
**CITY OF TEMPE
HEARING OFFICER**

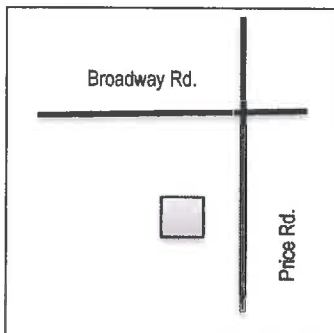
**Meeting Date: 03/17/2020
Agenda Item: 2**

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: \$2102.00 for abatement request: Remove junk & debris from backyard landscape, remove grass & weeds from all gravel landscape areas, return pool to clean & clear condition.

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 CE197587: Remove junk & debris from backyard landscape, remove grass & weeds from all gravel landscape areas, return pool to clean & clear condition.



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 12/03/2019, 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	KUHNS ABATEMENT			EXISTING ZONING	R1-4 <input type="checkbox"/>
PROJECT ADDRESS	2625 S RIVER DR., TEMPE, AZ 85282			SUITE	<input type="checkbox"/>
PROJECT DESCRIPTION	SANTO TOMAS UNIT 6 PER MCR 170-45 ABATEMENT OF CE197587 MARCH 17, 2020			PARCEL NO	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>I hereby authorize the applicant below to process this application with the City of Tempe.</i>					
PROPERTY OWNER SIGNATURE: X				DATE	
or attach written statement authorizing the applicant to file the application(s)					
APPLICANT INFORMATION - REQUIRED					
COMPANY / FIRM NAME	ADDRESS		21 E 6TH ST SUITE 208		
CONTACT NAME	CITY		STATE	ZIP	
EMAIL	PHONE 1		PHONE 2		
<i>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.</i>					
APPLICANT SIGNATURE: X <i>Michael Glab</i>				DATE 2/7/2020	
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 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			SDO	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: 02/07/2020

SUBJECT: KUHN Abatement

LOCATION: 2625 S RIVER DR, TEMPE, AZ 85282

LEGAL: LOT 203, BOOK 170, PAGE 045, as recorded with the Maricopa County Assessor

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

FINDINGS:

In December of 2019, violations of City Code were observed at the property. Two notices were mailed to the property owner requesting compliance

In January of 2020, Mr. Kuhn contacted my office and requested an extension. An extension was granted. A notice was then posted to the structure. Violations remained after the extension date expired. Abatement process sought to resolve the violations.

RECOMMENDATIONS:

The owner(s) of this property, LARRY & DANA KUHN, have made little to no attempt to bring the property into compliance. LARRY & DANA KUHN has had at least one 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]
2 7 20



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 02/07/2020

Case #: CE197587

CE 197587

**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: 133-34-812

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 03/17/2020 at 5pm, at the City of Tempe Council Chambers, located at 31 E. 5th Street, 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.8	Deteriorated landscape
CC 21-3.b.16	Green pool

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 the junk/debris from the exterior of the property (e.g. items stored around pool area in backyard landscape, etc.)**
- CC 21-3.b.8 Please remove the grass/weeds from the gravel portions of the front and/or side yard landscape, as well as the backyard area**
- CC 21-3.b.16 Please return pool water to a clean, clear condition, OR, drain pool and leave as empty pit**

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 \$2,102.00. 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

12/03/2019

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

Case #: CE197587
 Site Address: 2625 S RIVER DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 12/03/2019 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.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 21-3.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 junk, debris, trash and/or stored items from the backyard, exterior of the property (e.g. damaged pool cover, compressed gas tanks, appliances, etc.)	12/17/2019
CC 21-3.b.16	Please restore backyard pool water to a clean, clear condition, OR, drain pool and leave as empty, dry pit.	12/17/2019
CC 21-3.b.8	Please remove excessive, dead palm fronds from the palm tree(s) on the property, as well as excessive growth on the Mesquite tree(s).	01/06/2020

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

12/03/2019

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

Case #: CE197587
 Site Address: 2625 S RIVER DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 12/03/2019 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.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;

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CC 21-3.b.16	Please restore backyard pool water to a clean, clear condition, OR, drain pool and leave as empty, dry pit.	12/17/2019
CC 21-3.b.8	Please remove excessive, dead palm fronds from the palm tree(s) on the property, as well as excessive growth on the Mesquite tree(s).	01/06/2020

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

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COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
 CORRECTION NOTICE

12/18/2019

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

Case #: CE197587
 Site Address: 2625 S RIVER DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 12/18/2019 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.16	Please restore backyard pool water to a clean, clear condition, OR, drain pool and leave as empty, dry pit	01/06/2020
CC 21-3.b.8	Please remove excessive, dead palm fronds from the palm tree(s) on the property, as well as excessive growth on the Mesquite tree(s), as well as any grass/weeds located to the front of the property	01/06/2020

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

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COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
 CORRECTION NOTICE

12/18/2019

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

Case #: CE197587
 Site Address: 2625 S RIVER DR, TEMPE, AZ 85282

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Michael Glab
Code Inspector

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Civil and Criminal Penalties

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COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
 POST TO STRUCTURE

01/08/2020

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

Case #: CE197587
 Site Address: 2625 S RIVER DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/08/2020 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	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 21-3.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 junk, debris, trash and/or stored items from the backyard, exterior of the property (e.g. damaged pool cover, compressed gas tanks, appliances, etc.)	01/27/2020
CC 21-3.b.16	Please restore backyard pool water to a clean, clear condition, OR, drain pool and leave as empty, dry pit	01/27/2020
CC 21-3.b.8	Please remove excessive, dead palm fronds from the palm tree(s) on the property, as well as excessive growth on the Mesquite tree(s), as well as any grass/weeds located to the front of the property	01/27/2020

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: 2/3/20

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 BACK YARD AND DRAIN POOL, LANDSCAPE FRONT YARD	\$800.00
2 ESTAMATED DUMP FEES	\$150.00
3 SECURITY BY TEMPE PD	\$552.00
4 TRIM PALM TREES 3RD PARTY	\$600.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<u>\$2,102.00</u>

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

Jan 28, 2020 1:30:03 PM

Tempe



Jan 28, 2020 1:29:27 PM
Tempe

