

Staff Summary Report



Hearing Officer Hearing Date: November 4, 2009

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 located at the **OVIEDO PROPERTY** located at 2037 East Lemon Street.

DOCUMENT NAME: 20091104dssl04

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 **OVIEDO PROPERTY (PL090384/ABT09033)** (Audrey Oviedo, property owner) Complaint CE091623 located at 2037 East Lemon Street in the R-4, Multi-Family Residential General District.

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

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

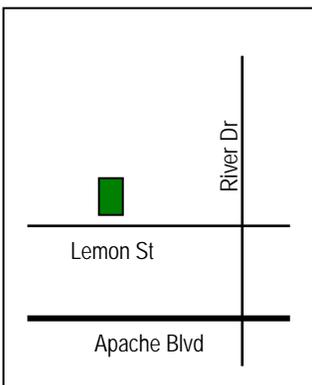
A handwritten signature in black ink, appearing to read 'SEA', located to the right of the 'REVIEWED BY' text.

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 **OVIEDO PROPERTY (PL090384/ABT09033)** (Audrey Oviedo, property owner) Complaint CE091623 located at 2037 East Lemon Street in the R-4, Multi-Family Residential General District. 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
- 3-12. Neighborhood Enhancement Report

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **OVIEDO PROPERTY (PL090384/ABT09033)** (Audrey Oviedo, property owner) Complaint CE091623 located at 2037 East Lemon Street in the R-4, Multi-Family Residential General 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.

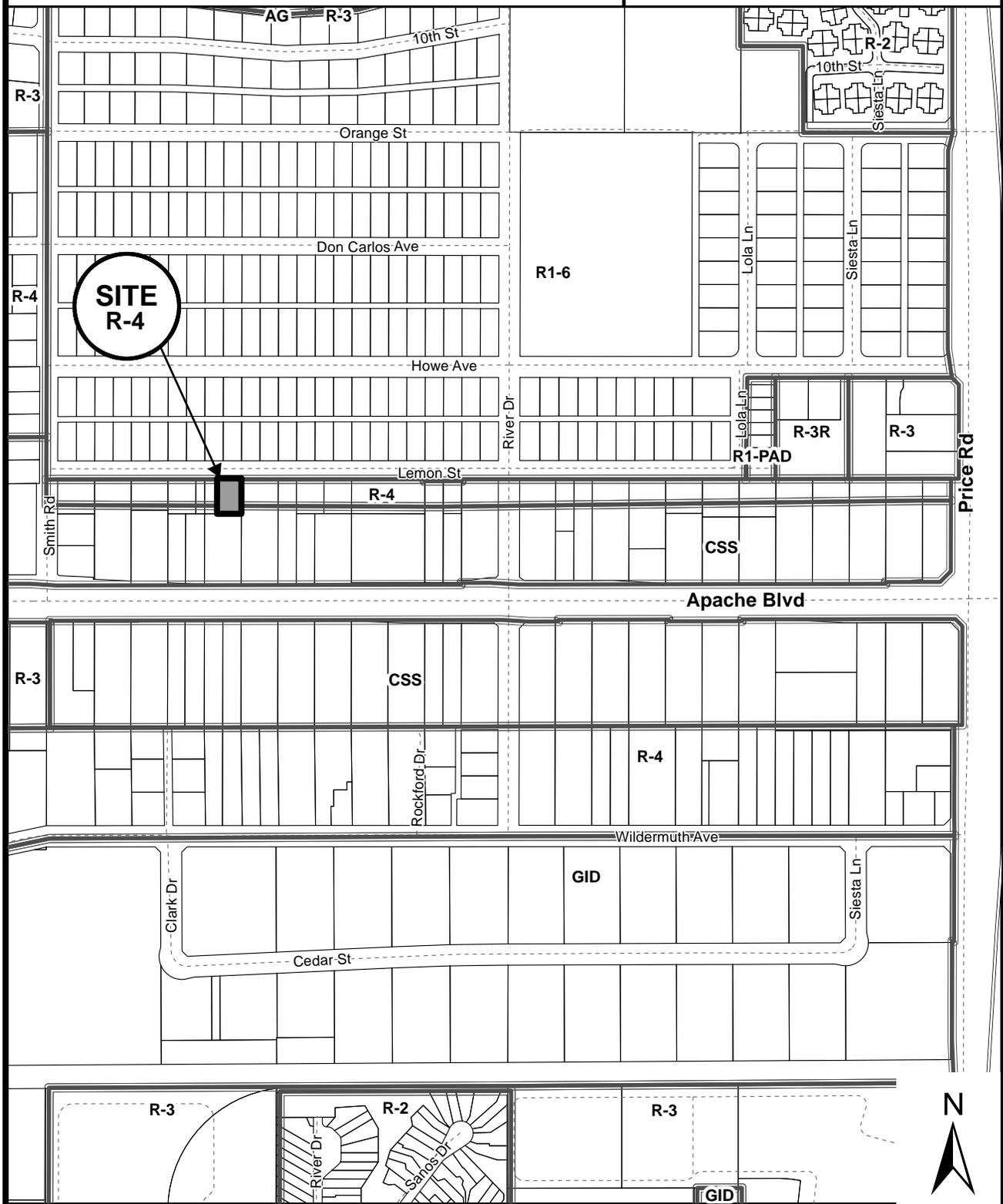
Staff recommends the authorization of abatement of this property.

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

DESCRIPTION: Owner – Audrey Oviedo
Applicant – Michelle Arnieri, COT Neighborhood Enhancement
Existing Zoning – R-4, Multi-Family Residential General District

OVIEDO PROPERTY

PL090384



Location Map



OVIEDO PROPERTY (PL090384)

DATE: October 5, 2009
TO: Michael Spencer, Senior Code Inspector
FROM: Michelle Arnieri, Code Inspector
SUBJECT: Request Authorization to Abate Complaint CE091623

LOCATION: 2037 E. Lemon St., Tempe AZ 85281

LEGAL: Book 132, Map 70 Parcel 155B, as recorded with the Maricopa County Assessor

OWNER: Audrey Oviedo
11745 Loara St.
Garden Grove, CA 92840

FINDINGS:

3-05-09 I inspected the property and observed tall weeds and grass throughout gravel landscape at the property. Sent courtesy notices in the mail to both the owner and the tenant.

3-17-09 Courtesy notice was returned undeliverable from the owner.

3-26-09 I re-inspected the property to see if the tenant had complied. No work was completed at the property. I tracked down the proper owner in California and sent a courtesy notice.

4-09-09 The property still remains in violation. I sent a second courtesy notice. I left a message for the owner Audrey asking that she call me back.

4-24-09 I spoke with Audrey Oviedo and she stated that the property is in foreclosure and she is no longer the owner.

7-16-09 I requested a bid for landscape clean up from Jack Harrington. The bid was receive back from Jack Harrington in the amount of \$512.00.

9-08-09 I sent a final notice to comply. I left another message for Audrey Oviedo stating

that many months have past and that there is no recorded information in Maricopa County showing that her property is in foreclosure. I provided her with our fax number in the event she had paperwork that she could provide this office proving that she was no longer the owner.

10-02-09 Photos were taken of the property.

10-05-09 Submitted for abatement.

RECOMMENDATIONS:

Staff recommends the abatement of code violations be authorized due to Ms. Audrey Oviedo failing to comply with repeated notifications on the property. Ms. Oviedo has been sent 3 courtesy notices regarding the deteriorated landscape at the property. Her property continues to remain in violation for the code she has been cited for. It should be noted that several phone calls were made to Ms. Oviedo. Ms. Oviedo is in violation of city nuisance codes 21-3-b-8. Jack Harrington a city contractor has submitted a bid for \$512.00 to remove the over height dried out grass and weeds at the property.

Respectfully submitted,

Michelle Arneri

ACTION TAKEN: submitted for abatement
NAME: 
DATE: 10-5-09

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

THE FOLLOWING DOCUMENT IS FOR:

NAME: MICHELLE
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS ____ PAGE(S)

DATE: 07-16-09 TIME: _____ A.M. _____ P.M.

PROPOSAL

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

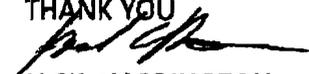
ADDRESS: 2037 E LEMON TEMPE.AZ

1. CLEAN FRONT AND BACK YARDS.

16 MAN HRS @ \$22./HR \$512.00

TOTAL \$512.00

THANK YOU


JACK HARRINGTON

ACCEPTANCE

NOTE: WE CAN EMAIL THE PROPOSALS TO YOU IF YOU PROVIDE YOUR EMAIL FOR US.

CASE #091623



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

NOTICE TO COMPLY

**Brian Itall
3405 N. Higley Rd.
Mesa, AZ 85215**

This notice to comply is to inform you that on March 5, 2009 the property located at 2037 E. Lemon St. 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 by March 25, 2009 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.

Please take the following corrective action:

Required Correction(s):

1. Remove all grass and weeds from the gravel landscape.

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.

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: Michelle Arnieri

**Phone Number: 480-858-2088
E-mail: michelle_arnieri@tempe.gov**

CASE #091623



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

NOTICE TO COMPLY

**Resident at:
2037 E. Lemon St.
Tempe, AZ 85281**

This notice to comply is to inform you that on March 5, 2009 the property located at 2037 E. Lemon St. 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 by March 25, 2009 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).

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CASE #091623



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

NOTICE TO COMPLY

**Audrey Oviedo
11745 Loara St.
Garden Grove, CA 92840**

This notice to comply is to inform you that on March 5 & 26, 2009 the property located at 2037 E. Lemon St. 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 by April 9, 2009 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).

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Notice to Comply: Article I. Nuisances**

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11745 Loara St.
Garden Grove, CA 92840**

This notice to comply is to inform you that on March 5, 26 & April 9, 2009 the property located at 2037 E. Lemon St. 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 by April 24, 2009 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).

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Notice to Comply: Article I. Nuisances**

NOTICE TO COMPLY

**Audrey Oviedo
11745 Loara St.
Garden Grove, CA 92840**

This notice to comply is to inform you that on September 8, 2009 the property located at 2037 E. Lemon St. 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 by September 30, 2009 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).

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