

Staff Summary Report



Hearing Officer Hearing Date: June 17, 2008

Agenda Number: 14

SUBJECT: This is a public hearing for a request by the by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items at the **SANDERS RESIDENCE (PL080180/ABT08011)** located at 800 East Cavalier Drive.

DOCUMENT NAME: 20080617dsng05

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 **SANDERS RESIDENCE (PL080180/ABT08011)** (Micah Sanders, property owner) Complaint CE081948 located at 800 East Cavalier Drive in the R1-6, Single Family Residential District.

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

A handwritten signature in black ink, appearing to be 'Sh'.

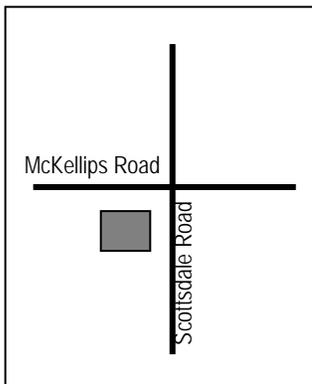
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

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 **SANDERS RESIDENCE (PL080180/ABT08011)** (Micah Sanders, property owner) Complaint CE081948 located at 800 East Cavalier Drive in the R1-6, Single Family Residential District. This residence is southwest of the intersection of Scottsdale Road and McKellips Road. 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
 - 3-13. Neighborhood Enhancement Report

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **SANDERS RESIDENCE (PL080180/ABT08011)** (Micah Sanders, property owner) Complaint CE081948 located at 800 East Cavalier Drive in the R1-6, Single Family Residential District. This residence is southwest of the intersection of Scottsdale Road and McKellips Road. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Andres Lara, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

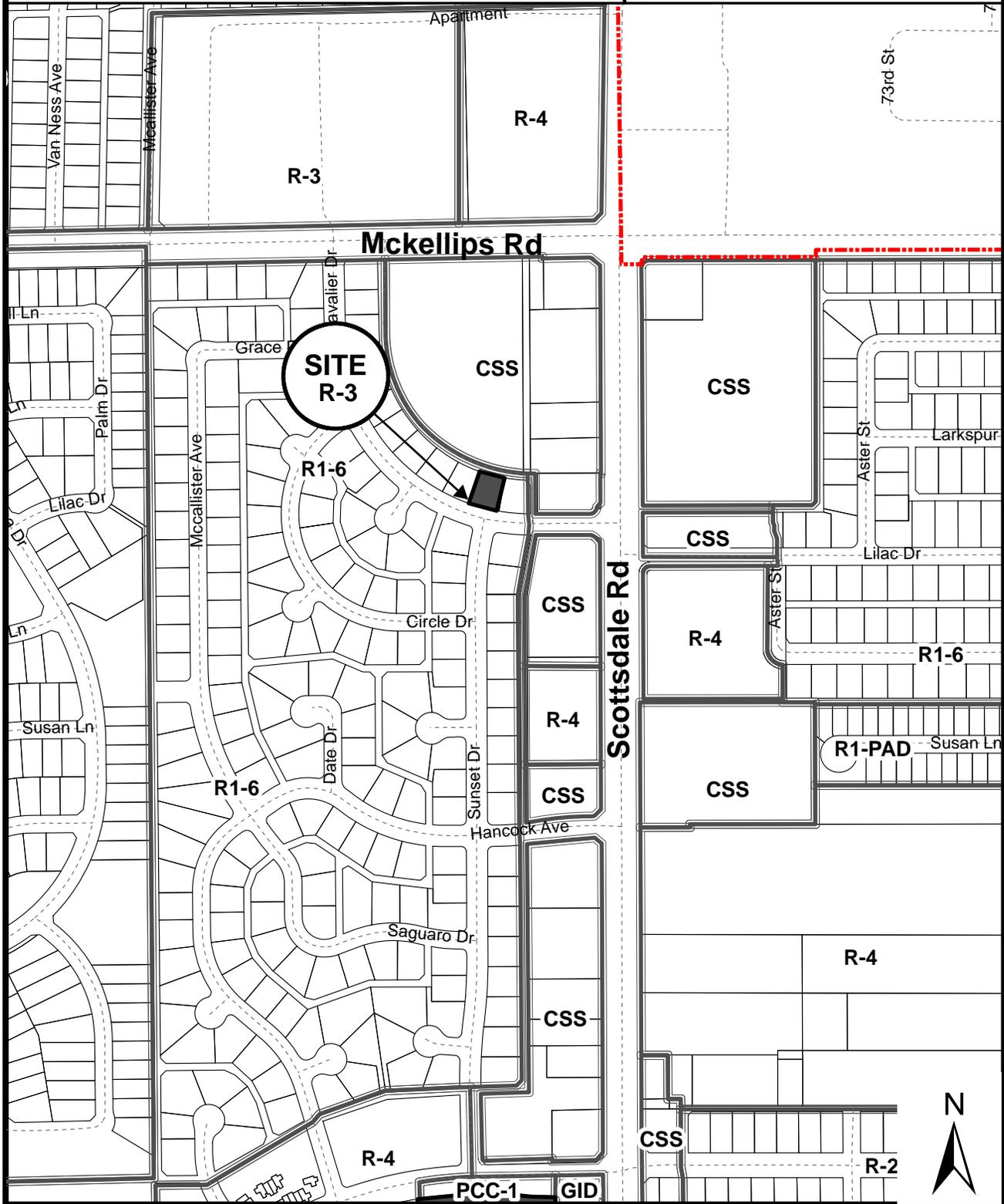
Staff recommends the authorization of abatement of this property.

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

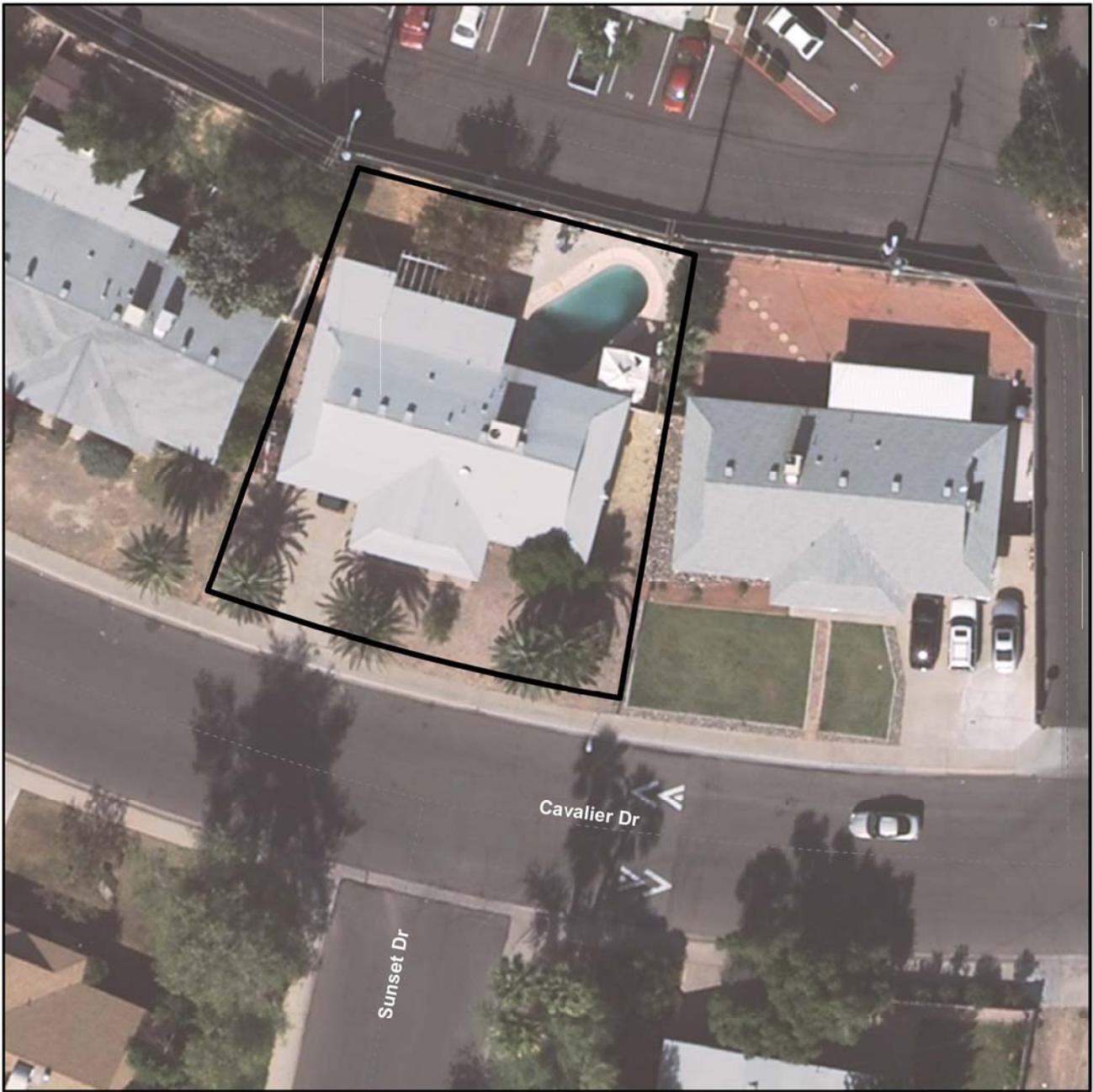
DESCRIPTION: Owner – Micah Sanders
Applicant – Andres Lara, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 7,773 s.f./.18 acres
Building area – 1,882 s.f.
Year of construction – 1961

SANDERS RESIDENCE

PL080180



Location Map



SANDERS RESIDENCE (PL080180)



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 16, 2008

TO: Micah Sanders Trustee Corps
800 E Cavalier Dr. 2112 Business Center Drive, 2nd Floor
Tempe, AZ 85281 Irvine, CA 92612

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

LEGAL: **Book 132, Map 71, Parcel 104, as recorded with the Maricopa County Assessor.**

LOCATION: 800 E Cavalier 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 June 17, 2008. 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:

Trash, litter, debris, boxes, metal shelves storing boxes, chairs, a vehicle tire and any household items stored in the carport. Over height grass or weeds over gravel in the front, west and east side yard areas. (Ref - TCC 21-3-b-1, 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 \$717.50. 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: Andres Lara

Phone Number 480-858-2289

DATE: 05/16/2008
TO: Jan Koehn, Code Compliance Manager
FROM: Andres Lara
SUBJECT: Micah Sanders and Trustee Corps Property Abatement

LOCATION: 800 E Cavalier Dr, Tempe, AZ 85281

LEGAL: Book 132, Map 71, Parcel 104, as recorded with the Maricopa County Assessor

OWNER: Micah Sanders Trustee Corps
800 E Cavalier Dr. 2112 Business Center Drive, 2nd Floor
Tempe, AZ 85281 Irvine, CA 92612

FINDINGS:

- 03/05/2008 Notice to comply mailed to the owner for over height grass and weeds over gravel in the front and east side yard areas.
- 03/24/2008 Observed the same conditions. Final notice to comply mailed.
- 04/07/2008 Grass and weeds over gravel in the west and east side yard areas remain. First citation issued and mailed to Micah Sanders.
- 04/22/2008 Owner failed to appear in court. Property grass and weeds over gravel in the west and east side yard areas remain. Also observed trash, litter, debris, boxes, shelves with boxes and household items stored in the carport. Notice to comply for the items in the carport mailed to the owner.
- 04/23/2008 Second citation posted and mailed to the owner for grass and weeds over gravel in the west and east side yard areas.
- 05/06/2008 No improvements made to clean the carport and more items added. Final notice to comply mailed to the owner to remove all items stored in the carport.
- 05/08/2008 Owner failed to appear in court.
- 05/13/2008 Contacted Fidelity National Title Insurance Co. and it stated a foreclosure was schedule for 06/06/08. Referred to Trustee Corps and a file number was given but Trustee Corps could not release the lenders name, address or phone number. E-mail and fax number for Trustee Corps was provided and any letters will be forwarded to lender.
- 05/16/2008 Notice of abatement posted and mailed to the owners.

HISTORY:

03/29/1999 – 04/30/1999	Junk and debris in an unenclosed area.
04/26/2000 – 05/18/2000	Over height grass and weeds.
08/14/2003 – 01/14/2004	Unregistered vehicle.
09/02/2004 – 09/16/2004	Boat on landscaping.
10/11/2004 – 11/17/2004	Inoperable vehicle.
05/04/2005 – 09/08/2005	Over height grass and weeds over gravel.
08/08/2006 - 09/28/2006	Commercial vehicle, lawn parking and unregistered rental.
04/24/2007 - 01/10/2008	Grass and weeds over gravel.

RECOMMENDATIONS:

Four notices and two citations were sent to the property owner Micah Sanders concerning the problems at the residence with no response. Micah Sanders has failed to correct the violations and staff feels that the only solution to rectify the problems at the residence is to conduct an abatement of the property. I therefore request the City of Tempe Development Services Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,
Andres Lara
City of Tempe Code Inspector

Bishop Inc.

6340 S. Rural Road, #118-217
 Tempe, Arizona 85283
 PH: (602) 339-2082 Fax (480) 413-1691

ESTIMATE

8601

Name: City of Tempe
Address: P.O. Box 5002
City: Tempe, AZ 85281
Attn: Code Compliance

Date	5/15/08
Order #	
Customer #	
Our Order #	

Qty	Description
	SITE ADDRESS 800 E. Cavalier
	Scope of work: Cut down tall weeds and grass. Clean up trash and debris in front and side yard areas. Haul away items piled in carport as directed by code compliance personal
	Off duty police officer to be on site during abatement
	Contract #T05-102-01

Unit Price	Total
	575.00
\$47.50	142.50
Total	\$ 717.50

Disclaimer:

Prices may vary due to work completed by homeowner and the time lapse between this estimate and the abatement date. This estimate is based on a visual inspection of the property due to no access to backyards, locked gates, occupied property and obstructions to the visual inspection such as tarps, plywood covering, over growth of trees and bushes, plastic bags, etc.

CASE #CE081948



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

Mailed on Date: 03/07/08

**Micah Sanders
13236 N 7th St STE 4-214
Phoenix, AZ 85022**

This notice to comply is to inform you that on **03/05/08**, the property located at **800 E Cavalier 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 **03/24/08** 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.

Please take the following corrective action by: 03/24/08

Required Correction(s):

Please remove all over height grass or weeds over gravel in the front & east side yard areas. Gravel landscape must be maintained free of uncontrolled growth of grass or weeds.

**Micah Sanders
800 E Cavalier Dr
Tempe, AZ 85281**

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: Andres Lara

Phone Number: 480-858-2289

E-mail: andres_lara-reyes@tempe.gov

CASE #CE081948



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

Mailed on Date: 03/25/08

**Micah Sanders
800 E Cavalier Dr
Tempe, AZ 85281**

This notice to comply is to inform you that on **03/24/08**, the property located at **800 E Cavalier 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 **04/07/08** 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.

Please take the following corrective action by: 04/07/08

Required Correction(s):

**Please remove all grass or weeds over gravel in the front & east side yard areas.
Gravel landscape must be maintained free of uncontrolled growth of grass or weeds.**

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

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Phone Number: 480-858-2289

E-mail: andres_lara-reyes@tempe.gov

CASE #CE081948



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

Mailed on Date: 04/22/08

**Micah Sanders
800 E Cavalier Dr
Tempe, AZ 85281**

This notice to comply is to inform you that on **04/22/08**, the property located at **800 E Cavalier 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 **05/06/08** 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-1

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.

Please take the following corrective action by: 05/06/08

Required Correction(s):

Exterior Storage

Please remove all trash, litter, debris, boxes, furniture shelves storing boxes and household items in the carport.

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.

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E-mail: andres_lara-reyes@tempe.gov

CASE #CE081948



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

Mailed on Date: 05/06/08

**Micah Sanders
800 E Cavalier Dr
Tempe, AZ 85281**

This notice to comply is to inform you that on **05/06/08**, the property located at **800 E Cavalier 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 **05/22/08** 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).

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Please take the following corrective action by: 05/22/08

Required Correction(s):

Please remove all trash, litter, debris, boxes, metal shelves storing boxes, chairs, a vehicle tire and any household items stored in the carport.

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