

MINUTES HEARING OFFICER January 5, 2021

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
Drew Yocom, Code Compliance Analyst
Shelbie Meyer, Administrative Assistant

There was one (1) interested citizen 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 January 19, 2021 at 3:00 PM, to the Community Development Department.

1. The following was noted:

- **Agenda Item No. 1**

December 1, 2020 Hearing Officer Minutes

Vanessa MacDonald, Hearing Officer, stated the December 1, 2020 Hearing Officer Minutes had been reviewed and were approved.

2. Request abatement of public nuisance items at the NOWROOZ LP PROPERTY located at 405 W. University Drive. The applicant is the City of Tempe (CM201508).

ABATEMENT REQUEST WITHDRAWN - PROPERTY IN COMPLIANCE

3. Request abatement of public nuisance items at the **SANCHEZ PROPERTY** located at 535 E. Broadway Road. The applicant is the City of Tempe (**CM201537**).

Jack Scofield, Code Inspector, gave the following overview of this case:

- Inspector Scofield requested a 180-day open abatement to address the deteriorated landscaping, dead trees, over height grass/weeds, and junk/trash/debris.
- Inspector Scofield indicated that the property owner is deceased, and notices were mailed to the next-of-kin.
- No contact was initiated by the next-of-kin prior to filing for the abatement. Inspector Scofield advised that he continue with the abatement process and there is time after the Hearing for compliance.

- Inspector Scofield noted that there is a residential property adjacent to the Sanchez property, and the residents are afraid that the tree will fall and damage their property.

Hearing Officer MacDonald approved the 180-day abatement.

4. Request abatement of public nuisance items at the **PULVER PROPERTY** located at 8837 S. Los Feliz Drive. The applicant is the City of Tempe (**CE204816**).

POSTPONED TO FEBRUARY 2, 2021 HEARING OFFICER AGENDA

5. Request abatement of public nuisance items at the **GIBLESKI PROPERTY** located at 3231 S. Birchett Drive. The applicant is the City of Tempe (**CE200963**).

Michael Glab, Code Inspector, gave the following overview of this case:

- Inspector Glab requested an abatement of property to address the dead tree in the backyard.
- One complaint has been received by the Code Compliance Office.
- Contact has been made by the husband of property owner, Ken Gibleski.
- On February 14, 2020, Inspector Glab noted the dead tree in the backyard and requested it be remedied.
- On May 29, 2020, the dead tree remained and noticed was posted to the structure.
- On August 31, 2020, the dead tree remained, and a civil citation was issued.
- On September 1, 2020, the citation was posted to structure.
- On October 9, 2020, a subpoena was served to Inspector Glab from Mr. Ken Gibleski. Inspector Glab noted that the citation was issued to Maureen Gibleski (wife).
- Inspector Glab noted since notices and citations were mailed to Ken Gibleski, he dismissed his civil citation since Ken Gibleski was never notified of such violations.
- On November 18, 2020, the dead tree remained and Inspector Glab posted an intent to abate notice to the structure.
- Mr. Gibleski contacted Inspector Glab that the tree was trimmed enough to allow for garbage truck alley access.
- Inspector Glab requested an abatement for the removal of the dead trees.

Mr. Ken Gibleski, husband of property owner (Maureen Gibleski), gave the following comments:

- Mr. Gibleski believes that the biggest tree is still partially alive, yet there is one tree that is dead.
- Mr. Gibleski stated that Inspector Glab never returned his phone calls or Mr. Gibleski never received any notices by mail.
- Mr. Gibleski believes that trimming the tree limbs for garbage truck clearance is sufficient.
- He stated he needs more time to arrange for the removal of the dead trees, as he does not want to be in violation of code.
- Madam Hearing Officer, Vanessa MacDonald, stated that this case has been open for over a year, which is a large span of time. She mentioned that even if abatement is approved today, there is two additional weeks to comply prior to abatement. Hearing Officer MacDonald stated that the standard for the City is not just to comply to garbage trucks, but to remediate deteriorated landscaping.
- Mr. Gibleski stated he would try to have his landscaper remove the tree. He asked for leniency in the two-week period.
- Hearing Officer MacDonald stated if communication is constant and lets Inspector Glab know the status of tree removal. Hearing Officer MacDonald urged communication via email for both Inspector Glab and Mr. Gibleski throughout remediation process.

Hearing Officer MacDonald approved the 180-day abatement.

6. Request abatement of public nuisance items at the **ALVARADO COADY PROPERTY** located at 1846 E. Riviera Drive. The applicant is the City of Tempe (**CE203637**).

ABATEMENT REQUEST WITHDRAWN - PROPERTY IN COMPLIANCE

7. Request abatement of public nuisance items at the **IH6 PROPERTY** located at 1336 E. Broadmor Drive. The applicant is the City of Tempe (CE204934).

ABATEMENT REQUEST WITHDRAWN - PROPERTY IN COMPLIANCE

8. Request abatement of public nuisance items at the **MCNAMEE PROPERTY** located at 2428 E. Malibu Drive. The applicant is the City of Tempe (CE204613).

Michael Glab, Code Inspector, gave the following overview of this case:

- Inspector Glab requested an abatement for an inoperable vehicle in the driveway.
- One (1) complaint was received by the Code Compliance Office.
- On July 10, 2020, there was an inoperable truck with deflated tires on driveway. A notice was sent in order to be remedied.
- On August 4, 2020, the truck remained inoperable and a second violation notice was sent.
- On August 20, 2020, the property owner requested an extension with no specified date. Inspector Glab called on two (2) separate occasions in hopes to identify how long the extension was needed.
- On September 30, 2020, the truck remained inoperable and a notice was posted to the structure.
- On October 13, 2020, the truck remained inoperable and a civil citation was issued and posted to the structure.
- On December 4, 2020, the truck remained inoperable and a notice to abate was posted to the structure.
- Inspector Glab is requesting an abatement to remedy the inoperable truck in the driveway.

Hearing Officer MacDonald approved the 180-day abatement.

9. Request abatement of public nuisance items at the **HUFFMAN PROPERTY** located at 2076 E. Aspen Drive. The applicant is the City of Tempe (CE202584).

ABATEMENT REQUEST WITHDRAWN - PROPERTY IN COMPLIANCE

ANNOUNCEMENTS

- Drew Yocom announced that the next meeting will take place on January 19, 2021 at the Council Chambers and online.

With no further business, the public hearing adjourned at 5:32 PM.

Prepared by: Shelbie Meyer
Reviewed by: Drew Yocom

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

DY: sm