

CITY OF TEMPE HEARING OFFICER

Meeting Date: 1/7/2025 Agenda Item: 2

<u>ACTION</u>: Request approval to abate public nuisance items at the Manlief Property located at 2300 East Loma Vista Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$3,840.00 for abatement request, including deteriorating landscaping, trash and debris throughout the front and backyards, Security on site.

RECOMMENDATION: Staff – Approval

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the MANLIEF PROPERTY (CE242389). 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 CE242389: deteriorated landscape, weeds, trash, debris. The request includes the following:

	Broadway Road	Property Owner Applicant Zoning District: Code Compliance Inspector:	Michael Manlief City of Tempe – Code Compliance R1-6, Single Family Residential District Melissa Heineman, Code Inspector
Price Road			

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Jack Scofield, Code Compliance Administrator (480-350-8967) Department Director: Jeff Tamulevich, Community Development Director Prepared by: Cassidy Hernandez, Executive Assistant Reviewed by: Drew Yocom, Deputy Community Development Director – Community Enhancement Division

COMMENTS:

Code Compliance is requesting approval to abate the Manlief Property located at 2300 East Loma Vista Drive in the R1-6, Single Family Residential District. This case was initiated 03/28/24 following 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 the 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.

Planning Application Submittal Form

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



Part 1 of 2

	All applications must			red plans, submit	tal materials, and correc	ct fee(s)	Tempe
PROJECT NAME	MANLIEF PROPERTY AB			IION - REQUIRED	EX	ISTING	1-6
PROJECT ADDRESS		2300 E LOMA VISTA DR, TEMPE, AZ 85282				ONING K JITE(S)	СТ-0 С
PROJECT DESCRIPTION					PARCE	NO(S) 13	34-40-213 ^[]
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CONTACT NAME			CITY	*****	6. 1 m	STATE .	***** ZIP *****
EMAIL			PHONE 1		PH	ONE 2	
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or attach written state	PROPERT ment authorizing the applicant t		s)			DA	NTE
COMPANY / FIRM NAME			ADDRESS	TLON - REQUIRE			
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CONTACT NAME	MISST HEINEMAN / COD	E INSPECTOR	CITY	ТЕМРЕ		STATE AZ	ZIP 85281
EMAIL	MISSY_HEINEMAN@TEN		PHONE 1	(480) 350-8224		ONE 2	
	nis application is accurate a returned to me without rev	iew to be resubm	itted with an	v missing inform		pplicatio	n is deemed to be
	AF	PPLICANT SIGNATUR	^E Missy	Heineman	Digitally signed by Missy Hein Date: 2024.11.08 08:19:48 -0		^{TE} 11/8/24
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(if 2 nd or 3 nd submittal, please use Planning Resubmittal Form)			KE STAFF (INITIALS)				

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: November 07, 2024

TO: David Rich, Senior Code Inspector

FROM: Missy Heineman, Code Inspector

SUBJECT: CE242389, MICHAEL MANLIEF PROPERTY ABATEMENT

- LOCATION: 2300 E LOMA VISTA DR, AZ 85282
- **PARCEL:** 134-40-213
- OWNER: MICHAEL MANLIEF 2300 E LOMA VISTA DR TEMPE, AZ 85282

FINDINGS:

03/28/24 The Code Compliance Division received complaint for deteriorated landscape.

04/08/24 Inspected property and found grass and weeds growing in the landscape of the front, side and back yards of property as well as the alley. Notice to comply mailed to property owner.

04/24/24 Inspected property and found grass and weeds growing in the landscape of the front, side and back yards of property as well as the alley. Final notice to comply mailed to property owner.

05/08/24 Inspected property and found grass and weeds growing in the landscape of the front, side and back yards of property as well as the alley. Pink final notice to comply mailed to property owner.

6/24/24 Inspected property and found grass and weeds growing in the landscape of the front, side and back yards of property as well as the alley. Observed junk, trash and debris in the back yard and alley. Observed dead portions of trees/bushes including palm trees. Revised final notice to comply mailed to property owner.

07/26/24 Citation #1790103 was issued for Deteriorated Landscape, Uncultivated weeds and exterior junk, trash, and debris.

07/30/2024 Civil arraignment NLT 8/13/24.

8/13/24 Pending default appear NLT 8/27/24.

8/27/24 Owner failed to appear for court, default fines and fees imposed.

11/07/24 Photos taken that show the current condition of the property.

11/13/2024 Posted notice of intent to abate to property and mailed to property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 2300 E Loma Vista Dr due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8. Deteriorated landscape and uncultivated weeds. 21-3.B.1 Exterior junk, trash and debris. MR. Manlief has been given ample time to come into compliance and maintain the property. The property owner has been issued a civil citation and has failed to appear to court. 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,

Missy Heineman Code Inspector

ACTION TAKEN:	Submit
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DATE:	11/08/2014

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1.1	JUNK	REMOV	AL	

Skunky's Junk Removal

2300 East Loma Vista Drive

Tempe, AZ 85282

emailprocurementofficerdirectly@none.com

ESTIMATE	#614
SERVICE DATE	Sep 27, 2024
EXPIRATION DATE	Nov 9, 2024
TOTAL	\$3,840.00

CONTACT US

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

[44) 758-6597
[sinfo@skunkysjunk.com
[sinfo@skunkysjunkysjunk.com
[sinfo@skunkysjunk

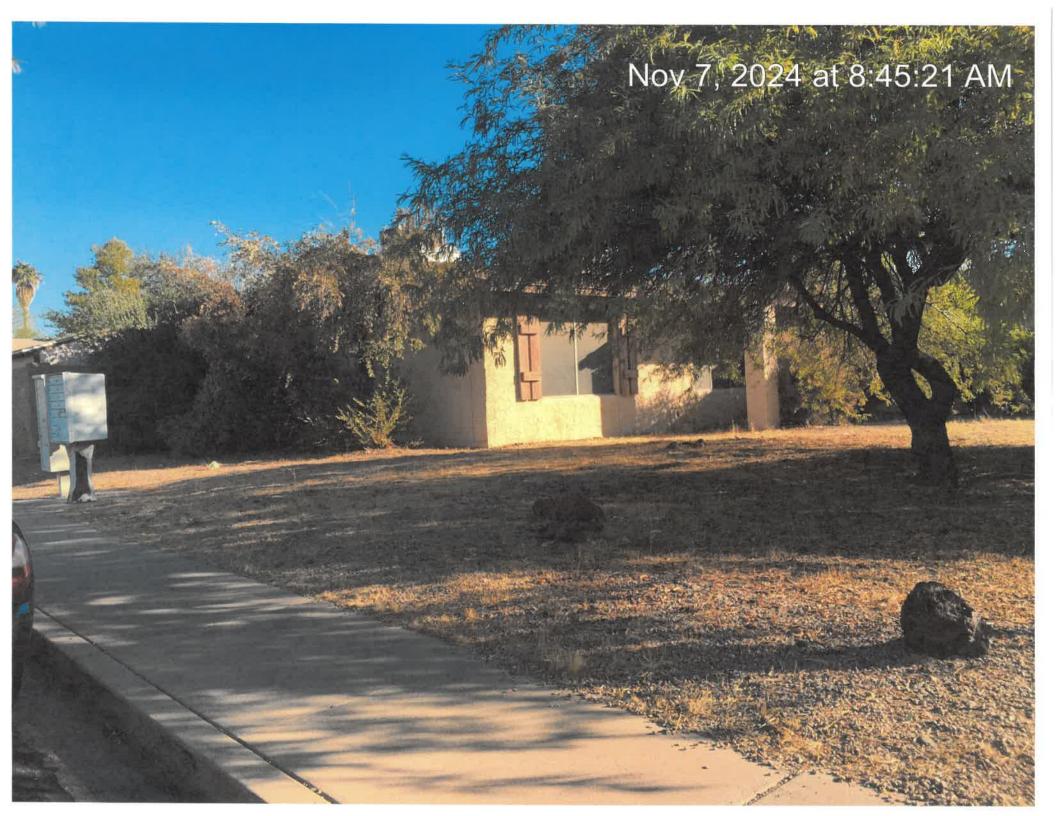
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Nov 7, 2024 at 8:44:02 AM

2300





Nov 7, 2024 at 8:45:47 AM

1

Nov 7, 2024 at 8:42:59 AM









COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

04/08/2024

MANLIEF MICHAEL LESLIE 2300 E LOMA VISTA DR TEMPE, AZ 85282

Case #: CE242389 Site Address: 2300 E LOMA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 04/08/2024 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 T	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	PLEASE REMOVE ALL GRASS AND WEEDS FROM THE FRONT AND SIDE YARD GRAVEL LANDSCAPED AREAS AS WELL AS REMOVE GRASS/WEEDS FROM THE ALLEY BEHIND THIS PROPERTY. ALL GRAVEL LANDSCAPES MUST BE MAINTAINED FREE AND CLEAR OF ANY UNCONTROLLED GROWTH, REGARDLESS OF HEIGHT. WILDFLOWERS ARE AN EXCEPTION.	4/22/2024

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

Missy Heineman Code Inspector Direct: 480-350-8224 Code Compliance: 480-350-4311 Email:Missy_Heineman@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 (I): 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 \$420 per violation, 3rd occurrence \$420 per violation, 3rd occurrence \$100 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$420 per violation, 3rd occurrence \$100 per violation, 2nd occurrence \$100 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$100 per violation, 2nd occurrence \$100 per violation, 2nd occurrence \$100 per violation, 2nd occurrence \$100 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$100 per 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

04/24/2024

MANLIEF MICHAEL LESLIE 2300 E LOMA VISTA DR TEMPE, AZ 85282

Case #: CE242389 Site Address: 2300 E LOMA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 04/24/2024 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 REMOVE ALL GRASS AND WEEDS FROM THE FRONT AND SIDE YARD GRAVEL LANDSCAPED AREAS AS WELL AS REMOVE GRASS/WEEDS FROM THE ALLEY BEHIND THIS PROPERTY. ALL GRAVEL LANDSCAPES MUST BE MAINTAINED FREE AND CLEAR OF ANY UNCONTROLLED GROWTH, REGARDLESS OF HEIGHT. WILDFLOWERS ARE AN EXCEPTION.	05/08/2024

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

Missy Heineman Code Inspector Direct: 480-350-8224 Code Compliance: 480-350-4311 Email:Missy_Heineman@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**

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\$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 REVISED FINAL CORRECTION NOTICE

06/24/2024

MANLIEF MICHAEL LESLIE 2300 E LOMA VISTA DR TEMPE, AZ 85282

Case #: CE242389 Site Address: 2300 E LOMA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/08/2024 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.8	Any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground
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 TH	E FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	PLEASE REMOVE ALL GRASS AND WEEDS FROM THE FRONT, SIDE, AND BACK YARDS AS WELL AS THE ALLEY BEHIND THIS PROPERTY. ALL LANDSCAPES MUST BE MAINTAINED FREE AND CLEAR OF ANY UNCONTROLLED GROWTH, REGARDLESS OF HEIGHT OR DEAD VEGETATION.	07/08/2024
CC 21-3.b.8	PLEASE REMOVE DEAD/DRY PALM FRONDS FROM THE PALM TREES ON THE PROPERTY.	
CC 21-3.b.1	PLEASE REMOVE AND/OR PROPERLY DISCARD THE ITEMS IN THE BACK YARD/PATIO OF THE PROPERTY. THIS INCLUDES BUT IS NOT LIMITED TO: FURNITURE, WOOD, CARDBOARD, CONTAINERS, APPLIANCES, BUCKETS, TRASH, METAL, ANY HOUSEHOLD ITEMS, AND ANY OTHER MISCELLANEOUS ITEMS.	

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.

Direct: 480-350-8224 Code Compliance: 480-350-4311 Email: Missy_Heineman@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

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Case Summary External

Case No:	24-0178	320-4	Title: CITY OF TEMPE vs MC	HIAEL MANLIE	F		
MANLIEF, MCH	HIAEL						
2300 E LOMA TEMPE, AZ 85							
	Car			101 - 1 - K			
Case Status:	Inactive		Case Balance Owing:	\$559.00		TPC Due Date:	
Filed:	7/30/202	4	Stayed Balance Owing:	\$0.00		TPC Amount Due:	
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Cite Number	Code	Violation Date	Description		Filed	Disposition	Dien Date
Cite Number	Code	Violation Date	Description		Filed	Disposition	Disp Date
Cite Number 1790103A	Code 21-3B8	Violation Date 07/26/2024	Description LANDSCAPING-DEAD, DAMAGED, UNCONTRO		Filed 7/30/2024	Disposition 58 - FAIL TO APPEAR	Disp Date 8/27/2024



Case Summary External

REGISTER OF ACTION								
Date	Cite Number	Action	Amount	Judge	Use			
7/30/2024		ATTC FILED			NCB			
7/30/2024		1ST VIOLATION FEES APPLY A - 200 B - 200 \$400.00			NCB			
7/30/2024	1790103 A	CIVIL ARRAIGNMENT NLT 8/13/2024			NCB			
7/30/2024	1790103 B	CIVIL ARRAIGNMENT NLT 8/13/2024			NCB			
3/13/2024		CV ARR FTA - PENDING DEFAULT APPEAR NLT 8/27/2024	analysis:		SYS			
3/13/2024		CV ARR FTA - PENDING DEFAULT APPEAR NLT 8/27/2024			SYS			
3/27/2024	1790103 A	DEFAULT FEE IMPOSED	\$50.00		SYS			
3/27/2024	1790103 A	FINE AND APPLICABLE FEES IMPOSED	\$200.00	1.25	SYS			
3/27/2024	1790103 A	JCEF TIME PAYMENT FEE IMPOSED	\$20.00		SYS			
3/27/2024	1790103 A	FTA DEFAULT	200		SYS			
3/27/2024	1790103 B	DEFAULT FEE IMPOSED	\$50.00	85	SYS			
3/27/2024	1790103 B	FINE AND APPLICABLE FEES IMPOSED	\$200.00		SYS			
3/27/2024	1790103 B	FTA DEFAULT			SYS			
3/27/2024		CASE HAS BEEN REFERRED TO VALLEY FOR COLLECTION	\$39.00		1.1.1.1			

