

---

**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 06/02/2020  
Agenda Item: 6**

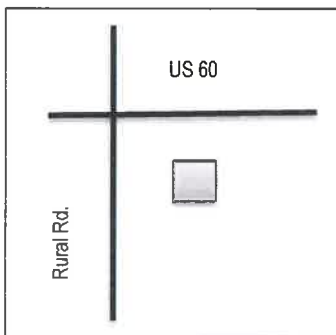
---

**ACTION:** Request approval to abate public nuisance items at the Mowahed-Ardbillie Property located at 1510 E. Frost Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$450.00 for abatement request: Remove of junk, trash and boxes from front porch area.

**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 MOWAHED-ARDBILLIE 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 CE200324: Remove of junk, trash and boxes from front porch area.



Property Owner: Linda Mowahed-Ardbillie  
Applicant: City of Tempe – Code Compliance  
Zoning District: R1-6, Single Family Residential  
Code Compliance Inspector: Barbara Simons, 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 Mowahed-Ardbillie Property located at 1510 E. Frost Drive, in the R1-6, Single Family Residential district. This case was initiated 01/15/20, 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	MOWAHED-ARDBILLIE ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1510 E FROST DR	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE 200324 HEARING IS JUNE 02, 2020	PARCEL No(s)	133-38-131 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
BUSINESS NAME		ADDRESS	1015 E FROST DR
CONTACT NAME	LINDA MOWAHED-ARDBILLIE	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	ADDRESS	21 E 6TH ST
CONTACT NAME	BARBARA SIMONS	CITY	TEMPE STATE AZ ZIP 85281
EMAIL	BARBARA_SIMONS@TEMPE.GOV	PHONE 1	480-350-5460 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	4/22/20
---------------------	---	------	---------

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			CE	CM
TOTAL NUMBER OF APPLICATIONS	0			

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 <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:** 04/28/20  
**TO:** Jeff Tamulevich, Code Compliance Administrator  
**FROM:** Barbara Simons  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE200324

---

**LOCATION:** 1015 E. Frost Dr., Tempe, AZ 85282  
**LEGAL:** Parcel #133-38-131, as recorded with the Maricopa County Assessor  
**OWNER:** LINDA MOWAHED-ARDBILLIE  
1015 E FROST DRIVE  
TEMPE, AZ 85282

**FINDINGS:**

1/15/20 - Case was opened proactively for junk/trash/debris, with numerous boxes piled up on the front porch. Notice to comply was mailed to Linda Mowahed-Ardbillie with a re-inspection date of 1/31/20.

01/31/20 – The property was inspected and the pile of boxes had increased. Final notice was sent with a re-inspection date of 2/18/20.

02/18/20 – The property was inspected and found no change to its condition.

02/19/20 – Posted notice to property asking owner to contact me or receive citation.

02/20/20 – Received voice message from owner asking for several more days to clear up violation. Tried calling her but her voice mailbox was full.

03/25/20 – The property was inspected and found no change to its condition; citation #1619547 issued.

04/28/20 – The property was inspected with no change to its condition. Code Compliance filed for an Abatement Hearing.

**RECOMMENDATIONS:**

I recommend the approval of a 180-day open abatement period for removal of junk, trash and debris from 1015 E. Frost Drive, which is owned by Linda Mowahed-Ardbillie. The owner has been given ample time and opportunities to bring the property into compliance and has failed to take corrective action.

Respectfully submitted,  
Barbara Simons

ACTION TAKEN: Submit

NAME: Ch. Simons

DATE: 4/22/20



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 04/28/2020  
Case #: CE200324

**MOWAHED-ARDBILLIE LINDA  
1015 E FROST 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: 1015 E FROST DR TEMPE, AZ 85282  
Parcel: 133-38-131

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of June 02, 2020, located at the Tempe Council Chambers, 31 E 5th Street, at 5pm. 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                      Filthy, littered, debris or trash-covered exterior areas

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, boxes, etc. stored on the front porch.

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 \$450<sup>00</sup>. 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: Barbara Simons**  
**Phone Number: 480-350-5460**  
**E-mail: [Barbara\\_Simons@tempe.gov](mailto:Barbara_Simons@tempe.gov)**



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE

01/15/2020

MOWAHED-ARDBILLIE LINDA  
1015 E FROST DR  
TEMPE, AZ 85282

Case #: CE200324  
Site Address: 1015 E FROST DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/15/2020 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.

Section	Violation	
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas	
<b>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</b>		<b>SITE REINSP ON OR AFTER</b>
CC 21-3.b.1	Please remove the junk, boxes, etc. stored on the front porch.	01/31/2020

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

**Barbara Simons**  
Code Inspector

**Direct: 480-350-5460**  
**Code Compliance: 480-350-8372**  
**Email: Barbara\_Simons@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  
**FINAL CORRECTION NOTICE**

01/31/2020

MOWAHED-ARDBILLIE LINDA  
1015 E FROST DR  
TEMPE, AZ 85282

Case #: CE200324  
Site Address: 1015 E FROST DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/31/2020 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.

Section	Violation	
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas	
<b>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</b>		<b>SITE REINSP ON OR AFTER</b>
CC 21-3.b.1	Please remove the junk, boxes, etc. stored on the front porch.	02/18/2020

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

**Barbara Simons**  
Code Inspector

**Direct: 480-350-5460**  
**Code Compliance: 480-350-8372**  
**Email: Barbara\_Simons@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.









# Arizona Traffic Ticket and Complaint

City of Tempe  
Maricopa County  
State of Arizona



Complaint Number <b>1619547</b>		Case Number		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident		<input type="checkbox"/> Fatality		<input type="checkbox"/> Commercial									
Driver's License No.		DLP <input type="checkbox"/>		State		Class		Endorsements M H N P T X D				Incident Report Number <b>CE 200324</b>											
Defendant Name (First, Middle, Last) <b>LINDA MOWAHED - ARDBILLIE</b>												Juvenile											
Residence Address, City, State, Zip Code <b>1015 E. FROST DR. TEMPE AZ 85282</b>												Residence Phone No. ( )											
Sex		Height		Weight		Eyes		Hair		Origin		Date of Birth		Restrictions									
Business Address, City, State, Zip Code												Business Phone No. ( )											
Vehicle		Color		Year		Make		Model		Style		License Plate		State		Expiration Date							
Registered owner & address, City, State, Zip Code												Vehicle Identification Number											
The Undersigned Certifies That:																							
On		Month <b>03</b>		Day <b>24</b>		Year <b>2020</b>		Time <b>3:00</b>		<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM		Speed		Approx.		Posted		R & P		Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace		Direction of Travel	
At		Location <b>1015 E. FROST DR.</b>												<input checked="" type="checkbox"/> Tempe		Area		Dist.					
The Defendant Committed the Following:																							
<b>A</b>		Section:		<b>213 b 1</b>		ARS Violation: <b>CC JUNK &amp; DEBRIS</b>		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal		<input type="checkbox"/> Criminal Traffic											
		Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic		<input type="checkbox"/> Petty Offense									
<b>B</b>		Section:				ARS Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal		<input type="checkbox"/> Criminal Traffic											
		Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic		<input type="checkbox"/> Petty Offense									
<b>C</b>		Section:				ARS Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal		<input type="checkbox"/> Criminal Traffic											
		Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic		<input type="checkbox"/> Petty Offense									
<b>D</b>		Section:				ARS Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal		<input type="checkbox"/> Criminal Traffic											
		Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic		<input type="checkbox"/> Petty Offense									
<b>E</b>		Section:				ARS Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal		<input type="checkbox"/> Criminal Traffic											
		Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic		<input type="checkbox"/> Petty Offense									
<b>You must appear on the date and time indicated at:</b>		Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753				<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor		Date: <b>04/09/2020</b>		Time: Between 9AM & 4PM													
		<input type="checkbox"/> Court:				<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor		Date: _____		Time: _____		<input type="checkbox"/> AM <input type="checkbox"/> PM		Court No.									
Court Address, City, State, Zip Code																							
Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.								Victim? <input type="checkbox"/>				Victim Notified? <input type="checkbox"/>											
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.								I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.															
<b>X MAILED &amp; POSTED TO PROPERTY</b>								<b>COMPLIANCE</b>				<b>8012</b>											
Comments: Juvenile Notification: Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials _____								<b>1ST VIOLATION - \$200.00 FINE</b>															
Date issued if not violation date _____																							

COMPLAINT

If the defendant fails to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount.



1619547

HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

[hamannenterprises@yahoo.com](mailto:hamannenterprises@yahoo.com)

THE FOLLOWING DOCUMENT IS FOR:

NAME: BRANDY ZEDLAR

FIRM: CITY OF TEMPE

DATE: 4/22/20

PROPOSAL

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

ADDRESS: 1015 E FROST DR

1	REMOVAL OF BOXES FROM FRONT PORCH /YARD	\$420.00
2	ESTAMATED DUMP FEES	\$30.00
3		\$0.00
4		\$0.00
5		\$0.00
6		\$0.00
TOTAL COST OF JOB		<hr/> \$450.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN