

**CITY OF TEMPE
HEARING OFFICER**

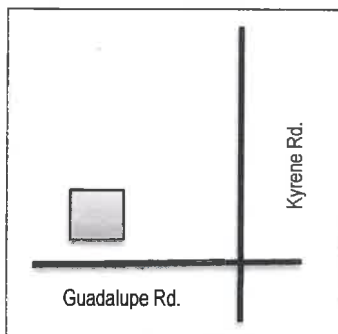
**Meeting Date: 07/19/2022
Agenda Item: 5**

ACTION: Request approval to abate public nuisance items at the Miller Property located at 6225 S. Parkside Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$972 for abatement request: front and side landscape cleanup, remove unregistered vehicle.

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 MILLER 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 CE221883: front and side landscape cleanup, remove unregistered vehicle.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Linda K. Miller
City of Tempe – Code Compliance
R1-6, Single Family Residential
Donald Alexander

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 Miller Property located at 6225 S. Parkside Drive, in the R1-6 Single Family Residential district. This case was initiated 03/18/2022, 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	LINDA K MILLER PROPERTY ABATEMENT	EXISTING ZONING	R1-6	<input type="checkbox"/>
PROJECT ADDRESS	6225 S PARKSIDE DR TEMPE, AZ 85283	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE221883 HEARING IS JULY 19, 2022	PARCEL No(s)	301-07-318	<input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)

BUSINESS NAME	LINDA K MILLER	ADDRESS	6225 S PARKSIDE DR		
CONTACT NAME		CITY	TEMPE	STATE	AZ
EMAIL		PHONE 1	480-350-5463	PHONE 2	
				ZIP	85283

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	21 E 6TH ST		
CONTACT NAME	DONALD ALEXANDER	CITY	TEMPE	STATE	AZ
EMAIL	donald_alexander@tempe.gov	PHONE 1	480-350-5463	PHONE 2	
				ZIP	85281

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	7/1/22
<i>Donald R. Alexander</i>			

BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs

BUSINESS NAME		ADDRESS	
CONTACT NAME		CITY	
TYPE OF BUSINESS		STATE	
		PHONE	
		EMAIL	

<input checked="" type="checkbox"/> APPLICATION (Check all that apply)	QTY	SPECIFIC REQUEST (See <i>Planning & Zoning Fee Schedule</i> 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
<input type="checkbox"/> F. PLANNED AREA DEVELOPMENT OVERLAYS			ZON
<input type="checkbox"/> G. SUBDIVISION / CONDOMINIUM PLATS			PAD
<input type="checkbox"/> H. DEVELOPMENT PLAN REVIEW			REC
<input type="checkbox"/> I. APPEALS			SBD
<input type="checkbox"/> J. GENERAL PLAN AMENDMENTS			REC
<input type="checkbox"/> K. ZONING VERIFICATION LETTERS			DPR
<input checked="" type="checkbox"/> L. ABATEMENTS			GPA
<input type="checkbox"/> M. SIGN TYPE K			ZVL
			CE
			CM
			GO
			SE
TOTAL NUMBER OF APPLICATIONS	0		

DS TRACKING #		FILE APPLICATION WITH CE / CM / IP TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #				TOTAL APPLICATION FEES
SPR TRACKING # (if 2 nd or 3 rd submittal, please use Planning Resubmittal Form)				RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: July 1, 2022
TO: Julie Scofield, Senior Code Inspector
FROM: Don Alexander, Code Inspector
SUBJECT: CE221883, LINDA K MILLER Property Abatement

LOCATION: 6225 S PARKSIDE DR TEMPE, AZ 85281

PARCEL: 301-07-318

OWNER: LINDA K MILLER
6225 S PARKSIDE DR
TEMPE, AZ 85283

FINDINGS:

3/18/2022 Inspected property proactively and found grass and weeds growing in the gravel landscape of the front yard. Notice to comply mailed to owner.

4/1/2022 The deceased property owner's brother requested and was granted an extension to remove the grass and weeds growing in the gravel landscape of the front yard.

5/6/2022 No corrective action has been taken to clear the pending violation. Final notice was mailed to the property.

6/15/2022 Requested abatement bids due to the property owner and property owner's brother being deceased. Included in the bid was deteriorated landscaping and an unregistered vehicle.

6/17/2022 Posted notice to abate on the front door of the property.

7/1/2022 Turned in abatement packet for the abatement hearing to be heard on 7/19/2022.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property locate at 6225 S Parkside drive due to property owner being deceased. failure to bring property into compliance with Tempe City Code 21-3.B.8 and 21-3.B.3. There has been no indication that the property owner or beneficiary 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,

Don Alexander
Code Inspector

ACTION TAKEN: submitted
NAME Julie Scoguelo
DATE: 7/1/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 06/17/2022

CASE # CE221883

**MILLER LINDA K
6225 S PARKSIDE DR.
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:

LOCATION: 6225 S. PARKSIDE DR. TEMPE, AZ 85283

PARCEL: 301-07-318

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on [07/19/2022](#). 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-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.

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

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:

- a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building;
- b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period;
- c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;
- d. Lawful commercial activities involving vehicles as allowed by the Zoning and Development Code; or
- e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code.

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. REMOVE GRASS AND OR WEEDS FROM THE GRAVEL AREAS OF THE FRONT YARD LANDSCAPE.
2. TRIM/REMOVE ANY DEAD PORTIONS OF CACTUS IN THE FRONT AND OR SIDE OF THE PROPERTY.
3. REMOVE OR REGISTER THE VEHICLE PARKED IN THE DRIVEWAY DISPLAYING EXPIRED PLATES AND OR TAGS.

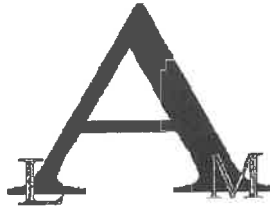
Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$972.00. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost 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: DON ALEXANDER

Phone Number: 480-350-5463

E-mail: Donald_alexander@tempe.gov



Artistic Land Management, Inc.

June 20, 2022

City of Tempe
Attn: Julie Scofield
Code Compliance Inspector

RE: Clean-Up at 6225 W. Parkside Dr.

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 6225 W. Parkside Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

Front Yard Landscape Clean-Up

- Cut weeds down to ground level and apply post-emergent where needed
- Trim the cactus to remove any dead portions
- Tow away vehicle in the driveway

Total = \$972.00

Respectfully,

Jose Hernandez



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

03/18/2022

MILLER, LINDA K
6225 S PARKSIDE AVE
TEMPE, AZ 85283

Case #: CE221883
Site Address: 6225 S PARKSIDE DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 03/18/2022 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.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	<p>Please completely remove the weeds and grass from the gravel, sand, or rock yard areas.</p> <p>PLEASE COMPLETELY REMOVE ALL THE GRASS OR WEEDS LOCATED WITHIN THE ENTIRE GRAVEL, SAND, OR ROCK LANDSCAPED AREAS OF THE FRONT YARD OF THE PROPERTY BY 8:00AM OF THE DEADLINE DATE.</p> <p>A GRAVEL, SAND, OR ROCK YARDS MUST BE MAINTAINED FREE OF GRASS OR WEEDS ON A REGULAR BASIS.</p>	4/1/2022

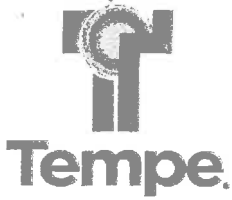
Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Donald Alexander
Code Inspector

Direct:
Code Compliance: 480-350-4311
Email:Donald_Alexander@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

05/11/2022

MILLER, LINDA K
6225 S PARKSIDE AVE
TEMPE, AZ 85283

Case #: CE221883
Site Address: 6225 S PARKSIDE DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 05/11/2022 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.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 completely remove the weeds and grass from the gravel, sand, or rock yard areas.	06/15/2022
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PLEASE COMPLETELY REMOVE ALL THE GRASS OR WEEDS LOCATED WITHIN THE ENTIRE GRAVEL, SAND, OR ROCK LANDSCAPED AREAS OF THE FRONT YARD OF THE PROPERTY BY 8:00AM OF THE DEADLINE DATE TO AVOID A \$200.

A GRAVEL, SAND, OR ROCK YARDS MUST BE MAINTAINED FREE OF GRASS OR WEEDS ON A REGULAR BASIS.

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

Donald Alexander
Code Inspector

Direct: 480-350-5463
Code Compliance: 480-350-4311
Email:Donald_Alexander@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).
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**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

06/17/2022

MILLER LINDA K
6225 S PARKSIDE DR
TEMPE, AZ 85283

Case#: CE221883
Site Address: 6225 S PARKSIDE DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 07/19/2022

This is a notice to inform you that this site was inspected on 06/17/2022 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.

VIOLATION SECTION:

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

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:

- a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building;
- b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period;
- c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;
- d. Lawful commercial activities involving vehicles as allowed by the Zoning and Development Code; or
- e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. VEHICLES OUT IN THE OPEN MUST BE REGISTERED AND APPEAR OPERABLE. PLEASE PROPERLY REGISTER ANY UNREGISTERED VEHICLE(S) WITH AZ MVD AND DISPLAY CURRENT PLATES AND OR TAGS. OR REMOVE THE VEHICLE(S) FROM THE FRONT OF THE PROPERTY.

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

Don Alexander
Code Inspector II
E-Mail

Direct: 480-350-5463
Code Compliance: 480-350-8372
Donald_alexander@tempe.gov

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.

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