East Sixth Street, Suite 208, Tempe, Arizona 85281

Arnieri, Michelle

From: Arnieri, Michelle
Sent: Thursday, July 31, 2008 2:59 PM
To: 'billw480@yahoo.com'
Subject: RE: Wenzel/1006 S. Una Ave.

Bill,

I still have to file for the abatement by August 5th, 2008. If you are able to get the property into compliance prior to the hearing date at the end of the month I will pull the abatement from the docket. This would include repairing the fence, cutting the grass and general debris pick up of the backyard. Thank you for your cooperation in this matter.

Michelle Arnieri
Code Inspector
City of Tempe
480-858-2088

From: William Wenzel [mailto:billw480@yahoo.com]
Sent: Thursday, July 31, 2008 9:59 AM
To: Arnieri, Michelle
Subject: Wenzel/1006 S. Una Ave.

Michelle,

I am getting price/schedule estimates today to repair the fence. i will copy you when I approve one and start the repairs. Please advise if there are any other actions I need to take

Bill Wenzel
1006 S. Una Ave.
Tempe, AZ 85281
480.282.3927
billw480@yahoo.com



