
**CITY OF TEMPE
HEARING OFFICER**

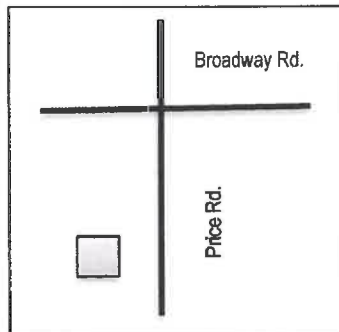
**Meeting Date: 9/03/2019
Agenda Item: 5**

ACTION: Request approval to abate public nuisance items at the Kuhn Property located at 2625 S. River Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$2282.00 for abatement request, remove junk, trash, debris and inoperable vehicles from 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 KUHN 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 CE192710: remove junk, trash, debris and inoperable vehicles from property.



Property Owner: Larry & Dana Kuhn
Applicant: City of Tempe – Code Compliance
Zoning District: R1-4, 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 Kuhn Property located at 2625 S. River Drive, in the R1-4, Single Family Residential district. This case was initiated 04/16/2019, 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 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	KUHN ABATEMENT	EXISTING ZONING	R1-4 <input type="checkbox"/>
PROJECT ADDRESS	2625 S RIVER DR TEMPE AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	SANTO TOMAS UNIT 6 PER MCR 170-45 ABATEMENT OF CE192710 SEPTEMBER 03, 2019	PARCEL NO(S)	133-34-812 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
BUSINESS NAME	ADDRESS		
CONTACT NAME	CITY	STATE	ZIP
EMAIL	PHONE 1	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 / CODE COMPLIANCE	ADDRESS	21 E 6TH ST SUITE 208
CONTACT NAME	MICHAEL GLAB / CODE INSPECTOR	CITY	TEMPE
EMAIL	michael_glab@tempe.gov	STATE	AZ
		ZIP	85282-3681
		PHONE 1	(480) 350-5461
		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
<i>Michael J. Glab</i>		

BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME	ADDRESS		
CONTACT NAME	CITY	STATE	ZIP
TYPE OF BUSINESS	PHONE	EMAIL	

<input checked="" type="checkbox"/>	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

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 2nd or 3rd submittal, use planning resubmittal form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: 08/02/2019

SUBJECT: KUHN Abatement

LOCATION: 2625 S RIVER DR, TEMPE, AZ 85282

LEGAL: LOT 203, BOOK 170, PAGE 45, as recorded with the Maricopa County Assessor

OWNER: LARRY & DANA KUHN
2625 S RIVER DR
TEMPE, AZ 85282

FINDINGS:

In April of 2019, my office received a complaint, violations of Code were observed at the property, spoke with resident in front of property discussing violations and compliance

In May of 2019, exchanged voicemails with resident. Resident requested extension, which was granted. Upon expiration of the discussed extension date, observed violations remained, two notices were mailed to owner.

In June of 2019, violations remained at property and a notice was posted to the structure as a result.

In July of 2019, progress was observed in attempting compliance, but incomplete. A follow up inspection documented progress ceased at property, resulting in need to abate.

In August of 2019, abatement hearing requested to seek approval for junk/debris and inoperable vehicle abatement.

RECOMMENDATIONS:

The owner(s) of this property, LARRY & DANA KUHN, has made some attempt to bring the property into compliance, but is still incomplete. LARRY & DANA KUHN have not had a prior abatement conducted on this property. Due to the failure of the property owner(s) 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: _____

Submit
[Signature]
8 2 19



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 08/01/2019
Case #: CE192710

LARRY & DANA KUHN
2625 S RIVER 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: 2625 S RIVER DR TEMPE, AZ 85282
Parcel: 13334812

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda to be held on 09/03/2019 at 5pm, at the Tempe History Museum, located at 809 E. Southern Ave., Tempe. 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 21-3.b.3 Inoperable vehicles

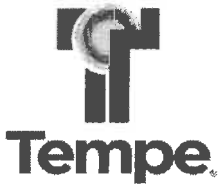
If the violations have not been corrected within thirty (30) days, our office will proceed with the abatement process. As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below:

- CC 21-3.b.1 Please remove junk, trash, debris and/or stored items, from exterior of property (e.g. carport, interior of fence line, etc.). Please place items inside the residence, a shed or off-site storage.**
- CC 21-3.b.3 Please return inoperable vehicles to operable state, OR relocate inoperable vehicle(s) to location compliant with all applicable Tempe City Codes and Arizona Revised Statutes**

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 \$2,282.00. 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)350-4311.

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



COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
 CORRECTION NOTICE

06/03/2019

LARRY & DANA KUHN
 2621 S RIVER DR
 TEMPE, AZ 85282

Case #: CE192710
 Site Address: 2625 S RIVER DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/30/2019 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.

Section	Violation
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.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or 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;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove trash, litter, debris and/or stored items from property (e.g. carport storage, backyard storage around pool, etc.	06/17/2019
CC 21-3.b.8	Please remove over height grass/weeds from property; remove dead plants, dead branches of tree (e.g. near north side of pool, etc.)	06/17/2019

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
 POST TO STRUCTURE

06/28/2019

LARRY & DANA KUHN
 2621 S RIVER DR
 TEMPE, AZ 85282

Case #: CE192710
 Site Address: 2625 S RIVER DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 06/28/2019 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.

Section	Violation
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.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or 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;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove trash, litter, debris and/or stored items from property (e.g. carport storage, backyard storage around pool, etc.	07/05/2019
CC 21-3.b.8	Please remove over height grass/weeds from property; remove dead plants, dead branches of tree (e.g. near north side of pool, etc.)	07/05/2019
Additionally, if any of the vehicles located in the carport have deflated tires, or obvious signs of inoperability, please inflate/replace tires, complete repairs and/or relocate vehicles from property.		

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

08/01/2019

LARRY & DANA KUHN
2621 S RIVER DR
TEMPE, AZ 85282

Case #: CE192710
Site Address: 2625 S RIVER DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 08/01/2019 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.

Section	Violation
CC 21-3.b.1	<p>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;</p>
CC 21-3.b.3	<p>Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:</p> <ul style="list-style-type: none"> a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building; b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period; c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the City Code; d. Lawful commercial activities involving vehicles as allowed by the Zoning and Development Code; or e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the City Code;

**SITE REINSP
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.1	Please remove trash, litter, debris and/or stored items from property (e.g. carport storage, backyard storage around pool, etc.	08/15/2019
CC 21-3.b.3	Please repair inoperable vehicle(s) [e.g. flat tires, on jack stands, missing major parts required for operability, etc.] OR, relocate vehicle(s) to location compliant with all applicable requirements of Tempe City Code and/or Arizona Revised Statutes	08/15/2019

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.

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: 7/1/19

PROPOSAL

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

ADDRESS: 2625 S RIVER DR

1 REMOVAL OF STORED ITEMS FROM CARPORT AND BACK PATIO, LANDSCAPE YARDS	\$1,200.00
2 ESTAMATED DUMP FEES	\$125.00
3 SECURITY BY TEMPE PD	\$552.00
4 REMOVAL OF 3 INOPERABLE VEHICLES	\$405.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	\$2,282.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



Jul 19, 2019 12:17:26 PM

Tempe