
**CITY OF TEMPE
HEARING OFFICER**

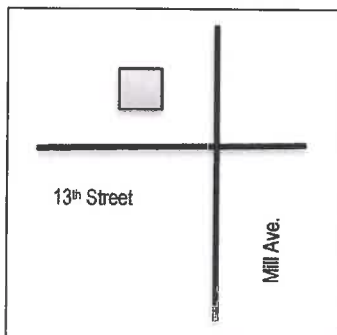
**Meeting Date: 11/19/2019
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the Hazelton Property located at 1223 S. Maple Avenue. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$650.00 for abatement request, landscape cleanup and removal of junk, trash, debris and other discarded household items.

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 HAZELTON 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 CE195863: landscape cleanup and removal of junk, trash, debris and other discarded household items.



Property Owner	Patrick Hazelton
Applicant	City of Tempe – Code Compliance
Zoning District:	R-2, Multi Family Residential
Code Compliance Inspector:	Andres Lara-Reyes, 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 Hazelton Property located at 1223 S. Maple Avenue, in the R-2, Multi Family Residential district. This case was initiated 09/05/2019, 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	PATRICK HAZELTON	EXISTING ZONING	R-2 <input type="checkbox"/>
PROJECT ADDRESS	1223 S MAPLE AVE TEMPE, AZ 85281	SUITE(S)	CE195863 <input type="checkbox"/>
PROJECT DESCRIPTION	TRASH, LITTER, DEBRIS & DETERIORATED LANDSCAPE. HEARING DATE: NOVEMBER 19, 2019	PARCEL No(s)	132-45-118 <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
BUSINESS NAME	PATRICK HAZELTON	ADDRESS	23229 DOREMUS ST
CONTACT NAME		CITY	SAINT CLAIR SHORE 48080 STATE MI ZIP
EMAIL		PHONE 1	PHONE 2

I hereby authorize the applicant below to process this application with the City of Tempe.

PROPERTY OWNER SIGNATURE	X	DATE
or attach written statement authorizing the applicant to file the application(s)		

APPLICANT INFORMATION – REQUIRED			
COMPANY / FIRM NAME	CITY OF TEMPE	ADDRESS	
CONTACT NAME	ANDRES LARA-REYES	CITY	STATE ZIP
EMAIL		PHONE 1 (480) 350-8963	PHONE 2

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.

APPLICANT SIGNATURE	X	DATE	10/8/2019
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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 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	0			

FOR CITY USE ONLY			
DS TRACKING #	FILE THIS APPLICATION WITH CE / CM TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			
SPR TRACKING # (If 2 nd or 3 rd submittal, use planning resubmittal form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: 10/08/2019
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Andres Lara-Reyes
SUBJECT: Request to Authorize for Abatement– Reference Complaint # CE195863

LOCATION: 1223 S MAPLE AVE, TEMPE, AZ 85281
LEGAL: Parcel #132-45-118, as recorded with the Maricopa County Assessor
OWNER: PATRICK HAZELTON
23229 DOREMUS ST
SAINT CLAIR SHORES, MI 48080

FINDINGS:

1223 S MAPLE AVE is currently in violation of City of Tempe's Nuisance Code in regard to trash, litter, debris and deteriorated landscape.

The vacant lot has been in violation since 09/05/2019 with the initial violation being trash, litter, debris and deteriorated landscape. There has been no response from the owner of the property and no mail has been returned.

The owner PATRICK HAZELTON was issued correction notices to correct the violation by mail. As stated above, no mail has been returned which means the property remains unresolved as of this date. Notice of intent to abate was mailed to the owner.

RECOMMENDATIONS:

PATRICK HAZELTON has not responded or attempted to remedy the violations upon the property at 1223 S MAPLE AVE. Since this property remains in violation, without the intervention of abatement, the property will continue to deteriorate. I therefore make a request to the City of Tempe Development Services 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. Mr. HAZELTON has not given any indication that he plans on correcting the violations and maintaining the property.

Respectfully submitted,
Andres Lara-Reyes

ACTION TAKEN: SUBMIT
NAME: Andres Lara-Reyes
DATE: 10/8/19



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 10/08/2019
Case #: CE195863

PATRICK HAZELTON
23229 DOREMUS ST
SAINT CLAIR SHORES, MI 48080

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

Location: 1223 S MAPLE AVE TEMPE, AZ 85281
Parcel: 132-45-118

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of November 19, 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:

- CC 21-3.b.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;
- CC 21-3.b.8 Landscaping that is substantially dead, damaged or characterized by uncontrolled growth or presents a deteriorated or slum-like appearance;

If the violations have not been corrected within thirty (30) days, our office will proceed with the abatement process. As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below:

- CC 21-3.b.1 Please remove all trash, littered, debris, cans, bottles, wood, metal, plastic, rags, boxes, bicycle parts, auto parts; discarded appliances or other household items around the property.
- CC 21-3.b.8 Please cut all over height grass and weeds, dead bushes, plants & shrubs in the vacant lot landscape areas.

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 \$650.00. 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 of 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)350-4311.

Code Inspector: Andres Lara-Reyes
Phone Number: 480-350-8963
E-mail: andres_lara-reyes@tempe.gov

HAMANN ENTERPRISES, LLC

4001 W CAMELBACK RD C30

PHOENIX, AZ 85019

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: Andres Lara-Reyes

FIRM: CITY OF TEMPE

DATE: 10/7/19

PROPOSAL

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

ADDRESS: 1223 S MAPLE AVE

1 LANDSCAPE AND REMOVE TRASH FROM LOT PAINT GRAFFITI	\$600.00
2 ESTAMATED DUMP FEES	\$50.00
3	\$0.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$650.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

09/06/2019

PATRICK HAZELTON
23229 DOREMUS ST
SAINT CLAIR SHORES, MI 48080

Case #: CE195863
Site Address: 1223 S MAPLE AVE, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 09/06/2019 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.

Section	Violation
CC 21-3.b.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;
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth or presents a deteriorated or slum-like appearance;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all trash, littered, debris, cans, bottles, wood, metal, plastic, rags, boxes, bicycle parts, auto parts; unused, inoperable, worn out or discarded appliances or other household items around the property.	09/20/2019
CC 21-3.b.8	Please cut all over height grass and weeds, dead bushes, plants & shrubs in the vacant lot landscape areas.	09/20/2019

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

Andres Lara-Reyes
Code Inspector

Direct: 480-350-8963
Code Compliance: 480-350-8372
Email: andres_lara-reyes@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

09/20/2019

PATRICK HAZELTON
23229 DOREMUS ST
SAINT CLAIR SHORES, MI 48080

Case #: CE195863
Site Address: 1223 S MAPLE AVE, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 09/20/2019 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.

Section	Violation
CC 21-3.b.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;
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth or presents a deteriorated or slum-like appearance;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all trash, littered, debris, cans, bottles, wood, metal, plastic, rags, boxes, bicycle parts, auto parts; unused, inoperable, worn out or discarded appliances or other household items around the property.	10/04/2019
CC 21-3.b.8	Please cut all over height grass and weeds, dead bushes, plants & shrubs in the vacant lot landscape areas.	10/04/2019

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

Andres Lara-Reyes
Code Inspector

Direct: 480-350-8963
Code Compliance: 480-350-8372
Email: andres_lara-reyes@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.

132-45-118 Land Parcel

This is a land parcel located at 1223 S MAPLE AVE TEMPE 85281, and the current owner is HAZELTON PATRICK W. It is located in the Hazelton Property subdivision and MCR 66405. Its current year full cash value is \$437,400.

Property Information**1223 S MAPLE AVE TEMPE 85281**

MCR #	<u>66405</u>
Description:	HAZELTON PROPERTY MCR 664-05
Lat/Long	<u>33.41581716 -111.94113270</u>
Lot Size	16,756 sq ft.
Zoning	R-2
Lot #	1
High School District	TEMPE UNION #213
Elementary School District	TEMPE ELEMENTARY SCHOOL DISTRICT
Local Jurisdiction	TEMPE
S/T/R	22 1N 4E
Market Area/Neighborhood	02/005
Subdivision (1 Parcel)	<u>HAZELTON PROPERTY</u>

Owner Information**HAZELTON PATRICK W**

Mailing Address	23229 DOREMUS ST, ST CLAIR SHORES, MI 48080-2782
Deed Number	<u>031715757</u>
Last Deed Date	12/22/2003
Sale Date	n/a
Sale Price	n/a



Maricopa County Treasurer's Office

Royce T. Flora, Treasurer

Tax Summary 132-45-118 0

Current Mailing Name & Address

HAZELTON PATRICK W
23003 COLONY ST
SAINT CLAIR SHORES, MI 48080

Property (Situs) Address

1223 S MAPLE AVE
TEMPE, AZ 85281

2019 Tax Due

Assessed Tax: \$2,335.48 **Tax Paid:** \$0.00 **Total Due:** \$2,335.48

[View 2019 Tax Details](#)

[Create Stub](#)

[View Additional Tax Years](#)

Back Taxes

Tax Year	Status	Assessed Tax	Amount Due
2018	Tax Lien	\$2,277.50	See Redemption Statement
2017	Tax Lien	\$2,209.76	See Redemption Statement
2016	Tax Lien	\$2,194.26	See Redemption Statement

Total Amount Due

Total Amount Due: \$10,267.42

Total amount due does not reflect any pending payments. Amount may change based on activity to this parcel.

NOTE: Your property may be subject to additional tax liens listed under previous parcel numbers.

