

**CITY OF TEMPE
HEARING OFFICER**

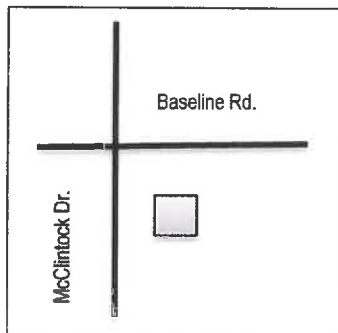
**Meeting Date: 8/06/2019
Agenda Item: 4**

ACTION: Request approval to abate public nuisance items at the Song Property located at 1849 E. Harvard Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$610.00 for abatement request, remove grass and weeds from front and side gravel landscapes, cut over-height landscape in the back yard.

RECOMMENDATION: Staff – Approval of 180 day open abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the SONG PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE193262: remove grass and weeds from front and side gravel landscapes, cut over-height landscape in the back yard.



Property Owner	Song Family Trust
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential
Code Compliance Inspector:	Jack Scofield, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Song Property located at 1849 E. Harvard Drive, in the R1-6, Single Family Residential district. This case was initiated 05/06/2019, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180 day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

ABATEMENT

Planning Application

Part 1 of 2

City of Tempe
 Community Development Department
 31 East 5th Street, Garden Level, Tempe, Arizona 85281
 (480) 350-4311 Fax (480) 350-8677
 Planning Fax (480) 350-8872
<http://www.tempe.gov/planning>



All applications must be accompanied by the required plans, submittal materials, and correct fee(s)

PROJECT INFORMATION – REQUIRED						
PROJECT NAME	SONG FAMILY TRUST PROPERTY ABATEMENT			EXISTING ZONING	R1-6 <input type="checkbox"/>	
PROJECT ADDRESS	1849 E HARVARD DR TEMPE, AZ 85283			SUITE(S)	<input type="checkbox"/>	
PROJECT DESCRIPTION	ABATEMENT OF CE193262 AUGUST 6, 2019			PARCEL No(s)	301-01-960 <input type="checkbox"/>	
PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)						
BUSINESS NAME	ADDRESS					
CONTACT NAME	CITY		STATE	ZIP		
EMAIL	PHONE 1		PHONE 2			
<i>I hereby authorize the applicant below to process this application with the City of Tempe.</i>						
PROPERTY OWNER SIGNATURE			X	DATE		
or attach written statement authorizing the applicant to file the application(s)						
APPLICANT INFORMATION – REQUIRED						
COMPANY / FIRM NAME	ADDRESS		21 E 6TH ST STE 208			
CONTACT NAME	CITY		STATE	AZ ZIP		
EMAIL	PHONE 1		PHONE 2			
<i>I hereby attest that this application is accurate and the submitted documents are complete. I acknowledge that if the application is deemed to be incomplete it will be returned to me without review, to be resubmitted with any missing information.</i>						
APPLICANT SIGNATURE			X	DATE 6/13/2019		
<i>Jack Scofield</i>						
BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs						
BUSINESS NAME	ADDRESS					
CONTACT NAME	CITY		STATE	ZIP		
TYPE OF BUSINESS	PHONE		EMAIL			
APPLICATION (check all that apply)						
QTY	SPECIFIC REQUEST (see <i>planning & zoning fee schedule</i> for types)			FOR CITY USE ONLY (planning record tracking numbers)		
<input type="checkbox"/>	A.	PRELIMINARY SITE PLAN REVIEW			SPR	
<input type="checkbox"/>	B.	ADMINISTRATIVE APPLICATIONS			ADM	
<input type="checkbox"/>	C.	VARIANCES			VAR	
<input type="checkbox"/>	D.	USE PERMITS / USE PERMIT STANDARDS			ZUP	
<input type="checkbox"/>	E.	ZONING CODE AMENDMENTS			ZOA	ZON
<input type="checkbox"/>	F.	PLANNED AREA DEVELOPMENT OVERLAYS			PAD	REC
<input type="checkbox"/>	G.	SUBDIVISIONS / CONDOMINIUMS			SBD	REC
<input type="checkbox"/>	H.	DEVELOPMENT PLAN REVIEW			DPR	
<input type="checkbox"/>	I.	APPEALS				
<input type="checkbox"/>	J.	GENERAL PLAN AMENDMENTS			GPA	
<input type="checkbox"/>	K.	ZONING VERIFICATION LETTERS			ZVL	
<input checked="" type="checkbox"/>	L.	ABATEMENTS			CE	CM
TOTAL NUMBER OF APPLICATIONS		1				
FOR CITY USE ONLY						
DS TRACKING #	FILE THIS APPLICATION WITH CE / CM TRACKING #		DATE RECEIVED (STAMP)		VALIDATION OF PAYMENT (STAMP)	
PL TRACKING #						
SPR TRACKING # <i>(if 2nd or 3rd submittal, use planning resubmittal form)</i>					TOTAL APPLICATION FEES	
					RECEIVED BY INTAKE STAFF (INITIALS)	

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: June 13, 2019
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Jack Scofield, Code Inspector
SUBJECT: CE193262, Song Family Trust Property Abatement

LOCATION: 1849 E HARVARD DR TEMPE, AZ 85283
LEGAL: TEMPE ROYAL PALMS UNIT 14 PER MCR 183-44
PARCEL: 301-01-960
OWNER: SONG FAMILY TRUST
1849 E HARVARD DR
TEMPE, AZ 85283

FINDINGS:

5/6/2019 The Code Compliance Division received a complaint for deteriorated landscape.

5/7/2019 Inspected property and found grass and weeds in the gravel areas of the front yard and over height grass and weeds in the rear yard. Notice to comply mailed to owner.

5/8/2019 The Code Compliance Division received an additional complaint for deteriorated landscape.

5/14/2019 The Code Compliance Division received an additional complaint for deteriorated landscape.

5/21/2019 Mailed final notice to comply to owner.

5/30/2019 The Code Compliance Division received an additional complaint for deteriorated landscape.

6/13/2019 Posted notice of intent to abate to property and mailed to property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1849 E Harvard Dr due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8. The Song Family has been given ample time to come into compliance and maintain the property. There has been no indication that the property owner will bring the property into compliance. The property represents a health hazard and an eyesore to the community.

Without the intervention of abatement the property will continue to deteriorate. I therefore make a request to the City of Tempe Community Development Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Respectfully submitted,

Jack Scofield
Code Inspector II

ACTION TAKEN: SUBMIT
NAME [Signature]
DATE: 6 13 19

HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: JACK SCOFIELD

FIRM: CITY OF TEMPE

DATE: 6/8/19

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # T18-011-03

ADDRESS: 1849 E HARVARD DR

1 LANDSCAPE FRONT AND BACK YARDS	\$560.00
2 ESTAMATED DUMP FEES	\$50.00
3	\$0.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$610.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

CASE # CE193262



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 6/13/19

**SONG FAMILY TRUST
1849 E HARVARD DR
TEMPE, AZ 85283**

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

Legal: TEMPE ROYAL PALMS UNIT 14 PER MCR 183-44
Location: 1849 E HARVARD DR TEMPE, AZ 85283
Parcel: 301-01-960

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **08/06/2019**. 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:

- 1. REMOVE GRASS AND WEEDS FROM GRAVEL AREAS OF THE FRONT AND SIDE YARDS. GRAVEL LANDSCAPES MUST BE MAINTAINED FREE OF GRASS AND WEEDS.**
- 2. CUT OVER HEIGHT GRASS AND WEEDS IN THE REAR 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 **\$610.00**. 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) 350-8967.

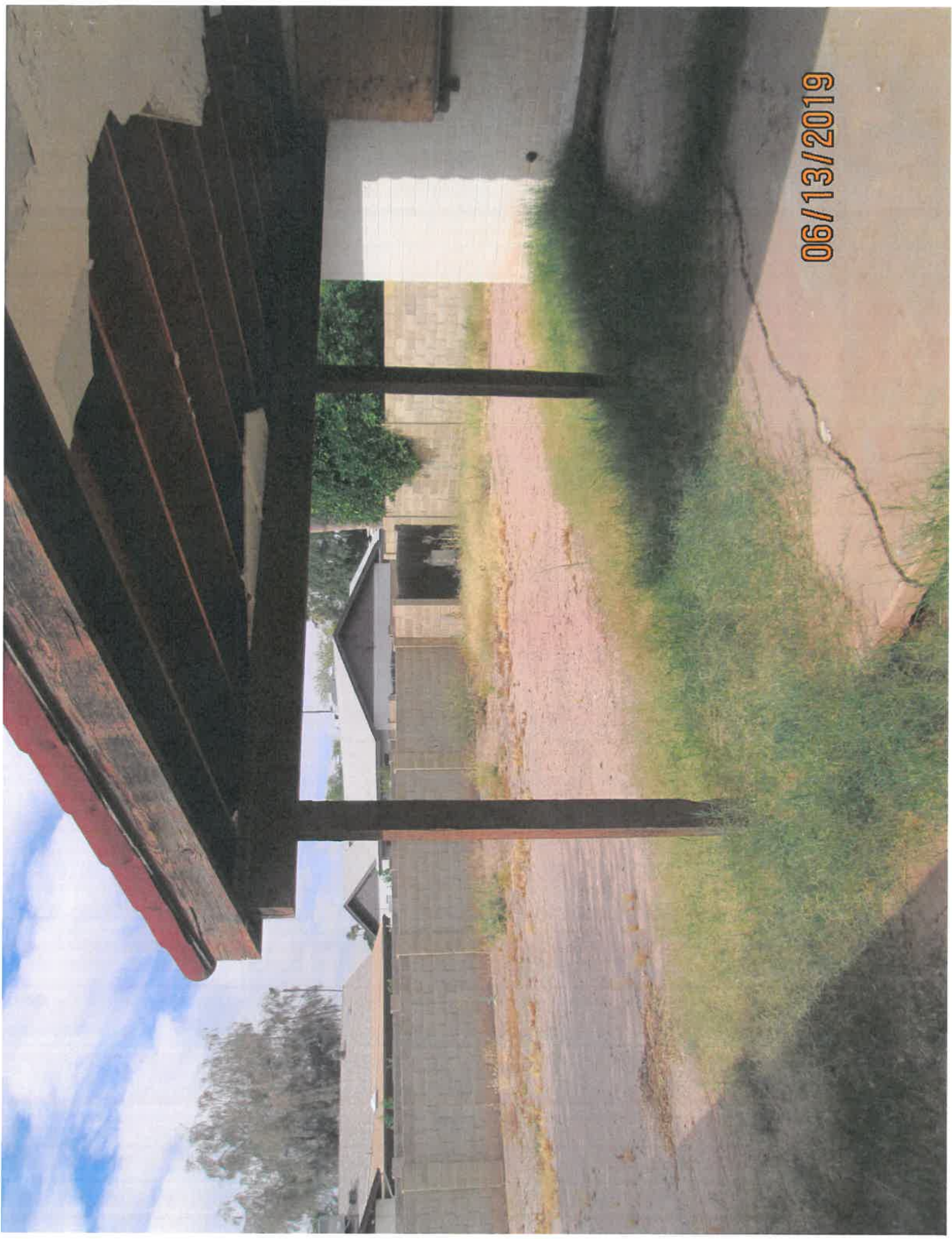
Code Inspector: Jack Scofield

Phone Number: (480)350-8967

E-mail: jack_scofield@tempe.gov



06/13/2019



06/13/2019



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

5/7/19

**SONG FAMILY TRUST
1849 E HARVARD DR
TEMPE, AZ 85283**

Case#: CE193262
Site Address: 1849 E HARVARD DR TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 05/21/2019

This is a notice to inform you that this site was inspected on 5/7/19 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

VIOLATION SECTION:

Violation of City of Tempe Code 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:

- 1. REMOVE GRASS AND WEEDS FROM GRAVEL AREAS OF THE FRONT AND SIDE YARDS. GRAVEL LANDSCAPES MUST BE MAINTAINED FREE OF GRASS AND WEEDS.**
- 2. CUT OVER HEIGHT GRASS AND WEEDS IN THE REAR YARD.**

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Jack Scofield
Code Inspector II
E-Mail**

**Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@tempe.gov**

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | 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 the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

5/21/19

SONG FAMILY TRUST
1849 E HARVARD DR
TEMPE, AZ 85283

Case#: CE193262
Site Address: 1849 E HARVARD DR TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 06/04/2019

This is a notice to inform you that this site was inspected on 5/21/19 and found to be in violation of the City of Tempe’s Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

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Violation of City of Tempe Code 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.

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- 2. CUT OVER HEIGHT GRASS AND WEEDS IN THE REAR YARD.**

CORRECTIVE ACTION MUST BE COMPLETED OR A \$200.00 CITATION WILL BE ISSUED.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Jack Scofield
Code Inspector II
E-Mail

Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@tempe.gov

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

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City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | 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 the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.