
**CITY OF TEMPE
HEARING OFFICER**

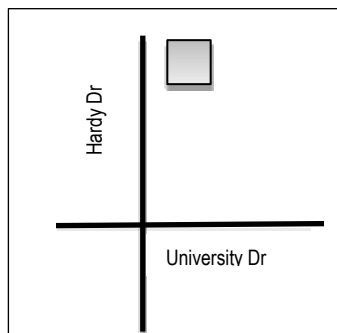
**Meeting Date: 07/16/2024
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the 325 SHD LLC PROPERTY located at 325 S. Hardy Dr. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$935.00 for abatement request: Remove deteriorated landscape, high grass and weeds.

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 325 SHD LLC 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 CM240510: Remove deteriorated landscape, high grass and weeds.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

325 SHD LLC- C/O Chad Nickolas
City of Tempe – Code Compliance
R-3: Multi Family Residential District
Michelle Van Etten

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Jack Scofield, Code Administrator (480-350-8967)

Department Director: Jeffrey Tamulevich, Department Director
Legal review by: N/A
Prepared by: Shawn Daffara, CPTED Coordinator
Reviewed by: Jack Scofield, Code Administrator

COMMENTS:

Code Compliance is requesting approval to abate the 325 SHD LLC PROPERTY located at 325 S. Hardy Dr in the R-3 Multi-Family Residential District. This case was initiated 03/04/2024, 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	325 SHD LLC - C/O CHAD NICKOLAS, Property Abatement					EXISTING ZONING	R-3	<input type="checkbox"/>			
PROJECT ADDRESS	325 S Hardy Dr, Tempe, AZ 85281					SUITE(S)		<input type="checkbox"/>			
PROJECT DESCRIPTION	Abatement of CM240510 July 16, 2024					PARCEL No(s)	124-31-324, 124-31-325, 124-31-326 <input type="checkbox"/>				
PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)											
BUSINESS NAME	325 SHD LLC - C/O CHAD NICKOLAS			ADDRESS	10720 W Indian School Rd Ste 19-96283						
CONTACT NAME		CITY	Phoenix	STATE	AZ	ZIP	85037				
EMAIL		PHONE 1		PHONE 2							
<i>I hereby authorize the applicant below to process this application with the City of Tempe.</i>											
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 St. Ste 208						
CONTACT NAME	Michelle Van Etten, Code Inspector			CITY	Tempe	STATE	AZ	ZIP	85281		
EMAIL	michelle_vanetten@tempe.gov			PHONE 1	480-350-2895		PHONE 2				
<i>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.</i>											
APPLICANT SIGNATURE					X	DATE			5/13/24		
<i>Michelle Van Etten</i>											
BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs											
BUSINESS NAME				ADDRESS							
CONTACT NAME				CITY		STATE		ZIP			
TYPE OF BUSINESS				PHONE			EMAIL				
APPLICATION (Check all that apply)											
APPLICATION	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 #											
SPR TRACKING # (if 2 nd or 3 rd submittal, please use Planning Resubmittal Form)						TOTAL APPLICATION FEES					
						RECEIVED BY INTAKE STAFF (INITIALS)					

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: May 13, 2024
TO: Anna Churan, Sr. Code Inspector
FROM: Michelle Van Etten, Code Inspector
SUBJECT: CM240510, 325 S Hardy Dr, Tempe - Abatement

LOCATION: 325 S Hardy Dr, Tempe, AZ. 85281 (321, 325, 329 S Hardy Dr)
PARCEL: 124-31-324, 124-31-325, 124-31-326
OWNER: 325 SHD LLC – C/O Chad Nickolas
10720 W Indian School Rd Ste 19-96283
Phoenix, AZ 85037

FINDINGS:

On 03/04/2024 I inspected the property located at 325 S Hardy Dr, Tempe and observed tall grass and weeds in the dirt / gravel vacant lot. I sent a correction notice to the listed owner of the property to addresses located in Maricopa County Assessor's and the Arizona Corporate Commission.

I reinspected the property on 03/15/2024 and found that the violations had not been corrected. I mailed a "final" notice(s) to the owner.

On 04/24/2024 the violation had still not been corrected. I did not issue a citation for this violation because this property has been abated in the past, and all violation notices were returned. I sent the notices to the address in the Maricopa County Assessor's website as well as the address associated with the "LLC." The owner (himself) is listed as the statutory agent for the property.

On 05/13/2024 the property was still in violation. I posted a notice of intent to abate to the property and I mailed a copy to the property owner. I submitted an abatement packet to abate the property.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 325 S Hardy

Dr, Tempe due to property owner's failure to bring property into compliance with Tempe City Code 21-3.b.8 – Deteriorated Landscape. The owner was given ample time to come into compliance and maintain the property. There is no indication that the property will be brought into compliance in the near future. 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 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: Submit
NAME: Ame Chuan
DATE: 5/16/2024



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 05/13/2024
CASE # CM240510

**325 SHD LLC – C/O CHAD NICKOLAS
10720 W INDIAN SCHOOL RD STE 19 PMB 96283
PHOENIX, AZ 85037**

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

LOCATION: 325 S HARDY DR, TEMPE AZ 85281
PARCEL: 124-31-325, 124-31-324, 124-31-326

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 07/16/2024. 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 UNCULTIVATED WEEDS IN GRAVEL / DIRT LANDSCAPE, OR A LAWN HIGHER THAN 12 INCHES.

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. COMPLETELY REMOVE ALL GRASS AND WEEDS FROM GRAVEL / DIRT LANDSCAPE AREA / VACANT LOT**

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 **\$935.00**. 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



ESTIMATE	#585
SERVICE DATE	Apr 22, 2024
TOTAL	\$935.00

Skunky's Junk Removal

325 South Hardy Drive
Tempe, AZ 85281

✉ michelle_vanetten@tempe.gov

CONTACT US

2618 W. First Street, Suite 7
Tempe, AZ 85281

☎ (844) 758-6597

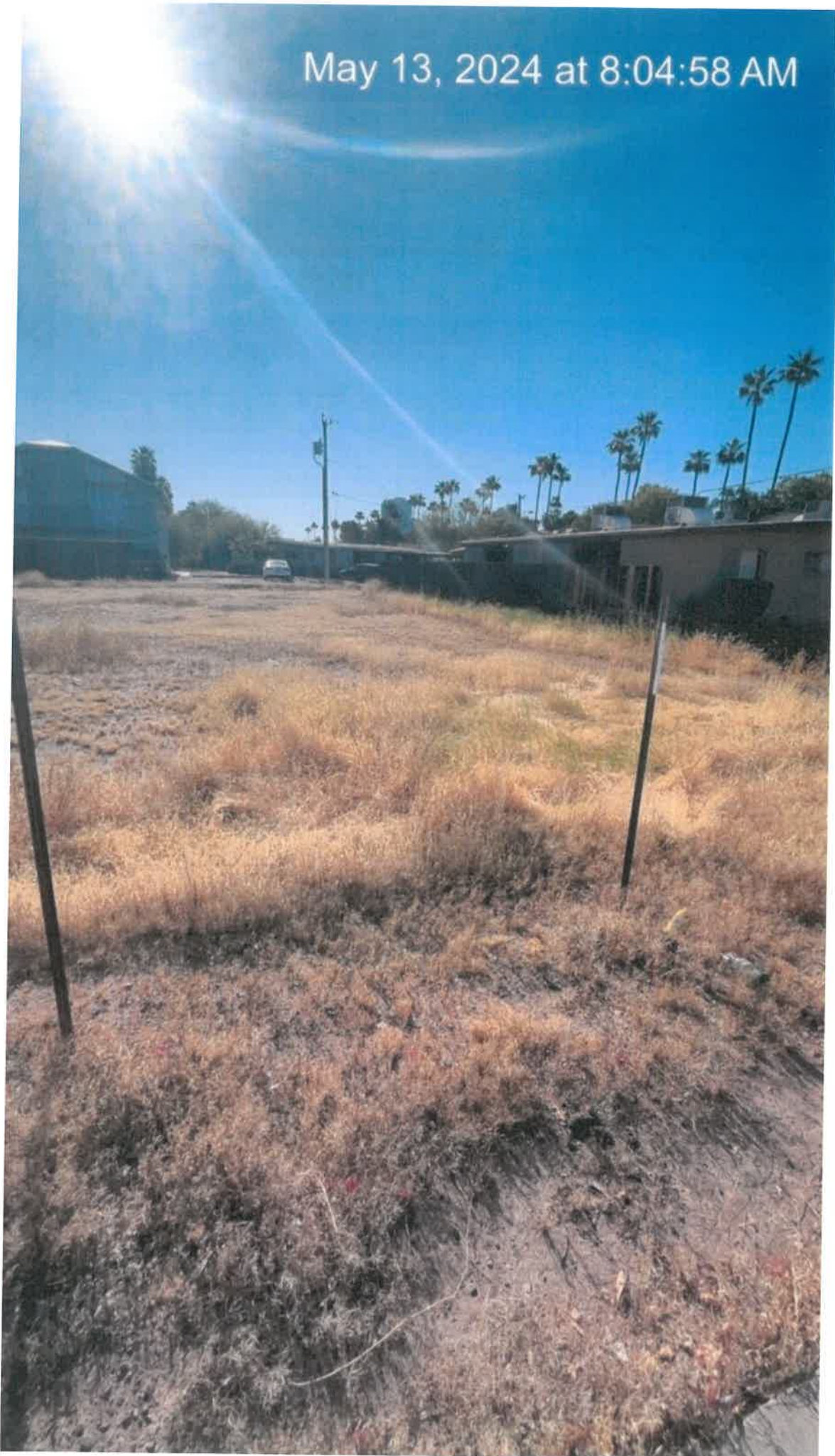
✉ info@skunkysjunk.com

ESTIMATE

Services	amount
CM240510 Remove all grass and weeds from the dirt/gravel vacant lot. Spray emergent.	\$0.00
Landscape abatement and spraying emergent Removal of all grass and weeds, spray emergent	\$875.00
11. Disposal Fees Price Per Ton	\$60.00
	Services subtotal: \$935.00
	Subtotal \$935.00
Total	\$935.00

Skunky's Junk Removal is a full service Junk removal company located in Tempe Arizona. Skunky's is dedicated to diverting waste from landfills and donates salvageable items to local charity's.

May 13, 2024 at 8:04:58 AM



May 13, 2024 at 8:05:04 AM



May 13, 2024 at 8:05:08 AM



May 13, 2024 at 8:05:18 AM



May 13, 2024 at 8:05:30 AM





COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

03/01/2024

325 SHD LLC - CHAD NICKOLAS
10720 W INDIAN SCHOOL RD STE 19 PMB96283
PHOENIX, AZ 85037

Case #: CM240510

Site Address: 325 S HARDY DR, TEMPE, AZ 85281 (321, 325, 329 S HARDY DR – PARCELS 124-31-325, 134-31-324, 124-31-326)

This is a notice to inform you that this site was inspected on 03/01/2024 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

**SITE REINSP
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8	PLEASE REMOVE GRASS AND WEEDS FROM THE DIRT / GRAVEL VACANT LOT. GRAVEL / DIRT LANDSCAPES MUST BE MAINTAINED FREE OF GRASS AND WEEDS. THANK YOU	3/15/2024
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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
CORRECTION NOTICE

03/01/2024

325 SHD LLC - CHAD NICKOLAS
4343 N SCOTTSDALE RD #115
SCOTTSDALE, AZ 85251

Case #: CM240510

Site Address: 325 S HARDY DR, TEMPE, AZ 85281 (321, 325, 329 S HARDY DR – PARCELS 124-31-325, 134-31-324, 124-31-326)

This is a notice to inform you that this site was inspected on 03/01/2024 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.

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

03/15/2024

325 SHD LLC - CHAD NICKOLAS
10720 W INDIAN SCHOOL RD STE 19 PMB96283
PHOENIX, AZ 85037

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CORRECTIVE ACTION MUST BE COMPLETED OR ABATEMENT PROCEEDINGS WILL BEGIN

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