
**CITY OF TEMPE
HEARING OFFICER**

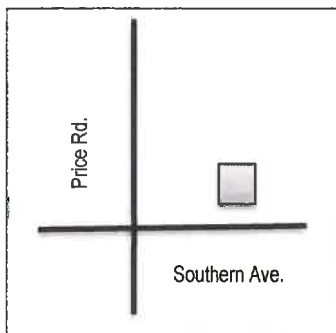
**Meeting Date: 01/05/2021
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the Gibleski Property located at 3231 S. Birchett Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$3332.00 for abatement request: remove dead limbs from pine trees in back yard.

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 GIBLESKI 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 CE200963: remove dead limbs from pine trees in back yard.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Maureen Gibleski
City of Tempe – Code Compliance
R1-6 Single Family Residential
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 Gibleski Property located at 3231 S. Birchett Drive, in the R1-6, Single Family Residential district. This case was initiated 02/20/20, 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	GIBLESKI ABATEMENT	EXISTING ZONING	R1-6	<input type="checkbox"/>
PROJECT ADDRESS	3231 S BIRCHETT DR., TEMPE, AZ 85282	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	TEMPE ROYAL PALMS UNIT EIGHT ABATEMENT OF CE200963 JANUARY 05, 2021	PARCEL No(s)	134-41-016	<input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE 1	PHONE 2		
EMAIL				

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	85282-3681
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	DATE	11/17/2020
<i>Michael A Glab</i>			

BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE	EMAIL		
TYPE OF BUSINESS				

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 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

DATE: 11/17/2020

SUBJECT: GIBLESKI Abatement

LOCATION: 3231 S BIRCHETT DR, TEMPE, AZ 85282

LEGAL: LOT 013, BOOK 126, PAGE 050, as recorded with the Maricopa County Assessor

OWNER: MAUREEN GIBLESKI
3231 S BIRCHETT DR
TEMPE, AZ 85282

FINDINGS:

In February of 2020, my office received a complaint for the property. An inspection was conducted, with violation(s) of City Code observed, and a notice was mailed to the property owner(s)

In April of 2020, I followed up at the property and observed little to no change with regards to the violation. A second notice was mailed to the property owner

In May of 2020, I followed up at the property and observed little to no change with regards to the violation. I returned to the property and posted a notice to the front of the structure

In July of 2020, I followed up at the property and observed little to no change with regards to the violation

In August of 2020, I issued a citation to the property owner and posted it to the front of the structure

In October of 2020, I followed up at the property and observed little to no change with regards to the violation. I sought bids to abate the property, as well as received a subpoena for Court. The Court case was dismissed as another party took responsibility for property maintenance via the City Court, but did not communicate with my office to discuss the reasons why

In November of 2020, I followed up at the property and observed little to no change with regards to the violation. An abatement application was submitted for addition to the 01/05/2021 hearing agenda

RECOMMENDATIONS:

The owner(s) of this property, MAUREEN GIBLESKI, have/has made little to no attempt to bring the property into compliance. MAUREEN GIBLESKI 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: _____

Submitted
[Signature]
11 17 20



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 11/17/2020
Case #: CE200963

**MAUREEN GIBLESKI
3231 S BIRCHETT 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: 3231 S BIRCHETT DR., TEMPE, AZ 85282
Parcel: 134-41-016

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 01/05/2021 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.8 Dead pine tree limbs

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 dead, pine tree limbs, located on the trees in the backyard landscape

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 \$3,332.00. 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

02/20/2020

MAUREEN GIBLESKI
3231 S BIRCHETT DR
TEMPE, AZ 85282

Case #: CE200963
Site Address: 3231 S BIRCHETT 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.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		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove dead tree branches from the tree(s) located on the property (e.g. pines located in the backyard landscape, 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 | 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
CORRECTION NOTICE

04/10/2020

MAUREEN GIBLESKI
3231 S BIRCHETT DR
TEMPE, AZ 85282

Case #: CE200963
Site Address: 3231 S BIRCHETT DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 04/10/2020 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		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove dead tree branches from the tree(s) located on the property (e.g. pines located in the backyard landscape, etc.)	05/15/2020

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

05/27/2020

MAUREEN GIBLESKI
3231 S BIRCHETT DR
TEMPE, AZ 85282

Case #: CE200963
Site Address: 3231 S BIRCHETT DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/27/2020 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		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove dead tree branches from the tree(s) located on the property (e.g. pines located in the backyard landscape, etc.). If cutting down the trees, please cut stumps to ground level. Please remove the fallen, dead, blackened cacti from the front yard landscape	06/29/2020

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

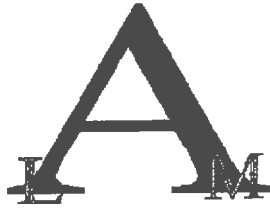
Michael Glab
Code Inspector

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.



Artistic Land Management, Inc.

October 13, 2020

City of Tempe
Attn: Michael Glab

RE: Backyard Clean-up

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 3231 S. Birchett Drive, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Removal of dead tree limbs from the pine trees located in the backyard landscape
- Haul away and dispose of yard waste off-site
- P.D presence on-site for the duration of the visit

Total = \$3,332.00

Respectfully,

Jose Hernandez

Nov 17, 2020 9:21:32 AM
Tempe

