

CITY OF TEMPE HEARING OFFICER

Meeting Date: 06/02/2020

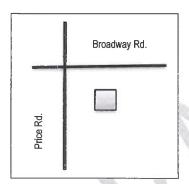
Agenda Item: 5

ACTION: Request approval to abate public nuisance items at the Brakefield Antil Property located at 2307 E. Aspen Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$540.00 for abatement request: Remove grass and weeds from gravel landscape in front and side yards.

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 BRAKEFIELD ANTIL 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 CE197408: Remove grass and weeds from gravel landscape in front and side yards.



Property Owner

Applicant

Zoning District:

Code Compliance Inspector:

Amy Brakefield and James & Susanne Antil

City of Tempe - Code Compliance

R1-6, Single Family Residential

Michael Glab, 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 Brakefield Antil Property located at 2307 E. Aspen Drive, in the R1-6, Single Family Residential district. This case was initiated 11/18/2019, 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.

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



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		EMAIL	michael_glab@tempe.gov			PHONE 1	(480) 350-5461		PHONE 2		1.0.0.5		
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DATE:

04/24/2020

SUBJECT:

BRAKEFIELD/ANTIL Abatement

LOCATION:

2307 E ASPEN DR, TEMPE, AZ 85282

LEGAL:

LOT 198, BOOK 163, PAGE 017, as recorded with the Maricopa County

Assessor

OWNER:

AMY BRAKEFIELD, JAMES & SUSANNE ANTIL

13708 GUNSIGHT DR

SUN CITY WEST, AZ 85375

FINDINGS:

In November of 2019, my office received a complaint related to this property. A violation of Code was observed, and a notice was mailed to the owner(s).

In January of 2020, I observed little to no change at the property. I mailed a second notice to the owner(s).

In February of 2020, I observed little to no change at the property. I posted a notice to the front of the property. Upon return to the property, I observed little to no change at the property and issued citations to the property owners, which were posted to the front of the property.

In April of 2020, I observed little to no change at the property. Abatement application submitted for addition to 06/02/2020 hearing agenda.

5 complaints were received by my office in total

RECOMMENDATIONS:

The owner(s) of this property, AMY BRAKEFIELD, JAMES & SUSANNE ANTIL, have/has made little to no attempt to bring the property into compliance. AMY BRAKEFIELD, JAMES & SUSANNE ANTIL have/has not had a prior abatement conducted on this property. Due to the failure of the property owner(s) to address this matter, a 180-day open abatement period is being sought for this property. I therefore request the City of Tempe Community Development Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,

MICHAEL GLAB Code Inspector City of Tempe

ACTION TAKEN:

NAME

DATE:



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 04/24/2020 Case #: CE197408

AMY BRAKEFIELD, JAMES & SUSANNE ANTIL 13708 W GUNSIGHT DR SUN CITY WEST, AZ 85375

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

Location: 2307 E ASPEN DR., TEMPE, AZ 85282

Parcel: 134-40-201

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda to be held on 06/02/2020 at 5pm, at the City of Tempe Council Chambers, located at 31 E. 5th Street, Tempe. 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 Deteriorated landscape

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 Please remove the grass/weeds from all portions of the rock landscape, including: the west side of the driveway; the front yard; etc.

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 \$540.00. 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: Michael Glab Phone Number: 480-350-5461 E-mail: Michael_Glab@tempe.gov



11/18/2019

AMY BRAKEFIELD 2307 E ASPEN DR TEMPE, AZ 85282

Case #: CE197408

Site Address: 2307 E ASPEN DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 11/15/2019 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.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	SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove grass/weeds from river rock, gravel, etc. portions of front and/or side yard landscape	12/03/2019

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

Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael Glab@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



11/18/2019

JAMES & SUSANNE ANTIL 13708 W GUNSIGHT DR SUN CITY WEST, AZ 85375

Case #: CE197408

Site Address: 2307 E ASPEN DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 11/15/2019 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.

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CC 21-3.b.8	Please remove grass/weeds from river rock, gravel, etc. portions of front and/or side yard landscape	12/03/2019

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01/22/2020

AMY BRAKEFIELD 2307 E ASPEN DR TEMPE, AZ 85282

Case #: CE197408

Site Address: 2307 E ASPEN DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/21/2020 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.

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PLEASE TAKE	SITE REINSP ON OR AFTER		
CC 21-3.b.8	Please remove grass/weeds from river rock, gravel, etc. portions of front and/or side yard landscape	02/05/2020	

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

Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael_Glab@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



01/22/2020

JAMES & SUSANNE ANTIL 13708 W GUNSIGHT DR SUN CITY WEST, AZ 85375

Case #: CE197408

Site Address: 2307 E ASPEN DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/21/2020 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.

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PLEASE TAKE T	HE FOLLOWING CORRECTIVE ACTION	ON OR AFTER
CC 21-3.b.8	Please remove grass/weeds from river rock, gravel, etc. portions of front and/or side yard landscape	02/05/2020

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

Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael_Glab@tempe.gov CITE DEINICD

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



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE POST TO STRUCTURE

02/10/2020

JAMES & SUSANNE ANTIL AMY BRAKEFIELD 2307 E ASPEN DR TEMPE, AZ 85282

Case #: CE197408

Site Address: 2307 E ASPEN DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/10/2020 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.

Section	Violation
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PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove grass/weeds from river rock, gravel, etc. portions of front and/or side yard landscape	02/18/2020

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

Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael_Glab@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

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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If the defendant falls to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount.



COMPLAINT

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



Com	plaint Numbe	r	Case	Number	r		Social Se	curity !	Number			Mil	litary		erious	To	Accider	nt 🔲 F	atality	Пс	ommercial
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COMPLAINT

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User 田田 H 표 878 Judge TPC Amount Due: TPC Due Date: Amount 2/21/2020 REGISTER OF ACTION CV ARR FTA PENDING DEFAULT APPEAR NLT 320/2020 LANDSCAPING-DEAD, DAMAGED, UNCONTRO Case Balance Owing: Stayed Balance Owing: CIVIL ARRAIGNMENT NLT 3/6/2020 ORPHAN CHARGE WGQ ENTRY 1ST CITE \$200 ATTC FILED Action 02/20/2020 Cite Number 1702089 A BRAKEFIELD, AMY MICHELLE 2/21/2020 Active 21-3B8 Carlo *** 2307 E ASPEN DR TEMPE, AZ 85282 Filed: Case Status: 2/21/2020 3/9/2020 2/21/2020 2/21/2020 4/6/2020 Date 1702089A

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Case No:	Case No: 20-006854-4	Title: CITY OF TEMPE VS JAMES A ANTIL	and the second s		
ANTIL, JAMES A					
13708 W GUNSIGHT DR SUN CITY, AZ 85375	GHT DR 3375				
Case Status:	Active	Case Balance Owing:		TPC Due Date:	
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ANTIL, SUSANNE 13708 W GUNSIGHT DR	IE GHT DR				
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April 20, 2020

City of Tempe Attn: Michael Glab Code Inspector

RE: Clean up – 2307 E Aspen Drive

Thank you for giving Artistic Land Management, Inc the opportunity to serve your landscaping needs. Below is our price to provide all labor, equipment, landfill fees, and supervision to perform the work listed below at 2307 E Aspen Drive in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Removal of grass/weeds from rock portions of both front and west side yard landscape
- Haul away and disposal of removed yard waste
- P.D. presence on site for duration of visit

Total = \$540.00

Respectfully,

Jose Hernandez

