

CITY OF TEMPE HEARING OFFICER

Meeting Date: 02/21/2023

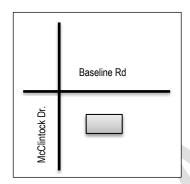
Agenda Item: 3

<u>ACTION</u>: Request approval to abate public nuisance items at the Shepherd Property located at 1849 East Harvard Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$607.60 for abatement request, including three (3) inoperable/unregistered vehicles, Security on site.

RECOMMENDATION: Staff – Approval

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the SHEPHERD PROPERTY (CE225848). 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 CE225848: inoperable/unregistered vehicles. The request includes the following:



Property Owner Zachary Shepherd

Applicant City of Tempe – Code Compliance
Zoning District: R1-6, Single Family Residential District
Code Compliance Inspector: Julie Scofield, Senior Code Inspector

ATTACHMENTS: Supporting Attachment

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

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 Shepherd Property located at 1849 East Harvard Drive in the R1-6, Single Family Residential District. This case was initiated 09/29/2022 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.

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 SHEPHERD PROPERTY ABATEMENT R1-6 **ZONING** PROJECT ADDRESS SUITE(S) П 1849 E. HARVARD DR. TEMPE, AZ 85283 PROJECT DESCRIPTION PARCEL No(s) **ABATEMENT OF CE225848** 301-01-960 HEARING IS FEBRUARY 21ST, 2023 PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K) **BUSINESS NAME ADDRESS** 1849 E. HARVARD DR. CITY **CONTACT NAME STATE** ZIP ZACHARY SHEPHERD TEMPE 85283 **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** CITY OF TEMPE 21 E. 6TH ST. **CONTACT NAME** CITY STATE ZIP JULIE SCOFIELD TEMPE AZ 85281 **EMAIL** PHONE 1 PHONE 2 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 2 00 BUSINESS INFORMATION - REQUIRED FOR USE PERMIT'S & SIGN DPRs **ADDRESS BUSINESS NAME CONTACT NAME** CITY STATE ZIF **TYPE OF BUSINESS** PHONE **EMAIL** FOR CITY USE ONLY APPLICATION OTY SPECIFIC REQUEST (Planning record tracking numbers) (Check all that apply) for types) /See PRELIMINARY SITE PLAN REVIEW A. SPR В. ADM **ADMINISTRATIVE APPLICATIONS** C, **VARIANCES VAR** D. **USE PERMITS / USE PERMIT STANDARDS** ZUP E. ZONING CODE AMENDMENTS ZOA ZON F, PLANNED AREA DEVELOPMENT OVERLAYS PAD **REC** П G. SUBDIVISION / CONDOMINIUM PLATS SBD REC H. **DEVELOPMENT PLAN REVIEW DPR APPEALS** I. J. **GENERAL PLAN AMENDMENTS GPA** K. **ZONING VERIFICATION LETTERS** ZVL

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE RECEIVED (STAMP)

CM

SE

VALIDATION OF PAYMENT (STAMP)

TOTAL APPLICATION FEES

CF

GO

TOTAL NUMBER OF APPLICATIONS

0

FILE APPLICATION WITH

CE / CM / IP TRACKING #

Ø L.

□ | M.

ABATEMENTS

SIGN TYPE K

DS TRACKING #

PL TRACKING # SPR TRACKING #

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

Resubmittal Form)

FOR CITY USE ONLY

DATE:

01/12/2023

FROM:

Julie Scofield, Sr. Code Inspector

SUBJECT:

CE225848, Shepherd Property Abatement

LOCATION: 1849 E. HARVARD DR. TEMPE, AZ 85283

LEGAL:

TEMPE ROYAL PALMS UNIT 14

PARCEL:

301-01-960

OWNER:

ZACHARY W. SHEPHERD

1849 E. HARVARD DR.

TEMPE, AZ 85283

FINDINGS:

09/29/2022 The Code Compliance Division received a complaint for this property for junk, trash, and debris, and home occupation.

09/30/2022 An inspection conducted by Code Inspector Cody Oas, found that the property was in violation for grass and weeds in a gravel landscape and multiple vehicles parked in the driveway with no license plates. A notice was mailed to the owner, Zachary Shepherd.

10/06/2022 An anonymous complaint came in from 311 for deteriorated landscape and lawn parking.

10/14/2022 Cody Oas conducted another inspection, and the property was still in violation. A final notice was mailed.

10/31/2022 Cody Oas went to the property. The weed violation had been corrected. The unregistered vehicles were however, still parked in the driveway with no license plates. A pink hanger was placed on the door, asking for contact or compliance by 11/04/2022 to avoid a possible citation.

11/14/2022 The case has been turned over to me, inspector Julie Scofield. Went to the property. There were multiple unregistered vehicles parked in the driveway. Another final notice was mailed to the owner.

12/01/2022 Issued a citation to the property owner for the unregistered vehicles. Citation # 1702582. Pictures were taken to show the condition of the property.

01/04/2023 Requesting a bid for the towing of the unregistered vehicles in the driveway.

01/12/2023 Turning in the paperwork for the abatement hearing to be heard February 21st, 2023. The citation has gone unpaid, and the owner has failed to appear.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violation at the property located at 1849 E. Harvard Dr., due to property owner's failure to bring property into compliance with Tempe City Code 21-3. b.3 Mr. Shepherd was issued multiple notices. A citation was issued but has gone to collections. 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. I also request that the abatement be approved for 180 days.

Respectfully submitted,

Julie Scofield Code Inspector II

DATE:

NAME Submitted

NAME Submitted



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 01/12/2023 CASE #: CE225848

ZACHARY WYMAN SHEPHERD 1849 E HARVARD 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: 1849 E HARVARD DR TEMPE, AZ 85283

PARCEL: 301-01-960

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers 02/21/2023. 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.3

An unregistered vehicle outside of or under a roof area not enclosed

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.3

VEHICLES OUT IN THE OPEN MUST BE REGISTERED AND APPEAR OPERABLE. PLEASE PROPERLY REGISTER ANY UNREGISTERED VEHICLE(S) WITH AZ MVD AND DISPLAY CURRENT PLATES AND OR TAGS. OR REMOVE THE VEHICLE(S) FROM THE FRONT 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 \$607.60. 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



City of Tempe

Police Department

Case Information

Address: 1849 E. Harvard Dr.

Case Number: CE225848

Inspector: Julie Scofield

Requested Services

OFFICER

City of Tempe Off Duty Police Officer

SERVICES

Civil Standby: Abate Security for Towing

Item Breakdown

ITEM	UNIT COST	QTY	TOTAL
Standard Hourly Rate (3 hours minimum)	\$80/hr	3	\$240
Additional Hourly Fee for Car (3 hours Minimum)	\$5/hr	3	\$15
Flat Fee for Car	\$40	1	\$40

TOTAL \$295

Approved By Drew Yocom 480-858-2190

Customer Quotation

Date	Quote #
12-Jan-2023	43

Apache Sands Towing

7602 E Main St Mesa, Arizona 85207 Phone: (480) 986-5556 Fax: (480) 373-8766

Quoted For:

Julie Scofield

City of Tempe (Nuisance Abatement Services)

Arizona

Summary

Location:

1849 E Harvard Dr Tempe

Destination:

Tempe Impound

Reason:

Zone:

1960 Ford

Tow

Vehicle: Owner:

Phone:

VIN:

Plate/Tag:

Mileage:

Service	Quantity	Rate	Amount
_4 - LD - T6 -Towing	1.00	104.20	104.20
	Sub Total	:	104.20
	QUOTATION TOTA	L	104.20

The above quoted amounts are valid for 60 days from the date of this quotation.

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Date

Customer Quotation

Date	Quote #
12-Jan-2023	44

Apache Sands Towing

7602 E Main St Mesa, Arizona 85207 Phone: (480) 986-5556 Fax: (480) 373-8766

Quoted For:

Julie Scofield

City of Tempe (Nuisance Abatement Services)

Arizona

Summary

Location:

1849 E Harvard Dr Tempe

Destination:

Tempe Impound

Reason: Zone: Tow

Vehicle:

1960 Pontiac

Owner:

Phone:

VIN:

Plate/Tag:

Mileage:

Service	Quantity	Rate	Amount
_4 - LD - T6 -Towing	1.00	104.20	104.20
	Sub Total		104.20
	QUOTATION TOTAL	L	104.20

The above quoted amounts are valid for 60 days from the date of this quotation.

C: ~.		
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Customer Quotation

Date	Quote #
12-Jan-2023	45

Date

Apache Sands Towing

7602 E Main St Mesa, Arizona 85207 Phone: (480) 986-5556 Fax: (480) 373-8766

Quoted For:

Julie Scofield

City of Tempe (Nuisance Abatement Services)

Arizona

Summary

Location:

1849 E Harvard Dr Tempe

Destination: Reason: Tempe Impound

Zone:

Tow

Vehicle:

2000 Audi

Owner: Phone:

VIN:

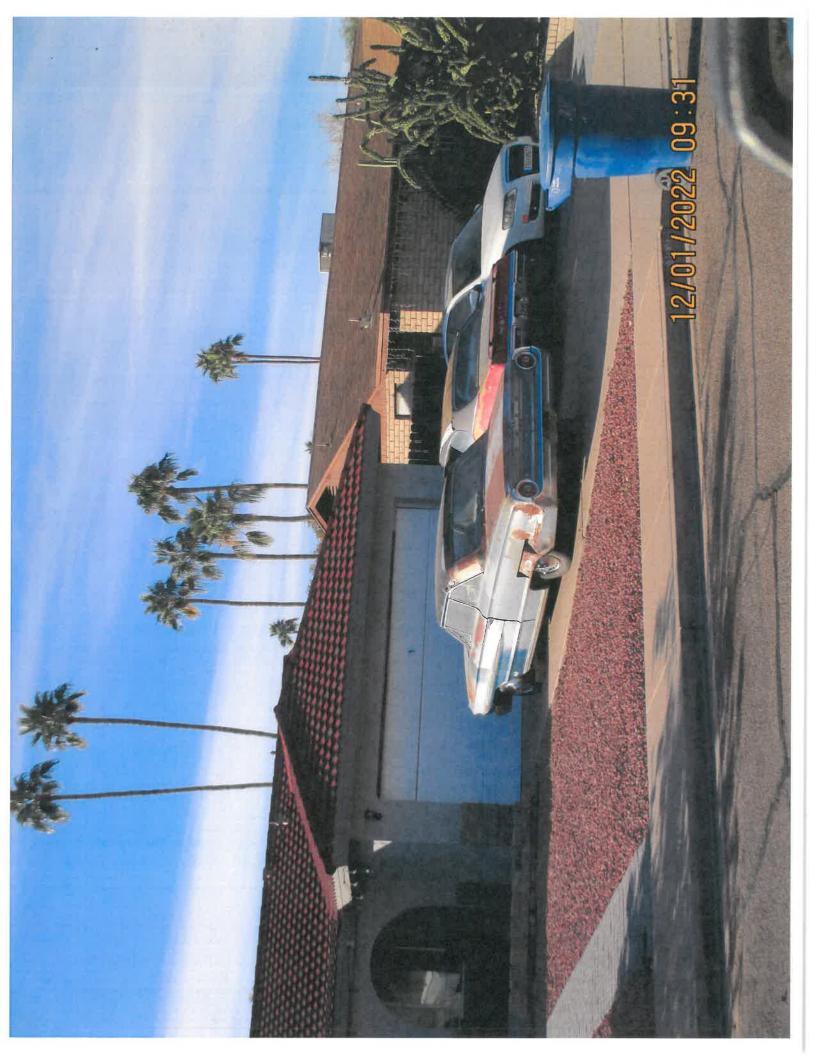
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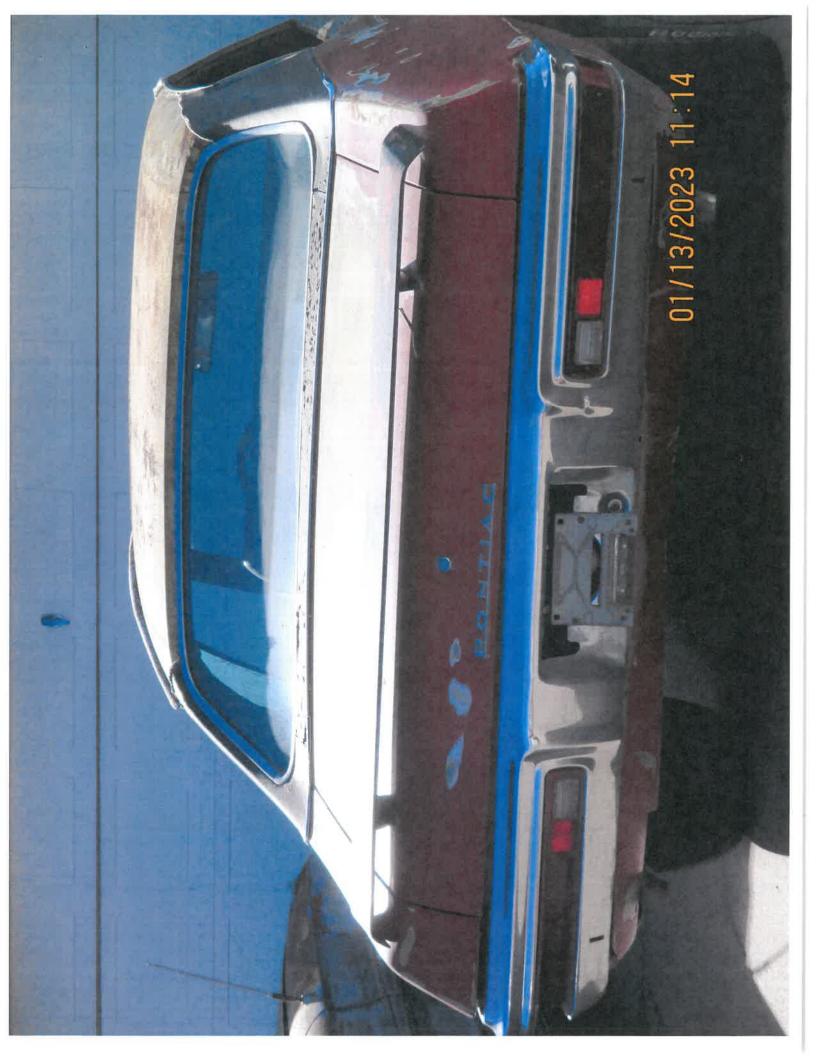
Service	Quantity	Rate	Amount
_4 - LD - T6 -Towing	1.00	104.20	104.20
	Sub Total		104.20
	QUOTATION TOTAL		104.20

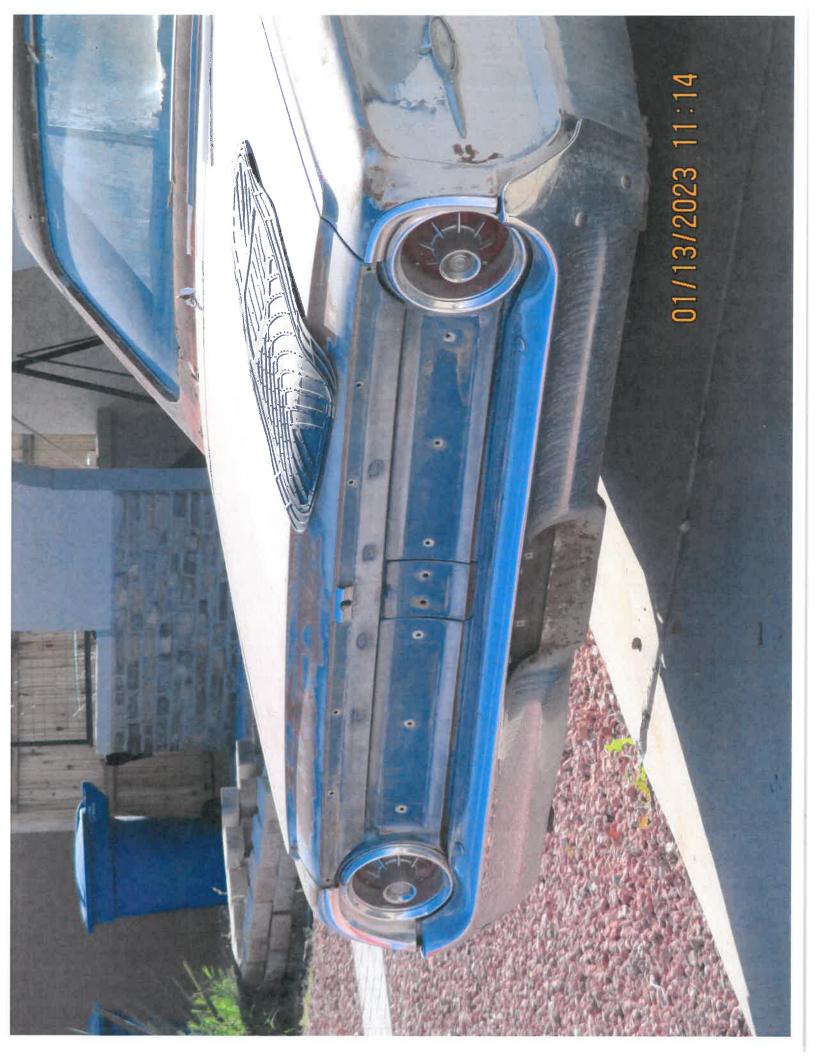
The above quoted amounts are valid for 60 days from the date of this quotation.

Signature











COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

09/30/2022

SHEPHERD, ZACHARY 1849 E HARVARD DR TEMPE, AZ 85283

Case #: CE225848

Site Address: 1849 E HARVARD DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 09/30/2022 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	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches
CC 21-3.b.3	An unregistered vehicle outside of or under a roof area not enclosed

PLEASE TAKE T	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	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.	10/14/2022
CC 21-3.b.3	VEHICLES OUT IN THE OPEN MUST BE REGISTERED AND APPEAR OPERABLE. PLEASE PROPERLY REGISTER ANY UNREGISTERED VEHICLE(S) WITH AZ MVD AND DISPLAY CURRENT PLATES AND OR TAGS. OR REMOVE THE VEHICLE(S) FROM THE FRONT OF THE PROPERTY.	10/14/2022

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

Cody Oas Code Inspector Direct: 480-858-2142

Code Compliance: 480-350-4311 Email: Cody_Oas@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

10/14/2022

SHEPHERD, ZACHARY 1849 E HARVARD DR TEMPE, AZ 85283

Case #: CE225848

Site Address: 1849 E HARVARD DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 10/14/2022 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	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches
CC 21-3.b.3	An unregistered vehicle outside of or under a roof area not enclosed

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION					
CC 21-3.b.8	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.	10/28/2022			
CC 21-3.b.3	VEHICLES OUT IN THE OPEN MUST BE REGISTERED AND APPEAR OPERABLE. PLEASE PROPERLY REGISTER ANY UNREGISTERED VEHICLE(S) WITH AZ MVD AND DISPLAY CURRENT PLATES AND OR TAGS. OR REMOVE THE VEHICLE(S) FROM THE FRONT OF THE PROPERTY.	10/28/2022			

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

Cody Oas Code Inspector Direct: 480-858-2142

Code Compliance: 480-350-4311 Email: Cody_Oas@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

11/14/2022

SHEPHERD ZACHARY WYMAN 1849 E HARVARD DR TEMPE, AZ 85283

Case #: CE225848

Site Address: 1849 E HARVARD DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 11/14/2022 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.3	An unregistered vehicle outside of or under a roof area not enclosed	
PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.3	VEHICLES OUT IN THE OPEN MUST BE REGISTERED AND APPEAR OPERABLE. PLEASE PROPERLY REGISTER ANY UNREGISTERED VEHICLE(S) WITH AZ MVD AND DISPLAY CURRENT PLATES AND OR TAGS. OR REMOVE THE VEHICLE(S) FROM THE FRONT OF THE PROPERTY.	11/28/2022

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

Julie Scofield Code Inspector Direct: 480-350-8951

Code Compliance: 480-350-4311 Email: julie scofield@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**

PLEASE BRING THE PROPERTY INTO COMPLIANCE ON OR BY 11/28/2022 TO AVOID A \$200 CITATION

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.

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County, State of Arizona

Tempe		Tempe
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COMPLAINT



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.