

### CITY OF TEMPE HEARING OFFICER

Meeting Date: 03/03/2020

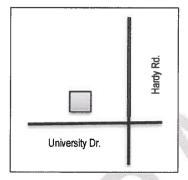
Agenda Item: 2

**ACTION:** Request approval to abate public nuisance items at the Unified Properties Property located at 1014 W. University Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$700.00 for abatement request: Graffiti removal and dead tree removal.

**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 UNIFIED PROPERTIES 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 CM191344: Graffiti removal and dead tree removal.



Property Owner Unified Properties of the Valley LLC / Bruce Swift

Applicant City of Tempe – Code Compliance
Zoning District: R-4, Multi Family Residential General

Code Compliance Inspector: Jack Scofield, Code Inspector

**ATTACHMENTS:** Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

#### **COMMENTS:**

Code Compliance is requesting approval to abate the Unified Properties Property located at 1014 W. University Drive, in the R-4, Multi Family Residential General district. This case was initiated 10/31/2019, 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 acc			red plans, submittal m	aterials, an	d correct fee(	s)	CIII	PC
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-	PROJECT ADDRESS	Un. Fied PROPERTIES OF	F THE	VALLEY LLC	PROPERT	Y ABATEMENT		ZONING	R-4		
		1014 W UNIVERSITY DR	TEMPE	Ξ, AZ 85281				SUITE(S)			
PRO	DJECT DESCRIPTION	ABATEMENT OF CM1913 MARCH 3, 2020	344					PARCEL No(s)	124-36-	020A	
		PROPERTY OWNER	RINFO	RMATION – F		(EXCEPT PRELIMINA	RY SITE PL	AN REVIEW)			
	BUSINESS NAME				ADDRESS						
	CONTACT NAME				CITY			STATE		ZIP	
	EMAIL				PHONE 1			PHONE 2			
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· ·	i attach written stater	ment authorizing the applicant t	o mie tne			TION - REQUIRED					i k
COI	MPANY / FIRM NAME	CITY OF TEMPE/CODE E	NFOR	CEMENT	ADDRESS	21 E 6TH ST STE 208	1				
	CONTACT NAME	JACK SCOFIELD/CODE II	NSPEC	TOR	CITY	TEMPE	10	STATE	AZ	ZIP	
	EMAIL	jack scofield@tempe.gov			PHONE 1	(480) 350-8967		PHONE 2	. —		
I he	reby attest that the	is application is accurate	and the	e submitted o	Jocuments	are complete. I ackno	wledge tha	t if the applica	ation is d	eemed to b	e
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	D. USE PERMITS	/ USE PERMIT STANDARDS						ZUP			
	E. ZONING CODE	AMENDMENTS						ZOA	Z	ON	= ,,- 1
	F. PLANNED ARE	A DEVELOPMENT OVERLAYS						PAD	R	EC	
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	I. APPEALS										
	J. GENERAL PLAI	N AMENDMENTS						GPA			
	K. ZONING VERIFI	ICATION LETTERS						ZVL			
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- 2	form)		Z, II.								

DATE:

January 27, 2020

TO:

Jeff Tamulevich, Code Compliance Administrator

FROM:

Jack Scofield, Code Inspector

SUBJECT:

CE193262, United Properties of the Valley LLC Property Abatement

LOCATION: 1014 W UNIVERSITY DR TEMPE, AZ 85281

LEGAL:

PT TR 28 BEG 363.97F W OF SE COR TR 28 TH W 80F N 171F E 80F

S 171F TO POB EX S 8F RD

PARCEL:

124-36-020A

OWNER:

UNIFIED PROPERTIES OF THE VALLEY LLC

**BRUCE G SWIFT** 

10115 E BELL RD SUITE 107 411

SCOTTSDALE, AZ 85260

#### FINDINGS:

10/30/2019 The Code Compliance Division received a dead palm trees on a vacant lot.

10/31/2019 Inspected property and 2 dead palm trees on a vacant lot. Notice to comply mailed to owner.

11/21/2019 Mailed final notice to comply to owner.

12/23/2019 Site now has graffiti on the perimeter walls. Mailed final notice to comply to owner and statutory agent listing all violations.

1/6/2020 Issued civil citation.

1/22/2020 Owner failed to appear for court.

1/27/2020 Notice of intent to abate property mailed to property owner.

#### **RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property at 1014 W University Dr. due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8 and 22-105.A. the property owner has been given ample time to come into compliance and maintain the property. The property owner has been issued a civil citation 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,

Jack Scofield Code Inspector II

**ACTION TAKEN:** 

**NAME** 

DATE:

7 20

CASE # CM191344



### NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 1/27/2020

UNIFIED PROPERTIES OF THE VALLEY LLC **BRUCE G SWIFT** 10115 E BELL RD SUITE 107 411 SCOTTSDALE, AZ 85260

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

Legal:

PT TR 28 BEG 363.97F W OF SE COR TR 28 TH W 80F N 171F E 80F S 171F TO POB EX S 8F RD

Location:

1014 W UNIVERSITY DR TEMPE, AZZ 85281

Parcel:

124-36-020A

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of 03/03/2020. 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:

- 1. REMOVE GRAFFITI FROM THE NORTH PERIMETER WALL. PAINT MUST BE COMPATIBLE WITH **EXISTING COLOR.**
- 2. REMOVE DEAD PALM TREES FROM VACANT LOT. TREE TRUNKS MUST BE REMOVED OR CUT TO **GROUND LEVEL.**

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 \$700.00. 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) 350-8967.

Code Inspector: Jack Scofield Phone Number: (480)350-8967 E-mail: jack scofield@tempe.gov

### HAMANN ENTERPRISES, LLC

### 2925 N 19TH AVE UNIT 97 PHOENIX, AZ 85015 (602) 575-4455

#### hamannenterprises@yahoo.com

#### THE FOLLOWING DOCUMENT IS FOR:

NAME: JACK SCOFIELD

FIRM: CITY OF TEMPE

DATE: 1/24/20

#### **PROPOSAL**

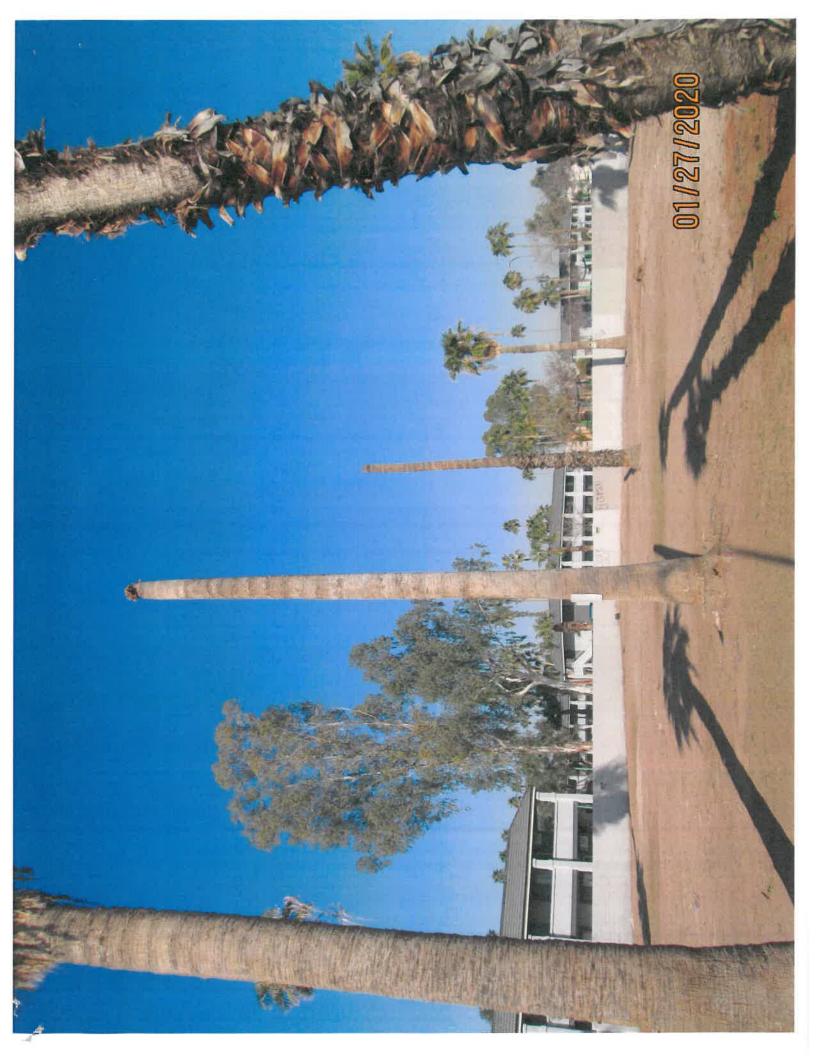
WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE UNDER CONTRACT # T18-011-03

ADDRESS: 1014 W UNIVERSITY DR

1 REMOVAL OF TALL WEEDS, GRASS AND DEBRIS 2 DEAD PALM TREES AND GRAFFITI	\$600.00
2 ESTAMATED DUMP FEES	\$100.00
3	\$0.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	\$700.00

THANK YOU FOR YOUR BUSINESS

**BOB HAMANN** 







# COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

10/31/19

UNIFIED PROPERTIES OF THE VALLEY LLC 10115 E BELL RD SUITE 107 411 SCOTTSDALE, AZ 85260

Case#: CM191344

Site Address: 1014 W UNIVERSITY DR TEMPE, AZ 85281

SITE REINSPECTION ON OR AFTER: 11/21/2019

This is a notice to inform you that this site was inspected on 10/31/19 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-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:

 REMOVE DEAD PALM TREES FROM VACANT LOT. TREE TRUNKS MUST BE REMOVED OR CUT TO GROUND LEVEL.

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

Jack Scofield Code Inspector II E-Mail Direct: 480-350-8967

Code Compliance: 480-350-8372 jack\_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 \$75.00 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

11/21/19

UNIFIED PROPERTIES OF THE VALLEY LLC 10115 E BELL RD SUITE 107 411 SCOTTSDALE, AZ 85260

Case#: CM191344

Site Address: 1014 W UNIVERSITY DR TEMPE, AZ 85281

SITE REINSPECTION ON OR AFTER: 12/23/2019

This is a notice to inform you that this site was inspected on 11/21/19 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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#### PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. REMOVE DEAD PALM TREES FROM VACANT LOT. TREE TRUNKS MUST BE REMOVED OR CUT TO GROUND LEVEL.

#### CORRECTIVE ACTION MUST BE COMPLETED OR A CITATION WILL BE ISSUED.

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

Jack Scofield Code Inspector II E-Mail Direct: 480-350-8967

Code Compliance: 480-350-8372 jack\_scofield@tempe.gov

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# COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FINAL CORRECTION NOTICE

12/23/19

UNIFIED PROPERTIES OF THE VALLEY LLC BRUCE G SWIFT 10115 E BELL RD SUITE 107 411 SCOTTSDALE, AZ 85260

Case#: CM191344

Site Address: 1014 W UNIVERSITY DR TEMPE, AZ 85281

SITE REINSPECTION ON OR AFTER: 01/06/2020

This is a notice to inform you that this site was inspected on 12/23/19 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 22-105.A

(a) Graffiti prohibited. All sidewalks, walls, buildings, fences, signs, and other structures or surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property.

#### 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.

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

Jack Scofield Code Inspector II E-Mail Direct: 480-350-8967 Code Compliance: 480-350-8372 jack\_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 \$75.00 pursuant to City Code Section 21-51, subsection (b).

#### **Civil and Criminal Penalties**

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# COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FINAL CORRECTION NOTICE

12/23/19

JACE MCKEIGHAN 6900 E CAMELBACK RD #240 SCOTTSDALE, AZ 85251, USA

Case#: CM191344

Site Address: 1014 W UNIVERSITY DR TEMPE, AZ 85281

SITE REINSPECTION ON OR AFTER: 01/06/2020

This is a notice to inform you that this site was inspected on 12/23/19 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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Jack Scofield Code Inspector II E-Mail Direct: 480-350-8967 Code Compliance: 480-350-8372 jack\_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 \$75.00 pursuant to City Code Section 21-51, subsection (b).

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## Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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	Town	ma I	flares (	cipal C	`aurt	Irane	Traffic C	ourt			- 1	1-	/-								
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	pear on 1 ne date	Cou	ie, A rt Ni	.Z 8526 o. 0753	31		Criminal Suite 20		Floor	Date:						Tim					1 ПРМ
	id time	Court:												Date:			Tin	ne:		AM PM	Court No.
in	dicated Court	Addres	ss, Ci	ty, State,	Zip Co	de								ــــــــــــــــــــــــــــــــــــــ					<u> </u>	71 141	
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Civi	ninal: Without a It: Without a	amitti dmitti	ing g ing re	uiit, 1 pr esponsit	omise pility, I	acknowie	as dire	eipt of	this com	plaint.	desc	tify that or ribed co.	upon i	reasons	able gr and I	have	served	eve the def	endant	committ	led the act t upon the
X _											Coff	npiałnant		2/	14		•			70 PSN	0003
	ments:							,		d											
Failu	enile Notification: are to appear or com				1	1 1t	V.'0	12+	by	# 21	70.0	e Ø									
licen	It in a suspension ise/driving privilege	s unt	il you	comply																	
or re	each your 18th birth	day.	Initi	als							Dat	e issued	if not	violation	n date						

If the defendant fails to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount.

1701645

COMPLAINT

			TPC Due Date:	TPC Amount Due:	
Title: CITY OF TEMPE vs BRUCE G SWIFT			Case Balance Owing:	Stayed Balance Owing:	
Case No: 20-000861-4	SWIFT, BRUCE G	10115 E BELL RD STE 107-411 SCOTTSDALE, AZ 85260	Case Status: Active	Filed: 1/7/2020	

Disp Date

Disposition

**Filed** 1/7/2020

LANDSCAPING-DEAD, DAMAGED, UNCONTRO

Description

Violation Date 01/06/2020

**Code** 21-3B8

Cite Number

1701645A # Citations:

		REGISTER OF ACTION			
Date	Cite Number	Action	Amount	Judge	User
1/8/2020		ATTCFILED			MEW
1/8/2020	1701645 A	CIVIL ARRAIGNMENT NLT 1/21/2020			MEW
1/8/2020		*1ST CITATION - \$200*			MEW
1/22/2020		CV ARR FTA - PENDING DEFAULT APPEAR NLT 2/4/2020			SYS
# Actions:	4				

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