
**CITY OF TEMPE
HEARING OFFICER**

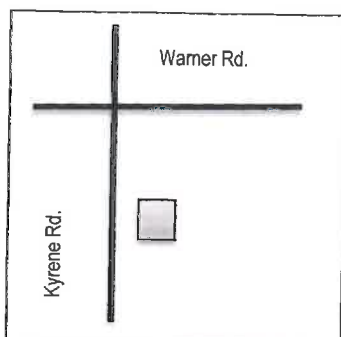
**Meeting Date: 11/17/2020
Agenda Item: 8**

ACTION: Request approval to abate public nuisance items at the Clardy Property located at 242 W. Myrna Lane. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$520.00 for abatement request: landscape cleanup.

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 CLARDY 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 CE203607: landscape cleanup.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Warner Clardy
City of Tempe – Code Compliance
R1-15 Single Family Residential
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 Clardy Property located at 242 W. Myrna Lane, in the R1-15, Single Family Residential district. This case was initiated 05/27/20, 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.

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	CLARDY ABATEMENT		EXISTING ZONING	<input type="checkbox"/>
PROJECT ADDRESS	242 W MYRNA LN, TEMPE, AZ 85284		SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement to include: Landscape clean-up in the front, side, and back yard. Hearing Date: 11/17/20. CE203607		PARCEL No(s)	301-61-084 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)							
BUSINESS NAME	ADDRESS		242 W MYRNA LN				
CONTACT NAME	WARNER CLARDY	CITY	TEMPE	STATE	AZ	ZIP	
EMAIL		PHONE 1		PHONE 2			

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				
CONTACT NAME	BRANDY ZEDLAR	CITY		STATE		ZIP	
EMAIL		PHONE 1	(480) 350-8623	PHONE 2			

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	10/22/20
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BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs							
BUSINESS NAME	ADDRESS						
CONTACT NAME		CITY		STATE		ZIP	
TYPE OF BUSINESS		PHONE		EMAIL			

APPLICATION (check all that apply)	QTY	SPECIFIC REQUEST (see planning & zoning fee schedule 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	1		CE	CM
TOTAL NUMBER OF APPLICATIONS	1			

FOR CITY USE ONLY			
DS TRACKING #	FILE THIS APPLICATION WITH CE / CM TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			TOTAL APPLICATION FEES
SPR TRACKING # (if 2 nd or 3 rd submittal, use planning resubmittal form)			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: 10/22/20
TO: Jeff Tamulevich, Code Administrator
FROM: Brandy Zedlar
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE203607

LOCATION: 242 W. Myrna Ln., Tempe, AZ 85284
LEGAL: Parcel #301-61-084 as recorded with the Maricopa County Assessor
OWNER: WARNER CLARDY
242 W MYRNA LN
TEMPE, AZ 85284

FINDINGS:

05/27/20 – The Code Compliance Division received a complaint on the above property concerning deteriorated landscape.

06/10/20 - The property was inspected and found to have weeds/grass growing within the gravel landscape in the front and side yard. First notice to comply was mailed to Mr. Clardy.

07/09/20 – The first notice to comply was returned with no forwarding address. After inspection, the back yard is now also in violation. A revised first notice to comply was posted to the property.

08/18/20 – The property was inspected with no change to its condition. Final notice to comply was posted to the property and mailed to Mr. Clardy.

09/25/20 – The property was inspected and found no improvement. Submitted a bid request to Hamann Enterprises to clean the landscape.

10/06/20 – Received the bid from Hamann Enterprises to clean the landscape for \$520.00.

10/22/20 – The property was inspected with no change to its condition. Code Compliance filed for an Abatement with a hearing date of 11/17/20.

RECOMMENDATIONS:

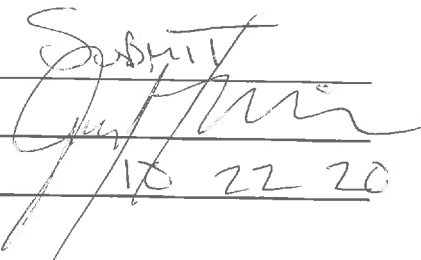
I recommend the approval for abatement at 242 W. Myrna Ln., which is owned by Mr. Warner Clardy. Mr. Clardy has been given ample time and opportunities to bring his property into compliance and has failed to take any corrective action. Since Mr. Clardy is unable to maintain his property, I am requesting approval for continuous abatements in the next 180 days if deemed necessary. There has been no indication from Mr. Clardy that he plans to correct and maintain his property.

Respectfully submitted,
Brandy Zedlar

ACTION TAKEN:

NAME:

DATE:



10 22 20

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: 9/28/20

PROPOSAL

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

ADDRESS: 242 W MYRNA LN

1 FRONT YARD LANDSCAPE AND CLEAN UP	\$500.00
2 ESTAMATED DUMP FEES	\$20.00
3	\$0.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$520.00

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: October 15, 2020

TO: WARNER CLARDY
242 W MYRNA LN
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 #301-61-084, as recorded with the Maricopa County Assessor.

LOCATION 242 W. Myrna Ln., Tempe, AZ 85284

This office will submit this complaint to the Abatement Hearing Officer to be placed on the Hearing Officer agenda of **November 17, 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-8 which would include the following: landscape clean-up in the front and back yard.

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 \$ **520.00**. 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



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FIRST CORRECTION NOTICE**

6-10-2020

**WARNER CLARDY
242 W MYRNA LN
TEMPE, AZ 85284**

Case#: CE203607
Site Address: 242 W MYRNA LN

SITE REINSPECTION ON OR AFTER: 6/26/20

This is a notice to inform you that this site was inspected on **6/05/20** 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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

1. **Completely remove the weeds/grass growing within the gravel landscape in the front and side yard.**

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 | 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
FIRST CORRECTION NOTICE**

7-09-2020

**WARNER CLARDY
242 W MYRNA LN
TEMPE, AZ 85284**

Case#: CE203607
Site Address: 242 W MYRNA LN

SITE REINSPECTION ON OR AFTER: 7/27/20

This is a notice to inform you that this site was inspected on **7/08/20** 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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- 1. Completely remove the weeds/grass growing within the gravel landscape in the front and side yard.**
- 2. Trim the over height weeds/grass in the back yard.**

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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**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE**

8-18-2020

**WARNER CLARDY
242 W MYRNA LN
TEMPE, AZ 85284**

Case#: CE203607
Site Address: 242 W MYRNA LN

SITE REINSPECTION ON OR AFTER: 9/03/20

This is a notice to inform you that this site was inspected on **8/17/20** 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.**

*****If the above required correction is not satisfied by 9/3/20, a \$200 citation will be issued.**

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

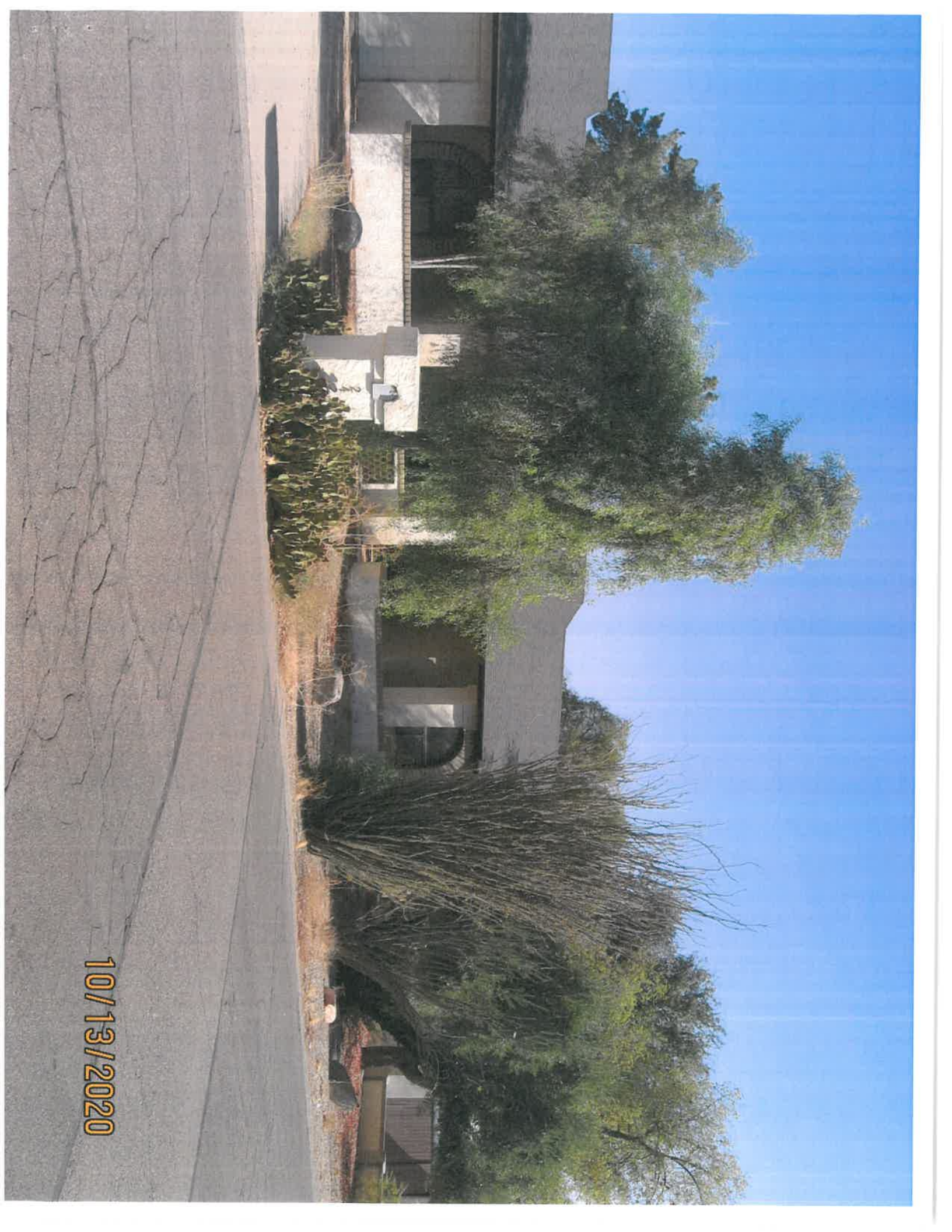
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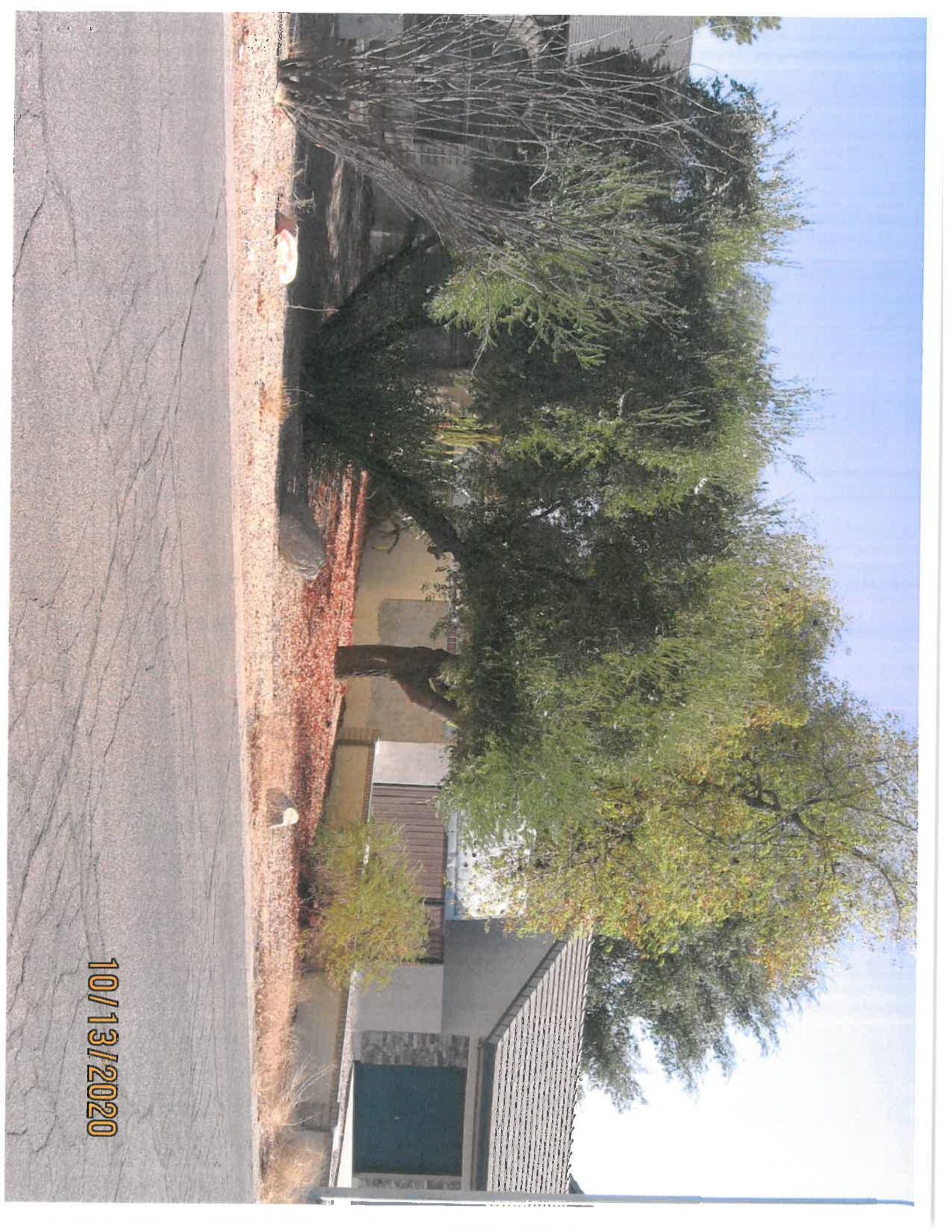
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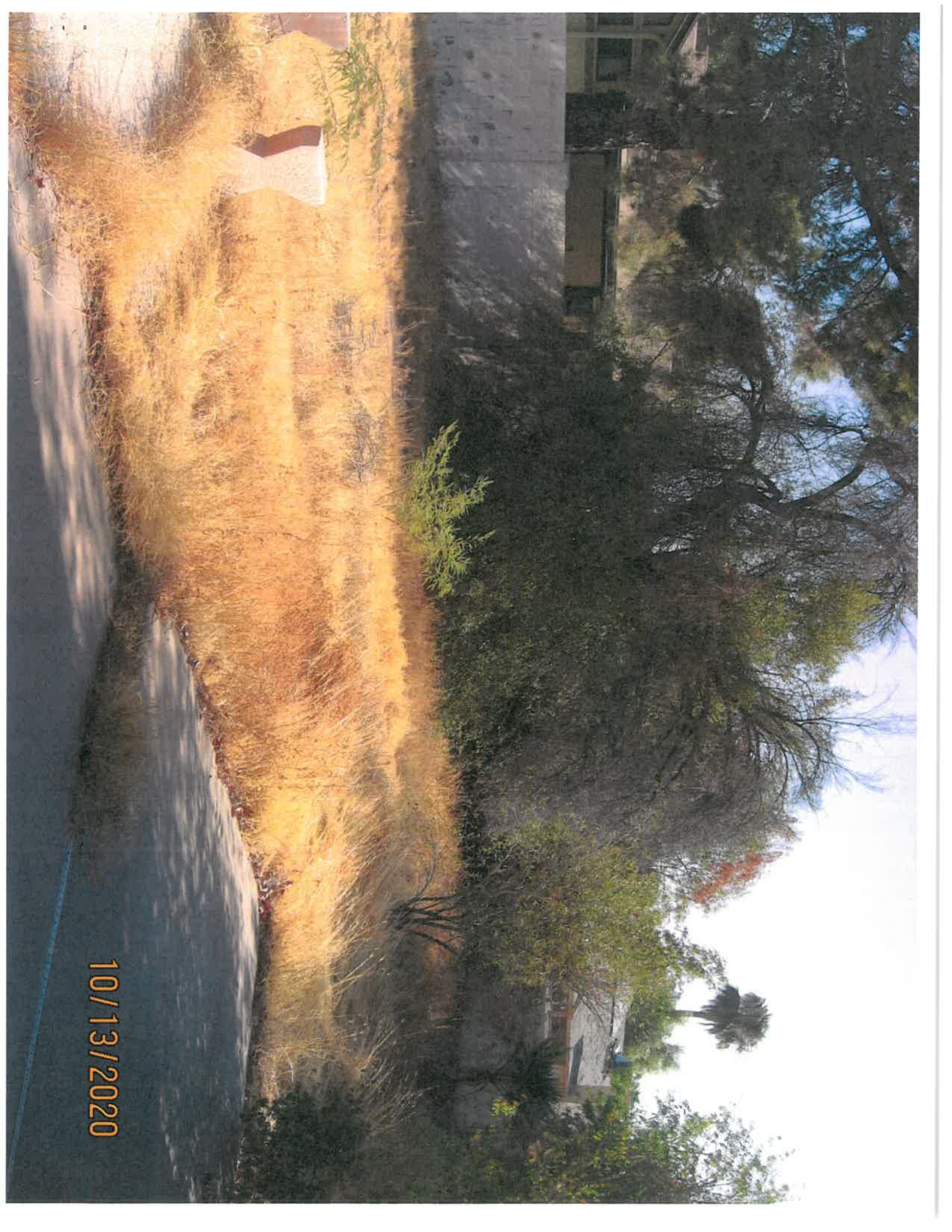
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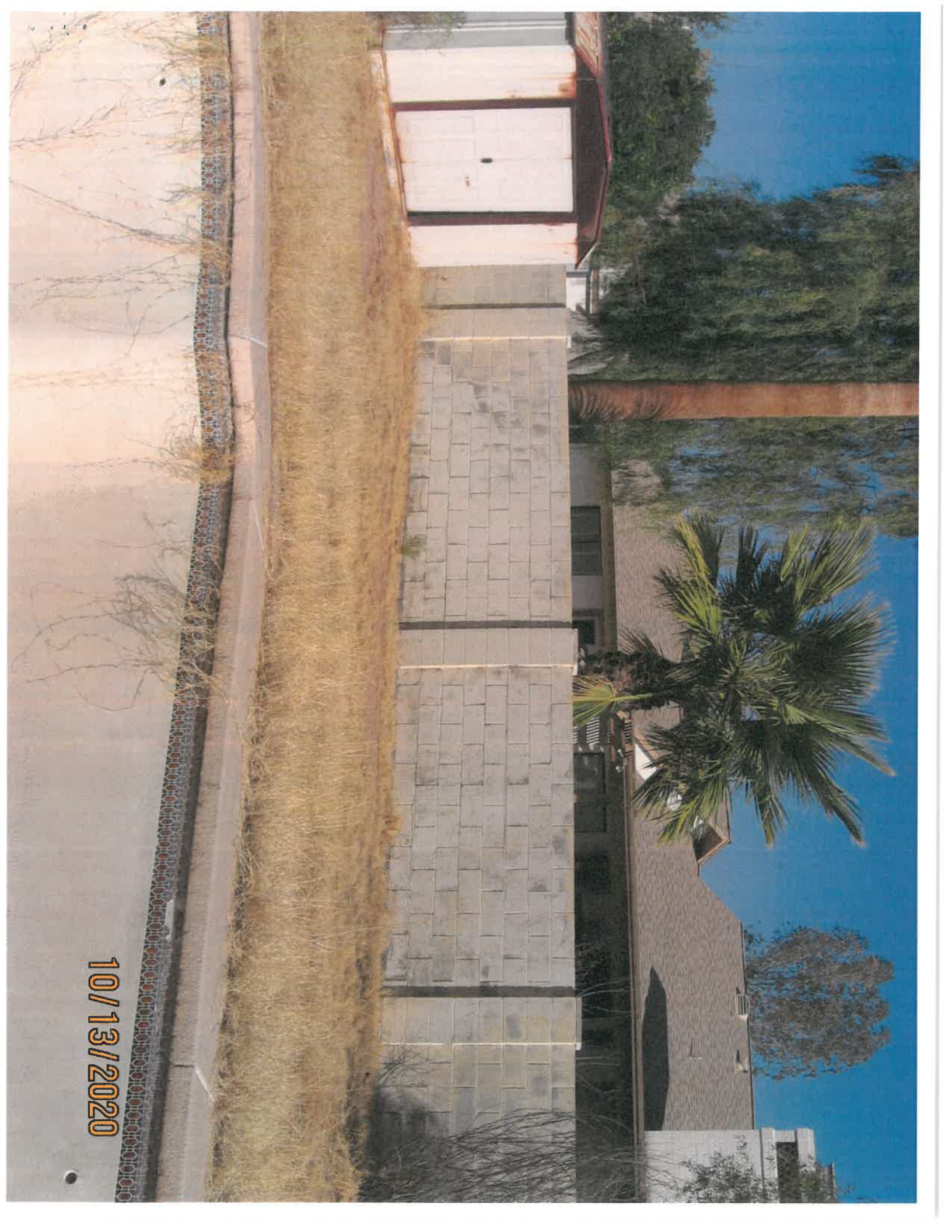
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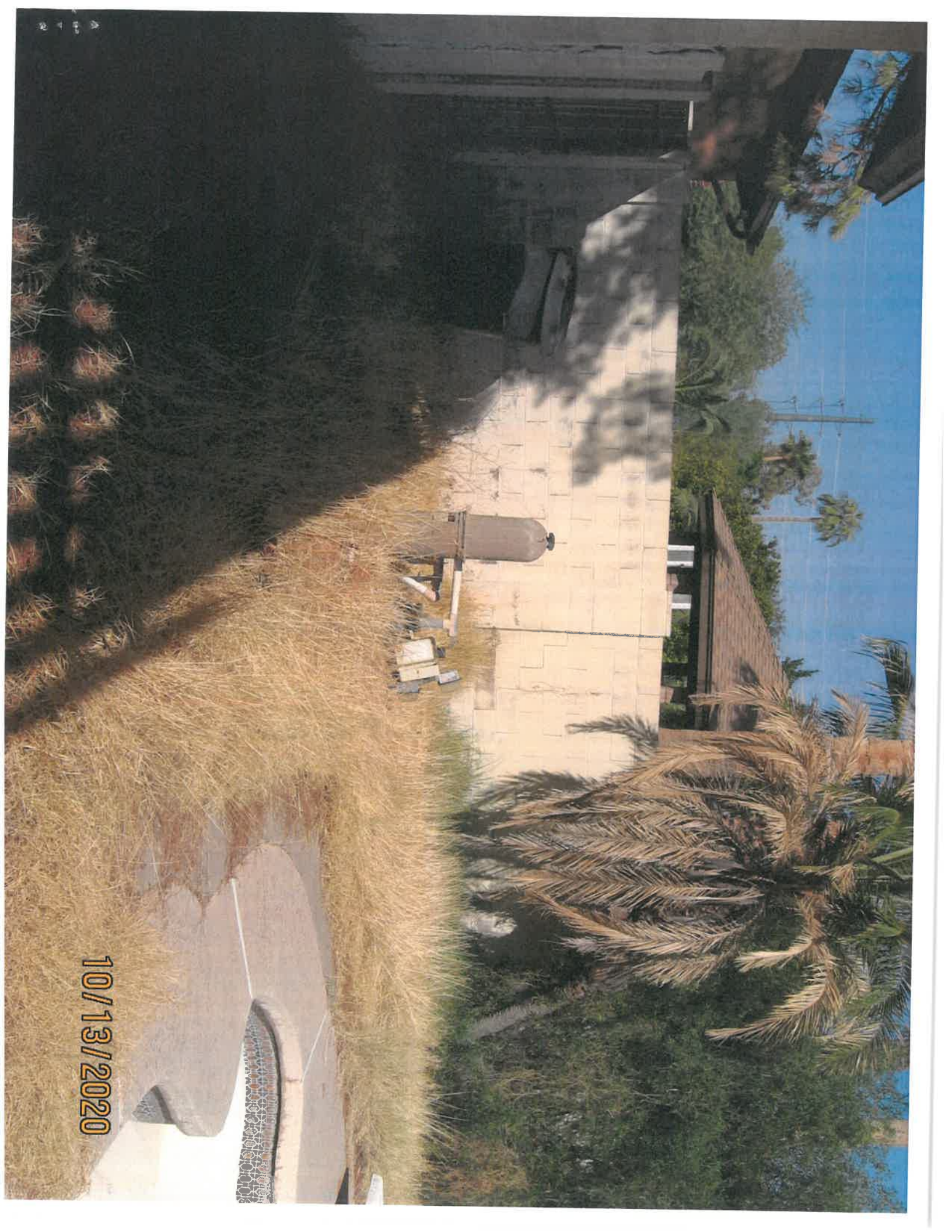
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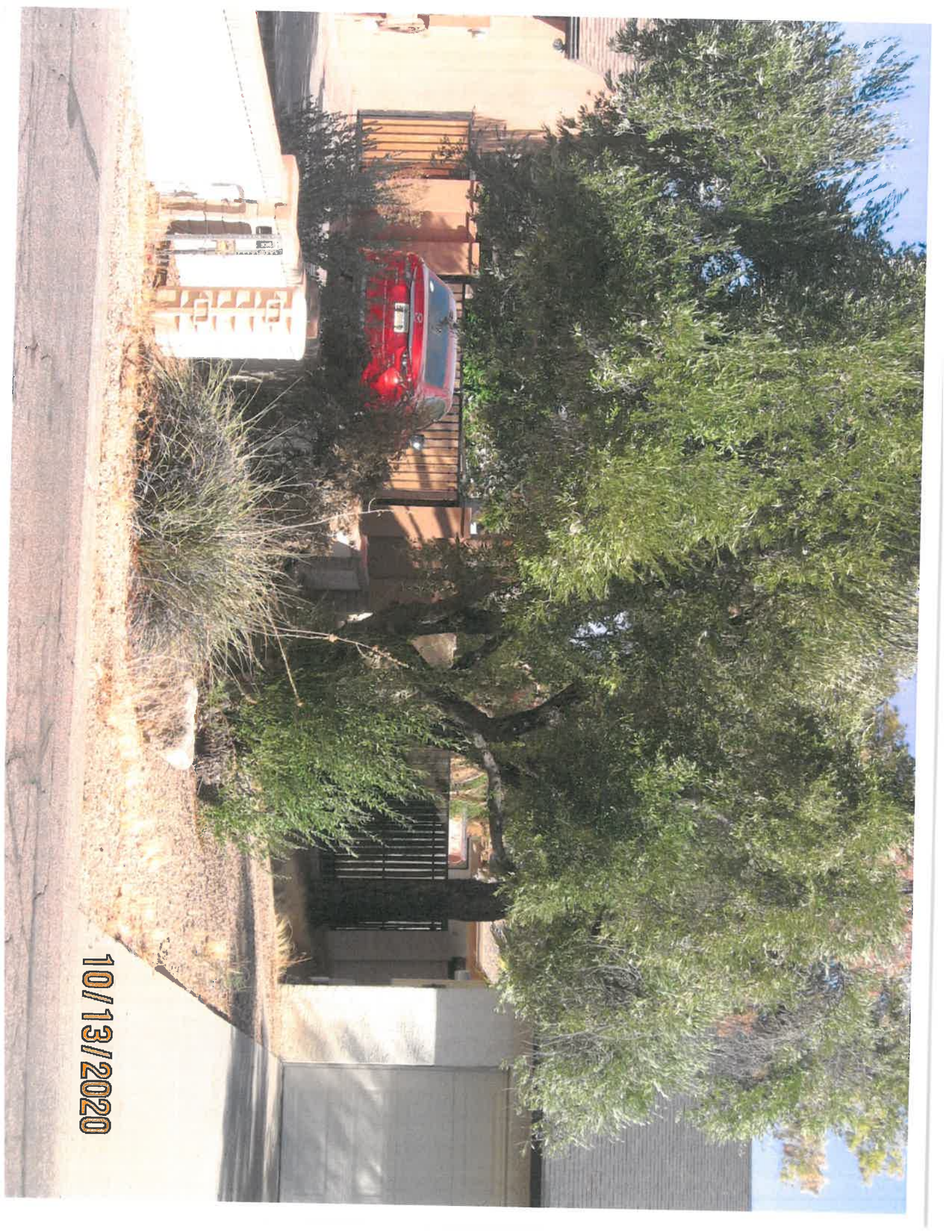
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