

Staff Summary Report



Hearing Officer Hearing Date: April 21, 2009

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items at the **CANZANO RESIDENCE (PL090078/ABT09006)** located at 1133 East Concorda Drive.

DOCUMENT NAME: 20090421dssd02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items in violation of the Tempe City Code for the **CANZANO RESIDENCE ABATEMENT (PL090078/ABT09006)** (Robert Canzano, property owner) Complaint 087342 located at 1133 East Concorda Drive in the R1-6, Single Family Residential District.

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

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

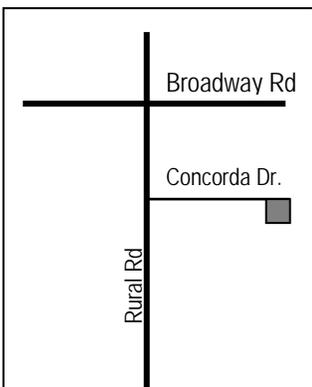
A handwritten signature in black ink, appearing to read 'SEA'.

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 **CANZANO RESIDENCE ABATEMENT (PL090078/ABT09006)** (Robert Canzano, property owner) Complaint 087342 located at 1133 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
- 3-11. Neighborhood Enhancement Report
- 12-14. Neighborhood Enhancement Photos

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **CANZANO RESIDENCE ABATEMENT (PL090078/ABT09006)** (Robert Canzano, property owner) Complaint 087342 located at 1133 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. Refer to the attached memo and photos from Julie Scofield, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

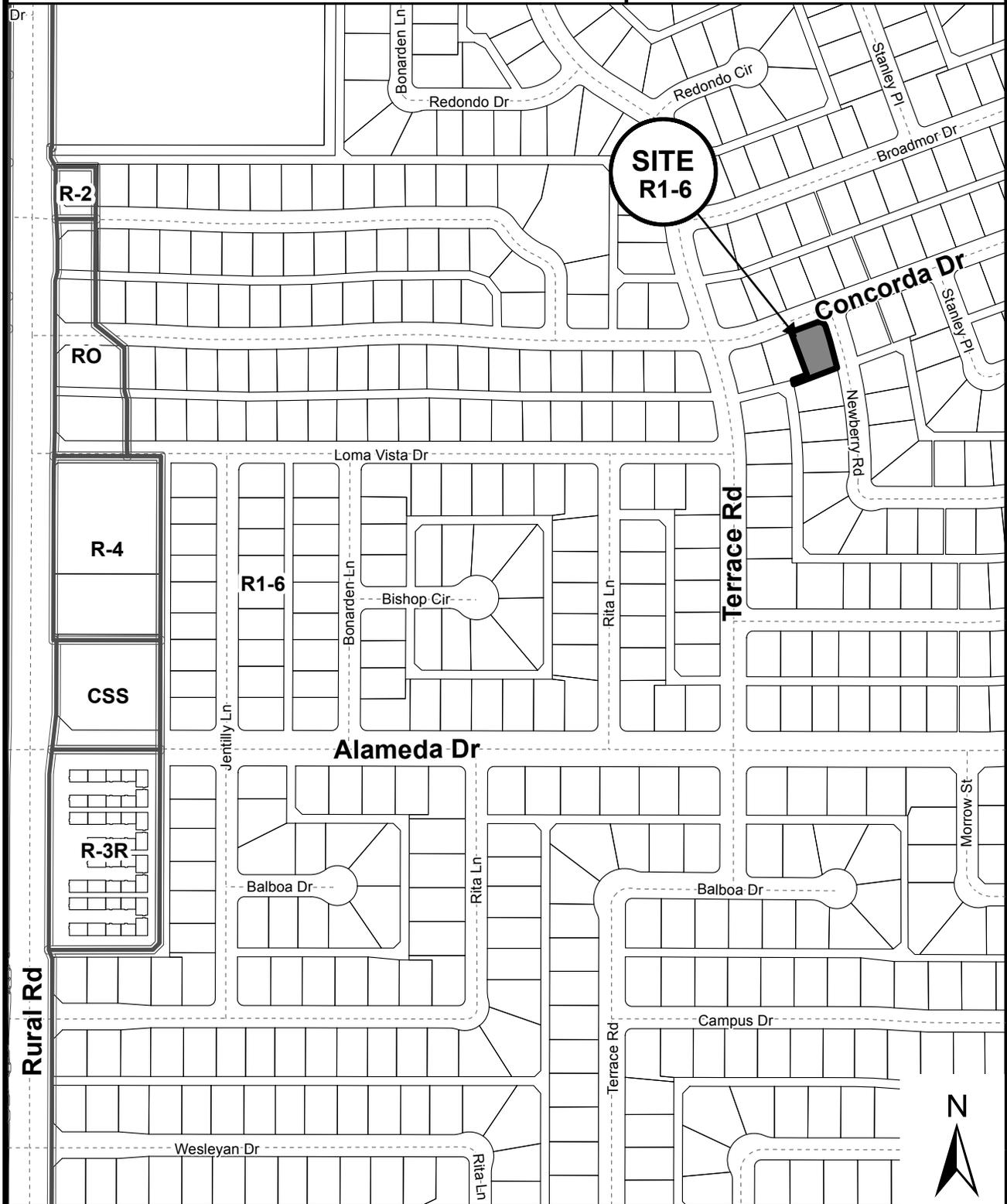
Staff recommends authorizing abatement of this property.

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

DESCRIPTION: Owner – Robert Canzano
Applicant – Julie Scofield, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 8,678 s.f. / .19 acres
Building area – 2,519 s.f.
Year of structure – 1963

CANZANO RESIDENCE

PL090078



Location Map



CANZANO RESIDENCE (PL090078)

DATE: 02/24/09
TO: Jan Koehn, Administrator
FROM: Julie Scofield
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE087342

LOCATION: 1133 E. Concorda Dr., Tempe, AZ 85282
LEGAL: Book 133, Map 56, Parcel 059, as recorded with the Maricopa County Assessor
OWNER: Robert A. Canzano
2417 S. Newberry Rd.
Tempe, AZ 85282

FINDINGS:

10/15/08 The Neighborhood Enhancement Department received a complaint on the above property for deteriorated landscaping. The property was inspected. Deteriorated landscaping and several broken windows are present. A notice to comply was sent to the property owner, Robert Canzano. A notice was also posted on the owner's residence.

11/18/08 The property was re-inspected. There has been no change in the condition of the property. A final notice was sent to the property owner.

11/06/08 An estimate from contractor Jack Harrington was requested for the abatement of the deteriorated landscaping and boarding up the broken windows.

02/17/09 The estimate was received for the abatement in the amount of \$170.00

02/24/09 The application for the abatement was submitted.

PROPERTY HISTORY:

03/05/01 Property was in violation of an open pool gate.

03/20/01 Citation was issued for the pool gate.

04/05/01 Property was in violation of peeling paint, trash and debris, opened pool gate, green swimming pool, and unregistered vehicles.

05/10/01 Citations were issued for all violations found on 04/05/01.

06/29/01 Second citations were issued for all violations found on 04/05/01.

07/09/01 Neighborhood Enhancement Dept. received a complaint for dead oleander bushes.

07/20/01 Third citations were issued for all the violations found on 04/05/01.

10/19/01 Criminal charges were filed with the prosecutor's office.

01/07/03 The defendant Robert Canzano pleaded no contest. The defendant agreed to have the property in compliance by Feb 13, 2003.

- 02/26/03 Property was re-inspected. All violations still exist.
- 08/27/03 Received a bid from contractor Bishop Inc. to abate the property.
- 10/07/03 The abatement was approved through Hearing Officer.
- 10/21/03 The owner appealed the decision.
- 12/29/03 The board approved the abatement.
- 02/03/04 Abatement was carried out. The violations were corrected.
- 04/29/05 Neighborhood Enhancement Department received complaint for green pool, and deteriorated landscaping. An inspection was conducted and a notice was given to Robert Canzano to correct the violations.
- 07/29/05 Re-inspected the property. Second notice was sent to Robert Canzano for the violations
- 08/30/05 Re-inspected the property. No changes in the condition of the property.
- 09/02/05 Criminal charges were filed with the city prosecutor's office.
- 04/28/06 Mr. Canzano failed to appear for his pre-trial conference.
- 08/29/06 Court was continued and set for re-trial on 10/31/06.
- 10/31/06 Mr. Canzano failed to appear for his pre-trial conference. A warrant was issued for his arrest.
- 01/03/07 Property was re-inspected. All violations still existed such as the green pool and deteriorated landscaping. Received a bid from contractor Bishop Inc., to abate the property.
- 02/16/07 Abatement paperwork was submitted.
- 03/06/07 The abatement was approved through the hearing officer.
- 04/17/07 The property was abated and the violations were corrected.
- 09/14/07 Neighborhood Enhancement Department received complaint for unregistered vehicle, and deteriorated landscaping.
- 09/27/07 An inspection was conducted and a notice was given to Robert Canzano to correct the violations of unregistered vehicle and deteriorated landscape.
- 10/19/07 Re-inspected the property. No changes in the condition of the landscaping.
- 11/14/07 Citation was issued for the deteriorated landscape.
- 12/20/07 A request for abatement was submitted.
- 02/05/08 The hearing officer approved the abatement.
- 02/27/08 The property was abated and the violations were corrected.

RECOMMENDATIONS:

I recommend the approval for abatement at 1133 E. Concorda Dr., which is owned by Mr. Robert Canzano. I would also like to ask for a rolling abatement that would allow Neighborhood Enhancement to do abatement if needed within the next 180 days. Mr. Canzano 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. Canzano is unable to keep his property in compliance. There has been no indication in Mr. Canzano actions that he plans to correct and maintain his property.

Respectfully submitted,
Julie Scofield

ACTION TAKEN: Referred for abatement
NAME Jan Koel
DATE: 2-24-09



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2231 (fax)

Neighborhood Enhancement Department

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 02/24/09

TO:

**ROBERT A. CANZANO
2417 S. NEWBERRY RD.
TEMPE, AZ 85282**

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 56 Parcel 059, as recorded with the Maricopa County Assessor.

**LOCATION: 1133 E. CONCORDA 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 4/21/09. We are requesting Hearing Officer Authorization to abate this public nuisance codes in accordance with Section 21-53 of the Tempe City Code by boarding up broken windows, and cutting down dead tree and cleaning up landscaping. TCC 21-3-B-8 which prohibits landscaping that is dead, over height, damaged, or presents a deteriorated or slum-like appearance. TCC 21-4-B-2E which states that glazed areas shall be in sound condition.

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 \$170.00. 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: Julie Scofield

Phone Number 480-350-8951

JACK HARRINGTON
6828 N. 25TH DR., #B
PHOENIX, AZ 85017
TEL: (602) 446-2630
FAX : (602) 347-5487
EMAIL: JACKHBOARDUPS@YAHOO.COM
FAX COVER & PROPOSAL

FAXED TO THE FOLLOWING NUMBER(S) : 480-858-2278

THE FOLLOWING DOCUMENT IS FOR:

NAME: JULIE

FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS ___ PAGE(S)

DATE: 2/19/09 TIME: 8:38 (A.M.) P.M.

PROPOSAL

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

ADDRESS: 1133 E. CONCORDA TEMPE, AZ.

- | | |
|---|----------|
| 1. REMOVE WEEDS FROM FRONT YARD AND REMEOVE
1 DEAD TREE 5 MAN HRS @ \$22./HR | \$110.00 |
| 2. BOARD UP 3 SMALL WINDOWS IN GARAGE DOOR | \$60.00 |
| TOTAL | \$170.00 |

THANK YOU


JACK HARRINGTON

ACCEPTANCE

Note: House appears vacant, no police needed



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

Mailed on Date: 10/16/08

**ROBERT A CANZANO
2417 S. NEWBERRY RD.
TEMPE, AZ 85282**

This notice to comply is to inform you that on 10/15/08, the property located at 1133 E. CONCORDA 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 10/31/08 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).

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 21-4-b-2

(a) It shall be unlawful and a violation of this code for any person to erect, maintain, use, place, deposit, cause, allow, leave or permit to remain any of the following:

- (2) For any residential property:
 - a. Any wood surfaces unprotected from the elements by paint or other protective treatment, except those naturally resistant to decay;
 - b. Exterior painted surfaces with loose, cracked, scaling, chipping or peeling paint, visible from a public area, in such amounts as to present a deteriorated or slum-like appearance;
 - c. Broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated or slum-like appearance;
 - d. Replacement materials and paint used to repair or repaint exterior surfaces of a building shall be visually compatible with the remainder of the materials and paint on the exterior of the structure;
 - e. Glazed areas not in sound condition or maintained free of missing, loose, cracked or broken glass; or
 - f. Exterior doors, garage doors, door hardware and door frames not maintained in sound condition, or kept free from holes, breaks and cracks; or any exterior door incapable of functioning as intended by its design.

Please take the following corrective action by: 10/31/08

Required Correction(s):

1. PLEASE CUT DOWN TO GROUND LEVEL OR REMOVE THE DEAD TREE LOCATED ON THE EAST SIDE OF THE PROPERTY.
2. PLEASE RAKE AND PROPERLY DISCARD THE FALLEN TREE DEBRIS IN THE FRONT AND SIDE OF THE PROPERTY.
3. PLEASE REPLACE THE GLASS OR BOARD UP THE BROKEN WINDOWS ON THE EAST SIDE OF THE PROPERTY. IF YOU CHOOSE TO BOARD UP THE WINDOWS, THE BOARDS MUST BE PAINTED TO MATCH THE EXTERIOR PAINT OF THE HOUSE.

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: JULIE SCOFIELD

Phone Number: 480-350-8951

E-mail: JULIE_SCOFIELD@TEMPE.GOV

THIS WILL BE YOUR ONLY NOTICE. PLEASE CORRECT THE VIOLATIONS AS INDICATED IN THIS NOTICE TO AVOID POSSIBLE CRIMINAL CHARGES.



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

Mailed on Date: 11/19/08

**ROBERT A CANZANO
2417 S. NEWBERRY RD.
TEMPE, AZ 85282**

This notice to comply is to inform you that on 11/18/08, the property located at 1133 E. CONCORDA 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 12/3/08 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).

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;

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 - f. Exterior doors, garage doors, door hardware and door frames not maintained in sound condition, or kept free from holes, breaks and cracks; or any exterior door incapable of functioning as intended by its design.

Please take the following corrective action by: 12/3/08

Required Correction(s):

1. PLEASE CUT DOWN TO GROUND LEVEL OR REMOVE THE DEAD TREE LOCATED ON THE EAST SIDE OF THE PROPERTY.
2. PLEASE TRIM OFF THE DEAD LIMB FROM THE TREE ON THE NORTH SIDE OF THE PROPERTY.
3. PLEASE REPLACE THE GLASS OR BOARD UP THE BROKEN WINDOWS ON THE EAST SIDE OF THE PROPERTY. IF YOU CHOOSE TO BOARD UP THE WINDOWS, THE BOARDS MUST BE PAINTED TO MATCH THE EXTERIOR PAINT OF THE HOUSE.

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