
**CITY OF TEMPE
HEARING OFFICER**

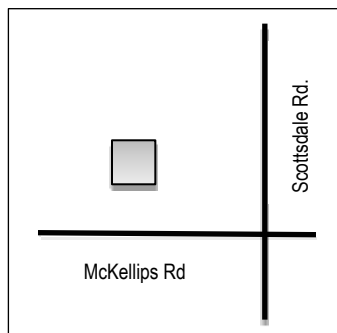
**Meeting Date: 03/05/2024
Agenda Item: 3**

ACTION: Request approval to abate public nuisance items at the MACDONALD PROPERTY located at 2111 N. Van Ness Ave. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1620.00 for abatement request: Remove the high grass and weeds, dead stumps, remove junk and debris from the property,

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 MACDONALD 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 CE234242.: Remove high grass and weeds, dead stumps, and junk debris from the property.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Joy and Laurie Macdonald
City of Tempe – Code Compliance
R1-6- Single Family Residential District
Andres Lara-Reyes

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 MACDONALD PROPERTY located at 2111 N. Van Ness Ave in the R1-6; Single Family Residential District. This case was initiated 07/27/2023, 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	JOY & LAURIE MACDONALD	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	2111 N VAN NESS AVE	SUITE(S)	0225052 <input type="checkbox"/>
PROJECT DESCRIPTION	TRASH, LITTER, DEBRIS; OVER HEIGHT GRASS IN THE FRONT BACK YARDS HEARING DATE: MARCH 5, 2024 CE 234242	PARCEL No(s)	129-18-124 <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
BUSINESS NAME	JOY & LAURIE MACDONALD	ADDRESS	2111 N VAN NESS AVE
CONTACT NAME		CITY	TEMPE, AZ 85281
		STATE	AZ
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	
CONTACT NAME	ANDRES LARA-REYES	CITY	
		STATE	
EMAIL		PHONE 1	(480) 350-8963
		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	1/30/2024
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BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME		ADDRESS	
CONTACT NAME		CITY	
		STATE	
TYPE OF BUSINESS		PHONE	
		EMAIL	

<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
<input type="checkbox"/>	F. PLANNED AREA DEVELOPMENT OVERLAYS			PAD
<input type="checkbox"/>	G. SUBDIVISIONS / CONDOMINIUMS			SBD
<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
TOTAL NUMBER OF APPLICATIONS		0		

FOR CITY USE ONLY			
DS TRACKING #		FILE THIS APPLICATION WITH CE / CM TRACKING #	DATE RECEIVED (STAMP)
PL TRACKING #			VALIDATION OF PAYMENT (STAMP)
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: January 30, 2024
TO: Jack Scofield, Code Compliance Administrator
FROM: Andres Lara-Reyes, Code Inspector
SUBJECT: CE234242, JOY & LAURIE MACDONALD Property Abatement

LOCATION: 2111 N VAN NESS AVE TEMPE, AZ 85281

PARCEL: 129-18-124

OWNER: JOY & LAURIE MACDONALD
2111 N VAN NESS AVE
TEMPE, AZ 85281

FINDINGS:

07/27/2023 The Code Compliance Division received complaint for trash, litter & debris; over height grass and weeds; rat infestation; green pool.

07/28/2023 Inspected property, no water in pool; observed rat infestation in the carport - spoke to Joy (owner) & expressed my & her neighbor concerns regarding the rat infestation. asked to please let the City assist if they reach out to her. per Joy, the City has not offered any assistance. explained that i will discuss the case with the office & see what the City can do.

08/10/2023 12:45 pm received a message from Joy (owner) 602-762-6354 requesting an extension. she has a company that will be treating the home for the rodents & it is a plant based treatment. 08/11 3:50 pm returned Joy call & left her a message. will extend re-inspection date a couple of weeks.

8/31/2023 did not receive confirmation that pest control was done - final notice mailed.

9/14/2023 review case with Drew Y, owner has requested an extension to comply. ok to give extension, waiting on other agencies to assists.

1/10/2024 observed excessive trash bags & oh g/w in the back yard; trash, litter, debris in the carport, oh g/w front yard, owner living in the carport - final notice mailed.

1/12/2024 8:40 am final notice served to Joyce (owner) & explained guidelines. She was upset & stated that the City does not help her. i instructed her to contact Care7 for assistance.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 2111 N VAN NESS AVE due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.1; 21-3.B.8. Mrs. MACDONALD has been given ample time to come into compliance and maintain the property. The property owner was not issued any civil citations. 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,

Andres Lara-Reyes
Code Inspector

ACTION TAKEN: submit
NAME [Signature]
DATE: 2/1/24



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 01/30/2024
CASE #: CE234242

LAURIE E & JOY MACDONALD
2111 N VAN NESS AVE
TEMPE, AZ 85288

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

LOCATION: 2111 N VAN NESS AVE TEMPE, AZ 85288
PARCEL: 12918124

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **03/05/2024**. 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.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** Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance

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.1** Please remove all trash, litter, debris, trash bags in the back yard & carport.
- CC 21-3.b.8** Please cut all over height grass and weeds in the front yard and back yard.

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 \$1620.00. 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: Andres Lara-Reyes
Phone Number: 480-350-8963
E-mail: andres_lara-reyes@tempe.gov



You have a new estimate from Skunky's Junk Removal

 **Service date:** Wed Jan 24, 2024

 **Address:** 2111 North Van Ness Avenue, Tempe, AZ 85288

Option #1

\$1,620.00

 Approved on Jan 24, 2024.

Estimate Details

Services	Total
CE234242	\$0.00
Service for 2111 N Van Ness Ave Tempe, AZ 85288	
10. Security (Off-Duty Tempe PD)	\$320.00
3 hr. minimum	
Junk removal	\$750.00


Services	Total
Front and back yards	
Overgrown grass/weeds	\$550.00
Front and back yard, removal of overgrown grass and weeds. Will spray with pre-emergent as well.	
Services subtotal	\$1,620.00
Subtotal	\$1,620.00
Total	\$1,620.00

Note

Skunky's Junk Removal is a full service Junk removal company located in Tempe Arizona. Skunky's is dedicated to diverting waste from landfills and donates salvageable items to local charity's.

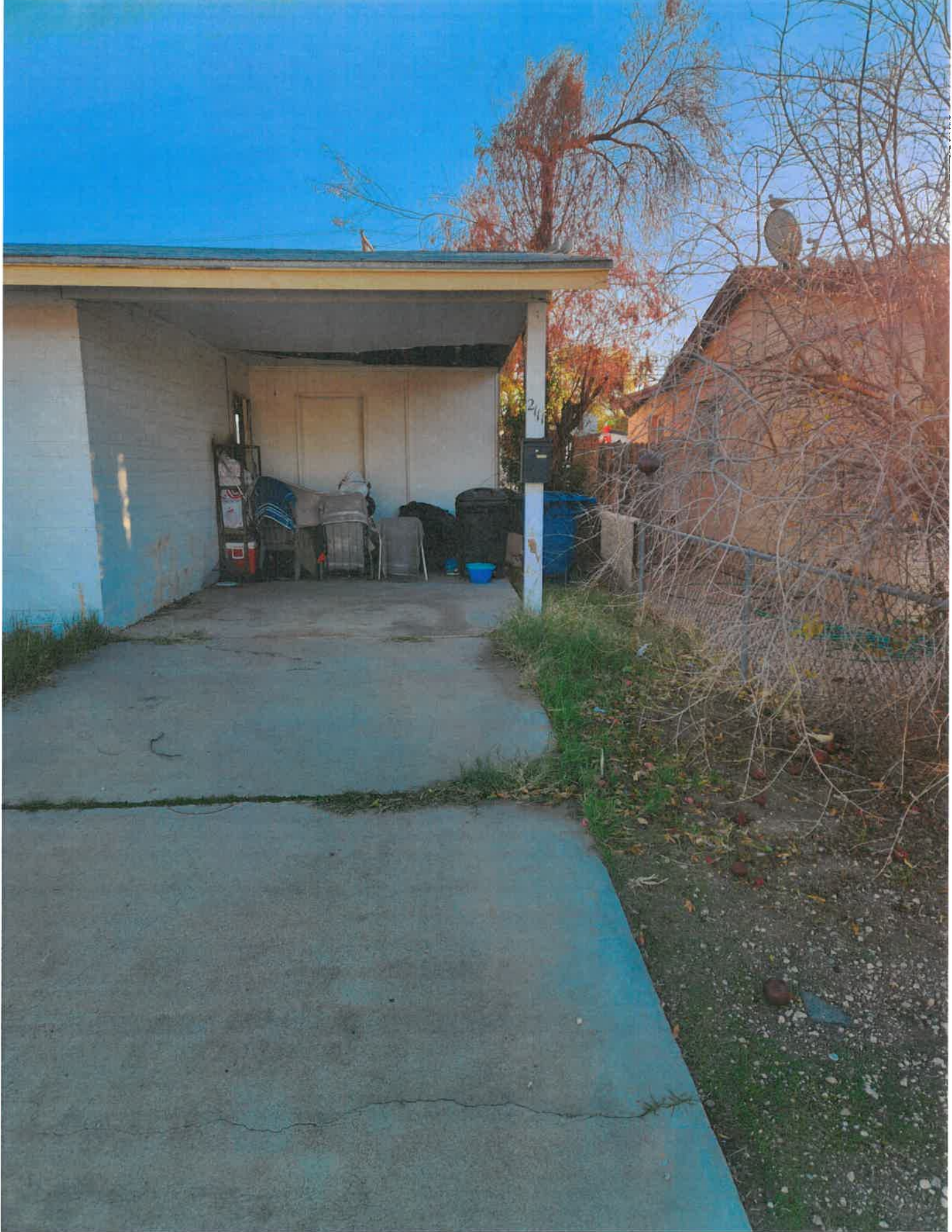
Contact us

Skunky's Junk Removal

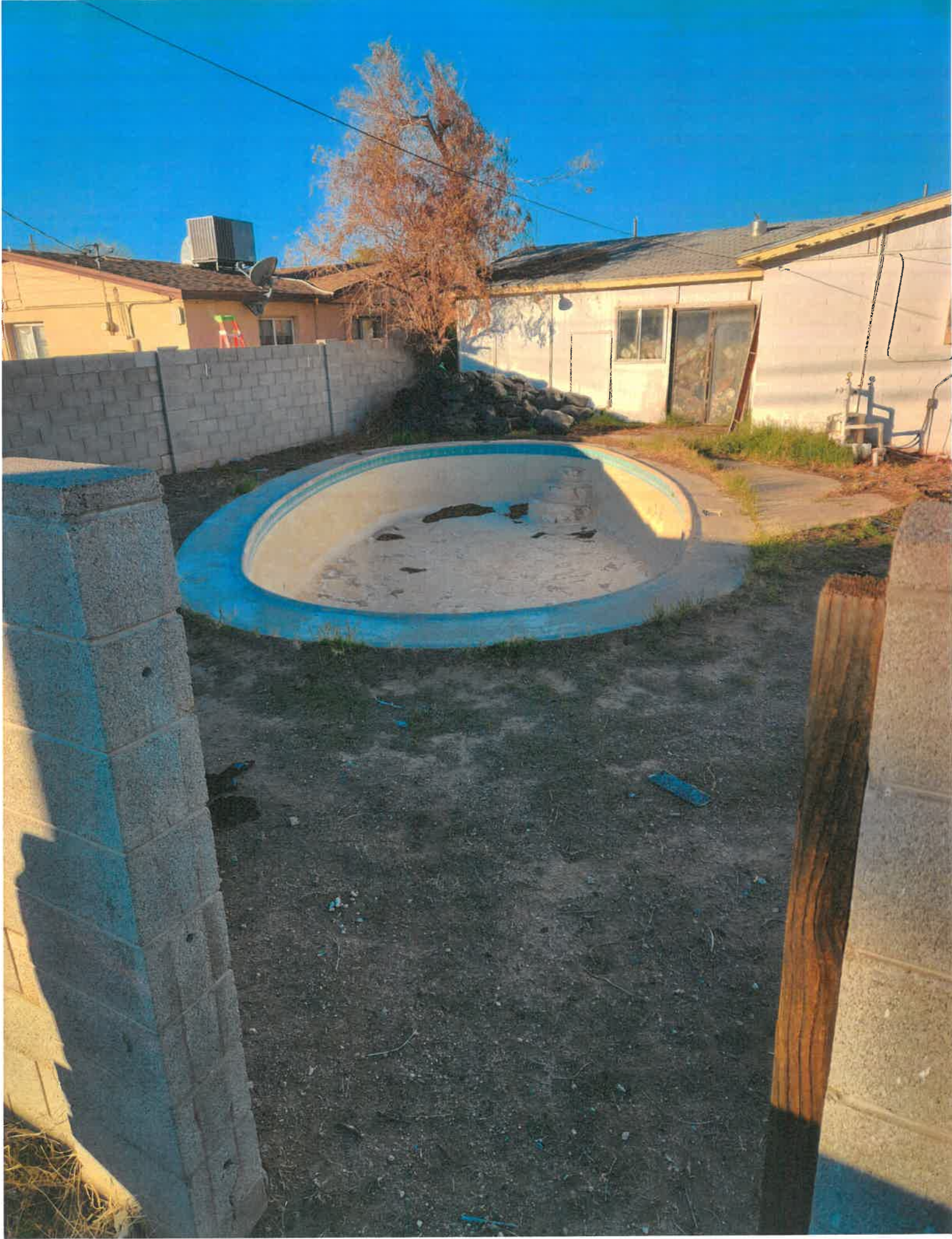
 (844) 758-6597

 info@skunkysjunk.com

[See our Terms & Conditions](#)









COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

07/28/2023

LAURIE E & JOY MACDONALD
2111 N VAN NESS AVE
TEMPE, AZ 85288

Case #: CE234242
Site Address: 2111 N VAN NESS AVE, TEMPE, AZ 85288

This is a notice to inform you that this site was inspected on 07/28/2023 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.20	To leave or permit to remain on any property, areas infested with insects or rodents including, but not limited to: bees, wasps, hornets, yellow jackets, mice, rats, or roaches, in an amount that may become a hazard to public health or safety

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.20	Please treat the infestation of rats in the carport and inside the home areas.	8/11/2023

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

Andres Lara-Reyes
Code Inspector

Direct: 480-350-8963
Code Compliance: 480-350-4311
Email: andres_lara-reyes@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

08/31/2023

LAURIE E & JOY MACDONALD
2111 N VAN NESS AVE
TEMPE, AZ 85288

Case #: CE234242
Site Address: 2111 N VAN NESS AVE, TEMPE, AZ 85288

This is a notice to inform you that this site was inspected on 08/31/2023 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.20	To leave or permit to remain on any property, areas infested with insects or rodents including, but not limited to: bees, wasps, hornets, yellow jackets, mice, rats, or roaches, in an amount that may become a hazard to public health or safety

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.20	Please treat the infestation of rats in the carport and inside the home areas.	09/15/2023

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

Andres Lara-Reyes
Code Inspector

Direct: 480-350-8963
Code Compliance: 480-350-4311
Email: andres_lara-reyes@tempe.gov

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

01/11/2024

LAURIE E & JOY MACDONALD
2111 N VAN NESS AVE
TEMPE, AZ 85288

Case #: CE234242
Site Address: 2111 N VAN NESS AVE, TEMPE, AZ 85288

This is a notice to inform you that this site was inspected on 01/10/2024 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.20	Area infested with rats
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	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance
ZDC 3-102	Non-permitted use in residential district

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.20	Please treat the infestation of rats in the carport and inside the home areas.	1/25/2024
CC 21-3.b.1	Please remove all trash, litter, debris, trash bags in the back yard. Please remove trash, litter, debris, trash bags in the carport area.	1/25/2024
CC 21-3.b.8	Please cut all over height grass and weeds in the front yard landscape area. Please cut all over height grass and weeds in the back yard	1/25/2024
ZDC 3-102	Please cease using the carport as a living area.	1/25/2024

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

Andres Lara-Reyes
Code Inspector

Direct: 480-350-8963
Code Compliance: 480-350-4311
Email: andres_lara-reyes@tempe.gov

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