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**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 7/02/2019  
Agenda Item: 3**

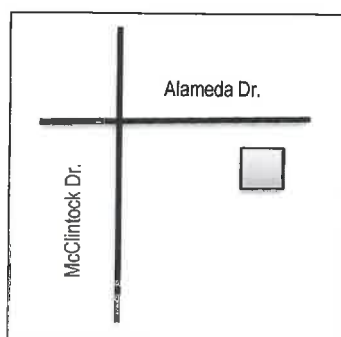
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**ACTION:** Request approval to abate public nuisance items at the Todd Property located at 1817 E. Alameda Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$996.00 for abatement request, remove junk, trash and debris from property, board up broken window and secure garage door.

**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 TODD 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 CE190545: remove junk, trash and debris from property, board up broken window and secure garage door.



Property Owner: Alberta Todd  
Applicant: City of Tempe – Code Compliance  
Zoning District: R1-6, Single Family Residential  
Code Compliance Inspector: Michael Glab, Code Inspector

**ATTACHMENTS:** Supporting Attachment

**STAFF CONTACT:** Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

**COMMENTS:**

Code Compliance is requesting approval to abate the Todd Property located at 1817 E. Alameda Drive, in the R1-6, Single Family Residential district. This case was initiated 01/24/2019, 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 5<sup>th</sup> 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	TODD ABATEMENT	EXISTING ZONING	R1-6	<input type="checkbox"/>
PROJECT ADDRESS	1817 E ALAMEDA DR TEMPE AZ 85282	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	ALAMEDA MEADOWS 2 ABATEMENT OF CE190545 JULY 02, 2019	PARCEL No(S)	133-34-173	<input type="checkbox"/>

**PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)**

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE 1	PHONE 2		
E-MAIL				

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 COMPLIANCE	ADDRESS	21 E 6TH ST SUITE 208
CONTACT NAME	MICHAEL GLAB / CODE INSPECTOR	CITY	TEMPE
E-MAIL	michael_glab@tempe.gov	PHONE 1	(480) 350-5461

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	5/21/2019
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**BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs**

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE	EMAIL		
TYPE OF BUSINESS				

APPLICATION (check all that apply)	QTY	SPECIFIC REQUEST (see 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
<b>TOTAL NUMBER OF APPLICATIONS</b>	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 <sup>nd</sup> or 3 <sup>rd</sup> submittal, use planning resubmittal form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

**SEE REVERSE SIDE FOR REQUIRED PROJECT DATA**

**DATE:** 05/21/2019

**SUBJECT:** TODD Abatement

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**LOCATION:** 1817 E ALAMEDA DR, TEMPE, AZ 85282

**LEGAL:** LOT 167, BOOK 118, PAGE 26, as recorded with the Maricopa County Assessor

**OWNER:** ALBERTA TODD  
1817 E ALAMEDA DR  
TEMPE, AZ 85282

**FINDINGS:**

In January of 2019, a complaint was received by my office; violations of City Code were observed at the property; a notice was mailed to the property owner.

In February of 2019, I observed progress at the property, but some violations remained; learned home owner was now deceased, home to be cleaned up and/or renovated and/or sold. I spoke with male tenant at property.

In March of 2019, my office received four additional complaints related to the state of the property. I spoke with daughter of owner, who advised that tenants would be evicted; needed to observe legal, reasonable time frame before tenants could be hauled out by police, if needed.

In April of 2019, my office received at least one more complaint related to state of property. Violations still observed at property.

In May of 2019, I sought bids for property abatement. Submitted abatement application for addition to tonight's hearing.

**RECOMMENDATIONS:**

The owner of this property, ALBERTA TODD, is deceased and unknown parties have been conducting work at the property, while some violations still remain. ALBERTA TODD has not had a prior abatement conducted on this property. Due to the failure of the property owner to address this matter, a 180 day open abatement period is being sought for this property. I therefore request the City of Tempe Community Development Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,

MICHAEL GLAB  
Code Inspector  
City of Tempe

ACTION TAKEN: \_\_\_\_\_

NAME \_\_\_\_\_

DATE: \_\_\_\_\_



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 05/21/2019  
Case #: CE190545

**ALBERTA TODD  
1817 E ALAMEDA 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: 1817 E ALAMEDA DR TEMPE, AZ 85282  
Parcel: 133-34-173

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of 07/02/2019. 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	Junk/debris
CC 21-4.a.2.e	Broken window
CC 21-4.a.2.f	Deteriorated garage door

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.1	Please remove any trash, junk, debris, scrap and/or stored items from exterior of property
CC 21-4.a.2.e	Please repair or replace broken, front window
CC 21-4.a.2.f	Please repair or replace broken, missing garage door

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 \$996.00. In addition to the actual cost of abatement, an administrative charge of fifteen(15) percent 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)350-8311.

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**Code Inspector: Michael Glab  
Phone Number: 480-350-5461  
E-mail: Michael\_Glab@tempe.gov**



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

01/30/2019

ALBERTA TODD  
1817 E ALAMEDA DR  
TEMPE, AZ 85282

Case #: CE190545  
Site Address: 1817 E ALAMEDA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/29/2019 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.

<b>Section</b>	<b>Violation</b>
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; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the County Health Officer or this Code or any other ordinance of the City;
CC 21-3.b.16	Any swimming pool areas that are not enclosed by a fence of at least five (5) feet in height and equipped with self-closing, self-latching gate(s), or padlocked at all times. Any openings in the fencing shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance;
CC 21-4.a.2.e	Glazed areas not in sound condition or maintained free of missing, loose, cracked or broken glass;
CC 21-4.a.2.f	Exterior doors, garage doors, door hardware and door frames not maintained in sound condition, or kept free from holes, breaks and cracks; or any exterior door incapable of functioning as intended by its design.
ZDC 3-401.D	Non-permitted accessory structure

<b>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</b>		<b>SITE REINSP ON OR AFTER</b>
CC 21-3.b.1	<b>Please remove stored interior household items from exterior of property, backyard included (ex. Mattresses in backyard landscape, stored items on back patio, etc)</b>	02/13/2019
CC 21-3.b.16	<b>Please drain pool of green water and leave as secured, empty pit; or restore water to clean, clear condition.</b>	02/13/2019
CC 21-4.a.2.e	<b>Please replace broken window(s) on property (ex. Front window next to garage opening)</b>	03/04/2019
CC 21-4.a.2.f	<b>Please repair or replace garage door (ex. Plywood sheets covering opening at this time)</b>	03/04/2019
ZDC 3-401.D	<b>Please remove or relocate the storage container so that it is no longer kept in the front setback of the property.</b>	02/13/2019

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

**Michael Glab**  
Code Inspector

**Direct: 480-350-5461**  
**Code Compliance: 480-350-8372**  
**Email: Michael\_Glab@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 \$75.00 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  
 CORRECTION NOTICE

03/21/2019

ALBERTA TODD  
 1817 E ALAMEDA DR  
 TEMPE, AZ 85282

Case #: CE190545  
 Site Address: 1817 E ALAMEDA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/20/2019 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.1	<b>Please remove stored interior household items from exterior of property, backyard included (ex. Mattresses in backyard landscape, stored items on back patio, etc)</b>	04/04/2019
CC 21-3.b.16	<b>Please drain pool of green water and leave as secured, empty pit; or restore water to clean, clear condition.</b>	04/04/2019
CC 21-4.a.2.e	<b>Please replace broken window(s) on property (ex. Front window next to garage opening)</b>	04/22/2019
CC 21-4.a.2.f	<b>Please repair or replace garage door (ex. Plywood sheets covering opening at this time)</b>	04/22/2019



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

**Michael Glab**  
**Code Inspector**

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HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: MICHEAL GLAB

FIRM: CITY OF TEMPE

DATE: 5/20/19

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE  
UNDER CONTRACT # T18-011-03

ADDRESS: 1817 E ALAMEDA DR

1 REMOVAL OF OVERHEIGHT WEEDS AND DEBRIS	\$420.00
PAINTING OF BAREWOOD WHITE	
2 ESTAMATED DUMP FEES	\$20.00
3 BOARD UP OF FRONT WINDOW AND GARAGE IF REQUIRED	\$280.00
4 SECURITY BY TEMPE POLICE	\$276.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$996.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

May 10, 2019 1:56:11 PM  
Tempe



May 10, 2019 1:56:07 PM  
Tempe



May 10, 2019 1:56:22 PM  
Tempe

