

CITY OF TEMPE HEARING OFFICER

Meeting Date: 09/15/2020

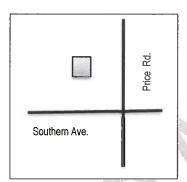
Agenda Item: 4

<u>ACTION</u>: Request approval to abate public nuisance items at the Derousseau Young Property located at 2030 E. Balboa Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$826.00 for abatement request: Remove junk, trash, debris and stored items from property.

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 DEROUSSEAU YOUNG 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 CE200492: Remove junk, trash, debris and stored items from property.



Property Owner Erin Derousseau & Frank Young
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 Derousseau Young Property located at 2030 E. Balboa Drive, in the R1-4, Single Family Residential district. This case was initiated 01/31/20, 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 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)

53.	PROJECT NAME	DEROUSSEAU / YOUNG A	ABATE		INI OINIAI	ION – KEQUIKED	EXISTING ZONING	ING R1-4			
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	EMAIL				PHONE 1						
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CO	MPANY / FIRM NAME	CITY OF TEMPE / CODE (OMPL	IANCE	ADDRESS	21 E 6TH ST SUITE 20	21 E 6TH ST SUITE 208				
	CONTACT NAME	MICHAEL GLAB / CODE IN	ISPEC	ΓOR	CITY	ТЕМРЕ	STATE	AZ	ZIP	85281-3681	
	EMAIL	michael_glab@tempe.gov			PHONE 1	(480) 350-5461	PHONE 2				
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inco	omplete it will be r	eturned to me without revi		be resubmiti SIGNATURE		y missing information.		DATE			
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-	TYPE OF BUSINESS				PHONE		EMAIL	-	D L		
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	C. VARIANCES						VAR				
	D. USE PERMITS	/ USE PERMIT STANDARDS					ZUP			A BOA	
	E. ZONING CODE	AMENDMENTS					ZOA		ZON		
	F. PLANNED ARE	A DEVELOPMENT OVERLAYS					PAD		REC		
	G. SUBDIVISIONS	CONDOMINIUMS			<u>.</u>		SBD		REC		
☐ H. DEVELOPMENT PLAN REVIEW							DPR				
	I. APPEALS					-		741			
☐ J. GENERAL PLAN AMENDMENTS							GPA	GPA			
□ K. ZONING VERIFICATION LETTERS							ZVL				
N	L. ABATEMENTS						CE		CM		
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	planning resubmittal form)						RECEIVED BY	INTAKE S	STAFF (IN	IITIALS)	

DATE:

08/07/2020

SUBJECT:

DEROUSSEAU / YOUNG Abatement

LOCATION:

2030 E BALBOA DR, TEMPE, AZ 85282

LEGAL:

LOT 030, BOOK 113, PAGE 029, as recorded with the Maricopa County

Assessor

OWNER:

ERIN DEROUSSEAU & FRANK YOUNG

2030 E BALBOA DR TEMPE, AZ 85282

FINDINGS:

In January of 2020, a complaint came into our office related to junk/debris. An inspection was conducted, and junk/debris was clearly visibly stored on the property. Notice was mailed to the property owners.

In February of 2020, emails were exchanged with Ms. Derousseau, with her each time stating she would comply with removal of the junk/debris. A follow up inspection occurred and found little to no change. A second notice was mailed to the property owners. A copy of the notice was also emailed to Ms. Derousseau.

In March of 2020, an inspection found little to no change at the property. Notice was posted to the front of the structure.

In May of 2020, a citation was issued to Ms. Derousseau and posted to the property.

The citation was found in default by the Tempe City Courts and forwarded to collections.

RECOMMENDATIONS:

The owner(s) of this property, ERIN DEROUSSEAU & FRANK YOUNG, have/has made little to no attempt to bring the property into compliance. ERIN DEROUSSEAU & FRANK YOUNG 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: 08/07/2020 Case #: CE200492

ERIN DEROUSSEAU & FRANK YOUNG 2030 E BALBOA 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: 2030 E BALBOA DR., TEMPE, AZ 85282

Parcel: 133-47-292

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 09/15/2020 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

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 trash, junk, debris and/or stored items, from the exterior of the residence (e.g. beneath the patio cover; between the RV gate and the rear fence line, 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 \$826.00. 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 guestions 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

01/31/2020

ERIN DEROUSSEAU & FRANK YOUNG 2030 E BALBOA DR TEMPE, AZ 85282

Case #: CE200492

Site Address: 2030 E BALBOA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/30/2020 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, 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

SITE REINSP ON OR AFTER

CC 21-3.b.1 Please remove trash, litter, debris and/or stored items from the exterior of the property (e.g. between fence line and residence; behind fence line, etc.)

02/14/2020

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, 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

02/21/2020

ERIN DEROUSSEAU & FRANK YOUNG 2030 E BALBOA DR TEMPE, AZ 85282

Case #: CE200492

Site Address: 2030 E BALBOA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/20/2020 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, 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; unuscinoperable, 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 head 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.3	Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:					
	 a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building; 					
	b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period;					
	c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the City Code;					
	d. Lawful commercial activities involving vehicles as allowed by the Zoning and Development Code; or					
	e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the City Code;					

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION					
CC 21-3.b.1	Please remove trash, litter, debris and/or stored items from the exterior of the property (e.g. including behind the fence line, between the fence and the house, etc.)	03/06/2020			
CC 21-3.b.3	Please register the unregistered vehicle(s) located in the driveway of the property or relocate the vehicle(s) to a location compliant with all TCC, Zoning Code and ARS.	03/06/2020			

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 SITE REINSP

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

03/13/2020

ERIN DEROUSSEAU & FRANK YOUNG 2030 E BALBOA DR TEMPE, AZ 85282

Case #: CE200492

Site Address: 2030 E BALBOA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/13/2020 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, including exterior areas under enclosed by the walls, doors or windows of any building; including, but not limited to contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, at inoperable, worn out or discarded appliances or other household items; lumber, scrother metal not neatly piled, or anything whatsoever that is or may become a hazar and safety, or that may harbor insect, rodent or vermin infestation. This subsections deemed to include items kept in covered bins or metal receptacles approved by the Officer or this Code or any other ordinance of the City;	to, areas that uto parts; unused, ap iron, tin and d to public health shall not be				
PLEASE TAKE	SITE REIN ON OR E THE FOLLOWING CORRECTIVE ACTION AFTER					
CC 21-3.b.1	Please remove trash, litter, debris and/or stored items from the exterior of the property (e.g. including behind the fence line, between the fence and the house, etc.)	03/23/2020				

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.

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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COMPLAINT



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rick 5/20/2020 Stayed Balance Owing: \$0.00 TPC Amount Due: r Code Violation Date Description Filled Disposition Disp Date 1 2 1-38 I Gos/19/2020 LITTER OR DEBNIS-COVERED EXTERIOR A 5/20/2020 58 - FAIL TO APPEAR 7/6/2020 1 Artic Flue Action Amount Judge User D Troz180 A Action Amount Judge User D Troz180 A Artic Flue Ce 200492 15T VIOLATION SYS SYS D Troz180 A Fine And ApplicABLE FEES IMPOSED S2000 SYS SYS D Troz180 A Fine And ApplicABLE FEES IMPOSED S2000 SYS SYS D Troz180 A Fine FAULT SYS SYS SYS D Troz180 A Fine FAULT SYS SYS	Case Status:	0				TPC Due Date:		
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Last Printed: 8/7/2020 9:13:57 AM

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: 6/30/20

PROPOSAL

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

ADDRESS: 2030 E BALBOA DR

1 REMOVAL OF JUNK/DEBRIS STORED BEHIND FENCE AND RV GATE	\$500.00
2 ESTAMATED DUMP FEES	\$50.00
3 SECURITY BY TEMPE POLICE	\$276.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	\$826.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

