

CITY OF TEMPE HEARING OFFICER

Meeting Date: 11/02/2021

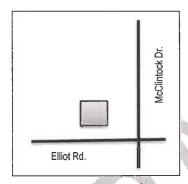
Agenda Item: 3

<u>ACTION</u>: Request approval to abate public nuisance items at the Pickard-Brown Property located at 1464 E. McNair Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1688 for abatement request: front & back yard landscape cleanup, restore pool to clear state.

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 PICKARD-BROWN 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 CE213837: front & back yard landscape cleanup, restore pool to clear state.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Sommerset Pickard-Brown
City of Tempe – Code Compliance
R1-7, Single Family Residential
Julie Scofield

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 Pickard-Brown Property located at 1464 E. McNair Drive, in the R1-7, Single Family Residential district. This case was initiated 6/21/2021, 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.

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



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 PICKARD-BROWN ABATEMENT R1-7 **ZONING** PROJECT ADDRESS SUITE(S) 1464 E. Mcnair Dr. Tempe, AZ 85283 PROJECT DESCRIPTION PARCEL No(s) П 301-92-472 Abatement of CE213837 Hearing is November 2nd, 2021 PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN **BUSINESS NAME ADDRESS** 1464 E. Mcnair Dr. CONTACT NAME CITY STATE Α7 85283 Sommerset Pickard-Brown Tempe **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 **ADDRESS** 21 E. 6th St. Julie Scofield CONTACT NAME CITY STATE ΑZ 85281 Tempe PHONE 2 PHONE 1 **EMAIL** julie scofield@tempe.gov 480-350-8951 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 BUSINESS INFORMATION - REQUIRED FOR USE PERM **BUSINESS NAME** ADDRESS **CONTACT NAME** CITY STATE ZIP TYPE OF BUSINESS **EMAIL** PHONE APPLICATION SPECIFIC REQUEST FOR CITY USE ONLY for types) (Planning record tracking numbers) (Check all that apply) (See SPR PRELIMINARY SITE PLAN REVIEW B. **ADMINISTRATIVE APPLICATIONS** ADM П VAR C. **VARIANCES** D. **USE PERMITS / USE PERMIT STANDARDS** ZUP ZON E. ZONING CODE AMENDMENTS ZOA REC F. PLANNED AREA DEVELOPMENT OVERLAYS PAD G. SUBDIVISION / CONDOMINIUM PLATS SBD REC DPR H. **DEVELOPMENT PLAN REVIEW** I. **APPEALS GPA** J. **GENERAL PLAN AMENDMENTS** ZVL K. **ZONING VERIFICATION LETTERS** Ø **ABATEMENTS** CE CM L. GO SE M. SIGN TYPE K TOTAL NUMBER OF APPLICATIONS 0 FOR CITY USE ONLY DS TRACKING # FILE APPLICATION WITH DATE RECEIVED (STAMP) VALIDATION OF PAYMENT (STAMP) CE / CM / IP TRACKING # PL TRACKING#

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

TOTAL APPLICATION FEES

RECEIVED BY INTAKE STAFF (INITIALS)

SPR TRACKING #

Resubmittal Form)

(if 2nd or 3rd submittal, please use Planning

DATE:

09/21/2021

TO:

Michael Spencer, Sr. Code Inspector

FROM:

Julie Scofield, Code Inspector

SUBJECT:

CE213837, Pickard-Brown Property Abatement

LOCATION: 1464 E. MCNAIR DR. TEMPE, AZ 85283

LEGAL:

KNOELL TEMPE UNIT 9

PARCEL:

301-92-472

OWNER:

SOMMERSET PICKARD-BROWN

1464 E. MCNAIR DR TEMPE. AZ 85283

FINDINGS:

06/21/2021 The Code Compliance Division received a complaint for this property for deteriorated landscape, lawn parking, and a deteriorated swimming pool.

06/22/2021 Inspected the property, and there was grass and weeds in the gravel landscape in the front yard, over height grass and weeds in the back yard, and a green swimming pool. A notice was mailed to the property owner, Mr. Pickard-Brown.

07/06/2021 Conducted a reinspection. The grass and weeds in the back yard have been cut down. The landscape in the front is not done and neither is the pool. A final notice was mailed.

07/22/2021 There has been no change to the property. Issued a citation for the swimming pool and deteriorated landscape. Citation # 1619606. Pictures were taken to show the condition of the property.

08/23/2021 Mr. Pickard-Brown paid for the citation but did not bring the property into compliance.

09/02/2021 Requested a bid for an abatement to cover the landscape issues and the green pool.

09/13/2020 Code Compliance received a complaint for deteriorated landscape, and a deteriorated swimming pool.

09/21/2021 Received the bid for the abatement of the property and the hearing for the abatement will be set for November 2nd, 2021.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property located at 1464 E. Monair Dr., due to property owner's failure to bring property into compliance with Tempe City Code 21-3. b.8 and 21-3. b-16. Mr. Pickard-Brown was issued a citation and did pay for the fines but failed to bring the property into compliance. There has been no indication that the property owner 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

NAME

DATE:

ACTION TAKEN:



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 09/21/2021 CASE #: CE213837

SOMMERSET PACKARD-BROWN 1464 E MCNAIR 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: 1464 E MCNAIR DR TEMPE, AZ 85283

PARCEL: 301-92-472

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers 11/02/2021. 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.16

Swimming pool that is deteriorated or presents a health hazard

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.16

Please restore water to a clear, clean condition

CC 21-3. b.8

Please remove all grass and weeds in gravel landscaped areas. Cut all over height

grass and or weeds in non-gravel landscaped areas.

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 \$1688.00. 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: Julie Scofield Phone Number: 480-350-8951 E-mail: julie scofield@tempe.gov



September 8, 2021

City of Tempe Attn: Julie Scofield Code Inspector II

RE: Landscape Clean-Up at 1464 E. McNair 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 1464 E. McNair Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

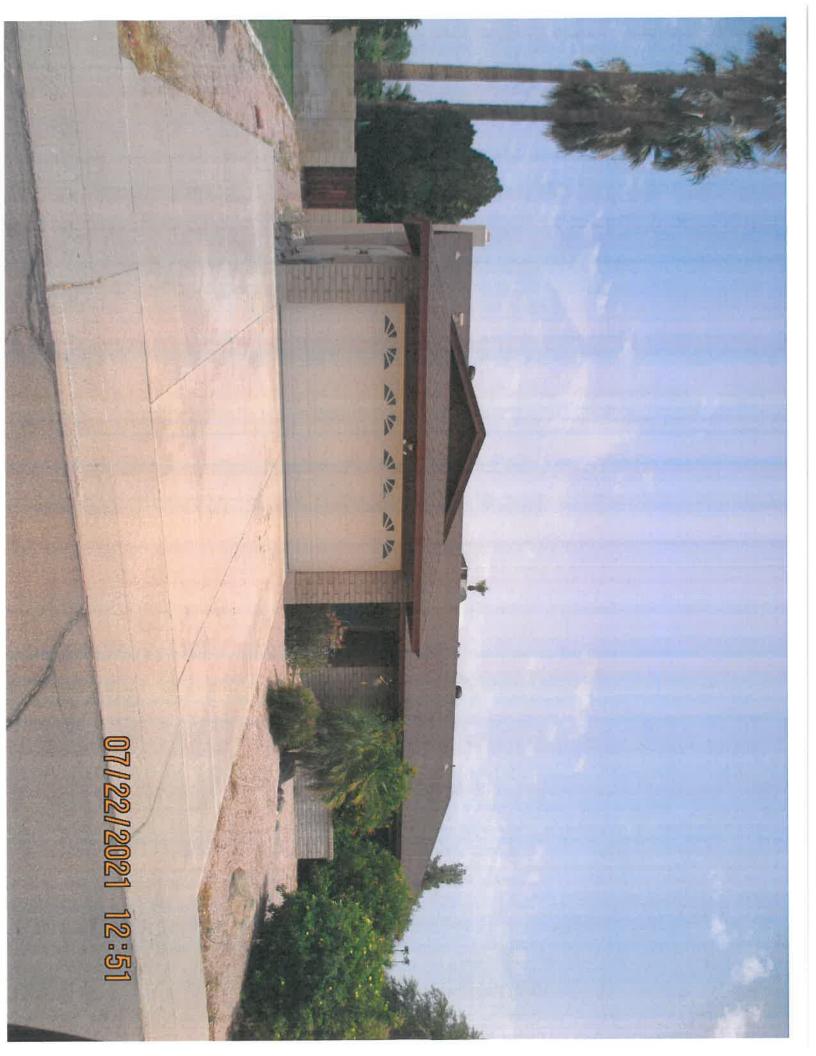
Scope of Work

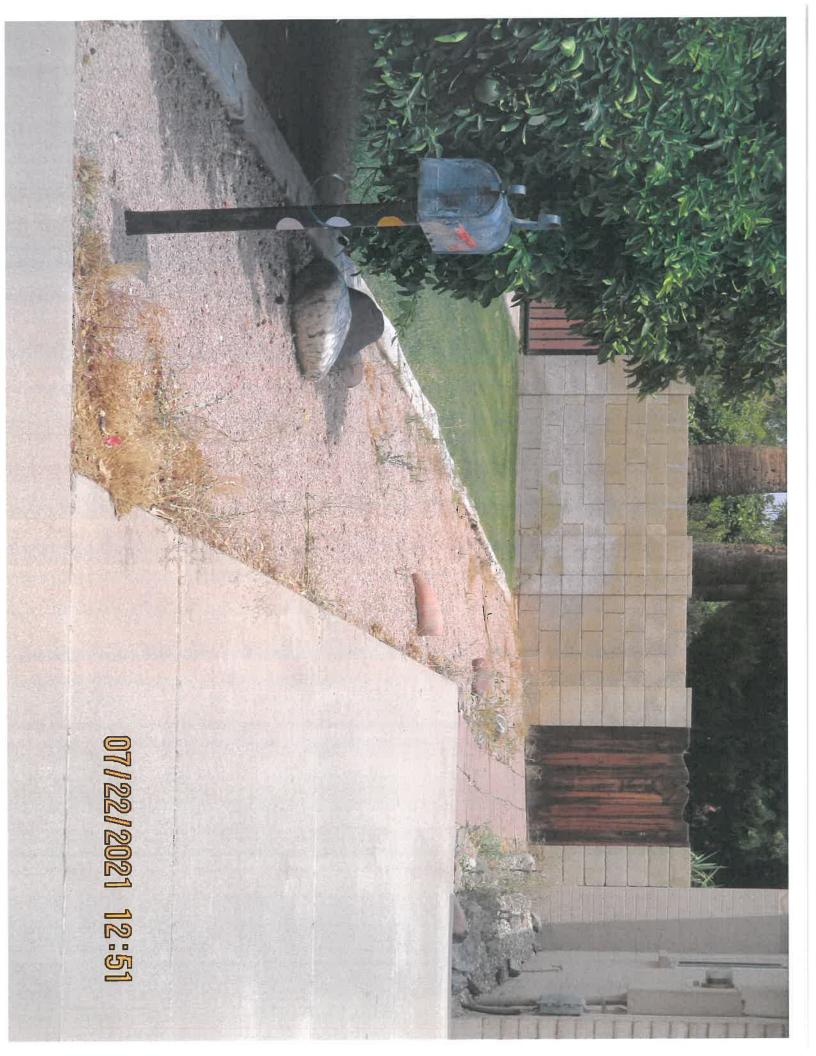
- Cut weeds down to ground level and apply post-emergent chemical where needed
- Trim overgrown shrubs
- Elevate tree to 8 ft.
- Drain backyard swimming pool
- Cut overgrown grass area in the backyard
- Rake and/or blow landscaped areas and remove debris
- Police presence for the duration of the visit

Total = \$1,688.00

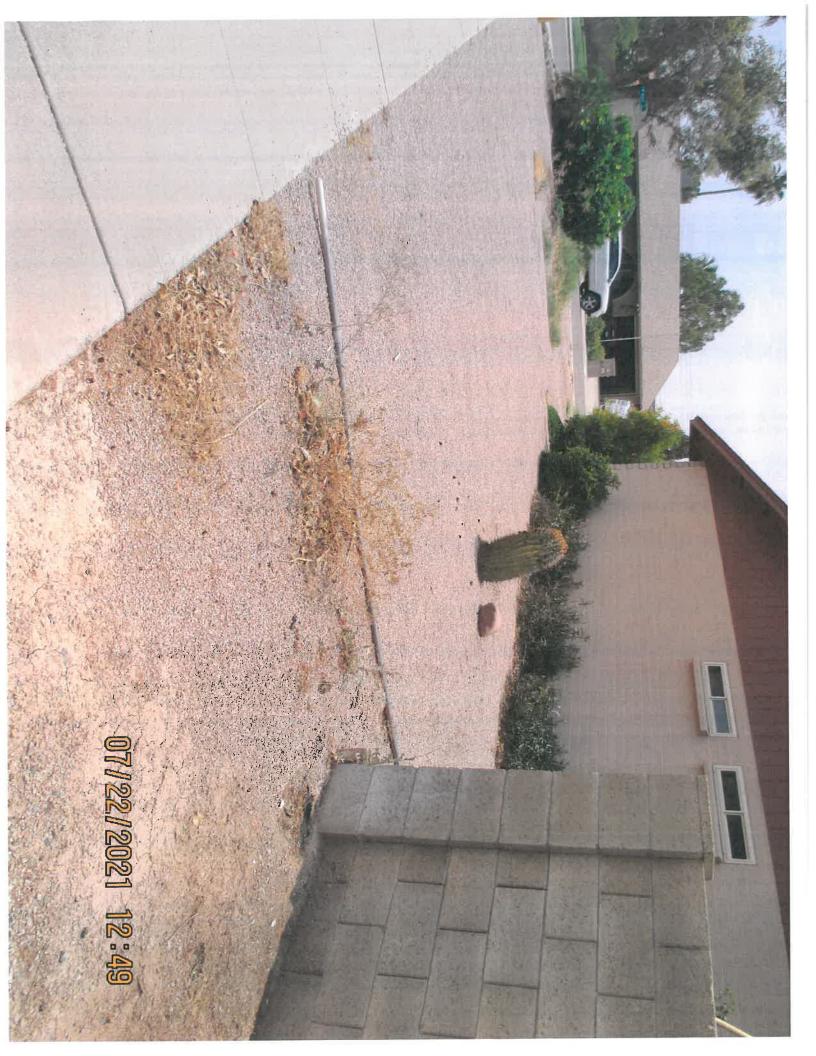
Respectfully,

Jose Hernandez













COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

06/22/2021

PICKARD-BROWN SOMMERSET 1464 E MCNAIR DR TEMPE, AZ 85283

Case#: CE213837

Site Address: 1464 E MCNAIR 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 06/22/2021 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisance/s 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 City of Tempe Code 21-3-B-16

Any swimming pool areas that are not enclosed by a fence of at least five (5) feet in height and equipped with self-closing, self-latching gate(s), or padlocked at all times. Any openings in the fencing shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 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.
- PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS IN THE BACK YARD OF THE PROPERTY.
- 3. RESTORE POOL WATER TO A CLEAN AND CLEAR STATE. ALL ALGEA, DIRT, AND DEBRIS MUST BE REMOVED FROM POOL

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, 3rd occurrence \$500 per violation, 3rd 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

07/06/2021

PICKARD-BROWN SOMMERSET 1464 E MCNAIR DR TEMPE, AZ 85283

Case#: CE213837

Site Address: 1464 E MCNAIR DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 07/20/2021

This is a notice to inform you that this site was inspected on 07/06/2021 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisance/s 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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Violation of City of Tempe Code 21-3-B-8

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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, 2nd occurrence \$500 per violation, 3rd 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 \$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).

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City of Tempe Maricopa County State of Arizona

Tempe

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Case No: 21-015291-4 Title: CITY OF TEMPE vs SOMMERSET PICKARD BROWN

PICKARD BROWN, SOMMERSET

1464 E MCNAIR DR TEMPE, AZ 85283

Case Status: Filed: Closed 7/28/2021 Stayed Balance Owing: Case Balance Owing: \$0.00 \$0.00 **TPC Amount Due:** TPC Due Date:

Cite Number	Code	Violation Date	Description	Filed	Disposition	Disp Date
1619606A	21-3B16	07/22/2021	ENUMERATED VIOLATION-SWIMMING POOLS	7/28/2021	11 - PLEAD GUILTY/RESP - SENT IMPOSED	8/23/2021
1619606B	21-3B8	07/22/2021	LANDSCAPING-DEAD, DAMAGED, UNCONTRO	7/28/2021	11 - PLEAD GUILTY/RESP - SENT IMPOSED	8/23/202

		REGISTER OF ACTION			
Date	Cite Number	Action	Amount	Judge	User
7/28/2021		ATTC FILED			MEW
7/28/2021	1619606 A	CIVIL ARRAIGNMENT NLT 8/23/2021 CHANGE NOTICE GENERATED			MEW
7/28/2021	1619606 B	CIVIL ARRAIGNMENT NLT 8/23/2021 CHANGE NOTICE GENERATED			MEW
8/23/2021	1619606 A	11 - PLEAD GUILTY/RESP - SENT IMPOSED		XX.	SYS
8/23/2021	1619606 A	FINE AND APPLICABLE FEES IMPOSED	\$400.00	Ę	SYS
8/23/2021	1619606 B	11 - PLEAD GUILTY/RESP - SENT IMPOSED		Z X	SYS
8/23/2021	1619606 B	FINE AND APPLICABLE FEES IMPOSED	\$200.00	S	SYS
8/23/2021		FINES AND FEES PAID	\$600.00		SYS
8/24/2021		CLOSED CASE FILE PURGE DATE SET TO 8/24/2026			SYS
# Actions:	9				



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Last Printed: 9/2/2021 2:27:52 PM