
**CITY OF TEMPE
HEARING OFFICER**

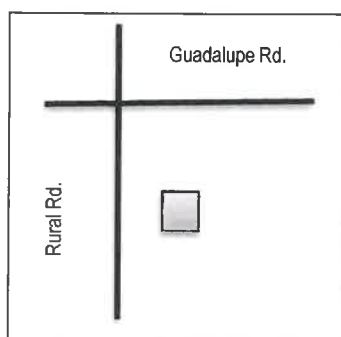
**Meeting Date: 09/15/2020
Agenda Item: 6**

ACTION: Request approval to abate public nuisance items at the O'Connor Property located at 6818 S. Terrace Road. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1602.00 for abatement request: Remove junk, trash and debris from property; landscape cleanup.

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 O'CONNOR 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 CE203493: Remove junk, trash and debris from property; landscape cleanup.



Property Owner: Daniel S. & Tamera L. O'Connor
Applicant: City of Tempe – Code Compliance
Zoning District: R1-6 Single Family Residential
Code Compliance Inspector: Brandy Zedlar, 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 O'Connor Property located at 6818 S. Terrace Road, in the R1-6, Single Family Residential district. This case was initiated 05/14/20, 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

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 | O'Conner Abatement | | | EXISTING ZONING | R1-6 <input type="checkbox"/> |
| PROJECT ADDRESS | 6818 S. Terrace Rd., Tempe, AZ 85283 | | | SUITE(S) | <input type="checkbox"/> |
| PROJECT DESCRIPTION | Abatement to include: Landscape clean-up in the front and back yard and removal of junk and debris from the front and side yard. Hearing date: 8/20 CE203493 | | | PARCEL No(s) | 301-48-384 <input type="checkbox"/> |
| 9/15/20 | | | | | |
| PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW) | | | | | |
| BUSINESS NAME | | | ADDRESS | 6818 S. Terrace Rd | |
| CONTACT NAME | Tamera O'Conner | CITY | Tempe | STATE | AZ ZIP 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 | City of Tempe | | ADDRESS | | |
| CONTACT NAME | Brandy Zedlar | | CITY | STATE | ZIP |
| EMAIL | | PHONE 1 | (480) 350-8623 | PHONE 2 | |
| 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 | DATE 8/21/20 | |
| 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) | 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. SUBDIVISIONS / CONDOMINIUMS | | | | 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 | 1 | | | CE | CM |
| TOTAL NUMBER OF APPLICATIONS | | 1 | | | |
| FOR CITY USE ONLY | | | | | |
| DS TRACKING # | | FILE THIS APPLICATION WITH CE / CM TRACKING # | DATE RECEIVED (STAMP) | VALIDATION OF PAYMENT (STAMP) | |
| PL TRACKING # | | | | | |
| SPR TRACKING # (if 2 nd or 3 rd submittal, use planning resubmittal form) | | | | TOTAL APPLICATION FEES | |
| | | | | RECEIVED BY INTAKE STAFF (INITIALS) | |

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: 8/21/20
TO: Jeff Tamulevich, Code Administrator
FROM: Brandy Zedlar
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE203493

LOCATION: 6818 S. Terrace Rd., Tempe, AZ 85283
LEGAL: Parcel #301-48-384 as recorded with the Maricopa County Assessor
OWNER: TAMERA O'CONNOR
6818 S TERRACE RD
TEMPE, AZ 85283

FINDINGS:

05/14/20 – The Code Compliance Division received a complaint on the above property concerning deteriorated landscape and junk/debris.

05/21/20 - The property was inspected and found to have over height weeds/grass in the front, side, and back yard. There was also junk and debris throughout the front and side yard. First notice to comply was mailed to Ms. O'Conner.

06/23/20 – The property was inspected and found no improvement. Final notice was mailed to Ms. O'Conner.

7/15/20 – Received the bid from Hamann Enterprises to clean the landscape and remove the junk/debris for \$1602.00.

08/21/20 – The property was inspected with no change to its condition. Code Compliance filed for an Abatement with a hearing date of 9/1/20.

RECOMMENDATIONS:

I recommend the approval for abatement at 6818 S. Terrace Rd., which is owned by Ms. Tamera O'Conner. Ms. O'Conner has been given ample time and opportunities to bring her property into compliance and has failed to take any corrective action. Since Ms. O'Conner is unable to maintain her property, I am requesting approval for continuous abatements in the next 180 days if deemed necessary. There has been no indication from Ms. O'Conner that she plans to correct and maintain her property.

Respectfully submitted,
Brandy Zedlar

ACTION TAKEN: _____
NAME: _____
DATE: 8/21/20

HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: BRANDY ZEDLAR

FIRM: CITY OF TEMPE

DATE: 7/15/20

PROPOSAL

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

ADDRESS: 6818 S TERRACE RD

| | |
|--------------------------------------------------------------------------------------------|-------------------|
| 1 LANDSCAPE FRONT, BACK, AND SIDE YARDS REMOVAL OF JUNK ANDE DEBRIS FRONT AND SIDE YARD | \$1,000.00 |
| 2 ESTAMATED DUMP FEES | \$50.00 |
| 3 SECURITY BY TEMPE POLICE | \$552.00 |
| 4 | \$0.00 |
| 5 | \$0.00 |
| 6 | \$0.00 |
| TOTAL COST OF JOB | <u>\$1,602.00</u> |

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-4311

Code Compliance Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: July 30, 2020

TO: TAMERA O'CONNOR
6818 S TERRACE RD
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:

LEGAL: Parcel #301-48-384, as recorded with the Maricopa County Assessor.

LOCATION 6818 S. Terrace Rd., Tempe, AZ 85283

This office will submit this complaint to the Abatement Hearing Officer to be placed on the Hearing Officer agenda of **September 1, 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: Those items constituting a violation of TCC 21-3-b-1, and TCC-21-3-b-8 which would include the following: landscape clean-up in the front, side, and back yard and removal of all junk and debris in the front and side yard.

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 \$ **1602.00** 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 Enforcement Officer: Brandy Zedlar

Phone Number 480-350-8623

301-48-384 Residential Parcel

This is a residential parcel located at [6818 S TERRACE RD TEMPE 85283](#), and the current owner is OCONNOR DANIEL S/TAMERA L. It is located in the Tempe Gardens 14 subdivision and MCR 15114. It was last sold on 07/01/2012 for \$152,000. Its current year full cash value is \$239,200.

Property Information

[6818 S TERRACE RD TEMPE 85283](#)

| | |
|----------------------------|---------------------------------------------|
| MCR # | 15114 |
| Description: | TEMPE GARDENS 14 |
| Lat/Long | 33.35843300 -111.92453404 |
| Lot Size | 7,632 sq ft. |
| Zoning | R1-6 |
| Lot # | 1473 |
| High School District | TEMPE UNION #213 |
| Elementary School District | KYRENE ELEMENTARY SCHOOL DISTRICT |
| Local Jurisdiction | TEMPE |
| S/T/R | 11 1S 4E |
| Market Area/Neighborhood | 02/007 |
| Subdivision (147 Parcels) | TEMPE GARDENS 14 |

Owner Information

[OCONNOR DANIEL S/TAMERA L](#)

Mailing Address 6818 S TERRACE RD, TEMPE, AZ 85283

Deed Number [120606971](#)

Last Deed Date 07/11/2012

Sale Date Jul, 2012

Sale Price \$152,000



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FIRST CORRECTION NOTICE

5-21-2020

TAMERA O'CONNOR
6818 S TERRACE RD
TEMPE, AZ 85283

Case#: CE203493
Site Address: 6818 S TERRACE RD

SITE REINSPECTION ON OR AFTER: 6/08/20

This is a notice to inform you that this site was inspected on **5/19/20** 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 the Tempe City Code, Chapter 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 the Tempe City Code, Chapter 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. Remove the trash and debris from the front yard, side yard, and driveway.**
- 2. Trim the over height weeds/grass in the front yard, side yard, and back yard areas.**

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

Brandy Zedlar
Code Inspector II
email

Direct: 480-350-8623
Code Compliance: 480-350-8372
brandy_zedlar@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

6-23-2020

TAMERA O'CONNOR
6818 S TERRACE RD
TEMPE, AZ 85283

Case#: CE203493
Site Address: 6818 S TERRACE RD

SITE REINSPECTION ON OR AFTER: 7/09/20

This is a notice to inform you that this site was inspected on **6/16/20** 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 the trash and debris from the front yard, side yard, and driveway.
2. Trim the over height weeds/grass in the front yard, side yard, and back yard areas.

*****If the above required corrections are not satisfied by 7/9/20, the City of Tempe will abate placing a lien on the property for the clean-up costs.**

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

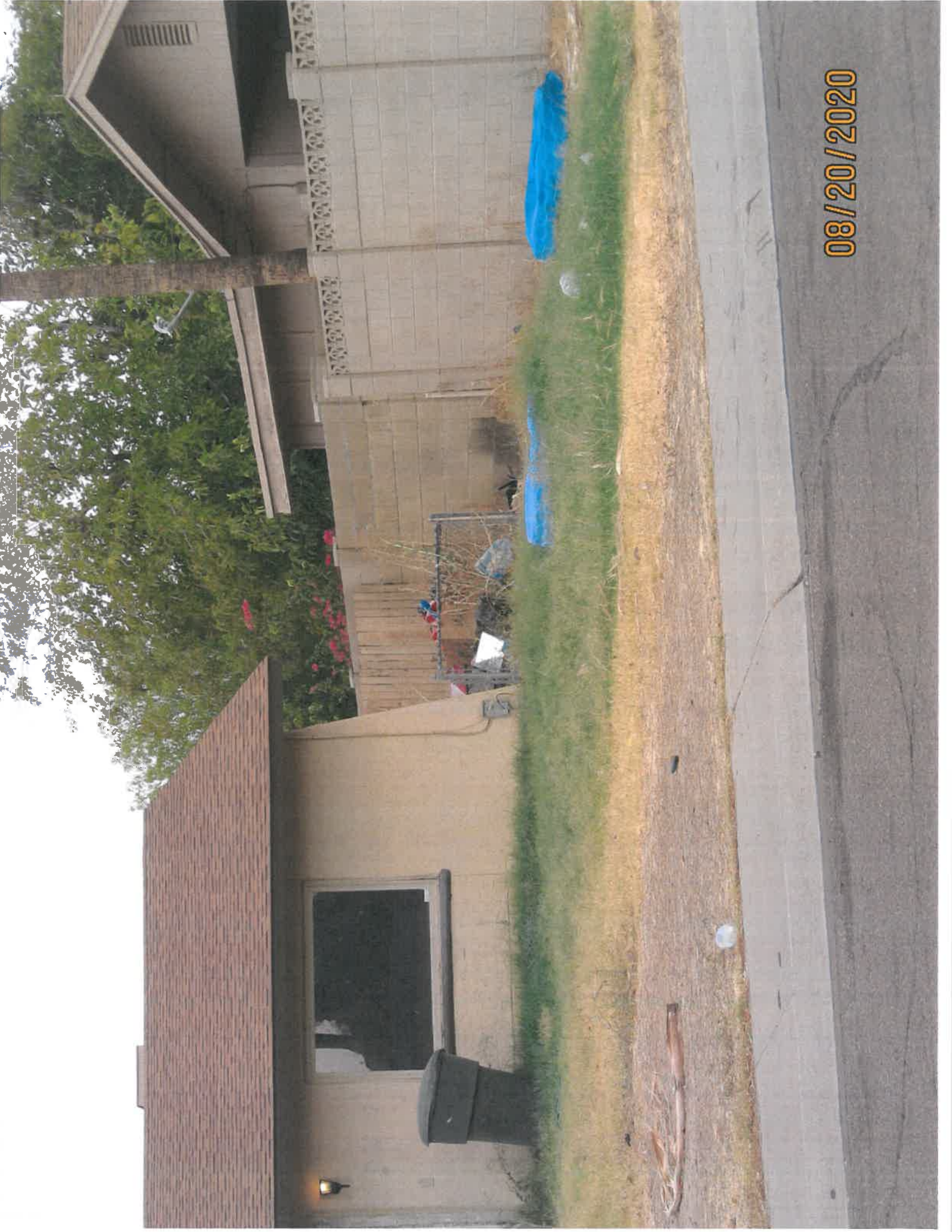
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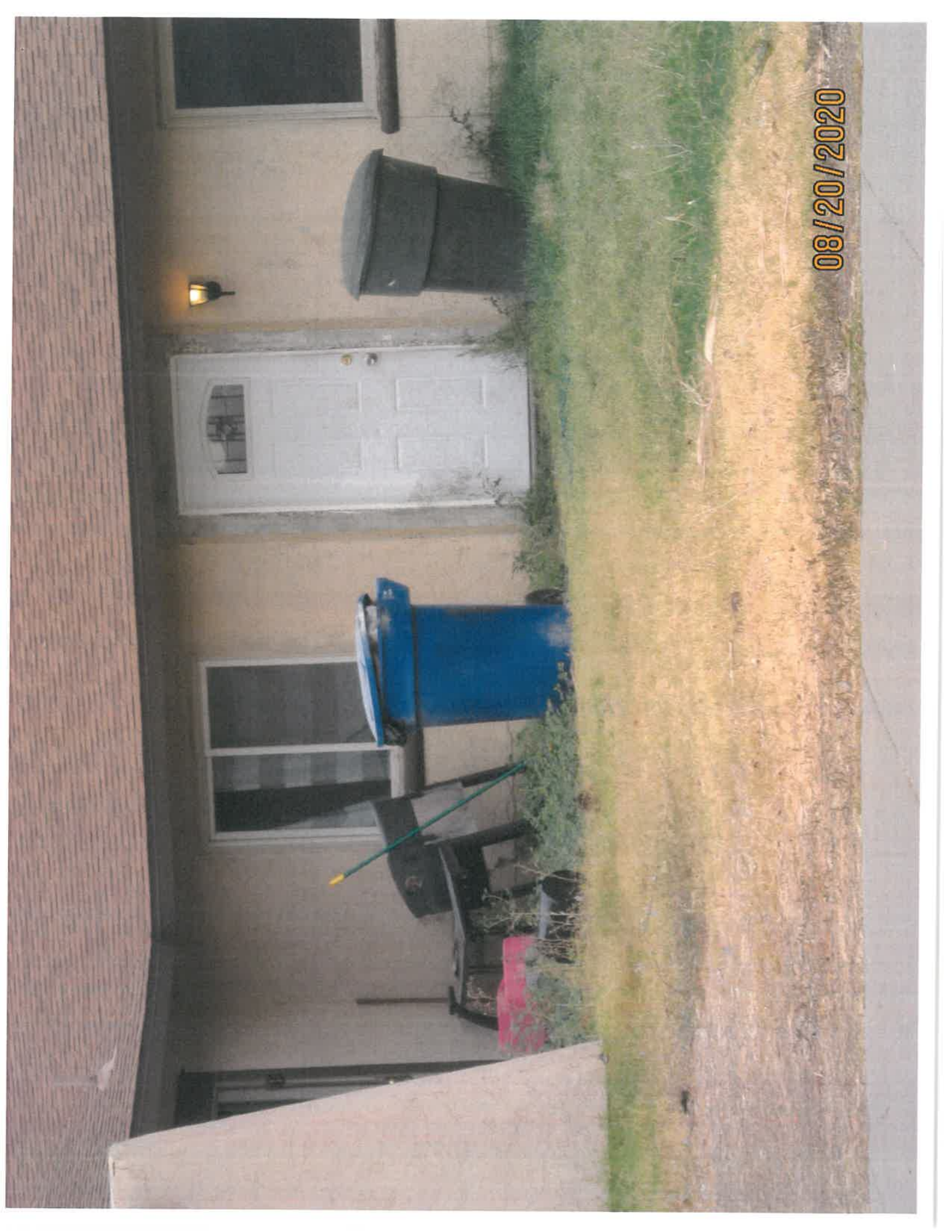
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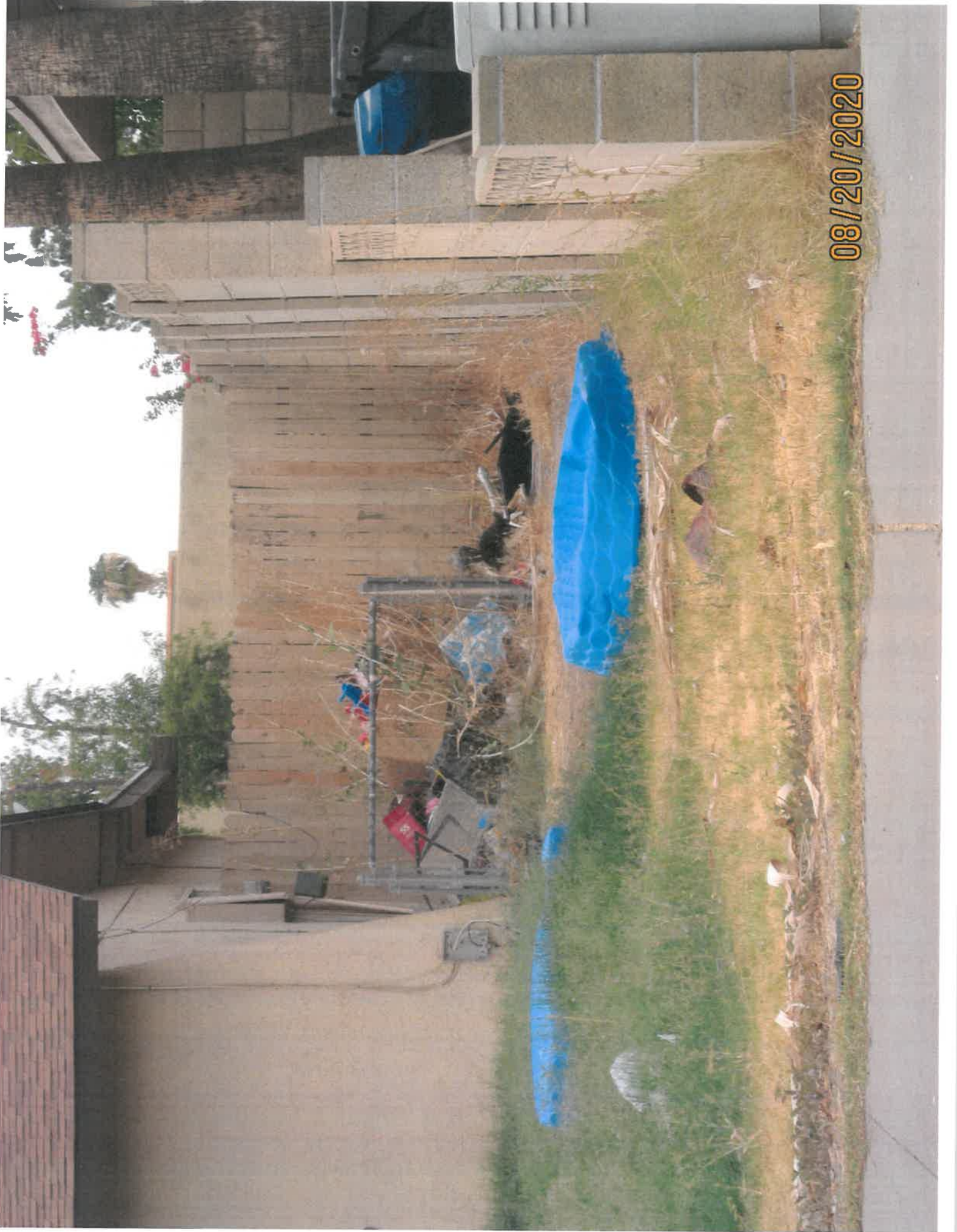


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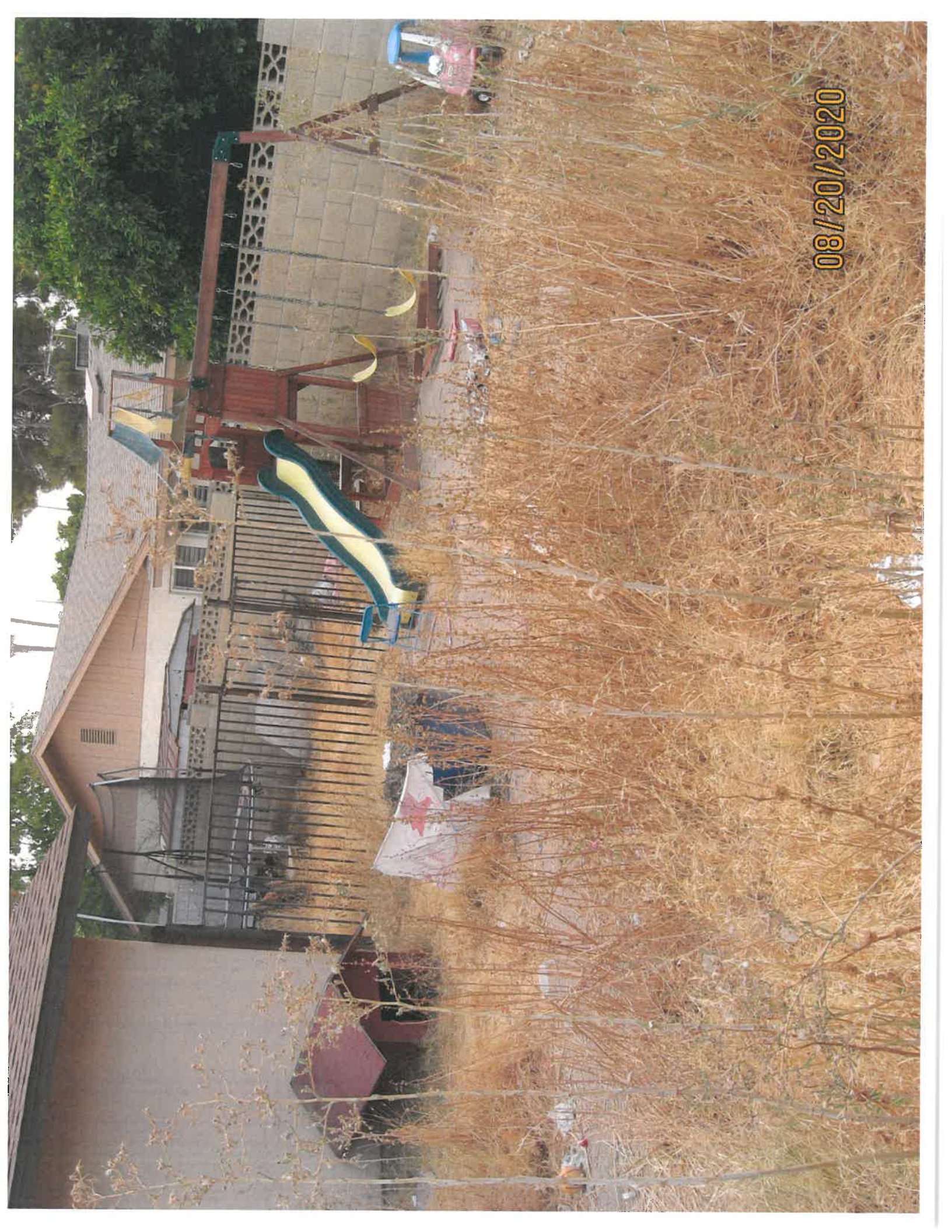


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