
**CITY OF TEMPE
HEARING OFFICER**

Meeting Date: 06/07/2022

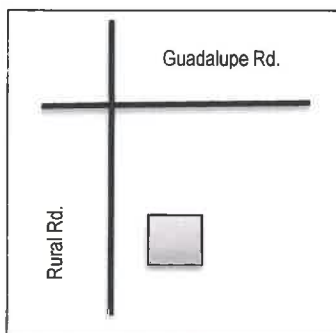
Agenda Item: 4

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: \$1180 for abatement request: front & side yard landscape cleanup, front & side yard removal of junk, trash and debris.

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 CE221488: front & side yard landscape cleanup, front & side yard removal of junk, trash and debris.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Nicole O'Connor
City of Tempe – Code Compliance
R1-6, Single Family Residential
Julie Scofield

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Interim 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, Interim Code Administrator

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 03/04/2022, 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	O'CONNOR ABATEMENT PROPERTY	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	6818 S. TERRACE RD. TEMPE, AZ 85283	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE221488 HEARING IS JUNE 7TH, 2022	PARCEL No(s)	301-48-384 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)					
BUSINESS NAME	Nicole	ADDRESS	6818 S. TERRACE RD.		
CONTACT NAME	DANIEL O'CONNOR	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	21 E. 6TH ST.		
CONTACT NAME	JULIE SCOFIELD	CITY	TEMPE	STATE	AZ ZIP 85281
EMAIL	JULIE_SCOFIELD@TEMPE.GOV	PHONE 1	480-350-8951	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 <i>[Signature]</i>	DATE	5/9/22
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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. SUBDIVISION / CONDOMINIUM PLATS			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
<input type="checkbox"/> M. SIGN TYPE K			GO	SE
TOTAL NUMBER OF APPLICATIONS	0			

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

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: 05/09/2022
FROM: Julie Scofield, Sr. Code Inspector
SUBJECT: O'Connor Property Abatement

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

LEGAL: Tempe Gardens 14

PARCEL: 301-48-384

OWNER: Daniel or Tamara O'Connor
C/O Nicole O'Connor
6818 S. Terrace Rd.
Tempe, AZ 85283

FINDINGS:

- 03/04/2022 Complaint came into Neighborhood Enhancement (CE221488) for this property regarding junk, trash, debris, and deteriorated landscape.
- 03/07/2022 The property was inspected. There was over height grass/weeds in the front and sides of the property and trash, debris and miscellaneous items in the front as well. A notice was mailed to the owner, Daniel O'Connor.
- 03/21/2022 Reinspected the property. There has been no change in the condition of the property. A final notice was mailed.
- 04/05/2022 Requested bids for an abatement cleanup to include the junk, trash, debris, and the landscape.
- 04/11/2022 Citation #1702576 was issued for the landscape and the junk, trash, and debris. Pictures were taken to show the condition of the property.
- 05/09/2022 Turning in the paperwork for the abatement hearing to be held on June 7th, 2022.

PROPERTY HISTORY:

02/24/2021- 08/03/2021 (CE211136) Two (2) notices were mailed for junk, trash, and debris. A citation was issued, and it went to collections. July 6th, 2021, an abatement was approved for the cleanup of the property. Case was closed due to owner taking care of the violation.

RECOMMENDATIONS:

I am recommending the approval for the abatement at 6818 S. Terrace Rd. The property is owned by Daniel and Tamara O'Connor. The owners have been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action. Several notices were mailed, and a citation was issued. The owner failed to pay the citation. I am requesting that an open abatement of 180 days be granted to cover any future violations.

Respectfully submitted,

Julie Scofield

ACTION TAKEN:
NAME
DATE:

Submit
Julie Scofield
5/9/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 05/09/2022
CASE #: CE221488

**CONNOR DANIEL S/TAMERA L
OR NICOLE 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:

LOCATION: 6818 S. TERRACE RD TEMPE, AZ 85283
PARCEL: 301-48-384

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **06/07/2022**. 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.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
- CC 21-3.b.8** Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

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

- CC 21-3.b.1** PLEASE REMOVE ANY TRASH, TREE DEBRIS, AND OR ANY MISCELLANEOUS ITEMS FROM THE FRONT AND OR SIDE YARDS.
- CC 21-3.b.8** PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS FROM THE FRONT AND OR SIDE YARDS.

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 **\$1180.00**. In addition to the actual cost of abatement, an administrative charge of fifteen percent (15%) 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 of 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: Julie Scofield
Phone Number: 480-350-8951
E-mail: julie_scofield@tempe.gov**



Artistic Land Management, Inc.

April 14, 2022

City of Tempe
Attn: Julie Scofield
Code Inspector II

RE: Clean-Up at 6818 S. Terrace Rd.

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 a 6818 S. Terrace Rd, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Landscape clean-up in the front yard
- Remove trash and debris from the front yard of the property
- Police presence on-site for duration of visit

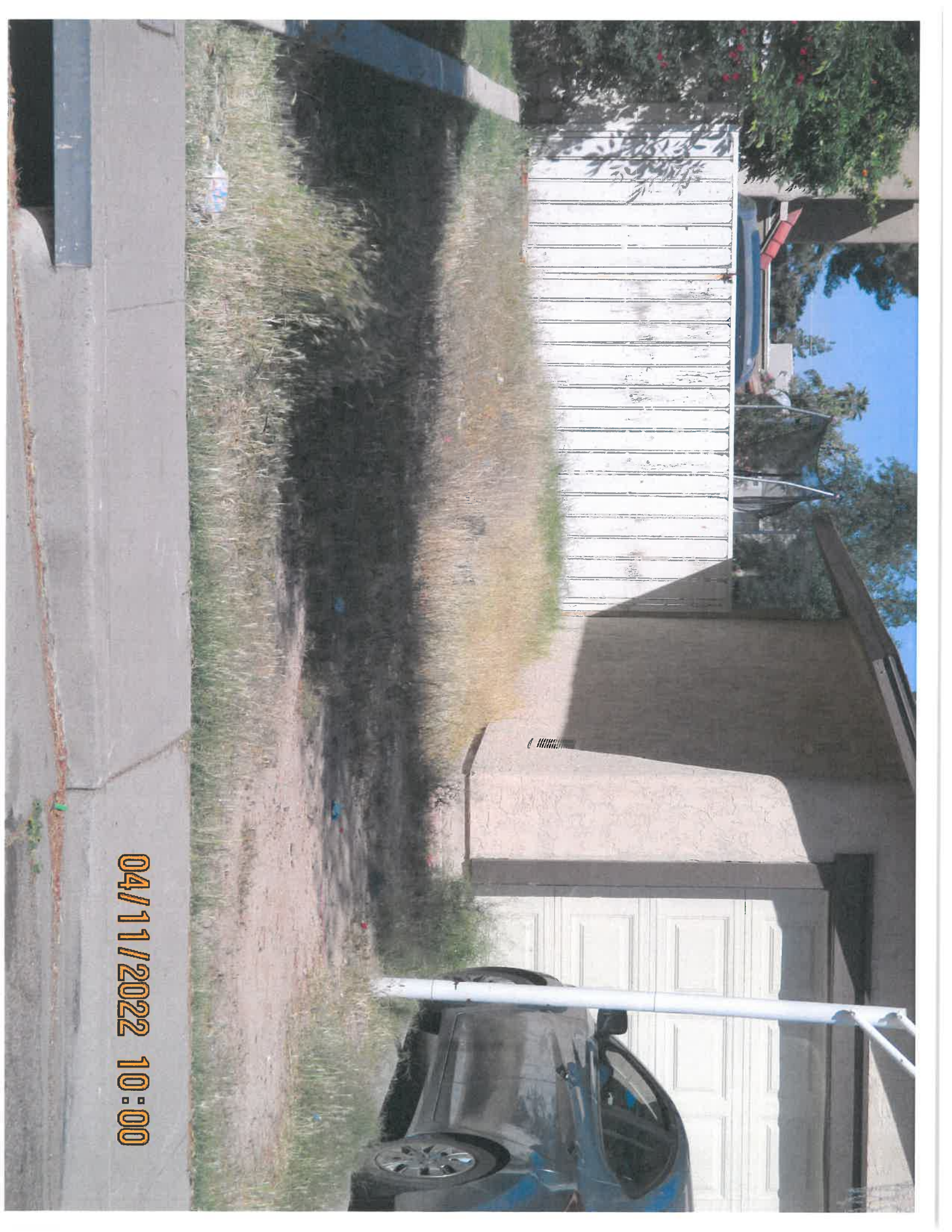
Total = \$1,180.00

Respectfully,

Jose Hernandez



04/11/2022 10:00



04/11/2022 10:00



04/11/2022 10:00



04/11/2022 10:01



04/11/2022 10:00



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

03/07/2022

OCONNOR DANIEL S/TAMERA L OR NICOLE O'CONNOR
6818 S TERRACE RD
TEMPE, AZ 85283

Case #: CE221488
Site Address: 6818 S TERRACE RD, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 03/07/2022 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.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
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	PLEASE REMOVE ANY TRASH, TREE DEBRIS, AND OR ANY MISCELLANEOUS ITEMS FROM THE FRONT AND OR SIDE YARDS.	3/21/2022
CC 21-3.b.8	PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS FROM THE FRONT AND OR SIDE YARDS.	3/21/2022
CC 21-3.b.8	PLEASE COMPLETELY REMOVE ALL GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY. MAINTAIN DIRT LANDSCAPE FREE OF ANY UNCONTROLLED GROWTH OR INSTALL ANOTHER FORM OF LANDSCAPING. IT COULD CONSIST OF GRASS, GRAVEL, DESERT, OR A COMBINATION WITH DEFINED BORDERS, YOUR CHOICE.	4/6/2022

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

Julie Scofield
Code Inspector

Direct: 480-350-8951
Code Compliance: 480-350-4311
Email:julie_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 \$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

03/21/2022

OCONNOR DANIEL S/TAMERA L OR NICOLE O'CONNOR
6818 S TERRACE RD
TEMPE, AZ 85283

Case #: CE221488
Site Address: 6818 S TERRACE RD, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 03/21/2022 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.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
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.1	PLEASE REMOVE ANY TRASH, TREE DEBRIS, AND OR ANY MISCELLANEOUS ITEMS FROM THE FRONT AND OR SIDE YARDS.	04/06/2022
CC 21-3.b.8	PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS FROM THE FRONT AND OR SIDE YARDS.	04/06/2022

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

Julie Scofield
Code Inspector

Direct: 480-350-8951
Code Compliance: 480-350-4311
Email: julie_scofield@tempe.gov

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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702576	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	<input type="checkbox"/> 16 Passenger Vehicle	<input type="checkbox"/> Haz. Material	Incident Report Number CE221488

Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language	Defendant Name (First, Middle, Last) Daniel S. O'Connor						Juvenile
Residence Address, City, State, Zip Code 6818 S. Terrace Rd. Tempe, AZ 85283						Telephone: (cell phone) <input type="checkbox"/>	
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions
Business Address, City, State, Zip Code						Business Phone No.	
Vehicle	Color	Year	Make	Model	Style	License Plate	State
Registered owner & address, City, State, Zip Code						Vehicle Identification Number	

The Undersigned Certifies That:

On	Month 04	Day 11	Year 2022	Time 10:00	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Speed	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace	Direction of Travel
At	Location 6818 S. Terrace Rd						<input checked="" type="checkbox"/> Tempe 85283	State of Arizona		Area	Dist.

The Defendant Committed the Following:

A	Section: TCC 21-3A	ARS CC	Violation: 21-3-B.1 Junk, trash, debris	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
B	Section: TCC 21-3A	ARS CC	Violation: 21-3-B.8 Deteriorated Landscaping	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
C	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
D	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
E	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense

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: 4/25/22	Time: Between 9AM & 4PM
		<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
	Court: _____		Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
Court Address, City, State, Zip Code				

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	Complainant J. Scofield	8022 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 _____

A = \$200
B = \$200
Total \$400.00

Date issued if not violation date _____



COMPLAINT