
**CITY OF TEMPE
HEARING OFFICER**

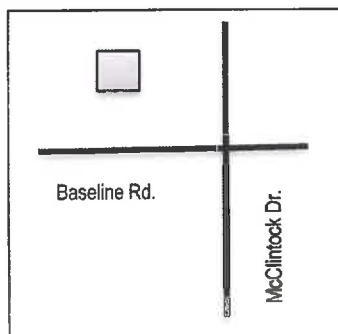
**Meeting Date: 11/05/2019
Agenda Item: 3**

ACTION: Request approval to abate public nuisance items at the Parchinski Property located at 1330 E. Fremont Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1477.00 for abatement request, landscape cleanup in front and side and back yards, remove junk and debris from the front and back yards, drain pool, repair two gates along the alley.

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 PARCHINSKI 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 CE193879: landscape cleanup in front and side and back yards, remove junk and debris from the front and back yards, drain pool, repair two gates along the alley.



Property Owner: Michelle B. Parchinski
Applicant: City of Tempe – Code Compliance
Zoning District: R1-6, Single Family Residential
Code Compliance Inspector: Brandy Zedlar, 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 Parchinski Property located at 1330 E. Fremont Drive, in the R1-6, Single Family Residential district. This case was initiated 05/29/2019, 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	Parchinski Abatement -- CE193879	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1330 E. Fremont Dr., Tempe, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Hearing Date: 11/5/19 Abatement to include: Landscape clean-up in the front, side, and back yard, junk/debris removal in the front and back yard, drain swimming pool, repair two gates along the alley.	PARCEL No(s)	133-39-150 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
BUSINESS NAME	Michelle Parchinski	ADDRESS	1330 E. Fremont Dr.
CONTACT NAME		CITY	Tempe
		STATE	AZ
		ZIP	85282
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	
CONTACT NAME	Brandy Zedlar	CITY	
		STATE	
		ZIP	
EMAIL		PHONE 1	(480) 350-8623
		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 <i>Brandy Zedlar</i>	DATE	9/5/19
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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	1		CE	CM
TOTAL NUMBER OF APPLICATIONS	1			

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: 9/05/19
TO: Jeff Tamulevich, Code Administrator
FROM: Brandy Zedlar
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE193879

LOCATION: 1330 E. Fremont Dr., Tempe, AZ 85282
LEGAL: Parcel #133-39-150 as recorded with the Maricopa County Assessor
OWNER: MICHELLE PARCHINSKI
1330 E FREMONT DR
TEMPE, AZ 85282

FINDINGS:

5/29/19 – The Code Compliance Division received a complaint on the above property concerning a deteriorated swimming pool.

6/05/19 - The property was inspected and found to have weeds/grass growing within the gravel landscape in the front and side yard. The pool had been drained but still had green water at the bottom and both alley gates were deteriorated and unable to close and secure. First notice to comply was mailed to Ms. Parchinski.

6/25/19 – The property was inspected with no changes being made. The final correction notice was mailed to Ms. Parchinski.

07/16/19 – I received a phone call from Ms. Parchinski requesting an extension due to health issues. Ms. Parchinski was granted an extension giving her until 8/19/19 to bring her property into compliance.

8/22/19 – The property was inspected with no changes being made. Ms. Parchinski now has a large amount of junk/debris in the front patio area. Mailed a revised final notice to include the junk/debris on the front patio and in back yard area.

8/30/19 – A bid request was emailed to Hammann Enterprises to complete the property clean-up. Bid came in at \$1,477.00

09/05/19 – The property was inspected with no improvements made to the landscape. Code Compliance filed for an Abatement Hearing.

RECOMMENDATIONS:

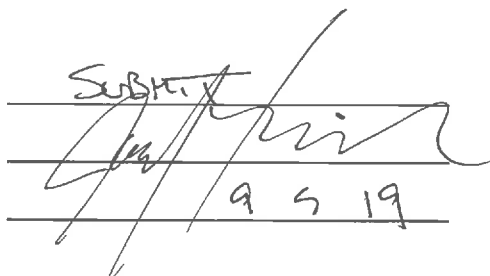
I recommend the approval for abatement at 1330 E. Fremont Dr., which is owned by Ms. Michelle Parchinski. Ms. Parchinski has been given ample time and opportunities to bring her property into compliance and has failed to take any corrective action. Since Ms. Parchinski is unable to maintain her property, I am requesting approval for continuous abatements in the next 180 days if deemed necessary. There has been no indication from Ms. Parchinski that she plans to correct and maintain her property.

Respectfully submitted,
Brandy Zedlar

ACTION TAKEN:

NAME:

DATE:

SUBMITTED

9 5 19

HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: BRANDY ZEDLAR

FIRM: CITY OF TEMPE

DATE: 8/21/19

PROPOSAL

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

ADDRESS: 1330 E FREMONT DR

1 LANDSCAPE FRONT AND SIDE YARDS	\$850.00
DRAIN WATER FROM POOL FIX GATES IN ALLEY	.
2 REMOVAL TRASH AND DEBRIS FROM FRONT PATIO AND BACK YARD	\$0.00
3 ESTAMATED DUMP FEES	\$75.00
4 SECURITY BY TEMPE POLICE	\$552.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$1,477.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-4311

Code Compliance Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: September 5, 2019

TO: MICHELLE PARCHINSKI
1330 E FREMONT 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:

LEGAL: Parcel #133-39-150, as recorded with the Maricopa County Assessor.

LOCATION 1330 E. Fremont Dr., Tempe, AZ 85282

This office will submit this complaint to the Abatement Hearing Officer to be placed on the Hearing Officer agenda of **November 5, 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: Those items constituting a violation of TCC 21-3-b-8, TCC 21-3-b-1, TCC 21-3-b-16, 21-3-b-15 which would include the following: landscape clean-up in the front, side, and back yard areas, junk/debris removal in the front patio and back yard, drain the pool, repair both gates along the alley side of the property.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. 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 \$ **1,477.00** 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 for 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 Enforcement Officer: Brandy Zedlar

Phone Number 480-350-8623

133-39-150 Residential Parcel

This is a residential parcel located at [1330 E FREMONT DR TEMPE 85282](#), and the current owner is PARCHINSKI MICHELLE B. It is located in the Tempe Gardens 8 Lot 739- 861 subdivision and MCR 12425. It was last sold on 11/01/1997 for \$120,500. Its current year full cash value is \$243,700.

Property Information

1330 E FREMONT DR TEMPE 85282

MCR #	12425
Description:	TEMPE GARDENS UNIT EIGHT
Lat/Long	33.38195047 -111.91624234
Lot Size	7,457 sq ft.
Zoning	R1-6
Lot #	822
High School District	TEMPE UNION #213
Elementary School District	TEMPE ELEMENTARY SCHOOL DISTRICT
Local Jurisdiction	TEMPE
S/T/R	35 1N 4E
Market Area/Neighborhood	02/004
Subdivision (125 Parcels)	TEMPE GARDENS 8 LOT 739- 861

Owner Information

PARCHINSKI MICHELLE B

Mailing Address	1330 E FREMONT DR, TEMPE, AZ 85282
Deed Number	970903524
Last Deed Date	12/24/1997
Sale Date	Nov, 1997
Sale Price	\$120,500



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FIRST CORRECTION NOTICE**

6-05-2019

**MICHELLE PARCHINSKI
1330 E FREMONT DR
TEMPE, AZ 85282**

Case#: CE193879
Site Address: 1330 E FREMONT DR

SITE REINSPECTION ON OR AFTER: 6/21/19

This is a notice to inform you that this site was inspected on **6/04/19** 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.

VIOLATION SECTION:

Violation of the Tempe City Code, Chapter 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;

Violation of the Tempe City Code, Chapter 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.

Violation of the Tempe City Code, Chapter 21-3-b-15

Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or slum-like appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- 1. Remove the remaining green water from the swimming pool.**
- 2. Completely remove the weeds/grass growing within the gravel landscape in the front and side yard.**
- 3. Replace the missing or broken wood slats on the alley wood gate and keep locked at all times.**
- 4. Secure the alley RV gate and keep locked at all times.**

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

**Brandy Zedlar
Code Inspector II
email**

**Direct: 480-350-8623
Code Compliance: 480-350-8372
brandy_zedlar@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).



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE**

6-25-2019

**MICHELLE PARCHINSKI
1330 E FREMONT DR
TEMPE, AZ 85282**

Case#: CE193879
Site Address: 1330 E FREMONT DR

SITE REINSPECTION ON OR AFTER: 7/10/19

This is a notice to inform you that this site was inspected on **6/24/19** 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.

VIOLATION SECTION:

Violation of the Tempe City Code, Chapter 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;

Violation of the Tempe City Code, Chapter 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.

Violation of the Tempe City Code, Chapter 21-3-b-15

Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or slum-like appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

1. Remove the remaining green water from the swimming pool.
2. Completely remove the weeds/grass growing within the gravel landscape in the front and side yard.
3. Replace the missing or broken wood slats on the alley wood gate and keep locked at all times.
4. Secure the alley RV gate and keep locked at all times.

*****If the above required corrections are not satisfied by 7/10/19, a \$800 citation will be issued.**

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

**Brandy Zedlar
Code Inspector II
email**

**Direct: 480-350-8623
Code Compliance: 480-350-8372
brandy_zedlar@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).



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
REVISED FINAL CORRECTION NOTICE**

8-22-2019

**MICHELLE PARCHINSKI
1330 E FREMONT DR
TEMPE, AZ 85282**

Case#: CE193879
Site Address: 1330 E FREMONT DR

SITE REINSPECTION ON OR AFTER: 9/09/19

This is a notice to inform you that this site was inspected on **8/22/19** 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.

VIOLATION SECTION:

Violation of the Tempe City Code, Chapter 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;

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Violation of the Tempe City Code, Chapter 21-3-b-15

Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or slum-like appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof;

Violation of the Tempe City Code, Chapter 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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

1. Remove the remaining green water from the swimming pool.
2. Completely remove the weeds/grass growing within the gravel landscape in the front and side yard.
3. Replace the missing or broken wood slats on the alley wood gate and keep locked at all times.
4. Secure the alley RV gate and keep locked at all times.
5. Remove all junk, furniture, trash, household and miscellaneous items from the front patio and back yard areas.

*****If the above required corrections are not satisfied by 7/10/19, a \$1,000 citation will be issued.**



08/29/2019



08/29/2019



08/29/2019



08/29/2019



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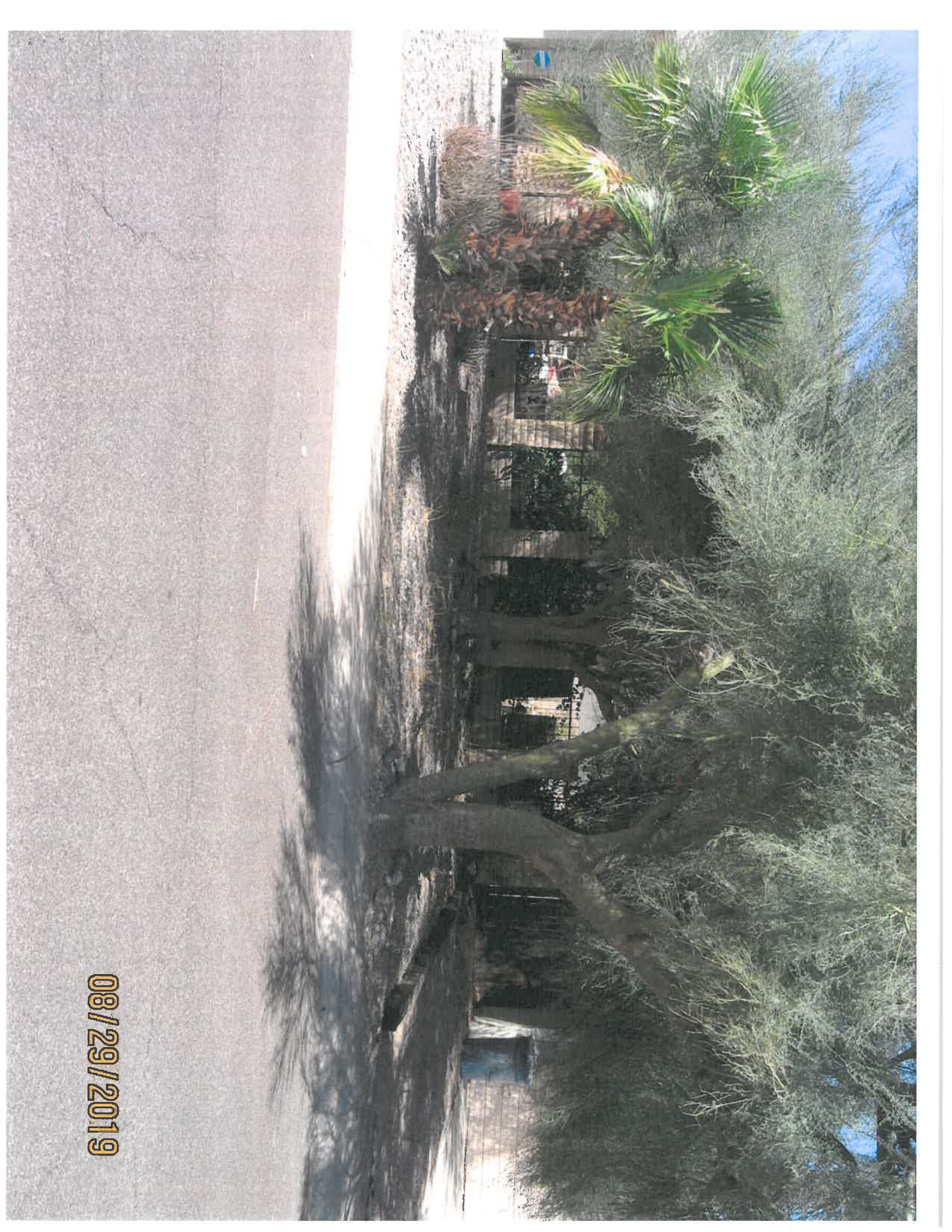
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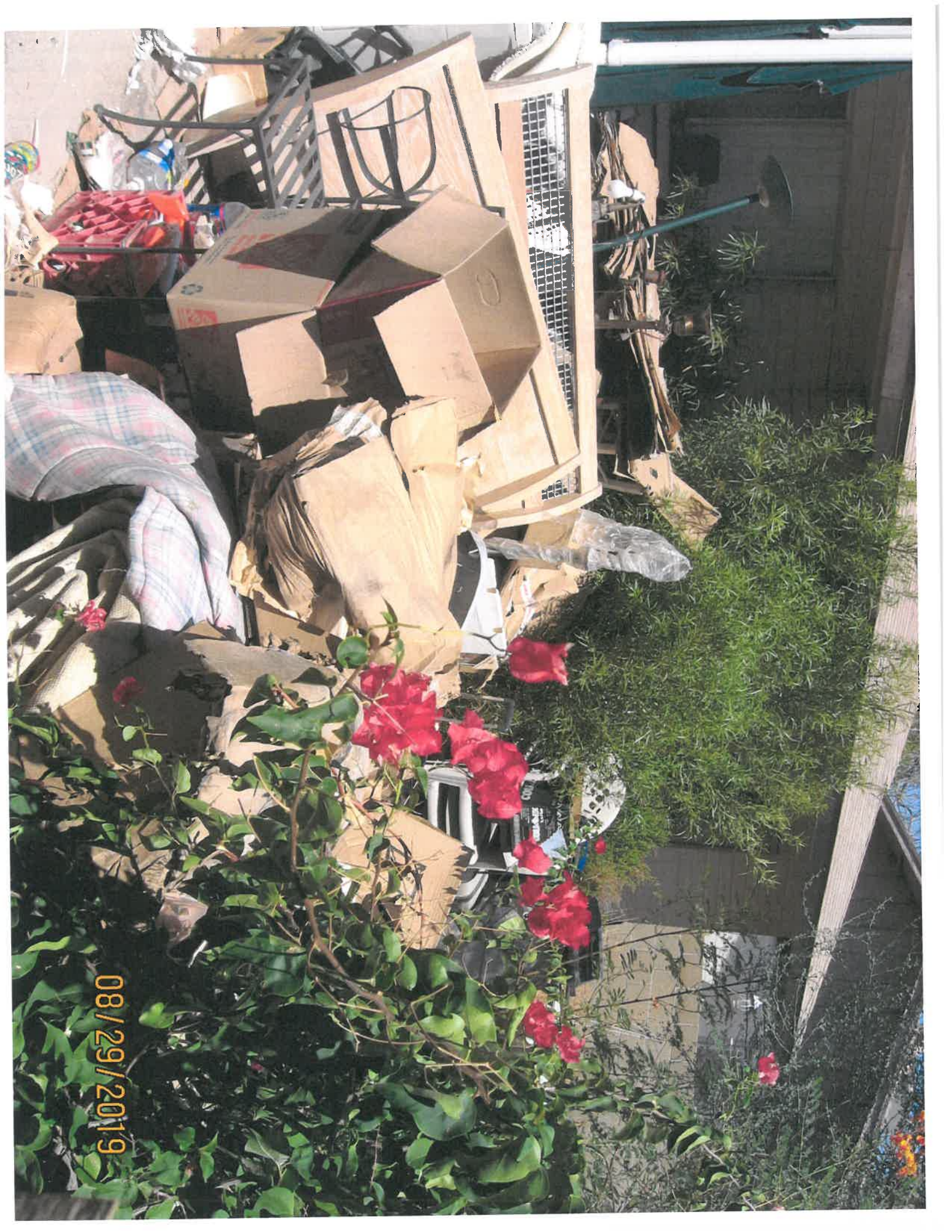
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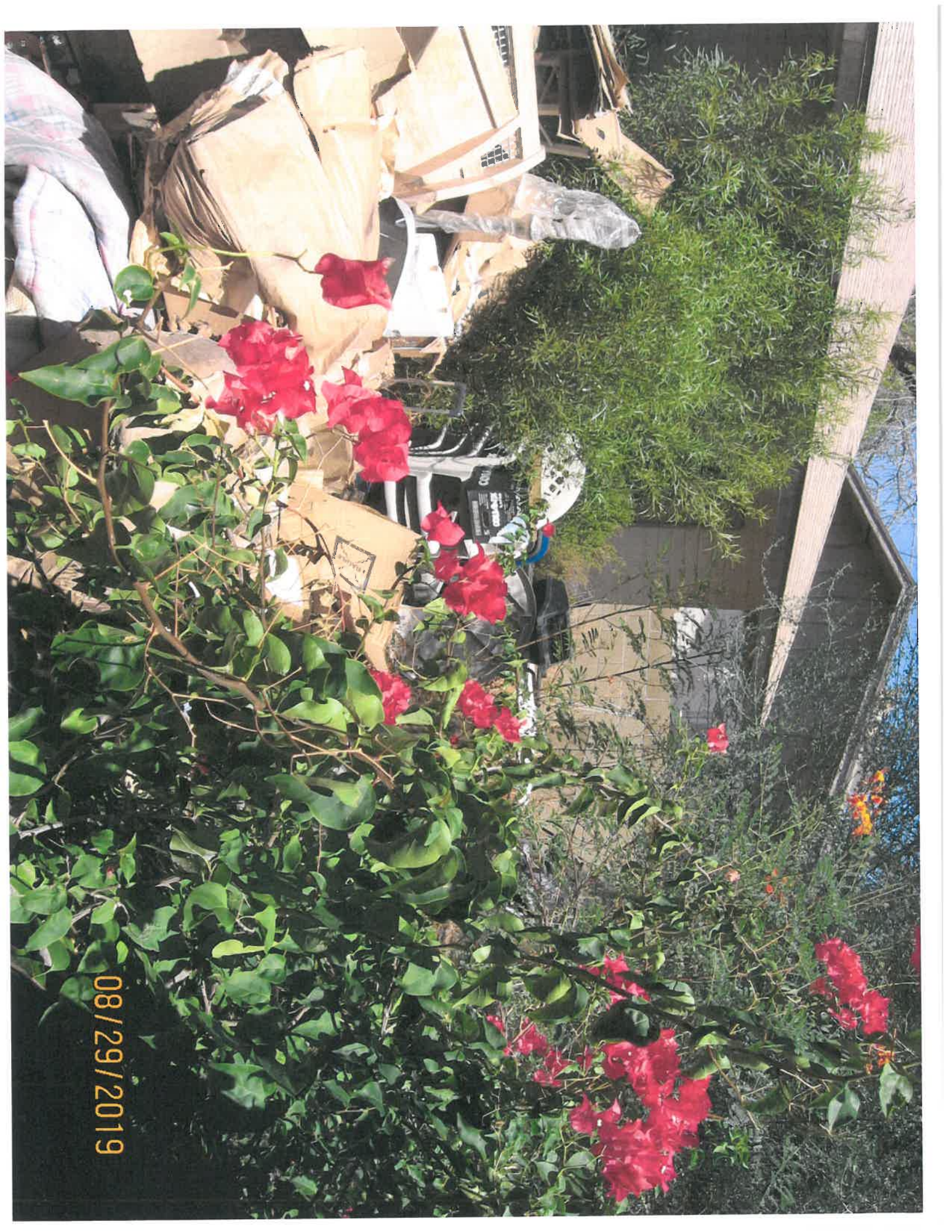
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