
**CITY OF TEMPE
HEARING OFFICER**

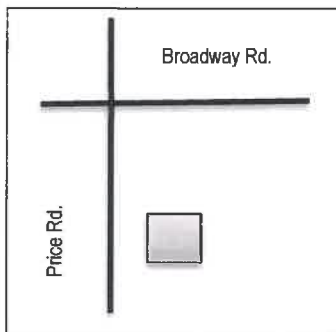
**Meeting Date: 06/07/2022
Agenda Item: 5**

ACTION: Request approval to abate public nuisance items at the Brakefield Property located at 2307 E. Aspen Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$810 for abatement request: front & side 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 BRAKEFIELD 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 CE221476: front & side yard landscape cleanup.



Property Owner	Amy M. Brakefield
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential
Code Compliance Inspector:	Melissa Ensing

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Interim Code Administrator (480-858-2190)

Department Director: Jeffrey Tamulevich, Department Director
Legal review by: N/A
Prepared by: Barbara Simons, Code Inspector
Reviewed by: Drew Yocom, Interim Code Administrator

COMMENTS:

Code Compliance is requesting approval to abate the Brakefield Property located at 2307 E. Aspen Drive, in the R1-6, Single Family Residential district. This case was initiated 03/03/2022, 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 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	BRAKEFIELD PROPERTY ABATEMENT	EXISTING ZONING	R1-6	<input type="checkbox"/>
PROJECT ADDRESS	2307 E. ASPEN DR. TEMPE, AZ 85282	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE221476 JUNE 7, 2022	PARCEL No(s)	134-40-201	<input type="checkbox"/>

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

BUSINESS NAME		ADDRESS	2307 E. Aspen Dr.		
CONTACT NAME	Amy Brakefield	CITY	Tempe	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	
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 STREET, SUITE 208		
CONTACT NAME	MELISSA ENSING/CODE INSPECTOR	CITY	TEMPE	STATE	AZ ZIP 85281
EMAIL	melissa_ensing@tempe.gov	PHONE 1	480-858-2085	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	5/3/20
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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

<input checked="" type="checkbox"/>	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: May 3, 2022
TO: Jack Scofield, Senior Code Inspector
FROM: Melissa Ensing, Code Inspector
SUBJECT: CE221476, Amy Brakefield Property Abatement

LOCATION: 2307 E. Aspen Dr. TEMPE, AZ 85282

PARCEL: 13440201

OWNER: AMY BRAKEFIELD
2307 E. ASPEN DR.
TEMPE, AZ 85282

FINDINGS:

03/03/2022 I inspected property and observed deteriorated landscape. Grass and weeds growing in the gravel landscape. Notice to comply mailed to owner.

03/17/2022 Inspected property and found landscape to be even more deteriorated. Mailed final notice to comply to owner.

04/01/2022 Posted notice to property to comply or contact me.

04/08/2022 Civil Citation issued.

04/20/2022 The Code Compliance Division received a complaint for deteriorated landscape.

04/25/2022 Owner failed to appear for court

04/26/2022 The Code Compliance Division received an additional complaint for deteriorated landscape.

05/03/2022 Posted notice of intent to abate to property and mailed to property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 2307 E. ASPEN DR. due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8. Ms. Brakefield has been given ample time to come into compliance and

maintain the property. The property owner has been issued a civil citation and has failed to appear to court. There has been no indication that the property owner will bring the property 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,

Melissa Ensing
Code Inspector

ACTION TAKEN: Submit

NAME 

DATE: 5/4/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 05/03/2022
CASE #: CE221476

**BRAKEFIELD AMY M
2307 E ASPEN DR
TEMPE, AZ 85282**

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

LOCATION: 2307 E ASPEN DR TEMPE, AZ 85282
PARCEL: 13440201

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **06/07/2022**. 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.8 Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance

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.8 REMOVE GRASS AND WEEDS FROM FRONT AND SIDE YARDS.

GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS, WILDFLOWERS PERMITTED.

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 **\$810.00**. 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: Melissa Ensing
Phone Number: 480-858-2085
E-mail: Melissa_Ensing@tempe.gov**



Artistic Land Management, Inc.

April 28, 2022

City of Tempe
Attn: Melissa Ensing
Code Compliance Inspector

RE: Clean-Up at 2307 E. Aspen 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 2307 E. Aspen Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

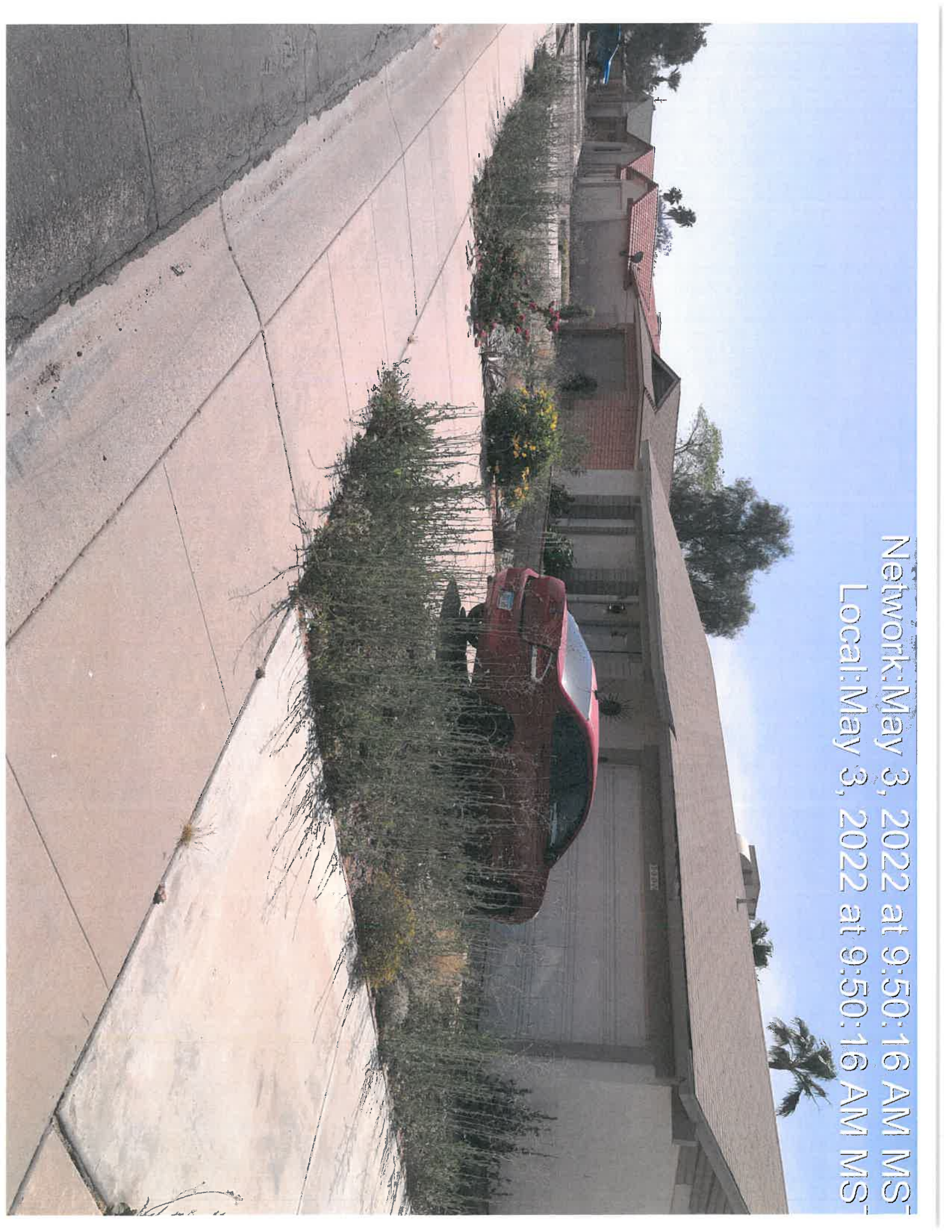
- Cut down weeds to ground level in the front and side yards
- Rake and/or blow landscaped areas
- Haul away and dispose of removed waste
- Police presence for the duration of the visit

Total = \$810.00

Respectfully,

Jose Hernandez

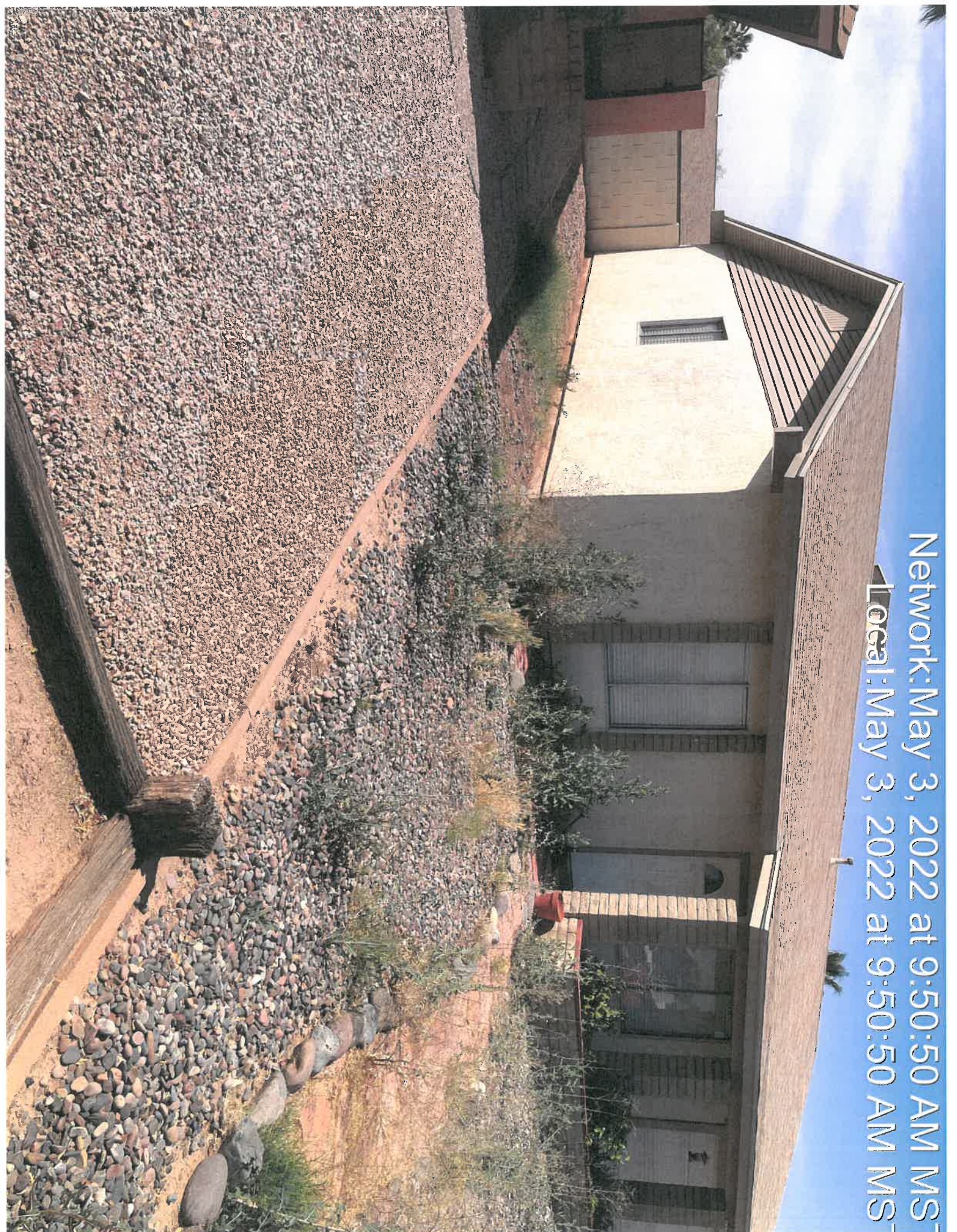
Network: May 3, 2022 at 9:50:16 AM MS-
Local: May 3, 2022 at 9:50:16 AM MS-



Network:May 3, 2022 at 9:50:48 AM MST
Local:May 3, 2022 at 9:50:48 AM MST



Network: May 3, 2022 at 9:50:50 AM MS-
Local: May 3, 2022 at 9:50:50 AM MS-







COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

03/03/2022

BRAKEFIELD AMY M
2307 E ASPEN DR
TEMPE, AZ 85282

Case #: CE221476
Site Address: 2307 E ASPEN DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/03/2022 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.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance	
PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	PLEASE REMOVE GRASS AND WEEDS FROM FRONT AND SIDE YARDS. GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS, WILDFLOWERS PERMITTED.	3/17/2022

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

Melissa Ensing
Code Inspector

Direct: 480-858-2085
Code Compliance: 480-350-4311
Email:Melissa_Ensing@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 \$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
FINAL CORRECTION NOTICE

03/17/2022

BRAKEFIELD AMY M
2307 E ASPEN DR
TEMPE, AZ 85282

Case #: CE221476
Site Address: 2307 E ASPEN DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/17/2022 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.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance

**SITE REINSP
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8	REMOVE GRASS AND WEEDS FROM FRONT AND SIDE YARDS. GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS, WILDFLOWERS PERMITTED.	04/01/2022
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CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS WILL BE ISSUED.

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

**Melissa Ensing
Code Inspector**

**Direct: 480-858-2085
Code Compliance: 480-350-4311
Email:Melissa_Ensing@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

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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702551		Case Number	Social Security Number		Military	<input type="checkbox"/> Serious Physical Injury	<input type="checkbox"/> Accident	<input type="checkbox"/> Fatality	<input type="checkbox"/> Commercial												
Driver's License No.		DLP <input type="checkbox"/>	State	Class	Endorsements M H N P T X D			Incident Report Number CE221476													
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language																					
Defendant Name (First, Middle, Last) Amy M. Brakefield								Juvenile													
Residence Address, City, State, Zip Code 2307 E. Aspen Dr. Tempe, AZ 85282								Telephone: (cell phone) <input type="checkbox"/>													
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions	Email Address													
Business Address, City, State, Zip Code								Business Phone No.													
Vehicle Color		Year	Make	Model	Style	License Plate	State	Expiration Date													
Registered owner & address, City, State, Zip Code						Vehicle Identification Number															
The Undersigned Certifies That:																					
On	Month 04	Day 08	Year 2022	Time 09:48	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Speed	Approx.	Posted	R & P												
At	Location 2307 E. Aspen Dr.					<input checked="" type="checkbox"/> Tempe <input type="checkbox"/> 85282	State of Arizona		Area	Dist.											
The Defendant Committed the Following:																					
A	Section: TCC21-3 A		ARS CC Violation: 21-3.B.8 Grass and Weeds		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input checked="" type="checkbox"/> Municipal Code												
	Docket Number		Disp. Code:	Date of Disposition:	Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense		MVD												
B	Section:		ARS CC Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code												
	Docket Number		Disp. Code:	Date of Disposition:	Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense		MVD												
C	Section:		ARS CC Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code												
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D	Section:		ARS CC Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code												
	Docket Number		Disp. Code:	Date of Disposition:	Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense		MVD												
E	Section:		ARS CC Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code												
	Docket Number		Disp. Code:	Date of Disposition:	Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense		MVD												
You must appear on the date and time indicated at: <table style="width:100%; border: none;"> <tr> <td style="border: none;"> Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753 </td> <td style="border: none;"> <input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor </td> <td style="border: none;">Date: 04/22/2022</td> <td style="border: none;">Time: Between 9AM & 4PM</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Court:</td> <td style="border: none;"><input type="checkbox"/> Criminal Court Suite 200, 2nd Floor</td> <td style="border: none;">Date: _____</td> <td style="border: none;">Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM</td> </tr> <tr> <td colspan="2" style="border: none;">Court Address, City, State, Zip Code</td> <td style="border: none;">Date: _____</td> <td style="border: none;">Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM</td> </tr> </table>										Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753	<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor	Date: 04/22/2022	Time: Between 9AM & 4PM	<input type="checkbox"/> Court:	<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM	Court Address, City, State, Zip Code		Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
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Court Address, City, State, Zip Code		Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM																		
Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon. Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.					Victim? <input type="checkbox"/> Victim Notified? <input type="checkbox"/> I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.																
X _____ Comments: Juvenile Notification: Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials _____					Complainant: <i>Melissa S</i> PSN: 17448 First Violation *2008* mailed certified																
Date issued if not violation date _____																					

COMPLAINT



1702551

If you were charged with a civil ordinance violation and you fail to appear as directed in this complaint, a default judgement will be entered, and a monetary penalty will be imposed.