

**CITY OF TEMPE
BOARD OF ADJUSTMENT**

**Meeting Date: 2/28/2018
Agenda Item: 2**

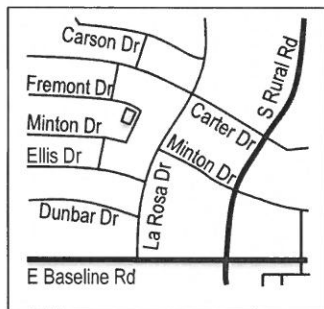
ACTION: Appeal the January 16, 2018 Hearing Officer's decision to approve the abatement request for the DAVIS PROPERTY (PL180035 / CE174675) located at 513 East Fremont Drive. The applicant is Ms. Sarah Davis.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: None

BACKGROUND INFORMATION: The DAVIS PROPERTY (PL180035 / CE174675) is located on Lot 71 of the College Park 2 subdivision on the southwest corner of East Fremont Drive and South McAllister Ave within the R1-6, Single-Family Residential District. The request includes the following:

ABTA180001 Appeal decision to approve an Abatement (CE174675).



Property Owner	Sarah E Clapp
Appellant	Sarah Davis
Zoning District	R1-6
Gross/Net site area	10,446 s.f.
Total Building area	2,334 s.f.
Lot Coverage	22.3% (45% maximum allowed)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Lee Jimenez, Senior Planner

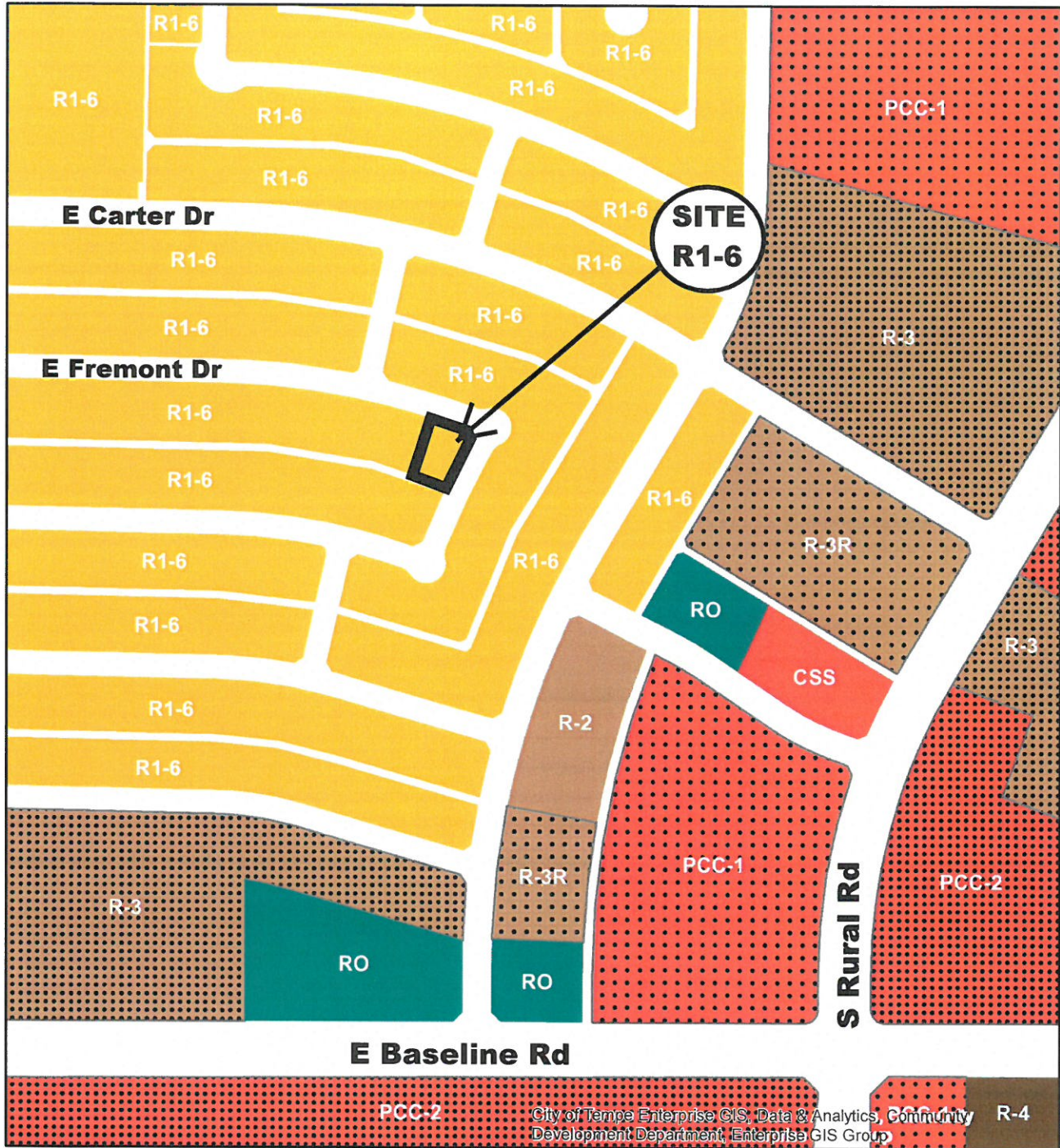
DEVELOPMENT PROJECT FILE
for
DAVIS PROPERTY
(PL180035 / CE174675)










ATTACHMENTS:

1. Location Map
2. Aerial
3. Letter of Appeal
4. Abatement Approval Letter (dated 1/17/18)
- 5-18. Hearing Officer Staff Report & Attachments from 1/16/18 public hearing
- 19-20. Hearing Officer Meeting Minutes from 1/16/18 public hearing

Davis Property

PL 180035



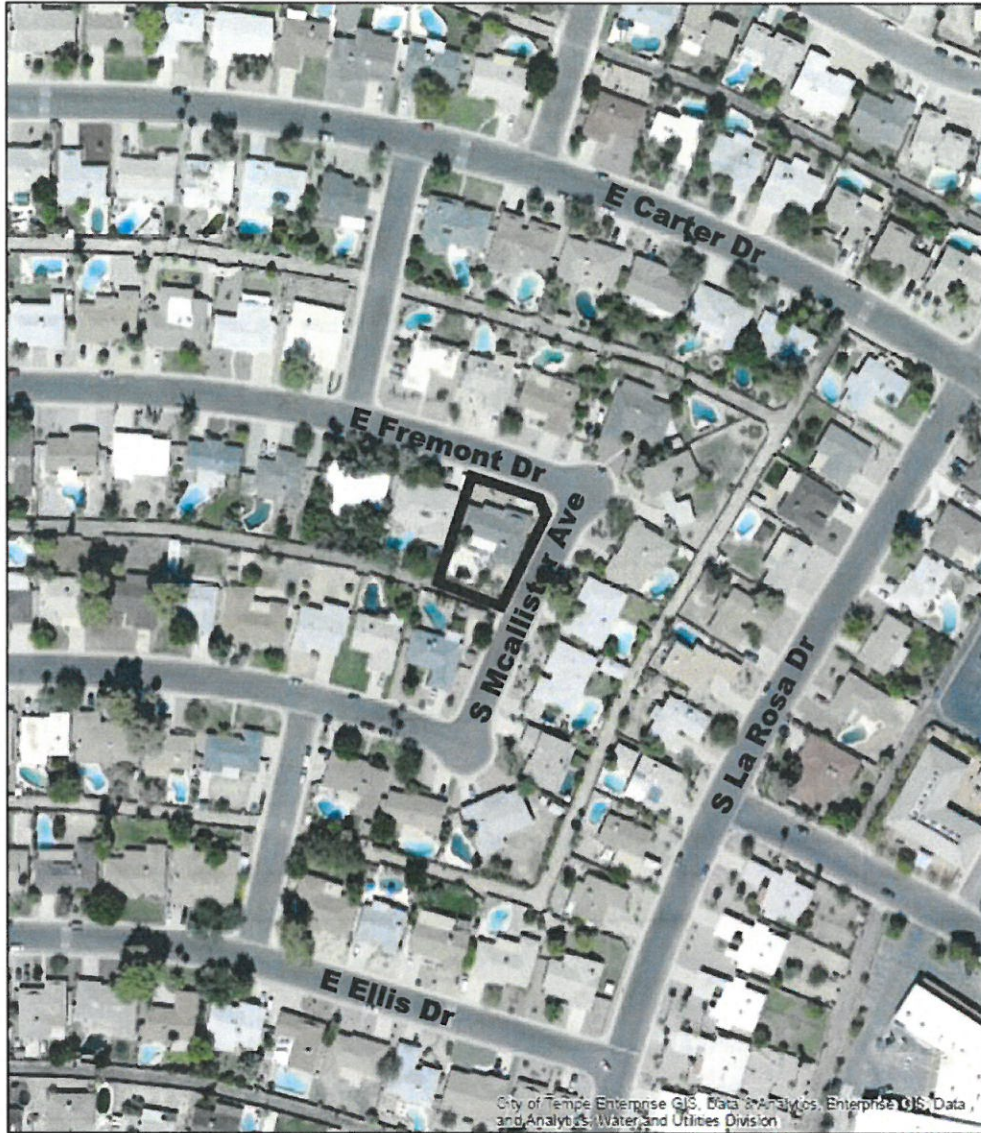
- | | |
|--|--|
|  Commercial Shopping and Services (CSS) |  Multi-Family Residential (R-2) |
|  Planned Commercial Center Neighborhood (PCC-1) |  Multi-Family Residential Restricted (R-3R) |
|  Planned Commercial Center General (PCC-2) |  Multi-Family Residential Limited (R-3) |
|  Residential/Office (RO) |  Multi-Family Residential General (R-4) |
|  Single-Family Residential (R1-6) | |



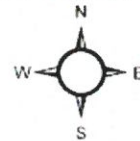


Davis Property

PL 180035



Aerial Map



I am appealing the abatement of my backyard because I really couldn't perform for the 2 month extension because I was in intensive care with a broken back, in assisted living and wore a body brace for 6 weeks. Although I appreciate the 2 month extension, I was unable during that time to organize and clean up my backyard.

I have since cleared the patio pretty much and other areas, but still have some work to do. I would like an extension to finish accomplishing a task I had begun before even being cited for code violations.

Thank you for any consideration
Sarah Davis

Community Development
Planning
(480) 350-4311

January 17, 2018

Ms. Sarah Davis
513 East Fremont Drive
Tempe, Arizona 85282

**RE: DAVIS PROPERTY ABATEMENT
513 EAST FREMONT DRIVE
CE174675**

Dear Ms. Davis:

The request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **DAVIS PROPERTY (CE174675)** located at 513 East Fremont Drive in the R1-6, Single Family Residential District was heard by the Hearing Officer on January 16, 2018.

At that time, the Hearing Officer approved abatement proceedings as outlined in the estimate contained in the abatement documentation, and authorized the Code Compliance Section to process abatement proceedings for an open period of one hundred eighty days (180 days), as necessary.

Any appeal to the Hearing Officer's decision must be made to the Board of Adjustment within fourteen (14) calendar days of the hearing. You have until **January 30, 2018** to pay the applicable fee and file a formal **written** appeal to the Board of Adjustment if you so desire. If you fail to file an appeal or bring the property into compliance prior to this date, the code violation(s) addressed at the public hearing on January 16, 2018 will be abated by the City. You are further advised that the above does not waive the requirements for obtaining building permits and other clearances as may be necessary.

If you have any questions please, contact me at (480) 350-8951.

Sincerely,

Julie Scofield
Code Inspector

JS/dm

cc: Jeff Tamulevich/COT - CC
File

**CITY OF TEMPE
HEARING OFFICER**

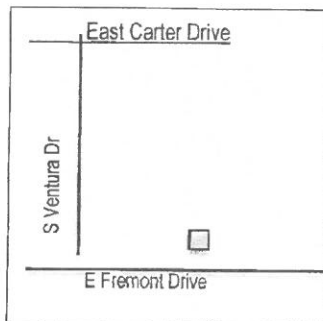
**Meeting Date: 01/16/2018
Agenda Item: 5**

ACTION: Request approval to abate public nuisance items at the DAVIS PROPERTY located at 513 East Fremont Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$3492.00

RECOMMENDATION: Staff – Approve Abatement

BACKGROUND INFORMATION: Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the Davis Property (CE174675) located at 513 East Fremont Drive. The file represents a history correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items for: trash, litter & debris.



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

ATTACHMENTS: Supporting Attachments

STAFF CONTACT: Julie Scofield, Code Compliance Inspector (480-350-8951)

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Reviewed by: Jeff Tamulevich, Code Enforcement Manager

COMMENTS:

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 Submittal Application

City of Tempe
Community Development Department
31 E. 5th Street, Garden Level, Tempe, AZ 85281
Building Safety - Phone: 480-350-8341 Fax: 480-350-8677
Planning - Phone: 480-350-8331 Fax: 480-350-8672



Project Information - Required

Project Name: Davis Property Abatement

Project Address: 513 E Fremont Dr. Tempe AZ 85282 Suite No.:

Proposed Use of Building/Suite: Single Family Residence Existing Zoning: R1-L6

Legal Description: Attached College Park 2 Parcel No.: 133-41-491

Description of Work/Request: Abatement of CE174675

January 16th 2018 hearing

Valuation (for building plan review only):

Applicant Information - Required

Company or Firm Name: Community Development Telephone 1: (480) 350 8951 Ext: _____

Applicant's Name: Julie Scofield Telephone 2: _____ Ext: _____

Applicant's Street Address: 21 E 6th St Fax: _____

City: Tempe State: AZ Zip: 85281 Email Address(es): Julie_Scofield@tempe.gov

Applicant Signature: Julie Scofield Date: 12/12/17

For City Use Only

Planning <input type="checkbox"/> SPR <input type="checkbox"/> Dev Plan Review <input type="checkbox"/> Sign Permit <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> General Plan Amend <input type="checkbox"/> Zoning Amend <input type="checkbox"/> Zoning Verification Letter <input type="checkbox"/> Subdivision/Condo <input type="checkbox"/> PAD Overlay <input type="checkbox"/> Legal Posting Signs <input type="checkbox"/> Administrative Decision <input checked="" type="checkbox"/> Abatement <input type="checkbox"/> Shared Parking <input type="checkbox"/> CCR Review <input type="checkbox"/> Continuance <input type="checkbox"/> Appeal <input type="checkbox"/> Other _____ Fire <input type="checkbox"/> Tanks <input type="checkbox"/> Spray Paint Booth <input type="checkbox"/> Special Extinguishing <input type="checkbox"/> Fire Alarm <input type="checkbox"/> Kitchen Hood System <input type="checkbox"/> Rack Storage <input type="checkbox"/> Hazmat <input type="checkbox"/> Other _____	Fees 	Building <input type="checkbox"/> New Building <input type="checkbox"/> Complete <input type="checkbox"/> Prelease <input type="checkbox"/> Basic <input type="checkbox"/> Add/Alt <input type="checkbox"/> TI <input type="checkbox"/> AFES (O/H) <input type="checkbox"/> MF <input type="checkbox"/> NRes <input type="checkbox"/> Res Remodel/Add <input type="checkbox"/> Pool <input type="checkbox"/> Demo <input type="checkbox"/> Grading Only <input type="checkbox"/> Phased Constr <input type="checkbox"/> Phased Constr w/UG MEP <input type="checkbox"/> Structural Frame <input type="checkbox"/> MEP Only <input type="checkbox"/> Mobile Home <input type="checkbox"/> Factory Built Bldg <input type="checkbox"/> Deferred submittal <input type="checkbox"/> Revision <input type="checkbox"/> New Standard <input type="checkbox"/> Permits based on Standard # <input type="checkbox"/> Suiting <input type="checkbox"/> Other _____	Engineering <input type="checkbox"/> Engineering <input type="checkbox"/> Revision Tracking Nos.: DS _____ BP _____ EN _____ PL _____ X _____ PC _____ PPC _____ CA _____ FR _____ RA _____ SGN _____ PF _____ MCA Code: _____ File With: _____ Received By: _____	Submitted Materials: Building Planning Engineering _____ <input type="checkbox"/> Spec Book(s) <input type="checkbox"/> Soils Report <input type="checkbox"/> Structural Calcs <input type="checkbox"/> Report <input type="checkbox"/> Truss Calcs <input type="checkbox"/> Materials <input type="checkbox"/> Hydraulic Calcs <input type="checkbox"/> Color Board <input type="checkbox"/> Parking Analysis <input type="checkbox"/> Haz Mat Form <input type="checkbox"/> Lighting Cut Sheets <input type="checkbox"/> Other: _____ Total Valuation: _____ Total Submittal Fees: _____ Validation: _____ Date Stamp: _____
--	---	--	--	---

Planning Submittals are Subject to Dissemination to the Public
Please See Reverse for Instructions, Submittal Information and Time Limit of Application

DATE: 12/12/2017
TO: Jeff Tamulevich, Code Administrator
FROM: Julie Scofield
SUBJECT: Davis Property Abatement

LOCATION: 513 E. Fremont Dr. Tempe, AZ 85282

PARCEL: 133-41-491

OWNER: Sarah Davis
513 E. Fremont Dr.
Tempe, AZ 85282

FINDINGS:

06/02/2017 Complaint came into Neighborhood Enhancement (CE174675) for this property regarding junk and debris in the back yard of the property. The property was inspected. There is a very large number of items being stored in the back yard and back porch area. Items include boxes, containers, furniture, household items, and miscellaneous items. There were also some dead bushes in the back of the property. A notice was mailed to the owner, Sarah Davis.

06/16/2017 I received a call from Sarah Davis with questions regarding storage units, screening, and an extension of time to get the property cleaned up. I called and left her a message granting an extension until July 18th.

07/18/2017 Went back to the property, and the property was still in violation for the junk and debris. The dead bushes have been addressed and are no longer in violation. A final notice was mailed to the property owner.

07/31/2017 Received a message on the phone from Ms. Davis asking about adding storage units to her yard and side yard. Asked me to email her with the information.

08/02/2017 Responded to Ms. Davis in an email with the codes for accessory buildings and accessory structures.

08/10/2017 Sarah Davis had called a coworker requesting more time. I responded to her with an email granting her another extension until September 12th.

08/31/2017 Sarah Davis called and said that she had been involved in an accident. She didn't know how long she would be in the hospital.

09/08/2017 Received a call from a law firm that Ms. Davis is working with. They said that Ms. Davis is still in hospital and unable to get the items cleaned up. Ms. Davis was to go to rehab after she gets out of the hospital. Another extension was granted until October 31st.

10/31/2017 Received another phone message from the law firm advising that Ms. Davis is still in rehab and undergoing physical therapy. They asked for a two-month extension. Due to the time frame that has passed, I requested a bid to abate the property. Hearing would be heard January 16th.

RECOMMENDATIONS:

I am recommending the approval for the abatement at 531 E. Fremont Dr. The property is owned by Sarah Davis. The owner has been given ample time to bring this property into compliance, and has not been able to take any corrective action.

Respectfully submitted,

Julie Scofield

ACTION TAKEN:
NAME
DATE:

Submitted
[Signature]
12 7 17

CASE # CE174675



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 12/12/2017

SARAH DAVIS
513 E. FREMONT 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:

Legal: COLLEGE PARK 2
Location: 513 E. FREMONT DR. TEMPE, AZ 85282
Parcel: 133-41-491

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **01/16/2018**. 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 Code 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.

1. REMOVE THE EXCESSIVE ITEMS IN THE BACK YARD OF THE PROPERTY.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process.

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 **\$3492.00**. 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) 350-8372.

Code Inspector: Julie Scofield

Phone Number: (480)350-8951

E-mail: julie_scofield@tempe.gov



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

06/06/2017

DAVIS SARAH E
513 E FREMONT DR
TEMPE, AZ 85282-6976

Case#: CE174675
Site Address: 513 E. FREMONT DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 06/20/2017

This is a notice to inform you that this site was inspected on 06/06/2017 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.

VIOLATION SECTION:

Violation of City of Tempe Code 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.

Violation of City of Tempe Code 21-3-B-8

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

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE REMOVE AND OR PROPERLY DISCARD THE ITEMS IN THE BACK YARD OF THE PROPERTY. THIS INCLUDES THE FURNITURE, CONTAINERS, TRASH, ANY HOUSEHOLD ITEMS, AND ANY OTHER MISCELLANEOUS ITEMS.
2. PLEASE CUT DOWN TO GROUND OR REMOVE ANY DEAD BUSHES FROM THE BACK YARD OF THE PROPERTY.

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

Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) 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 \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | 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. | 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

07/18/17

DAVIS SARAH E
513 E FREMONT DR
TEMPE, AZ 85282-6976

Case#: CE174675
Site Address: 513 E. FREMONT DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 08/22/2017

This is a notice to inform you that this site was inspected on 07/18/2017 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.

VIOLATION SECTION:

Violation of City of Tempe Code 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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE REMOVE AND OR PROPERLY DISCARD THE ITEMS IN THE BACK YARD OF THE PROPERTY. THIS INCLUDES THE FURNITURE, CONTAINERS, TRASH, ANY HOUSEHOLD ITEMS, AND ANY OTHER MISCELLANEOUS ITEMS. ITEMS MAY NOT BE STORED OUTSIDE.

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

Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) 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 \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | 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. | 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.









Attachment 17

HAMANN ENTERPRISES, LLC
4001 W CAMELBACK RD C30
PHOENIX, AZ 85019
(602) 575-4455
hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: JULIE SCOFELD

FIRM: CITY OF TEMPE

DATE: 11/20/17

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # T13-004-03

ADDRESS: 513 E FREMONT DR

1 REMOVAL OF JUCK AND DEBRIS IN BACK YARD	\$2,240.00
2 SECURITY BY TEMPE POLCE	\$552.00
3 ESTAMATED DUMP FEES	\$200.00
4 ROLL OFF DUMPSTER	\$500.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$3,492.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

1. The following was noted:

- Agenda Item No. 1

January 2, 2018 Hearing Officer Minutes

David Williams, Hearing Officer, stated that the January 2, 2018 Hearing Officer Minutes had been reviewed and were approved.

- Agenda Item No. 2

Request approval to abate public nuisance items at the **PADILLA PROPERTY (CE174734)** located at 2414 West Greenway Road. The applicant is the City of Tempe.

ABATEMENT REQUEST WITHDRAWN – PROPERTY IN COMPLIANCE

- Agenda Item No. 3

Request approval to abate public nuisance items at the **WARREN PROPERTY (CE176175)** located at 2537 East La Jolla Drive. The applicant is the City of Tempe.

ABATEMENT REQUEST WITHDRAWN – PROPERTY IN COMPLIANCE

- Agenda Item No. 4

Request approval to abate public nuisance items at the **GARDNER PROPERTY (CE177593)** located at 1666 East Bishop Drive. The applicant is the City of Tempe.

ABATEMENT REQUEST WITHDRAWN – PROPERTY IN COMPLIANCE

2. Request approval to abate public nuisance items at the **DAVIS PROPERTY (CE174675)** located at 513 East Fremont Drive. The applicant is the City of Tempe.

Julie Scofield, Code Inspector, gave an overview of this case. She noted that that a complaint had been received by Code Enforcement in June 2017 regarding junk and debris in the back yard of the property, as well as dead bushes. The property owner, Sarah Davis, contacted Ms. Scofield with questions regarding storage units and screening, asking for a time extension to get the property cleaned up. A time extension was granted to July 18th. At that time, although the dead bushes had been taken care of, the junk and debris continued to exist. Additional contact with the property owner resulted in another time extension to September 12th. Ms. Davis was involved in an accident in August 2017, and Code Enforcement was notified by a representative of a law firm that Ms. Davis was in the hospital and unable to get the items cleaned up. Another time extension to October 31st was granted. At that time Code was advised by the law firm that Ms. Davis is still in rehab and undergoing physical therapy and requested that a two-month extension be granted. As of this date, no progress has been made bringing the property into compliance. Ms. Scofield presented photographs, taken this date, indicating that a large number of items remain in the back yard area.

Mr. Williams questioned whether Ms. Scofield had been in contact with this property owner. Ms. Scofield confirmed that they had several conversations.

Mr. Williams asked if a representative for the property owner was present at this evening's public hearing. Ms. Davis, the property owner, was present to represent this case.

Ms. Davis explained the circumstances which led to the current situation of non-compliance, stating that she had been unable due to health reasons (i.e. car accident, pneumonia) to work on her property. She asked for

compassion, and stated that she was not just 'hoarding stuff' and that the items in question were not just junk. She also noted that the landscaping issue, which had been identified in earlier correction notices, had been brought into compliance right away. She noted that she had also screened her chain link fence and felt that should be sufficient to shield the accumulated items.

Ms. Davis stated that she had contacted Ms. Scofield to ask about the neighborhood assistance programs, and had been given a telephone contact number for that program. She also stated emphatically that, in her opinion, the City has not made it easy for residents to identify what was allowable and what was not. She stated that she did not think it was right for the City to accept anonymous complaints on properties, but that the complainants should be required to identify themselves.

Mr. Williams questioned Ms. Scofield about the determination of items identified as junk and debris. Ms. Scofield referred to the Code Compliance Abate Notice which descriptively itemized that the property was currently in violation of City of Tempe Code 21-3-B-1 due to the excessive items in the back yard of the property.

Mr. Williams asked if there were any members of the audience who wished to address this case. There was no one.

Mr. Williams noted that he had done a drive by inspection and had also reviewed the staff summary report and documentation presented by staff. Mr. Williams noted that due to the remaining amount of material, he would approve this abatement for an open period of 180 days. Ms. Davis has a period of time (14 days) to bring the property into compliance before the abatement will be activated.

DECISION:

Mr. Williams approved the abatement request for the Davis Property (CE174675) located at 513 East Fremont Drive for an open period of 180 days.

-
3. Request approval to abate public nuisance items at the **BANKHEAD PROPERTY (CE175926)** located at 1736 South El Camino Drive. The applicant is the City of Tempe.

Julie Scofield, Code Inspector, gave an overview of this case. She noted that that a complaint had been received by Code Enforcement in July 2017 regarding junk and debris and a dead tree. The property owner has been non-responsive to notices and no progress has been made to bring the property into compliance. Staff is requesting an open 180-day abatement. Ms. Scofield stated that although the dead tree had been cut down, the junk and debris were still present.

Mr. Williams questioned whether Ms. Scofield had been in contact with the property owner(s). Ms. Scofield responded that she has been unable to contact them by phone, and that they have been non-responsive to the citation complaints.

Mr. Williams asked if a representative for the property owner was present at this evening's public hearing. The property owner was not in attendance.

Mr. Williams asked if there were any members of the audience who wished to address this case. There was no one.