
**CITY OF TEMPE
HEARING OFFICER**

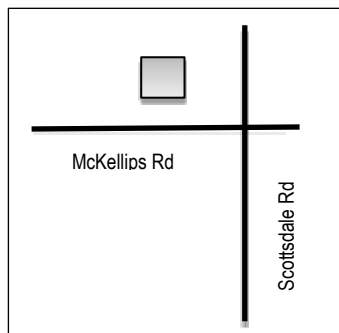
**Meeting Date: 11/20/2024
Agenda Item: 4**

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: \$740.00 for abatement request: Remove all junk/debris, trash, litter 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 all junk/debris, trash, litter 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
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)	CE234242 <input type="checkbox"/>
PROJECT DESCRIPTION	TRASH, LITTER, DEBRIS IN THE FRONT & BACK YARDS HEARING DATE: NOVEMBER 20, 2024	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
EMAIL		PHONE 1	STATE AZ ZIP
		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 ZIP
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	10/17/2024
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BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME		ADDRESS	
CONTACT NAME		CITY	STATE ZIP
TYPE OF BUSINESS		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. 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)
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: October 17, 2024
TO: John Salazar, Senior Code Compliance Inspector
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 the neighbor concerns regarding the rat infestation.

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 final notice served to Joyce (owner) & explained guidelines.

2/1/2024 Notice to abate posted to the property for March 5, 2024 Hearing Officer hearing .

3/5/2024 An 180-day open abatement was approved until September 1, 2024.

3/22/2024 Inspected property and observed no changes, trash, litter, debris, over height grass and weeds in the front and back yards.

4/9/2024 Abatement removal of all trash, debris and over height grass and weeds done by Skunky's junk removal.

5/9/2024 Owner was still living in the carport area. front area is clean, back yard has accumulated 2 black trash bags.

5/14/2024 Shae Kinney with Adult Protective Services, called to update Code about their case. They could never make contact with the resident, Joy MacDonald, the times they went out there. Shae left and sent her a note that she had 10 days to call them for assistance. She never called. They are closing the case.

6/10/2024 Owner was still living in the carport area. front area is clean, back yard has accumulated more black trash bags.

7/10/2024 Owner was still living in the carport area. carport has accumulated trash bags, back yard has accumulated more black trash bags.

8/1/2024 Clean up abatement conducted with Artistic Land Management. Removed trash from carport area as well as the backyard and minor landscape maintenance.

8/29/2024 Abatement clean up done, removal of 2 tree stumps front yard; removal of dead tree south yard; clean up of carport. 180 day open abatement was to expired September 1, 2024.

9/18/2024 Received a call from a concerned neighbor regarding a rat infestation & two missing gates.

9/18/2024 Mesh fencing was placed at both missing gate areas.

09/18/2024 Received an anonymous complaint from 311 on 9/18/2024 for Junk, Trash, Debris, infestation, deteriorating landscape, unsecured swimming pool.

09/19/2024 notice mailed to the owner for trash, debris carport; empty swimming pool back yard; 2 missing gates.

10/03/2024 no changes, carport was clean but back yard has accumulated trash bags. gates were not repaired.

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. Mrs. MACDONALD has been given ample time to come into compliance and maintain the property. The property owner was not issued any civil citations. Multiple abatements have been done with no response from the owner. 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 J. Salazar
DATE: 10/17/24



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 10/17/2024
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 **11/20/2024**. 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

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.

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 \$740.00. 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

2111 North Van Ness Avenue
 Tempe, AZ 85288

✉ emailprocurementofficerdirectly@none.com

ESTIMATE	#621
SERVICE DATE	Oct 4, 2024
EXPIRATION DATE	Nov 18, 2024
TOTAL	\$740.00

CONTACT US

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

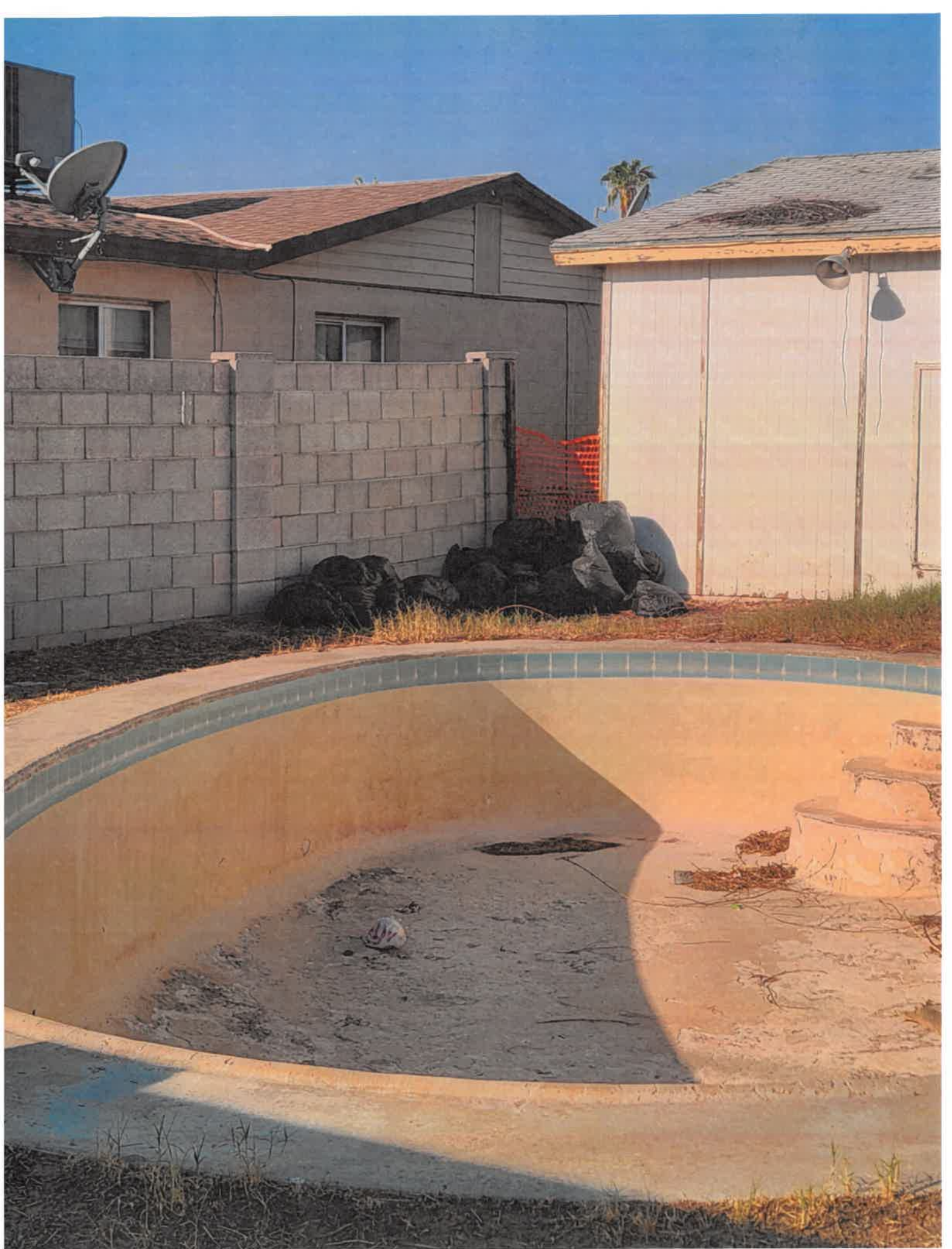
☎ (844) 758-6597

✉ info@skunkysjunk.com

ESTIMATE

Services	amount
2111 N Van Ness Removal of any trash, litter & debris in the front & back yards Police officer presence needed	\$500.00
Security (Off-Duty Tempe PD) 3 hr. minimum	\$240.00
Services subtotal: \$740.00	
Subtotal	\$740.00
Total	\$740.00

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
 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 characterized 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

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

09/19/2024

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 09/19/2024 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 bees
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 3-102	Non-permitted use in residential district
CC 21-3.b.13	Any unguarded or abandoned excavation, pit, well or hole
CC 21-3.b.15	A wall or fence deteriorated in appearance or which constitutes a hazard

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.	10/3/2024
CC 21-3.b.1	Please remove any trash, litter, debris that is beginning to accumulate anywhere in the property.	10/3/2024
ZDC 3-102	Please cease using the carport as a living area.	10/3/2024
CC 21-3.b.13	PLEASE FILL THE EMPTY POOL / PIT OR HAVE IT SECURED AND INACCESSIBLE. IF THE "PIT" IS BROUGHT BACK TO A SWIMMING POOL, IT MUST BE SECURED AND INACCESSIBLE (FENCING, WALL, GATE, ETC.)	10/3/2024
CC 21-3.b.15	PLEASE REPLACE THE TWO (2) MISSING GATES, BACK YARD & SOUTH SIDE YARDS.	10/3/2024

CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS MAY BE ISSUED

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.