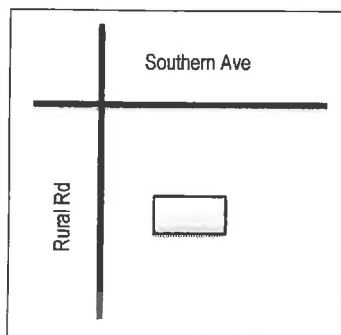

**CITY OF TEMPE
HEARING OFFICER****Meeting Date: 05/19/20
Agenda Item: 5**

ACTION: Request approval to abate public nuisance items at the Veatch Property located at 3620 S Terrace Road. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$901.00 for abatement request, including over height grass/weeds and deteriorated landscaping throughout the front and back yards, 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 VEATCH PROPERTY (CE200718). 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 CE200414: deteriorated landscape. The request includes the following:



Property Owner	Veatch Property
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential District
Code Compliance Inspector	Julie 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 Veatch Property located at 3620 S Terrace Road. in the R1-6, Single Family Residential District. This case was initiated 02/04/2020 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 Submittal Form

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	VEATCH PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	3620 S. TERRACE RD. TEMPE, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE200718 HEARING IS MAY 19TH, 2020	PARCEL No(s)	133-54-384 <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME		ADDRESS	P.O. BOX 1602
CONTACT NAME	MAXWELL VEATCH	CITY	EASTLAKE
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	COMMUNITY DEVELOPMENT	ADDRESS	21 E. 6TH ST
CONTACT NAME	JULIE SCOFIELD	CITY	TEMPE
EMAIL	JULIE_SCOFIELD@TEMPE.GOV	PHONE 1	480-350-8951
		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	4/15/2020
<i>Julie Scofield</i>			

BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME		ADDRESS	
CONTACT NAME		CITY	
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. SUBDIVISION / CONDOMINIUM PLATS			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
<input type="checkbox"/> M. SIGN TYPE K			GO	SE
TOTAL NUMBER OF APPLICATIONS	0			

FOR CITY USE ONLY			
DS TRACKING #		FILE APPLICATION WITH CE / CM / IP TRACKING #	DATE RECEIVED (STAMP)
PL TRACKING #			VALIDATION OF PAYMENT (STAMP)
SPR TRACKING # (if 2 nd or 3 rd submittal, please use Planning Resubmittal Form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: 04/15/2020
TO: Jeff Tamulevich, Code Administrator
FROM: Julie Scofield
SUBJECT: VEATCH Property Abatement

LOCATION: 3620 S. Terrace Rd. Tempe, AZ 85282

PARCEL: 133-54-384

OWNER: Maxwell Veatch
P.O. Box 1602
East Lake, CO 80614-1602

FINDINGS:

- 02/04/2020 Complaint came into Neighborhood Enhancement (CE20718) for this property regarding deteriorated landscape. The property was inspected. Grass and weeds are growing in the gravel landscape. A notice was mailed to the owner, Maxwell Veatch.
- 02/07/2020 Received a 311 complaint for the over height grass and weeds on the property.
- 02/10/2020 Received a 311 complaint for the over height grass and weeds on the property.
- 02/19/2020 Re-inspected the property and the violation of deteriorated landscape was still present. A final notice was mailed to the owner.
- 03/10/2020 There has been no change in the condition of the property. Issued citation for the landscape. Pictures were taken that day to reflect the violation.
- 04/12/2020 There has been no change in the landscape. The citation has not been paid, so therefore it went to collections. Requesting a bid for the cleanup of the landscape in the front and sides of the property. The hearing is set to be scheduled for May 19th, 2020

RECOMMENDATIONS:

I am recommending the approval for the abatement at 3620 S. Terrace Rd. The property is owned by Maxwell Veatch. The owner has been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action. Several notices were mailed, and a citation was issued. I am also requesting that an open abatement of 180 days be granted to cover any future violations.

Respectfully submitted,

Julie Scofield

ACTION TAKEN:
NAME
DATE:

Submitted
[Signature]
4/15/20



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 04/15/2020
Case #: CE200718

**VEATCH MAXWELL
PO BOX 1602
EASTLAKE, CO 80614**

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

Location: 3620 S TERRACE RD TEMPE, AZ 85282
Parcel: 13354384

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of May 19th, 2020, located at the Tempe Council Chambers, 31 E 5th Street, at 5pm. 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.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.8 a. Remove all grass and or weeds from the front and sides of the property in gravel landscape.
 b. Cut any grass and or weeds in the back yard of the property.

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 \$901.00. 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: Julie Scofield
Phone Number: 480-350-8951
E-mail: julie_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: JULIE SCOFIELD

FIRM: CITY OF TEMPE

DATE: 4/13/20

PROPOSAL

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

ADDRESS: 3620 S TERRACE RD

1 REMOVAL OF TALL WEEDS, GRASS AND DEBRIS FRONT AND BACK YARD	\$400.00
2 ESTAMATED DUMP FEES	\$25.00
3 SECURITY BY TEMPE POLICE	\$276.00
4 APLICATION OF PRE EMERGENT AND WEED KILLER	\$200.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$901.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

Arizona Traffic Ticket and Complaint

No Pay

City of Tempe
Maricopa County,
State of Arizona



Complaint Number 1702108		Case Number		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident <input type="checkbox"/> Fatality		<input type="checkbox"/> Commercial <input type="checkbox"/> Haz. Material					
Driver's License No.				DLP <input type="checkbox"/>	State	Class	Endorsements M H N P T X D					Incident Report Number CE200718					
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language																	
Defendant		Name (First, Middle, Last) MAXWELL VEATCH										Juvenile					
Residence Address, City, State, Zip Code 12470 York St. #1602 EAST LAKE, CO 80614										Telephone: (cell phone) <input type="checkbox"/>							
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth		Restrictions		Email Address							
Business Address, City, State, Zip Code										Business Phone No.							
Vehicle		Color		Year		Make		Model		Style		License Plate		State		Expiration Date	
Registered owner & address, City, State, Zip Code										Vehicle Identification Number							
The Undersigned Certifies That:																	
On	Month 03	Day 10	Year 2020	Time 0815	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Speed		Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace		Direction of Travel				
At	Location 3620 S Terrace Rd							<input checked="" type="checkbox"/> Tempe 85282		State of Arizona		Area	Dist.				
The Defendant Committed the Following:																	
A	Section: 21-3-B-8			ARS CC	Violation: Deteriorated Landscape				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense		
	Docket Number			Disp. Code:		Date of Disposition:		Sanction:		MVD							
B	Section:			ARS CC	Violation:				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense		
	Docket Number			Disp. Code:		Date of Disposition:		Sanction:		MVD							
C	Section:			ARS CC	Violation:				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense		
	Docket Number			Disp. Code:		Date of Disposition:		Sanction:		MVD							
D	Section:			ARS CC	Violation:				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense		
	Docket Number			Disp. Code:		Date of Disposition:		Sanction:		MVD							
E	Section:			ARS CC	Violation:				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense		
	Docket Number			Disp. Code:		Date of Disposition:		Sanction:		MVD							
You must appear on the date and time indicated at:		Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753			<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor		Date: 3/24/2020		Time: Between 9AM & 4PM								
		Court:			<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor		Date:		Time:		<input type="checkbox"/> AM <input type="checkbox"/> PM		Court No.				
		Court Address, City, State, Zip Code															
Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.		Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.		<input checked="" type="checkbox"/> Mailed		Victim? <input type="checkbox"/>		Victim Notified? <input type="checkbox"/>									
I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.		Complainant: Paula Sofield PSN: 8022															
Comments: Juvenile Notification: Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials _____																	
Date issued if not violation date																	

COMPLAINT



1702108



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

02/04/2020

VEATCH MAXWELL/BRIAN
PO BOX 1602
EASTLAKE, CO 80614-1602

Case#: CE200718
Site Address: 3620 S. TERRACE RD. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 02/18/2020

This is a notice to inform you that this site was inspected on 02/04/2020 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. PLEASE REMOVE ALL GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY IN THE GRAVEL LANDSCAPED AREAS. ALL GRAVEL LANDSCAPES MUST BE MAINTAINED FREE AND CLEAR OF ANY UNCONTROLLED GROWTH REGARDLESS OF HEIGHT.

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

Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

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.

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).



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE**

02/19/2020

VEATCH MAXWELL/BRIAN
PO BOX 1602
EASTLAKE, CO 80614-1602

Case#: CE200718
Site Address: 3620 S. TERRACE RD. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 03/04/2020

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**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

02/04/2020

VEATCH MAXWELL/BRIAN
12470 YORK ST #1602
EASTLAKE, CO 80614

Case#: CE200718
Site Address: 3620 S. TERRACE RD. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 02/18/2020

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**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE**

02/19/2020

VEATCH MAXWELL/BRIAN
12470 YORK ST #1602
EASTLAKE, CO 80614

Case#: CE200718
Site Address: 3620 S. TERRACE RD. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 03/04/2020

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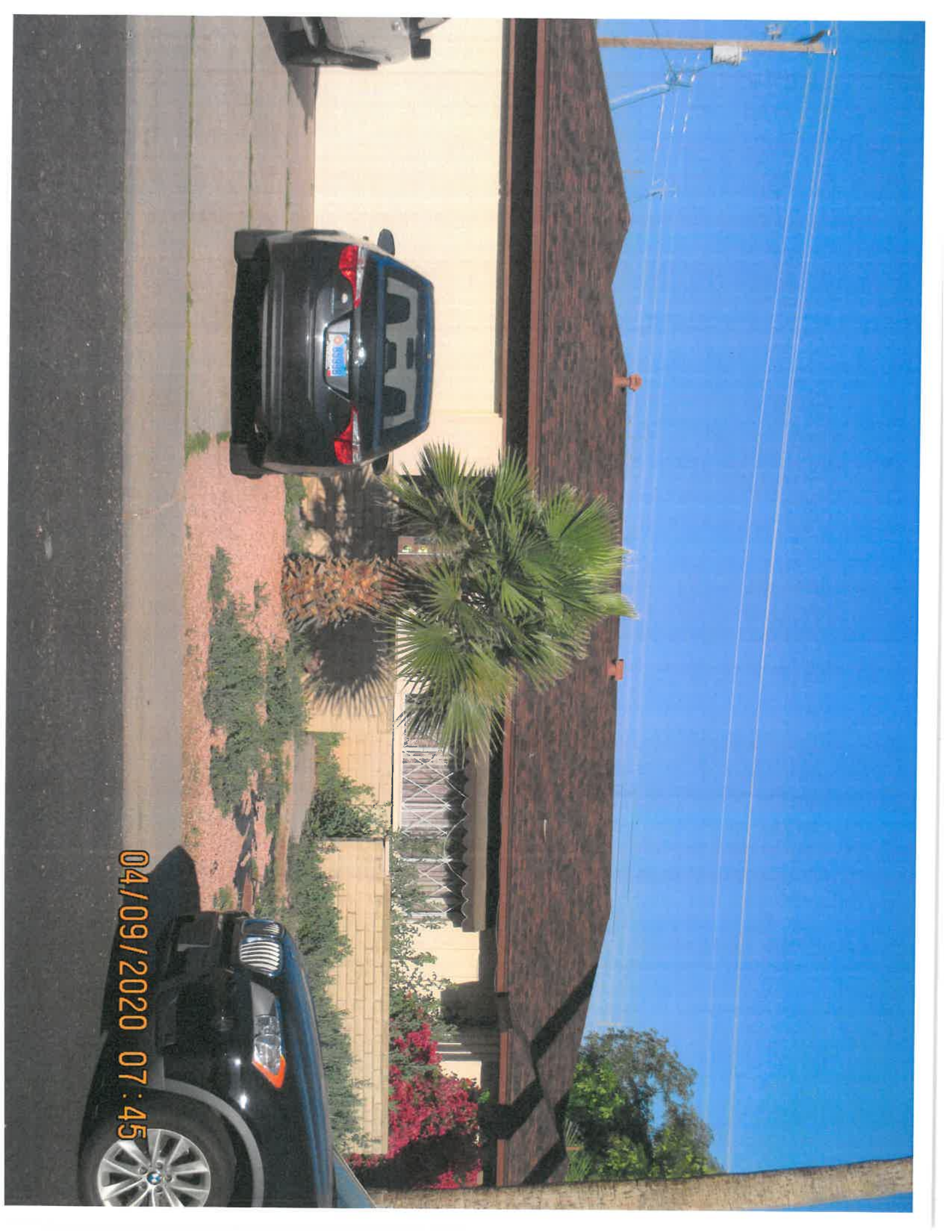
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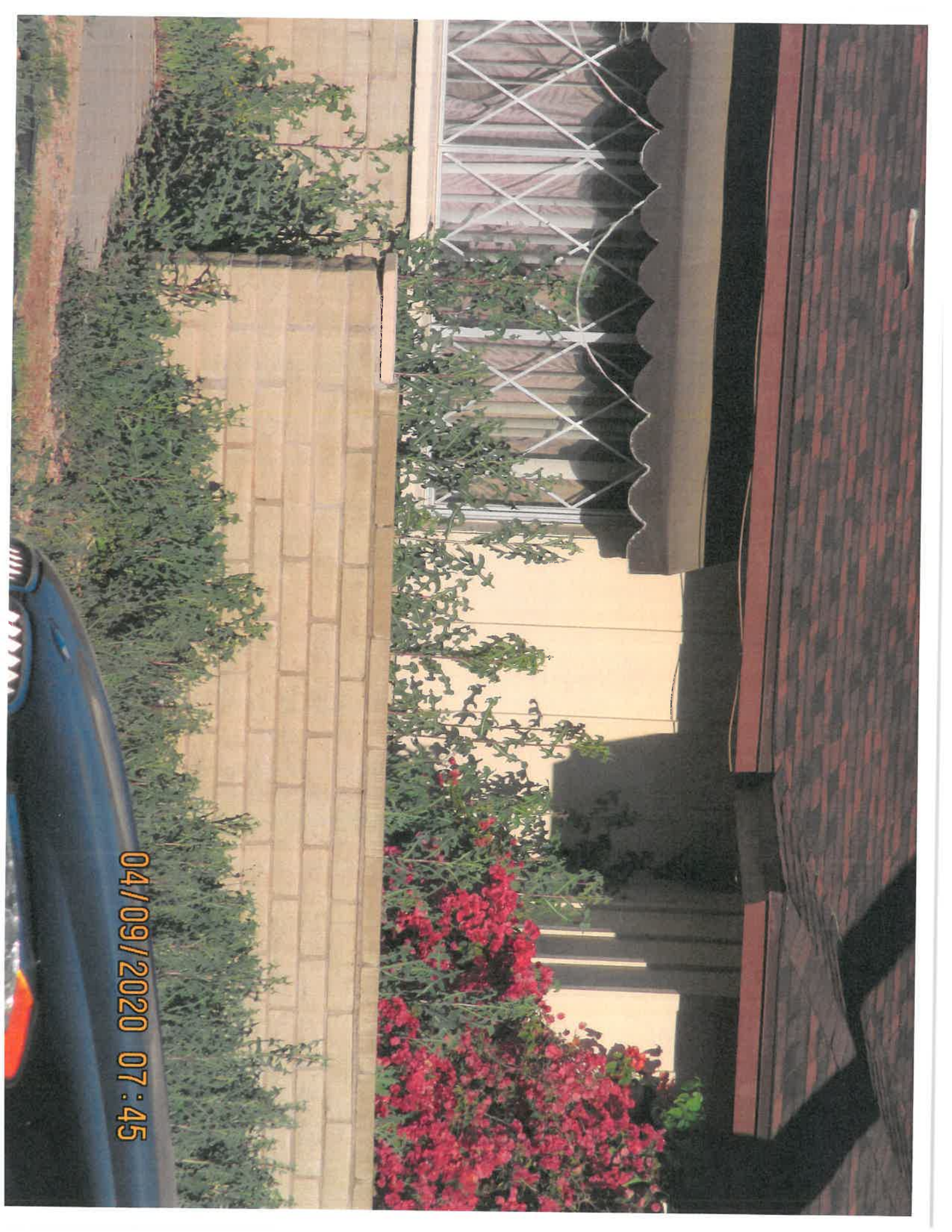
Civil and Criminal Penalties

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.

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).



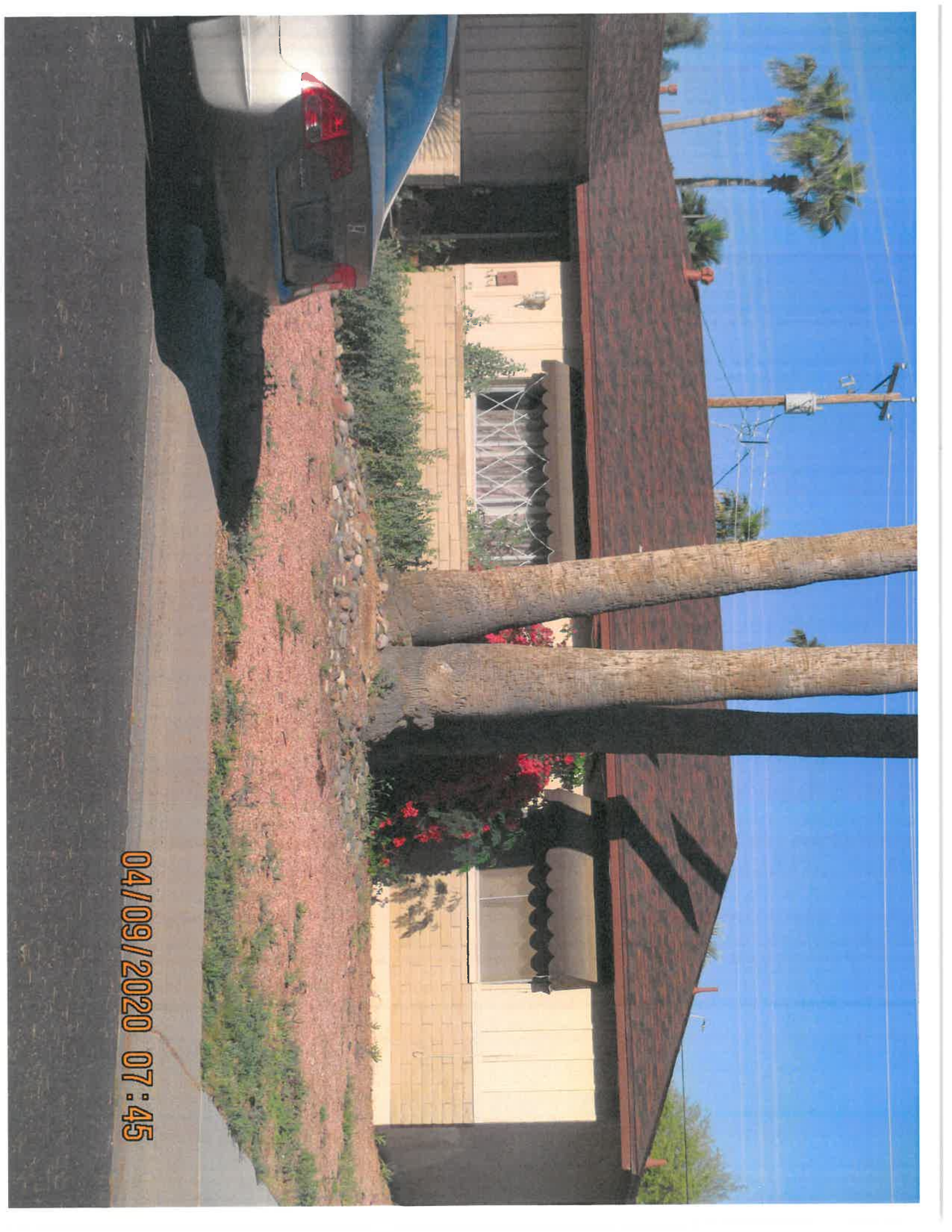
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