

**CITY OF TEMPE
HEARING OFFICER**

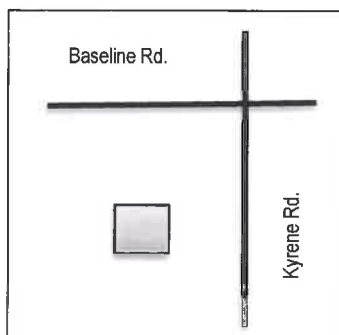
**Meeting Date: 08/17/2021
Agenda Item: 5**

ACTION: Request approval to abate public nuisance items at the Singh Property located at 820 W. Tulane Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1788 for abatement request: landscape cleanup, remove sidewalk/street obstructions, remove trash, litter and debris from property.

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 SINGH 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 CE212864: landscape cleanup, remove sidewalk/street obstructions, remove trash, litter and debris from property.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Siri Singh Sabha of AZ Inc.
City of Tempe – Code Compliance
R1-6, Single Family Residential
Julie Scofield

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Jeff Tamulevich, Code Compliance Administrator
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 Singh Property located at 820 W. Tulane Drive, R1-6, Single Family Residential district. This case was initiated 05/05/21, 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 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 Submittal Form

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	SINGH PROPERTY ABATEMENT	EXISTING ZONING	R1-6	<input type="checkbox"/>
PROJECT ADDRESS	820 W. TULANE DR . TEMPE, AZ 85283	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE212864 HEARING IS AUGUST 17TH , 2021	PARCEL No(s)	301-04-098	<input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)

BUSINESS NAME		ADDRESS	820 W. TULANE DR				
CONTACT NAME	SIRI SINGH	CITY	TEMPE	STATE	AZ	ZIP	85283
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	COMMUNITY DEVELOPMENT	ADDRESS	21 E. 6TH ST.				
CONTACT NAME	JULIE SCOFIELD	CITY	TEMPE	STATE	AZ	ZIP	85281
EMAIL	JULIE_SCOFIELD@TEMPE.GOV	PHONE 1	480-350-8951	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	7/14/21
<i>Julie Scofield</i>			

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. SUBDIVISION / CONDOMINIUM PLATS			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			CE CM
<input type="checkbox"/> M. SIGN TYPE K			GO SE
TOTAL NUMBER OF APPLICATIONS	0		

FOR CITY USE ONLY

DS TRACKING #		FILE APPLICATION WITH CE / CM / IP TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #				TOTAL APPLICATION FEES
SPR TRACKING # (if 2 nd or 3 rd submittal, please use Planning Resubmittal Form)				RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: 07/14/2021
TO: Michael Spencer, Sr. Code Inspector
FROM: Julie Scofield, Code Inspector
SUBJECT: CE212864, Singh Property Abatement

LOCATION: 820 W. TULANE DR. TEMPE, AZ 85283

LEGAL: PEPPERWOOD UNIT 2

PARCEL: 301-04-098

OWNER: SIRI SINGH SABHA OF AZ INC
C/O SIRI SINGH
820 W. TULANE DR.
TEMPE, AZ 85283

FINDINGS:

05/05/2021 The Code Compliance Division received a complaint for this property for deteriorated landscape, junk, trash, and debris, deteriorated roof, deteriorated paint, and fence. Inspected the property, and there was grass and weeds growing throughout the gravel landscape, junk, trash, and debris in the front and back of the property, a deteriorated fence that has missing slats and semi falling down. There are also sidewalk obstructions from the trees as well. There was not enough deterioration to address the roof or the paint on the property. A notice was mailed to the property owner, Siri Singh.

06/08/2021 Re-inspected the property. There has been no change to the property. A pink hanger was hung on the door to see if contact can be made. A final notice was mailed.

06/10/2021 Contact was made with the stepdaughter of the property. She said that the property owner died, and the property will be going into foreclosure. She said that there was no beneficiary of the property. She said she would try to get someone over to the property to fix some of the items, but if nothing was done by July 6th, then I should move on with the case and do whatever I needed to do to correct the violations.

06/16/2021 An anonymous complaint came in for deteriorated landscape, roof and paint, at this property.

06/17/2021 An anonymous complaint came in for deteriorated landscape, roof and paint, at this property.

07/07/2021 There has been no change to the property. Requested a bid to cover the junk, trash, and debris, deteriorated landscape, and sidewalk obstructions.

07/14/2021 Turning in the paperwork for the abatement hearing to be heard on August 17th, 2021.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property located at 800 W. Tulane Dr. due to property owner's failure to bring property into compliance with Tempe City Code 21-3. B.8, 21-3. B.1, and 21-3-B.7. Mr. Singh has apparently passed away and there is no one to care for the property properly. There has been no indication that the property owner (or family) will bring the property into compliance. The property represents 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,

Julie Scofield
Code Inspector II

ACTION TAKEN: submitted
NAME: [Signature]
DATE: 7/14/21



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 07/14/2021
Case #: CE212864

SIRI SINGH SABHA OF AZ INC
820 W TULANE DR
TEMPE, AZ 85283

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

Location: 820 W TULANE DR TEMPE, AZ 85283
Parcel: 301-04-098

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of 8/17/2021 located at the Tempe Council Chambers, 31 E 5th Street, at 5pm. 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:

- CC 21-3.b.1 Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building
- CC 21-3.b.7 Object, building, tree, bush or vehicle that interferes with or obstructs a sidewalk or street
- CC 21-3.b.8 Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps

If the violations have not been corrected within thirty (30) 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:

- CC 21-3.b.1 Please remove trash, litter and debris from property
- CC 21-3.b.7 Please trim vegetation so it does not obstruct passage of sidewalk or street
- CC 21-3.b.8 Remove grass and weeds from gravel landscape. Cut any over height grass and or 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 \$1788.00. 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 of 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: Julie Scofield
Phone Number: 480-350-8951
E-mail: julie_scofield@tempe.gov



Artistic Land Management, Inc.

July 13, 2021

City of Tempe
Attn: Julie Scofield
Code Inspector

RE: Clean-Up at 820 W. Tulane Dr.

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 820 W. Tulane Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Landscape clean-up in the front and backyard
- Junk, trash, and debris removal in the front and backyard
- Clear sidewalk obstructions
- Police presence on-site for the duration of the visit

Total = \$1,788.00

Respectfully,

Jose Hernandez



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

05/05/2021

SIRI SINGH SABHA OF AZ INC
C/O SINGH, AISH
820 W TULANE DR
TEMPE, AZ 85283-2745

Case#: CE212864
Site Address: 820 W. TULANE DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 05/19/2021 (FOR THE LANDSCAPE) 06/04/2021 (FOR THE FENCE)

This is a notice to inform you that this site was inspected on 05/05/2021 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 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.

Violation of the Tempe City Code, Chapter 21-3-b-1

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

Violation of the Tempe City Code, Chapter 21-3-b-7

Any object, building, tree, bush or vehicle that interferes with, obstructs, tends to obstruct, or renders dangerous the free passage, use or vision in the customary manner of any sidewalk, street or highway in the city.

Violation of the Tempe City Code, Chapter 21-3-b-15

Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or slum-like appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE REMOVE ALL GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY IN THE GRAVEL LANDSCAPED AREAS. ALL GRAVEL LANDSCAPES MUST BE MAINTAINED FREE AND CLEAR OF ANY UNCONTROLLED GROWTH REGARDLESS OF HEIGHT. THIS INCLUDES IN THE DRIVEWAY CRACKS/JOINTS.
2. WATER THE GRASS AREAS TO BRING THE GRASS TO A GREEN LIVING COLOR. MAINTAIN WITH REGULAR WATERINGS.
3. PLEASE REMOVE THE ITEMS FROM THE FRONT AND OR BACK YARD OF THE PROPERTY. ITEMS INCLUDE TRASH, MATTRESSES, THE DETERIORATED SIGN, AND ANY OTHER MISCELLANEOUS ITEMS.
4. PLEASE TRIM TREE ON THE EAST SIDE OF THE PROPERTY TO ALLOW FREE PASSAGE OF THE SIDEWALK AND OR STREET.
5. PLEASE FIX THE FENCING IN THE FRONT AND BACK OF THE PROPERTY. FENCE SHOULD NOT BE LEANING AND NOT MISSING WOOD SLATS. MATERIALS AND COLOR MUST BE COMPATIBLE TO CURRENT DESIGN.

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

Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

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.

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).



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

06/08/2021

SIRI SINGH SABHA OF AZ INC
C/O SINGH, AISH
820 W TULANE DR
TEMPE, AZ 85283-2745

Case#: CE212864
Site Address: 820 W. TULANE DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 07/06/2021

This is a notice to inform you that this site was inspected on 06/08/2021 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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Julie Scofield
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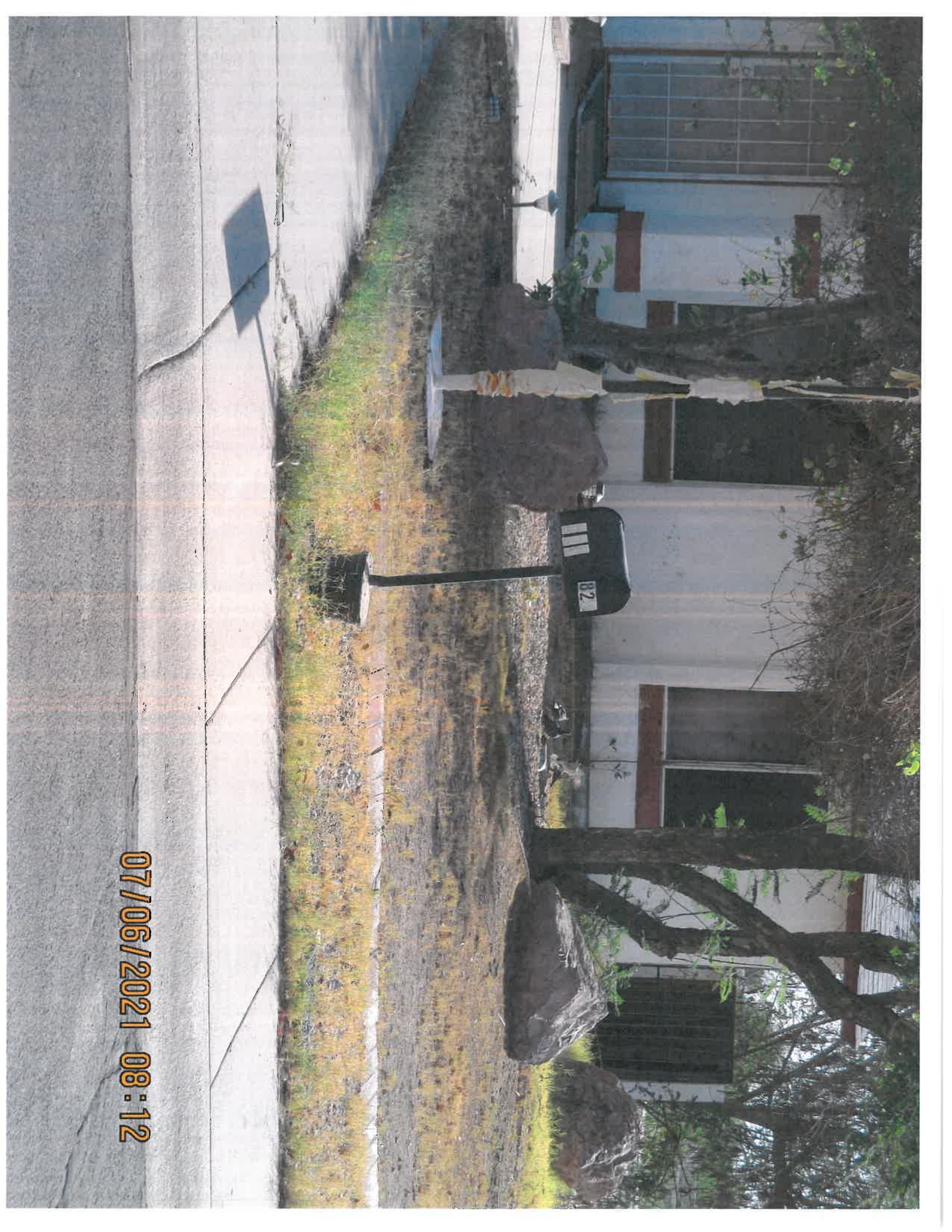
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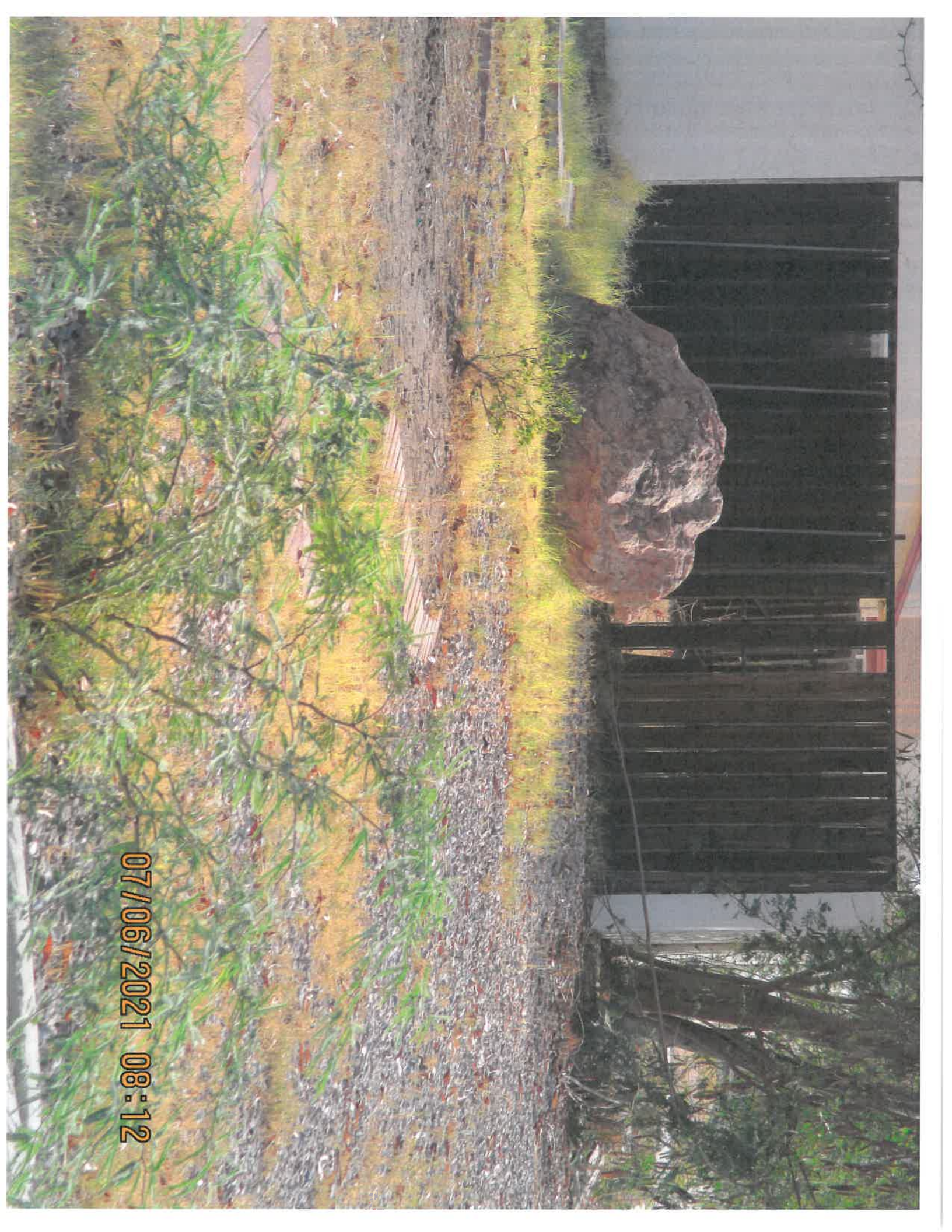
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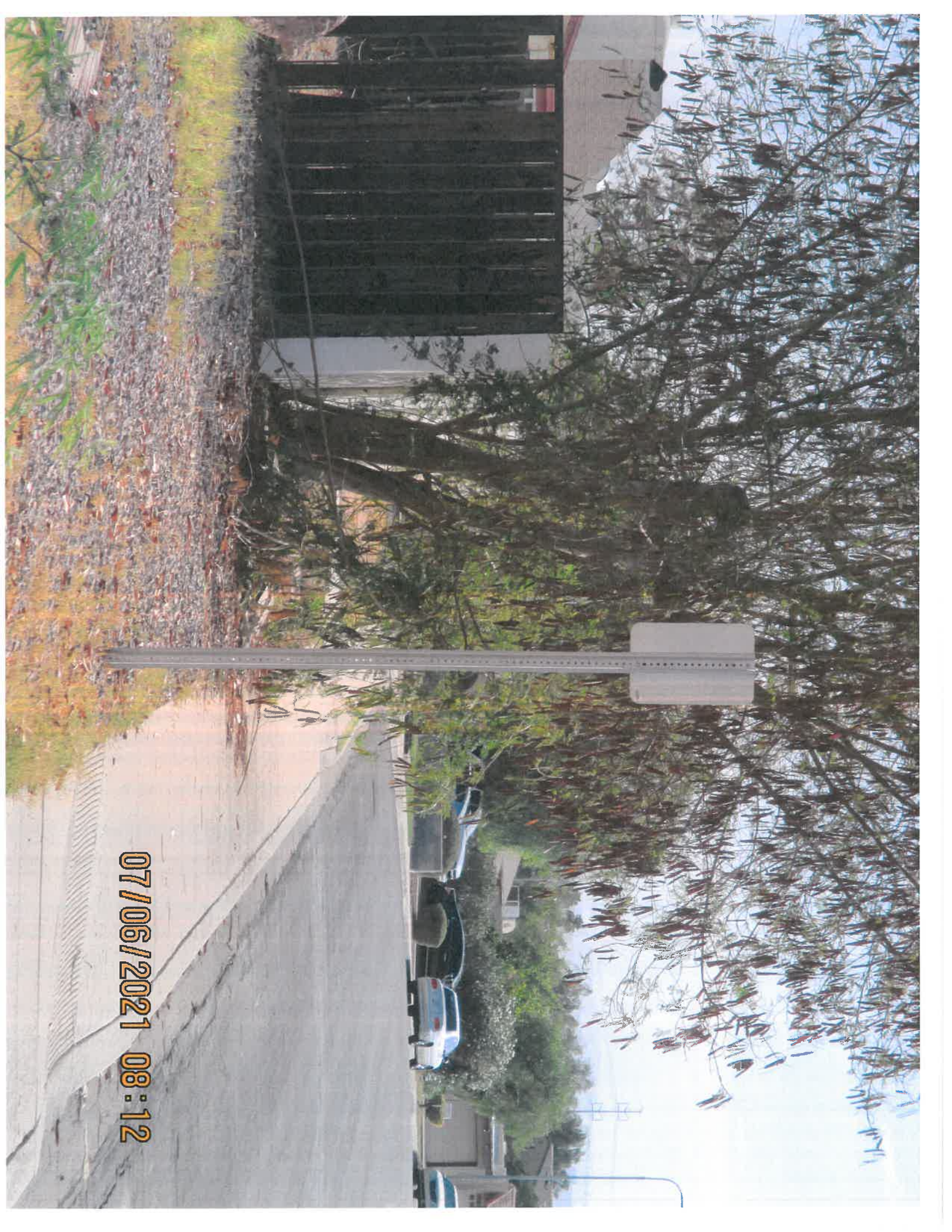
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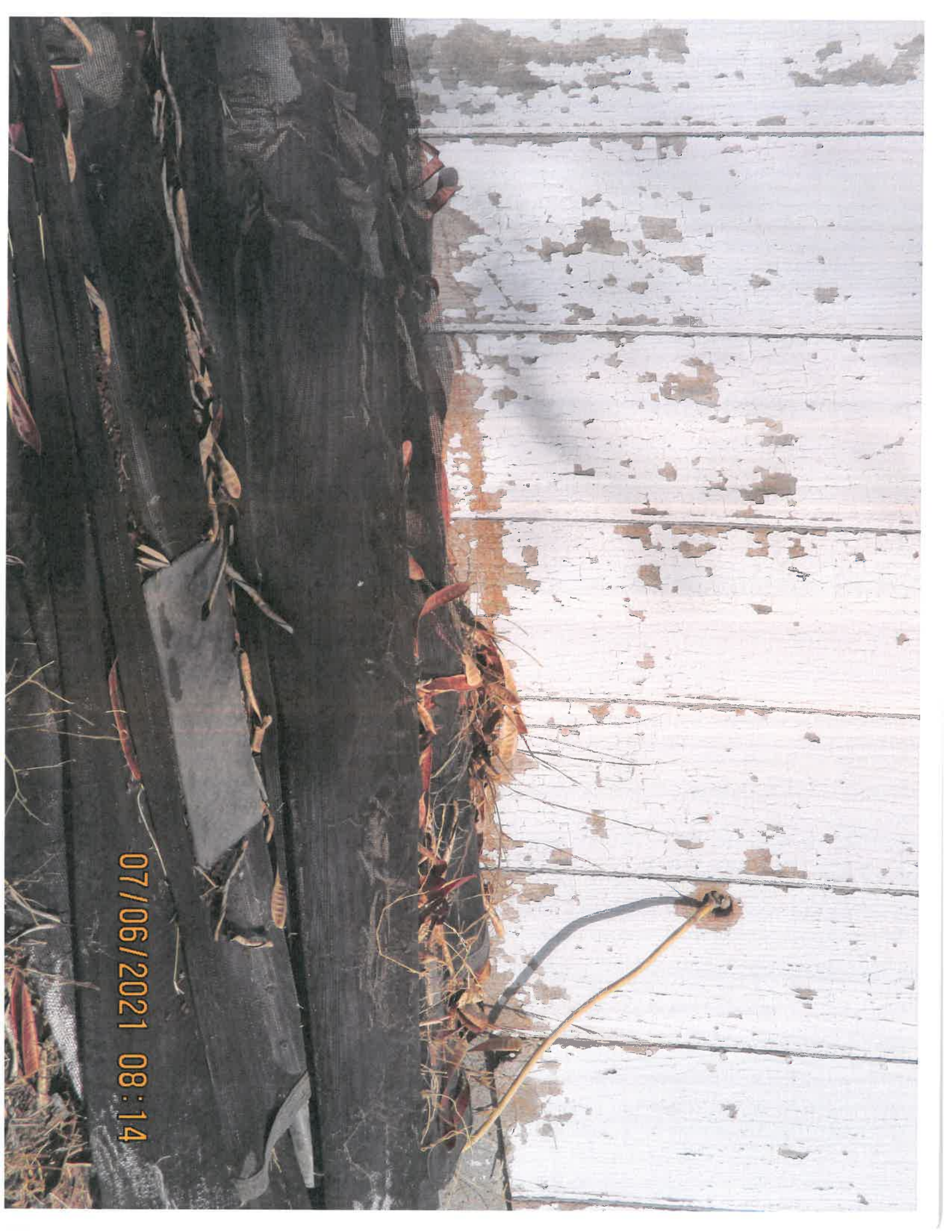
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