

# Staff Summary Report



Hearing Officer Hearing Date: September 18, 2007

Agenda Item Number: 14

**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 **FAGAN RESIDENCE** located at 4433 South Poplar Street.

**DOCUMENT NAME:** 20070918dsjc04

**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 **FAGAN RESIDENCE (PL070356/ABT07023)** (Shane Fagan, property owner) Complaint No. CE071535 located at 4433 South Poplar Street, in the R1-6, Single Family Residential District.

**PREPARED BY:** Jon Christopher, Planner II (480-350-8436)

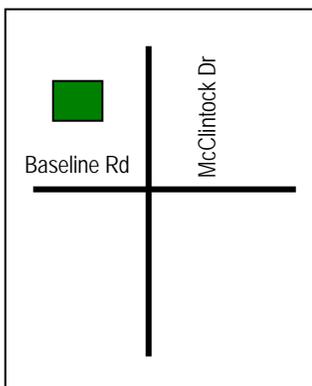
**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

**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 **FAGAN RESIDENCE (PL070356/ABT07023)** (Shane Fagan, property owner) Complaint No. CE071535 located at 4433 South Poplar Street, 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.



**PAGES:**

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

**ATTACHMENTS:**

1. Location Map(s)
2. Aerial Photo(s)
- 3-6. Neighborhood Enhancement Report
7. Staff Photograph

**COMMENTS:**

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **FAGAN RESIDENCE (PL070356/ABT07023)** (Shane Fagan, property owner) Complaint No. CE071535 located at 4433 South Poplar Street, 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 Brandy Reyer, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

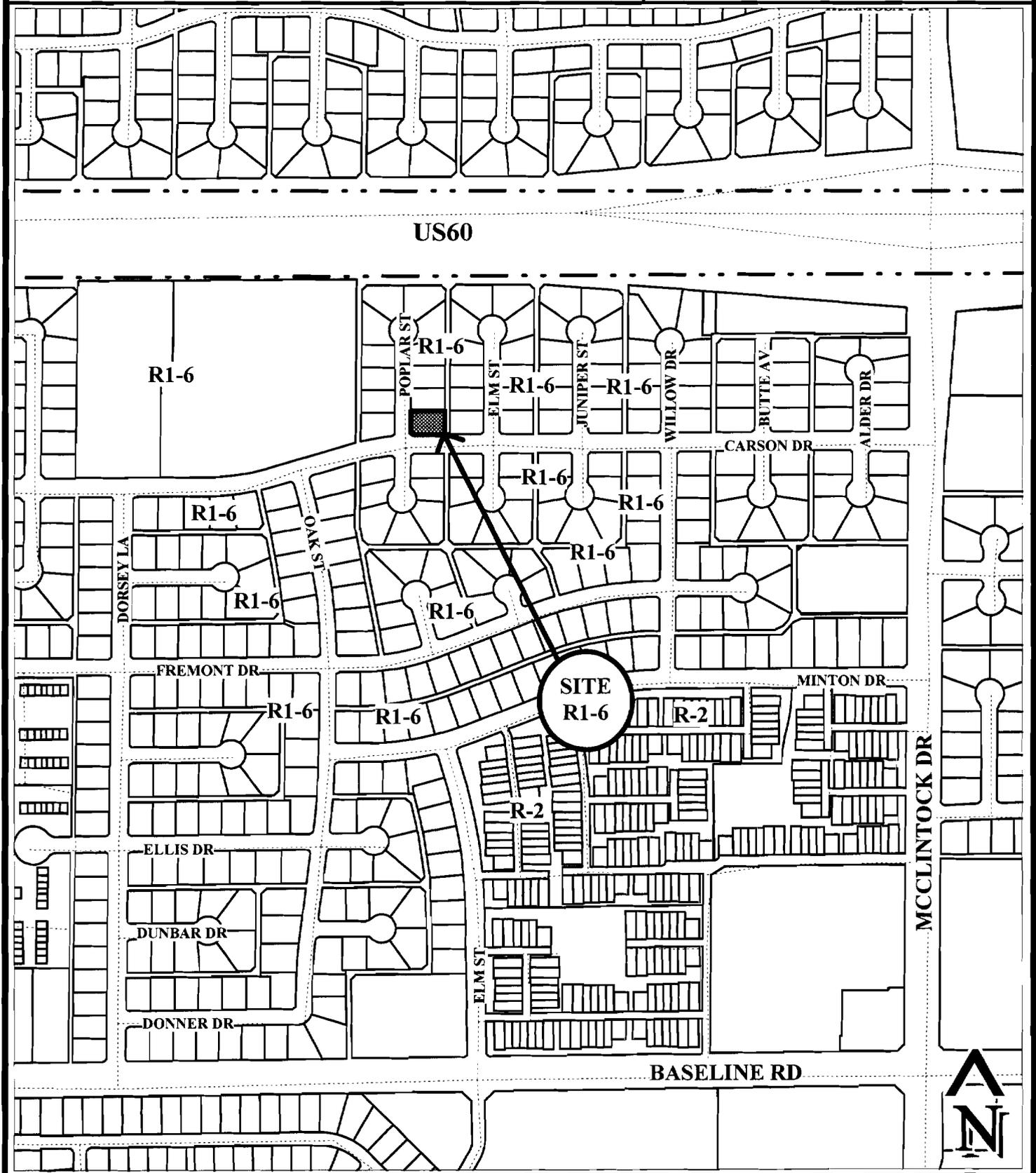
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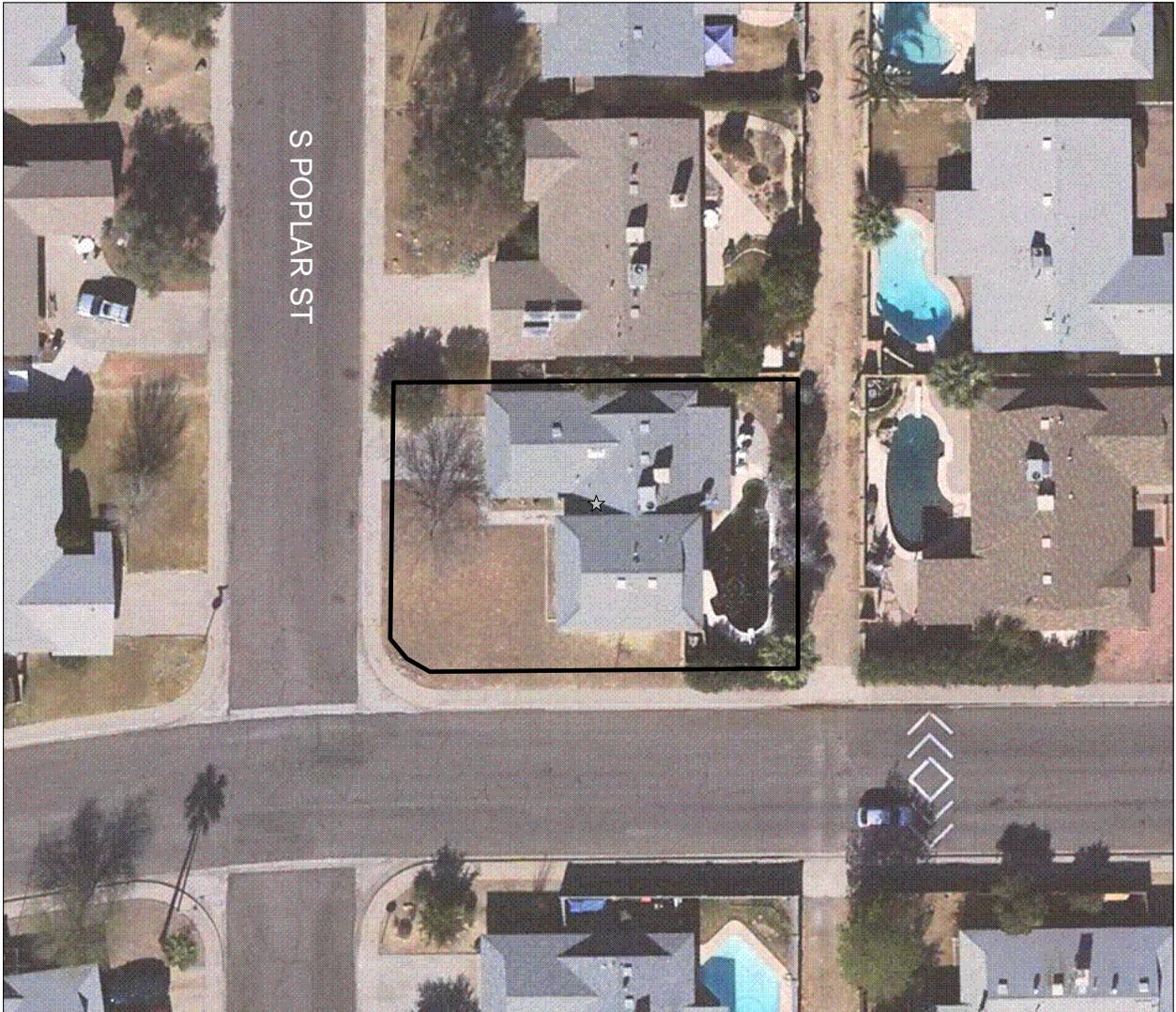
**HISTORY & FACTS:** See attached memo from the Neighborhood Enhancement Division.

**DESCRIPTION:** Owner – Shane Fagan  
Applicant – Brandy Reyer, COT Neighborhood Enhancement  
Existing zoning – R1-6, Single Family Residential District  
Lot area – 7,850 s.f. / .18 acres  
Building area – 2,360 s.f.  
Year of construction – July 08, 1969

FAGAN RESIDENCE

PL070356/ABT07023





FAGAN RESIDENCE (PL070356/ABT07023)

**DATE:** 08/07/07  
**TO:** Jan Koehn, Administrator  
**FROM:** Brandy Reyer  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE071535

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**LOCATION:** 4433 S. Poplar St., Tempe, AZ 85282

**LEGAL:** Book 133, Map 39, Parcel 078, as recorded with the Maricopa County Assessor

**OWNER:** Shane J Fagan

**FINDINGS:**

4/02/07 – The Neighborhood Enhancement Division received a complaint on the above property concerning deteriorated landscape in the front and side yard.

4/04/07 – The property was inspected and found to be in violation for excessive weeds and grass growing within the gravel landscape in the front and side yard. Since this property has been in violation for the same offense in the last 12 months, a final notice was sent to the property owner.

6/11/07 – The property was inspected with no change in the condition of the landscape. An additional violation was noted consisting of a large amount of trash, appliances and junk piled on the north side yard. Photos were taken and the first citation was issued.

7/05/067– The property was inspected with no change in its condition. Photos were taken and the second citation was issued.

**PROPERTY HISTORY:**

02/22/00 – Property was in violation for deteriorated landscape.

03/02/01 – Property was in violation for deteriorated landscape.

03/26/03 – Property was in violation for deteriorated landscape.

01/29/04 – Property was in violation for deteriorated landscape and junk and trash on the side yard. There were two civil citations that were issued to Mr. Fagan in this case.

10/19/04 – Property was in violation for deteriorated landscape and junk and trash in the front yard. There were two civil citations that were issued to Mr. Fagan in this case.

04/07/05 - Property was in violation for deteriorated landscape and Mr. Fagan was issued two civil citations in this case.

06/06/05 – Property was in violation for deteriorated landscape and Mr. Fagan was issued one citation in this case.

09/07/06 – Property was in violation for deteriorated landscape and Mr. Fagan was issued one citation in this case.

**RECOMMENDATIONS:**

I recommend the approval for abatement at 4433 S. Poplar St. which is owned by Mr. Shane Fagan. Due to the history of this property, it is very clear that Mr. Fagan is unable to keep his property in compliance. Mr. Fagan has been given ample time to bring his property into compliance and has failed to appear on all citations issued since 2000. There has been no indication in Mr. Fagan's actions that he plans on maintaining the property and keeping it in compliance.

Respectfully submitted,  
Brandy Reyer

ACTION TAKEN: Referred to Hearing Officer

NAME: Jan Koehn

DATE: 08/07/07

**Bishop Inc.**

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

#7911

**Estimate**

Name: City of Tempe  
 Address: P.O. Box 5002  
 City: Tempe, Az. 85281  
 Attn: Brandy

Date 7/24/2007  
 Order # \_\_\_\_\_  
 Customer # \_\_\_\_\_  
 Our Order # \_\_\_\_\_

Qty	Description
	Work done at: 4433 S. Poplar Street
	Scope of work:
1	Clean up of trash and debris in driveway and in front yard areas. Cut down tall weeds and mow grass areas in front yard and along sidewalk (minimum charge)
2	Off duty police officer to be on site during abatement (minimum 3 hours)
	Price includes labor, material, and dump fees
	Contract # T05-102-01

Unit Price	Total
\$150.00	\$150.00
\$47.50	\$142.50

Total: \$292.50

**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.etc.





**FAGAN RESIDENCE**

**4433 SOUTH POPLAR STREET**

**PL070356**

**RESIDENCE : VIEW TO NORTH**