

### CITY OF TEMPE HEARING OFFICER

Meeting Date: 02/07/2023

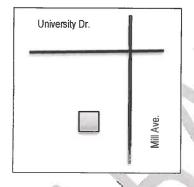
Agenda Item: 2

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

**FISCAL IMPACT:** \$3877 for abatement request: front, back & side yard landscape cleanup, including debris removal and trimming trees obstructing the street/sidewalk.

**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 CE225002: front, back & side yard landscape cleanup, including debris removal and trimming trees obstructing the street/sidewalk.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Frances Gray Bradford
City of Tempe – Code Compliance
R-2 Multi Family Residential
Michelle Van Etten

**ATTACHMENTS:** Supporting Attachment

**STAFF CONTACT**: Drew Yocom, 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, Code Administrator

#### **COMMENTS:**

Code Compliance is requesting approval to abate the Bradford Property located at 518 W. 11<sup>th</sup> Street, in the R-2 Multi Family Residential district. This case was initiated 08/25/2022, 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.

### **Planning** Application Part 1 of 2

City of Tempe Community Development Department 31 East 5<sup>th</sup> 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			Frances Gray Bradford - Ab	ateme		EXISTING ZONING	10.9						
	PROJ	JECT ADDRESS	518 W 11th St, Tempe AZ	V 11th St, Tempe AZ 85281									
PROJECT DESCRIPTION			Abatement of CE225002 February 07, 2023		PA	PARCEL No(s) 124-70-084							
	DI	USINESS NAME	PROPERTY OWNER	INFOR	MATION - R	REQUIRED	(EXCEPT PRELIMINA	RY SITE PLAN	REVIEW)				
	1100						518 W 11th St.				T min I		
	Ç	ONTACT NAME	Frances Gray Bradford			CITY	Tempe	1 4	STATE	AZ	ZIP 8528	1	
		EMAIL				PHONE 1			PHONE 2				
l he	reby	authorize the	applicant below to proces	s this	application v	with the Cit	y of Tempe.						
(	or atta	nch written staten	PROPERTY nent authorizing the applicant to	file the						DATE			
CO	MPAN	Y / FIRM NAME	Other of Tames and Conda Enforce			ADDRESS	TION - REQUIRED						
		ONTACT NAME	City of Tempe / Code Enfor	-		CITY	21 E 6th St, Suite 208		STATE	_	ZIPIOFOS		
			Michelle Van Etten / Code I	nspecto	or		Tempe			AZ	ZIP 8528	l	
		EMAIL	michelle_vanetten@tempe.	_		PHONE 1	(480) 350-2895		PHONE 2				
I he	reby ompl	attest that thi	is application is accurate a eturned to me without revi	nd the ew. to	submitted o be resubmitt	locuments ted with an	are complete. I ackno v missing information	wledge that if t n.	he applica	ation is	deemed to be		
					T SIGNATURE	Y 1 /	while of	Jan 1-t	~	DATE	12/19/2022		
ï			BUSINES	S INFO	RMATION -	1	FOR USE PERMITS	& SIGN DPRs					
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	C	ONTACT NAME				CITY			STATE		ZIP		
70	TYPE	E OF BUSINESS				PHONE			EMAIL				
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	В.	ADMINISTRATI	VE APPLICATIONS					ADI	А				
	C.	VARIANCES							VAR				
	D.	USE PERMITS	USE PERMIT STANDARDS					ZUF	1 1 1 1 1				
	E.	ZONING CODE	AMENDMENTS					ZOA	<b>.</b>		ZON		
	F.	PLANNED ARE	A DEVELOPMENT OVERLAYS				· - <u>·</u>	PAI		N.E.	REC		
	G.	SUBDIVISIONS	/ CONDOMINIUMS					SBI			REC		
	H.		T PLAN REVIEW					2					
	l.	APPEALS					<del>-</del>		4	1			
	J.		N AMENDMENTS					PA					
	K.	ZONING VERIF	ICATION LETTERS					ZVL					
Ø	L.	ABATEMENTS						CE			CM		
		TOTA	L NUMBER OF APPLICATIONS	0		DO CITY II	T-04/14		-				
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	1	PL TRACKING #											
SPR TRACKING #						PLET	K T BRUT L	TO	TAL APPLIC	ATION F	EES		
(if 2 <sup>nd</sup> or 3 <sup>nd</sup> submittal, use planning resubmittal form)								RE	RECEIVED BY INTAKE STAFF (INITIALS				



DATE:

December 16, 2022

TO:

Jack Scofield, Senior Code Inspector

FROM:

Michelle Van Etten, Code Inspector

SUBJECT:

CE225002, 518 W 11th St., Tempe - Abatement

**LOCATION:** 518 W 11<sup>th</sup> St, Tempe, AZ 85281

PARCEL:

124-70-084

OWNER:

Bradford, Frances Gray

518 W 11<sup>Th</sup> St.

Tempe, AZ. 85281

#### **FINDINGS**:

On 08/25/2022 I inspected the property located at 518 W 11<sup>th</sup> St.Tempe after receiving a complaint regarding paint and landscaping issues. I inspected the property and found that the front and rear landscapes were deteriorated, tree debris was on the roof and in the front, rear and side yard areas, and there was misc. trash and debris in the rear yard. I sent a notice to the homeowner.

On 09/08/2022 I reinspected the property and found that no improvements had been made. I sent a "final" notice to the homeowner.

On 09/22/2022 I reinspected the property and found that the violations remained. I issued a citation to the homeowner for the violations.

This property has been vacant for some time, and all notices and the citation were returned by the postal service. I posted a final notice and copy of the citation to the property.

On 11/03/2022 I sent an additional "final" notice to the homeowner after noticing that the front yard tree(s) had grown since this case was initiated and were obstructing the street and sidewalk in front of the property. I wanted to notify the owner of the violation and include it in the abatement should the violation not be corrected.

On 12/19/2022 I posted a copy of the Notice of Intent to Abate to the property.

#### **RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at 518 W 11<sup>th</sup> St., Tempe due to the property owner's failure to bring the property into compliance with Tempe City Code 21-3.B.8 Deteriorated Landscape and 21-3.B.1 Trash and Debris, and 21-3.B.7 /Tree Obstructing Street / Sidewalk. The owner was given ample time to come into compliance and maintain the property. The listed owner was issued a civil citation which has not been paid or contested and has gone to collections. There is no indication that the property will be brought into compliance in the near future. This property represents a health hazard and an eyesore to the community.

An abatement approval was received for this property (same owner) in October 2021, and the property was abated by the City to remedy similar nuisance violations in November 2021 and again in March 2022 (under the same 180 day approval period). 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,

Michelle Van Etten Code Inspector

ACTION TAKEN:	Subnit
NAME	Marillaine
DATE:	12/19/22



### NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 12/19/2022 CASE # CE225002

Frances Gray Bradford 518 W 11<sup>th</sup> 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 on 08/02/2022. 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 characterized by uncontrolled growth, or presents a deteriorated appearance

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

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 GRASS AND WEEDS FROM THE FRONT DIRT LANDSCAPE AND CUT ALL OVERHEIGHT GRASS AND WEEDS FROM THE REAR AND SIDE YARD AREAS.
- 2. REMOVE ALL TREE DEBRIS FROM THE FRONT, SIDE, AND REAR YARD AREAS AS WELL AS THE ROOF. ALSO REMOVE ALL TRASH AND DEBRIS ITEMS FROM THE SIDE AND REAR YARDS.
- 3. TRIM FRONT YARD TREE(S) SO THEY ARE NOT OBSTRUCTING THE STREET / SIDEWALK.

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 \$3877.00. 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: Michelle Van Etten
Phone Number: 480-350-2895

E-mail: michelle vanetten@tempe.gov



November 14, 2022

City of Tempe Attn: Michelle Van Etten Code Inspector

RE: Clean-Up at 518 W. 11th St.

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 518 W. 11<sup>th</sup> St, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

#### Scope of Work

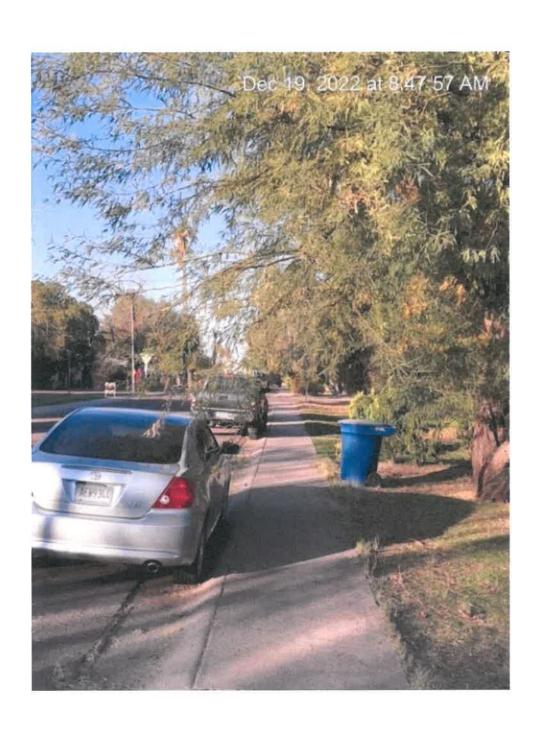
- Remove grass and weeds from front dirt landscape and cut back grass and weeds in rear and side yards
- Remove trash and debris from the rear yard
- Remove tree and vegetation debris from the front, back, and roof
- Cut back front yard trees so that it no longer obstructs the street/sidewalk
- Dispose of removed items off-site

Total = \$3,877.00

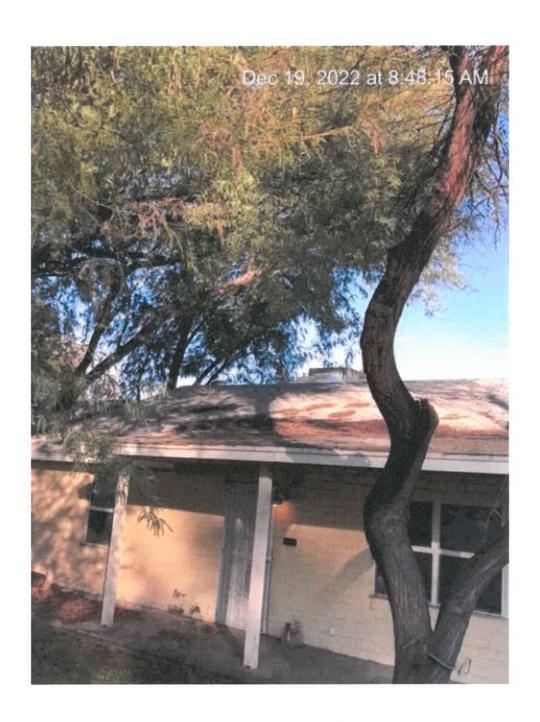
Respectfully,

Jose Hernandez

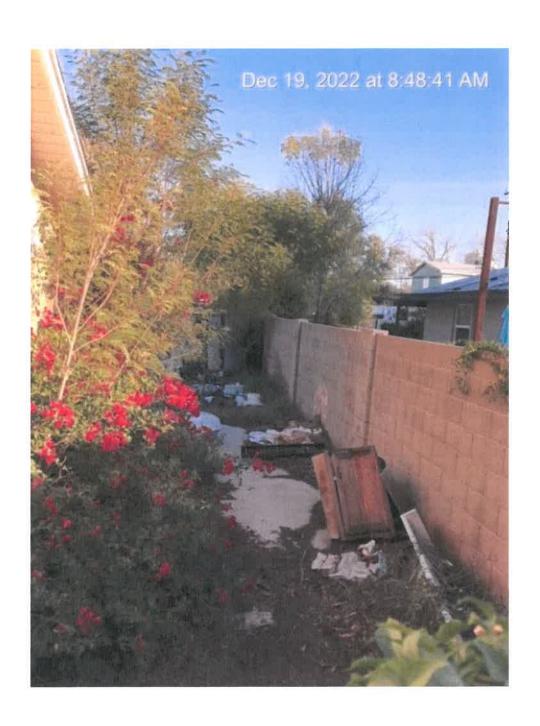


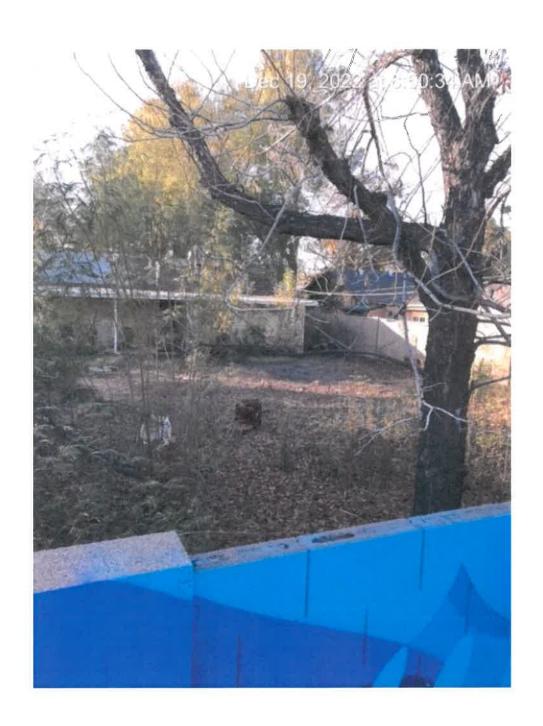


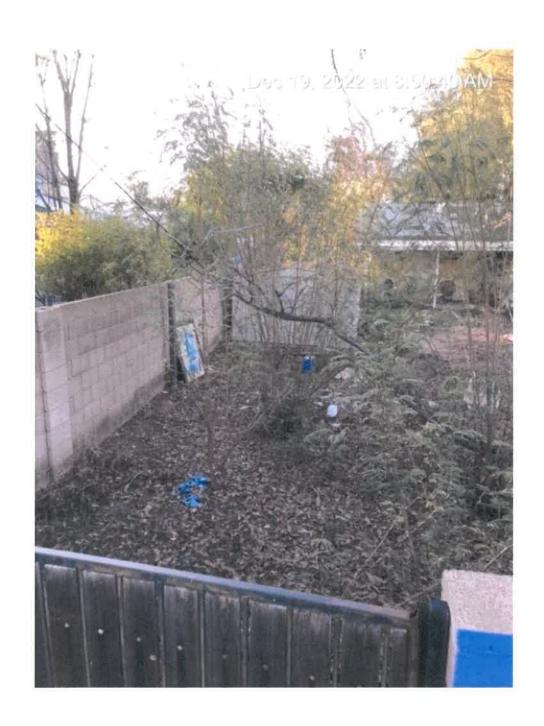


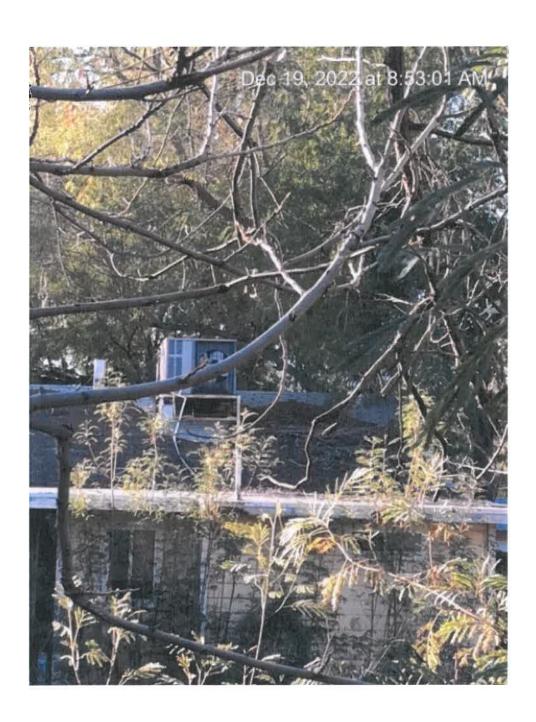














## COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

08/25/2022

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

Case #: CE225002

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

This is a notice to inform you that this site was inspected on 08/25/2022 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	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

PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	PLEASE REMOVE THE TRASH AND DEBRIS ITEMS FROM THE REAR YARD AREA. (INCLUDING BOTTLES, CANS, PAPERS, PLASTICS, BROKEN PICTURE FRAME, MISC. OTHER ITEMS)	9/8/2022
	THIS INCLUDES ALL TREE AND VEGETATION DEBRIS IN THE FRONT YARD AREAS, BACK YARD AREAS, AND ON THE ROOF OF THE RESIDENCE. PLEASE GATHER AND DISCARD ALL OF THIS DEBRIS.	
CC 21-3.b.8	PLEASE REMOVE GRASS AND WEEDS FROM THE FRONT YARD LANDSCAPE AREAS. THIS INCLUDES THE DIRT / GRAVEL LANDSCAPE (DIRT AND GRAVEL LANDSCAPES MUST BE MAINTAINED FREE OF GRASS AND WEEDS), SIDEWALK CRACKS, DRIVEWAY CRACKS, ETC.	9/8/2022

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

Michelle Van Etten Code Inspector

Direct: 480-350-2895

Code Compliance: 480-350-4311 Email:michelle\_vanetten@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

09/08/2022

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

Case #: CE225002

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

This is a notice to inform you that this site was inspected on 09/08/2022 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 no enclosed by the walls, doors or windows of any building									
CC 21-3.b.8	aged, or characterize								
PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER							
CC 21-3.b.1	21-3.b.1 PLEASE REMOVE THE TRASH AND DEBRIS ITEMS FROM THE REAR YAR AREA. (INCLUDING BOTTLES, CANS, PAPERS, PLASTICS, BROKEN PICTURE FRAME, MISC. OTHER ITEMS)								
	THIS INCLUDES ALL TREE AND VEGETATION DEBRIS IN THE FRONT YARD AREAS, BACK YARD AREAS, AND ON THE ROOF OF THE RESIDENCE. PLEASE GATHER AND DISCARD ALL OF THIS DEBRIS.								
CC 21-3.b.8	PLEASE REMOVE GRASS AND WEEDS FROM THE FRONT AND REAR YARD LANDSCAPE AREAS. THIS INCLUDES THE DIRT / GRAVEL LANDSCAPE (DIRT AND GRAVEL LANDSCAPES MUST BE MAINTAINED FREE OF GRASS AND WEEDS), SIDEWALK CRACKS, DRIVEWAY CRACKS, ETC. AS WELL AS TALL GRASS AND WEEDS.	9/22/2022							

#### 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.

Michelle Van Etten Code Inspector

Direct: 480-350-2895

Code Compliance: 480-350-4311 Email:michelle\_vanetten@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

11/03/2022

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

Case #: CE225002

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

This is a notice to inform you that this site was inspected on 11/03/2022 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
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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
CC 21-3.b.7	Object, building, tree, bush or vehicle that interferes with or obstructs a sidewalk or street

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION										
CC 21-3.b.1	PLEASE REMOVE THE TRASH AND DEBRIS ITEMS FROM THE REAR YARD AREA. (INCLUDING BOTTLES, CANS, PAPERS, PLASTICS, BROKEN PICTURE FRAME, MISC. OTHER ITEMS)									
	THIS INCLUDES ALL TREE AND VEGETATION DEBRIS IN THE FRONT YARD AREAS, BACK YARD AREAS, AND ON THE ROOF OF THE RESIDENCE. PLEASE GATHER AND DISCARD ALL OF THIS DEBRIS.									
CC 21-3.b.8	PLEASE REMOVE GRASS AND WEEDS FROM THE FRONT YARD LANDSCAPE AREAS. THIS INCLUDES THE DIRT / GRAVEL LANDSCAPE (DIRT AND GRAVEL LANDSCAPES MUST BE MAINTAINED FREE OF GRASS AND WEEDS), SIDEWALK CRACKS, DRIVEWAY CRACKS, ETC.	11/17/2022								
CC 21-3.b.7	TRIM FRONT YARD TREE(S) SO THAT THEY ARE NOT OBSTRUCTING THE STREET OR SIDEWALK.	11/17/2022								

### CORRECTIVE ACTION MUST BE COMPLETED OR THE ABATEMENT PROCESS WILL BEGIN TO CORRECT THE VIOLATIONS

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

Michelle Van Etten Code Inspector

Direct: 480-350-2895

Code Compliance: 480-350-4311 Email:michelle\_vanetten@tempe.gov

SITE REINSP

**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



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Complaint Number Case Number Social Security Number Military Serious Physical Injury 16 Passenger Vehicle Haz. Material																						
Driver's License No.  DLP State Class Endorsements Incident Report Number  M H N P T X D CE235002												)										
Inter	Interpreter Required?																					
Defendant Name (First, Middle, Last) FRANCES GRAY BRADFORD Juvenile																						
Residence Address, City, State, Zip Code 5 8 W 1) th ST TEMPE A-Z \$528 Telephone: (cell phone) (7)																						
Sex Height Weight Eyes Hair Origin Date of Birth Restrictions Email Address																						
Busi	ness Address	s, City, Sta	ite, Zi	p Code	}															Business	Phone No.	
V	ehicle	Color			Year	r	Make			M	odel		Styl	0		Licens	se Plat	е		State	Expirati	on Date
	Registered owner & address, City, State, Zip Code  Vehicle Identification Number																					
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	Section:						Violation:											Domes	tic	Crimina	al [] Cri	minal Traffic
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