

CITY OF TEMPE HEARING OFFICER

Meeting Date: 07/05/2023

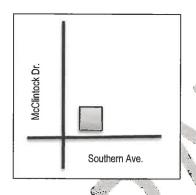
Agenda Item: 3

<u>ACTION</u>: Request approval to abate public nuisance items at the 1878 Tempe LLC Property located 1878 E. Southern Avenue. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$455 for abatement request: vacant lot landscape cleanup.

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 1878 TEMPE 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 CM230614 vacant lot landscape cleanup.



Property Owner
Applicant Z
Zoning District:
Code Compliance
Inspector:

1878 Tempe LLC / Thanit Colvin City of Tempe – Code Compliance RO Residential Office District 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 1878 Tempe LLC property located at 1878 E. Southern Avenue, in the RO Residential Office District. This case was initiated 03/13/23, 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 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	1878 Tempe LLC - C/O Thanit Colvin - Abatement				EXISTING ZONING	RO			
PROJECT ADDRESS	1878 E Southern Ave., Tempe AZ 85282				SUITE(S)				
PROJECT DESCRIPTION	Abatement of CM230614 July 05, 2023				PARCEL No(s)	133-34-820	133-34-820		
THE STATE OF THE	PROPERTY OWNER	INFOR	MATION - REC	QUIRED	EXCEPT PRELIMINARY SIT	E PLAN REVIEW)	1 Site 1	1981 14.11	
BUSINESS NAME			A	DDRESS	2040 S Alma School Rd 1-27				
CONTACT NAME	1878 Tempe LLC - C/O Tha	anit Col	vin	CITY	Chandler	STATE	AZ ZIP	85286	
EMAIL			18-1	PHONE 1		PHONE 2			
I hereby authorize the	applicant below to proces	s this	application wit	h the Cit	y of Tempe.				
			R SIGNATURE X				DATE		
or attach written state	ment authorizing the applicant to			FORMA	TION - REQUIRED	WILLIAM CO.S. IN	11 (5.8 % 5.4)		
COMPANY / FIRM NAME	City of Tempe / Code Enfor		A	DDRESS	21 E 6th St, Suite 208				
CONTACT NAME	Michelle Van Etten / Code	nspect	or	CITY	Tempe	STATE	AZ ZIP	82381	
EMAIL	michelle_vanetten@tempe.	-		PHONE 1	(480) 350-2895	PHONE 2			
I hereby attest that the	is application is accurate a returned to me without revi	nd the	submitted doc	uments	are complete. I acknowledg	e that if the applica	ation is deemed	to be	
incomplete it will be i			I SIGNATURE X	1 4	hull Van 9-tt		DATE 5 17	2023	
	RUSINES	SINFO	RMATION - RE	v	FOR USE PERMITS & SIGN	DPRs			
BUSINESS NAME		J 1111 J		DDRESS					
CONTACT NAME				CITY		STATE	ZIP		
TYPE OF BUSINESS				PHONE		EMAIL			
_ APPLICATION		QTY	SPECIFIC RE	OUEST	unio Wicesti Elevini	FOR CITY US	E ONLY		
(check all that a	oply)	Q11	(see planning	3 2000	g fee schedule for types)		ord tracking n	umbers)	
☐ A. PRELIMINARY	SITE PLAN REVIEW					SPR			
☐ B. ADMINISTRAT	IVE APPLICATIONS					ADM			
C. VARIANCES						VAR			
D. USE PERMITS	/ USE PERMIT STANDARDS					ZUP			
☐ E. ZONING CODE	AMENDMENTS					ZOA ZON			
F. PLANNED AR	EA DEVELOPMENT OVERLAYS					PAD REC			
G. SUBDIVISION	S / CONDOMINIUMS					SBD	REC		
H. DEVELOPMEN	IT PLAN REVIEW					DPR			
☐ I. APPEALS									
☐ J. GENERAL PL	AN AMENDMENTS					GPA			
☐ K. ZONING VERIFICATION LETTERS						ZVL			
✓ L. ABATEMENTS						CE	CM		
тот	AL NUMBER OF APPLICATIONS	0							
FOR CITY USE ONLY DS TRACKING # VALIDATION OF PAYMENT (STAMP)									
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SPR TRACKING						TOTAL APPLIC	PPLICATION FEES		
(if 2 nd or 3 rd submittal, use planning resubmittal						RECEIVED BY	RECEIVED BY INTAKE STAFF (INITIAL		
form									



DATE:

May 17, 2023

TO:

Jack Scofield, Senior Code Inspector

FROM:

Michelle Van Etten, Code Inspector

SUBJECT:

CM230614 1878 E Southern Ave, Tempe - Abatement

LOCATION: 1878 E Southern Ave., Tempe, AZ. 85282

PARCEL:

133-34-820

OWNER:

1878 Tempe LLc - C/O Thanit Colvin

2040 S Alma School Rd 1-276

Chandler, AZ 85286

FINDINGS:

On 03/13/2023 I inspected the property located at 1878 E Southern Ave., Tempe and found that it was a gravel / dirt vacant lot with tall grass and weeds throughout. I sent an initial notice to the listed owner (LLC).

I reinspected the property on 03/27/2023 and found that the violation had not been corrected. I sent a second and final notice to the listed owner (LLC).

I reinspected the property on 04/10/2023 and found that the violation still had not been corrected. I issued a citation to the listed owner (LLC).

All correspondence that was sent to the address listed in the Maricopa County Assessor's website was returned by the USPS as "undeliverable." The certified letter mailed to that address did come back signed for by an individual other than the person believed to be the owner / responsible party. I sent copies of all notices and the citation to a secondary address that was listed under the "LLC" in the Arizona Corporation Commission website. The citation was never remedied with the Tempe City Court and was sent to collections.

I reinspected the property today, 05/17/2023 and found that the violation was still not corrected. I mailed a "Notice of Intent to Abate" to each of the aforementioned properties.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1878 E Southern Ave., Tempe due to the property 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 property. The listed owner was issued a civil citation for the violations and failed to contest or remedy it. Notes in the Tempe City Court system show that the collections notice(s) / court correspondence letter(s) were returned "undeliverable." There is no indication that the property will be brought into compliance in the near future. 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,

Michelle Van Etten Code Inspector

ACTION TAKEN:	Submit
NAME	John
DATE:	5/18/23



DATE: 05/17/2023 CASE # CM230614

1878 TEMPE, LLC - C/O THANIT COLVIN 2040 S ALMA SCHOOL RD 1-276 CHANDLER, AZ 85286

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

LOCATION: 1878 E Southern Ave, Tempe AZ 85282

PARCEL: 133-34-820

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 07/05/2023. 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 characterized by 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. REMOVE ALL GRASS AND WEEDS FROM THE DIRT / GRAVEL 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 \$455.00. 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



May 15, 2023

City of Tempe Attn: Michelle Van Etten Code Inspector

RE: Clean-Up at 1878 E. Southern Ave.

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 1878 E. Southern Ave, 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 vacant dirt lot
- Haul off and dispose of debris

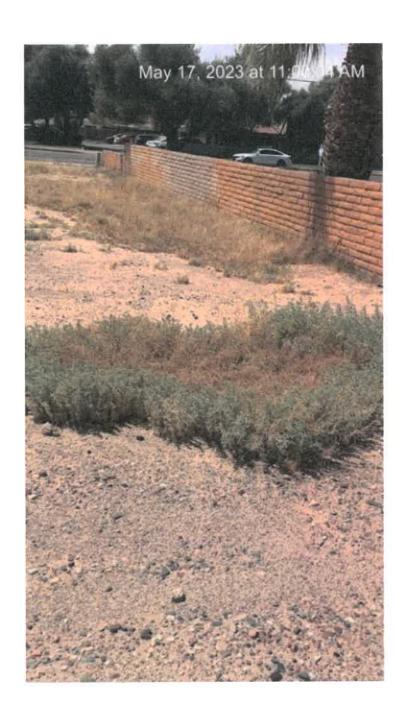
Total: \$455.00

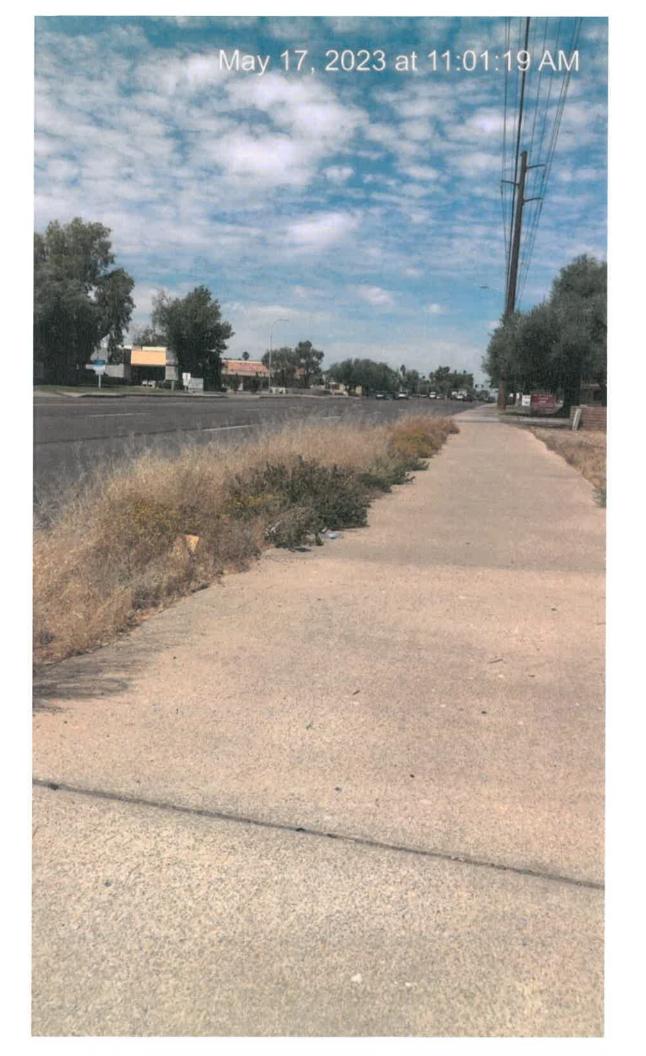
Respectfully,

Jose Hernandez











COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

03/13/2023

1878 TEMPE LLC - C/O THANIT COLVIN 2040 S ALMA SCHOOL RD 1-276 CHANDLER, AZ 85286

Case #: CM230614

Site Address: 1878 E SOUTHERN AVE, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/13/2023 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							
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches						
ZDC 4-102.E.6.	Lack of maintenance						
PLEASE TAKE T	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER					
CC 21-3.b.8	PLEASE REMOVE GRASS AND WEEDS FROM THE GRAVEL / DIRT VACANT LOT AS WELL AS THE AREA BETWEEN THE SIDEWALK AND E SOUTHERN AVE. THANK YOU	3/27/2023					
ZDC 4-102.E.6.	AS INDICATED ABOVE, PLEASE REMEDY THE GRASS AND WEEDS ON THE PROPERTY.	3/27/2023					

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

03/13/2023

1878 TEMPE LLC C/O THANIT COLVIN 2015 S ARIZONA AVE UNIT 4 CHANDLER, AZ 85286

Case #: CM230614

Site Address: 1878 E SOUTHERN AVE, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/13/2023 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.

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ZDC 4-102.E.6.	Lack of maintenance					

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COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FINAL CORRECTION NOTICE

03/27/2023

1878 TEMPE LLC - C/O THANIT COLVIN , 2040 S ALMA SCHOOL RD 1-276 CHANDLER, AZ 85286

Case #: CM230614

Site Address: 1878 E SOUTHERN AVE, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/27/2023 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					
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CC 21-3.b.8	PLEASE REMOVE GRASS AND WEEDS FROM THE GRAVEL / DIRT VACANT LOT AS WELL AS THE AREA BETWEEN THE SIDEWALK AND E SOUTHERN AVE. THANK YOU	04/10/2023
ZDC 4-102.E.6.	AS INDICATED ABOVE, PLEASE REMEDY THE GRASS AND WEEDS ON THE PROPERTY.	04/10/2023

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.

Michelle Van Etten Code Inspector

Direct: 480-350-2895

Code Compliance: 480-350-4311 Email:michelle_vanetten@tempe.gov

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COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FINAL CORRECTION NOTICE

03/27/2023

1878 TEMPE LLC C/O THANIT COLVIN 2015 S ARIZONA AVE UNIT 4 CHANDLER, AZ 85286

Case #: CM230614

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This is a notice to inform you that this site was inspected on 03/27/2023 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.

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Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



Comp	laint Number 189742	Case Number		Social Security Number Military			Military	Serious Physical Injury		nger Vehicle	Commercial Haz. Material
Driver	Driver's License No. DLP State Class Endorsements Incident Report Number M H N P T X D CM230614										
Interp			er Language							1,1	uvenile
D	efendant Nan	ne (First, Mode)	8" TEMP	E W	. / cl	O THA	TIN	COLVIN			
Resid	Residence Address, City, State, Zip Code Telephone: (cell phone) (
Sex	Height Weight	Eyes	Hair	Origin	Date of Birth	Hes	trictions E	mail Address			<u> </u>
Busin	Business Address, City State, Zin Code School RD 1-276 CHANDLER 42 85286 Business Phone No.										
V	ehicle Color	Ye	ar Make		Model	Styl	le	License Plate		State E	xpiration Date
	Registered owner & address, City, State, Zip Code Vehicle Identification Number										
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On	Month Day	Year Time	46	Spe	ed Арртох.	Posted	R&P	Rada	easurement r Laser	Pace	Direction of Travel
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	Section:		CC		10 . (0)	- 141	10		iolence Case		nicipal Code
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	MVD										
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	MVD							1			
Yo		pe Municipal (Traffic Co	urt , 1st Floor	Date: 0	4/24	12023	Time: Be	etween 9Al	M & 4PM
ар		40 E. 5th Streempe. AZ 852		Criminal (DAM DPM
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in	dicated Court A	ddress, City, State	, Zip Code								
	at:							/ictim?		Victim No	diffied 2
	ninal: Without ac	imitting guilt, I pr	omise to app	ear as direc	ted hereon.	anlaint T	portify that us	non resennable n	rounds I belie	ve the defendan	nt committed the act
Civ	Civil: Without admitting responsibility, I acknowledge receipt of this complaint. described contrary to law and I have served a copy of this complaint upon the										
V		MAN	とう				M.V	AN C	リアイ		2000
X.							Complainant			. 0.0	ID#
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Fail	enile Notification: ure to appear or comp	oly as ordered wi	II	1		Al-mark	J.111		(0	~~~	
resu	ilt in a suspension	of your driver	S								
license / driving privileges until you comply or reach your 18th birthday. Initials Date issued if not violation date											

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.



COMPLAINT