
**CITY OF TEMPE
HEARING OFFICER**

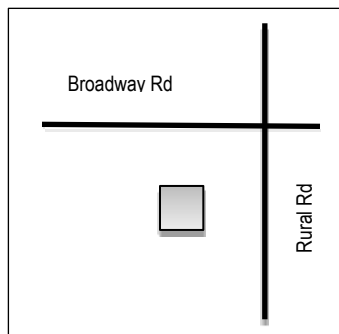
**Meeting Date: 03/19/2024
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the ROBINSON PROPERTY located at 2215 S. Sierra Vista Dr. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$5877.00 for abatement request: Remove junk/debris and deteriorated landscape, high grass and weeds, dead landscape 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 ROBINSON 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 CE235624.: Remove junk/debris and deteriorated landscape, high grass and weeds, dead landscape from the property.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Jesse & Brittany Robinson
City of Tempe – Code Compliance
R1-6- Single Family Residential District
David Rich

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 ROBINSON PROPERTY located at 2215 S. Sierra Vista Dr in the R1-6; Single Family Residential District. This case was initiated 10/18/2023, 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 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	Robinson Property Abatement	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	2015 2406 S. SIERRA VISTA DR TEMPE, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE235624 02/16/2024 3/19/24	PARCEL No(s)	133-24-065 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME	ADDRESS	CITY	STATE ZIP
CONTACT NAME	PHONE 1	PHONE 2	

I hereby authorize the applicant below to process this application with the City of Tempe.

PROPERTY OWNER SIGNATURE	X	DATE
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APPLICANT INFORMATION - REQUIRED			
COMPANY / FIRM NAME	City of Tempe Code Enforcement	ADDRESS	21 E. 6th St. #208
CONTACT NAME	David Rich/ Code Inspector	CITY	Tempe STATE AZ ZIP 85281
EMAIL	david_rich@tempe.gov	PHONE 1	(480) 350-5011 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	2/16/2024
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BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME	ADDRESS	CITY	STATE ZIP
CONTACT NAME	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: 02/14/2024
TO: Jack Scofield, Code Compliance Administrator
FROM: David Rich, Code Inspector
SUBJECT: CE235624, ROBINSON Property Abatement

LOCATION: 2215 S SIERRA VISTA DR. TEMPE, AZ 85282

LEGAL: BROADMOR MANOR 3

PARCEL: 133-24-065

OWNER: BRITTANY N ROBINSON
2215 S SIERRA VISTA DR
TEMPE, AZ 85282

FINDINGS:

10/18/2023: A complaint was reported and generated in reference to the property for junk/trash and debris in the front and rear yards, a dead tree in the front yard and over height grass in the front and rear yards. An inspection of the property was conducted by Code Inspector Hector Heredia Jr., who verified the violations were present. A notice was mailed to the homeowner, Brittany N Robinson and Jesse s. Robinson.

10/26/2023: Received a telephone call from the complainant requesting an update on the case.

11/01/2023: Inspector Heredia conducted inspection of the property and observed the junk/ trash and debris were still present in the front and rear yard, grass in the front and rear were still not cut and the dead tree was still present in the front yard. A Final Notice was mailed to the homeowner.

11/15/2023: Inspector Heredia conducted another inspection of the property, observed the violations were still present. He issued a Pink Flier outlining the concerns and penalties for not bringing the property into compliance. The flier was left at the property.

11/27/2023: Received telephone call from the home owner, Brittany Robinson, expressing her displeasure of the enforcement actions. The Municipal Code and the violations were explained to her, along with the options available to her. She advised she has scheduled the removal of the tree for the end of January 2024, and could provide documentation of the scheduling. She was also granted a two week extension to show progress in addressing the junk/trash and debris and the over height grass and weeds.

12/15/2023: This matter was reassigned to Inspector David Rich, an inspection of the property was conducted, where junk/trash and debris were observed in the carport, the dead tree was still present in the front yard and the over height grass and weeds were

present in the front and rear yards. Also received an email from Brittany Robinson advised she will have the violations cleared this weekend (12/16 and 12/17).

01/02/2024: Conducted an inspection of the property and observed the junk, trash and debris had been removed from the front and rear of the property, the grass appeared to have been trimmed, the det tree was still present, but set to be removed on 01/29/2024.

01/09/2024: Received a telephone call from complainant advising of a re-accumulation of junk/trash and debris on the property.

01/10/2024: Conducted an inspection of the property and confirmed junk/trash and debris in the front, carport and rear patio area of the property. Sent an email to Brittany Robinson requesting she remove the items prior to the reinspection date set for the tree removal.

01/30/2024: Received telephone call from complainant expressing his frustration with the violations at the property.

02/01/2024: Conducted an inspection of the property and observed the tree had been cut down, however the tree trunk was left in the front yard of the property. The junk/trash and debris were still present in the front sides and rear of the property, and the grass in the front and rear of the property was over high.

02/02/2024: A final notice was issued to Brittany Robinson in reference to the junk/trash and debris in the front, sides and rear yard, including the tree trunk, and for the deteriorated landscaping, over high grass and weeds, in the front and rear yards of the property.

02/20/2024 Mailed Notice of Intent to Abate to the property owner.


RECOMMENDATIONS:

I recommend an abatement of the nuisance violation at the property located at 2215 S. Sierra Vista Dr., due to property owner's failure to bring property into compliance with Tempe City Code 21-3. b.1. and 21-3.b.8. Ms. Robinson was issued multiple notices, and communications through telephone and email. 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 
DATE: 2/16/24



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 02/14/2024
CASE #: CE235624

ROBINSON JESSE S / BRITTANY N
2215 SIERRA VISTA 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: 2215 S SIERRA VISTA DR TEMPE, AZ 85282
PARCEL: 13324065

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **03/19/2024**. 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** 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.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.1** **PLEASE REMOVE AND OR PROPERLY DISCARD THE ITEMS IN THE FRONT, SIDES, AND BACK OF THE PROPERTY. THIS INCLUDES THE BAGS, CARDBOARD BOXES, PLASTIC BUCKETS BOTTLES , ANY HOUSEHOLD ITEMS, AND ANY OTHER MISCELLANEOUS ITEMS.**
- CC 21-3.b.8** **PLEASE TRIM AND REMOVE ANY DEAD PORTIONS OF BUSHED, SHRUBS AND/OR TREES IN THE FRONT REAR AND SIDE YARDS OF THE PROPERTY, THIS INCLUDES THE REMOVAL OF THE TREE STUMP IN THE FRONT YARD.**
- CC 21-3.b.8** **PLEASE CUT ALL OVERHEIGHT GRASS AND OR WEEDS IN THE FRONT, SIDES AND REAR OF THE PROPERTY. WILDFLOWERS ARE ACCEPTABLE.**

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 **\$5,877.00**. 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: David Rich
Phone Number: 480-350-5011
E-mail: David_Rich@tempe.gov



February 7, 2024

City of Tempe
Attn: David Rich
Code Compliance Inspector

RE: Clean-Up at 2215 S. Sierra Vista 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 2215 S. Sierra Vista Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

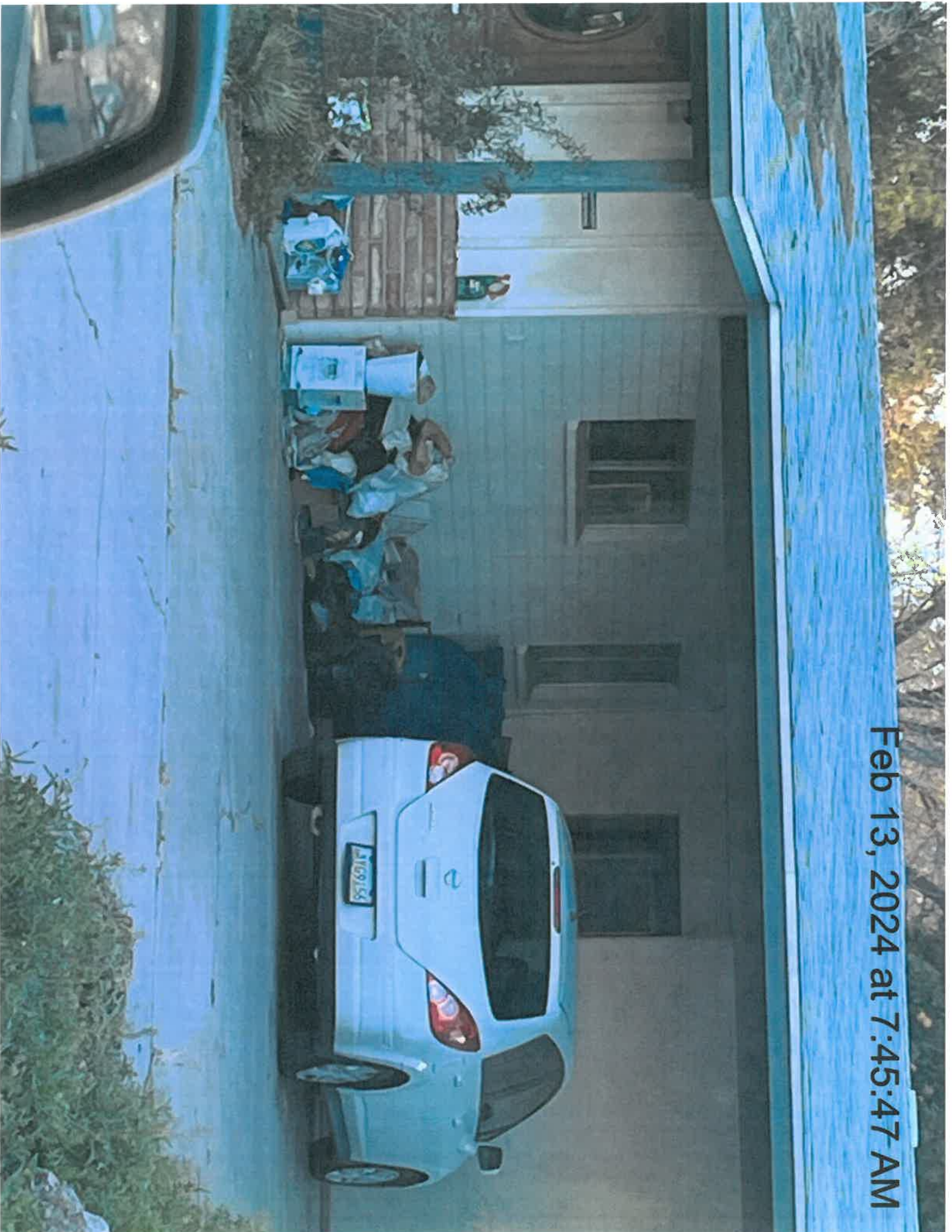
- Remove junk, trash, and debris from the front, sides, and rear of the property
- Cut the over height grass and weeds in the front, sides, and rear yard
- Trim and/or remove any overgrown bushes, shrubs, or trees in the front, side, and rear yard
- Removal of the stump in the front yard
- Haul off debris
- Police presence on-site for duration of the visit

Total: \$5,877.00

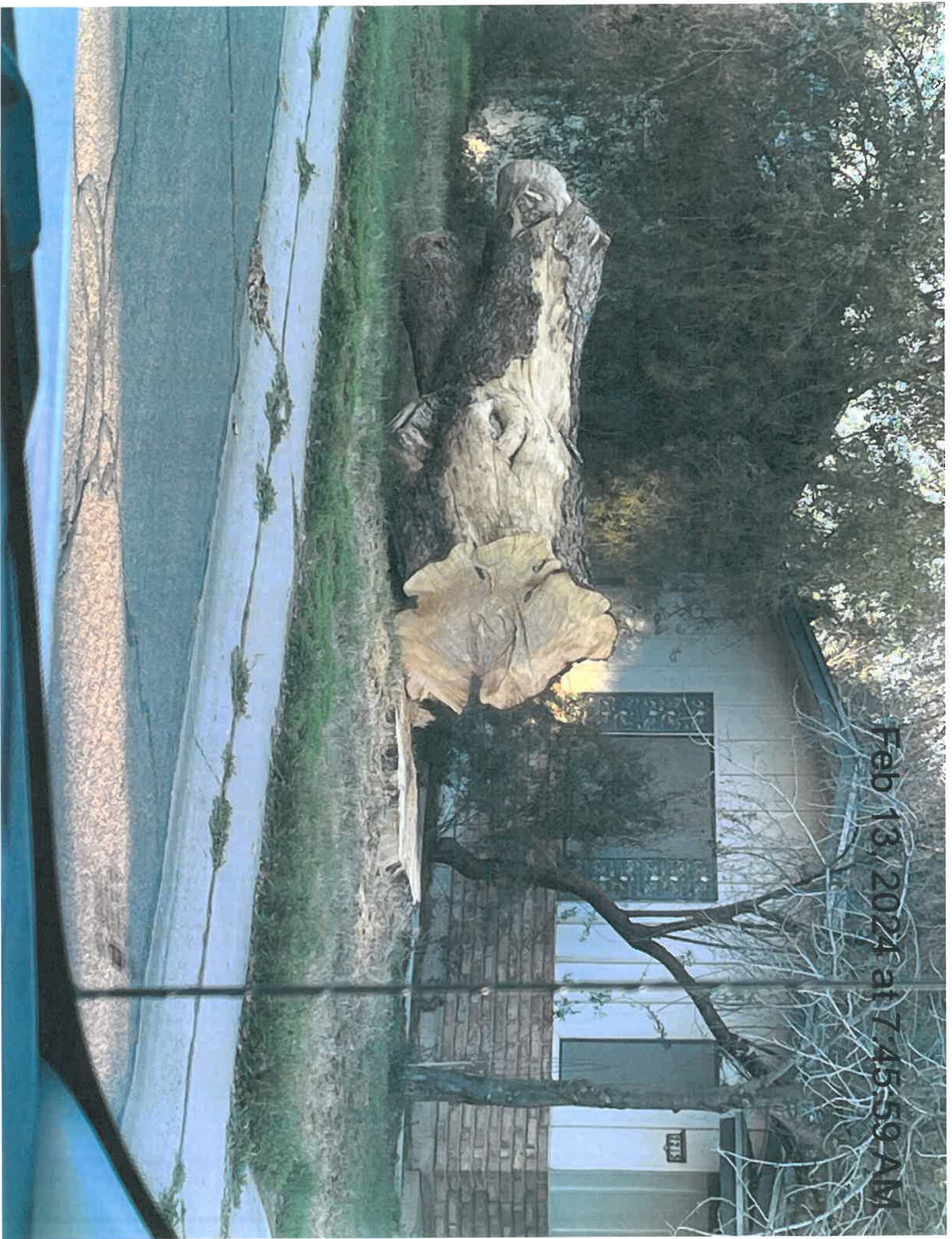
Respectfully,

Freddie Panzella

Feb 13, 2024 at 7:45:47 AM



Feb 13, 2024 at 7:45:59 AM



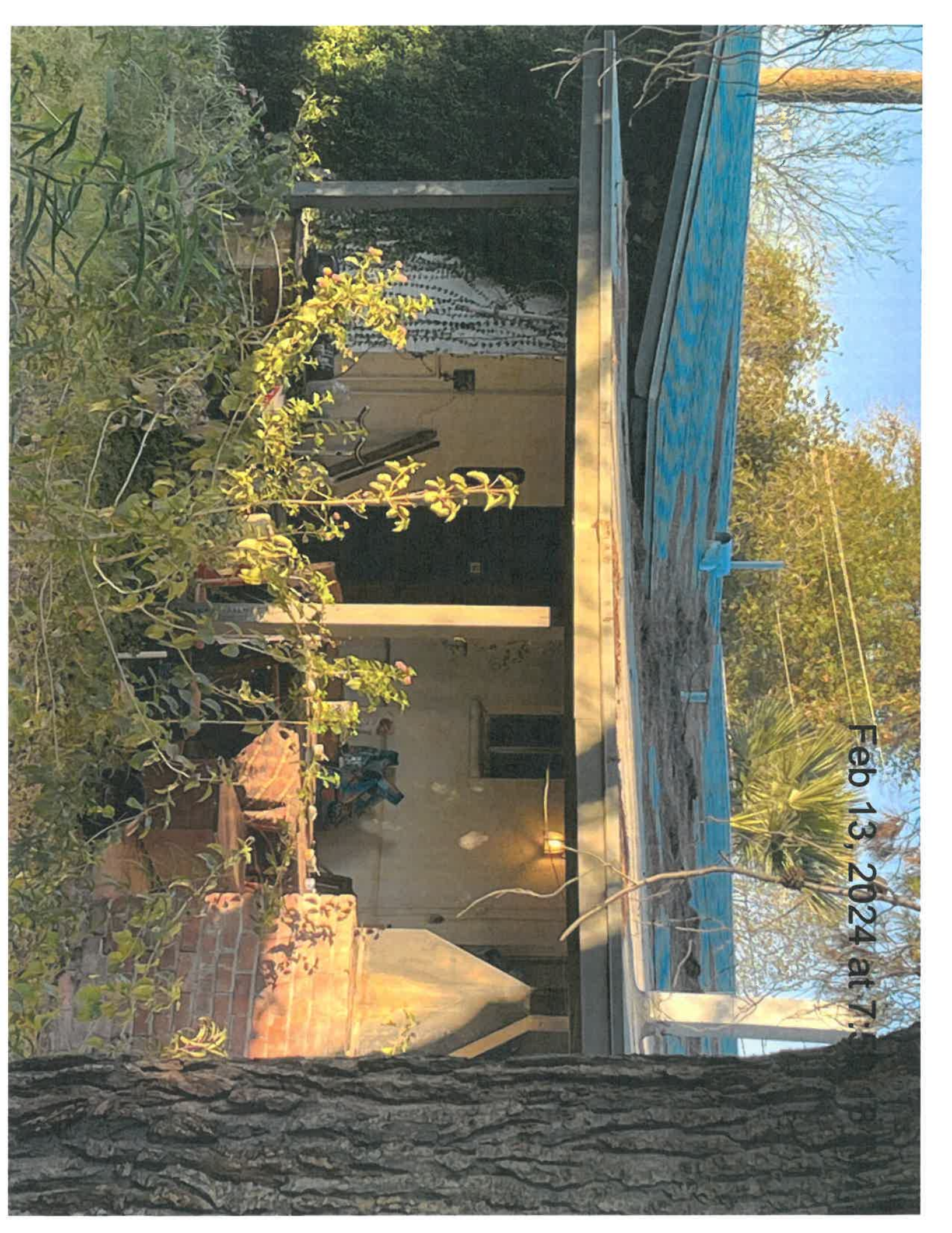
Feb 13, 2024 at 7:49:46 AM





FEB 13 2024 8:17:49:52 AM

Feb 13, 2024 at 7:



Feb 13, 2024 at 7:50:58 AM



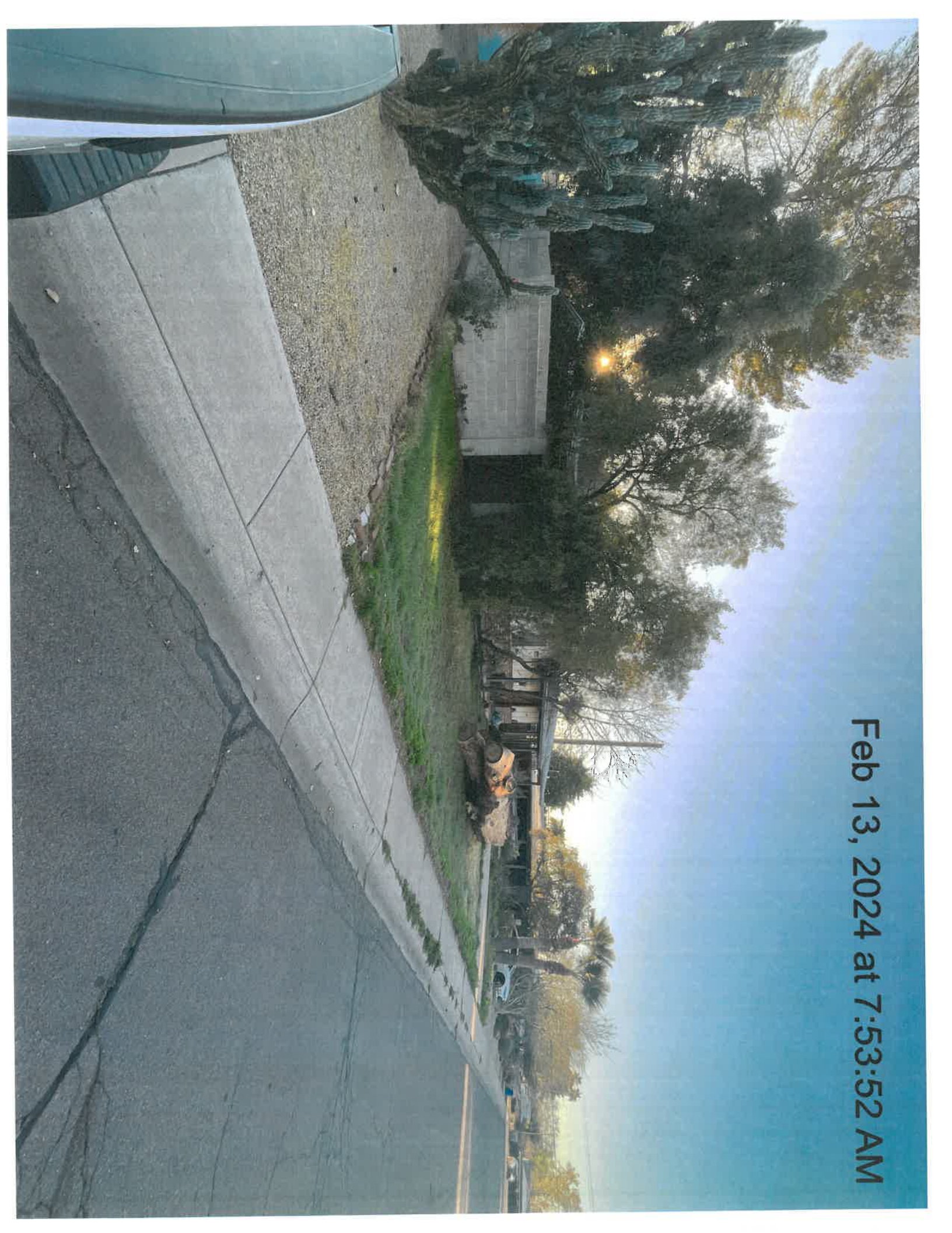
Feb 13, 2024 at 7:50:55 AM





Feb 16 2024 9:17 AM

Feb 13, 2024 at 7:53:52 AM





COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

10/18/2023

ROBINSON JESSE S / BRITTANY N
2215 SIERRA VISTA DR
TEMPE, AZ 85282

Case #: CE235624
Site Address: 2215 S SIERRA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 10/18/2023 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
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.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all the trash, litter, debris, and stored items from your properties carport and front yard as needed. All storage items must be kept in an enclosed unit classified as a building with four walls and a door / window. An un-enclosed area cannot be maintained as outdoor storage. All debris must be discarded appropriately to help diminish a deteriorated appearance. 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.	11/1/2023
CC 21-3.b.8	Please remove the dead tree from your property's front yard. Removal of the dead tree must be addressed from the stump at ground level. After the removal has taken place the excavated area must be refilled with like materials from the surrounding area as a precaution to a potential hazardous situation for any pedestrian. Please discard all tree debris appropriately to help diminish a deteriorated state of appearance. 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.	11/1/2023
CC 21-3.b.8	Please completely address and cut the over height grass and weeds from the entire property, back to front. This includes any visible surrounding areas, up against property walls and fence lines as necessary. Please make sure that all growth is always eliminated from the 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.	11/1/2023

These issues must be addressed. If your property is out of compliance again in a twelve-month period for the same violation/s, reoccurring violation fees and citations can be issued without warning or further notice. Please contact me at your earliest convenience.

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

11/01/2023

ROBINSON JESSE S / BRITTANY N
2215 SIERRA VISTA DR
TEMPE, AZ 85282

Case #: CE235624
Site Address: 2215 S SIERRA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 11/01/2023 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.

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CC 21-3.b.8	Please remove the dead tree from your property's front yard. Removal of the dead tree must be addressed from the stump at ground level. After the removal has taken place the excavated area must be refilled with like materials from the surrounding area as a precaution to a potential hazardous situation for any pedestrian. Please discard all tree debris appropriately to help diminish a deteriorated state of appearance. 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.	11/15/2023
CC 21-3.b.8	Please completely address and cut the over height grass and weeds from the entire property, back to front. This includes any visible surrounding areas, up against property walls and fence lines as necessary. Please make sure that all growth is always eliminated from the 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.	11/15/2023

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**

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

02/02/2024

ROBINSON JESSE S / BRITTANY N
2215 SIERRA VISTA DR
TEMPE, AZ 85282

Case #: CE235624
Site Address: 2215 S SIERRA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/02/2024 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.

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PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	PLEASE REMOVE AND OR PROPERLY DISCARD THE ITEMS IN THE FRONT, SIDES, AND BACK OF THE PROPERTY. THIS INCLUDES THE BAGS, CARDBOARD BOXES, PLASTIC BUCKETS BOTTLES, ANY HOUSEHOLD ITEMS, AND ANY OTHER MISCELLANEOUS ITEMS.	2/16/2024
CC 21-3.b.8	PLEASE TRIM AND REMOVE ANY DEAD PORTIONS OF BUSHED, SHRUBS AND/OR TREES IN THE FRONT REAR AND SIDE YARDS OF THE PROPERTY, THIS INCLUDES THE REMOVAL OF THE TREE STUMP IN THE FRONT YARD.	2/16/2024
CC 21-3.b.8	PLEASE CUT ALL OVERHEIGHT GRASS AND OR WEEDS IN THE FRONT, SIDES AND REAR OF THE PROPERTY. WILDFLOWERS ARE ACCEPTABLE.	2/16/2024

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 \$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.