

# Staff Summary Report



Hearing Officer Hearing Date: September 2, 2008

Agenda Number: 11

**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 **VARELA RESIDENCE (PL080287/ABT08021)** located at 5836 South College Avenue.

**DOCUMENT NAME:** 20080902dsac04

**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 **VARELA RESIDENCE (PL080287/ABT08021)** (Manuel Varela, property owner) Complaint CE080876 located at 5836 South College Avenue in the R1-6, Single Family Residential District.

**PREPARED BY:** Alan Como, Planner II (480-350-8439)

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

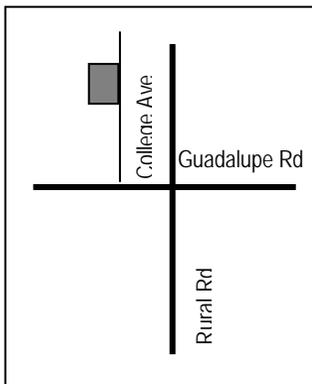
A handwritten signature in black ink, appearing to read 'SEA', located to the right of the 'REVIEWED BY' text.

**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 **VARELA RESIDENCE (PL080287/ABT08021)** (Manuel Varela, property owner) Complaint CE080876 located at 5836 South College Avenue in the R1-6, Single Family Residential District. The residence is located on the west side of College Ave, north of Guadalupe Rd. 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
  - 3-11. Neighborhood Enhancement Report
  12. Neighborhood Enhancement Photos

**COMMENTS:**

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **VARELA RESIDENCE (PL080287/ABT08021)** (Manuel Varela, property owner) Complaint CE080876 located at 5836 South College Avenue 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 Zedlar, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

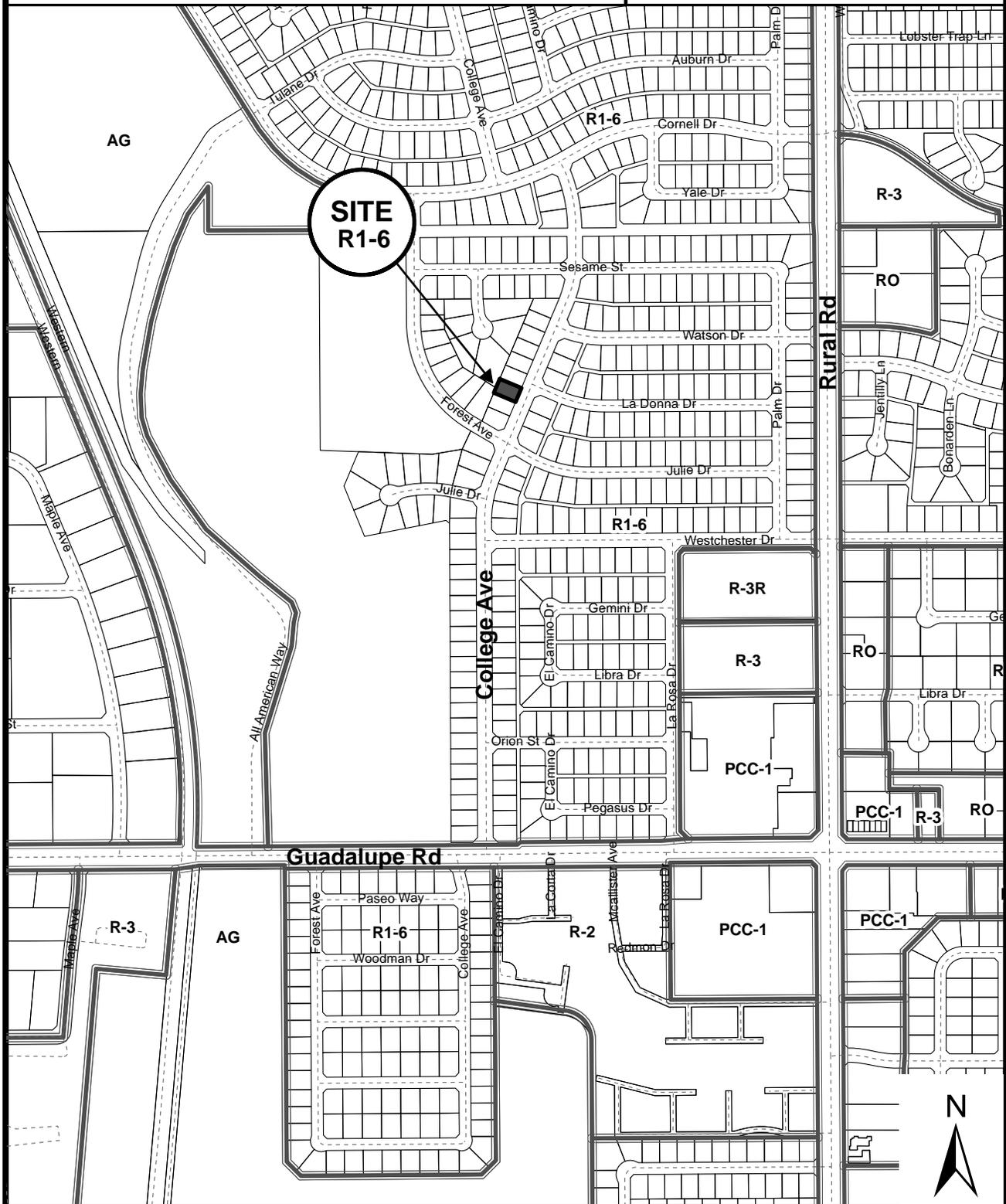
Staff recommends the authorization of abatement of this property.

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

**DESCRIPTION:** Owner – Manuel Varela  
Applicant – Brandy Zedlar, COT Neighborhood Enhancement  
Existing zoning – R1-6, Single Family Residential District  
Lot area – 6,399 s.f. / .147 acres  
Building area – 1,177 s.f.  
Year of construction – 1974

# VARELA RESIDENCE

PL080287



Location Map



**VARELA RESIDENCE (PL080287)**

**DATE:** 7/31/08  
**TO:** Jan Koehn, Administrator  
**FROM:** Brandy Zedlar  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE080876

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**LOCATION:** 5836 S. College Ave., Tempe, AZ 85283  
**LEGAL:** Book 301, Map 81, Parcel 147, as recorded with the Maricopa County Assessor  
**OWNER:** Manuel Varela

**FINDINGS:**

2/06/08 – The Neighborhood Enhancement Division received a complaint on the above property concerning the deteriorated landscape. The property was inspected and found to have a large amount of metal, carpet, wood and miscellaneous items on the front and side yards along with deteriorated landscape. Notice to comply was sent to the property owner.

2/26/08 – The property was inspected and found no change. Final notice to comply was sent to the property owner.

3/26/08 – The property was inspected and found all junk & debris removed, but no change to the landscape. Second final notice sent to the property owner.

4/21/08 – The property was inspected with no change in the condition of the landscape. Pictures were taken and a civil citation was issued. (#1380935)

6/17/08 – Mr. Manuel Varela paid the \$150 fine for civil citation #1380935.

6/27/08 – The property was inspected with no change to the landscape. Pictures were taken and a second civil citation was issued. (#1380944)

7/26/08 – Mr. Manuel Varela paid the \$300 fine for civil citation #1380944.

7/29/08 – The property was inspected with no change in its condition. The Neighborhood Enhancement Division filed for an Abatement Hearing.

**PROPERTY HISTORY:**

5/24/2000 – A complaint was received for an unregistered/inoperable red Ford Mustang.

7/03/2001 – A complaint was received for deteriorated landscape and junk/debris being stored in both side yards.

12/31/2001 – A complaint was received for an open trench on the south side yard.

10/06/2004 – A complaint was received for deteriorated landscape and an unregistered Ford truck.

5/16/2005 – A complaint was received for deteriorated landscape.

7/19/2007 – A complaint was received for deteriorated landscape.

**RECOMMENDATIONS:**

I recommend the approval for abatement at 5836 S. College Ave., which is owned by Mr. Manuel Varela. Mr. Varela has been given ample time and opportunities to bring his property into compliance and has failed to take corrective action. Due to the history of this property, it is very clear that Mr. Varela is unable to keep his property in compliance. There has been no indication in Mr. Varela actions that he plans to correct and maintain his property.

Respectfully submitted,  
Brandy Zedlar

ACTION TAKEN: Referred to Hearing Officer

NAME: Jan Koehn

DATE: 7/31/08



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:** July 31, 2008

**TO:** Manuel Varela

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

**LEGAL:** Book 301, Map 81, Parcel 147, as recorded with the Maricopa County Assessor.

**LOCATION:** 5836 S. College Ave., Tempe, AZ 85283

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of **September 2, 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: Those items constituting a violation of TCC 21-3-b-8 which would include landscape clean-up in the front and side yard.

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 \$752.00. 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: Brandy Zedlar

Phone Number 480-350-8372

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: BRADY**

**FIRM: CITY OF TEMPE CODE COMPLIANCE**

**THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)**

**DATE: 7/22/08**

**TIME: 12:35 A.M. P.M.**

**PROPOSAL**

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

**ADDRESS: 5836 S. COLLEGE**

<b>1. FRONT YARD TRASH REMOVAL &amp; MOW REAR YARD</b>	
16 MH @ 22/	<b>352.00</b>
<b>2. TEMPE POLICE OFFICER : 8 HRS @ 50.00</b>	<b>400.00</b>
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<b>TOTAL COST FOR ABOVE IDEMS</b>	<b>\$752.00</b>

**THANK YOU**

  
**JACK HARRINGTON**

**ACCEPTANCE**

\_\_\_\_\_



Keith L. Russell  
M A T



Maricopa  
County  
Assessor

QUICK LINKS ... [Home](#) [Contacts](#) \*Parcel Search:

[Advanced Search Options](#) [\\*Residential Similar Property Search](#)

No Parcel Number? Use Advanced Search Options. \*(A parcel number is needed to use these Features)

[New Search](#) [Printer Friendly Version](#)

**Property Information** [View GIS Maps](#)

**Parcel #:** 301-81-147 **Subdivision Name:** UNIVERSITY ROYAL 2  
**MCR #:** 15625 **Lot #:** 489  
**Property Address:** 5836 S COLLEGE AVE  
 TEMPE 85283  
**Property Description:** UNIVERSITY ROYAL UNIT TWO  
**Section Township Range:** 3 1S 4E **Associated Parcel:**

**Owner Information** [View Tax Information](#)

**Owner:** VARELA MANUEL  
**In Care Of:**  
**Mailing Address:** 5836 S COLLEGE  
 TEMPE AZ 85283 USA  
**Deed #:** 10714-0221 **Sales Price:** n/a  
**Deed Date:** 6/26/1974 **Sales Date:** n/a

**Valuation Information** [View Similar Parcels](#)

Tax Year:	2009	2008	2007
<b>Full Cash Value (FCV):</b>	\$162,000	\$183,500	\$163,000
<b>Limited Property Value (LPV):</b>	\$146,884	\$133,531	\$116,875
<b>Notice: The values displayed on this page may not reflect constitutional or statutory adjustments.</b>			
<b>Legal Class:</b>	4	4	4
<b>Assessment Ratio:</b>	10.0%	10.0%	10.0%
<b>Assessed FCV:</b>	\$16,200	\$18,350	\$16,300
<b>Assessed LPV:</b>	\$14,688	\$13,353	\$11,688
<b>Property Use Code:</b>	0131	0131	0131
<b>Tax Area Code:</b>	031608	031608	031608

**Additional Component Information (for this parcel)**

[Valuation](#) [Characteristics](#)

[New Search](#)

Helpful Information:

[recorder](#) [glossary](#) [forms](#)

**Disclaimer**

The data contained in this database is deemed reliable but not guaranteed. This information should be used for informational use only and does not constitute a legal document for the description of these properties. Every effort has been made to insure the accuracy of this data; however, this material may be slightly dated which would have an impact on its accuracy. The Maricopa County Assessor's Office disclaims any responsibility or liability for any direct or indirect damages resulting from the use of this data.

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Maricopa County Assessor || 301 W. Jefferson St. || Phoenix, AZ 85003

602-506-3406



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

Mailed on Date: 2/8/08

**Varela Manual  
5836 S. College Ave  
Tempe, AZ 85283**

This notice to comply is to inform you that on **2/6/08**, the property located at **5836 S. College Ave.** 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 **2/26/08** 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).

**Sec. 21-3. Enumerated violations.**

(a) It shall be unlawful and a violation of this code for any person to commit a nuisance or willfully omit to perform any legal duty relating to the removal of a nuisance.

(b) A nuisance includes any one or more of the following conditions:

(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

(1) Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof 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, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city

**Please take the following corrective action by: 2/26/08**

**Required Correction(s):**

1. **Please completely remove the weeds/grass growing within the gravel landscape in the front and side yard.**
2. **Please remove the metal, carpet, plastic gas cans, wood, furniture and any miscellaneous items from the front and side yards.**

***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: 1<sup>st</sup> occurrence \$150 dollars per violation, 2<sup>nd</sup> occurrence \$250 dollars per violation, 3<sup>rd</sup> occurrence \$350 dollars per violation.

Section 21-3, Enumerated Violations subsections (b) 9-16: 1<sup>st</sup> occurrence \$350 dollars per violation, 2<sup>nd</sup> occurrence \$650 dollars per violation, 3<sup>rd</sup> occurrence \$950 dollars per violation.

Section 21-4 (B), Habitual Offender: 1<sup>st</sup> occurrence \$500 dollars + sum of other fines, 2<sup>nd</sup> occurrence \$1000 dollars + sum of other fines, 3<sup>rd</sup> 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: Brandy Zedlar**

**Phone Number: 480-350-8623**

**E-mail: brandy\_zedlar@tempe.gov**



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

Mailed on Date: 2/28/08

**Varela Manual  
5836 S. College Ave  
Tempe, AZ 85283**

This notice to comply is to inform you that on 2/6/08, the property located at 5836 S. College Ave. 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 3/13/08 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).

**Sec. 21-3. Enumerated violations.**

(a) It shall be unlawful and a violation of this code for any person to commit a nuisance or willfully omit to perform any legal duty relating to the removal of a nuisance.

(b) A nuisance includes any one or more of the following conditions:

(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

(1) Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof 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, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city

Please take the following corrective action by: 3/13/08

**Required Correction(s):**

1. Please completely remove the weeds/grass growing within the gravel landscape in the front and side yard. — trim off grass weeds
2. Please remove the metal, carpet, plastic gas cans, wood, furniture and any miscellaneous items from the front and side yards.

**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: 1<sup>st</sup> occurrence \$150 dollars per violation, 2<sup>nd</sup> occurrence \$250 dollars per violation, 3<sup>rd</sup> occurrence \$350 dollars per violation.  
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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: Brandy Zedlar**

**Phone Number: 480-350-8623**  
**E-mail: [brandy\\_zedlar@tempe.gov](mailto:brandy_zedlar@tempe.gov)**



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

Mailed on Date: 3/27/08

**Varela Manual  
5836 S. College Ave  
Tempe, AZ 85283**

This notice to comply is to inform you that on **2/6/08**, the property located at **5836 S. College Ave.** 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 **4/11/08** 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).

**Sec. 21-3. Enumerated violations.**

(a) It shall be unlawful and a violation of this code for any person to commit a nuisance or willfully omit to perform any legal duty relating to the removal of a nuisance.

(b) A nuisance includes any one or more of the following conditions:

(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: 4/11/08**

**Required Correction(s):**

- 1. Please trim the over height grass in the front and side yard.**

**\*\* If the above required corrections are not satisfied by 4/11/08, a \$150 civil citation will be issued.**

***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: 1<sup>st</sup> occurrence \$150 dollars per violation, 2<sup>nd</sup> occurrence \$250 dollars per violation, 3<sup>rd</sup> occurrence \$350 dollars per violation.

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**Code Inspector: Brandy Zedlar**

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