

Staff Summary Report



Hearing Officer Hearing Date: 7/19/11

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Zanotti Property located at 1059 West Cornell Drive.

DOCUMENT NAME: 20110719cdsl07 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **ZANOTTI PROPERTY (PL110235 /ABT11022 /CE111417)** (Brandy Zedlar, Inspector; Chris Zanotti, property owner) located at 1059 West Cornell Drive in the R1-6, Single Family Residential District.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

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

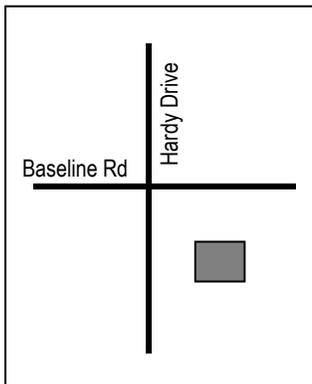
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$1020.00 for abatement request, including landscape/weed removal and securing dwelling.

RECOMMENDATION: **Staff – Approval of Abatement Proceedings**

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Zanotti Property located at 1059 West Cornell 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 requests the approval of abatement of the following nuisance items under Complaint CE111417: deteriorated landscape and unsecured dwelling.

Due to the history of recidivism of the property owner and several months of attempts to have the site remediated by the property owner, staff is requesting a 180 day open abatement to prevent repeated property neglect and neighborhood decline

PAGES:

1. List of Attachments
2. Comments; History & Facts/Description

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-14. Code Compliance Report & Photographs

COMMENTS:

Code Compliance is requesting approval to abate the Zanotti Property located at 1059 West Cornell Drive in the R1-6, Single Family Residential District. This case was initiated 04/11 following which Code Compliance has attempted to obtain compliance through correspondence with the property owners regarding violations of the Tempe City Code for deteriorated landscape and unsecured dwelling.

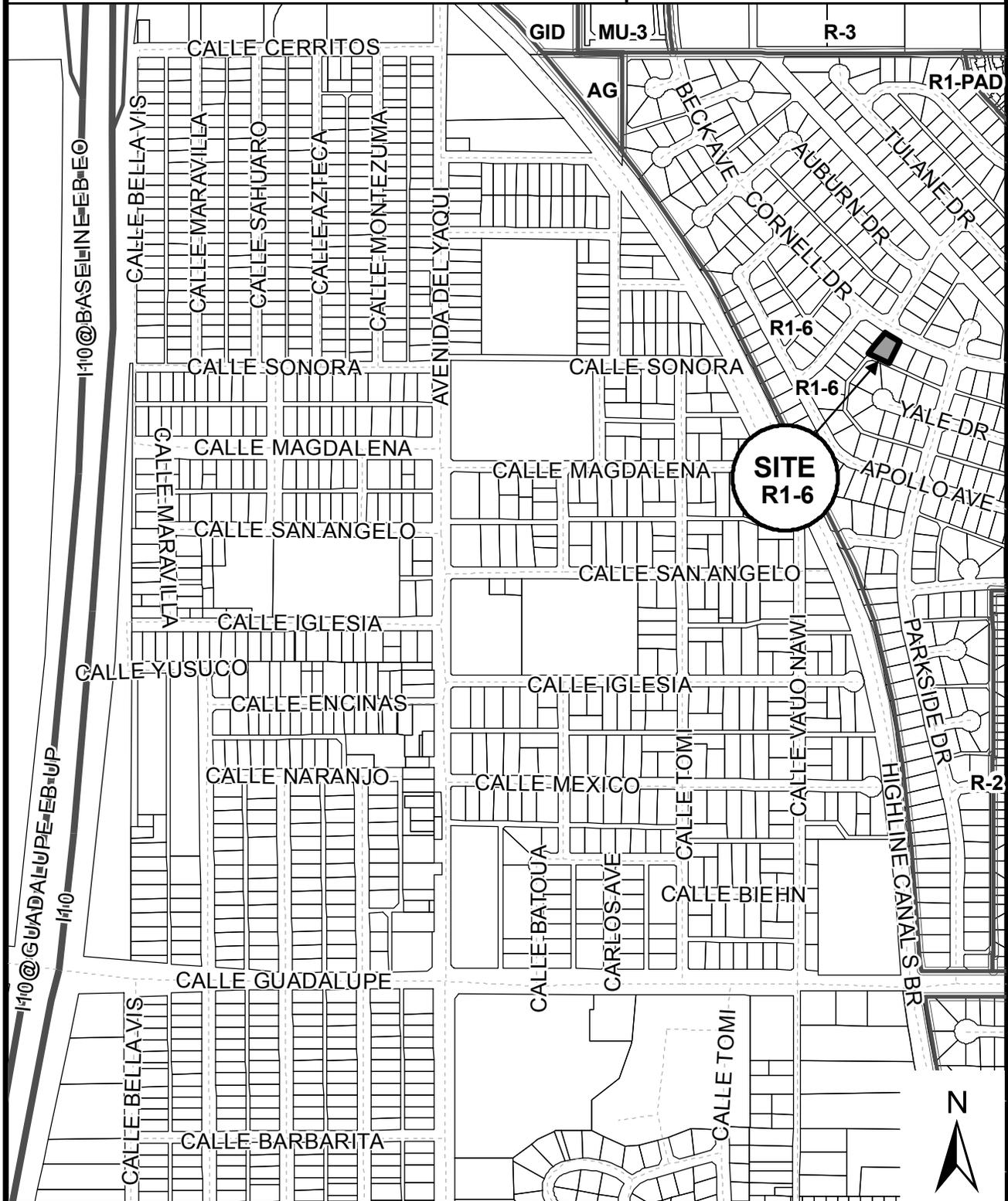
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code. Due to the history of recidivism of the property owner and several months of attempts to have the site remediated by the property owner, staff is requesting a 180 day open abatement to prevent repeated property neglect and neighborhood decline.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

ZANOTTI PROPERTY

PL110235



Location Map



ZANOTTI PROPERTY (PL110235)

DATE: 6/16/11
TO: Michael Spencer, Sr. Code Inspector
FROM: Brandy Zedlar
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE111417

LOCATION: 1059 W. Cornell Dr., Tempe, AZ 85283
LEGAL: Parcel #301-07-228, as recorded with the Maricopa County Assessor
OWNER: CHRIS ZANOTTI
1059 W CORNELL DR
TEMPE, AZ 85283

FINDINGS:

4/26/11 – The Neighborhood Enhancement Division received a complaint on the above property concerning deteriorated landscape.

2/14/11 - The property was inspected and found to have deteriorated landscape, junk and debris throughout the property and the home was unsecure. Home was secured by the inspector and a notice to comply was mailed to Mr. Zanotti.

5/19/11 – Notice to comply was returned with no forwarding address. After further research, it appeared that the property was in foreclosure with an auction date of 5/25/11.

5/25/11 – Trustee sale was cancelled by the bank. Property remains in the possession of the owner but is vacant.

6/13/11 – The property was inspected with no change in its condition. There was a notice posted on the door that the home has been secured by the bank.

6/16/11 – The property was inspected with no change in its condition. Code Compliance filed for an Abatement Hearing.

PROPERTY HISTORY:

- 2 complaints for deteriorated landscape were received between 2008 and 2009.
- One civil citation was issued to Mr. Zanotti for deteriorated landscape in 2009.

RECOMMENDATIONS:

I recommend the approval for abatement at 1059 W. Cornell Dr., which is owned by Mr. Chris Zanotti. Mr. Zanotti has been given ample time and opportunities to bring his property into compliance and has failed to take any corrective action. Since this appears to be in the foreclosure process, I am requesting approval for continuous abatements in the next 180 days if deemed necessary. There has been no indication from Mr. Zanotti that he plans to correct and maintain his property.

Respectfully submitted,
Brandy Zedlar

ACTION TAKEN: Referred to Hearing Officer

NAME: Michael Spencer

DATE: 6/16/11



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33

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Property Information

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Parcel #: 301-07-228
MCR #: 19824
Property Address: 1059 W CORNELL DR
 TEMPE 85283
Property Description: WOOD PARK VILLAGE MCR 198-24
Section Township Range: 4 1S 4E
Associated Parcel:

Subdivision Name: WOOD PARK VILLAGE LOT 1-314 & TR A-C
Lot #: 221
School Dist: TEMPE SCHOOL DISTRICT
Local Jurisdiction: TEMPE
[Tax District FAQs](#)

Owner Information

[View Tax Information](#)

Owner: ZANOTTI CHRIS
In Care Of:
Mailing Address: 928 WRIGHT AVE APT 402
 MOUNTAIN VIEW CA 940434658 USA
Deed #: 041113172
Deed Date: 9/23/2004

Sales Price: \$150,000
Sales Month/Year: 9/2004

Valuation Information

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Tax Year:	2012	2011	2010
Full Cash Value (FCV):	\$85,600	\$100,600	\$137,100
Limited Property Value (LPV):	\$85,600	\$100,600	\$137,100
Notice: The values displayed on this page may not reflect constitutional or statutory adjustments.			
Legal Class:	3	3	3
Assessment Ratio:	10.0%	10.0%	10.0%
Assessed FCV:	\$8,560	\$10,060	\$13,710
Assessed LPV:	\$8,560	\$10,060	\$13,710
Property Use Code:	0131	0131	0131
Tax Area Code:	031600	031600	031600

Additional Component Information (for this parcel)

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[Characteristics](#)

[Commercial Property Overview](#)

New Search Helpful Information:

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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

Unofficial Document

First American Title

RECORDING REQUESTED BY:
RECONTRUST COMPANY, N.A.
2380 Performance Dr, TX2-984-0407
Richardson, TX 75082

WHEN RECORDED MAIL TO:
BAC HOME LOANS SERVICING, LP
400 National way
SIMI VALLEY, CA 93065
Attn: FORECLOSURE DEPT
TS No. 09-0183478
Title Order No. 4343765
APN No. 301-07-228

NOTICE OF TRUSTEE'S SALE ARIZONA

The following legally described trust property will be sold, pursuant to the power of sale under that certain Deed of Trust Recorded on 05/25/2006, as Instrument Number 20060711783, Book N/A, Page N/A, in the records of Maricopa County, Arizona, at public auction to the highest bidder: In the Courtyard, by the main entrance of the Superior Court Building, 201 West Jefferson, Phoenix, AZ 85003 on 05/25/2011 at 12:00 PM of said day.

THE FOLLOWING REAL PROPERTY SITUATED IN MARICOPA COUNTY, ARIZONA: LOT 221, OF WOOD PARK VILLAGE, ACCORDING TO BOOK 198 OF MAPS, PAGE 24, RECORDS OF MARICOPA COUNTY, ARIZONA. APN No. 301-07-228

The Deed of Trust and/or Beneficiary provide the following purported property location:
 1059 WEST CORNELL, TEMPE, Maricopa County, AZ 85283

Said sale will be made for cash (payable at time of sale), but without covenant or warranty, express or implied, regarding title, possession or encumbrances, to pay the remaining principal sum of the note secured by said Deed of Trust, which includes interest thereon as provided in said note, advances, if any under the terms of said Deed of Trust, interest on advances, if any, fees, charges and expenses of the Trustee and of the trust created by said Deed of Trust. The original sum of the note is \$175,000.00. Trustee will accept only cash or cashier's check for reinstatement or price bid payment. Reinstatement payment must be paid before five o'clock P.M. on the last day other than a Saturday or legal holiday before the date of the sale. The Purchaser at the sale, other than the beneficiary to the extent of his credit bid, shall pay the price no later than five o'clock P.M. of the following day, other than a Saturday or legal holiday.

Name and Address of Original Trustor: CHRIS ZANOTTI, 1059 WEST CORNELL, TEMPE, AZ 85283
 Name and Address of Current Trustee: RECONTRUST COMPANY, N.A., 2380 Performance Dr,
 TX2-984-0407 Richardson, TX 75082 FOR INFORMATION/SALE INFORMATION CALL: (800) 281-8219
 Name and Address of Current Beneficiary: BANK OF NEW YORK, 400 National way, SIMI VALLEY, CA
 93065 PHONE: (800) 669-6650

RECONTRUST COMPANY, N.A. IS THE CURRENT TRUSTEE. RECONTRUST COMPANY, N.A. QUALIFIES AS A TRUSTEE OF THE TRUST DEED UNDER ARIZONA REVISED STATUTES SECTION 33-803, SUBSECTION A. 5., BECAUSE IT IS A NATIONAL ASSOCIATION REGULATED BY THE OFFICE OF THE COMPTROLLER OF THE CURRENCY("OCC")

DATED: February 14, 2011

RECONTRUST COMPANY, N.A.
As Trustee

State of: Texas)
County of: Tarrant)

BY: Darla Sproles 2/14/11
Darla Sproles, Authorized Signer

On 2/14/11 before me MARIA SAGRARIO MONTOYA, personally appeared DARLA SPROLES Authorized Signer, know to me (or proved to me on the oath of _____ or through TX DL.) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he ~~he~~ she executed the same for the purposes and consideration therein expressed.

Unofficial Document

Witness my hand and official seal.

Maria Sagrario Montoya
Notary Public's Signature



THIS FIRM IS ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THE DEBT SET FORTH ON THIS NOTICE WILL BE ASSUMED TO BE VALID UNLESS YOU DISPUTE THE DEBT BY PROVIDING THIS OFFICE WITH A WRITTEN NOTICE OF YOUR DISPUTE WITHIN 30 DAYS OF YOUR RECEIPT OF THIS NOTICE, SETTING FORTH THE BASIS OF YOUR DISPUTE. IF YOU DISPUTE THE DEBT IN WRITING WITHIN 30 DAYS, WE WILL OBTAIN AND MAIL VERIFICATION OF THE DEBT TO YOU. IF THE CREDITOR IDENTIFIED IN THIS NOTICE IS DIFFERENT THAN YOUR ORIGINAL CREDITOR, WE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR IF YOU REQUEST THIS INFORMATION IN WRITING WITHIN 30 DAYS.

First American Title
RECORDING REQUESTED BY:
RECONTRUST COMPANY, N.A.
2380 Performance Dr, TX2-984-0407
Richardson, TX 75082

Unofficial
Document

WHEN RECORDED MAIL TO:
Owner of Record
1059 WEST CORNELL
TEMPE, AZ 85283
TS No. 09-0183478
Title Order No. 4343765
APN No. 301-07-228

CANCELLATION OF NOTICE OF SALE ARIZONA

The undersigned trustee hereby cancels the Notice of Sale Recorded on 01/04/2010, as Instrument Number 20100002236, on trust property legally described as:

THE FOLLOWING REAL PROPERTY SITUATED IN MARICOPA COUNTY, ARIZONA: LOT 221, OF WOOD PARK VILLAGE, ACCORDING TO BOOK 198 OF MAPS, PAGE 24, RECORDS OF MARICOPA COUNTY, ARIZONA.

which Notice of Sale refers to a trust deed executed by CHRIS ZANOTTI, AN UNMARRIED MAN, as trustor, in which MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., is named as beneficiary, and TICOR TITLE COMPANY FULLERTON BRANCH-375-1, is named as trustee, and Recorded on 05/25/2006, as Instrument Number 20060711783, Book N/A, Page N/A, of official records of Maricopa County; Arizona.

DATED: February 12, 2011

RECONTRUST COMPANY, N.A.,
Successor Trustee

[Signature] 2/14/11

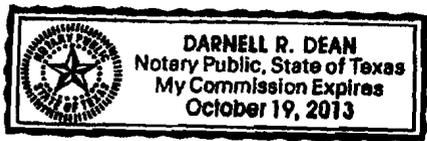
State of: Texas) Tiffany Wooten, Authorized Signer

County of: Tarrant)
On 2/14/11 before me Darnell R. Dean, personally appeared

Tiffany Wooten, Authorized Signer, know to me (or proved to me on the oath of _____ or through TDC) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Witness my hand and official seal.

[Signature]
Notary Public's Signature





COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FIRST CORRECTION NOTICE

4-29-2011

CHRIS ZANOTTI
928 WRIGHT AVE APT #402
MOUNTAIN VIEW, CA 94043

Case#: CE111417
Site Address: 1059 W CORNELL DR

SITE REINSPECTION ON OR AFTER: 5/17/11

This is a notice to inform you that this site was inspected on **4/28/11** and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

VIOLATION SECTION:

Sec. 21-3. Enumerated violations.

(b) A nuisance includes any one or more of the following conditions:

Violation of the Tempe City Code, Chapter 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.

Violation of the Tempe City Code, Chapter 21-3-b-1

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. Please remove the weeds/grass growing within the gravel landscape front and side yard.**
- 2. Please remove all trash and debris from the driveway area.**

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Brandy Zedlar
Code Inspector II
email
Civil and Criminal Penalties

Direct: 480-350-8623
Code Compliance: 480-350-8372
brandy_zedlar@tempe.gov

City Code Section 21-3, subsections (b) 1-8, 15 and 17-19; Section 21-4; Sections 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 per violation, 2nd occurrence \$250 per violation, 3rd occurrence \$350 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$250 per violation, 2nd occurrence \$450 per violation, 3rd occurrence \$650 per violation | Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$350 per violation, 2nd occurrence \$650 per violation, 3rd occurrence \$950 per violation. | Section 21-25: \$1000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (B) Habitual Offender: 1st occurrence \$500 in addition to other fines, 2nd occurrence \$1000 in addition to other fines, 3rd occurrence, \$1500 in addition to other fines. | Zoning and Development Code: 1st occurrence \$120 per violation, 2nd occurrence \$370 per violation, 3rd occurrence \$770 per violation | 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 the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



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: June 16, 2011

TO: CHRIS ZANOTTI
1059 W CORNELL DR
TEMPE, AZ 85283

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

LEGAL: Parcel # 301-07-228, as recorded with the Maricopa County Assessor.

LOCATION 1059 W. Cornell Dr., 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 July 19, 2011. 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 and TCC 21-3-b-1 which would include the following: landscape clean-up in the front and back yard and removal of junk 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 \$1020.00. 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
3831 W AVALON
PHOENIX, AZ. 85019
TEL: (602) 446-2630
FAX: (602) 347-5487
EMAIL: JACKHBOARDUPS@YAHOO.COM

THE FOLLOWING DOCUMENT IS FOR:

NAME: BRANDY
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 5-31-11

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # TO8-092-02

ADDRESS: 1059 W CORNELL DR. TEMPE AZ

1.MOW AND REMOVE WEEDS & DEBRIS FROM

FRONT & REAR YARDS	
30 M.H. @ \$22.00/HR.	\$660.00

2. SECURING OF HOUSE 6 SHEETS OF PLYWOOD @ 60.00/	360.00

TOTAL FOR ABOVE ITEMS	\$1020.00
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THANK YOU

ACCEPTANCE

JACK HARRINGTON







