

CITY OF TEMPE HEARING OFFICER

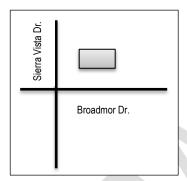
Meeting Date: 08/16/2022 Agenda Item: 4

<u>ACTION</u>: Request approval to abate public nuisance items at the Robinson Property located at 2215 South Sierra Vista Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$2927.00 for abatement request, including trash and debris throughout the front yard and deteriorating landscape, Security on site.

<u>RECOMMENDATION</u>: Staff – Approval

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the ROBINSON PROPERTY (CE220445). 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 CE220445: deteriorated landscape, trash, debris. The request includes the following:



Property Owner Applicant Zoning District: Code Compliance Inspector: Brittany Robinson City of Tempe – Code Compliance R1-6, Single Family Residential District Hector Heredia

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Code Compliance Administrator

Department Director: Jeff Tamulevich, Community Development Director Prepared by: Cassidy Hernandez, Administrative Assistant Reviewed by: Drew Yocom, Code Compliance Administrator

COMMENTS:

Code Compliance is requesting approval to abate the Robinson Property located at 2215 South Sierra Vista Drive in the R1-6, Single Family Residential District. This case was initiated 01/24/22 following 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 the 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.

Project Submitta Application	I	Community E 31 E. 5 th Street, Ga (480) 350-43 Planning	ity of Tempe Development Departu Irden Level, Tempe, 311 Fax: (480) 350-86 Fax: (480) 350-8872 ww.tempe.gov	AZ 85281 577	T Te	Tempe			
Project Information - Required									
Project Name: Brittany Robinsch Property Abatement									
Project Address: 22155 SIErva Vista Dr Suite No .:									
Proposed Use of Building/Suite:					Existing Zoning:	-6 "			
Legal Description: Attached	Legal Description: Attached Brogdmor Mahon 3 Parcel No.: 133.24.065								
Description of Work/Request:									
		💛 🛛 Valu	ation (for building pla	an review only):					
		Applicant	Information - Requi	red					
Company or Firm Name:	1 of T	empe Coc	le Comp.	Telephone 1:	180350	Ext: 5462			
Applicant's Name:	Here	dis: Cade		Telephone 2:	ţ	Ext:			
Applicant's Street Address :	CthSt	- ste:20	8	Fax:					
City: Tempe		State:	Zip:	Email Address(es):	<u> </u>			
Applicant Signature:	2 total	- Alic	,	Date:	222	·······			
<i>[+]</i>	Part	Fo	or City Use Only						
Planning	Fees	Building	Engineering		Submitted Materials:				
Recordation		New Building	Engineering		Building	Fire			
		Com Add/Alt			Planning	Signs			
PL Dev Plan Review			Revision		Engineering				
Sign Permit		D MF	Tracking Nos.:						
□ Use Permit		NRes	DS						
□ Variance		Res Remodel/Add	BP		Spec Book(s) Soils Report				
General Plan Amend			RA		Structural Calcs Report				
Zoning Amend		🗆 Demo	FR		Truss Calcs D Materials				
Zoning Verification Letter		Grading Only			□ Hydraulic Calcs □ Color Board				
Subdivision/Condo		Phased Constr	RAF		D Parking Analysis D Haz Mat Fo				
PAD Overlay		Phased Constr w/UG MEP							
Legal Posting Signs		□ Structural Frame	RAE		Total Valuation:				
Administrative Decision			PL						
Abatement		□ Mobile Home	SPR		Total Submittal Fees:				
Shared Parking		Factory Built Bldg	SGN						
CCR Review		Deferred submittal	GO						
Continuance		Revision							
🗀 Appeal		New Standard	GOB						
Other		Permits based	SE		Validation:				
Fire		on Standard #	ZP						
🗆 Tanks	ſ	Suiting	MCA Code:						
🗆 AFES (O/H)	Other								
Spray Paint Booth									
Special Extinguishing			File With:						
□ Fire Alarm					Date Stamp:				
Kitchen Hood System									
Rack Storage			Received By:						
□ Hazmat									
□ Other									



DATE: 07.13.2022

TO: Julie Scofield, Senior Code Inspector

FROM: Hector Heredia, Code Inspector

SUBJECT: CE : BRITTANY ROBINSON PROPERTY ABATEMENT FINDINGS

LOCATION: 2215 S SIERRA VISTA DR TEMPE, AZ 85282

PARCEL: 133.24.065

OWNER: BRITTANY ROBINSON 2215 S SIERRA VISTA DR TEMPE, AZ 85282

FINDINGS:

01.24.22: Anonymous complaint were received regarding junk / debris underneath the carport and visible from public access points. This was verified and a first notice was mailed to the property owner.

01.28.22: Additional anonymous complaints are received regarding the deteriorated state of a pine tree on the front yard including the junk / debris. Mrs. Robinson contacted management frustrated with the notice and threatened legal action but would not respond to communication efforts via phone nor email.

02.08.22: At the second inspection no corrective actions had taken place and a final notice was mailed. The notice also included dead tree limbs and the deteriorating state of the pine tree.

02.11.22: Additional complaints were received regarding the ongoing, deteriorated state of a pine tree on the front yard including the junk / debris underneath the carport.

02.22.22: At the third inspection no corrective actions had taken place and another final notice was mailed to the property owner.

03.17.22: A citation was issued after the property was not brought into compliance.

06.10.22: Additional anonymous complaints are received regarding the deteriorated state of a pine tree on the front yard.

07.01.22: Additional complaints continue to be received regarding the deteriorated state of a pine tree on the front yard.

07.13.22: After multiple failed attempts to reach the property owner, citation and anonymous complaints, the abatement packet was turned in for the August 16th, 2022, Hearing Officer.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property located at 2215 S SIERRA VISTA DR due to property owner's failure to bring property into compliance with Tempe City Code 21-3.b.1 & 21-3.B.8. BRITTANY ROBINSON 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,

Hector Heredia Code Inspector

ACTION TAKEN: NAME

DATE:

Tempe NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 07/13/2022 CASE # CE220445

BRITTANY ROBINSON 2215 S SIERRA VISTA 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: 2215 S SIERRA VISTA DR TEMPE, AZ 85282

PARCEL: 133.24.065

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 08.16.2022. 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:

Violation of City of Tempe Codes:

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; 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

CC 21-3.b.8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by
uncontrolled growth, or presents a deteriorated 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

If the violations have not been corrected within thirty 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:

1. REMOVE ALL JUNK / DEBRIS FROM YOUR CARPORT AND FRONT YARD AREAS

2. REMOVE ALL DEAD TREE LIMBS FROM PINE TRESS FRONT YARD 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 **\$2,927.00**. 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 for 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: Hector Heredia Phone Number: 480.350.5462 E-mail: hector_heredia@tempe.gov



June 20, 2022

14

City of Tempe Attn: Hector Heredia Code Compliance Inspector

RE: Clean-Up at 2215 S. Sierra Vista 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 2215 S. Sierra Vista Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Remove junk and debris from front yard and carport areas
- Remove dead tree limbs from pine trees in the front yard
- Police presence for the duration of the visit

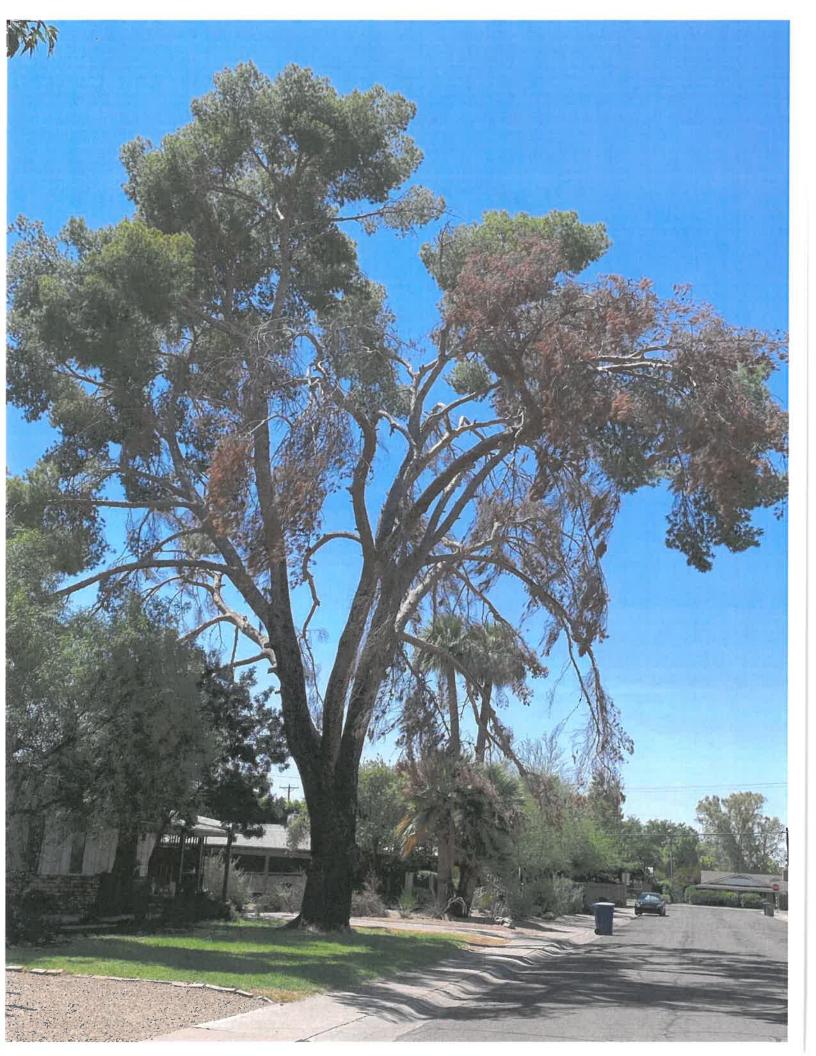
Total = \$2,927.00

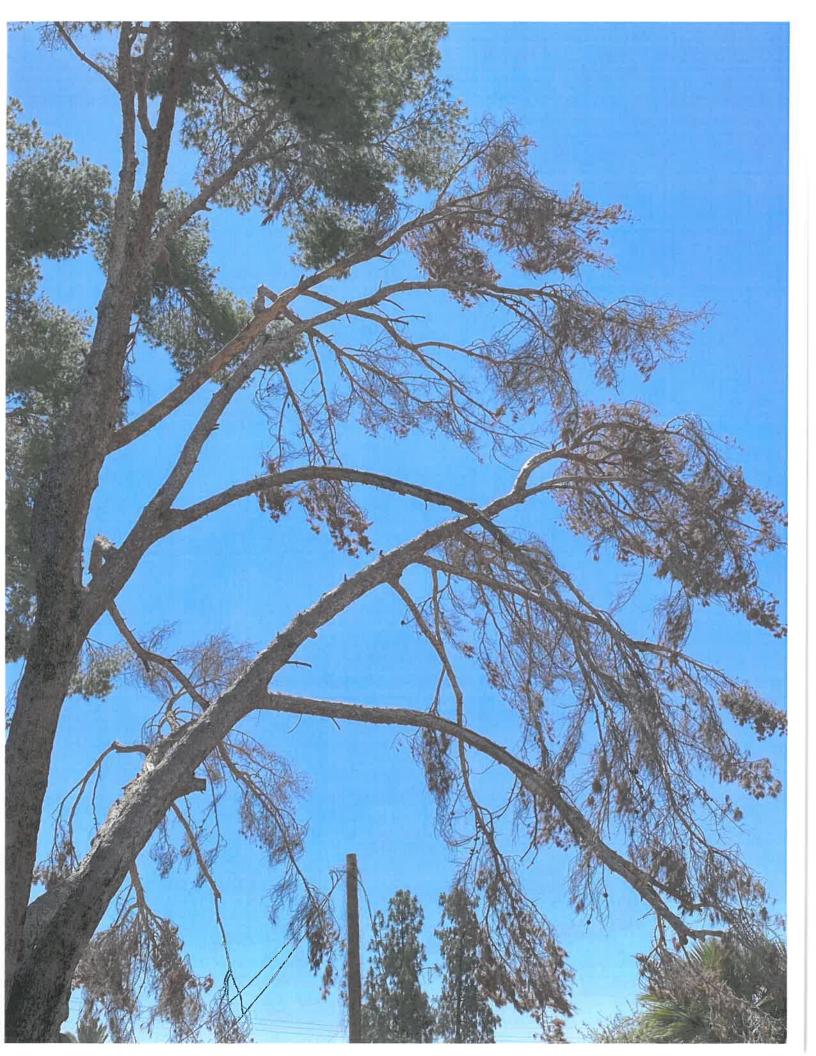
Respectfully,

Jose Hernandez

P. O. Box 2320, Chandler, AZ 85244-2320 PH: 480-821-4966 FAX: 480-964-5191 ROC 172763 / ROC 208414 / ROC 257425









COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

01/24/2022

ROBINSON JESSE S / BRITTANY N 2215 SIERRA VISTA DR TEMPE, AZ 85282

Case #: CE220445 Site Address: 2215 S SIERRA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/24/2022 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.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

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION				
CC 21-3.b.1	Please remove all the trash, litter, debris, and stored items from your property's front yard. All storage items must be kept in an enclosed unit classified as a building with four walls and a door / window. An un-enclosed area cannot be maintained as outdoor storage. All debris must be discarded appropriately at city dump sites or designated bins to help diminish a deteriorated appearance. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	02/08/2022		

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

Hector Heredia Jr Code Inspector Direct: 480-350-5462 Code Compliance: 480-350-4311 Email:Hector_Heredia@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, 3rd occurrence \$1,21-32; 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, 2nd 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

02/08/2022

ROBINSON JESSE S / BRITTANY N 2215 SIERRA VISTA DR TEMPE, AZ 85282

Case #: CE220445 Site Address: 2215 S SIERRA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/08/2022 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.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	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps

PLEASE TAKE TH	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all the trash, litter, debris, and stored items from your property's front yard. All storage items must be kept in an enclosed unit classified as a building with four walls and a door / window. An un-enclosed area cannot be maintained as outdoor storage. All debris must be discarded appropriately at city dump sites or designated bins to help diminish a deteriorated appearance. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	2/22/2022
CC 21-3.b.8	Please remove all the deteriorated, dry, or dead tree limbs from your tree on the properties front yard. Please discard all tree debris in appropriate city dumping sites. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	2/22/2022
	These issues must be addressed. If your property is out of compliance again in a twelve-month period for the same violation/s, reoccurring violation fees and citations can be issued without warning or further notice. Please contact me at your earliest convenience.	

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

Direct: 480-350-5462 Code Compliance: 480-350-4311 Email:Hector_Heredia@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 (I): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation.] Section 21-4 (b) Habitual Offender: 1st occurrence \$750 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 \$100 per violation, 2nd occurrence \$100 per violation. | Zoning and Development Code: 1st occurrence \$170 per 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

02/22/2022

ROBINSON JESSE S / BRITTANY N 2215 SIERRA VISTA DR TEMPE, AZ 85282

Case #: CE220445 Site Address: 2215 S SIERRA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/22/2022 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.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	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps

PLEASE TAKE TI	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all the trash, litter, debris, and stored items from your property's front yard. All storage items must be kept in an enclosed unit classified as a building with four walls and a door / window. An un-enclosed area cannot be maintained as outdoor storage. All debris must be discarded appropriately at city dump sites or designated bins to help diminish a deteriorated appearance. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	02/28/2022
CC 21-3.b.8	Please remove all the deteriorated, dry, or dead tree limbs from your tree on the properties front yard. Please discard all tree debris in appropriate city dumping sites. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	02/28/2022
	This is the final attempt to reach you regarding the above noted. These issues must be addressed. If your property is not brought into compliance before or on the due date a citation will be issued. There will be no more notices sent to your property due to negligence of the pending violations in a twelve-month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details or for clarification.	

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

Direct: 480-350-5462 Code Compliance: 480-350-4311 Email:Hector Heredia@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 \$420 per violation, 3rd occurrence \$100 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.

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