

Staff Summary Report



Hearing Officer Hearing Date: 11/16/10

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Montanez Property located at 1964 East Lodge Drive.

DOCUMENT NAME: 20101116cdr103 **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 **MONTANEZ PROPERTY (PL100330 / ABT10031 / CE103255)** (Jack Scofield, Inspector; Susan Montanez, property owner) located at 1964 East Lodge Drive in the R1-7, Single Family Residential District.

PREPARED BY: Ryan Levesque, Senior Planner (480-858-2393)

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

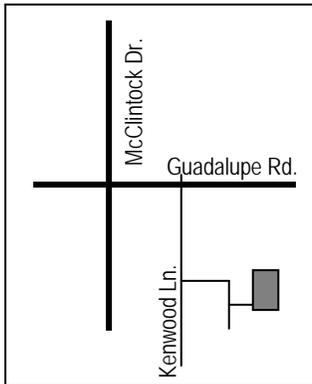
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$420.00 for abatement request, including draining pool and Police officer if needed

RECOMMENDATION: Staff – Approval of Abatement Proceedings

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Montanez Property located at 1964 East Lodge Drive in the R1-7, Single Family Residential District. The details of this case represent months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE103255: "Restore pool water to a clean and clear condition"

180 DAY OPEN ABATEMENT REQUEST:

The property has received complaints on the green pool. Because the property is in the process of foreclosure and the lack of response to remediate the issue 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
- 3-7. Code Compliance Report & Photographs

COMMENTS:

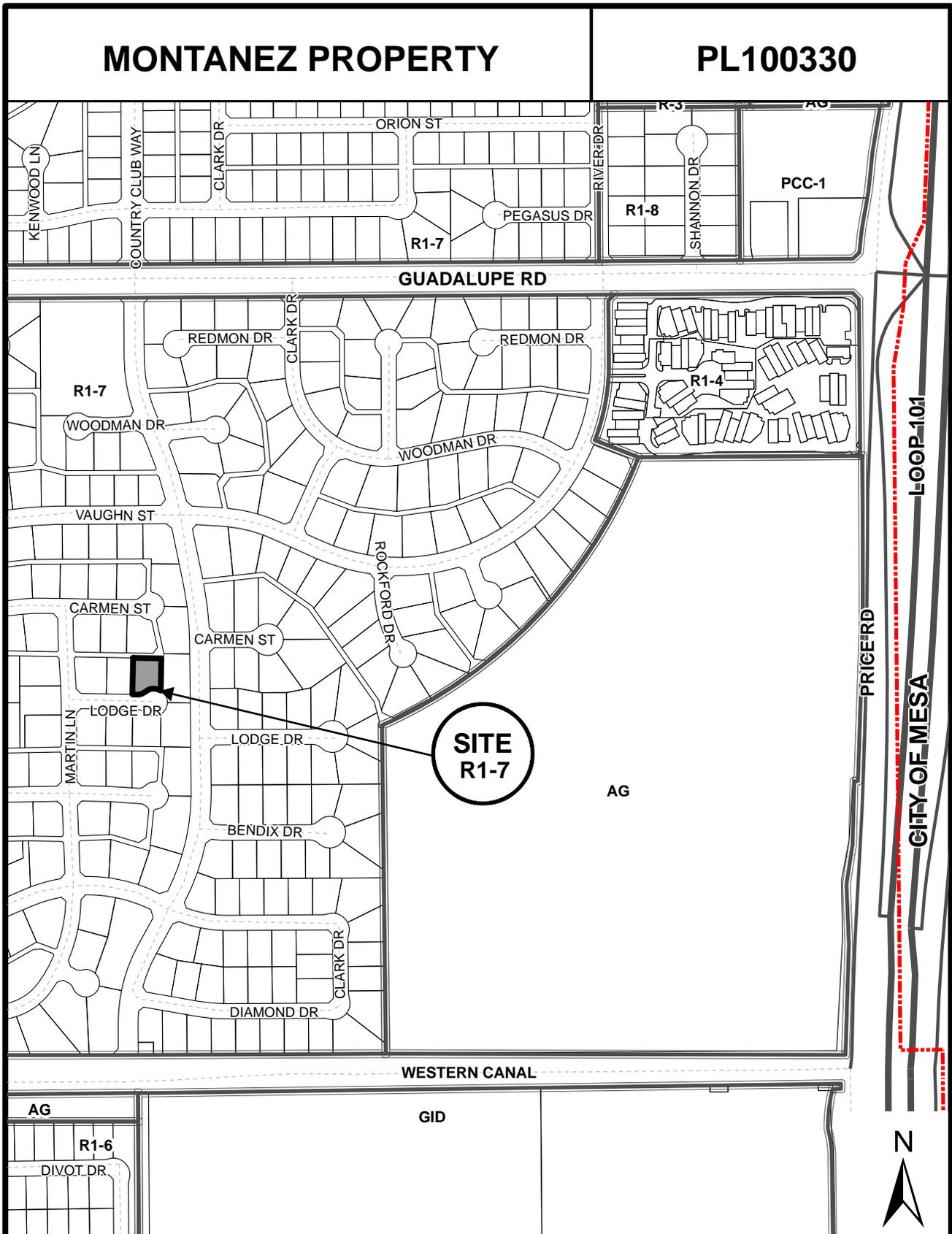
Code Compliance is requesting approval to abate the Montanez Property located at 1964 East Lodge Drive in the R1-7, Single Family Residential District. This case was initiated on September 1, 2010, following which Code Compliance has attempted to obtain compliance through correspondence with the property owner, Susan Montanez, regarding violations of the Tempe City Code.

Ms. Montanez has received a courtesy notice citing the specific items in violation with Tempe City Code with regards to "Restore pool water to a clean and clear condition".

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.

HISTORY & FACTS:

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



Location Map



MONTANEZ PROPERTY (PL100330)

DATE: October 14, 2010
TO: Michael Spencer, Senior Code Inspector
FROM: Jack Scofield, Code Inspector
SUBJECT: CE103255, Montanez Residence Abatement

LOCATION: 1964 E LODGE DR TEMPE, AZ 85283
LEGAL: CAMELOT VILLAGE UNIT THREE PER MCR 191-20
PARCEL: 301-49-182
OWNER: MONTANEZ, SUSAN K
23328 REBECCA COURT
NAPERVILLE, IL 60564

FINDINGS:

9/1/2010 The Code Compliance Division received a complaint concerning a deteriorated pool with green stagnant water.

9/3/2010 Inspected property and found a deteriorated pool with green stagnant water. Notice to comply posted on property.

9/14/2010 Notice to comply mailed to property owner.

9/27/2010 Final notice to comply mailed to property owner.

10/13/2010 Posted notice of intent to abate to property and mailed copy to property owner and foreclosing bank.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violation at the property at 1964 E. Lodge Dr, due to the property being in pre-foreclosure proceedings and the property owner's failure to bring property into compliance with Tempe City Codes 21-3.B.16. Ms. Montanez has been given ample time to come into compliance and maintain the property. There has been no indication Ms. Montanez will come into compliance. The property represents a health hazard and an eyesore to the community.

Without the intervention of abatement the property will continue to deteriorate. I therefore make a request to the City of Tempe Development Services Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Respectfully submitted,

Jack Scofield
Code Inspector II

ACTION TAKEN: submit
NAME: 
DATE: 10-14-2010

CASE # CE103255



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 10/13/2010

**MONTANEZ, SUSAN K
23328 REBECCA COURT
NAPERVILLE, IL 60564**

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC
1100 VIRGINIA DRIVE
FORT WASHINGTON, PA 19034**

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

Legal: CAMELOT VILLAGE UNIT THREE PER MCR 191-20
Location: 1964 E LODGE DR TEMPE, AZ 85283
Parcel: 301-49-182

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of **11/16/2010**. 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:

- **RESTORE POOL WATER TO A CLEAN AND CLEAR 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 **\$420.00**. 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 Inspector: Jack Scofield
Phone Number: (480)350-8967
E-mail: jack_scofield@tempe.gov**

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: JACK
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 10-13-10

PROPOSAL

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

ADDRESS: 1964 E LODGE

1.PUMP POOL	\$125.00
IF NEEDED	
2. IF TEMPE POLICE OFFICER NEEDED 5 HRS @ \$59.00/HRS	\$295.00
TOTAL COST FOR ABOVE ITEMS	\$420.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

