

**CITY OF TEMPE
HEARING OFFICER**

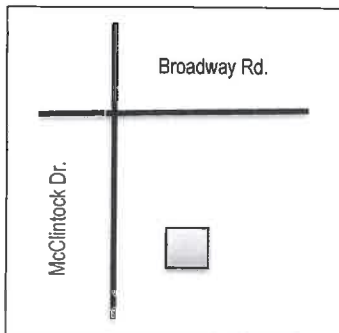
**Meeting Date: 06/02/2020
Agenda Item: 3**

ACTION: Request approval to abate public nuisance items at the Brown Property located at 1877 E. Loma Vista Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$976.00 for abatement request: Remove grass and weeds from gravel landscape in front and side yards, and remove stored items from the exterior of the property.

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 BROWN 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 CE201257: Remove grass and weeds from gravel landscape in front and side yards, and remove stored items from the exterior of the property.



Property Owner	Victor Brown
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential
Code Compliance Inspector:	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 Brown Property located at 1877 E. Loma Vista Drive, in the R1-6, Single Family Residential district. This case was initiated 02/25/2020, 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	BROWN ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1877 E LOMA VISTA DR., TEMPE, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ALAMEDA MEADOWS 2 ABATEMENT OF CE201257 JUNE 02, 2020	PARCEL NO(S)	133-34-075 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
BUSINESS NAME	ADDRESS	CITY	STATE
CONTACT NAME	PHONE 1	PHONE 2	ZIP
EMAIL			

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 COMPLIANCE	ADDRESS	21 E 6TH ST SUITE 208
CONTACT NAME	MICHAEL GLAB / CODE INSPECTOR	CITY	TEMPE
EMAIL	michael_glab@tempe.gov	PHONE 1	(480) 350-5461
		PHONE 2	
		STATE	AZ
		ZIP	85281-3681

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	4/21/2020
<i>Michael Glab</i>			

BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME	ADDRESS	CITY	STATE
CONTACT NAME	PHONE	PHONE	EMAIL
TYPE OF BUSINESS			

<input checked="" type="checkbox"/>	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: 04/21/2020

SUBJECT: BROWN Abatement

LOCATION: 1877 E LOMA VISTA DR, TEMPE, AZ 85282

LEGAL: LOT 069, BOOK 118, PAGE 026, as recorded with the Maricopa County Assessor

OWNER: **VICTOR BROWN**
1877 E LOMA VISTA DR
TEMPE, AZ 85282

FINDINGS:

In February of 2020, my office received a complaint regarding the property. I conducted an inspection and confirmed two violations of City Code were present. A notice was mailed to the property owner.

In March of 2020, I returned to the property and observed little to no change. I then posted a notice to the structure itself.

In April of 2020, I returned to the property and observed little to no change. Due to prior history at the location, bids were sought for property abatement and addition to 06/02/20 hearing agenda.

5 complaints, related to this property, have been received by my office.

RECOMMENDATIONS:

The owner(s) of this property, VICTOR BROWN, have/has made little to no attempt to bring the property into compliance. VICTOR BROWN have/has 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: _____

Submit
[Signature]
4/21/20



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 04/21/2020
Case #: CE201257

**VICTOR BROWN
1877 E LOMA VISTA DR
TEMPE, AZ 85282**

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

Location: 1877 E LOMA VISTA DR., TEMPE, AZ 85282
Parcel: 133-34-075

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.1 Junk/debris
- 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.1 Please remove stored items from the exterior of the property (e.g. carport; backyard if necessary, etc.). Items kept outside should be clearly for outside use, such as: a bicycle; a BBQ grill; intact patio furniture, etc.**
- CC 21-3.b.8 Please remove the grass/weeds from all portions of gravel landscape, including: the west side of the driveway; the front yard; the east side located between the fence line and the sidewalk, 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 \$976.00. 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**



COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
 CORRECTION NOTICE

03/05/2020

VICTOR BROWN
 1877 E LOMA VISTA DR
 TEMPE, AZ 85282-2877

Case #: CE201257
 Site Address: 1877 E LOMA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/04/2020 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.

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; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the County Health Officer or this Code or any other ordinance of the City;
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.1	Please remove the trash, litter, debris and/or stored items from the exterior of the property (e.g. carport for sure [backyard, if necessary])	03/19/2020
CC 21-3.b.8	Please remove the grass/weeds from the gravel portions of the front and/or side yard landscape	03/19/2020

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

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
POST TO STRUCTURE

03/24/2020

VICTOR BROWN
1877 E LOMA VISTA DR
TEMPE, AZ 85282-2877

Case #: CE201257
Site Address: 1877 E LOMA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/23/2020 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
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; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the County Health Officer or this Code or any other ordinance of the City;
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.1	Please remove trash, litter, debris and/or stored items from the exterior of the property (e.g. carport; backyard IF necessary, etc.)	04/08/2020
CC 21-3.b.8	Please remove the grass/weeds from the gravel portions of the front and/or side yard landscape	04/08/2020

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).

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HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: MICHEAL GLAB

FIRM: CITY OF TEMPE

DATE: 4/14/20

PROPOSAL

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

ADDRESS: 1877 E LOMA VISTA DR

1 REMOVAL OF TALL WEEDS, GRASS AND DEBRIS REMOVAL AND DISPOSAL OF STORED ITEMS IN CARPORT	\$400.00
2 ESTAMATED DUMP FEES	\$100.00
3 SECURITY BY TEMPE POLICE	\$276.00
4 APLICATON OF PRE-EMGENT/WEEDKILLER	\$200.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$976.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

Apr 10, 2020 10:26:38 AM
Tempe

