

Staff Summary Report



Hearing Officer Hearing Date: March 3, 2009

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Division to abate public nuisance items located at the **WESTLUND PROPERTY** located at 105 South Hardy Drive.

DOCUMENT NAME: 20090303dsng03

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 **WESTLUND PROPERTY (PL090058/ABT09002)** (Phil Westlund, property owner) Complaint CE086421 located at 105 South Hardy Drive in the R-3, Multi-Family Residential Limited District.

PREPARED BY: Nick Graves, Planning Intern (480-350-8690)

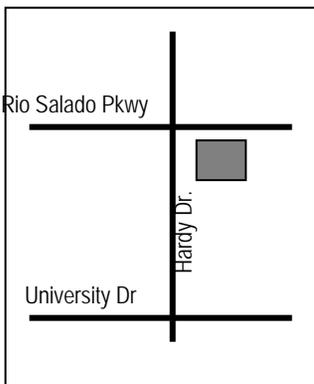
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

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 **WESTLUND PROPERTY (PL090058/ABT09002)** (Phil Westlund, property owner) Complaint CE086421 located at 105 South Hardy Drive in the R-3, Multi-Family Residential Limited District. This residence is located south of Rio Salado Parkway on the west side of Hardy Drive. 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. To date, staff has received no public input on this case.



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-6. Neighborhood Enhancement Report
- 7-11. Neighborhood Enhancement Photos

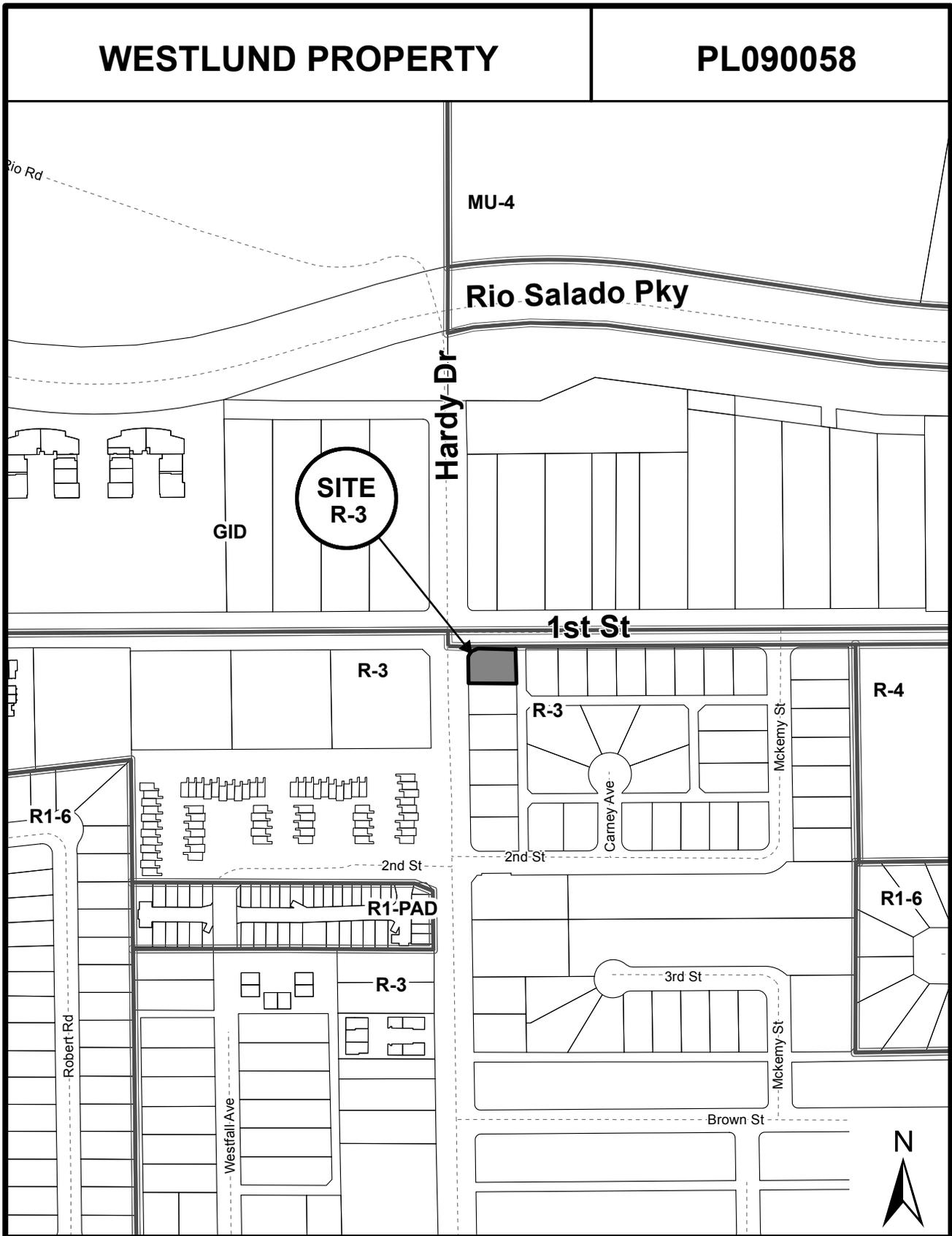
COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **WESTLUND PROPERTY (PL090058/ABT09002)** (Phil Westlund, property owner) Complaint CE086421 located at 105 South Hardy Drive in the R-3, Multi-Family Residential Limited District. This residence is located south of Rio Salado Parkway on the west side of Hardy Drive. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Chantz Tieman, 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 – Phil Westlund
Applicant – Chantz Tieman, COT Neighborhood Enhancement
Existing zoning – R-3, Multi-Family Residential Limited District
Lot area – 7062 s.f.
Building area – n/a
Year of construction – 1969



Location Map



WESTLUND PROPERTY (PL090058)



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

Neighborhood Enhancement Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: FEBRUARY 2ND, 2008

TO: Phil Westlund
432 W.Thunderhill Dr.
Phoenix, AZ. 85045

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

LEGAL: Book of Maps 102, Page 41, Lot 6, as recorded with the Maricopa County Assessor.

LOCATION: 105 S. Hardy Dr, 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 March 3rd, 2009 at 1:30 pm. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal or repair of:

- **REMOVAL OF ALL GRASS AND WEEDS IN FRONT AND SIDE YARD GRAVEL LANDSCAPING. REMOVAL OF ALL OVER HEIGHT GRASS AND WEEDS IN FRONT, AND SIDE YARD(S) THAT ARE IN VIOLATION OF TEMPE CITY CODE 21-3-B-8.**
- **REMOVAL OF DEAD PINE TREE IN THE FRONT YARD THAT IS IN VIOLATION OF TEMPE CITY CODE 21-3-B-8.**

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 \$594.00. 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: Chantz Tieman

Phone Number 480-350-8146

DATE: FEB. 2ND, 2008
TO: Michael Spencer, Senior Code Inspector
FROM: Chantz Tieman, Code Inspector I
SUBJECT: Request to authorize for abatement for CE086421.

COMPLAINT: CE086421

LOCATION: 105 S HARDY DR., Tempe, AZ 85281

LEGAL: Book of Maps 102, Page 41, Lot 6, as recorded with the Maricopa County Assessor.

OWNER: PHIL WESTLUND

FINDINGS:

- 9-12-2008: Deteriorated landscaping and a bunch of fallen limbs and branches from trees on property. Also huge dead pine tree out by hardy dr. Sent final because of previous notices.
- 10-21-2008: No change on property.
- 10-28-2008: No change on property.
- 11-4-2008: No change on property. Issued 3rd citation with habitual offender.
- 12-3-2008: No change with property. Filing criminal and for an abatement. No payments on citations.

RECOMMENDATIONS:

Mr. Westlund has an extensive history with violating Tempe City Code in regards to deteriorated landscaping, junk and debris, broken windows, unregistered vehicles , lawn parking and once for the property not being registered as a rental. There have been four prior complaints dating back to 2005. Mr. Westlund has been contacted multiple times via phone, letter and in person at court to notify him of what needs to be done to the property. Mr. Westlund has been cited numerous times by Inspectors. As of the date of this submittal Mr. Westlund has done nothing to the property and many neighbors are complaining about it.

Mr. Westlund was given proper notice regarding the possibility of abatement if the property is not corrected. Without the intervention of this abatement the property will continue to deteriorate, and will be subject to more repeated complaints. I therefore make the request to the City of Tempe Development Services Hearing Officer for

Mr. Westlund was given proper notice regarding the possibility of abatement if the property is not corrected. Without the intervention of this abatement the property will continue to deteriorate, and will be subject to more repeated complaints. I therefore make the 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 also request approval for a 120 day Standing Abatement for this property.

Phil Westlund is listed as the legal owner of the residence, as recorded by the Maricopa County Assessor's Office. The house is vacant and there is not an account with the City of Tempe for water utilities at the residence. The Maricopa County Recorders website has been accessed to see if the property is in foreclosure, and it is not.

COMPLAINT HISTORY

CE054854	<u>10-05-2005</u>	Complaint for unregistered vehicles parked on the property and property not registered as a rental property.
CE060393	<u>01-25-2006</u>	Complaint unregistered vehicles being parked on the property and junk and debris all around the property.
CE062698	<u>06-02-2006</u>	Complaint for lawn parking, also junk and debris around property.
CE063555	<u>07-24-2006</u>	Complaint for lawn parking, junk and debris around property. Also for deteriorated landscaping.

Respectfully submitted,
Chantz Tieman
City of Tempe Code Inspector I

ACTION TAKEN: Approved for Abatement
NAME: Jan Koel
DATE: 2-2-09

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: CHANCE

CITY OF TEMPE CODE COMPLANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 1/26/09

TIME: 9:15 A.M. P.M.

PROPOSAL

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

ADDRESS : 105 S. HARDY

**1. REMOVE 60' PINE TREE & CLEAN FRONT
AND SIDE YARDS
27 MAN HRS @ \$22./HR**

\$594.00

TOTAL COST FOR ABOVE IDEMS

\$594.00

THANK YOU ,



JACK HARRINGTON

ACCEPTANCE









