
**CITY OF TEMPE
HEARING OFFICER**

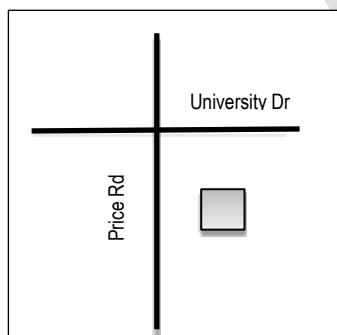
**Meeting Date: 12/03/2024
Agenda Item: 2**

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: \$5140.00 for abatement request: Remove all deteriorated landscape, high grass and weeds, dead trees, 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 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 deteriorated landscape, high grass and weeds, dead trees, junk/debris, trash, litter from the property.



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 at 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 SUITE(S) R1-6 <input type="checkbox"/>
PROJECT ADDRESS	2316 E RANDALL DR		CE243151 <input type="checkbox"/>
PROJECT DESCRIPTION	TRASH, OVER HEIGHT GRASS/WEEDS, DEAD TREES, DEAD VEGETATION FRONT AND BACK YARDS. HEARING DATE: DECEMBER 3, 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
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 11/1/2024
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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)	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: November 1, 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.

8/27/2024 No changes, dead vegetation & over height grass and weeds front yard.

9/19/2024 Drove by the property & spoke to Ever (neighbor), asked him if he knew the owner of 2316 E RANDALL DR. He stated that the owner passed away & believes one of the sons resides there. Explained the violations & abatement filing process. Ever knocked on the door & spoke to the owner's son. Ever told me that he will be off tomorrow & will get together with another neighbor to see if they can help him out & clean up the front yard. I gave him my business card & asked him to call me with an update within the next week. He stated, he will keep me posted. I will follow up with him next week before filing for an abatement, he understood. There was no contact or clean up done.

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.1 and 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: [Signature] J. SALAZAR
DATE: 11/1/24



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 11/01/2024
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 **12/03/2024 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
- 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

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 trees or vegetation in the front yard and back areas of the property.
- CC 21-3.b.1 Please remove all discarded items, furniture, wood, containers, metal, household items and any other miscellaneous items into the front and back yard areas of the property.

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 **\$5140.00**. 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	\$5,140.00

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	\$640.00
Notes for Technician Updated to include the backyard which is larger for junk, trash, debris, deteriorated landscape along with the junk trash debris removal small amount in the front yard.	\$3,750.00
Services subtotal: \$5,140.00	
Subtotal	\$5,140.00
Total	\$5,140.00

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).

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

11/1/2024

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 11/04/2024 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
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

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	PLEASE REMOVE ALL GRASS AND OR WEEDS FROM THE FRONT, SIDES AND REAR OF THE PROPERTY.	12/02/2024
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 FURNITURE, WOOD, CONTAINERS, METAL, ANY HOUSEHOLD ITEMS, AND ANY OTHER MISCELLANEOUS ITEMS	12/02/2024

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).

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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



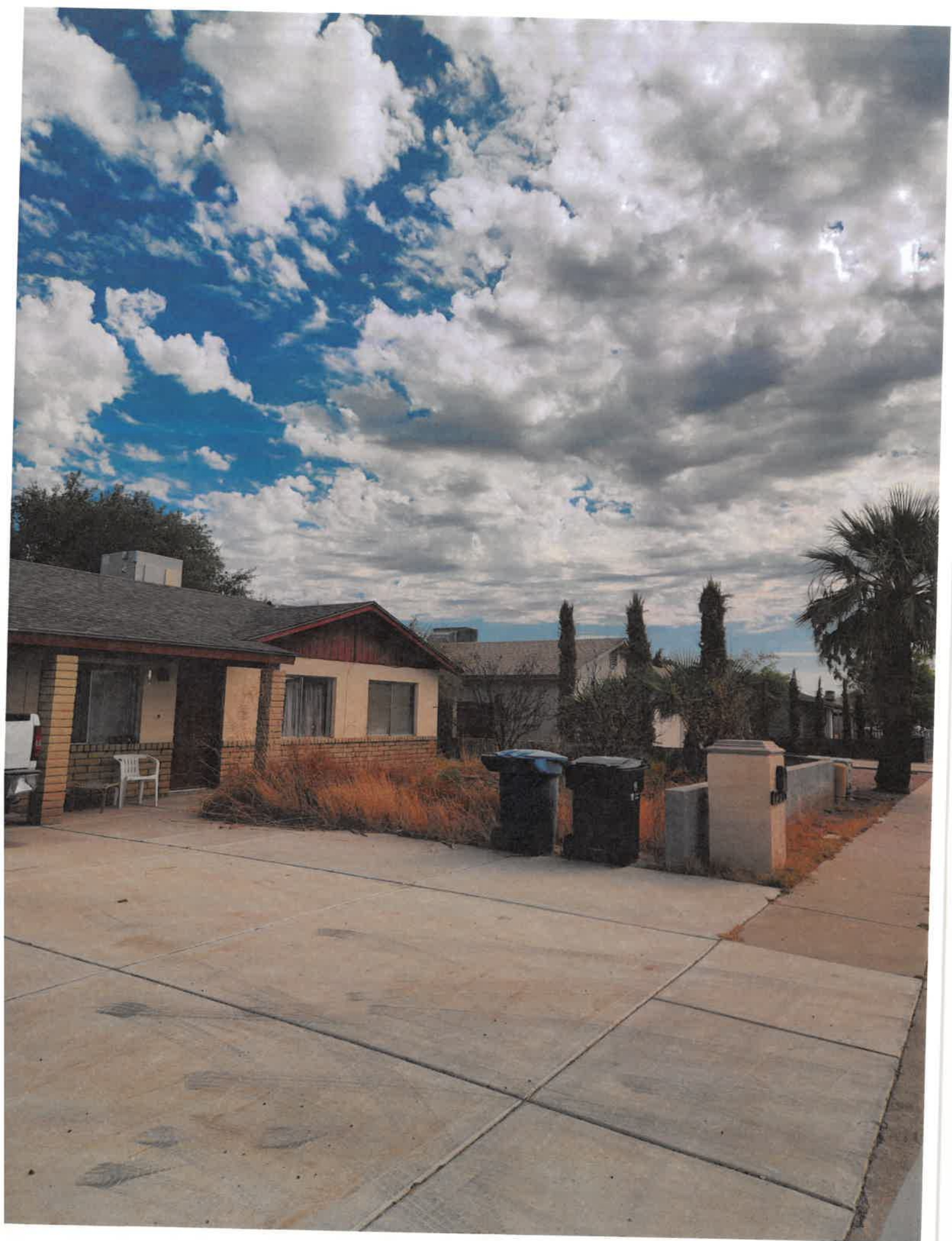
Complaint Number 1789923		Case Number		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident <input type="checkbox"/> Fatality <input type="checkbox"/> Commercial		
Driver's License No.		DLP <input type="checkbox"/>		State		Class		Endorsements M H N P T X D		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		
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						<input checked="" type="checkbox"/> Tempe	85288		State of Arizona	Area	Dist.
The Defendant Committed the Following:												
A	Section: CC 21-3 A			ARS Violation: CC 21-3.B.8 DETERIORATED LANDSCAPE			<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input checked="" type="checkbox"/> Municipal Code	
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense	MVD	
B	Section:			ARS Violation:			<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense	MVD	
C	Section:			ARS Violation:			<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense	MVD	
D	Section:			ARS Violation:			<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense	MVD	
E	Section:			ARS Violation:			<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense	MVD	
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:	Date:		Time:		<input type="checkbox"/> AM <input type="checkbox"/> PM	Court No.					
Court Address, City, State, Zip Code												
Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.						Victim? <input type="checkbox"/>						Victim Notified? <input type="checkbox"/>
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.						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.						ID #
X MAILED CERTIFIED												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 _____						

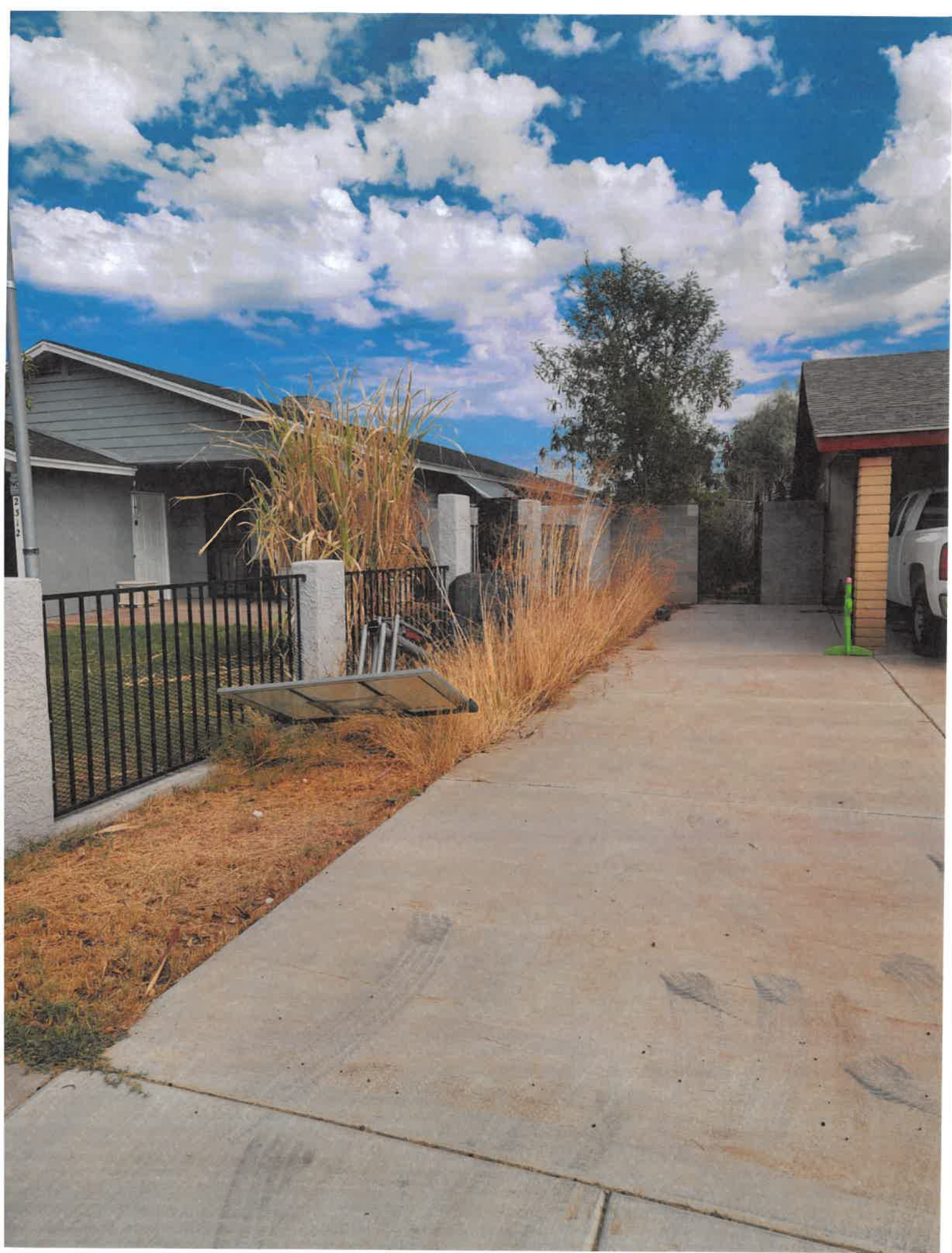
If you were charged with a civil ordinance violation and you fail to appear as directed in this complaint, a default judgement will be entered, and a monetary penalty will be imposed.

COMPLAINT



1789923







Nov 4, 2024 at 11:50:58 AM



Nov 4, 2024 at 11:50:55 AM

