

DRAFT MINUTES HEARING OFFICER November 3, 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 zero (0) interested citizens present.

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 November 17, 2020 at 3:00 PM, to the Community Development Department.

1. The following was noted:

• **Agenda Item No. 1**

October 6, 2020 Hearing Officer Minutes

Vanessa MacDonald, Hearing Officer, stated the October 6, 2020 Hearing Officer Minutes had been reviewed and were approved.

2. Request abatement of public nuisance items at the CHAPMAN OLISKY PROPERTY located at 3230 S. Birchett Drive. The applicant is the City of Tempe (CE197362).
Barbara Simons, Code Inspector, gave the following overview of this case:
- Inspector Simons requested a 180-day open abatement in order to remove stored items from the front/side yards.
 - This case has been open since November 15, 2019 for, initially, a dead tree in front yard. Notices were sent to co-owners Cory Chapman and Elizabeth Olisky.
 - Simons re-inspected in December and observed stored items in front and side yards. Dead tree was still present, so she resent the first notice.
 - On January 21, 2020, Simons re-inspected, the tree was gone, but the junk/debris was still stored in front/side yards. She re-sent the violation notice for the stored items only.
 - On February 6, 2020, Inspector spoke with owner who explained that the items in the front serves as a donation point for homeless distribution. Inspector Simons explained this was still a violation by code.
 - On March 19, 2020, Inspector noticed more items stored in the front yards and in the garage underneath a temporary shade, a final notice was sent.

- On June 2, 2020, no change was observed, and Inspector Simons resent final notices as a warned that would be the final-final notice.
- On June 24, 2020, Ms. Olisky notified Inspector Simons that she emailed the entity that was supposed to pick up the stored items in her front yards but keeps pushing the date back due to COVID-19 and the date for removal was July 23, 2020. Inspector Simons extended her time for compliance, but with no further extensions and to seek alternative arrangements if pick-up was delayed again.
- On August 3, 2020, Inspector Simons re-inspected the property and noticed a few items were gone, but many remained. A citation was issued on August 4, 2020.
- On September 23, 2020, abatement packet was submitted, and notice was posted.
- On October 14, 2020, Ms. Olisky emailed Inspector Simons a detailed description of her charitable activities which Ms. Simons determined was a home occupation. Inspector Simons encouraged Ms. Olisky to speak with the Code Compliance Administrator.
- On October 22, 2020, Code Compliance Administrator, Jeff Tamulevich, spoke with Ms. Oliksy on the phone and explained the code. She agreed with Mr. Tamulevich that her property is in violation.

Hearing Officer MacDonald approved the 180-day abatement.

ANNOUNCEMENTS

- Drew Yocom announced that the next meeting will take place on November 17, 2020 at the Council Chambers and online.

With no further business, the public hearing adjourned at 5:13 PM.

Prepared by: Shelbie Meyer
Reviewed by: Drew Yocom

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

DY: sm