

Memorandum

TO: City Council
FROM: Niki Hill, AICP , Assistant Community Development Director
DATE: March 17, 2025
SUBJECT: Nuisance Abatement - 735 Arbogast Street
ITEM NUMBER: 10.d
SECTION: GENERAL BUSINESS

REQUESTED MOTION

To adopt Resolution No. 25-24, approving the abatement of public nuisances to remove a non-compliant garage on the property located at 735 Arbogast Street.

INTRODUCTION

The city council is being asked to order an abatement of a public nuisance for property located at 735 Arbogast Street. The council has the authority to declare and abate nuisances on private property that do not comply with the city's property maintenance standards.

DISCUSSION

The city approved the construction of an attached garage on the property in November of 2022. The garage was substantially completed in December of 2023. In February 2024, contact was made with the homeowner where they stated they would remove the items in the existing detached garage in spring of 2024, in preparation of demolishing the detached garage in summer 2024. Access to the existing driveway was cut off when Arbogast was under construction in 2023. A new curb cut was installed for the new driveway/garage at that time. The detached garage continues to be accessed by the homeowners by using the neighbor's curb cut and then crossing their property/the trail to the former driveway and garage.

The city has made multiple attempts to resolve this issue via letters, phone calls and emails. The property owner applied for a permit to demo the garage in 2022 but no action was taken. The property owner has again applied for a permit to demolish the detached garage and the city is giving them until April 30th to remove the structure and the driveway. If it is not completed by then, the city will abate the nuisance by hiring a contractor to remove the garage and driveway at the beginning of May.

Listed below is the section of the code and the violations that have been documented:

- City Code [Section 107-67](#) Detached Residential District Accessory buildings are subject to the maximum size and setback standards of Table 107-67. With an attached two car

garage, the property is limited to a detached accessory structure up to 288 square feet. The removal of the detached garage was a condition of approval for the new attached garage.

- City Code [Section 109-93](#) - Parking shall be prohibited in any portion of the front yard except designated *driveways leading* directly into a garage or one open, surfaced space located on the side of the *driveway*, away from the principal use, except as otherwise permitted. Such hard surface space shall not be located in front of the dwelling and shall conform to the minimum required setbacks specified in [section 109-92\(b\)](#).

Section 22-24 - Abatement Procedure

The conditions identified above are defined as a public nuisances in the City's Code.

Abatement notices are posted on the property or sent via mail to the property owner of record. The notice specifies that the nuisance must be corrected within five (5) working days, and if that nuisance remains, the city council will hold a hearing to order the abatement of the nuisance. The notice also identifies the time and date of the hearing scheduled before the city council. The property owner has the right to appear at the hearing.

If the council orders the abatement, the city will abate the nuisance and the cost of the abatement, including administrative costs, will be charged to the property owner and certified against the property for collection with taxes if the bill is not paid. Staff has prepared Resolution 25-24 ordering the abatement of the public nuisance conditions for consideration by the city council.

The Abatement Hearing Notice/Correction Notice has been mailed to the property owner, requiring the property be brought into compliance. If the abatement is ordered, the staff will work to correct the conditions. The cost of correcting the public nuisance condition will be recovered by the City either by a lien against the property, by obtaining a judgment against the owner, or by special assessment.

Included with this report is a resolution to order the abatement of the nuisances on the property at 735 Arbogast Street and documentation showing photographs of the property.

RECOMMENDATION

Staff recommends that the city council conduct the required hearing and adopt Resolution No. 25-24, approving the abatement of the nuisance at 735 Arbogast Street. The order specifies the corrections required to bring the property into compliance with the city's Property Maintenance Codes and would permit the city to abate the conditions. If the council approves the motion, staff will move forward with abatement of the nuisance conditions if they are not corrected by April 30th.

ATTACHMENTS

[Location Map - 735 Arbogast](#)

[735 Arbogast Packet](#)

[Resolution 25-24 - Nuisance Abatement - 735 Arbogast](#)