

**CITY OF TEMPE
HEARING OFFICER**

Meeting Date: 03/08/2023

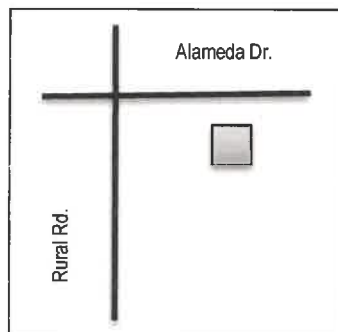
Agenda Item: 3

ACTION: Request approval to abate public nuisance items at the Gurley Property located 1104 E. Campus Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1323 for abatement request: front & side yard landscape cleanup including debris 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 GURLEY 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 CE226247 : front & side yard landscape cleanup including debris removal.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Estate of Steve Gurley
City of Tempe – Code Compliance
R1-6 Single Family Residential
Melissa Ensing

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 Gurley Property located at 1104 E. Campus Drive, in the R1-6 Single Family Residential district. This case was initiated 10/17/2022, 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	ESTATE OF STEVE GURLEY PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1104 E. CAMPUS DR., TEMPE, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE226247 MARCH 08, 2023	PARCEL No(s)	133-32-210 <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME		ADDRESS	1104 E. CAMPUS DR.
CONTACT NAME	ESTATE OF STEVE GURLEY	CITY	TEMPE
EMAIL		STATE	AZ
		ZIP	85282
		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/CODE ENFORCEMENT	ADDRESS	21 E. 6TH STREET, SUITE 208
CONTACT NAME	MELISSA ENSING/CODE INSPECTOR	CITY	TEMPE
EMAIL	melissa_ensing@tempe.gov	STATE	AZ
		ZIP	85281
		PHONE 1	480-858-2085
		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>Melissa</i>	DATE	01/25/2023
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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: January 25, 2023
TO: Jack Scofield, Senior Code Inspector
FROM: Melissa Ensing, Code Inspector
SUBJECT: CE226247, Estate of Steve Gurley Property Abatement

LOCATION: 1104 E. CAMPUS DR. TEMPE, AZ 85282

PARCEL: 13332210

OWNER: Estate of Steve Gurley
1104 E. Campus Dr.
Tempe, AZ 85282

FINDINGS:

10/17/2022 I initiated this complaint for deteriorated landscape which entailed grass and weeds growing in the gravel front and side yards along with landscape debris. Notice to comply mailed to owner.

10/31/2022 I inspected property and observed further deterioration. I posted the Notice to comply to the property due to the previous notice being returned with no forwarding address.

11/14/2022 I inspected property and observed further deterioration. I mailed and posted the Final Notice to comply to the property along with a Reinspection Fee.

11/28/2022 Posted notice to property to comply or contact me 12/01/2022. The previous notices had been removed.

12/02/2022 I found a phone number for the property manager and tried contacting them. I did not receive a call back.

12/12/2022 Owner failed to bring property into compliance therefore, a Civil Citation was issued to the owner.

12/28/2022 Owner failed to appear for court.

01/05/2023 The Code Compliance Division received an anonymous complaint for deteriorated landscape.

01/25/2023 Posted notice of intent to abate to property and mailed to property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1104 E. CAMPUS DR. due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8. The Estate of Steve Gurley has been given ample time to come into compliance and maintain the property. The owner has been issued a civil citation and has failed to appear to court for the citation. 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,

Melissa Ensing
Code Inspector

ACTION TAKEN: Submit

NAME 

DATE: 1/31/23



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 01/25/2023
CASE #: CE226247

**GURLEY STEVE ESTATE OF
1104 E CAMPUS DR
TEMPE, AZ 85282**

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

LOCATION: 1104 E CAMPUS DR TEMPE, AZ 85282
PARCEL: 13332210

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **03/08/2023**. 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 characterize by uncontrolled growth, or presents a deteriorated appearance

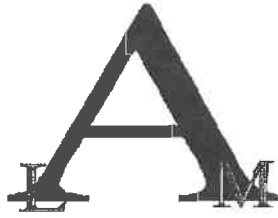
As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below. If the violation(s) have not been corrected, our office will proceed with the abatement process.

CC 21-3.b.8 REMOVE GRASS AND WEEDS FROM FRONT AND SIDE YARDS.
GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.
REMOVE LANDSCAPE DEBRIS FROM FRONT AND 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 **\$1323.00**. 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: Melissa Ensing
Phone Number: 480-858-2085
E-mail: Melissa_Ensing@tempe.gov**



Artistic Land Management, Inc.

January 17, 2023

City of Tempe
Attn: Melissa Ensing
Code Inspector

RE: Clean-Up at 1104 E. Campus 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 1104 E. Campus Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

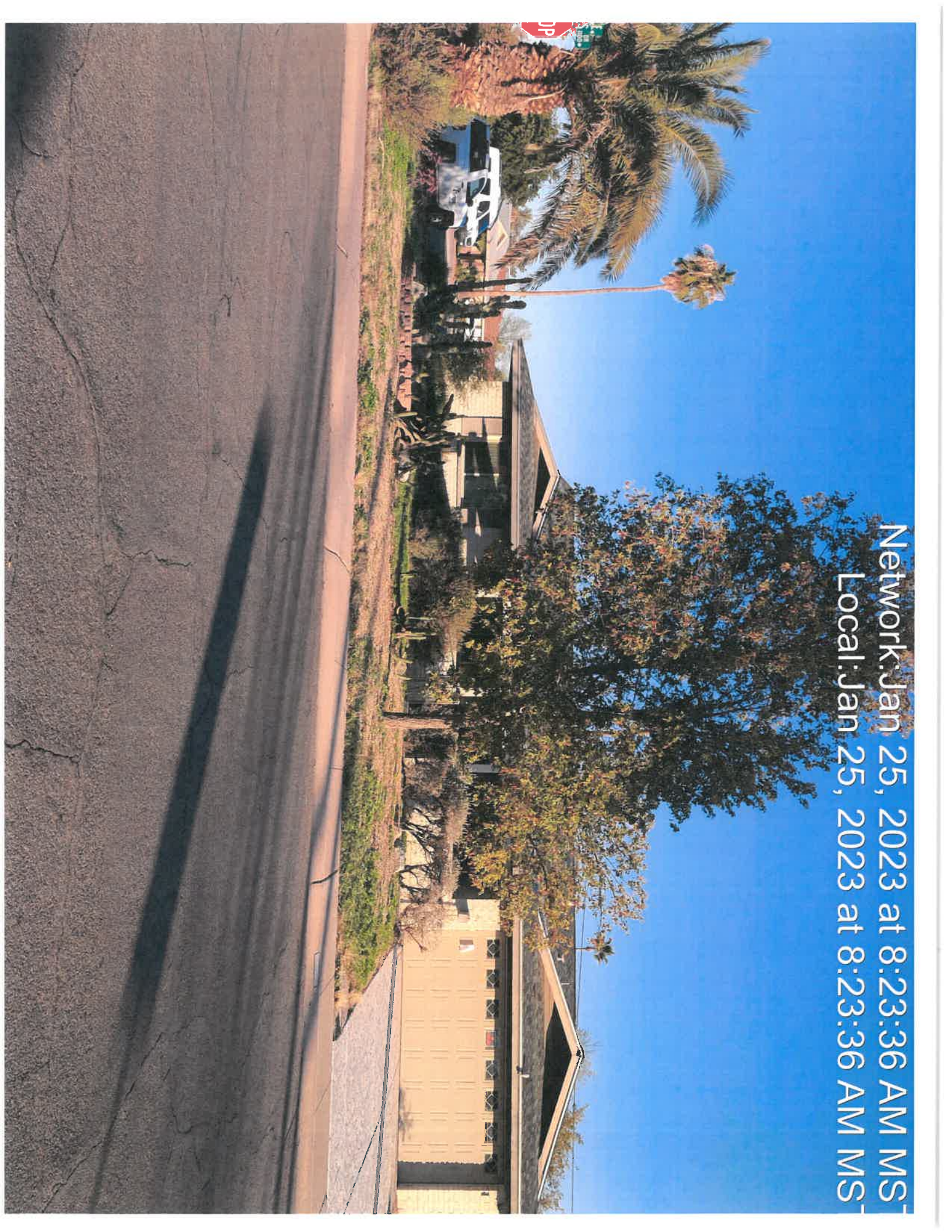
- Remove grass, weeds, and landscape debris from front and side yards
- Police presence on-site for duration of the visit

Total: \$1,323.00

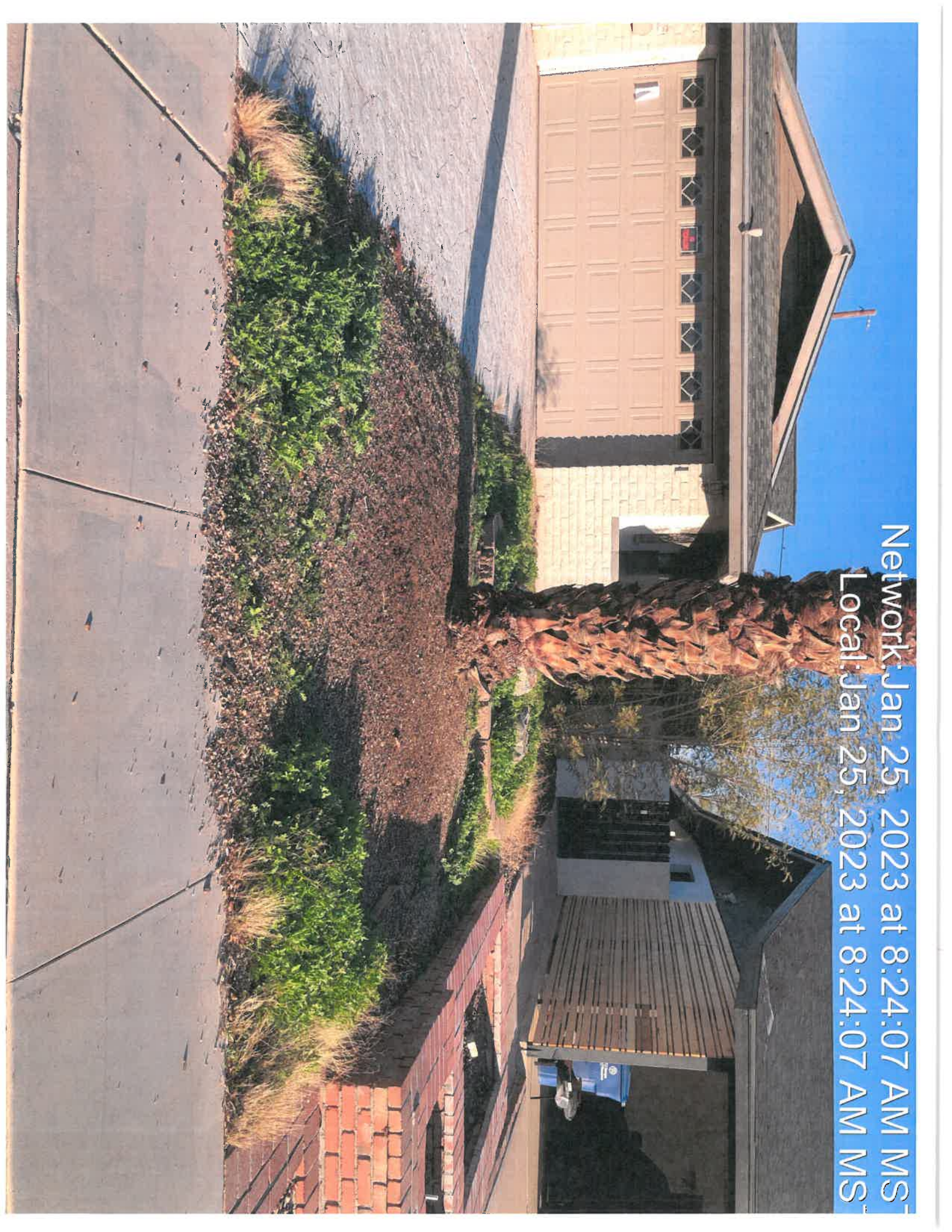
Respectfully,

Jose Hernandez

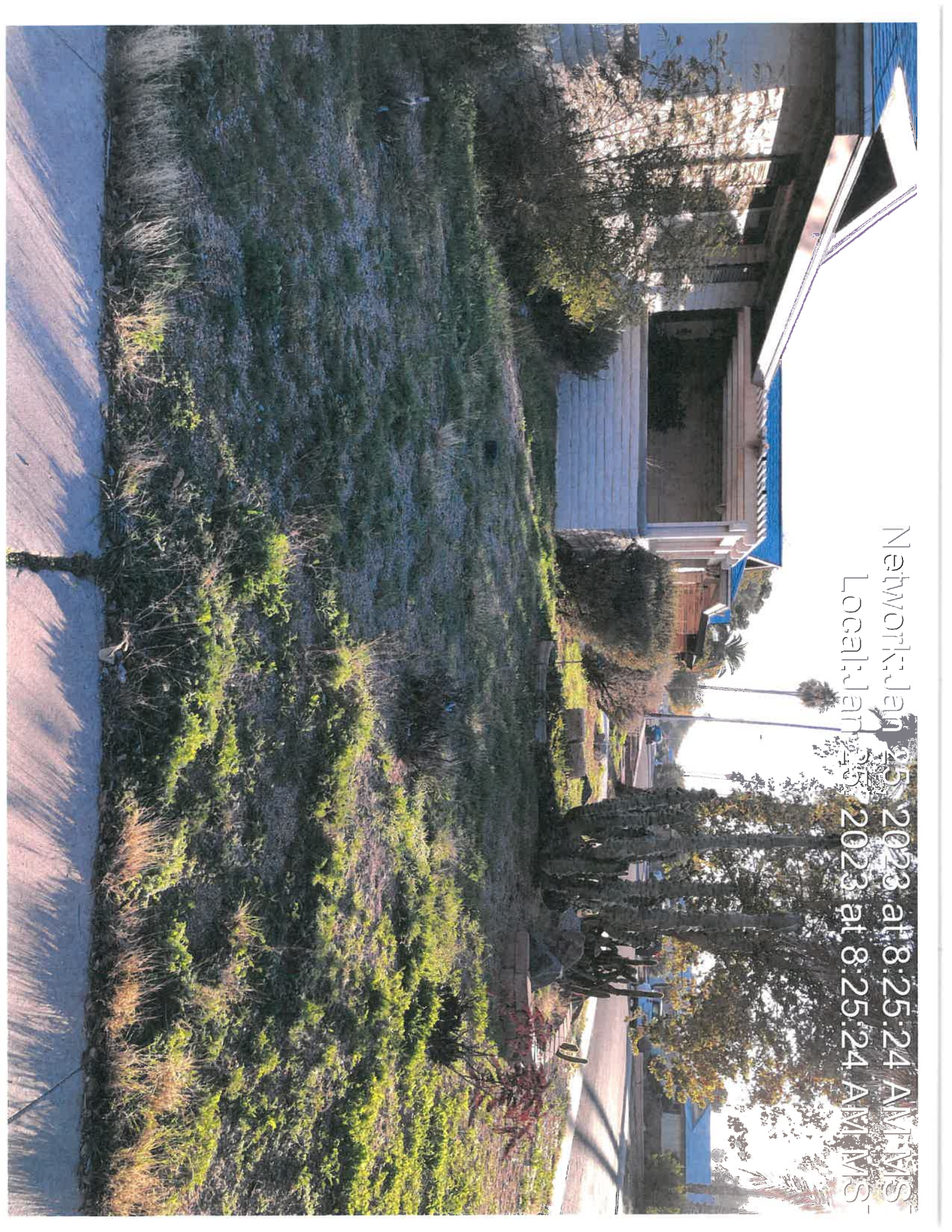
Network: Jan 25, 2023 at 8:23:36 AM MS-
Local: Jan 25, 2023 at 8:23:36 AM MS-



Network: Jan 25, 2023 at 8:24:07 AM MST
Local: Jan 25, 2023 at 8:24:07 AM MST



Network: Jan 25, 2023 at 8:25:24 AM TMS
Local: Jan 25, 2023 at 8:25:24 AM TMS



Network: Jan 25, 2023 at 8:26:24 AM MS
Local: Jan 25, 2023 at 8:26:24 AM MS



Network:Jan 25, 2023 at 8:26:06 AM MST

Local:Jan 25, 2023 at 8:26:06 AM MST





COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

10/17/2022

GURLEY STEVE ESTATE OF
1104 E CAMPUS DR
TEMPE, AZ 85282

Case #: CE226247
Site Address: 1104 E CAMPUS DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 10/17/2022 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.

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

**SITE REINSP
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8	PLEASE REMOVE GRASS AND WEEDS FROM FRONT AND SIDE YARDS. GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.	10/31/2022
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Melissa Ensing
Code Inspector

Direct: 480-858-2085
Code Compliance: 480-350-4311
Email:Melissa_Ensing@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

10/31/2022

GURLEY STEVE ESTATE OF
1104 E CAMPUS DR
TEMPE, AZ 85282

Case #: CE226247
Site Address: 1104 E CAMPUS DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 10/31/2022 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

**SITE REINSP
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8	PLEASE REMOVE GRASS AND WEEDS FROM FRONT AND SIDE YARDS. GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.	11/14/2022
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Melissa Ensing
Code Inspector**

**Direct: 480-858-2085
Code Compliance: 480-350-4311
Email:Melissa_Ensing@tempe.gov**

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

11/14/2022

GURLEY STEVE ESTATE OF
1104 E CAMPUS DR
TEMPE, AZ 85282

Case #: CE226247
Site Address: 1104 E CAMPUS DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 11/14/2022 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	REMOVE GRASS AND WEEDS FROM FRONT AND SIDE YARDS. GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS. REMOVE LANDSCAPE DEBRIS FROM FRONT AND SIDE YARDS.	11/28/2022

CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS WILL BE ISSUED.

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

Melissa Ensing
Code Inspector

Direct: 480-858-2085
Code Compliance: 480-350-4311
Email:Melissa_Ensing@tempe.gov

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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County,
State of Arizona



Complaint Number 1702646		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 C9226247	
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language									
Defendant		Name (First, Middle, Last) Estate of Steve Gurley						Juvenile	
Residence Address, City, State, Zip Code 1104 E. Campus Dr. Tempe, AZ 85282								Telephone: (cell phone) <input type="checkbox"/>	
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions	Email Address	
Business Address, City, State, Zip Code								Business Phone No.	
Vehicle		Color	Year	Make	Model	Style	License Plate	State	Expiration Date
Registered owner & address, City, State, Zip Code							Vehicle Identification Number		

The Undersigned Certifies That:

On	Month 12	Day 12	Year 2022	Time 8:50	<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 1104 E. Campus Dr						<input checked="" type="checkbox"/> Tempe <input type="checkbox"/> 85282	State of Arizona		Area	Dist.

The Defendant Committed the Following:

A	Section: 21-3 A	ARS Violation: 21-3.B.8. Deteriorated Landscape	<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
MVD					
B	Section:	ARS 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
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C	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
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MVD					
D	Section:	ARS 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
MVD					
E	Section:	ARS 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
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: 12/27/2022	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:		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 _____	Complainant <i>Unless J</i>	PSN 17448

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 _____

**First Violation #2002
mailed certified**

Date Issued If not violation date _____

COMPLAINT



1702646

If you were charged with a civil ordinance violation and you fail to appear as directed in this complaint a default judgment will be entered against you.