

## CITY OF TEMPE HEARING OFFICER

Meeting Date: 09/01/2020

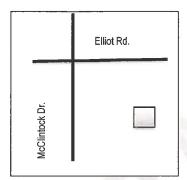
Agenda Item: 6

**ACTION:** Request approval to abate public nuisance items at the Thornburn Property located at 1978 E. McNair Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$411.00 for abatement request: Removal of inoperable/unregistered vehicle.

**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 THORNBURN 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 CE201571: Removal of inoperable/unregistered vehicle.



Property Owner

James Thornburn

Applicant

City of Tempe – Code Compliance

Zoning District:

R1-6 Single Family Residential

Code Compliance Inspector:

Brandy Zedlar, 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 Thomburn Property located at 1978 E. McNair Drive, in the R1-6, Single Family Residential district. This case was initiated 03/05/20, 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 5<sup>th</sup> Street, Garden Level, Tempe, Arizona 85281
(480) 350-4311 Fax (480) 350-8677
Planning Fax (480) 350-8872
<a href="http://www.tempe.gov/planning">http://www.tempe.gov/planning</a>



All applications must be accompanied by the required plans, submittal materials, and correct fee(s)

PROJECT INFORMATION – REQUIRED

PROJECT NAME Thornburn Abatement				EXISTING ZONING	R1-6
PROJECT ADDRESS 1978 F A	1CNA	R DR TAM	1PE, AZ 85284	SUITE(S)	
PROJECT DESCRIPTION Abatement to include: Re	moval of un	registered Lexus SU\	•	PARCEL No(s)	308-11-334
Hearing Date: Sept 1, 20	20 CE2015	571			
	R INFORM		(EXCEPT PRELIMINARY SIT	E PLAN REVIEW)	
BUSINESS NAME		ADDRESS	1978 E. McNair Dr		
CONTACT NAME James Thornburn		CITY	Tempe	STATE	AZ ZIP 85284
EMAIL		PHONE 1		PHONE 2	
I hereby authorize the applicant below to prod			ty of Tempe.		
PROPER or attach written statement authorizing the applicant		IGNATURE X			DATE
	AF	PPLICANT INFORMA			
COMPANY / FIRM NAME City of Tempe - Code Co	mpliance	ADDRESS			
CONTACT NAME Brandy Zedlar		CITY		STATE	ZIP
EMAIL		PHONE 1	(480) 350-8623	PHONE 2	
I hereby attest that this application is accurate incomplete it will be returned to me without re	and the su	ubmitted documents	are complete. I acknowledg	e that if the applica	ition is deemed to be
incomplete it will be returned to me without re	APPLICANT S	GIGNATURE X	gymissing intormation. [//		DATE //O/1/
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(check all that apply)		see planning & 2011	ng fee schedule for types)		ord tracking numbers)
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B. ADMINISTRATIVE APPLICATIONS				ADM	
☐ C. VARIANCES				VAR	
D. USE PERMITS / USE PERMIT STANDARDS	1			ZUP	
☐ E. ZONING CODE AMENDMENTS				ZOA	ZON
☐ F. PLANNED AREA DEVELOPMENT OVERLAY	s			PAD	REC
G. SUBDIVISIONS / CONDOMINIUMS				SBD	REC
☐ H. DEVELOPMENT PLAN REVIEW				DPR	
☐ I. APPEALS				111	
☐ J. GENERAL PLAN AMENDMENTS				GPA	
☐ K. ZONING VERIFICATION LETTERS				ZVL	
L. ABATEMENTS	1			CE	CM
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PL TRACKING #		TRACKING #			
				TOTAL APPLIC	ATION EFFS
SPR TRACKING # (if 2 <sup>nd</sup> or 3 <sup>rd</sup> submittal,					
use planning resubmittal form)				RECEIVED BY	INTAKE STAFF (INITIALS)

DATE:

8/18/20

TO:

Jeff Tamulevich, Code Administrator

FROM:

Brandy Zedlar

SUBJECT:

Request to Authorize for Abatement– Reference Complaint #CE201571

LOCATION:

1978 E. McNair Dr., Tempe, AZ 85284

LEGAL:

Parcel #308-11-334 as recorded with the Maricopa County Assessor

OWNER:

James Thornburn 1978 E. McNair Dr. Tempe, AZ 85283

#### FINDINGS:

03/05/20 – The Code Compliance Division received a complaint on the above property concerning inoperable and unregistered vehicles.

03/10/20 - The property was inspected and found to have one unregistered Lexus SUV Lic#AKH-6553 parked in the driveway. First notice to comply was mailed to Mr. Thomburn.

3/30/20 – The property was inspected and found no improvement. Final notice to comply was mailed to Mr. Thornburn.

6/3/20 - The property was inspected and found no change. Citation #1619869 was issued for unregistered vehicles.

7/14/20 - Mr. Thornburn failed to appear on citation #1619869.

7/20/20 - Received the bid from Hamann Enterprises to remove the Lexus SUV from the driveway for \$411.00.

08/18/20 – The property was inspected with no change to its condition. Code Compliance filed for an Abatement with a hearing date of 9/01/20.

#### RECOMMENDATIONS:

I recommend the approval for abatement at 1978 E. McNair Dr., which is owned by Mr. James Thomburn. Mr. Thomburn has been given ample time and opportunities to bring his property into compliance and has failed to take any corrective action. Since Mr. Thomburn is unable to maintain his property, I am requesting approval for continuous abatements in the next 180 days if deemed necessary. There has been no indication from Mr. Thomburn that he plans to correct and maintain his property.

Respectfully submitted,

Brandy Zedlar

**ACTION TAKEN:** 

NAME:

DATE:

## 308-11-334 Residential Parcel

This is a residential parcel located at <u>1978 E MCNAIR DR TEMPE 85283</u>. and the current owner is THORNBURN JAMES J/JOY M. It is located in the Oasis At Anozira subdivision and MCR 36519. It was last sold on 06/01/1996 for \$227,573. Its current year full cash value is \$392,700.

## **Property Information**

## **1978 E MCNAIR DR TEMPE 85283**

MCR # <u>36519</u>

Description: OASIS AT ANOZIRA MCR 365-19

Lat/Long 33.35082998 | -111.90321500

Lot Size 7,985 sq ft.

Zoning R1-6 Lot # 334

High School District TEMPE UNION #213

Elementary School District KYRENE ELEMENTARY SCHOOL DISTRICT

Local Jurisdiction TEMPE S/T/R 12 1S 4E Market Area/Neighborhood 02/007

Subdivision (413 Parcels) OASIS AT ANOZIRA

## **Owner Information**

## THORNBURN JAMES J/JOY M

Mailing Address 1978 E MCNAIR DR, TEMPE, AZ 85283

 Deed Number
 960463484

 Last Deed Date
 07/01/1996

 Sale Date
 Jun, 1996

 Sale Price
 \$227,573

## HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97 PHOENIX, AZ 85015 (602) 575-4455

hamannenterprises@yahoo.com

## THE FOLLOWING DOCUMENT IS FOR:

NAME: BRANDY ZEDLAR

FIRM:

CITY OF TEMPE

DATE: 7/15/20

## **PROPOSAL**

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

ADDRESS: 1978 E MCNAIR DR

	1 TOWING OF LEXUS SUV IN DRIVEWAY	\$135.00
	2 SECURITY BY TEMPE POLICE	\$276.00
	3	\$0.00
	4	\$0.00
	5	\$0.00
	6	\$0.00
TOTAL C	OST OF JOB	\$411.00

THANK YOU FOR YOUR BUSINESS

**BOB HAMANN** 



City of Tempe P. O. Box 5002 Tempe, AZ 85280 www.tempe.gov (480) 350-4311

**Code Compliance Division** 

## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

**DATE:** July 30, 2020

TO: JAME

JAMES THORNBURN 1978 E MCNAIR DR TEMPE, AZ 85284

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

LEGAL:

Parcel #308-11-334, as recorded with the Maricopa County Assessor.

LOCATION:

1978 E. MCNAIR DR., TEMPE, AZ 85284

This office will submit this complaint to the Abatement Hearing Officer to be placed on the Hearing Officer agenda of September 1, 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: Those items constituting a violation of TCC 21-3-b-3 which would include the following: removal of the unregistered Lexus SUV from the property.

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 \$\frac{411.00}{211.00}\$ 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) 350-4311.

Code Enforcement Officer: Brandy Zedlar

Phone Number 480-350-8623



## Uncertified Arizona Motor Vehicle Record as of: 8/18/2020

Plate	Plate Type	Plate Status	VIN
AKH6553	Standard	Active	JT6HT00W4Y0107263
Year	Make	Model	Style
2000	Lexus	Lx	Station Wagon 4 Dr
Factory List Price	Fuel Type	Odometer Reading	Odometer Code
60105	Gasoline	11	Actual
GVW	SAR Start	SAR End	SAR Weight
0			0

Registration Use Regular		st Registered 2000	<b>Expiration</b> 03/31/2019	
Title Number DL0911C104018	State Issued	Title Issued Date 4/13/2000	Title Indicator	Title Status Active

## Owner(s)

James John Thornburn 1978 E McNair Dr, Tempe, AZ 852834922 Or Joy Marie Thornburn Po Box 13158, Tempe, AZ 852840053

**Mailing Address** 

**Domicile Address** 

1978 E McNair Dr, Tempe, AZ 852834922

Lienholder(s)

**Additional Information** 



## COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FIRST CORRECTION NOTICE

3-10-2020

JAMES THORNBURN 1978 E MCNAIR DR TEMPE, AZ 85283

Case#: CE201571

Site Address: 1978 E MCNAIR DR

## **SITE REINSPECTION ON OR AFTER: 3/26/20**

This is a notice to inform you that this site was inspected on 3/09/20 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 the Tempe City Code, Chapter 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 the Tempe City Code, Chapter 21-3-b-3

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot

## PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- 1. Completely remove the weeds/grass growing within the gravel landscape in the front and side yard.
- 2. Provide valid registration (tags) on the Lexus SUV lic# AKH-6553 or move the vehicle into an enclosed area.

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

Brandy Zedlar Code Inspector II email

Direct: 480-350-8623

Code Compliance: 480-350-8372 brandy\_zedlar@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, 3rd occurrence \$700 per violation | Section 21-3; 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

3-30-2020

JAMES THORNBURN 1978 E MCNAIR DR TEMPE, AZ 85283

Case#: CE201571

Site Address: 1978 E MCNAIR DR

## SITE REINSPECTION ON OR AFTER: 4/15/20

This is a notice to inform you that this site was inspected on 3/27/20 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.

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## PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- 1. Completely remove the weeds/grass growing within the gravel landscape in the front and side yard.
- 2. Provide valid registration (tags) on the Lexus SUV lic# AKH-6553 or move the vehicle into an enclosed area.

\*\*\*If the above required corrections are not satisfied by 4/15/20, a \$400 citation will be issued.

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

Brandy Zedlar Code Inspector II email

Direct: 480-350-8623

Code Compliance: 480-350-8372 brandy\_zedlar@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

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## Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona

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RNBURN			TPC Due Date:	TPC Amount Due:
MES JOHN THO			\$294.30	\$0.00
Title: CITY OF TEMPE vs JAMES JOHN THORNBURN			Case Balance Owing:	Stayed Balance Owing:
Case No: 20-012989-4	THORNBURN, JAMES JOHN	1978 E MCNAIR DR TEMPE, AZ 85283-4922	Case Status: Inactive	Filed: 6/5/2020

Disp Date 7/22/2020

Disposition

58 - FAIL TO APPEAR

6/5/2020 Filed

ENUMERATED VIOLATION-INOPERABLE/UNR

Description

Violation Date 06/03/2020

Code 21-3B3

Cite Number 1619869A

# Citations: 1					
		REGISTER OF ACTION			
Date	Cite Number	Action	Amount	Judge	User
6/5/2020		ATTC FILED			HON
6/5/2020		CE 201571 ***1ST VIOLATION**			JDH
6/5/2020	1619869 A	CIVIL ARRAIGNMENT NLT 6/22/2020			HQf
6/23/2020		CV ARR FTA - PENDING DEFAULT APPEAR NLT 7/22/2020			SYS
7/23/2020	1619869 A	DEFAULT FEE IMPOSED	\$50.00		SYS
7/23/2020	1619869 A	FINE AND APPLICABLE FEES IMPOSED	\$200.00		SYS
7/23/2020	1619869 A	JCEF TIME PAYMENT FEE IMPOSED	\$20.00		SYS
7/23/2020	1619869 A	FTA DEFAULT			SYS
7/23/2020		CASE HAS BEEN REFERRED TO VALLEY FOR COLLECTION	\$24.30		
# Actions:	6				

rptCMS\_11025

Last Printed: 8/18/2020 1:24:42 PM

06/03/2020



