

# CITY OF TEMPE HEARING OFFICER

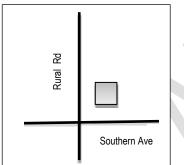
# Meeting Date: 12/19/2023 Agenda Item: 5

**<u>ACTION</u>**: Request approval to abate public nuisance items at the Strutzenberg Property located at 1138 E. Del Rio Dr. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$4,871.00 for abatement request: Remove over height grass and weeds and remove junk and debris from front and rear yards.

**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 STRUTZENBERG 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 CE234676: Removal of over height grass and weeds and remove junk and debris from front and rear yards.



Property Owner Applicant Zoning District: Code Compliance Inspector: Derek Strutzenberg City of Tempe – Code Compliance R1-6 – Single Family Residential District David Rich

# 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: Shawn Daffara, CPTED Coordinator Reviewed by: Drew Yocom, Code Administrator

### COMMENTS:

Code Compliance is requesting approval to abate the Strutzenberg Property located at 1138 E. Del Rio Dr, in the R1-6, Single Family Residential District. This case was initiated 08/21/2023, 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**

# City of Tempe Community Development Department 31 East 5<sup>th</sup> Street, Garden Level, Tempe, Arizona 85281 (480) 350-4311 Fax (480) 350-8677 Planning Fax (480) 350-8872



Part 1 of 2

			All applications must	be acco			.gov/planning red plans, submitt	al materials, a	ind correct fee(	s)	Tem	pe	
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	-	EMAIL	david rich@tempe.gov			PHONE 1	(480) 350-5011		PHONE 2				
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SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

**DATE:** 10/16/2023

TO: Jack Scofield, Sr. Code Inspector

FROM: David Rich, Code Inspector

SUBJECT: CE234676, Strutzenberg Property Abatement

LOCATION: 1138 E. DEL RIO DR. TEMPE, AZ 85282

LEGAL: TEMPE ROYAL PALMS 3

**PARCEL:** 133-32-285

OWNER: DEREK STRUTZENBERG 1138 E. DEL RIO DR TEMPE, AZ 85282

## FINDINGS:

08/21/2023 A complaint was generated in reference to the property for junk, trash and debris in the front yard by the garage and in the rear yard, an open trailer in the driveway containing junk, trash and debris and a recreational vehicle over 21 feet in length parked in the driveway, front yard setback. An inspection of the property was conducted by Code Inspector David Rich, who verified the violations were present. A notice was mailed to the homeowner, Derek Strutzenberg.

08/24/2023 Received an anonymous complaint reference violations at the property, but subject did not leave contact information or details.

08/25/2023 Responded to property, in an attempt, to contact homeowner. Attempt was unsuccessful. Spoke to subject at the property who identified herself as a house sitter, but he did not provide any further details.

09/04/2023 Conducted inspection of property, recreational vehicle still in driveway, junk trash and debris still present in front and rear yards. A Final Notice was mailed to owner Derek Strutzenberg.

09/18/2023 Received anonymous tip from neighbor advised RV had been moved to apartment complex around corner from property. Neighbor advised homeowner will move the RV to avoid inspections then bring it back a few days later.

09/19/2023 Conducted inspection at property, observed the RV was gone, the front yard had been partially cleaned up, with only a large TV stand in the driveway. The rear yard still contained a large amount of junk, trash and debris. Left a pink contact card requesting contact from the homeowner by the end of day on 09/21/2023.

09/22/2023 conducted inspection of the property and observed the RV was still gone, but the rear yard still contained a large amount of junk, trash and debris. A citation

(1790002) was issued. Photographs of the property were taken to show the condition of the property.

10/06/2023 Owner failed to appear for Court.

10/26/2023 Mailed Notice of Intent to Abate to the property owner.

# **RECOMMENDATIONS:**

I recommend an abatement of the nuisance violation at the property located at 1137 E. Del Rio Dr., due to property owner's failure to bring property into compliance with Tempe City Code 21-3. b.8.and 21-3. b.1. Mr. Strutzenberg was issued multiple notices. A citation was issued and Mr. Strutzenberg failed to appear. There has been no indication that the property owner will bring the property into compliance. The property represents a health/safety issue 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. I also request that the abatement be approved for 180 days.

Respectfully submitted,

David Rich Code Inspector

ACTION TAKEN:	Submit
NAME	- Anglie
DATE:	10/27/23



# NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 10/25/2023 CASE #: CE234676

STRUTZENBERG DEREK 1138 E DEL RIO 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: 1138 E DEL RIO DR TEMPE, AZ 85282 PARCEL: 13332285

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **12/19/2023**. 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.1** Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building

CC 21-3.b.8 Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

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.1PLEASE REMOVE ALL TRASH AND DEBRIS, INCLUDING FURNITURE, BUCKETS,<br/>CUSHIONS AND ANY OTHER MISC. ITEMS FROM BOTH THE FRONT AND REAR YARD.<br/>ALL STORAGE ITEMS MUST BE KEPT IN AN ENCLOSED AREA.

CC 21-3.b.8 PLEASE TRIM GRASS AND WEEDS IN REAR AND SIDE YARDS OF PROPERTY

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 **\$4,87100**. 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: David Rich Phone Number: 480-350-5011 E-mail: David\_Rich@tempe.gov



October 23, 2023

City of Tempe Attn: David Rich Code Inspector

RE: Clean-Up at 1138 E. Del Rio 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 at 1138 E. Del Rio Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

### Scope of Work

- Remove trash and debris items from the front, rear, and sides of the property
- Trim grass and weeds in the rear yard
- Police Presence on-site for the duration of the service

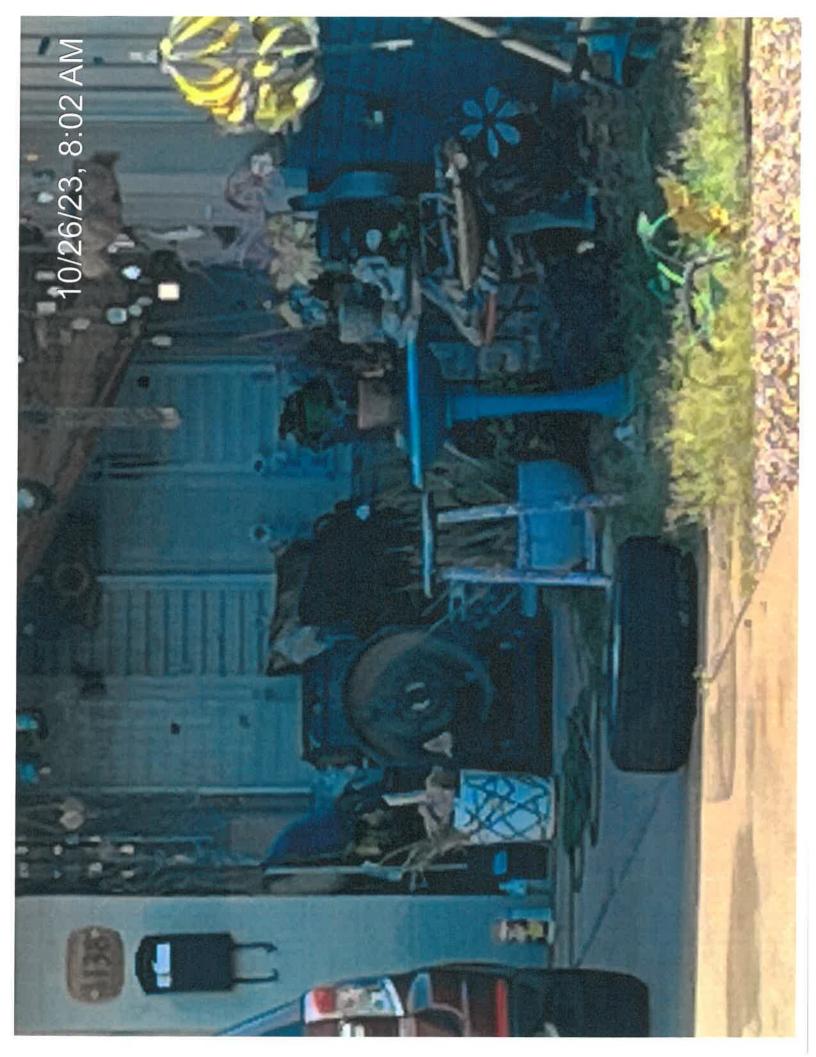
Total = \$4,871.00

Respectfully,

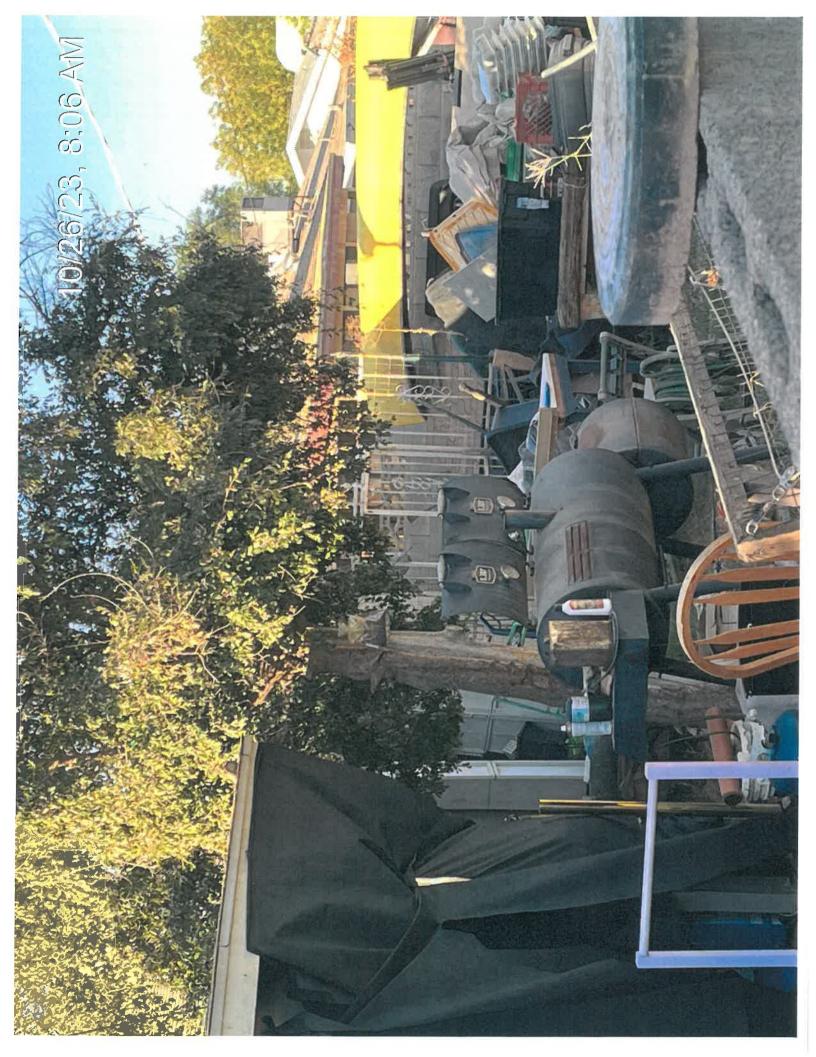
Jose Hernandez

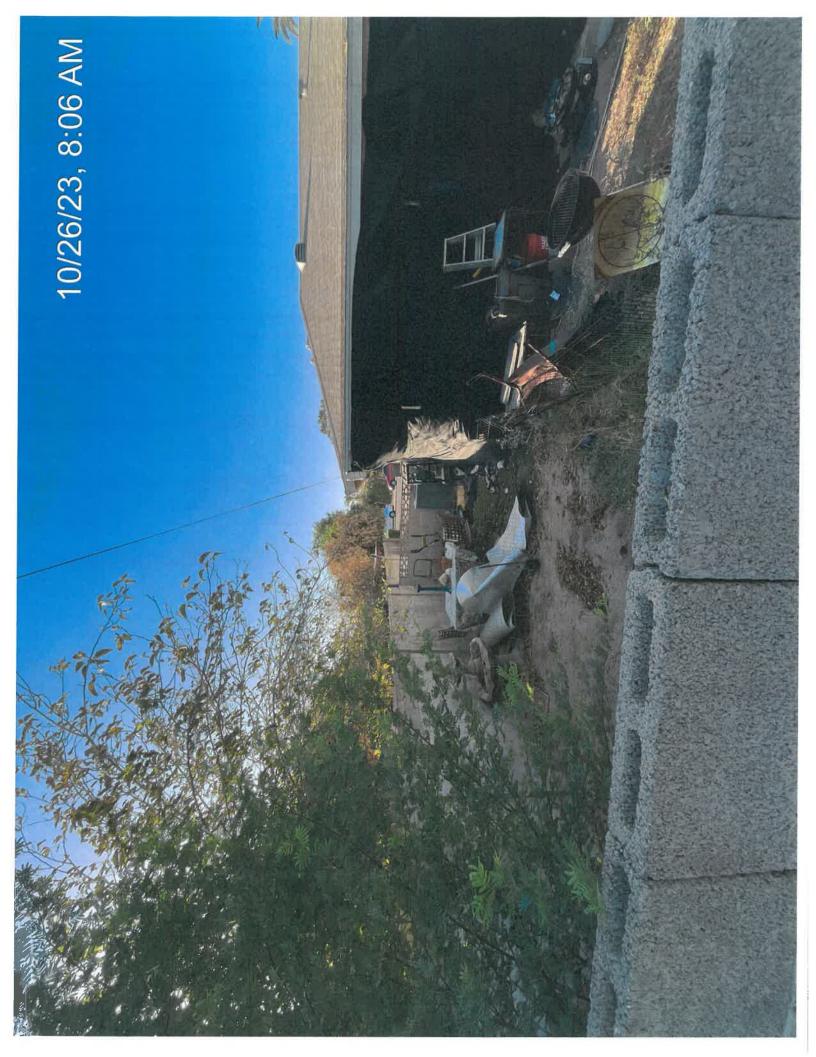
P. O. Box 2320, Chandler, AZ 85244-2320 PH: 480-821-4966 FAX: 480-964-5191 ROC 172763 / ROC 208414 / ROC 257425

# 10/26/23, 8:02 AM

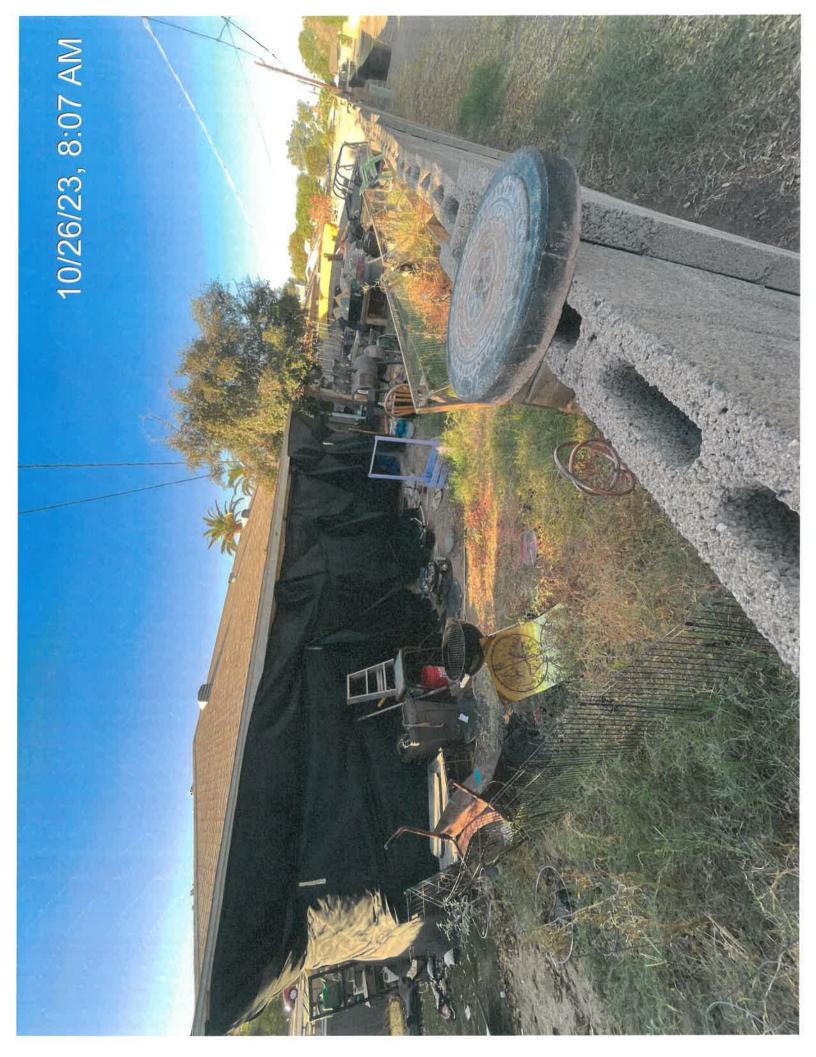


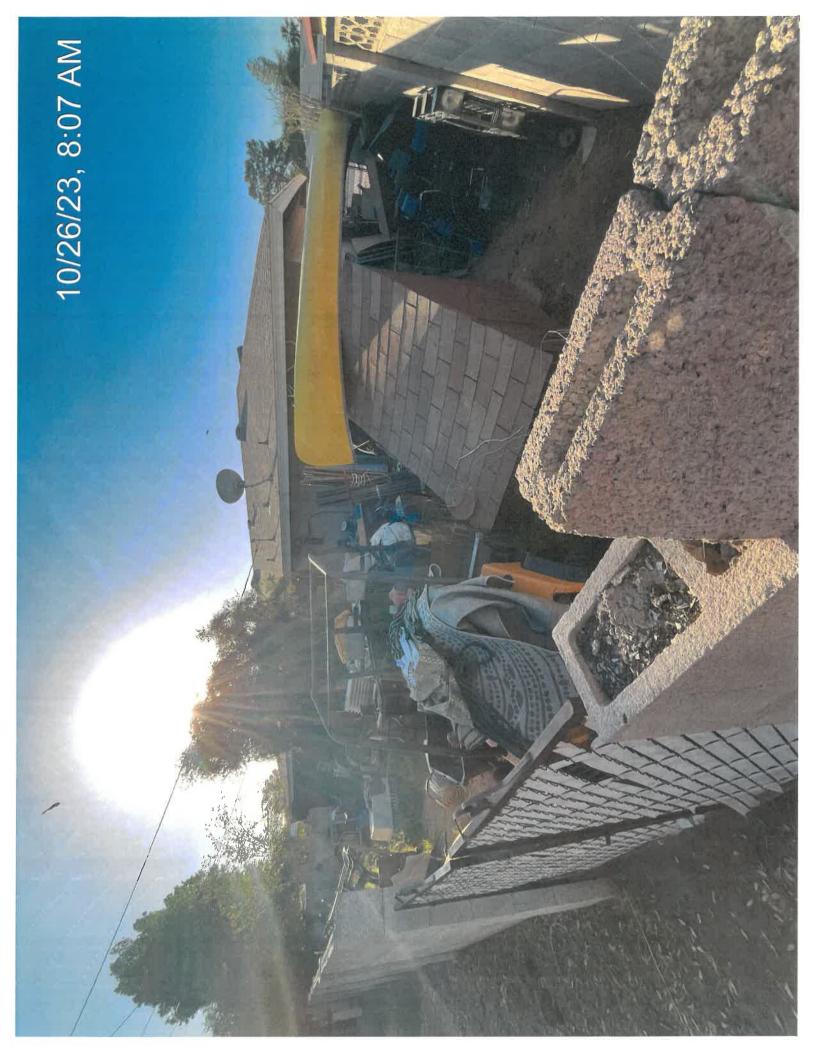


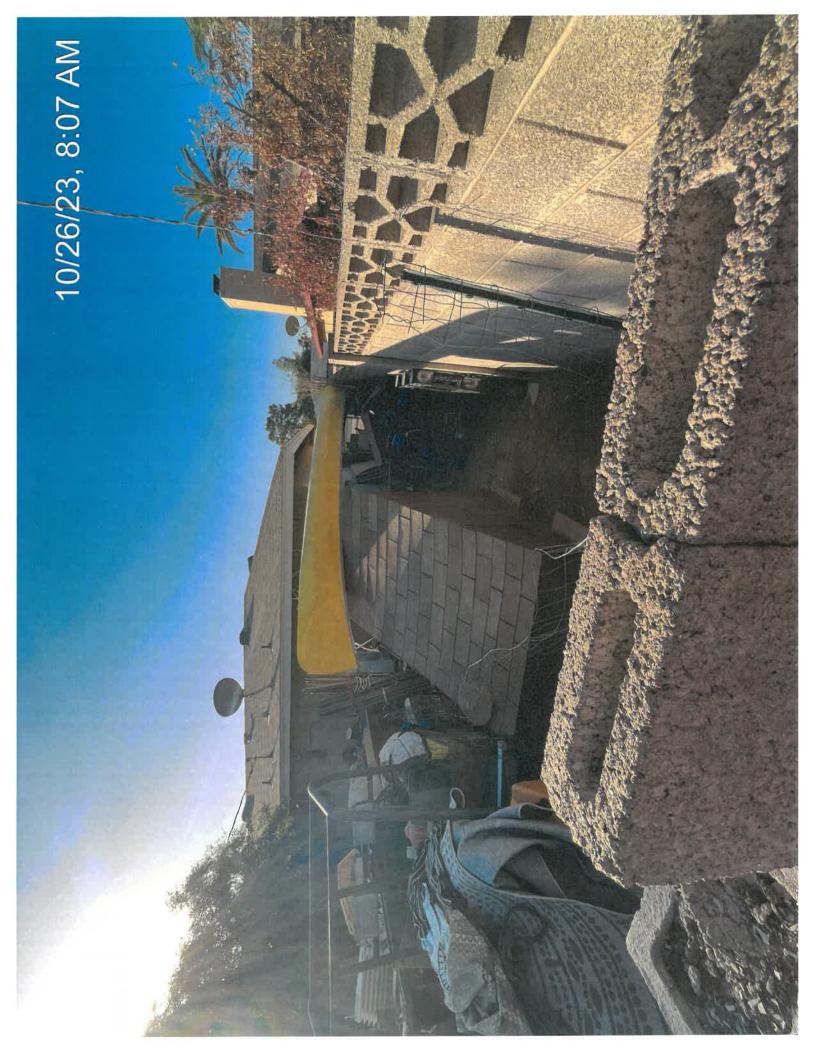


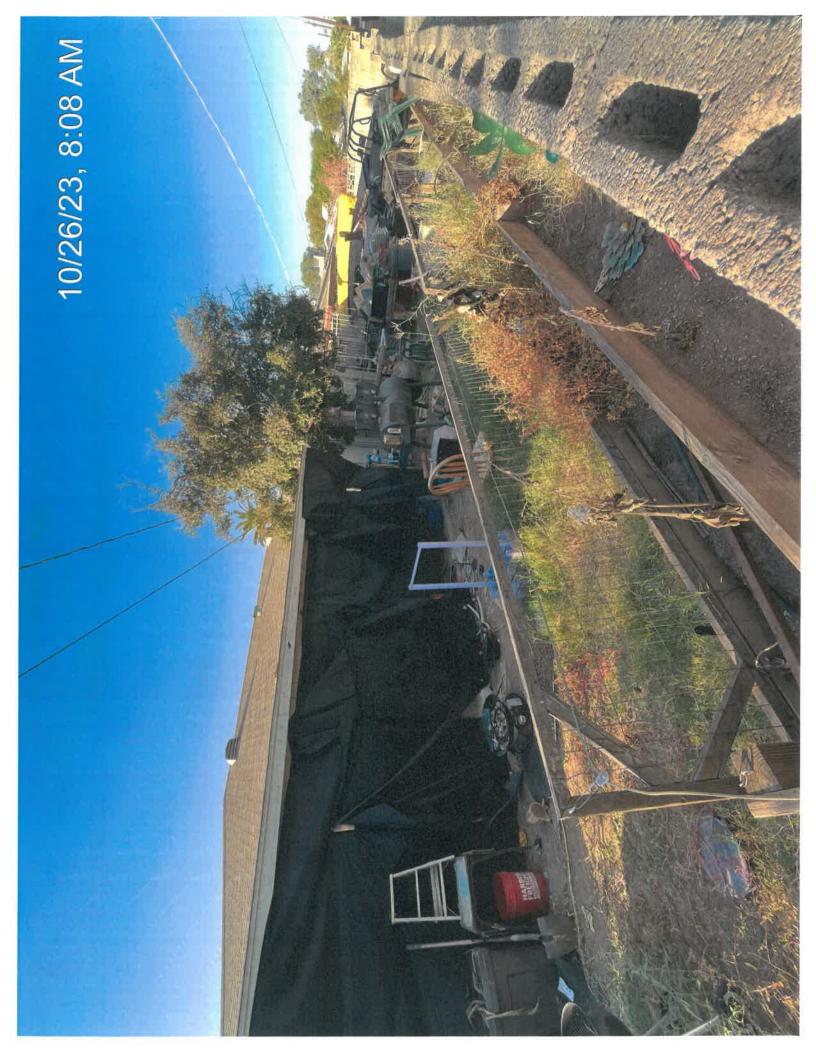


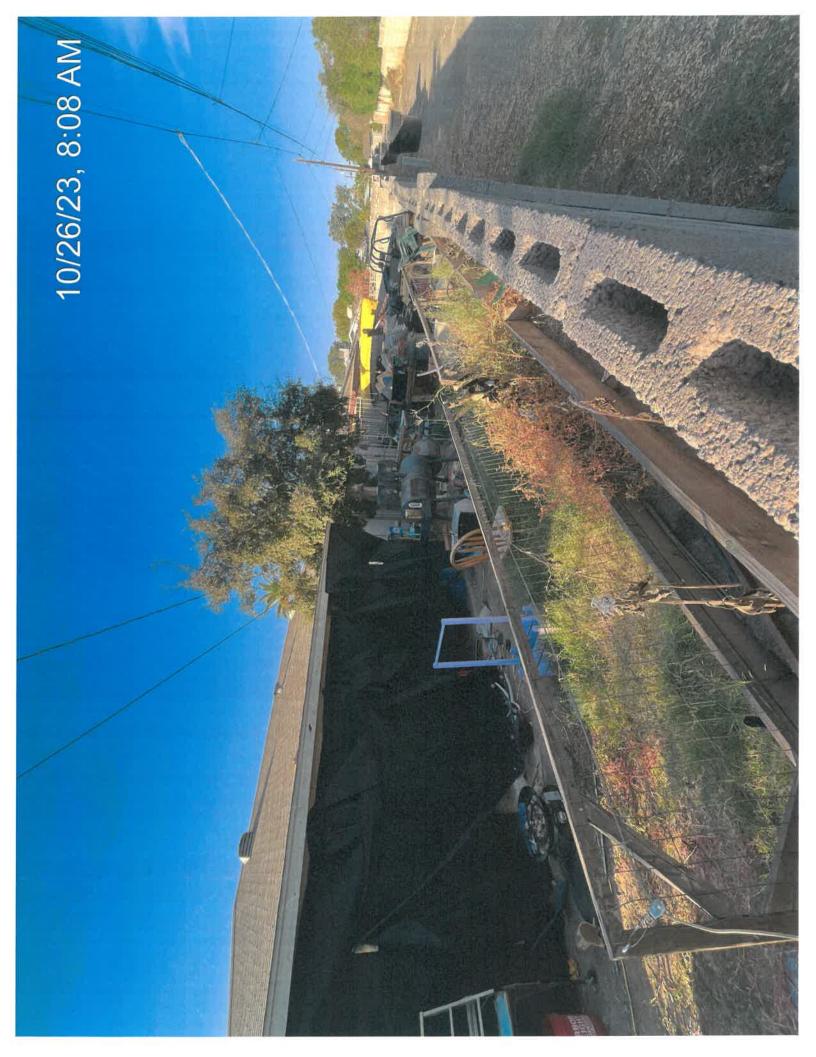














### COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

08/21/2023

STRUTZENBERG DEREK 1138 E DEL RIO DR TEMPE, AZ 85282

Case #: CE234676 Site Address: 1138 E DEL RIO DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 08/21/2023 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.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building
ZDC 4-602.B.7	Recreational vehicles exceeding twenty-one (21) feet in length and all boats, unmounted truck campers, and trailers shall not be parked in the front yard building setback or street side yard setback.

PLEASE TAKE T	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	PLEASE REMOVE ALL TRASH AND DEBRIS, INCLUDING FURNITURE, BUCKETS, CUSHIONS AND ANY OTHER MISC. ITEMS FROM BOTH THE FRONT AND REAR YARD. ALL STORAGE ITEMS MUST BE KET IN AN ENCLOSED AREA.	9/4/2023
ZDC 4-602.B.7	PLEASE REMOVE THE RECERATIONAL VEHICLE FROM THE FRONT YARD SETBACK (DRIVEWAY).	9/4/2023

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

David Rich Code Inspector Direct: 480-350-5011 Code Compliance: 480-350-4311 Email:David\_Rich@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 \$420 per violation, 3rd occurrence \$100 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

09/05/2023

STRUTZENBERG DEREK 1138 E DEL RIO DR TEMPE, AZ 85282

Case #: CE234676 Site Address: 1138 E DEL RIO DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 09/05/2023 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.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building
ZDC 4-602.B.7	Recreational vehicles exceeding twenty-one (21) feet in length and all boats, unmounted truck campers, and trailers shall not be parked in the front yard building setback or street side yard setback.

PLEASE TAKE TH	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	PLEASE REMOVE ALL TRASH AND DEBRIS, INCLUDING FURNITURE, BUCKETS, CUSHIONS AND ANY OTHER MISC. ITEMS FROM BOTH THE FRONT AND REAR YARD. ALL STORAGE ITEMS MUST BE KEPT IN AN ENCLOSED AREA.	9/19/2023
ZDC 4-602.B.7	PLEASE REMOVE THE RECERATIONAL VEHICLE FROM THE FRONT YARD SETBACK (DRIVEWAY).	9/19/2023

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

David Rich Code Inspector Direct: 480-350-5011 Code Compliance: 480-350-4311 Email:David\_Rich@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 (I): 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 \$420 per violation, 3rd occurrence \$420 per violation, 3rd occurrence \$10,050 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 \$420 per violation, 3rd occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$10,050 in addition to other fines, 3rd occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$10,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$10,050 per 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

10/16/2023

STRUTZENBERG DEREK 1138 E DEL RIO DR TEMPE, AZ 85282

Case #: CE234676 Site Address: 1138 E DEL RIO DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 09/20/2023 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

PLEASE TAKE	SITE REINSP ON OR AFTER	
CC 21-3.b.8	PLEASE TRIM GRASS AND WEEDS IN REAR AND SIDE YARDS OF PROPERTY	10/30/2023

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

David Rich	Direct: 480-350-5011
Code Inspector	Code Compliance: 480-350-4311
	Email:David_Rich@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 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.

