
**CITY OF TEMPE
HEARING OFFICER**

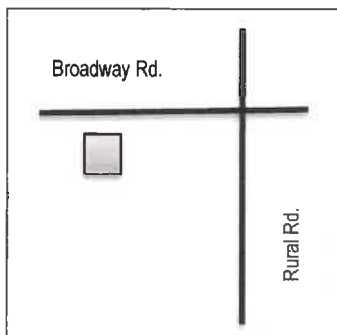
**Meeting Date: 01/05/2021
Agenda Item: 9**

ACTION: Request approval to abate public nuisance items at the Sanchez Property located at 535 E. Broadway Road. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$6313.00 for abatement request: landscape cleanup including dead tree and vegetation removal.

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 SANCHEZ 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 CM201537: landscape cleanup including dead tree and vegetation removal.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Sanchez Living Trust / George Sanchez
City of Tempe – Code Compliance
RO – Residential Office
Jack Scofield, 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 Sanchez Property located at 535 E. Broadway Road, in the RO, Residential Office district. This case was initiated 09/28/20, 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	SANCHEZ PROPERTY ABATEMENT			EXISTING ZONING	RO <input type="checkbox"/>
PROJECT ADDRESS	535 E BROADWAY RD TEMPE, AZ 85282			SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CM201537 JANUARY 5, 2021			PARCEL No(s)	133-25-072A <input type="checkbox"/>
PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)					
BUSINESS NAME			ADDRESS		
CONTACT NAME			CITY	STATE	ZIP
EMAIL			PHONE 1	PHONE 2	
<i>I hereby authorize the applicant below to process this application with the City of Tempe.</i>					
PROPERTY OWNER SIGNATURE <input checked="" type="checkbox"/>				DATE	
or attach written statement authorizing the applicant to file the application(s)					
APPLICANT INFORMATION – REQUIRED					
COMPANY / FIRM NAME	CITY OF TEMPE/CODE ENFORCEMENT		ADDRESS	21 E 6TH ST STE 208	
CONTACT NAME	JACK SCOFIELD/CODE INSPECTOR		CITY	STATE	AZ ZIP
EMAIL	jack_scofield@tempe.gov		PHONE 1	PHONE 2 (480) 350-8967	
<i>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.</i>					
APPLICANT SIGNATURE <input checked="" type="checkbox"/>				DATE 12/2/2020	
BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs					
BUSINESS NAME			ADDRESS		
CONTACT NAME			CITY	STATE	ZIP
TYPE OF BUSINESS			PHONE	EMAIL	
APPLICATION	QTY	SPECIFIC REQUEST		FOR CITY USE ONLY	
<input checked="" type="checkbox"/>		(check all that apply)		(see planning & zoning fee schedule for types)	
<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"/>	1	L. ABATEMENTS		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 #					
SPR TRACKING # <i>(if 2nd or 3rd submittal, use planning resubmittal form)</i>				TOTAL APPLICATION FEES	
				RECEIVED BY INTAKE STAFF (INITIALS)	

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: December 2, 2020
TO: Michael Spencer, Senior Code Inspector
FROM: Jack Scofield, Code Inspector
SUBJECT: CM201537, Sanchez Property Abatement

LOCATION: 535 E BROADWAY RD TEMPE, AZ 85282

LEGAL: BROADMOR VISTA LOT 18 & E 2' LOT 19

PARCEL: 133-25-072A

OWNER: SANCHEZ LIVING TRUST/GEORGE SANCHEZ
C/O GARY SANCHEZ
526 E HEARNE WAY
GILBERT AZ 85234

FINDINGS:

9/28/2020 The Code Compliance Division received a complaint for dead trees on the property

9/29/2020 Inspected property and found dead vegetation (trees and bushes) and weeds throughout the property. Notice to comply mailed to owners next of kin (Gary Sanchez).

10/1/2020 The Code Compliance Division received an additional complaint for deteriorated landscape.

10/27/2020 The Code Compliance Division received an additional complaint for deteriorated landscape.

11/2/2020 Mailed final notice to comply to owners next of kin.

12/2/2020 Posted notice of intent to abate to property and mailed to property owners next of kin.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 535 E Broadway Rd due to property owner being deceased and next of kin's failure to bring property into compliance with Tempe City Code 21-3.B.8. Mr. Sanchez has been given ample time to come into compliance and maintain the property.. There has been no indication that the property will be brought into compliance. The property represents a health hazard and an eyesore to the community.

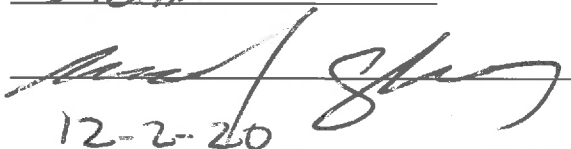
Without the intervention of abatement the property will continue to deteriorate. I therefore make a request to the City of Tempe Community Development Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Respectfully submitted,

Jack Scofield
Code Inspector II

ACTION TAKEN: submit!

NAME



DATE:

12-2-20



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE:12/2/2020
CASE # CM201537

**SANCHEZ LIVING TRUST/GEORGE SANCHEZ
C/O GARY SANCHEZ
526 E HEARNE WAY
GILBERT AZ 85234**

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

LOCATION: 535 E BROADWAY RD TEMPE, AZ 85282
PARCEL: 133-25-072A

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 01/05/2021. 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:

Violation of City of Tempe Code 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.

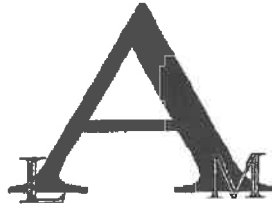
If the violations have not been corrected within thirty days, our office will proceed with the abatement process. As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below:

- 1. REMOVE AND REPLACE DEAD VEGETATION (TREES AND BUSHES) ON PROPERTY WITH LIKE SPECIES. REPLACEMENT TREES MUST BE AT LEAST A 24" BOX TREE AND DOUBLE STAKED.**
- 2. REMOVE GRASS AND WEEDS FROM THE GRAVEL LANDSCAPE AREAS OF ENTIRE PROPERTY. GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.**

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 \$6313.00. 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 Inspector: Jack Scofield
Phone Number: 480-350-8967
E-mail: jack_scofield@tempe.gov



Artistic Land Management, Inc.

November 19, 2020

City of Tempe
Attn: Jack Scofield
Code Inspector II

RE: Cleanup – 535 E Broadway Rd.

Thank you for giving Artistic Land Management, Inc the opportunity to serve your landscaping needs. Below is our price to provide all labor, equipment, landfill fees, and supervision to perform the work listed below at 535 E Broadway Road, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

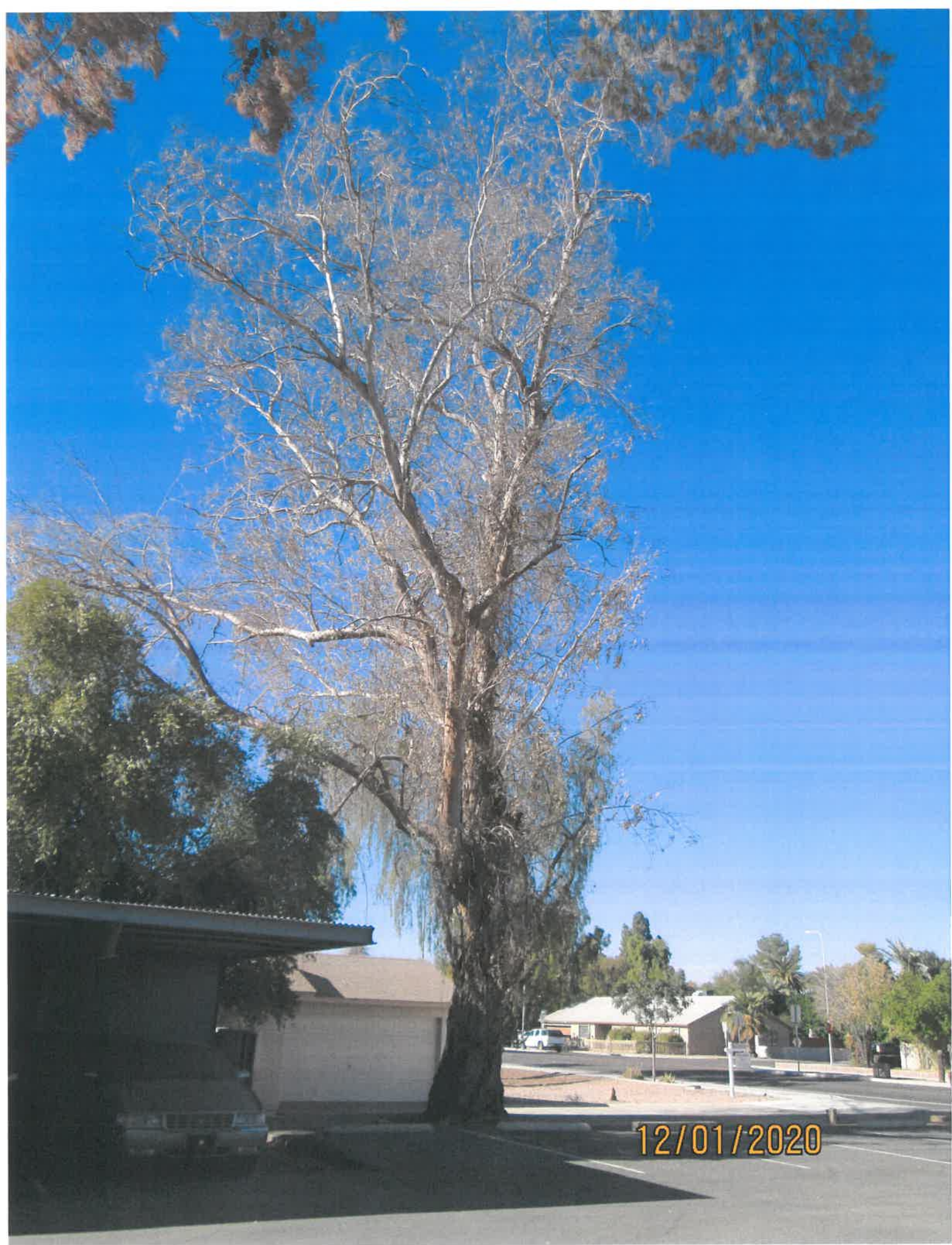
Scope of Work

- Remove weeds and debris
- Cut down to ground level dead trees and vegetation
- Includes large Eucalyptus tree on the west property border
- Haul-off debris
- Police presence not required

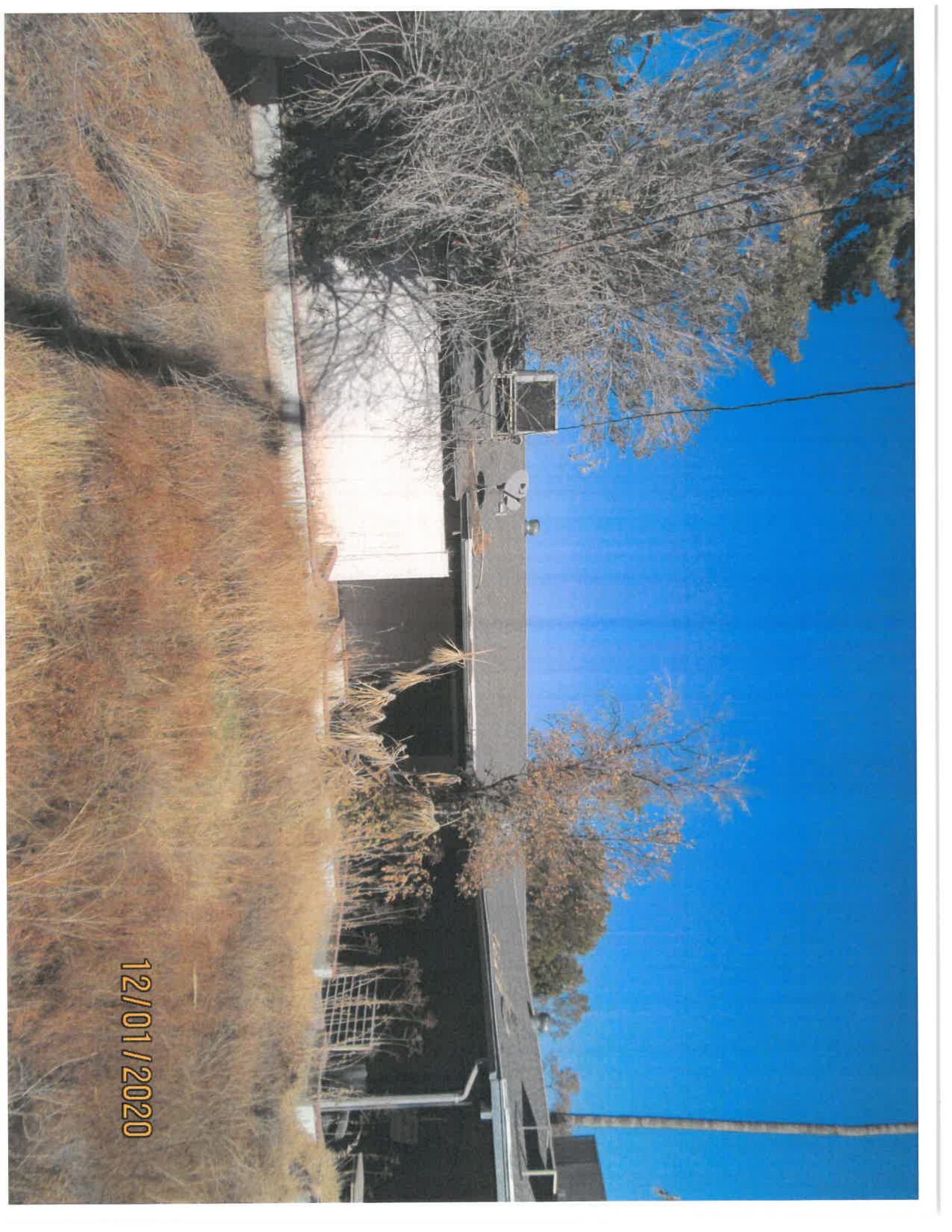
Total = \$6,313.00

Respectfully,

Jose Hernandez



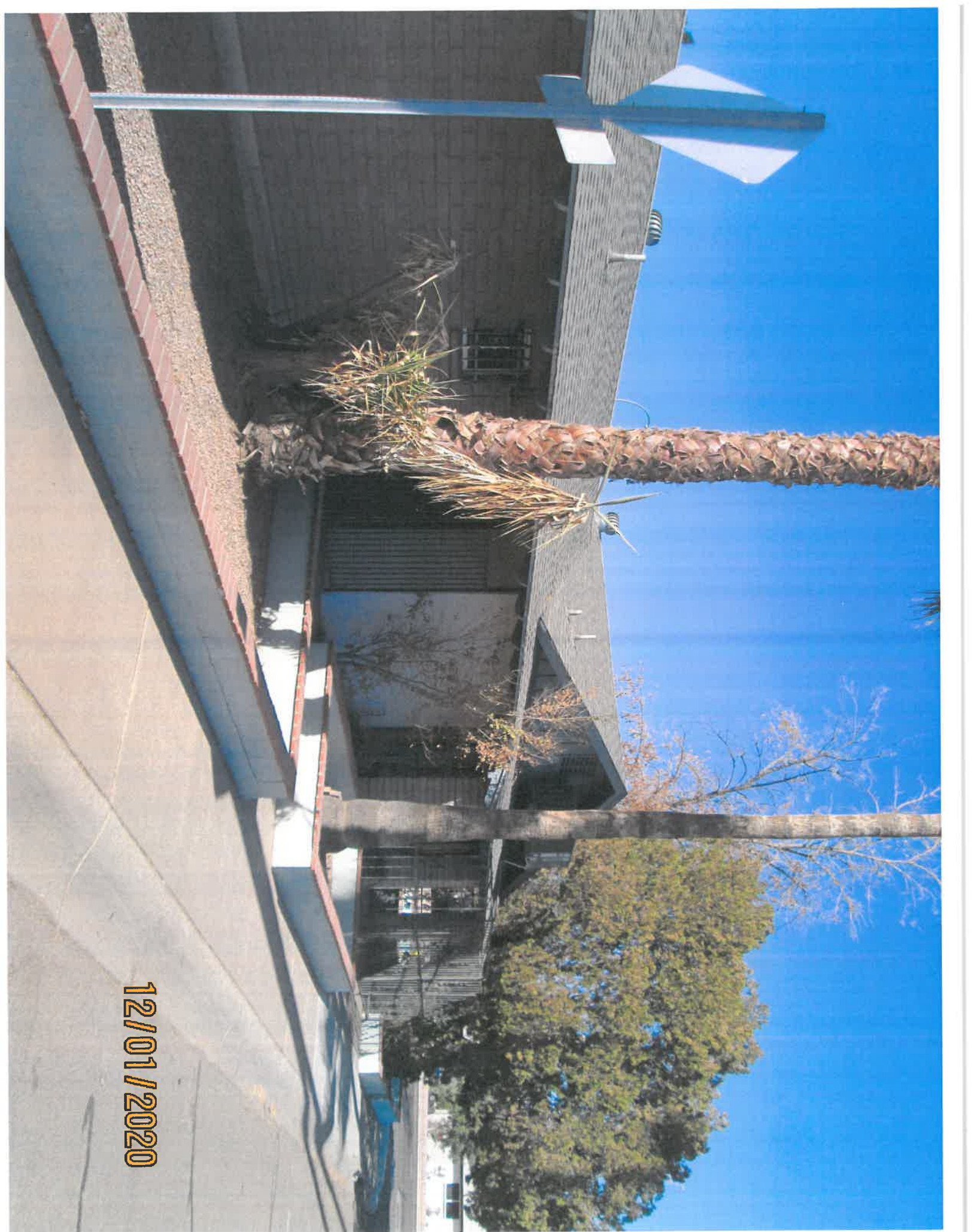
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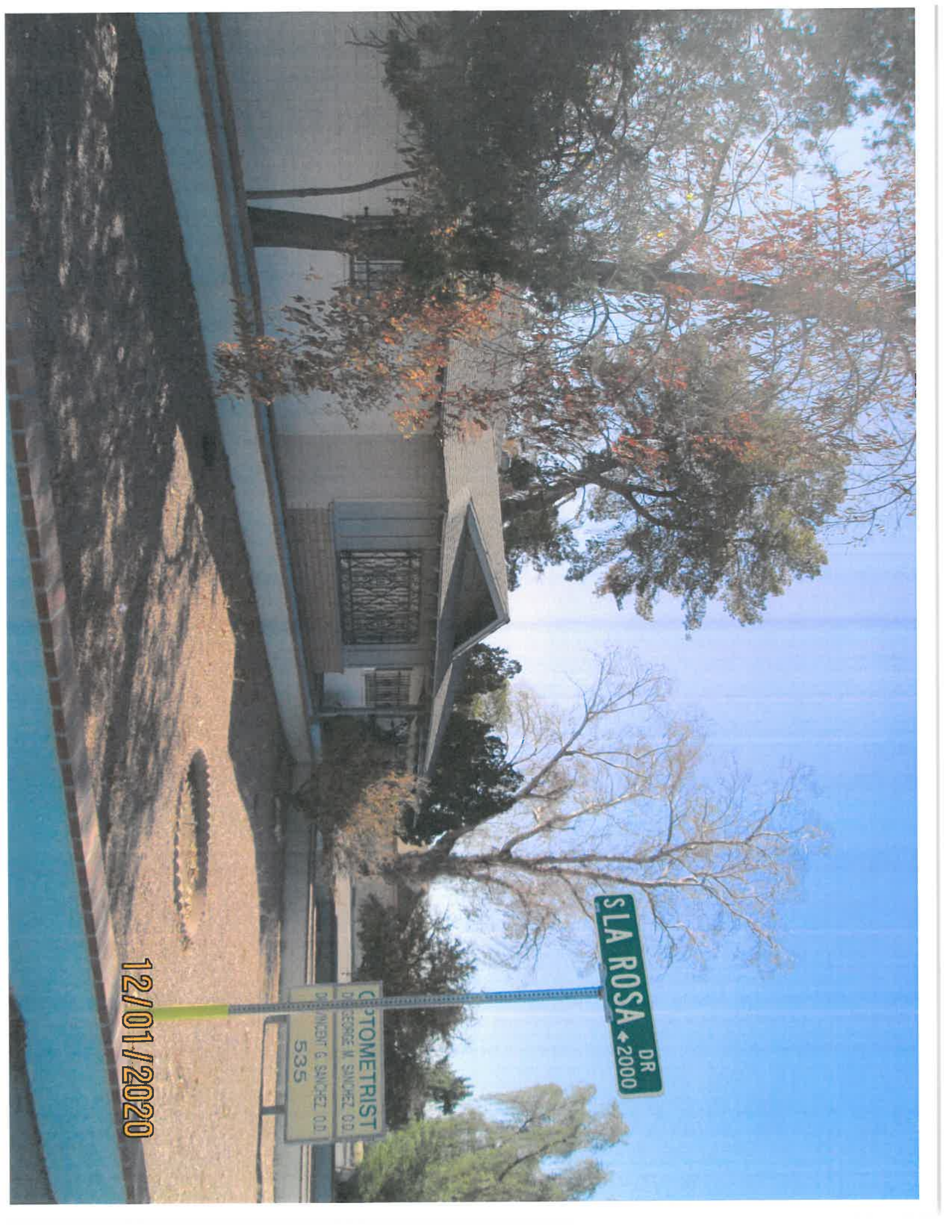


12/01/2020

SLA ROSA DR
← 2000

OPTOMETRIST
DR. GEORGE M. SANCHEZ, O.D.
DR. JUANBART & SANCHEZ, O.D.
535

12/01/2020





12/01/2020



12/01/2020



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

11/2/20

SANCHEZ LIVING TRUST/GEORGE SANCHEZ
C/O GARY SANCHEZ
526 E HEARNE WAY
GILBERT AZ 85234

Case#: CM201537
Site Address: 535 E BROADWAY RD TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 11/16/2020

This is a notice to inform you that this site was inspected on 11/2/20 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 Tempe Zoning and Development Code 4-102.E.1

The owner or owner's association, or the lessee of the site, as applicable, shall maintain the development and property in conformance with the plans approved by the city. Any deterioration shall be considered a violation of this Code and any applicable ordinances. Such deterioration shall be based on the definition as defined in the City Code.

Violation of Tempe Zoning and Development Code 4-102.E.2

Any landscape feature required in this section that does not survive, function properly, or is in need of repair, shall be replaced within thirty (30) days of its demise or damage. The Community Development Director, or designee, may approve an extension when requested in writing, based on conflicts arising from construction activity, seasonal availability of materials, or a similar hardship.

Violation of City of Tempe Code 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. REMOVE AND REPLACE DEAD VEGETATION (TREES AND BUSHES) ON PROPERTY WITH LIKE SPECIES. REPLACEMENT TREES MUST BE AT LEAST A 24" BOX TREE AND DOUBLE STAKED.
2. REMOVE GRASS AND WEEDS FROM THE GRAVEL LANDSCAPE AREAS OF ENTIRE PROPERTY. GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.

CORRECTIVE ACTION MUST BE COMPLETED OR A CITATION AND/OR ABATEMENT PROCEEDING WILL BE INITIATED.

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

Jack Scofield
Code Inspector II
E-Mail

Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@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
CORRECTION NOTICE**

9/29/20

SANCHEZ LIVING TRUST/GEORGE SANCHEZ
C/O GARY SANCHEZ
526 E HEARNE WAY
GILBERT AZ 85234

Case#: CM201537
Site Address: 535 E BROADWAY RD TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 10/30/2020

This is a notice to inform you that this site was inspected on 9/29/20 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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Direct: 480-350-8967
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