

# Staff Summary Report



Hearing Officer Hearing Date: June 5, 2007

Agenda Item Number: 13

**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 **COADY RESIDENCE** located at 1846 East Riviera Drive.

**DOCUMENT NAME:** 20070605dssa06

**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 **COADY RESIDENCE (PL070204/ABT07015)** (William Coady, property owner) Complaint No. CE066508 located at 1846 East Riviera Drive in the R1-6, Single Family Residential District.

**PREPARED BY:** Steve Abrahamson, Planning and Zoning Coordinator (480-350-8486)

**FINAL REVIEW BY:** Lisa Collins, Planning Director (480-350-8989)

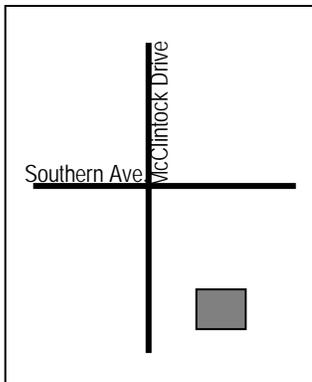
A handwritten signature in black ink, appearing to be 'L Collins', written over the printed name.

**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 **COADY RESIDENCE** located at 1846 East Riviera 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 the authorization of abatement of this property.



**ATTACHMENTS:**

1. List of Attachments
  2. Comments; History & Facts/Description
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- A. Location Map(s)
  - B. Aerial Photo(s)
  - C. Neighborhood Enhancement Report

**COMMENTS:**

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **COADY RESIDENCE** located at 1846 East Riviera 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 Brett Barnes, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

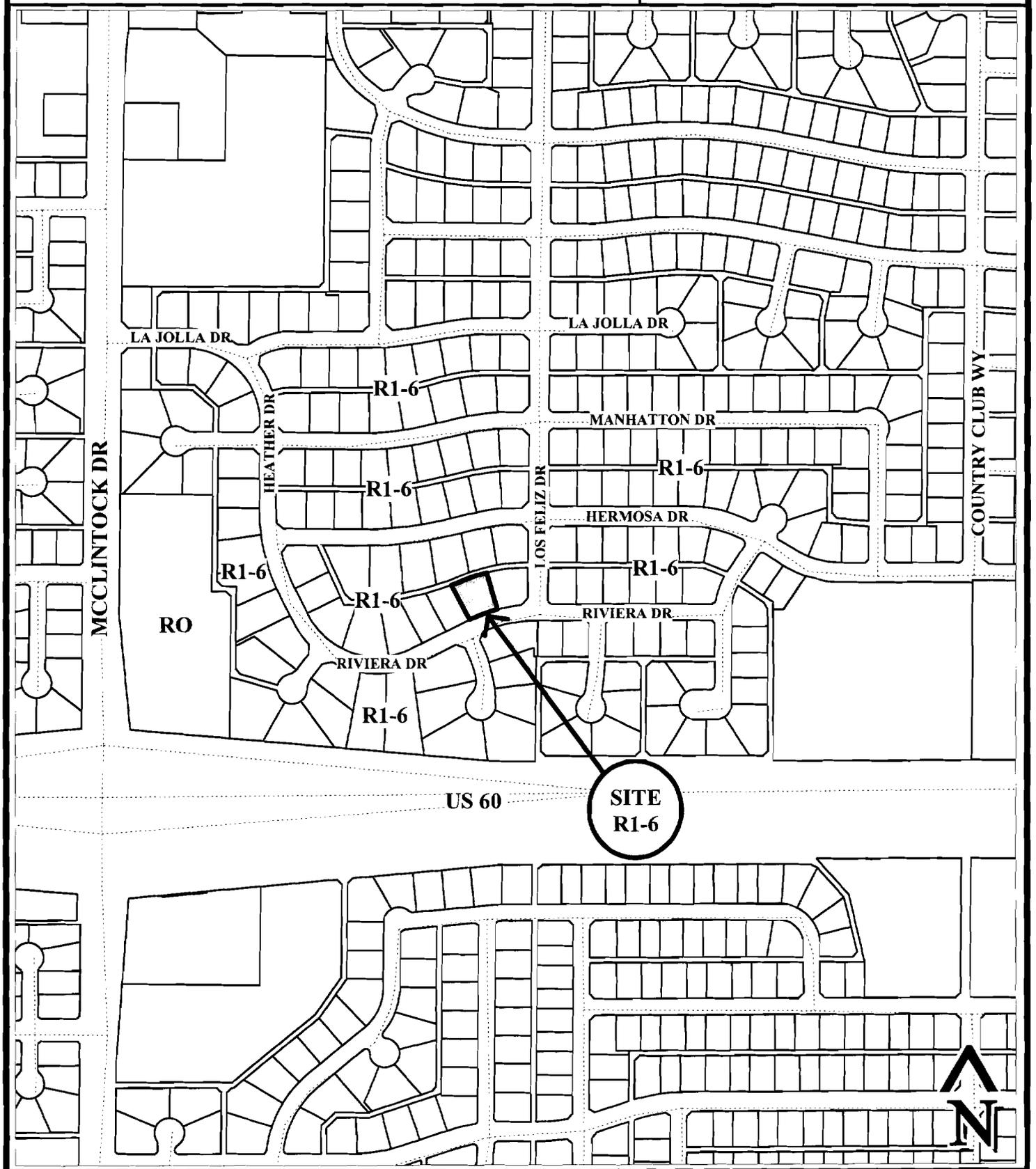
Staff recommends the authorization of abatement of this property.

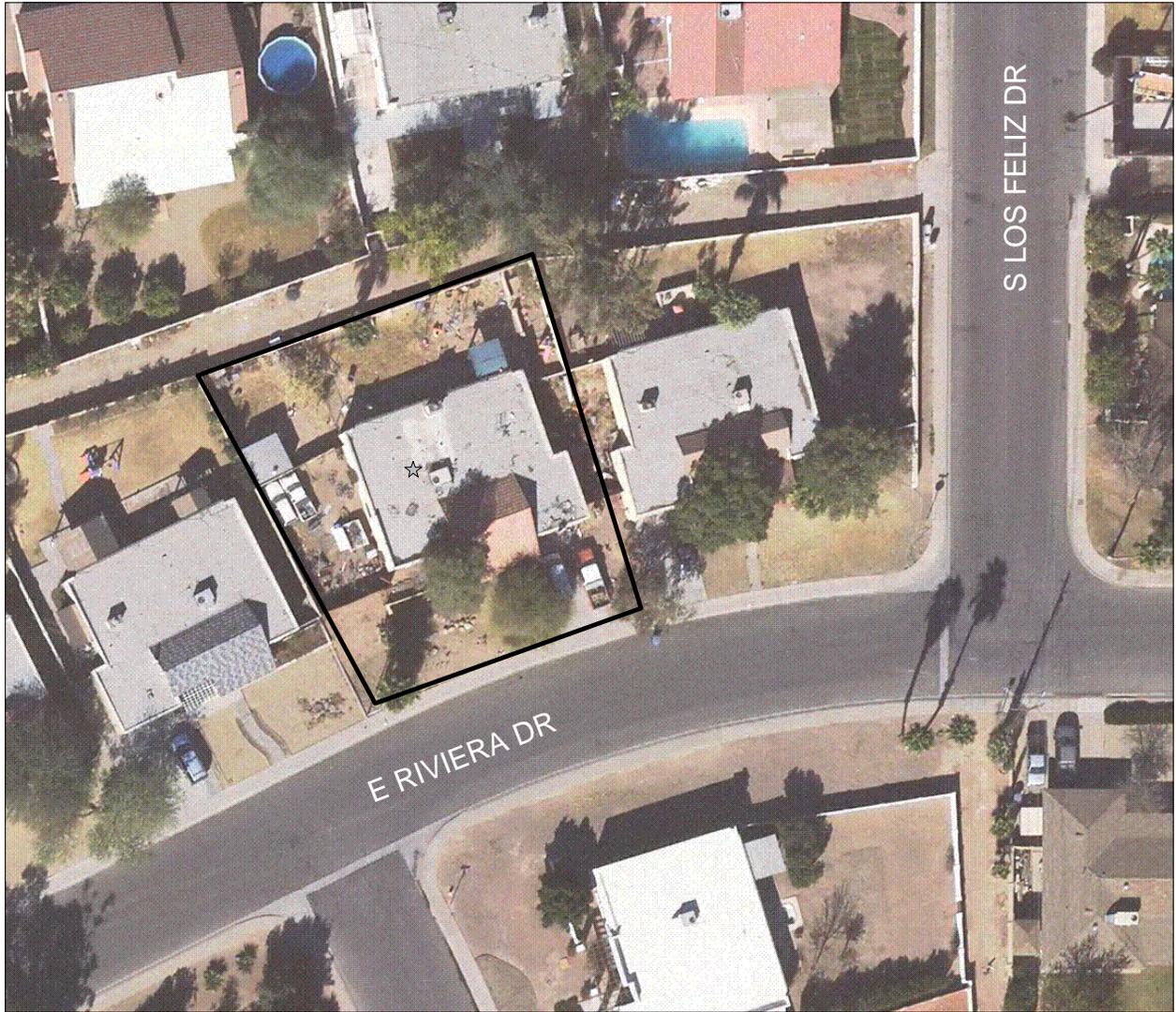
**HISTORY & FACTS:** See attached memo from the Neighborhood Enhancement Division.

**DESCRIPTION:** Owner – William Coady  
Applicant – Brett Barnes, COT Neighborhood Enhancement  
Existing zoning – R1-6, Single Family Residential District  
Lot area – 11,840 s.f. / .27 acres  
Building area – 2,429 s.f.  
Year of construction - 1983

COADY RESIDENCE

PL070204





COADY RESIDENCE (PL070204/ABT07015)



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:** May 2, 2007

**TO:** William Martin Coady III

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 59, Parcel 078, as recorded with the Maricopa County Assessor.

**LOCATION:** 1846 E. Riviera Dr. Tempe AZ 85282

This office will submit this complaint to the Neighborhood Enhancement Abatement Hearing Officer to be placed on the Hearing Officer agenda of June 5, 2007. 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-1 which prohibits any filthy, littered, debris or trash covered exterior areas, including exterior areas under any roof area 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. TCC 21-3-b-3 which prohibits any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot. TCC 21-3-b 4 which prohibits to leave or permit to remain outside of any single-family or multifamily dwelling or accessory building any camper, vehicle, or part thereof in any portion of the front or side area of the building visible from the street that is not on an improved area designed or intended for such use.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violations. 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 \$2,575.00. 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: Brett Barnes

Phone Number 480-350-8658

**DATE:** May 2, 2007  
**TO:** Mike Spencer, Neighborhood Enhancement Supervisor  
**FROM:** Brett Barnes  
**SUBJECT:** Request abatement of nuisance violations case CE066508

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**LOCATION:** 1846 E. Riviera Dr. Tempe, AZ

**LEGAL:** Book 133, Map 59, Parcel 078, as recorded with the Maricopa County Assessor

**OWNER/** William Martin Coady III  
**OCCUPANT:** 1846 E. Riviera Dr. Tempe AZ 85282

**FINDINGS:**

- 11-27-06 A complaint was received regarding outside storage in the driveway and front entry. Inoperable / unregistered vehicles parked in the driveway, and a motorcycle parked in the front entry of the home.
- 11-27-06 I inspected the property and found the property to be in violation for having outside storage of tools, appliances, furniture, and household items in the driveway and front entry of the home. There are also household items stored in the garage; the garage door has been cut in half making the stored items visible from the street. There was also an orange Ford truck parked in the driveway with an expired temporary tag. A motorcycle was parked in the front entry of the home, an area not designed or intended for such use. Pictures of the violations were taken.
- 12-06-06 Due to repeat violations a civil citation to William Martin Coady III was issued for outside storage and for parking a motorcycle on an unimproved surface not designed for such use. A courtesy notice was sent out with the civil citation first class mail asking the property owner to register the orange Ford truck with expired temporary tags, or remove it from the driveway.
- 12-22-06 I received a subpoena to appear in court on 1/17/07 for the civil citation issued to William Martin Coady III for the violations of outside storage and parking on an unimproved surface.

- 01-17-07 William Martin Coady III failed to appear in court, and was found responsible by default.
- 01-19-07 I reinspected the property and found the violations had not been corrected, pictures were taken, issue a second civil citation.
- 01-23-07 A second civil citation was issued to William Martin Coady III for the violations of outside storage, and parking on an unimproved surface. A second courtesy notice was sent out with the civil citation first class mail for the unregistered orange Ford truck parked in the driveway.
- 02-07-07 I received a subpoena to appear in court on 3/1/07 for the second civil citation issued to William Martin Coady III for the violations of outside storage and parking on an unimproved surface.
- 03-01-07 William Martin Coady III failed to appear in court, and was found responsible by default.
- 03-14-07 I reinspected the property and found the violations had not been corrected. Pictures were taken, and a third civil citation was issued to William Martin Coady III for the violations of outside storage, and parking a motorcycle on an unimproved surface. A first civil citation was also issued for having an unregistered vehicle in the driveway.
- 03-29-07 The violations on the property have not been corrected and the property is still not in compliance. William Martin Coady III failed to appear in court and was found responsible by default. I contacted Bob from Bishop Inc. to get an estimate on having the outside storage removed from the driveway, garage, and front entry. The estimate will also include the removal of the motorcycle parked in the front entry and the removal of the unregistered vehicle in the driveway.
- 05-02-07 I received an estimate from Bishop Inc. for \$2,575.00 to remove the outside storage, junk and debris from the driveway, garage, and front entry. The estimate also includes the removal of the motorcycle parked in the front entry, and the unregistered vehicle parked in the driveway, as well as an off duty officer during the abatement.

**RECOMMENDATIONS:**

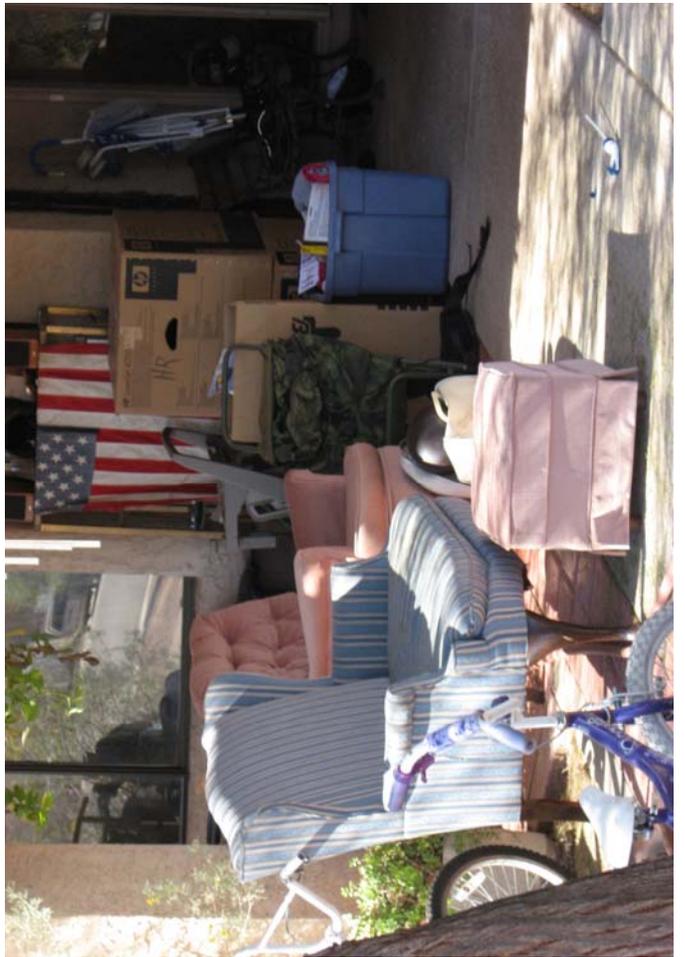
I recommend an abatement of the nuisance violations be done at the property of 1846 E. Riviera Dr. William Martin Coady III failed to bring the property into compliance after being issued several courtesy notices and civil citations. This is the third complaint at this property for having outside storage, parking on an unimproved parking surface, and other nuisance violations over the last 12 months.

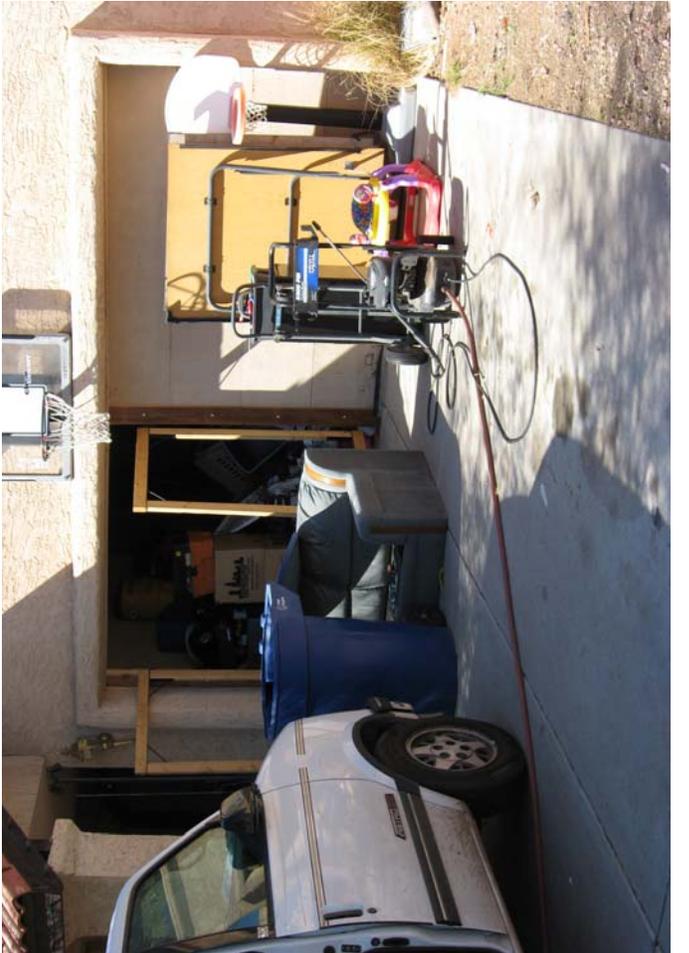
Respectfully submitted,

Brett Barnes  
Code Inspector

ACTION TAKEN: submit for abatement  
NAME: [Signature]  
DATE: 05/03/07







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