

CITY OF TEMPE HEARING OFFICER

Meeting Date: 07/18/2023

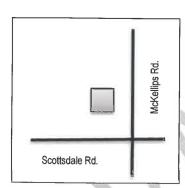
Agenda Item: 3

ACTION: Request approval to abate public nuisance items at the Miles Property located 702 E. Taylor Street. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1510 for abatement request: remove dead tree in front yard, remove dead fronds from palm tree in front yard.

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 MILES 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 CE227562: remove dead tree in front yard, remove dead fronds from palm tree in front yard.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Cris H. Miles
City of Tempe – Code Compliance
R1-6 Single Family Residential District
Andres Lara-Reyes

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 Miles Property located at 702 E. Taylor Street, in the Single Family Residential District. This case was initiated 12/19/22, 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

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



Part 1 of 2

All applications must be accompanied by the required plans, submittal materials, and correct fee(s) PROJECT INFORMATION - REQUIRED PROJECT NAME CRIS & LOIS MILES **EXISTING** R1-6 **ZONING PROJECT ADDRESS** 702 E TAYLOR ST TEMPE, AZ 85288 SUITE(S) П CE227562 PROJECT DESCRIPTION PARCEL No(s) DEAD PALM FRONDS; DEAD TREE 129-17-058 HEARING DATE: JULY 18, 2023 PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW **BUSINESS NAME ADDRESS CRIS & LOIS MILES** 702 E TAYLOR ST CONTACT NAME STATE ZIP TEMPE, AZ 85288 AZ 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 6/12/2023 or attach written statement authorizing the applicant to file the application(s) APPLICANT INFORMATION - REQUIRED COMPANY / FIRM NAME **ADDRESS** CITY OF TEMPE CONTACT NAME CITY ANDRES LARA-REYES STATE 7IP **EMAIL** PHONE 1 PHONE 2 (480) 350-8963 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 6/19/2019 BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPR **BUSINESS NAME ADDRESS** CONTACT NAME CITY STATE ZIP TYPE OF BUSINESS PHONE **EMAIL** APPLICATION SPECIFIC REQUEST FOR CITY USE ONLY (check all that apply) (see planning & zoning fee schedule for types) (planning record tracking numbers) PRELIMINARY SITE PLAN REVIEW SPR B. **ADMINISTRATIVE APPLICATIONS ADM** C. **VARIANCES** VAR D. **USE PERMITS / USE PERMIT STANDARDS** ZUP E. **ZONING CODE AMENDMENTS** ZOA ZON F. PLANNED AREA DEVELOPMENT OVERLAYS PAD REC G. SUBDIVISIONS / CONDOMINIUMS SBD REC H. **DEVELOPMENT PLAN REVIEW** DPR l. **APPEALS** J. **GENERAL PLAN AMENDMENTS GPA** K. **ZONING VERIFICATION LETTERS** ZVL Ø L. **ABATEMENTS** CE CM **TOTAL NUMBER OF APPLICATIONS** FOR CITY USE ONLY **DS TRACKING #** FILE THIS APPLICATION WITH DATE RECEIVED (STAMP) VALIDATION OF PAYMENT (STAMP) **CE / CM TRACKING #** PL TRACKING # **SPR TRACKING # TOTAL APPLICATION FEES** (if 2nd or 3rd submittal, use planning resubmittal RECEIVED BY INTAKE STAFF (INITIALS) form)



DATE:

June 12, 2023

TO:

Julie Scofield, Senior Code Inspector

FROM:

Andres Lara-Reyes, Code Inspector

SUBJECT:

CE227562, CRIS & LOIS MILES Property Abatement

LOCATION: 702 E TAYLOR ST TEMPE, AZ 85288

PARCEL:

129-17-058

OWNER:

CRIS & LOIS MILES 702 E TAYLOR ST

TEMPE, AZ 85288

FINDINGS:

12/19/2022 The Code Compliance Division received a complaint for deteriorated landscape, dead palm fronds 1 palm tree and a dead tree in the front yard.

12/20/2022 Inspected the property and found no changes or improvements dead palm fronds 1 palm tree and a dead tree in the front yard. Notice to comply mailed to owner.

01/20/2023 There were no changes, observed dead palm fronds 1 palm tree and a dead tree in the front yard. Final notice to comply mailed to owner

2/6/2023 a door hanger was posted to the front door to correct violation by 02/13/23 to avoid a citation.

2/16/2023 9:37 am copy of citation was hand delivered to Sarah (owner's daughter).

3/17/2023 observed dead palm fronds 1 palm tree and a dead tree in the front yard. A 2nd citation was issued, mailed & posted to the front door of the property.

4/20/2023 I met Sarah (owner's daughter) at the property. explained that the only violations to correct are the palm fronds & the dead tree in the front yard. I provided Artistic phone number to call & get a bid. explained that i was trying to avoid issuing a 3rd citation or abatement filing. per Sarah, owner Cris is deceased. will re-inspect in a couple of weeks, asked to call if she has any questions.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 702 E TAYLOR ST due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8. Mrs. MILES has been given ample time to come into compliance and maintain the property. The property owner has been issued several civil citations 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,

Andres Lara-Reyes
Code Inspector

ACTION TAKEN:	submitted
NAME	Truw 3rcfula
DATE:	60/12/23



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 06/12/2023 CASE #: CE227562

CRIS & LOIS MILES 702 E TAYLOR ST TEMPE, AZ 85288

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

LOCATION: 702 E TAYLOR ST TEMPE, AZ 85281

PARCEL: 129-17-058

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers *July 18, 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.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

Please remove all the dead fronds from one (1) palm tree in the front yard.

Please remove or cut to ground level the dead tree in the front yard landscape area.

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 \$1510.00. 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: Andres Lara-Reyes Phone Number: 480-350-8963

E-mail: andres lara-reyes@tempe.gov



June 12, 2023

City of Tempe Attn: Julie Scofield Code Inspector

RE: Clean-Up at 702 E. Taylor 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 702 E. Taylor St, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Remove dead fronds from 1 Palm Tree in the front yard
- Remove 1 small dead tree in the front yard
- Haul off and dispose of debris
- Police presence for duration of the visit

Total: \$1,510.00

Respectfully,

Jose Hernandez





COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

12/20/2022

CRIS & LOIS MILES 702 E TAYLOR ST TEMPE, AZ 85281

Case #: CE227562

Site Address: 702 E TAYLOR ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 12/20/2022 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 inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed
CC 21-3.b.4	To permit outside of any single-family or multifamily dwelling or accessory building any camper, vehicle or parts thereof in the front or side area of the building visible from the street that is not on an improved area intended for parking
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; 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

PLEASE TAKE T	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.3	Please register or remove a white Mazda van without license plates parked in the driveway.	01/20/2023
CC 21-3.b.3	Please provide proof of registration or remove the black KIA van parked in the front yard.	01/20/2023
CC 21-3.b.4	Please cease the lawn parking of any vehicles in the front porch area of the property.	01/20/2023
	Note: parking can be done on a permitted driveway or street.	
CC 21-3.b.8	Please remove all the dead fronds from one (1) palm tree in the front yard.	01/20/2023
CC 21-3.b.8	Please remove or cut to ground level the dead tree in the front yard landscape area.	01/20/2023

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

Andres Lara-Reyes Code Inspector

Direct: 480-350-8963

Code Compliance: 480-350-4311 Email:andres_lara-reyes@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

01/20/2023

CRIS & LOIS MILES 702 E TAYLOR ST TEMPE, AZ 85281

Case #: CE227562

Site Address: 702 E TAYLOR ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 01/20/2023 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 inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed
CC 21-3.b.4	To permit outside of any single-family or multifamily dwelling or accessory building any camper, vehicle or parts thereof in the front or side area of the building visible from the street that is not on an improved area intended for parking
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; 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

PLEASE TAKE T	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.3	Please register or remove a white Mazda van without license plates parked in the driveway.	02/03/2023
CC 21-3.b.3	Please provide proof of registration or remove the black KIA van parked in the front yard.	02/03/2023
CC 21-3.b.4	Please cease the lawn parking of any vehicles in the front porch area of the property.	02/03/2023
	Note: parking can be done on a permitted driveway or street.	
CC 21-3.b.8	Please remove all the dead fronds from one (1) palm tree in the front yard.	02/03/2023
CC 21-3.b.8	Please cut all over height grass and weeds in the front yard landscape area.	02/03/2023

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

Andres Lara-Reyes Code Inspector

Direct: 480-350-8963

Code Compliance: 480-350-4311 Email:andres_lara-reyes@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.

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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COMPLAINT



Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County, State of Arizona



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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.

COMPLAINT

