

**CITY OF TEMPE
HEARING OFFICER**

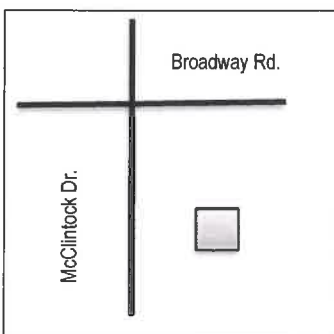
Meeting Date: 07/21/2020
Agenda Item: 2

ACTION: Request approval to abate public nuisance items at the Edward Allen Property located at 1926 E. Loma Vista Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$750.00 for abatement request: Landscape cleanup, restore pool to clean and 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 EDWARD ALLEN 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 CE202324: Landscape cleanup, restore pool to clean and clear condition.



Property Owner	Edward Allen
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 Edward Allen Property located at 1926 E. Loma Vista Drive, in the R1-6, Single Family Residential district. This case was initiated 04/14/20, 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 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	EDWARD ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1926 E LOMA VISTA DR., TEMPE, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ALAMEDA MEADOWS 2 ABATEMENT OF CE202324 JULY 21, 2020	PARCEL NO(S)	133-34-114 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
BUSINESS NAME	ADDRESS	CITY	STATE ZIP
CONTACT NAME	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 STATE AZ ZIP 85281-3681
EMAIL	michael_glab@tempe.gov	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 *Michael A. Glab* DATE 6/17/2020

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



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 06/17/2020
Case #: CE202324

**EDWARD ALLEN
1926 E LOMA VISTA 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: 1926 E LOMA VISTA DR., TEMPE, AZ 85282
Parcel: 133-34-114

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 07/21/2020 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.16 Green pool
CC 21-3.b.8 Deteriorated landscape

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.16 Please restore the backyard pool water to a clean, clear condition, OR, drain the pool and leave as empty, dry pit, with the same fencing requirements as a pool
CC 21-3.b.8 Please remove the over height grass/weeds from the property (e.g. both front and backyards, etc.)

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 \$750.00. 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

04/14/2020

EDWARD ALLEN
 1926 E LOMA VISTA DR
 TEMPE, AZ 85282

Case #: CE202324
 Site Address: 1926 E LOMA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 04/14/2020 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.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;
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;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove the grass/weeds from the gravel portions of the front and/or side yard landscape (e.g. the west side of the driveway, etc.). Please remove the over height grass/weeds from the backyard landscape	05/05/2020
CC 21-3.b.16	Please restore the backyard pool water to a clear, clean condition, OR, drain and leave the pool as an empty, secured pit	05/05/2020

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
 POST TO STRUCTURE

05/12/2020

EDWARD ALLEN
 1926 E LOMA VISTA DR
 TEMPE, AZ 85282

Case #: CE202324
 Site Address: 1926 E LOMA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/11/2020 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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Michael Glab
 Code Inspector

Direct: 480-350-5461
Code Compliance: 480-350-8372
Email: Michael_Glab@tempe.gov

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May 27, 2020 9:19:49 AM
Tempe

