

**CITY OF TEMPE
HEARING OFFICER**

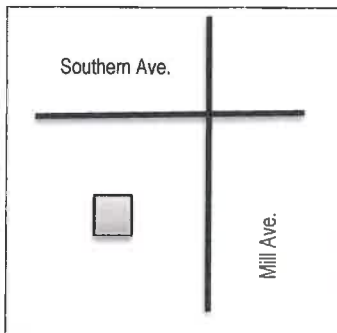
**Meeting Date: 11/17/2020
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the Moore Property located at 438 W. Hermosa Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$550.00 for abatement request: landscape cleanup, trim trees obstructing sidewalk/street.

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 MOORE 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 CE204087: landscape cleanup, trim tree obstructing sidewalk/street.



Property Owner	Marilyn C. Moore
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6 Single Family Residential
Code Compliance	Ashley Nichols, Code Inspector
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 Moore Property located at 438 W. Hermosa Drive, in the R1-6, Single Family Residential district. This case was initiated 06/18/20, 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	MOORE PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	438 W HERMOSA DR TEMPE, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	KNOELL TEMPE 3 ABATEMENT CE204087 NOVEMBER 17TH, 2020	PARCEL No(s)	123-46-093 <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 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 ENFORCEMENT	ADDRESS	21 E 6TH ST STE 208
CONTACT NAME	ASHLEY NICHOLS / CODE INSPECTOR	CITY	TEMPE STATE AZ ZIP 85281-3681
EMAIL	ASHLEY_NICHOLS@TEMPE.GOV	PHONE 1	(480) 858-2085 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	<i>Ashley Nichols</i>	DATE	10/8/2020
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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)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			
SPR TRACKING # (if 2nd or 3rd submittal, use planning resubmittal form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: 10/08/2020
TO: Jeff Tamulevich, Code Enforcement Manager
FROM: Ashley Nichols, Code Inspector
SUBJECT: CE204087, Moore Property Abatement

LOCATION: 438 W HERMOSA DR TEMPE AZ 85282
LEGAL: KNOELL TEMPE 3
PARCEL: 123-46-093
OWNER: MOORE MARILYN C
438 W HERMOSA DR
TEMPE AZ 85282

FINDINGS:

06/18/2020 Code Compliance received a complaint regarding the property and upon inspection, it was found to have over height grass and weeds in the front and side yards and a tree in the front yard that was obstructing the passage of the sidewalk and street. A first notice was mailed to the property owner.

07/21/2020 The property was reinspected and found to be in the same condition. A final notice was mailed to the property owner.

07/22/2020 Code Compliance received another complaint for the landscaping at the property.

08/07/2020 Code Compliance received another complaint for the landscaping at the property.

08/31/2020 The property was reinspected and found to be in the same condition. Due to the property being vacant, no citation was issued. Submitted a bid request for the cleanup of the property.

09/25/2020 Final bid was received.

10/08/2020 Submitted abatement packet and posted the notice of intent to abate to the property.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 438 W Hermosa Dr., due to the property owner's failure to bring the property into compliance with Tempe City Codes 21-3.B.7 and 21-3.B.8. The property represents a health hazard and is an eyesore to the community.

Without the intervention of the abatement the property will continue to deteriorate. I therefore make a request to the City of Tempe Community Development Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days.

Respectfully submitted,

Ashley Nichols
Code Inspector
City of Tempe

ACTION TAKEN:

Submit -
[Signature]
10 @ 20

NAME

DATE:



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 10/08/2020
Case #: CE204087

MOORE MARILYN C
438 W HERMOSA 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: 438 W HERMOSA DR TEMPE, AZ 85282
Parcel: 12346093

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **11/17/20**, 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.8 Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches
- CC 21-3.b.7 Object, building, tree, bush or vehicle that interferes with or obstructs a sidewalk or street

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 cut/trim the over height grass and/or weeds in the front yard and surrounding areas of the property.
- CC 21-3.b.7 Please trim back the tree in the front of the property so that it does not obstruct the passage of the sidewalk/street.

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 **\$550.00**. 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: Ashley Nichols
Phone Number: 480-858-2085
E-mail: Ashley_Nichols@tempe.gov

HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: Ashley Nichols

FIRM: CITY OF TEMPE

DATE: 9/3/20

PROPOSAL

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

ADDRESS: 438 w Hermosa Dr

1	REMOVAL OF TALL WEEDS, GRASS AND DEBRIS FROM FRONT YARD & TRIM TREES HANGING OVER SIDEWALK.	\$500.00
2	ESTAMATED DUMP FEES	\$50.00
3		\$0.00
4		\$0.00
5		\$0.00
6		\$0.00
TOTAL COST OF JOB		<hr/> \$550.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

06/18/2020

MARILYN C MOORE
438 W HERMOSA DR
TEMPE, AZ 85282

Case #: CE204087
Site Address: 438 W HERMOSA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 06/18/2020 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	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches.
CC 21-3.b.7	Object, building, tree, bush or vehicle that interferes with or obstructs a sidewalk or street.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please cut/trim the over height grass and/or weeds in the front yard and surrounding areas of the property.	07/02/2020
CC 21-3.b.7	Please trim back the tree in the front of the property so that it does not obstruct the passage of the sidewalk/street.	07/02/2020

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

Ashley Nichols
Code Inspector

Direct: 480-858-2085
Code Compliance: 480-350-8372
Email: Ashley_Nichols@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

07/22/2020

MARILYN C MOORE
438 W HERMOSA DR
TEMPE, AZ 85282

Case #: CE204087
Site Address: 438 W HERMOSA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 07/21/2020 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	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches.
CC 21-3.b.7	Object, building, tree, bush or vehicle that interferes with or obstructs a sidewalk or street.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please cut/trim the over height grass and/or weeds in the front yard and surrounding areas of the property.	08/06/2020
CC 21-3.b.7	Please trim back the tree in the front of the property so that it does not obstruct the passage of the sidewalk/street.	08/06/2020

IF NOT IN COMPLIANCE BY 08/06/2020, A \$400 CITATION MAY BE ISSUED.

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

Ashley Nichols
Code Inspector

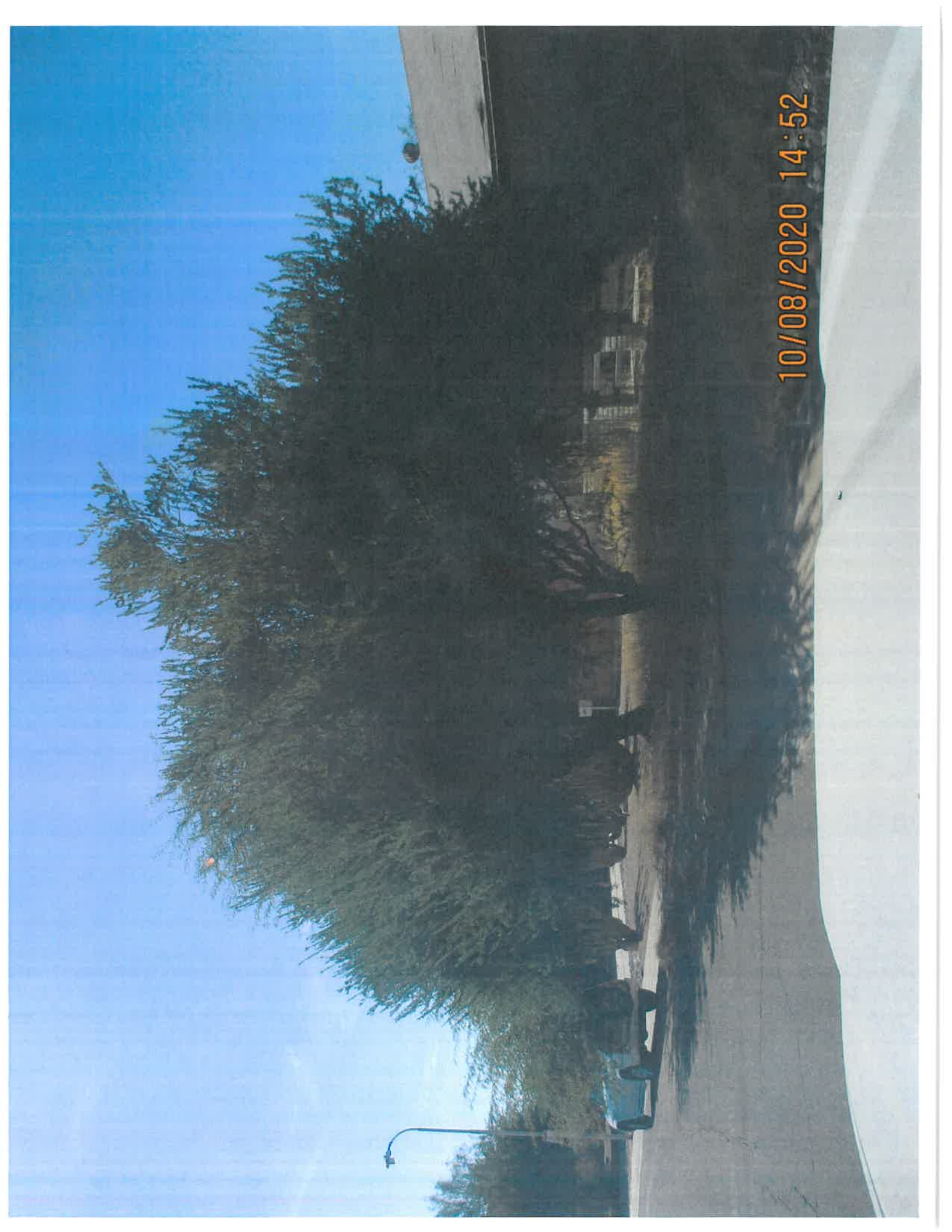
Direct: 480-858-2085
Code Compliance: 480-350-8372
Email: Ashley_Nichols@tempe.gov

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.

10/08/2020 14:52



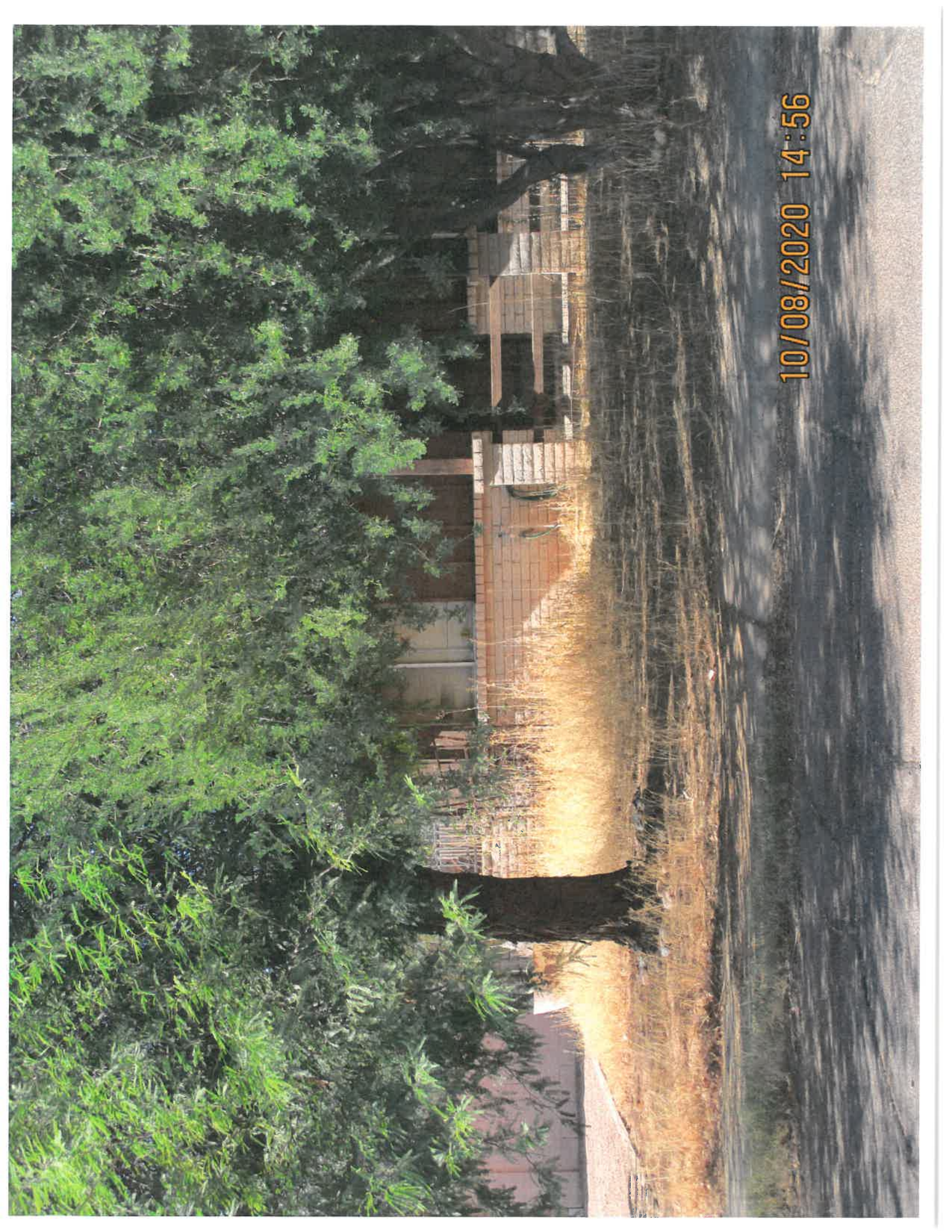


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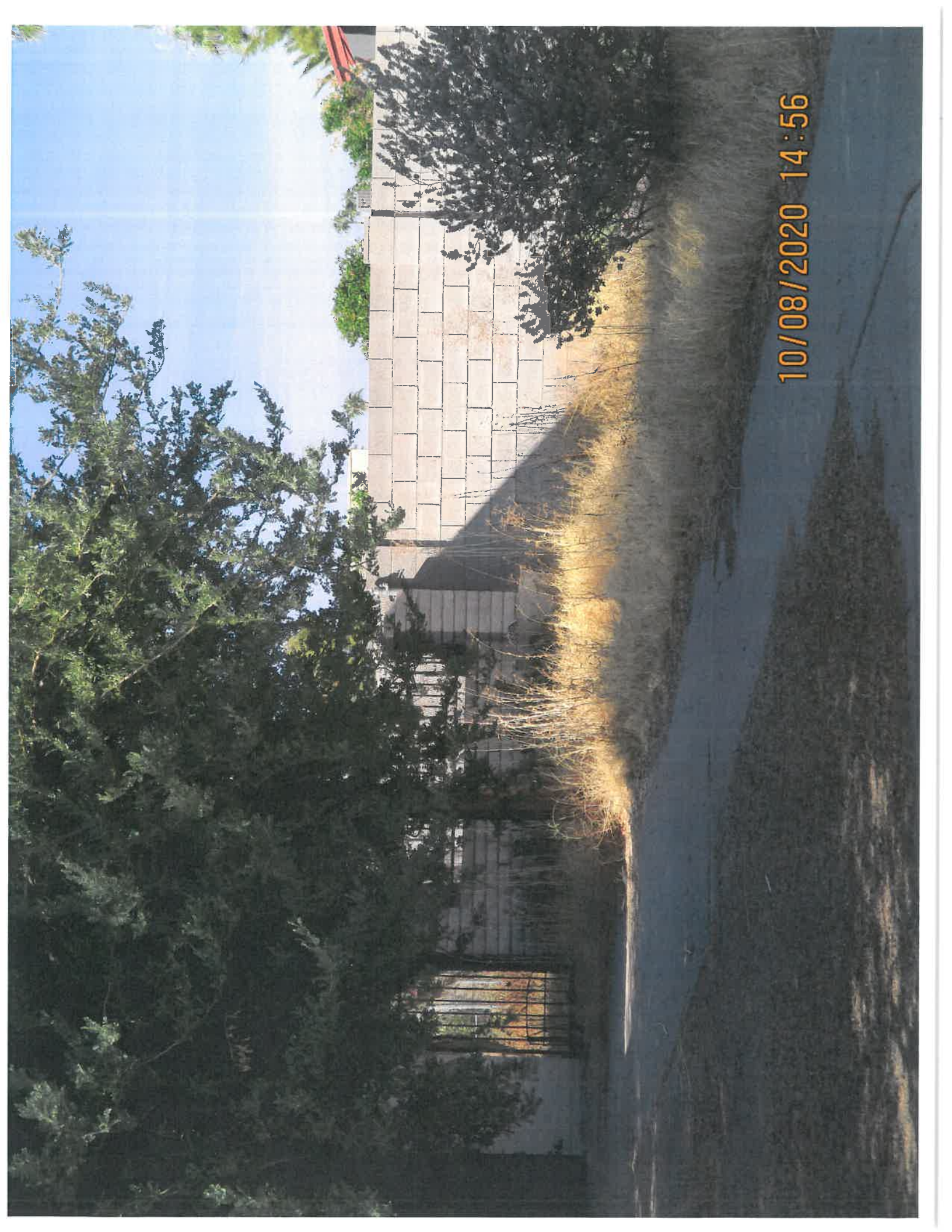
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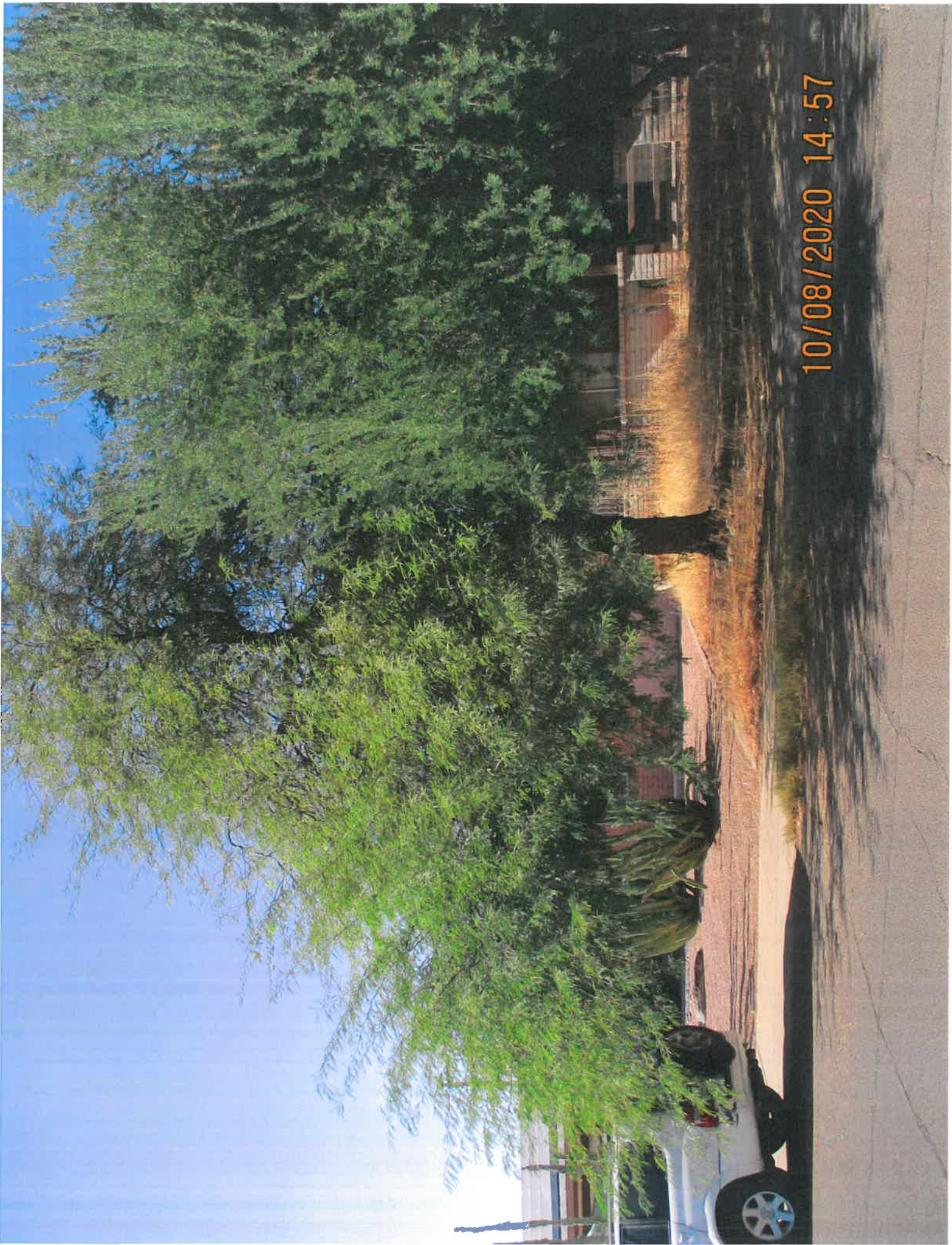




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