

### CITY OF TEMPE HEARING OFFICER

Meeting Date: 09/01/2020

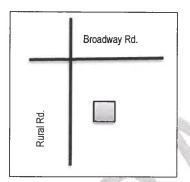
Agenda Item: 2

**ACTION:** Request approval to abate public nuisance items at the Wojciechowski Property located at 1034 E. Loma Vista Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$486.00 for abatement request: Landscape cleanup.

**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 WOJCIECHOWSKI 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 CE197783: Landscape cleanup.



Property Owner Thomas & Patricia Wojcieshowski
Applicant City of Tempe – Code Compliance
Zoning District: R1-6 SingleFamily 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 Wojciechowski Property located at 1034 E. Loma Vista Drive, in the R1-6, Single Family Residential district. This case was initiated 02/06/20, 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.

# 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
<a href="http://www.tempe.gov/planning">http://www.tempe.gov/planning</a>



All applications must be accompanied by the required plans, submittal materials, and correct fee(s)

	PROJECT NAME	WOJCIECHOWSKI ABATI	EMENT	PROJECT	INFORMA	ION - REQUIRED	EXISTING ZONING	R1-6		
	PROJECT ADDRESS	1034 E LOMA VISTA DR.,	TEMPE	E, AZ 85282			SUITE(S)			
PR	OJECT DESCRIPTION	HUGHES ACRES ABATEMENT OF CE1977 SEPTEMBER 01, 20					PARCEL No(s)	133-42-	013	
	BUSINESS NAME	PROPERTY OWNER	INFOR	RMATION – F	REQUIRED		ARY SITE PLAN REVIEW)			
	CONTACT NAME				CITY		STATE		ZIP	
	EMAIL				PHONE 1		PHONE 2			
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	or attach written stater	PROPERT nent authorizing the applicant to	file the	R SIGNATURE application(s)				DATE		
CO	MPANY / FIRM NAME				INFORMA ADDRESS	TION - REQUIRED				
		CITY OF TEMPE / CODE (	COMPL	IANCE		21 E 6TH ST SUITE				
	CONTACT NAME	MICHAEL GLAB / CODE II	VSPEC	TOR	CITY	TEMPE	STATE	AZ	ZIP 85281-3	3681
	EMAIL	michael_glab@tempe.gov			PHONE 1	(480) 350-5461	PHONE 2			
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DATE:

07/17/2020

SUBJECT:

WOJCIECHOWSKI Abatement

LOCATION:

1034 E LOMA VISTA DR, TEMPE, AZ 85282

LEGAL:

LOT 013, BOOK 083, PAGE 009, as recorded with the Maricopa County

Assessor

OWNER:

**THOMAS & PATRICIA WOJCIECHOWSKI** 

**1034 E LOMA VISTA DR** 

**TEMPE, AZ 85282** 

#### **FINDINGS:**

On 02/05/2020 a violation of City Code was present. Notice was mailed to the property owners

On 02/26/2020 a violation of City Code remained at the property. A second notice was mailed to the property owners

On 03/16/2020 a violation of City Code remained at the property. A notice was posted to the front of the structure

On 05/20/2020 a violation of City Code remained, and citations were issued to the property owners

#### **RECOMMENDATIONS:**

The owner(s) of this property, THOMAS & PATRICIA WOJCIECHOWSKI, have/has made little to no attempt to bring the property into compliance. THOMAS & PATRICIA WOJCIECHOWSKI have/has 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:



#### NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 07/17/2020 Case #: CE197783

THOMAS & PATRICIA WOJCIECHOWSKI 1034 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: 1034 E LOMA VISTA DR., TEMPE, AZ 85282

Parcel: 133-42-013

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 09/01/2020 at 5pm, at the City of Tempe Council Chambers, located at 31 E. 5<sup>th</sup> 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.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.8 Please remove the over height grass/weeds from the property (e.g. the east side of the driveway, 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 \$486.00. 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

02/06/2020

THOMAS & PATRICIA WOJCIECHOWSKI 1034 E LOMA VISTA DR TEMPE, AZ 85282

Case #: CE197783

Site Address: 1034 E LOMA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/05/2020 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;

	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove the grass/weeds from the front, and/or side yard, gravel landscape	02/20/2020

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, 3rd occurrence \$700 per violation | Section 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

02/27/2020

THOMAS & PATRICIA WOJCIECHOWSKI 1034 E LOMA VISTA DR TEMPE, AZ 85282

Case #: CE197783

Site Address: 1034 E LOMA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/26/2020 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;

PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	ON OR AFTER
CC 21-3.b.8	Please remove the grass/weeds from the front, and/or side yard, gravel landscape	03/12/2020

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** 

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### COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE POST TO STRUCTURE

03/16/2020

THOMAS & PATRICIA WOJCIECHOWSKI 1034 E LOMA VISTA DR TEMPE, AZ 85282

Case #: CE197783

Site Address: 1034 E LOMA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/16/2020 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;

PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	ON OR AFTER
CC 21-3.b.8	Please remove the grass/weeds from the front, and/or side yard, gravel landscape	03/24/2020

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, 3rd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3; 21-36; 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



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# Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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COMPLAINT



1702177

Title: CITY OF TEMPE VS THOMAS P WOJCIECHOWSKI	
Case No: 20-012058-4 Title:	

WOJCIECHOWSKI, THOMAS P	VSKI, THO	MAS P					
1034 E LOMA VISTA DR TEMPE, AZ 85282	VISTA DR						
Case Status:	: Closed		Case Balance Owing: \$0.00		TPC Due Date:	ate:	
Filed:	: 5/20/2020	20	Stayed Balance Owing: \$0.00		TPC Amount Due:	enc:	
Cite Number	Code	Violation Date	Description	Filed	Disposition	sition	Disp Date
1702177A	21-3B8	05/19/2020	LANDSCAPING-DEAD, DAMAGED, UNCONTRO	5/20/2020	11 - PLEAD GUILTY/RESP - SENT IMPOSED	RESP - SENT	7/3/2020
# Citations: 1	200						
			REGISTER OF ACTION				
Date	Ö	Cite Number	Action		Amount	Judge	User
5/20/2020			ATTC FILED				HQf
5/20/2020			CE 197783 1ST VIOLATION				НДГ
5/20/2020		1702177 A	CIVIL ARRAIGNMENT NLT 6/3/2020				ЭДН
6/7/2020			CV ARR FTA - PENDING DEFAULT APPEAR NLT 7/6/2020				SYS
7/3/2020		1702177 A	11 - PLEAD GUILTY/RESP - SENT IMPOSED			KK	SYS
7/3/2020		1702177 A	FINE AND APPLICABLE FEES IMPOSED		\$200.00	KK	SYS
7/3/2020			FINES AND FEES PAID		\$200.00		SYS

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SYS

CLOSED CASE FILE PURGE DATE SET TO 7/7/2025

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7/7/2020 # Actions:

Case No: 20-012059-4	Title: CITY OF TEMPE vs PATRICIA WOJCIECHOWSKI
WOJCIECHOWSKI, PATRICIA	
1034 E LOMA VISTA DR	

<b>TEMPE, AZ 85282</b>	282					
Case Status: Inactive	Inactive		Case Balance Owing: \$294.30		TPC Due Date:	
Filed:	Filed: 5/20/2020	0:	Stayed Balance Owing: \$0.00		TPC Amount Due:	
Cite Number	Code	Violation Date Description	Description	Filed	Disposition	Disp Date
1702176A	21-3B8	05/19/2020	LANDSCAPING-DEAD, DAMAGED, UNCONTRO	5/20/2020	58 - FAIL TO APPEAR	7/6/2020

# Citations: 1					
		REGISTER OF ACTION			
Date	Cite Number	Action	Amount	Judge	User
5/20/2020	- P. E. (Balling Tippe	ATTC FILED			HQC
5/20/2020		CE 197783 1ST VIOLATION			HQC
5/20/2020	1702176 A	CIVIL ARRAIGNMENT NLT 6/3/2020			HOC
6/3/2020		ADV THIRD PARTY MALE CALLER OPTIONS TO PAY FINE OR ROST HRG. ALSO ADV THIRD PARTY MALE CALLER THAT THE DEF HAS TO BE THE ONE TO MAKE THE DECISIONPHN			KAC
6/7/2020		CV ARR FTA - PENDING DEFAULT APPEAR NLT 7/6/2020			SYS
7/7/2020	1702176 A	DEFAULT FEE IMPOSED	\$50.00		SYS
7/7/2020	1702176 A	FINE AND APPLICABLE FEES IMPOSED	\$200.00		SYS
7/7/2020	1702176 A	JCEF TIME PAYMENT FEE IMPOSED	\$20.00		SYS
7/7/2020	1702176 A	FTA DEFAULT			SYS
7/7/2020		CASE HAS BEEN REFERRED TO VALLEY FOR COLLECTION	\$24.30		517 miles
# Actions:	10				

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June 26, 2020

City of Tempe Attn: Michael Glab Code Inspector

RE: Clean up - 1034 E Loma Vista Drive

Thank you for giving Artistic Land Management, Inc the opportunity to serve your landscaping needs. Below is our price to provide all labor, equipment, landfill fees, and supervision to perform the work listed below at 1034 E Loma Vista Drive in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

### Scope of Work

- Removal of grass/weeds from the east side of the driveway gravel landscape
- Application of Pre-Emergent over gravel landscape
- Haul away and disposal of the removed yard waste
- P.D presence on site for duration of visit

Total = \$486.00

Respectfully,

Jose Hernandez

