

CITY OF TEMPE HEARING OFFICER

Meeting Date: 03/08/2023

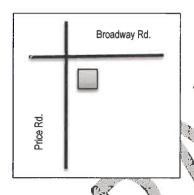
Agenda Item: 2

<u>ACTION</u>: Request approval to abate public nuisance items at the Weaver Property located 2124 S. Cottonwood Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$399.20 for abatement request: remove unregistered vehicles

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 WEAVER 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 CE224998: remove unregistered vehicle.



Property Owner
Applicant
Zoning District
Code Compliance
Inspector:

Patricia & Isaac Weaver
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 Weaver Property located at 2124 S. Cottonwood Drive, in the R1-6 Single Family Residential district. This case was initiated 08/25/2022, 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.

Planning Application Submittal Form

Part 1 of 2

Resubmittal Form)

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 EXISTING PATRICIA/ISAAC WEAVER PROPERTY ABATEMENT R1-6 **ZONING PROJECT ADDRESS** SUITE(S) 2124 S COTTONWOOD DR., TEMPE, AZ 85282 PROJECT DESCRIPTION PARCEL No(s) **ABATEMENT OF CE224998** 134-40-090a MARCH 08, 2023 PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K **BUSINESS NAME ADDRESS** 2124 S COTTONWOOD DR **CONTACT NAME** СПТҮ STATE PATRICIA/ISAAC WEAVER ΑZ 85282 TEMPE **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 CITY OF TEMPE/CODE ENFORCEMENT 21 E. 6TH STREET, SUITE 208 **CONTACT NAME** CITY STATE ΑZ MELISSA ENSING/CODE INSPECTOR **TEMPE** 85281 **EMAIL** PHONE 1 PHONE 2 480-858-2085 melissa_ensing@tempe.gov 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 01/75/2023 BUSINESS INFORMATION -REQUIRED FOR USE PERMITS & SIGN DPR **BUSINESS NAME ADDRESS CONTACT NAME** CITY STATE ZIP **EMAIL** TYPE OF BUSINESS PHONE APPLICATION SPECIFIC REQUEST FOR CITY USE ONLY V (Check all that apply) (See for types) (Planning record tracking numbers) П A. PRELIMINARY SITE PLAN REVIEW SPR В. **ADMINISTRATIVE APPLICATIONS ADM** C, VAR **VARIANCES USE PERMITS / USE PERMIT STANDARDS** ZUP D. E. **ZONING CODE AMENDMENTS** ZOA ZON F. PLANNED AREA DEVELOPMENT OVERLAYS PAD **REC** G. SUBDIVISION / CONDOMINIUM PLATS SBD **REC** H. **DEVELOPMENT PLAN REVIEW DPR** I. **APPEALS** J. **GENERAL PLAN AMENDMENTS GPA** K. **ZONING VERIFICATION LETTERS** ZVL CE Ø CM L. **ABATEMENTS** M, SIGN TYPE K \$E **TOTAL NUMBER OF APPLICATIONS** 0 FOR CITY USE ONLY **DS TRACKING # FILE APPLICATION WITH DATE RECEIVED (STAMP) VALIDATION OF PAYMENT (STAMP)** CE / CM / IP TRACKING # PL TRACKING # SPR TRACKING # **TOTAL APPLICATION FEES** (if 2nd or 3rd submittal. please use Planning

RECEIVED BY INTAKE STAFF (INITIALS)



DATE:

January 25, 2023

TO:

Jack Scofield, Senior Code Inspector

FROM:

Melissa Ensing, Code Inspector

SUBJECT:

CE224998, Patricia/Isaac Weaver Property Abatement

LOCATION: 2124 S. COTTONWOOD DR. TEMPE, AZ 85282

PARCEL:

13440090A

OWNER:

Patricia/Isaac Weaver

2124 S. Cottonwood Dr.

Tempe, AZ 85282

FINDINGS:

08/25/2022 The Code Compliance Division received a complaint for unregistered/inoperable vehicle. I inspected property and observed an unregistered vehicle in the driveway along with deteriorated landscape. Notice to comply mailed to owner.

09/09/2022 I inspected property and observed the unregistered vehicle still in the driveway. The landscape was brought into compliance. Mailed final notice to comply to owner.

10/04/2022 The Code Compliance Division received an anonymous complaint for deteriorated roof.

10/04/2022 Posted notice to property to comply or contact me 10/04/2022.

10/07/2022 I inspected property and observed the unregistered vehicle still in the driveway. The landscape was deteriorated again with grass and weeds in the gravel front and side yards along with a dead tree in the rear yard. The roof was not in violation. I mailed the owner a notice for all violations.

11/09/2022 I spoke with the owner. She stated that she was hiring a landscaper and going to register the vehicle. I granted her an extension.

11/17/2022 Owner failed to register vehicle or remove from driveway after several extensions and the dead tree had not been removed therefore, a Civil Citation was issued to the owner.

11/21/2022 I spoke with the owner again and she stated that she was having medical problems and her friend was going to help register the vehicle.

12/02/2022 I spoke with the owner and she stated her internet was down, she was still having medical issues, and her friend would not be there for two more weeks and would register the vehicle then.

12/02/2022 Owner failed to appear for court.

12/19/2022 I spoke with the owner and she stated she hired a landscaper and the vehicle would be gone in a few days.

01/03/2023 I spoke with the owner and she said she was trying to register the vehicle.

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 2124 S. COTTONWOOD DR. due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.3. Patricia/Isaac Weaver 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:	Subnit
NAME	Malle
DATE:	1/31/23



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 01/25/2023 CASE #: CE224998

WEAVER ISAAC; PATRICIA 2124 S COTTONWOOD DR TEMPE, AZ 85282-3028

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

LOCATION: 2124 S COTTONWOOD DR TEMPE, AZ 85282

PARCEL: 13440090A

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.3

An unregistered vehicle outside of or under a roof area not enclosed

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.3 REMOVE UNREGISTERED VEHICLE FROM DRIVEWAY OR REGISTER WITH AZ MVD.

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 \$399.20. 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

Customer Quotation

Date	Quote #
10-Jan-2023	41

Apache Sands Towing

7602 E Main St

Mesa, Arizona 85207

Phone: (480) 986-5556

Fax: (480) 373-8766

Quoted For:

Melissa

City of Tempe (Nuisance Abatement Services)

Arizona

Summary

Location: 2124 S Cottonwood Dr Tempe

Destination:

Tempe Impound

Reason:

Tow

Zone:

Vehicle:

1970 Jeep Wagoneer (Tan)

Owner: Phone: VIN:

Plate/Tag:

Mileage:

Service	Quantity	Rate	Amount
4 - LD - T6 -Towing	1.00	104.20	104.20
	Sub Total		104.20
	QUOTATION TOTAL		104.20

The above quoted amounts are valid for $60\ \mathrm{days}$ from the date of this quotation.

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City of Tempe

Police Department

Case Information

Address: 2124 S Cottonwood Dr Tempe, AZ 85282

Case Number: CE224998

Inspector: Melissa Ensing

Requested Services

OFFICER

City of Tempe Off Duty Police Officer

SERVICES

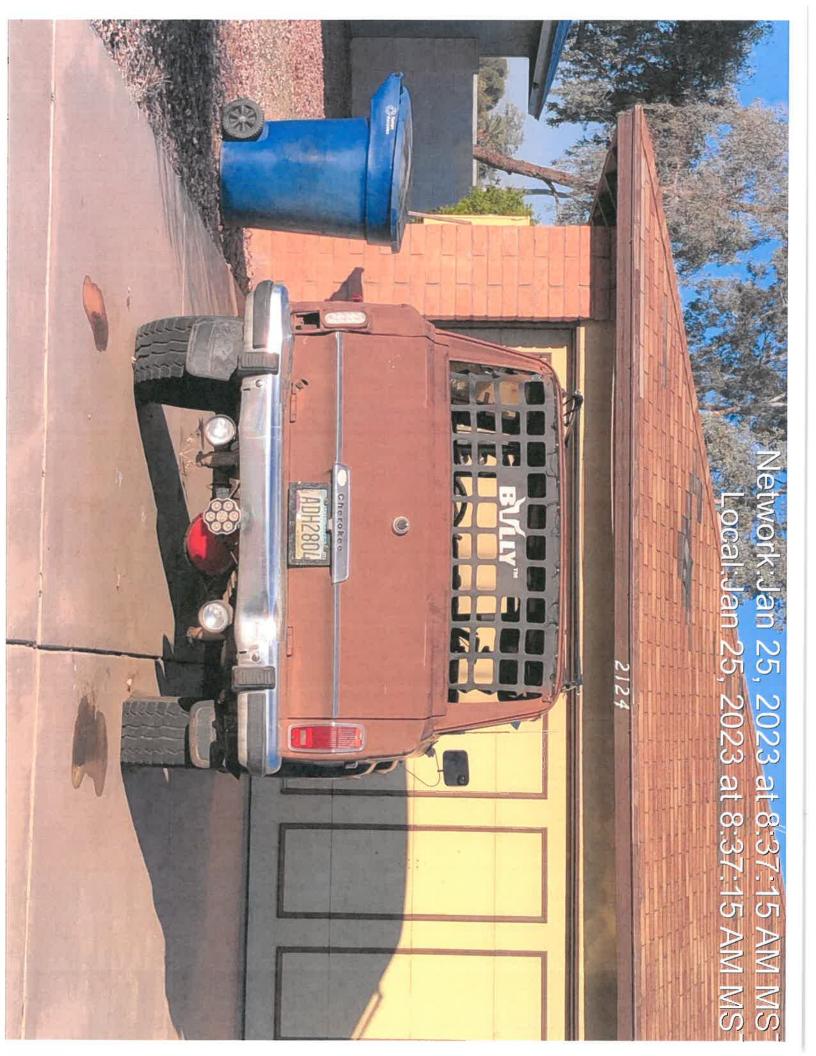
Civil Standby: Abate Security for Towing

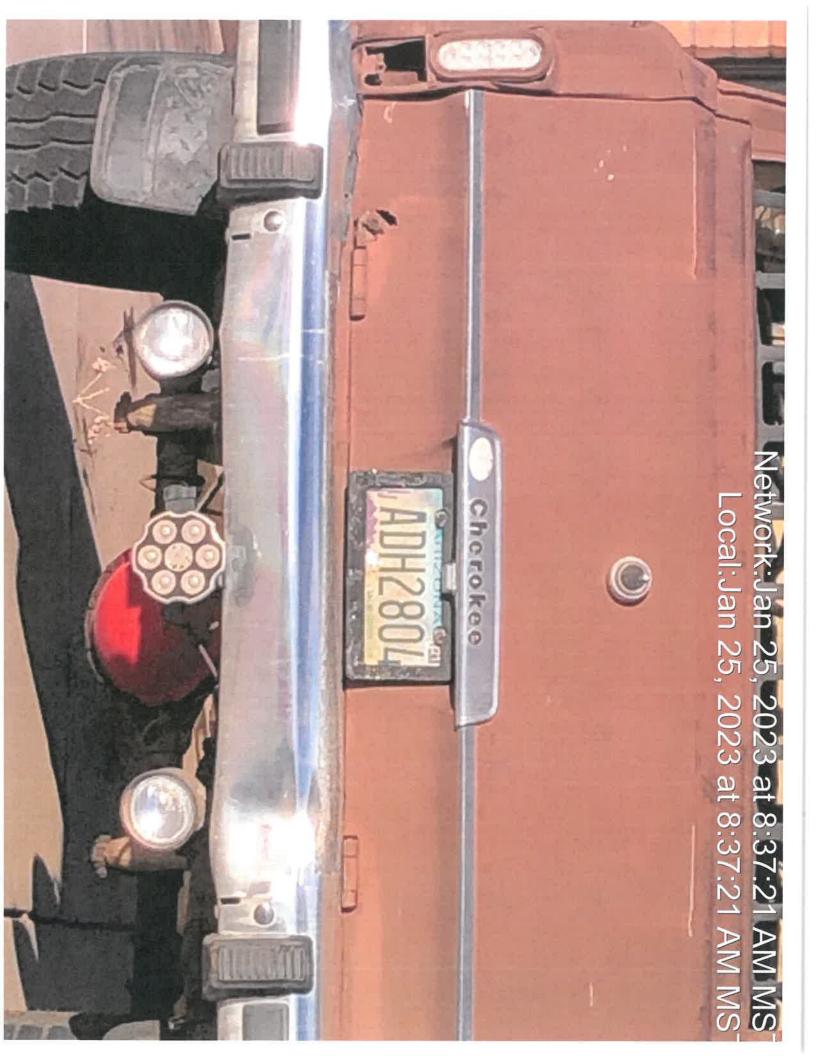
Item Breakdown

ITEM	UNIT COST	QTY	TOTAL
Standard Hourly Rate (3 hours minimum)	\$80/hr	3	\$240
Additional Hourly Fee for Car (3 hours Minimum)	\$5/hr	3	\$15
Flat Fee for Car	\$40	1	\$40

TOTAL \$295

Approved By Drew Yocom 480-858-2190







COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

08/25/2022

WEAVER ISAAC;PATRICIA 2124 S COTTONWOOD DR TEMPE, AZ 85282-3028

Case #: CE224998

Site Address: 2124 S COTTONWOOD DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 08/25/2022 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.3	An unregistered vehicle outside of or under a roof area not enclosed					
CC 21-3.b.8 Any landscaping, visible from public property, that is substantially dead, damaged, or by uncontrolled growth, or presents a deteriorated appearance						
PLEASE TAKE T	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER				
CC 21-3.b.3	REMOVE UNREGISTERED VEHICLE FROM DRIVEWAY OR REGISTER WITH AZ MVD.	09/09/2022				
CC 21-3.b.8	REMOVE GRASS AND WEEDS FROM FRONT AND SIDE YARDS.	09/09/2022				
	GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.					

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 FINAL CORRECTION NOTICE

09/09/2022

WEAVER ISAAC; PATRICIA 2124 S COTTONWOOD DR TEMPE. AZ 85282-3028

Case #: CE224998

Site Address: 2124 S COTTONWOOD DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 09/09/2022 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.3	An unregistered vehicle outside of or under a roof area not enclosed	
PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.3	REMOVE UNREGISTERED VEHICLE FROM DRIVEWAY OR REGISTER WITH AZ MVD.	09/26/2022

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

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

10/07/2022

WEAVER ISAAC; PATRICIA 2124 S COTTONWOOD DR TEMPE, AZ 85282-3028

Case #: CE224998

Site Address: 2124 S COTTONWOOD DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 10/07/2022 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.3	An unregistered vehicle outside of or under a roof area not enclosed
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
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 TH	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.3	REMOVE UNREGISTERED VEHICLE FROM DRIVEWAY OR REGISTER WITH AZ MVD.	11/07/2022
CC 21-3.b.8	REMOVE GRASS AND WEEDS FROM FRONT AND SIDE YARDS.	11/07/2022
	GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.	
CC 21-3.b.8	REMOVE DEAD TREE FROM THE REAR YARD. STUMP MUST BE REMOVED OR CUT TO GROUND LEVEL.	11/07/2022

CORRECTIVE ACTION MUST BE COMPLETED BY 11/07/2022 OR \$400 CITATION 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

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.



Uncertified Arizona Motor Vehicle Record as of: 1/25/2023

Plate	Plate Type	Plate Status	VIN
ADH2804	Standard	Active	1JCNE17D6DT000593
Year	Make	Model	Style
1983	Jeep	Cherokee	Station Wagon 2 Dr
Factory List Price	Fuel Type	Odometer Reading	Odometer Code
12022	Gasoline	216000	Actual
GVW	SAR Start	SAR End	SAR Weight
0			0

Registration Use	First Regi	stered	Expiration	Date Registration Renewed			
Regular	11/1983		10/31/20				
Title Number	State Issued	Title Is	sued Date	Title Indicator	Title Status		
457M019191017	AZ	7/10/20	19		Active		
Date of Sale	Received	Date					
De-Insure Start Da	ate De-Insure	End Date	Certifica Date	ite Received	Reason		

No Permits Available

Owner(s)

5919712 Patricia Sue Wolf Weaver 2124 S Cottonwood Dr, Tempe, AZ 852823028

Mailing Address

2124 S Cottonwood Dr, Tempe, AZ 852823028

Domicile Address

286 S High St 855012253 Globe

, AZ

Lienholder(s)

Additional Information

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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COMPLAINT

