
CITY OF TEMPE
HEARING OFFICER

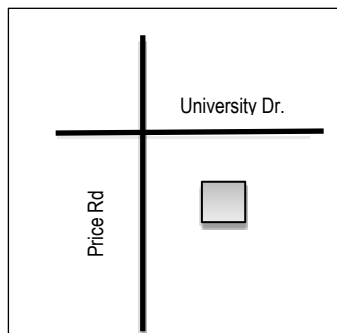
Meeting Date: 11/05/2024
Agenda Item: 2

ACTION: Request approval to abate public nuisance items at the ESPARZA PROPERTY located at 2316 E. Randall Dr. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1150.00 for abatement request: Remove all over height weeds and grass and dead landscape.

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 ESPARZA 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 CE243151: Remove all over height weeds and grass and dead landscape.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Eliberto Esparza and Sandra Ozuna
City of Tempe – Code Compliance
R1-6: Single Family Residential
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 ESPARZA PROPERTY located 2316 E. Randall Dr. in the R1-6 Single Family Residential District. This case was initiated 04/23/2024, 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	ELIBERTO ESPARZA & SANDRA OZUNA			EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	2316 E RANDALL DR			SUITE(S)	CE243151 <input type="checkbox"/>
PROJECT DESCRIPTION	OVER HEIGHT GRASS AND WEEDS & DEAD VEGETATION IN THE FRONT YARD HEARING DATE: NOVEMBER 5, 2024			PARCEL No(s)	135-40-054A <input type="checkbox"/>
PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)					
BUSINESS NAME	ELIBERTO ESPARZA & SANDRA OZUNA		ADDRESS	2316 E RANDALL DR	
CONTACT NAME		CITY	TEMPE, AZ 85288	STATE	AZ ZIP
EMAIL		PHONE 1		PHONE 2	
<i>I hereby authorize the applicant below to process this application with the City of Tempe.</i>					
PROPERTY OWNER SIGNATURE X or attach written statement authorizing the applicant to file the application(s)				DATE	
APPLICANT INFORMATION – REQUIRED					
COMPANY / FIRM NAME	CITY OF TEMPE		ADDRESS		
CONTACT NAME	ANDRES LARA-REYES		CITY	STATE	ZIP
EMAIL		PHONE 1	(480) 350-8963	PHONE 2	
<i>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.</i>					
APPLICANT SIGNATURE X				DATE 9/27/2024	
BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs					
BUSINESS NAME			ADDRESS		
CONTACT NAME		CITY		STATE	ZIP
TYPE OF BUSINESS		PHONE		EMAIL	
APPLICATION	QTY	SPECIFIC REQUEST	FOR CITY USE ONLY		
<input checked="" type="checkbox"/> (check all that apply)		(see planning & zoning fee schedule for types)	(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			CE	CM	
TOTAL NUMBER OF APPLICATIONS	0				
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: September 27, 2024
TO: John Salazar, Senior Code Compliance Inspector
FROM: Andres Lara-Reyes, Code Inspector
SUBJECT: CE243151, ELIBERTO ESPARZA & SANDRA OZUNA Property Abatement

LOCATION: 2316 E RANDALL DR TEMPE, AZ 85288

PARCEL: 135-40-054A

OWNER: ELIBERTO ESPARZA & SANDRA OZUNA
2316 E RANDALL DR
TEMPE, AZ 85288

FINDINGS:

04/23/2024 The Code Compliance Division received a complaint; the property was inspected for over height grass and weeds.

5/7/2024 Property inspected and observed no changes, it remained in violation for over height grass and weeds in the front yard. Final notice mailed.

5/21/2024 Observed no changes, it remained in violation for over height grass and weeds in the front yard. There was no phone number available to contact the owner.

5/29/2024 9:05 am door hanger posted to correct violation by 06/06/24 to avoid a citation.

6/10/2024 A citation was issued to Mr. ELIBERTO ESPARZA for over height grass and weeds in the front yard. Owner to pay fine or request a hearing by 06/24/24.

7/8/2024 Owner failed to appear in court. Case was defaulted. Case has been referred to valley for collection. Certified citation mailed to the owner returned to sender, unable for forward.

07/11/2024 Copy of citation posted to the property front door.

08/19/2024 10:55 am no changes, observed over height grass and weeds front yard. Door hanger posted to correct violation by 08/26 to avoid a 2nd citation.


RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 2316 E RANDALL DR due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8. Mr. ESPARZA has been given ample time to come into compliance and maintain the property. The property owner was issued one civil citation with no response. 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: 
DATE: 9/27/2024



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 09/27/2024
CASE #: CE243151

ELIBERTO ESPARZA & SANDRA OZUNA
2316 E RANDALL DR
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: 2316 E RANDALL DR TEMPE, AZ 85288
PARCEL: 13540054A

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **11/05/2024 at 5:00 pm**. 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

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

CC 21-3.b.8 Please cut all over height grass and weeds and remove any dead vegetation in the front yard landscape area.

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 **\$1150.00**. 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



Skunky's Junk Removal

2316 East Randall Drive
Tempe, AZ 85288

✉ emailprocurementofficerdirectly@none.com

ESTIMATE	#610
SERVICE DATE	Sep 3, 2024
EXPIRATION DATE	Oct 18, 2024
TOTAL	\$1,150.00

CONTACT US

2618 W. First Street, Suite 7
Tempe, AZ 85281

☎ (844) 758-6597

✉ info@skunkysjunk.com

ESTIMATE

Services	amount
CE243151 Removal of any dead vegetation, over height grass and weeds in the front yard Police officer presence needed	\$750.00
Security (Off-Duty Tempe PD) 3 hr. minimum	\$400.00
Services subtotal: \$1,150.00	
Subtotal	\$1,150.00
Total	\$1,150.00

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.



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

04/23/2024

ELIBERTO ESPARZA & SANDRA OZUNA
2316 E RANDALL DR
TEMPE, AZ 85288

Case #: CE243151
Site Address: 2316 E RANDALL DR, TEMPE, AZ 85288

This is a notice to inform you that this site was inspected on 04/23/2024 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.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 cut all over height grass and weeds in the front yard landscape area.	5/7/2024

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

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

05/07/2024

ELIBERTO ESPARZA V & SANDRA OZUNA
2316 E RANDALL DR
TEMPE, AZ 85288

Case #: CE243151
Site Address: 2316 E RANDALL DR, TEMPE, AZ 85288

This is a notice to inform you that this site was inspected on 05/07/2024 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.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 cut all over height grass and weeds in the front yard landscape area.	5/21/2024

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

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.

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1789923	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.	DLP <input type="checkbox"/>	State	Class	Endorsements M H N P T X D	16 Passenger Vehicle <input type="checkbox"/>	Haz. Material <input type="checkbox"/>	Incident Report Number CE 243151	
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language	Defendant Name (First, Middle, Last) ELIBERTO V ESPARZA						Juvenile <input type="checkbox"/>	
Residence Address, City, State, Zip Code 2316 E RANDALL DR TEMPE AZ 85288	Telephone: (cell phone) <input type="checkbox"/>							
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions	Email Address
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 06	Day 10	Year 2024	Time 9:23	<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 2316 E RANDALL DR						Area 85288	Dist.	State of Arizona			

The Defendant Committed the Following:

A	Section: TC 21-3 A	ARS Violation: 21-3.B.8 DETERIORATED LANDSCAPE	Domestic Violence Case <input type="checkbox"/>	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input checked="" type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
B	Section:	ARS Violation:	Domestic Violence Case <input type="checkbox"/>	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
C	Section:	ARS Violation:	Domestic Violence Case <input type="checkbox"/>	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
D	Section:	ARS Violation:	Domestic Violence Case <input type="checkbox"/>	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
E	Section:	ARS Violation:	Domestic Violence Case <input type="checkbox"/>	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <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: 06/24/2024 Time: Between 9AM & 4PM
<input type="checkbox"/> Court:	<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor Date: _____ Time: _____

Criminal: Without admitting guilt, I promise to appear as directed hereon.
 Civil: Without admitting responsibility, I acknowledge receipt of this complaint.

X **MAILED CERTIFIED**

Victim? Victim Notified?

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.

Complainant: _____ ID #: **8036**

Comments:
Juvenile Notification:
 Failure to appear or comply as ordered will result in a suspension of your driver's license / driving privileges until you comply or reach your 18th birthday.

1ST VIOLATION \$200

CODE COMPLIANCE

Initials: _____ Date issued if not violation date: _____

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.



