

**CITY OF TEMPE
HEARING OFFICER**

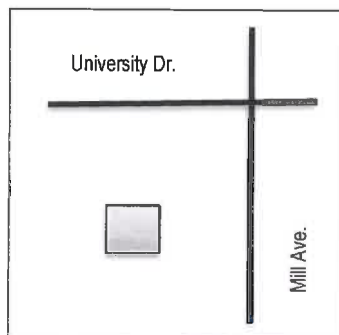
**Meeting Date: 10/19/2021
Agenda Item: 5**

ACTION: Request approval to abate public nuisance items at the Bradford Property located at 518 W. 11th Street. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$2335 for abatement request: front yard 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 BRADFORD 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 CE214266: front yard landscape cleanup.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Frances Gray Bradford
City of Tempe – Code Compliance
R-2, Multi Family Residential
Ashley Nichols

ATTACHMENTS: Supporting Attachment

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

Department Director: Shelly Seyler, Interim Department 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 Bradford Property located at 518 W. 11th Street, in the R-2, Multi Family Residential district. This case was initiated 7/16/2021, 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	BRADFORD PROPERTY ABATEMENT	EXISTING ZONING	R-2 <input type="checkbox"/>
PROJECT ADDRESS	518 W 11TH ST, TEMPE, AZ 85281	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	VAL VERDE PLAT 2 ABATEMENT CE214266 OCTOBER 19TH, 2021	PARCEL No(s)	124-70-084 <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 hereby authorize the applicant below to process this application with the City of Tempe.

PROPERTY OWNER SIGNATURE	X	DATE
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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	ASHLEY NICHOLS / CODE INSPECTOR	CITY	TEMPE
EMAIL	ASHLEY_NICHOLS@TEMPE.GOV	PHONE 1	(480) 858-2085

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 <i>Ashley Nichols</i>	DATE	9/17/2021
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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			CE CM
TOTAL NUMBER OF APPLICATIONS	0		

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

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: September 17th, 2021
TO: Jack Scofield, Senior Code Inspector
FROM: Ashley Nichols, Code Inspector
SUBJECT: CE214266, Bradford Property Abatement

LOCATION: 518 W 11TH ST, TEMPE, AZ 85281

PARCEL: 124-70-084

OWNER: FRANCES GRAY BRADFORD
518 W 11TH ST
TEMPE, AZ 85281

FINDINGS:

07/16/2021 The Code Compliance Division received a complaint for a tree obstructing the passage of the sidewalk and street.

07/16/2021 Inspector Brandy Zedlar conducted an inspection of the property and observed a tree in the front yard of the property was obstructing the passage of the sidewalk and street. A notice to comply was mailed to the property owner.

07/26/2021 The Code Compliance Division received a complaint for a deteriorated landscape and a tree obstructing the passage of the sidewalk.

08/17/2021 Inspector Ashley Nichols took over the case from Inspector Brandy Zedlar. Another inspection was conducted on the property and found that the tree in the front yard of the property was still obstructing the passage of the sidewalk and street, there was a pile of branches in the front yard as well as an excessive amount of debris on the roof of the house, and over height grass and/or weeds around the front yard. A notice to comply was mailed to the property owner.

09/03/2021 The Code Compliance Division received several more complaints regarding the condition of the property.

09/09/2021 The property was reinspected and found to be in the same condition. A final notice to comply was posted to the property and a bid request was sent for the cleanup of the property.

09/15/2021 A bid was received for the cleanup of the property.

09/16/2021 The property was reinspected and found to be in the same condition.

09/17/2021 Submitted the abatement packet and posted the notice of intent to abate to the property.


RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 518 W 11th St., due to the property owner's failure to bring the property into compliance with Tempe City Codes 21-3.B.1, 21-3.B.7 and 21-3.B.8. Miss Bradford has been given ample time to come into compliance and maintain the property. The property represents a health hazard and is an eyesore to the community.

Without the intervention of the 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.

Respectfully submitted,

Ashley Nichols
Code Inspector
City of Tempe

ACTION TAKEN: Submit
NAME: 
DATE: 9/29/21



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 09/17/2021
CASE #: CE214266

FRANCES GRAY BRADFORD
518 W 11TH ST
TEMPE, AZ 85281

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

LOCATION: 518 W 11TH ST TEMPE, AZ 85281
PARCEL: 124-70-084

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers 10/19/2021. 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:

- CC 21-3.b.7** Object, building, tree, bush or vehicle that interferes with or obstructs a sidewalk or street
- 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.8** Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

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

- CC 21-3.b.7** Please trim back the tree in the front landscaping of the property so that it does not obstruct the passage of the sidewalk or street.
- CC 21-3.b.1** Please remove all of the landscaping debris from around the front of the property (branches, excessive pine needles, etc.).
- CC 21-3.b.8** Please trim all of the over height grass and/or weeds around the front yard of the property.

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 \$2,335.05. In addition to the actual cost of abatement, an administrative charge of fifteen percent (15%) 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: Ashley Nichols
Phone Number: 480-858-2085
E-mail: Ashley.Nichols@tempe.gov



East Valley Disaster Services

East Valley Disaster Services, Inc.
257 W. Broadway
Mesa, AZ 85210
(480) 833-4538 (Office & 24 Hour Emergency)
Info@evds.co
EIN: 86-0721883 / ROC: B License #097838

Client: City of Tempe / Nuisance Abatement Services
Property: 518 West 11th Street
Tempe, AZ 85281

Operator: SKIP

Estimator: Skip Yaw
Company: EVDS

Business: (480) 833-4538
E-mail: Skip@evds.co

Type of Estimate: Nuisance Abatement Services
Date Entered: 9/15/2021

Date Assigned:

Price List: AZPH8X_SEP21
Labor Efficiency: Restoration/Service/Remodel
Estimate: 21-1910-NUISANCE



East Valley Disaster Services

East Valley Disaster Services, Inc.
 257 W. Broadway
 Mesa, AZ 85210
 (480) 833-4538 (Office & 24 Hour Emergency)
 Info@evds.co
 EIN: 86-0721883 / ROC: B License #097838

21-1910-NUISANCE
Nuisance Abatement Services

Exterior

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
1. Nuisance Abatement Services	1.00 EA	0.00	2,260.00	75.05	2,335.05
NOTE: Abatement services includes;					
1) Trim tree in front yard so as not to obstruct street.					
2) Cut/trim over height grass and weeds in front yard.					
3) Remove and haul off all yard debris from front of property and the roof.					
Totals: Exterior				75.05	2,335.05
Total: Nuisance Abatement Services				75.05	2,335.05
Line Item Totals: 21-1910-NUISANCE				75.05	2,335.05



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East Valley Disaster Services, Inc.
257 W. Broadway
Mesa, AZ 85210
(480) 833-4538 (Office & 24 Hour Emergency)
Info@evds.co
EIN: 86-0721883 / ROC: B License #097838

Summary

Line Item Total	2,260.00
Material Sales Tax	75.05
Replacement Cost Value	\$2,335.05
Net Claim	\$2,335.05

Skip Yaw



East Valley Disaster Services

East Valley Disaster Services, Inc.
257 W. Broadway
Mesa, AZ 85210
(480) 833-4538 (Office & 24 Hour Emergency)
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EIN: 86-0721883 / ROC: B License #097838

- 1 1-518 West 11th Street (1)
Date Taken: 9/9/2021



- 2 2-518 West 11th Street (2)
Date Taken: 9/9/2021

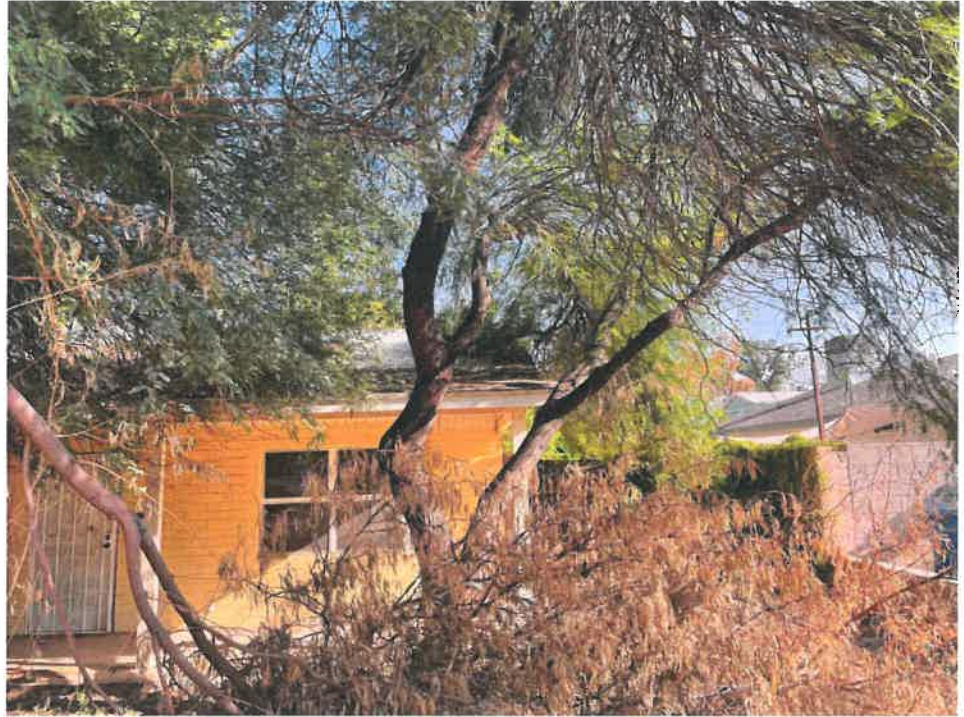




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Mesa, AZ 85210
(480) 833-4538 (Office & 24 Hour Emergency)
Info@evds.co
EIN: 86-0721883 / ROC: B License #097838

- 3 3-518 West 11th Street (3)
Date Taken: 9/9/2021



- 4 4-518 West 11th Street (4)
Date Taken: 9/9/2021





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257 W. Broadway
Mesa, AZ 85210
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- 5 5-518 West 11th Street (5)
Date Taken: 9/9/2021



- 6 6-518 West 11th Street (6)
Date Taken: 9/9/2021





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257 W. Broadway
Mesa, AZ 85210
(480) 833-4538 (Office & 24 Hour Emergency)
Info@evds.co
EIN: 86-0721883 / ROC: B License #097838

- 7 7-518 West 11th Street (7)
Date Taken: 9/9/2021



- 8 8-518 West 11th Street (8)
Date Taken: 9/9/2021





East Valley Disaster Services

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257 W. Broadway
Mesa, AZ 85210
(480) 833-4538 (Office & 24 Hour Emergency)
Info@evds.co
EIN: 86-0721883 / ROC: B License #097838

- 9 9-518 West 11th Street (9)
Date Taken: 9/9/2021



- 10 10-518 West 11th Street (10)
Date Taken: 9/9/2021





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257 W. Broadway
Mesa, AZ 85210
(480) 833-4538 (Office & 24 Hour Emergency)
Info@evds.co
EIN: 86-0721883 / ROC: B License #097838

- 11 11-518 West 11th Street (11)
Date Taken: 9/9/2021

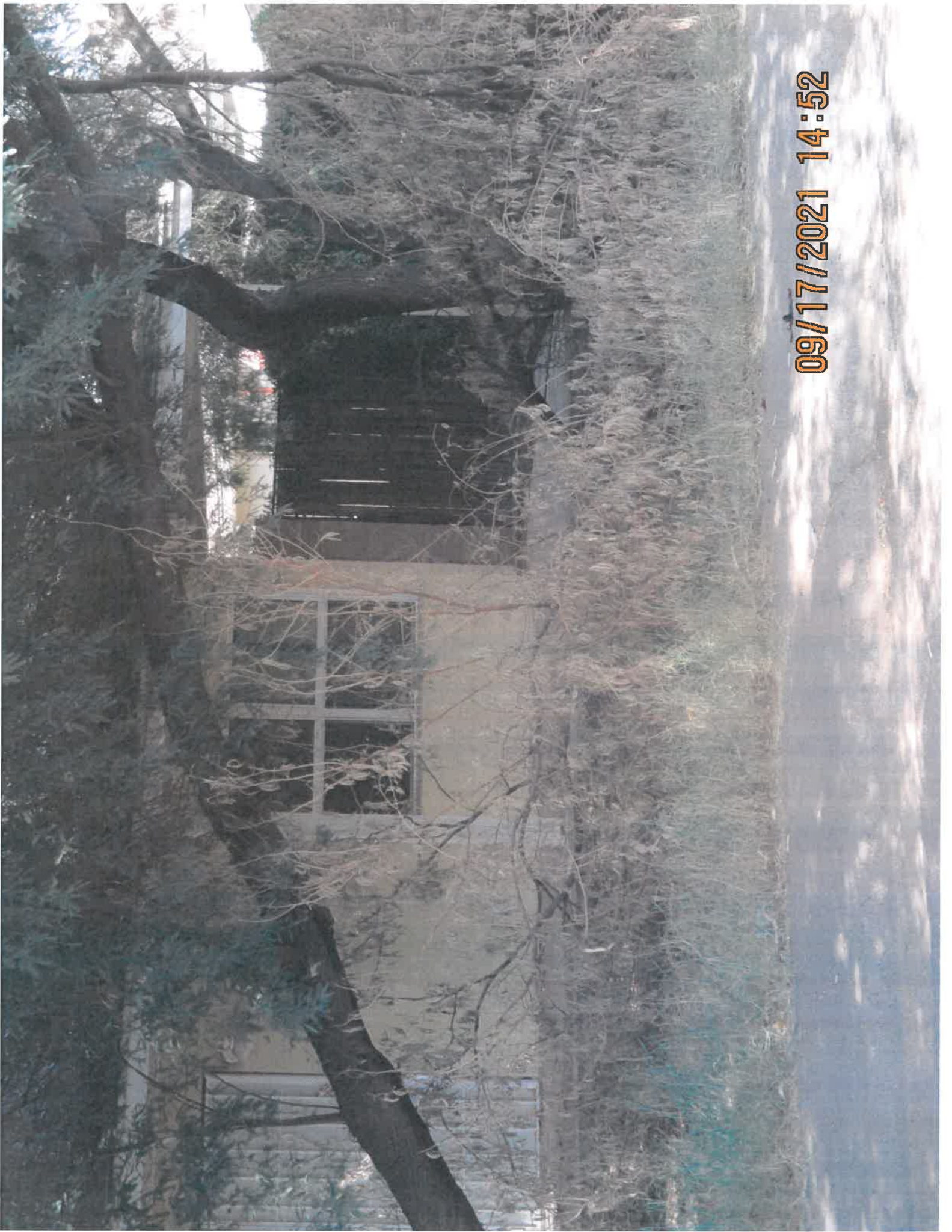




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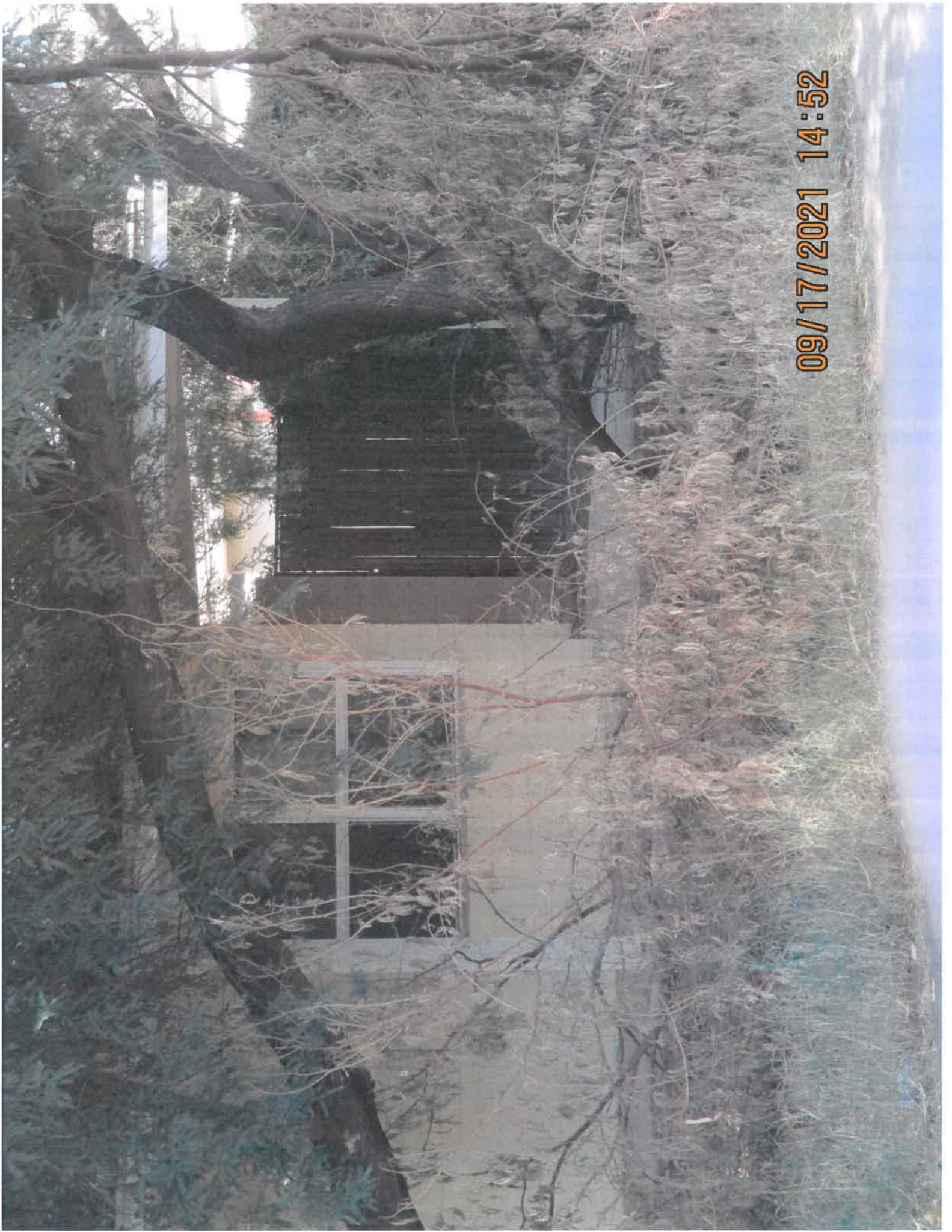
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09/17/2021 14:52



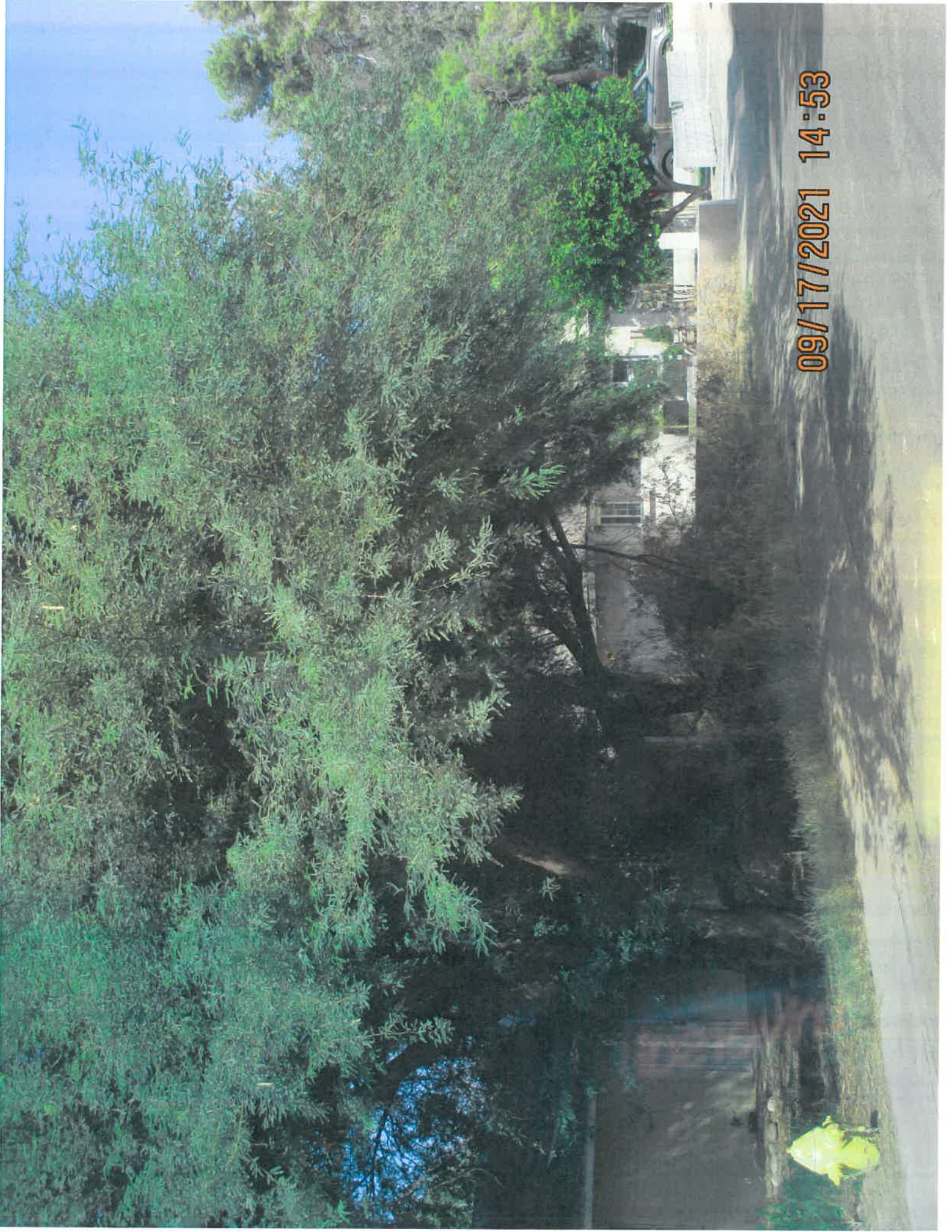


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09/17/2021 14:53

09/17/2021 14:53





COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FIRST CORRECTION NOTICE

7-16-2021

**FRANCES GRAY BRADFORD
SUSAN BRADFORD
518 W 11TH ST
TEMPE, AZ 85281**

Case#: CE214266
Site Address: 518 W 11TH ST

SITE REINSPECTION ON OR AFTER: 8/05/21

This is a notice to inform you that this site was inspected on **7/15/21** 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-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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- 1. Trim back the trees in the front yard eliminating any sidewalk or street obstruction.**

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
CORRECTION NOTICE

08/17/2021

FRANCES GRAY BRADFORD / SUSAN BRADFORD
518 W 11TH ST
TEMPE, AZ 85281

Case #: CE214266
Site Address: 518 W 11TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 08/17/2021 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.

Section	Violation
CC 21-3.b.7	Object, building, tree, bush or vehicle that interferes with or obstructs a sidewalk or street.
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.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.7	Please trim back the tree in the front landscaping of the property so it does not obstruct the passage of the sidewalk or street.	08/31/2021
CC 21-3.b.1	Please remove all of the landscaping debris from around the front of the property (branches, excessive pine needles, etc.).	08/31/2021
CC 21-3.b.8	Please trim all of the over height grass and/or weeds around the front yard landscaping of the property.	08/31/2021

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

Ashley Nichols
Code Inspector

Direct: 480-858-2085
Code Compliance: 480-350-4311
Email: Ashley_Nichols@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 \$82.00 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



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

09/09/2021

FRANCES GRAY BRADFORD / SUSAN BRADFORD
518 W 11TH ST
TEMPE, AZ 85281

Case #: CE214266
Site Address: 518 W 11TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 09/09/2021 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.

Section	Violation
CC 21-3.b.7	Object, building, tree, bush or vehicle that interferes with or obstructs a sidewalk or street.
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.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.7	Please trim back the tree in the front landscaping of the property so it does not obstruct the passage of the sidewalk or street.	09/16/2021
CC 21-3.b.1	Please remove all of the landscaping debris from around the front of the property (branches, excessive pine needles, etc.).	09/16/2021
CC 21-3.b.8	Please trim all of the over height grass and/or weeds around the front yard landscaping of the property.	09/16/2021

IF NOT IN COMPLIANCE BY 09/16/2021, THE CITY WILL BEGIN THE ABATEMENT PROCESS.

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

Ashley Nichols
Code Inspector

Direct: 480-858-2085
Code Compliance: 480-350-4311
Email: Ashley_Nichols@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 \$82.00 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