
**CITY OF TEMPE
HEARING OFFICER**

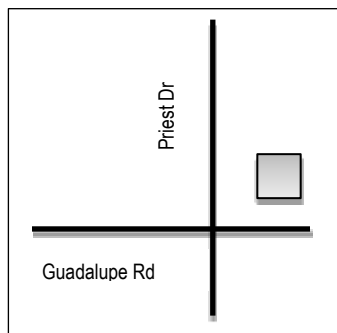
**Meeting Date: 02/06/2024
Agenda Item: 3**

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

FISCAL IMPACT: \$1,628.00.00 for abatement request: Remove grass and weeds and dead landscape and drain the stagnant/dirty pool water.

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.: Removal of high grass and weeds, dead landscape and drain a pool



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Dante Egger
City of Tempe – Code Compliance
R1-6- Single Family Residential District
Bob Mannering

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Jack Scofield, Code Administrator (480-350-8967)

Department Director: Jeffrey Tamulevich, Department Director
Legal review by: N/A
Prepared by: Shawn Daffara, CPTED Coordinator
Reviewed by: Jack Scofield, Code Administrator

COMMENTS:

Code Compliance is requesting approval to abate the EGGER PROPERTY located 6249 S. Parkside Dr. in the R1-6 Single Family Residential District. This case was initiated 10/26/2023, 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.

ABATEMENT

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	PROPERTY ABATEMENT	EXISTING ZONING	RI-6	<input type="checkbox"/>
PROJECT ADDRESS	6249 S PARKSIDE DR TEMPE, AZ 85282	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE232778 FEB 06, 2024	PARCEL No(s)	301-07-321	<input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE 1	PHONE 2		
EMAIL				

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/CODE ENFORCEMENT	ADDRESS	21 E 6TH ST STE 208		
CONTACT NAME	BOB MANNERING/CODE INSPECTOR	CITY	STATE	AZ	ZIP
EMAIL	BOB_MANNERING@TEMPE.GOV	PHONE 1	PHONE 2		
		(480) 858-6016			

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	12/28/2023
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BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE	EMAIL		
TYPE OF BUSINESS				

<input checked="" type="checkbox"/>	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. SUBDIVISIONS / CONDOMINIUMS			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	1		CE CM
TOTAL NUMBER OF APPLICATIONS		1		

FOR CITY USE ONLY

DS TRACKING #	FILE THIS APPLICATION WITH CE / CM TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			
SPR TRACKING # (if 2 nd or 3 rd submittal, use planning resubmittal form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: Dec 28, 2023
TO: Jack Scofield, Senior Code Inspector
FROM: Bob Mannering, Code Inspector
SUBJECT: CE232778, Dante Egger Property Abatement

LOCATION: 6249 S Parkside Dr TEMPE, AZ 85283

PARCEL: 301-07-321

OWNER: Dante Egger
6249 S Parkside Dr
TEMPE, AZ 85283

FINDINGS:

10/26/2023 The Code Compliance Division received complaint for deteriorated landscape.

10/26/2023 Inspected property and found over height grass and weeds growing in the backyard, dead branches on backyard tree and a green pool. Notice to comply mailed to owner.

11/9/23 Talked to Dante regarding issues and gave 2 week extension.

12/05/2023 Mailed final notice to comply to owner.

12/14/2023 Posted final notice at address as it was returned

12/29/2023 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 6249 S Parkside due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8. and 21-3.B.16 Mr. Egger 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 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,

Bob Mannering
Code Inspector

ACTION TAKEN: Submit
NAME: 
DATE: 12/28/23



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 12/28/2023
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: 30107321

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **02/06/2024**. 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** 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
- CC 21-3.b.16** Swimming pool that is deteriorated or presents a health hazard

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 OVER HEIGHT GRASS AND WEEDS IN THE REAR YARD. CUT/REMOVE ALL DEAD VEGETATION IN THE REAR YARD TO GROUND LEVEL. TREE STUMPS MUST BE REMOVED OR CUT TO GROUND LEVEL.**
- CC 21-3.b.16** **RESTORE POOL WATER TO A CLEAN AND CLEAR STATE. ALL ALGAE, DIRT, AND DEBRIS MUST BE REMOVED FROM POOL.**

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 **\$1,628.00**. 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: Bob Mannering
Phone Number: 480-858-6016
E-mail: bob_mannering@tempe.gov**



Artistic Land Management, Inc.

December 26, 2023

City of Tempe
Attn : Bob Mannering
Code Compliance Inspector

RE: Clean-Up at 6249 S. Parkside

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, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Cut down over height weeds and grass in the backyard
- Cut dead branches from the tree in the backyard
- Drain the pool
- Haul off debris
- Police presence on-site for duration of visit

Total: \$1,628.00

Respectfully,

Jose Hernandez







COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

10/26/2023

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 10/26/2023 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	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
CC 21-3.b.16	Swimming pool that is deteriorated or presents a health hazard

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	CUT OVER HEIGHT GRASS AND WEEDS IN THE REAR YARD. CUT/REMOVE ALL DEAD VEGETATION IN THE REAR YARD TO GROUND LEVEL. TREE STUMPS MUST BE REMOVED OR CUT TO GROUND LEVEL.	11/9/2023
CC 21-3.b.16	RESTORE POOL WATER TO A CLEAN AND CLEAR STATE. ALL ALGAE, DIRT, AND DEBRIS MUST BE REMOVED FROM POOL.	11/9/2023

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

Bob Mannering
Code Inspector

Direct: 480-858-6016
Code Compliance: 480-350-4311
Email: bob_mannering@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

12/05/2023

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 12/05/2023 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.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
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CC 21-3.b.16	RESTORE POOL WATER TO A CLEAN AND CLEAR STATE. ALL ALGAE, DIRT, AND DEBRIS MUST BE REMOVED FROM POOL.	12/19/2023

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

Bob Mannering
Code Inspector

Direct: 480-858-6016
Code Compliance: 480-350-4311
Email: bob_mannering@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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