

MINUTES HEARING OFFICER October 6, 2020

Minutes of the regular public hearing of the Hearing Officer, of the City of Tempe, which was held at the Tempe City Council Chambers located at 31 E 5th Street, Tempe, Arizona 85281 at 5:00pm.

REGULAR SESSION 5:00 PM

Present:

Vanessa MacDonald, Hearing Officer
Jeff Tamulevich, Code Compliance Administrator
Drew Yocom, Code Compliance Analyst
Shelbie Meyer, Administrative Assistant

There was one (1) interested citizen present via phone.

Meeting convened at 5:00 PM and was called to order by Vanessa MacDonald. Hearing Officer MacDonald stated anyone wishing to appeal a decision will need to file a written appeal within fourteen (14) calendar days, by October 20, 2020 at 3:00 PM, to the Community Development Department.

1. The following was noted:

• **Agenda Item No. 1**

September 15, 2020 Hearing Officer Minutes

Vanessa MacDonald, Hearing Officer, stated the September 15, 2020 Hearing Officer Minutes had been reviewed and were approved.

2. Request abatement of public nuisance items at the GAY PROPERTY located at 625 W. 3rd Street. The applicant is the City of Tempe (CE197871).

Andres Lara-Reyes, Code Inspector, gave the following overview of this case:

- Inspector Lara-Reyes requested for a 180-day open abatement for junk/debris/trash in the front and back yards.
- Inspector noted that this property has been in violation since December 2019.
- A citation was issued on March 25, 2020, property owner requested a hearing and was still found at fault in municipal court.
- Both property owner and Inspector Lara-Reyes had spoken about how to bring property into compliance.
- Notices were both mailed and posted to the door of the residence.
- A second citation was issued on June 22, 2020, property owner was also found responsible.
- Inspector Lara-Reyes inspected the property the day of the Hearing Officer and it remains in violation.

Mr. William Gay, property owner, spoke on behalf of his property:

- Mr. Gay said he is in the process of cleaning up the property but apprehensive due to COVID-19.
- He said this has been an ongoing issue with Code Compliance and abated the property before and took valuable metal and scraps, yet left wood.
- Mr. Gay said he has been trying to keep the yards clean since the previous abatement.
- Mr. Gay stated that neighbors defended him in the last Hearing Officer/Board of Adjustment process in 2018.
- Mr. Gay stated that one cannot see the junk/debris/trash in the backyard without a ladder. He felt that this was a privacy issue that Inspector Lara-Reyes investigates his backyard.
- Mr. Gay claimed that the abatement contractors urinated in his backyard last time (in 2018) and apparently, they lived at the half-way house down the street, and he was upset.
- Mr. Gay was concerned about the cost of the abatement and the lien against his property. He was not satisfied with the items the contractors took and kept.
- Mr. Gay makes his money to survive off recycling scrap metal and he claims that Inspector Lara-Reyes told him his property complies with code.

An email from an adjacent property owner, Robin Jones, submitted a [comment](#) for the record.

- Hearing Officer MacDonald clarified that the City of Tempe does not try to take away one's property, instead keep the property in compliance and a lien would be assessed.
- Ms. MacDonald clarified that the City has more appropriate sites for recycling instead of storing, in excess, in the yards.

Jeff Tamulevich, Code Compliance Administrator, gave follow-up comments:

- Mr. Tamulevich addressed the privacy issue by stating inspectors do not proactively inspect backyards, it is by compliant only.
- Mr. Tamulevich stated although Mr. Gay's direct neighbors are okay with the storage in the backyard, it is evident based on the amount of complaints Code Compliance has received that it is an issue for other's in the neighborhood.

Hearing Officer MacDonald wrap-up comments:

- Ms. MacDonald believes that the City has every right to keep the property clean if the property owner is unable to. It is apart of City Code.
- Ms. MacDonald does not allow home-based businesses, such as recycling scrap metal for money. She stated an industrial property would be better suited for that action.
- Ms. MacDonald believes that given the history of the case and the reoccurring violation, that 180-day open abatement seems appropriate.

Hearing Officer MacDonald approved the 180-day abatement.

3. Request abatement of public nuisance items at the HAZELTON PROPERTY located at 1223 S. Maple Avenue. The applicant is the City of Tempe (CE203958).
Andres Lara-Reyes, Code Inspector, gave the following overview of this case:
- Inspector Lara-Reyes requested a 180-day abatement for deteriorated landscape and over height grass/weeds.
 - There is not much left to clean up, except by the curb area.
 - Inspector Lara-Reyes that this property is constantly in violation and there has been no contact with the owner for 7-8 years.
 - Inspector Lara-Reyes noticed a “for sale” sign in the front yard and stated that there is a possibility of contact.

ANNOUNCEMENTS

- Drew Yocom announced that the next meeting will take place on November 3, 2020 at the Council Chambers and online.

With no further business, the public hearing adjourned at 5:38 PM.

Prepared by: Shelbie Meyer
Reviewed by: Drew Yocom

Drew Yocom, Planning and Research Analyst
For Vanessa MacDonald, Hearing Officer

DY: sm