

CITY OF TEMPE HEARING OFFICER

Meeting Date: 08/01/2023

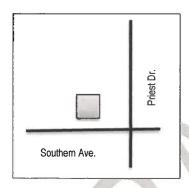
Agenda Item: 3

ACTION: Request approval to abate public nuisance items at the Azzawi Property located 1633 W. Geneva Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1311 for abatement request: front & side yard 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 AZZAWI 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 CE230209: front & side yard landscape cleanup.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Zainab A Al Azzawi
City of Tempe – Code Compliance
R1-6 Single Family Residential District
Hector Heredia

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 Azzawi Property located 1633 W. Geneva Drive, in the R1-6 Single Family Residential District. This case was initiated 1/10/23, 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 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

	F	PROJECT NAME	AZZAWI Z	AINAE			TY ABATEMENT	EXISTING ZONING		R1-6			
	PRO.	JECT ADDRESS	1633 W	/ GEN	EVA DR,	SUITE(S)							
PR)JEC	T DESCRIPTION						PARCEL No(s)	1	100.55			
			HEARING	OFFIC	ER: 08.0	123-57-268							
		REVIEW & SIGN T	YPE K)										
	В	USINESS NAME				ADDRESS	2605 S C	UTLER DR					
	C	ONTACT NAME	AZZAWI ZAINA	BAA	L	CITY	TEMPE	AZ STATE		ZIP	85282		
		EMAIL				PHONE 1		PHONE 2					
I he	reby	authorize th	e applicant below to proces	ss this a	application v	vith the Ci	ty of Tempe.						
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			ement authorizing the applicant to	THE THE	APPLICANT	INFORMA	TION REQUIRED						
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	C	ONTACT NAME		_		СПҮ	TEMPE	STATE	AZ	ZIP	85281		
		EMAIL	hector_heredia@t	empe	.gov	PHONE 1	480.350.5462	PHONE 2					
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	В.	ADMINISTRAT	TIVE APPLICATIONS	APPLICATIONS					ADM				
	C.	VARIANCES						VAR	VAR				
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	E.	ZONING COD	E AMENDMENTS	DMENTS						ZON			
	F.	PLANNED AR	EA DEVELOPMENT OVERLAYS					PAD		REC			
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	H.	DEVELOPME	NT PLAN REVIEW		DPR					DPR			
	l.	APPEALS											
	J.	GENERAL PL	AN AMENDMENTS					GPA					
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(if 2 st or 3 st submittal, please use Planning Resubmittal Form)								RECEIVED BY II	NTAKE S	TAFF (INI	TIALS)		



DATE:

06.22.2023

TO:

Julie Scofield, Senior Code Inspector

FROM:

Hector Heredia, Code Inspector

SUBJECT:

CE230209: AZZAWI ZAINAB A AL PROPERTY ABATEMENT FINDINGS

LOCATION: 1633 W GENEVA DR TEMPE AZ, 85282

PARCEL:

123-57-268

OWNER:

AZZAWI ZAINAB A AL

2605 S CUTLER DR TEMPE. AZ 85282

FINDINGS:

01.10.2023: Code Compliance received anonymous complaints regarding a deteriorated landscape with over height through the front yard graveled areas and missing or deteriorated address numbers. These concerns were verified, and a first notice was mailed to the property owner and tenants.

01.24.2023: At the second inspection no corrective actions had taken place and a final notice was mailed to the property owner and tenants.

02.09.2023: An extension was granted while efforts were made to correct the pending violations.

02.21.2023: Management was in contact with the tenants and explained our city ordinance including requirements towards compliance. Another short extension was granted to complete the project.

03.01.2023: A first citation was issued after the property was not brought into compliance. Several extensions were granted but could not bring the property into compliance. This citation then defaulted after a 14-day appeal period, which was not contested.

04.07.2023: A second citation was issued after the property was not brought into compliance. Steeper penalties were also applied. This citation then defaulted after a 14day appeal period, which was not contested.

06.22.2023: After multiple failed attempts to reach the property owner and citations the abatement packet was turned in for the August 01st, 2023, Hearing Officer.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property located at 1633 W GENEVA DR due to property owner's failure to bring property into compliance with Tempe City Code CC 21-3.b.8. AZZAWI ZAINAB A AL has been given ample time to come into compliance and maintain the property. The property owner has been issued two civil citations and has failed to appear to court. 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,

Hector Heredia Code Inspector

ACTION TAKEN:	Submitted	
NAME	July Irofield	
DATE:	6/24/23	



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 06.22.2023 CASE # CE230209

AZZAWI ZAINAB A AL 2605 S CUTLER 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: 1633 W GENEVA DR TEMPE AZ, 85282

PARCEL: 123-57-268

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 08.01.2023. 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:

Violation of City of Tempe Codes

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 or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

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 OVER HEIGHT GRASS / WEEDS FROM THE PROPERTY'S FRONT / FRONT SIDE YARD / AND RIGHT OF WAY AREAS PERMANENTLY.

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 \$1,311.00. 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: Hector Heredia Phone Number: 480.350.5462

E-mail: hector heredia@tempe.gov



May 2, 2023

City of Tempe Attn: Hector Heredia Code Inspector

RE: Clean-Up at 1633 W. Geneva 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 1633 W. Geneva Dr, 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, side, and right-of-way areas through gravel
- Haul off and dispose of debris
- Police presence on-site for duration of visit

Total: \$1,311.00

Respectfully,

Jose Hernandez



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

01/10/2023

AZZAWI ZAINAB A AL 2605 S CUTLER DR TEMPE, AZ 85282

Case #: CE230209

Site Address: 1633 W GENEVA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/10/2023 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
CC 21-4.a.3	Outside of any building, any required address numbers which are not mounted to the building in a permanent and stationary manner, or are not visible at all times from public access areas to the dwelling

OFFE DEINIGD

PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	ON OR AFTER
CC 21-3.b.8	Please completely address and cut the over height grass and weeds from your front yard graveled areas including any visible surrounding areas up against property walls and fence lines, as necessary. Please make sure that all growth of any height is always eliminated from graveled areas. Make sure to address and maintain city right of way areas that you are responsible for. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	1/24/2023
CC 21-4.a.3	Please display address numbers on your home so they are easily visible for public access. Make sure the numbers are not deteriorating, damaged, obstructed or missing, hindering clear sight from public access points. Painting the numbers on the curb or mailbox is not in compliance with the City of Tempe nuisance codes and the numbers must be mounted to the home itself.	1/24/2023

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

Hector Heredia Jr Code Inspector Direct: 480-350-5462

Code Compliance: 480-350-4311 Email:Hector_Heredia@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

01/24/2023

AZZAWI ZAINAB A AL 2605 S CUTLER DR TEMPE, AZ 85282

Case #: CE230209

Site Address: 1633 W GENEVA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/24/2023 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
CC 21-4.a.3	Outside of any building, any required address numbers which are not mounted to the building in a permanent and stationary manner, or are not visible at all times from public access areas to the dwelling

PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	Please completely address and cut the over height grass and weeds from your front yard graveled areas including any visible surrounding areas up against property walls and fence lines, as necessary. Please make sure that all growth of any height is always eliminated from graveled areas. Make sure to address and maintain city right of way areas that you are responsible for. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	02/08/2023
CC 21-4.a.3	Please display address numbers on your home so they are easily visible for public access. Make sure the numbers are not deteriorating, damaged, obstructed or missing, hindering clear sight from public access points. Painting the numbers on the curb or mailbox is not in compliance with the City of Tempe nuisance codes and the numbers must be mounted to the home itself.	02/08/2023
	This is the final attempt to reach you regarding the above noted. These issues must be addressed. If your property is not brought into compliance before or on the due date a citation will be issued. There will be no more notices sent to your property due to negligence of the pending violations in a twelve-month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details or for clarification.	

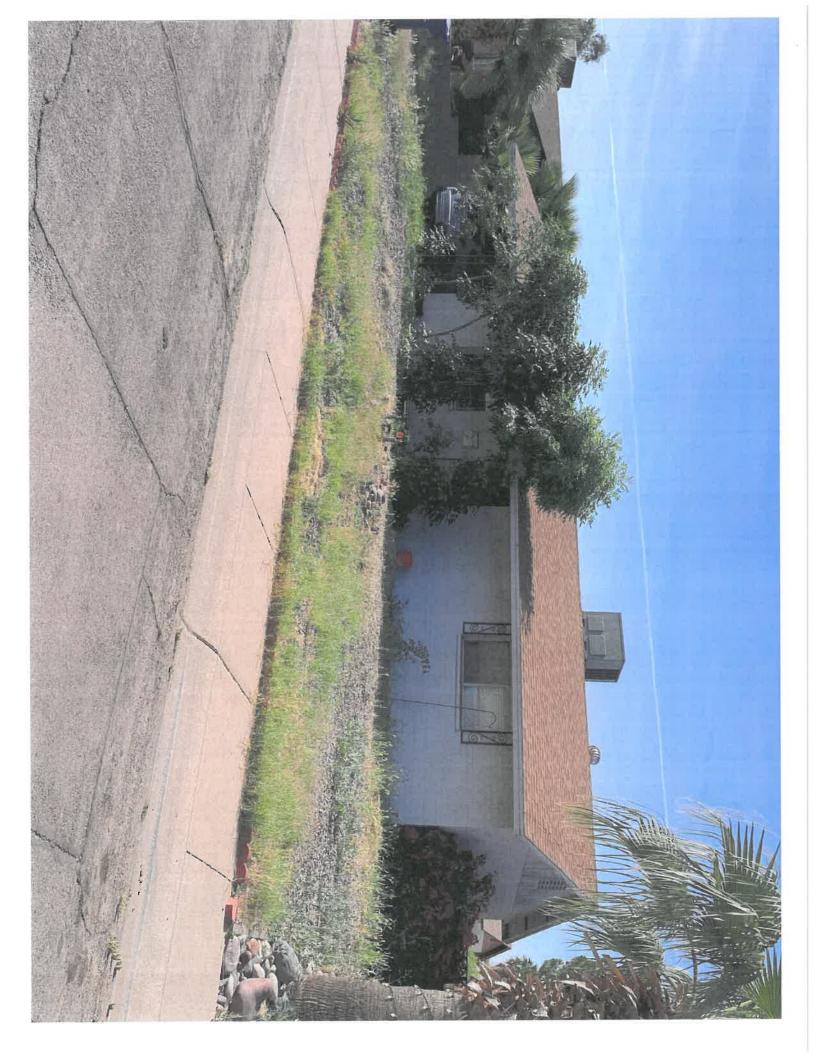
Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Hector Heredia Jr Code Inspector Direct: 480-350-5462

Code Compliance: 480-350-4311 Email:Hector_Heredia@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.









Code Compliance Reinspection Fee Invoice

A re-inspection fee of \$82.00 has been assessed to the property owner and/or tenant of the address listed below for having two (2) or more of the same violation within a 365-day period.

Date of Issuance: 1/24/2023										
Current Case Number: CE230209 2nd Case Number: CE222583										
Nuisance Code Violation: CC 21-3.b.8 - Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches										
Site Address:										
Property Owner In	Property Owner Information:									
Name:	Name: AZZAWI ZAINAB A AL									
Residence Address: 2605 S CUTLER DR TEMPE AZ 85282										
Total Amount Due: \$82.00										
(Failure to pay in 30-days will result in fee being sent to collections)										

Make check payable to City of Tempe and mail to: City of Tempe / Code Compliance PO Box 5002 Tempe AZ 85280

Credit card payments by phone (480) 350-4311

You will need your CE number, address and payment information when you call

City of Tempe / Code Compliance 21 East 6th St., Suite #208 Tempe, AZ 85281

Sec. 21-51. Collection of civil sanction, reinspection fees.

(b) Any person who neglects, fails or refuses to correct the violations contained within a notice to comply or other similar device issued pursuant to this chapter may be assessed a reinspection fee for inspections which occur after the compliance date. The fee for these reinspection's shall be set by resolution of the city council. Failure to pay reinspection fees within fourteen (14) days of assessment is a violation of this section. Reinspection fees may be collected as a lien against the real property where the violation occurred in accordance with §21-53.

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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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.



Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



Com	789854	Case Nu	umber		Social Security Number			Military Serious Accident Fatality Physical 16 Passenger Vehicle					nmercial . Material
Drive	r's License No.				DLP Sta	te Class	МН	Endorseme N P	T X	D	Report Num	ber	9
Interpreter Required?													
Defendant Name (First, Middle, Last) AZZGW ZGMG AA													
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Sex	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													
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<u> </u>	Section:			ARS Violation	11	· · · · · · · · · · · · · · · · · · ·				Domestic	Criminal	Crimi	nal Traffic
				CC		Data of Diana	oldion.	I 0 - + - 4:		Violence Case		اااات الساطرات Junicipal Co	
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	MVD												
	Section:			ARS Violation	n:					Domestic Violence Case	Criminal	-	nal Traffic
n	Docket Number			Disp. Code:		Date of Dispo	sition:	Sanction:			Civil Traf	Municipal Co	de ty Offense
	MVD										TOWN 11G	710	, , , , , , , , , , , , , , , , , , , ,
	Section:			ARS Violation	n:					Domestic	Criminal	Crimi	nal Traffic
_	Docket Number			CC Disp. Code:		Date of Dispo	sition:	Sanction:		Violence Case		Aunicipal Co	
						Date of Biopo		- Carlotton			Civil Traf	fic Pet	ty Offense
	MVD							41					
Yo		Munic D E. 5th		urt [7]	Traffic Co. Suite 150,		Date:	40	H <=	Time: Be	tween 9/	AM & 4F	M
	pear on Tel	npe, AZ	85281		Criminal C	ourt							
		ourt No.	. 0753		Suite 200,	2nd Floor	Date:		Date:	Time:	e:		PM Court No.
444.0	dicated Co	ALE.										□PM	
1111	at: Court Ad	dress, City	, State, Z	p Code									
Crin	ninal: Without adn	nitting gui	ilt, I pron	nise to appe	ar as direct	ted hereon.			ctim?			otified?	
Civi	l: Without adm	nitting res	sp orts ibili	ty, I acknowl	edge recei	pt of this com	piaim. de	peribed contra		rounds I believ I have served			
	(0	uti	1-10		GII		de	fendant.	1	40	1)	E	4
X_		1,	1,00	1 0				omplainant	PP	7	1	1D#	<u> </u>
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Failu	ire to appear or comply				200	and)		3011	1-	-			
licen	It in a suspension of se/driving privileges	until you i			91	16	\mathcal{O}		X()+			
	ach your 18th birthda			Initials	1 1	ACTION TO SECTION	C	ate issued if no	ot violation date				

COMPLAINT

If the defendant falls to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount.

