
**CITY OF TEMPE
HEARING OFFICER**

Meeting Date: 09/19/2023

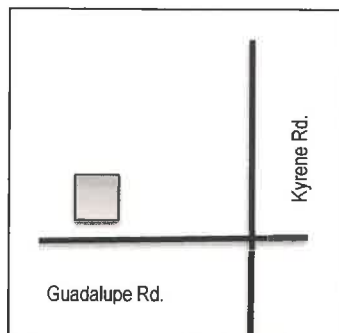
Agenda Item: 2

ACTION: Request approval to abate public nuisance items at the Egger Property located 6249 S. Parkside Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$2112 for abatement request: landscape cleanup, including removal of sidewalk/street obstructions.

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 EGGER 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 CE232778: landscape cleanup, including removal of sidewalk/street obstructions.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Dante Egger
City of Tempe – Code Compliance
R1-6 Single Family Residential District
Julie Scofield

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 Egger Property located 6249 S. Parkside Drive, in the R1-6 Single Family Residential District. This case was initiated 05/08/23, 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.

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	EGGER PROPERTY ABATEMENT	EXISTING ZONING SUITE(S)	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	6249 S. PARKSIDE DR. TEMPE, AZ 85283	PARCEL No(s)	301-07-321 <input type="checkbox"/>
PROJECT DESCRIPTION	CE232778 HEARING IS SCHEDULED FOR SEPTEMBER 19TH, 2023		

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME	ADDRESS	6249 S. PARKSIDE DR.	
CONTACT NAME	CITY	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	DATE	7/28/23
<i>Julie Scofield</i>			

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)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			TOTAL APPLICATION FEES
SPR TRACKING # (if 2 nd or 3 rd submittal, please use Planning Resubmittal Form)			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: July 28th, 2023
FROM: Julie Scofield, Sr. Code Inspector
SUBJECT: CE232778, Property Abatement

LOCATION: 6249 S. PARKSIDE DR. TEMPE, AZ 85283

LEGAL: WOOD PARK VILLAGE

PARCEL: 301-07-321

OWNER: DANTE EGGER
6249 S. PARKSIDE DR.
TEMPE, AZ 85283

FINDINGS:

05/08/2023 The Code Compliance Division received a complaint for a deteriorated landscape. Code Inspector Alima Dia inspected the property. She found the property to have over height grass and weeds growing in the front yard. A notice was mailed to the property owner, Dante Egger.

05/22/2023 Alima reinspected the property and found the property to still be in violation. A final notice was mailed.

06/08/2023 Inspector Alima went and confirmed once more that the property was still in violation. She attempted to email the owner without success. She went back to the property on 6/9/23 and hung a pink hanger on the door. The hanger requested contact or compliance before a citation was to be issued.

06/21/2023 I, Code inspector Julie Scofield took over the case. I inspected the property and found the front yard to have over height grass/weeds in the front yard, the sidewalk on the south side of the property had overgrown bushes obstructing the sidewalk, and some dead bushes as well- along Guadalupe Rd. Another final notice was mailed to the property owner.

07/05/2023 A citation (# 1789900) was issued for the deteriorated landscape and the sidewalk obstruction. Pictures were taken at that time to show the violations.

07/24/2023 The owner of the property has failed to appear on the issued citation or bring the property into compliance.

07/28/2023 Turning in the paperwork for the abatement hearing to be held September 19th, 2023.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations located at 6249 S. Parkside Dr. due to property owner's failure to bring the property into compliance with Tempe City Code 21-3. B.8 and 21-3. B.7. The owner has been given ample time to come into compliance and maintain the property. There has been no indication that the property owner will bring the property into compliance. The property represents 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,

Julie Scofield
Code Inspector II

ACTION TAKEN: Submitted
NAME Julie Scofield
DATE: 7/28/23



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 07/28/2023
CASE #: CE232778

DANTE EGGER
6249 S PARKSIDE DR
TEMPE, AZ 85283-2638

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

LOCATION: 6249 S PARKSIDE DR TEMPE, AZ 85283
PARCEL: 301-07-321

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **05/19/2023**. 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
- CC 21-3.b.7** Object, building, tree, bush or vehicle that interferes with or obstructs a sidewalk or street

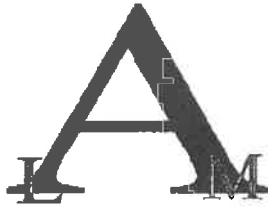
As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below. If the violation(s) have not been corrected, our office will proceed with the abatement process.

- CC 21-3.b.8** **CUT ALL OVER HEIGHT GRASS/WEEDS FROM THE FRONT YARD LANDSCAPE. CUT DOWN TO GROUND LEVEL OR REMOVE ANY DEAD BUSHES OR DEAD PORTIONS OF BUSHES FROM THE SOUTH SIDE OF THE PROPERTY ALONG GUADALUPE RD.**
- CC 21-3.b.7** **TRIM BACK ANY BUSHES ON THE SOUTH SIDE OF THE PROPERTY ALONG GUADALUPE RD. TO ALLOW FREE PASSAGE OF THE SIDEWALK AND OR STREET.**

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 **\$2112.00**. 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.

July 27, 2023

City of Tempe
Attn: Julie Scofield
Code Compliance Inspector

RE: Clean-Up at 6249 S. Parkside 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 6249 S. Parkside Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

Front & Side Yard:

- Cut weeds and unwanted vegetation down to ground level
- Along the side yard cut down large dead and/or dying Oleanders
- Haul off debris
- Police presence on-site for duration of visit

Total: \$2,112.00

Respectfully,

Jose Hernandez



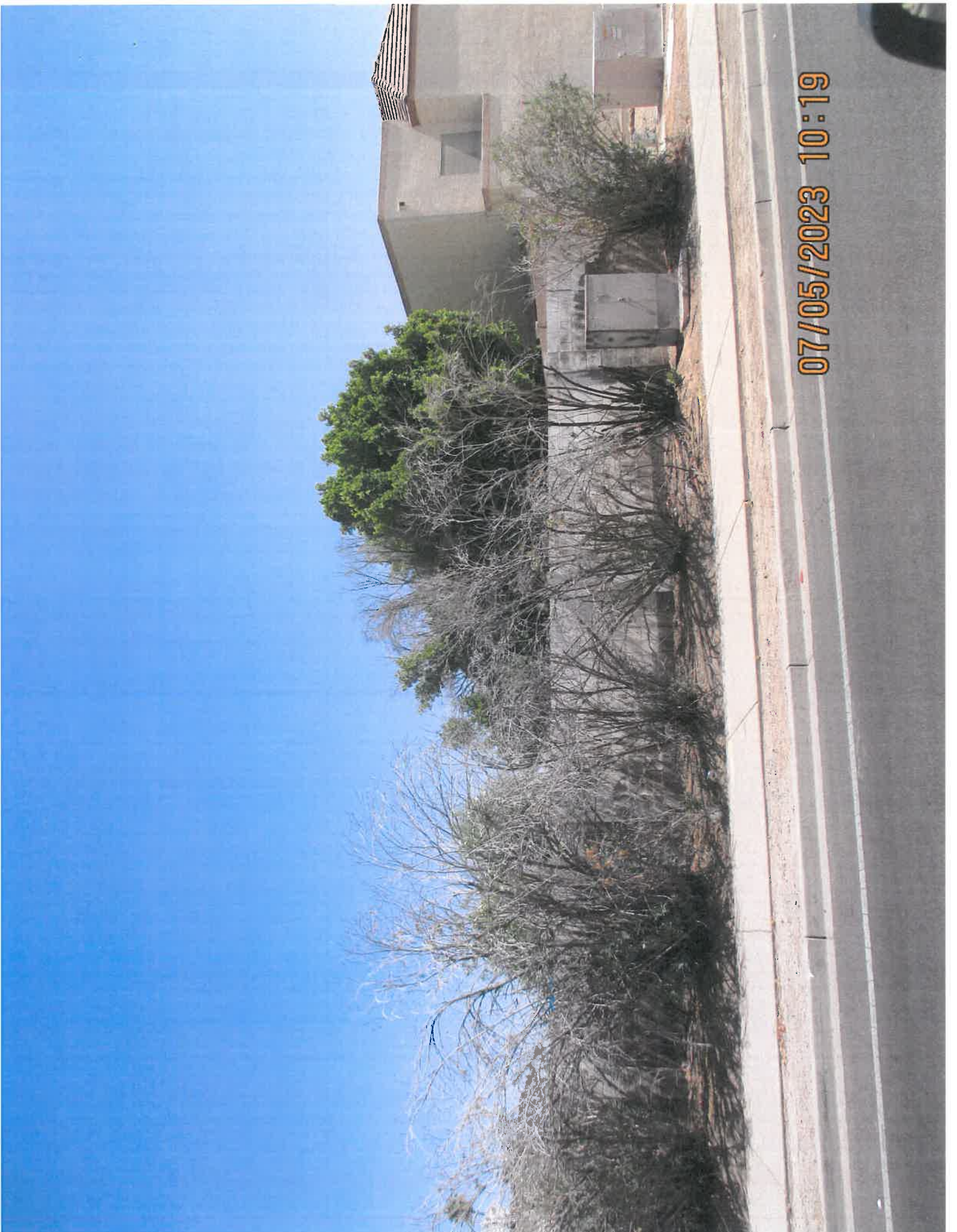
07/05/2023 10:17



07/05/2023 10:17



07/05/2023 10:19





COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

05/08/2023

EGGER DANTE
6249 S PARKSIDE DR
TEMPE, AZ 85283-2638

Case #: CE232778
Site Address: 6249 S PARKSIDE DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 05/08/2023 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	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 the grass and or weeds in the landscaping areas. This includes the front, edges and sides of the property. Wildflowers are not considered a violation. All landscape must maintain free of any uncontrolled growth.	5/22/2023
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Alima Dia
Code Inspector

Direct: 480-350-8075
Code Compliance: 480-350-4311
Email: Alima_Dia@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

05/22/2023

EGGER DANTE
6249 S PARKSIDE DR
TEMPE, AZ 85283-2638

Case #: CE232778
Site Address: 6249 S PARKSIDE DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 05/22/2023 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	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	Please remove the grass and or weeds in the landscaping areas. This includes the front, edges and sides of the property. Wildflowers are not considered a violation. All landscape must maintain free of any uncontrolled growth.	6/5/2023

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

Alima Dia
Code Inspector

Direct: 480-350-8075
Code Compliance: 480-350-4311
Email:Alima_Dia@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).

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

06/21/2023

DANTE EGGER
6249 S PARKSIDE DR
TEMPE, AZ 85283-2638

Case #: CE232778
Site Address: 6249 S PARKSIDE DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 06/21/2023 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	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.7	Object, building, tree, bush or vehicle that interferes with or obstructs a sidewalk or street

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

**SITE REINSP
ON OR
AFTER**

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.	07/05/2023
	CUT DOWN TO GROUND LEVEL OR REMOVE ANY DEAD BUSHES OR DEAD PORTIONS OF BUSHES FROM THE SOUTH SIDE OF THE PROPERTY ALONG GUADALUPE RD.	
CC 21-3.b.7	TRIM BACK ANY BUSHES ON THE SOUTH SIDE OF THE PROPERTY ALONG GUADALUPE RD. TO ALLOW FREE PASSAGE OF THE SIDEWALK AND OR STREET.	

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

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IF THE VIOLATIONS ARE NOT CORRECTED BY 07/05/2023, CITATIONS MAY BE ISSUED.

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1789900		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.		<input type="checkbox"/> DLP	State	Class	Endorsements M H N P T X D			Incident Report Number CE232778				
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language												
Defendant Name (First, Middle, Last) Dante Egger		Residence Address, City, State, Zip Code 6249 S. Parkside Dr. Tempe, AZ 85283										
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions	Email Address				Telephone: (cell phone) <input type="checkbox"/>
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 07	Day 05	Year 2023	Time 10:17	<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 6249 S. Parkside Dr.						<input checked="" type="checkbox"/> Tempe	85283		State of Arizona		Area	Dist.

The Defendant Committed the Following:

A	Section: TCC 21-3A	ARS Violation: CC 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	
B	Section: TCC 21-3A	ARS Violation: CC 21-3-B-7 Sidewalk Obstruction	<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 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 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 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: 07/20/23	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 No. _____	
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 / cert	Complainant Autie Scudde	ID # 8022

Comments: **A = \$200.00**
B = \$200.00
Total = \$400.00

Initials _____ Date issued if not violation date _____

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



1789900