
**CITY OF TEMPE
HEARING OFFICER**

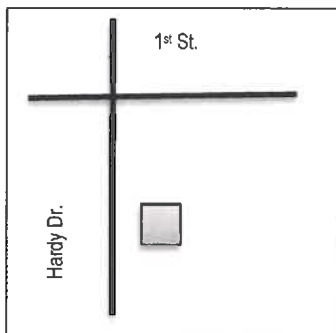
**Meeting Date: 11/15/2022
Agenda Item: 2**

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

FISCAL IMPACT: \$850 for abatement request: landscape cleanup on vacant lot.

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 CE223961 : landscape cleanup on vacant lot.



Property Owner	325 SHD LLC / Chad Nickolas
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-3, Multi Family Residential Ltd.
Code Compliance Inspector:	Michelle Van Etten

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 325 SHD LLC Property located at 325 E. Hardy Drive, in the R1-3 Multi Family Residential Ltd. district. This case was initiated 07/05/2022, 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

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 - Chad Nickolas - 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 CE223961 November 15, 2022	PARCEL No(s)	124-31-325 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
BUSINESS NAME	ADDRESS	310720 W Indian School Rd Ste #19 Box 96283	
CONTACT NAME	CITY	STATE	ZIP
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	ADDRESS	21 E 6th St, Suite 208	
CONTACT NAME	CITY	STATE	ZIP
EMAIL	PHONE 1	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
<i>Michelle Van Etten</i>		10-07-22

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			CE CM
TOTAL NUMBER OF APPLICATIONS	0		

FOR CITY USE ONLY			
DS TRACKING #	FILE THIS APPLICATION WITH CE / CM TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			TOTAL APPLICATION FEES
SPR TRACKING # (if 2 nd or 3 rd submittal, use planning resubmittal form)			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: October 07, 2022
TO: Jack Scofield, Senior Code Inspector
FROM: Michelle Van Etten, Code Inspector
SUBJECT: CE223961, 325 S Hardy Dr., Tempe - Abatement

LOCATION: 325 S Hardy Dr., Tempe, AZ 85281

PARCEL: 124-31-325

OWNER: 325 SHD LLC – Chad Nickolas
325 S Hardy Dr
Tempe, AZ. 85281

FINDINGS:

On 07/05/2022 I inspected the property located at 325 S Hardy Dr. Tempe which is a vacant lot. The lot was filled with grass and weeds. I sent correction notices to the listed owner to two different addresses, including the one that was provided to the Maricopa County Assessor's Office.

On 08/01/2022 I reinspected the vacant lot and found that the violation had not been corrected. I sent a final notice to both addresses.

On 08/15/2022 I reinspected the vacant lot and found that the violation had not been corrected. I issued a citation which was mailed to both addresses once again.

When notices and the citation were returned as invalid addresses, I sent a copy of the citation to a third address. That address was ultimately invalid as well.

On 10/07/2022, I once again inspected the vacant lot and observed that the violation had not been corrected. I mailed a notice of intent to abate to the address indicated in the Maricopa County Assessor's website, as provided by the owner.

RECOMMENDATIONS:


I recommend an abatement of the nuisance violation at the land located at

325 S. Hardy Dr. due to the land owner's failure to bring the 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 land. The listed owner was issued a civil citation which has not been paid or contested. There is no indication that the land will be brought into compliance in the near future. This land 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,

Michelle Van Etten
Code Inspector

ACTION TAKEN: Submit
NAME 
DATE: 10/7/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE:10/07/2022
CASE # CE222808

**325 SHD LLC - C/O Chad Nickolas
325 S Hardy Dr.
TEMPE, AZ 85281**

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

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 11/15/2022. 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:

CC 21.3.b.8 Any landscaping, visible from public property, that is substantially dead, damaged, or characterized as uncontrolled growth, or presents a deteriorated appearance

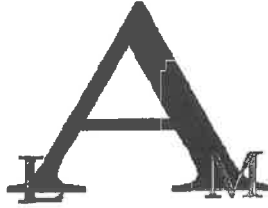
If the violations have not been corrected within thirty days, our office will proceed with the abatement process. As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below:

1. COMPLETELY REMOVE ALL GRASS AND WEEDS FROM THE GRAVEL / DIRT 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 **\$850.00**. 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



Artistic Land Management, Inc.

September 29, 2022

City of Tempe
Attn: Michelle Van Effen
Code Compliance Inspector

RE: Clean-Up at 325 S. Hardy 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 325 S. Hardy Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Remove grass and weeds from the dirt/gravel vacant lot
- Haul off trash and debris

Total = \$850.00

Respectfully,

Jose Hernandez

Oct 7, 2022 at 8:53:39 AM



Oct 7, 2022 at 8:53:46 AM



Oct 7, 2022 at 8:54:58 AM



Oct 7, 2022 at 8:54:47 AM



Oct 7, 2022 at 8:56:02 AM





COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

07/05/2022

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

Case #: CE223961
Site Address: 325 S HARDY DR, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 07/05/2022 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	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance	
PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	PLEASE REMOVE GRASS AND WEEDS FROM THE VACANT DIRT LOT. DIRT / GRAVEL AREAS MUST BE MAINTAINED FREE OF GRASS AND WEEDS.	7/19/2022

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

07/05/2022

325 SHD LLC - C/O CHAD NICKOLAS
515 MADISON AVE 22ND FLOOR
NEW YORK, NY 10022

Case #: CE223961
Site Address: 325 S HARDY DR, TEMPE, AZ 85281

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

08/01/2022

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

Case #: CE223961
Site Address: 325 S HARDY DR, TEMPE, AZ 85281

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CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS WILL BE ISSUED

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CODE COMPLIANCE
FINAL CORRECTION NOTICE

08/01/2022

325 SHD LLC C/O CHAD NICKOLAS
515 MADISON AVE
NEW YORK, NY 10022

Case #: CE223961
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CODE COMPLIANCE
FINAL CORRECTION NOTICE

08/01/2022

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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702656		Case Number		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident <input type="checkbox"/> Fatality		<input type="checkbox"/> Commercial	
Driver's License No.		DLP <input type="checkbox"/>		State		Class		Endorsements M H N P T X D				Incident Report Number CE223961	
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language												Juvenile	
Defendant		Name (First, Middle, Last) 325 SHD LLC c/o CHAD NICKOLAS											
Residence Address, City, State, Zip Code 515 MADISON AVE - 22ND FLOOR NEW YORK, NY 10022										Telephone: (cell phone) <input type="checkbox"/>			
Sex		Height		Weight		Eyes		Hair		Origin		Date of Birth	
Business Address, City, State, Zip Code										Business Phone No.			
Vehicle		Color		Year		Make		Model		Style		License Plate	
Registered owner & address, City, State, Zip Code										Vehicle Identification Number			
The Undersigned Certifies That:													
On		Month 08		Day 15		Year 2022		Time 0822		<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM		Speed	
At		Location 325 S HARDY DR		Area		Dist.		R & P		Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace		Direction of Travel	
The Defendant Committed the Following:										<input checked="" type="checkbox"/> Tempe 85281 State of Arizona			
A		Section: TLC 21-3 A		ARS Violation: CC 21-3.B.8 DETERIORATED LANDSCAPE		Domestic Violence Case <input type="checkbox"/>		Criminal <input type="checkbox"/>		Criminal Traffic <input type="checkbox"/>		<input checked="" type="checkbox"/> Municipal Code	
Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic		<input type="checkbox"/> Petty Offense		MVD	
B		Section:		ARS Violation:		Domestic Violence Case <input type="checkbox"/>		Criminal <input type="checkbox"/>		Criminal Traffic <input type="checkbox"/>		<input type="checkbox"/> Municipal Code	
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D		Section:		ARS Violation:		Domestic Violence Case <input type="checkbox"/>		Criminal <input type="checkbox"/>		Criminal Traffic <input type="checkbox"/>		<input type="checkbox"/> Municipal Code	
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Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic		<input type="checkbox"/> Petty Offense		MVD	
You must appear on the date and time indicated at:		Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753		<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor		Date: 08/29/2022		Time: Between 9AM & 4PM		<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor		Date: _____ Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM	
<input type="checkbox"/> Court:		Court Address, City, State, Zip Code		Date:		Time:		<input type="checkbox"/> AM <input type="checkbox"/> PM		Court No.			
Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.						Victim? <input type="checkbox"/> Victim Notified? <input type="checkbox"/>							
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.						I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.							
X MAILED						M. VAN ETTEN Complainant							
						8060 PSN							
Comments: Juvenile Notification: Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials _____													
1ST VIOLATION / CITATION = \$ 200⁰⁰													
Date issued if not violation date _____													

COMPLAINT

If you were charged with a civil ordinance violation and you fail to appear as directed in this complaint, a default judgement will be entered, and a monetary penalty will be imposed.



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