

**CITY OF TEMPE
HEARING OFFICER**

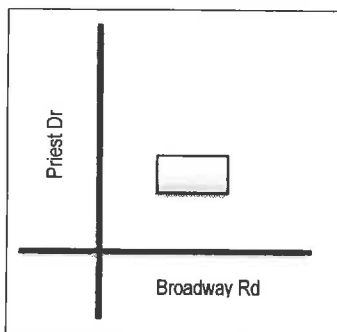
**Meeting Date: 05/19/20
Agenda Item: 6**

ACTION: Request approval to abate public nuisance items at the 1202 Broadway LLC Property located at 1202 W Broadway Road. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$890.00 for abatement request, including removal graffiti throughout property and grass/weeds in landscape and parking lot, Security on site.

RECOMMENDATION: Staff – Approval

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the 1202 BROADWAY LLC PROPERTY (CM200570). 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 CM200570: graffiti and over height grass/weeds. The request includes the following:



Property Owner	1202 Broadway LLC Property
Applicant	City of Tempe – Code Compliance
Zoning District:	CSS, Commercial Shopping and Services
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
 Prepared by: Shelbie Meyer, Administrative Assistant
 Reviewed by: Drew Yocom, Planning and Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the 1202 Broadway LLC Property located at 1202 W Broadway Road in the CSS, Commercial Shopping and Services District. This case was initiated 04/02/2020 following 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 the 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	1202 BROADWAY LLCPROPERTY ABATEMENT	EXISTING ZONING	CSS <input type="checkbox"/>
PROJECT ADDRESS	1202 W BROADWAY RD TEMPE, AZ 85281	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CM200570 MAY 19, 2020	PARCEL No(s)	124-75-041 <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 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/CODE ENFORCEMENT	ADDRESS	21 E 6TH ST STE 208
CONTACT NAME	JACK SCOFIELD/CODE INSPECTOR	CITY	TEMPE STATE AZ ZIP
EMAIL	jack_scofield@tempe.gov	PHONE 1	(480) 350-8967 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 <i>Jack Scofield</i>	DATE	4/24/2020
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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 planning & zoning fee schedule 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	1		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 # (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: April 24, 2020
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Jack Scofield, Code Inspector
SUBJECT: CE200570, 1202 Broadway LLC Property Abatement

LOCATION: 1202 W BROADWAY RD TEMPE, AZ 85281

LEGAL: W 136F OF N 250F OF S 290F OF FOL DESC PROP BAP 1052.5F E
OF SW COR SEC TH E 317.5F TH N 1320F TH W 317.5F S 1320F TO
POB EX N 16F RD & EX S 15F RD

PARCEL: 124-75-041

OWNER: 1202 BROADWAY LLC
7621 E GRAY RD SUITE B2
SCOTTSDALE, AZ 85260

FINDINGS:

4/2/2020 The Code Compliance Division received a complaint for graffiti on the property. Inspected property and found obscene graffiti on the construction fence screen. Notice to comply mailed to owner.

4/14/2020 Inspected property and found that the building now has graffiti and deteriorated landscape throughout the property. Mailed final notice to comply to owner.

4/17/2020 Mailed notice of intent to abate to property owner and posted to property.

PROPERTY HISTORY:

2/5/2020	CM200235	Grffiti
1/16/2020	CM200115	Grffiti
12/27/2019	CM191483	Grffiti
11/20/2019	CM191390	Grffiti
6/24/2019	CM190701	Grffiti
3/27/2019	CM190323	Grffiti
11/5/2018	CM181162	Grffiti
9/4/2018	CM180928	Grffiti

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1202 W Broadway Rd due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8 and 22-105.A. The property owner 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:

NAME

DATE:

Subm 1
[Signature]
4 24 20

CASE # CM200570



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 4/17/20

**1202 BROADWAY LLC
7621 E GRAY RD SUITE B2
SCOTTSDALE, AZ 85260**

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

Legal: W 136F OF N 250F OF S 290F OF FOL DESC PROP BAP 1052.5F E OF SW COR SEC TH E 317.5F
TH N 1320F TH W 317.5F S 1320F TO POB EX N 16F RD & EX S 15F RD
Location: 1202 W BROADWAY RD TEMPE, AZ 85281
Parcel: 124-75-041

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on **5/19/2020**. 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 THE LANDSCAPE AREAS OF THE PROPERTY.**
- 2. REMOVE GRASS AND WEEDS FROM THE ASPHALT PARKING LOT.**
- 3. REMOVE GRAFFITI ON THE CONSTRUCTION FENCE SCREENING, BUILDING, FREESTANDING SIGN, AND ALL OTHER STRUCTURES. PAINT COLOR MUST BE COMPATIBLE WITH EXISTING COLOR.**

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 **\$890.00**. 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

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: 4/18/20

PROPOSAL

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

ADDRESS: 1202 W BROADWAY RD

1 PAINT GRAFITTI AND LANDSCAPE LOT	\$840.00
2 ESTAMATED DUMP FEES	\$50.00
3	\$0.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$890.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

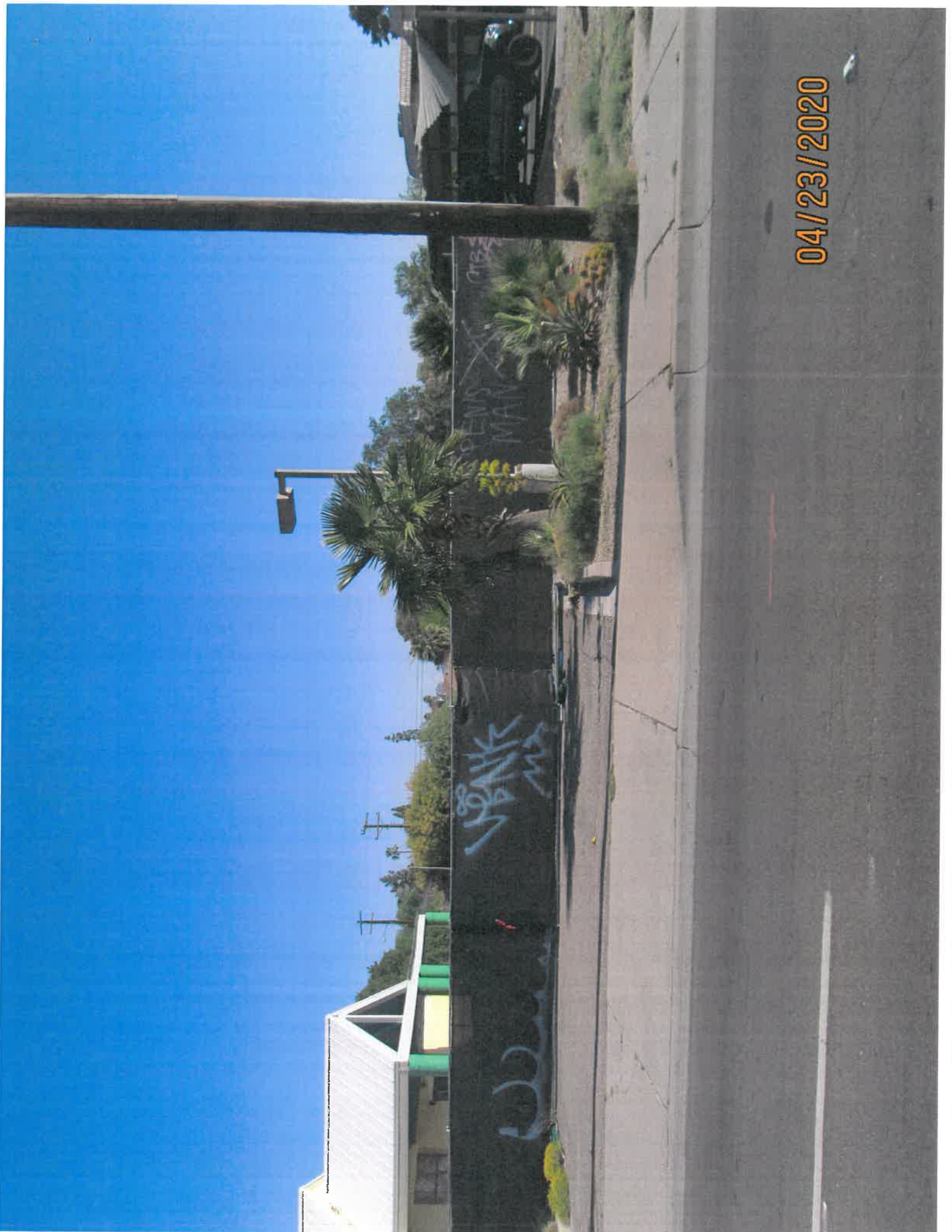


04/23/2020

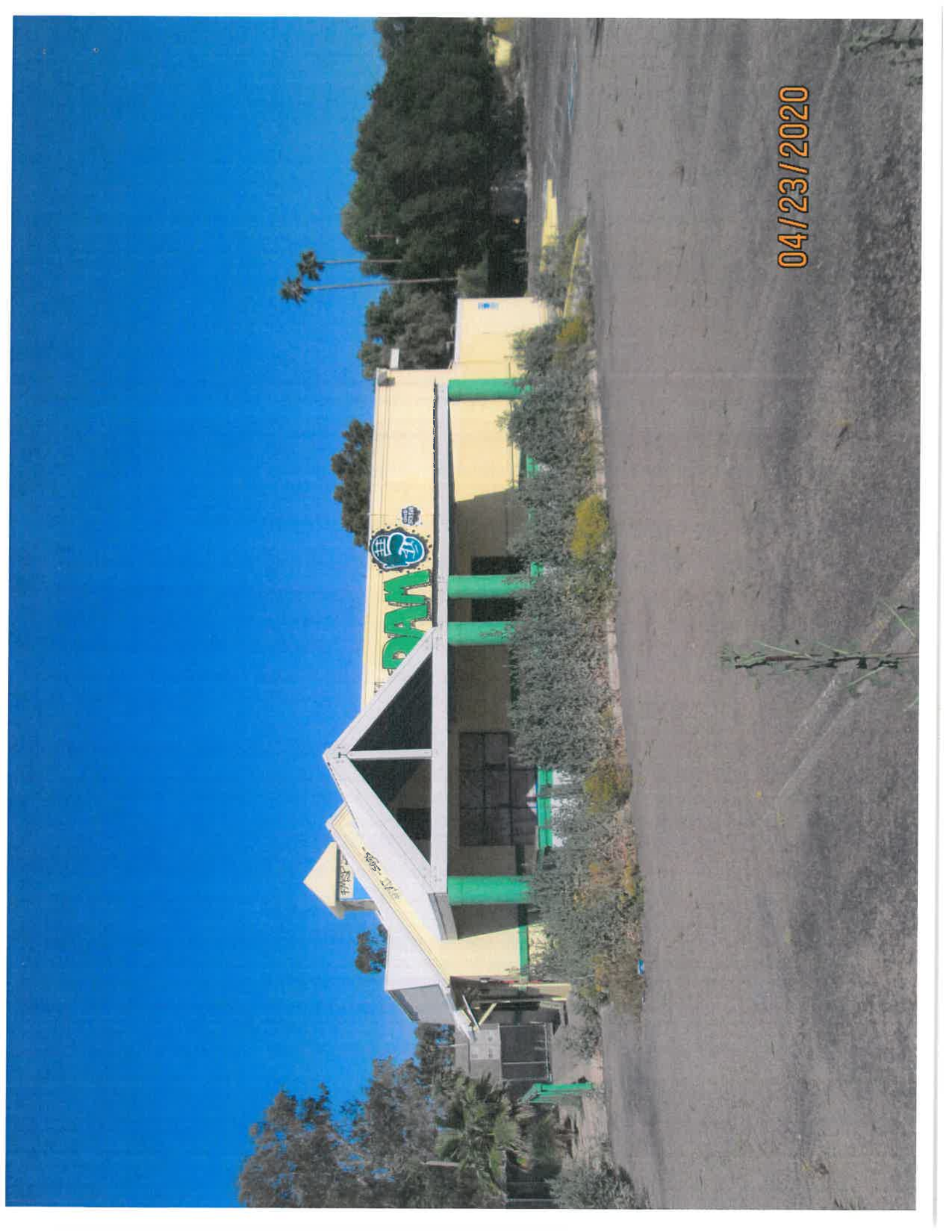
EXIT ONLY

HTB

EXIT ONLY



04/23/2020



04/23/2020

04/23/2020





**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

4/2/20

1202 BROADWAY LLC
7621 E GRAY RD SUITE B2
SCOTTSDALE, AZ 85260

Case#: CM200570
Site Address: 1202 W BROADWAY RD TEMPE, AZ 85281

SITE REINSPECTION ON OR AFTER: 04/16/2020

This is a notice to inform you that this site was inspected on 4/2/20 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 22-105.A

(a) Graffiti prohibited. All sidewalks, walls, buildings, fences, signs, and other structures or surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. PLEASE REMOVE GRAFFITI ON THE CONSTRUCTION FENCE SCREENING. PAINT NEEDS TO BE COMPATIBLE WITH EXISTING COLOR.**

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**

4/14/20

1202 BROADWAY LLC
7621 E GRAY RD SUITE B2
SCOTTSDALE, AZ 85260

Case#: CM200570
Site Address: 1202 W BROADWAY RD TEMPE, AZ 85281

SITE REINSPECTION ON OR AFTER: 04/28/2020

This is a notice to inform you that this site was inspected on 4/14/20 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 Tempe Zoning and Development Code 4-102.E.1

The owner or owner's association, or the lessee of the site, as applicable, shall maintain the development and property in conformance with the plans approved by the city. Any deterioration shall be considered a violation of this Code and any applicable ordinances. Such deterioration shall be based on the definition as defined in the City Code.

Violation of Tempe Zoning and Development Code 4-102.E.6

The lack of maintenance shall constitute a violation of this Code, penalties for which are provided in Section 1-201.

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.

Violation of City of Tempe Code 22-105.A

(a) Graffiti prohibited. All sidewalks, walls, buildings, fences, signs, and other structures or surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. REMOVE GRASS AND WEEDS FROM THE LANDSCAPE AREAS OF THE PROPERTY.
2. REMOVE GRASS AND WEEDS FROM THE ASPHALT PARKING LOT.
3. REMOVE GRAFFITI ON THE CONSTRUCTION FENCE SCREENING, BUILDING, FREESTANDING SIGN, AND ALL OTHER STRUCTURES. PAINT COLOR MUST BE COMPATIBLE WITH EXISTING COLOR.

CORRECTIVE ACTION MUST BE COMPLETED OR A CITATION WILL BE ISSUED AND ABATEMENT PROCEEDINGS STARTED.

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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