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**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 03/16/2021**

**Agenda Item: 3**

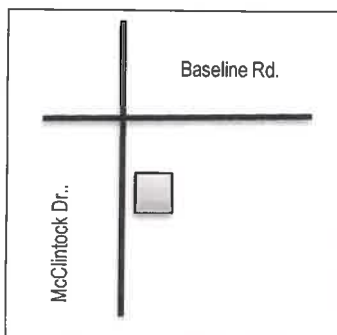
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**ACTION:** Request approval to abate public nuisance items at the Tiet Jen Property located at 5402 S. Heather Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$736.00 for abatement request: Dead tree removal.

**RECOMMENDATION:** Staff – Approval of abatement

**BACKGROUND INFORMATION:** City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the TIET JEN 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 CE205014: Dead tree removal.



Property Owner  
Applicant  
Zoning District:  
Code Compliance  
Inspector:

Tim Lee & Lorece A Tiet Jen  
City of Tempe – Code Compliance  
R1-7 Single Family Residential  
Julie Scofield - Code Inspector

**ATTACHMENTS:** Supporting Attachment

**STAFF CONTACT:** Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Jeff Tamulevich, Code Compliance Administrator

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 Tiet Jen Property located at 5402 S. Heather Drive, in the R1-7, Single Family Residential district. This case was initiated 08/03/20, 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 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 Submittal Form

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  
<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	TIETJEN Property Abatement	EXISTING ZONING	R1-7 <input type="checkbox"/>
PROJECT ADDRESS	5402 S. Heather Dr. Tempe, AZ 85283	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE205014 Hearing is March 16th, 2021	PARCEL No(s)	301-94-001 <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME		ADDRESS	5402 S. Heather Dr.
CONTACT NAME	Tim Tietjen	CITY	Tempe
EMAIL	Tietjenceramics@msn.com	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	Community Development	ADDRESS	21 E. 6th St.
CONTACT NAME	Julie Scofield	CITY	Tempe
EMAIL	julie_scofield@tempe.gov	PHONE 1	480-350-8951
		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>Julie Scofield</i>	DATE	2/12/21
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BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME		ADDRESS	
CONTACT NAME		CITY	
TYPE OF BUSINESS		PHONE	
		STATE	
		ZIP	
		EMAIL	

APPLICATION (Check all that apply)	QTY	SPECIFIC REQUEST (See <i>Planning &amp; Zoning Fee Schedule</i> 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. SUBDIVISION / CONDOMINIUM PLATS			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
<input type="checkbox"/> M. SIGN TYPE K			GO	SE
TOTAL NUMBER OF APPLICATIONS	0			

FOR CITY USE ONLY			
DS TRACKING #		FILE APPLICATION WITH CE / CM / IP TRACKING #	DATE RECEIVED (STAMP)
PL TRACKING #			VALIDATION OF PAYMENT (STAMP)
SPR TRACKING # (if 2 <sup>nd</sup> or 3 <sup>rd</sup> submittal, please use Planning Resubmittal Form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

**DATE:** February 12th, 2021  
**TO:** Jeff Tamulevich, Code Compliance Administrator  
**FROM:** Julie Scofield, Code Inspector  
**SUBJECT:** CE205014, Tietjen Property Abatement

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**LOCATION:** 5402 S. HEATHER DR. TEMPE, AZ 85283

**LEGAL:** TEMPE ROYAL PALMS

**PARCEL:** 301-94-001

**OWNER:** TIM LEE TIETJEN  
5402 S. HEATHER DR.  
TEMPE, AZ 85283

**FINDINGS:**

08/03/2020 The Code Compliance Division received a complaint for a dead tree in the front yard of the property. Went to the property to inspect, found a large dead pine tree on the north side of the property, in the front yard. A notice to comply was mailed to the property owner, Tim Tietjen.

09/10/2020 An anonymous complaint was made to code enforcement for the dead tree. Also, received an email from the property owner, requesting an extension. The extension was granted.

10/13/2020 Received another email from the property owner. He was explaining that due to medical and financial reasons, he has not been able to get the tree cut down. More time was granted. Landscape program pamphlets and the Heart program pamphlet was mailed to the owner.

11/18/2020 Re-inspected the property. There has been no change to the property. A final notice was mailed. Did receive another email from the owner. I gave him the phone number to AZ Tree Works.

02/05/2021 Inspected the property. There has been no change in the condition of the property. Received another email from Mr. Tietjen, he was unhappy with AZ Tree Works and said that he is looking for other estimates. An email was sent back to him explaining that the abatement process was going to be started and that it would be approximately six (6) more weeks until further action from the city was taken.

02/12/2021 Received a bid for the tree. Abatement paperwork was turned in for the hearing to be held on March 16<sup>th</sup>, 2021.

**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violation at the property located at 5402 S. Heather Dr. The property owner has failed to bring the property into compliance with Tempe City Code 21-3-b.8, and they have been given ample time. The property represents an eyesore and health and safety issue to the community.

Without the intervention of 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.

Respectfully submitted,

Julie Scofield  
Code Inspector II

ACTION TAKEN: SCBMT  
NAME Julie Scofield  
DATE: 2 12 21



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 02/12/2021  
Case #: CE205014

**TIETJEN TIM LEE  
5402 S HEATHER  
TEMPE, AZ 85283**

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

Location: 5402 S HEATHER DR TEMPE, AZ 85283  
Parcel: 301-94-001

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of 3/16/2021 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                      Dead trees or parts including stumps

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                      Cut down to ground level or remove the dead pine tree from the front of the property.

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 \$736.00. 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.

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**Code Inspector: Julie Scofield**  
**Phone Number: 480-350-8951**  
**E-mail: [julie\\_scofield@tempe.gov](mailto:julie_scofield@tempe.gov)**



## East Valley Disaster Services

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East Valley Disaster Services, Inc.  
257 W. Broadway  
Mesa, AZ 85210  
(480) 833-4538 (Office & 24 Hour Emergency)  
Info@evds.co  
EIN: 86-0721883 / ROC: B License #097838

Client: City of Tempe / Nuisance Abatement Services  
Property: 5402 South Heather Drive  
Tempe, AZ 85283

Operator: SKIP

Estimator: Skip Yaw  
Company: EVDS

Business: (480) 833-4538  
E-mail: skip@evds.co

Type of Estimate: Nuisance Abatement Services  
Date Entered: 2/9/2021                      Date Assigned:

Price List: AZPH8X\_JAN21  
Labor Efficiency: Restoration/Service/Remodel  
Estimate: 21-1131-NUISANCE



## East Valley Disaster Services

East Valley Disaster Services, Inc.  
 257 W. Broadway  
 Mesa, AZ 85210  
 (480) 833-4538 (Office & 24 Hour Emergency)  
 Info@evds.co  
 EIN: 86-0721883 / ROC: B License #097838

**21-1131-NUISANCE**  
**Nuisance Abatement Services**

**Exterior**

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
1. Nuisance Abatement Services	1.00 EA	0.00	736.00	0.00	736.00
<b>NOTE: Abatement includes:</b>					
1) Cut down, haul off and dispose of dead pine tree on north side of property.					
2) Security by City of Tempe Police Department.					
Totals: Exterior				0.00	736.00
Total: Nuisance Abatement Services				0.00	736.00
<b>Line Item Totals: 21-1131-NUISANCE</b>				<b>0.00</b>	<b>736.00</b>





## East Valley Disaster Services

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East Valley Disaster Services, Inc.  
257 W. Broadway  
Mesa, AZ 85210  
(480) 833-4538 (Office & 24 Hour Emergency)  
Info@evds.co  
EIN: 86-0721883 / ROC: B License #097838

### Summary

Line Item Total	736.00
<b>Replacement Cost Value</b>	<b>\$736.00</b>
<b>Net Claim</b>	<b>\$736.00</b>

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Skip Yaw



## East Valley Disaster Services

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257 W. Broadway  
Mesa, AZ 85210  
(480) 833-4538 (Office & 24 Hour Emergency)  
Info@evds.co  
EIN: 86-0721883 / ROC: B License #097838

- 1 1-City of Tempe - 5402 South Heather Drive (1)  
Date Taken: 2/8/2021



- 2 2-City of Tempe - 5402 South Heather Drive (2)  
Date Taken: 2/8/2021





## East Valley Disaster Services

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257 W. Broadway  
Mesa, AZ 85210  
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Info@evds.co  
EIN: 86-0721883 / ROC: B License #097838

- 3 3-City of Tempe - 5402 South  
Heather Drive (3)  
Date Taken: 2/8/2021





**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE**

08/03/2020

TIETJEN TIM LEE & LORECE A  
5402 S HEATHER DR  
TEMPE, AZ 85283-2200

Case#: CE205014  
Site Address: 5402 S HEATHER DR. TEMPE, AZ 85283

**SITE REINSPECTION ON OR AFTER: 09/02/2020**

This is a notice to inform you that this site was inspected on 08/03/2020 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.

**VIOLATION SECTION:**

**Violation of City of Tempe Code 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:**

1. PLEASE CUT DOWN TO GROUND LEVEL OR REMOVE THE DEAD PINE TREE FROM THE NORTH SIDE OF THE PROPERTY.

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

Julie Scofield  
Code Inspector II  
E-Mail

Direct: 480-350-8951  
Code Compliance: 480-350-8372  
[julie\\_scofield@tempe.gov](mailto:julie_scofield@tempe.gov)

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.

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).



**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
FINAL CORRECTION NOTICE**

11/18/2020

TIETJEN TIM LEE & LORECE A  
5402 S HEATHER DR  
TEMPE, AZ 85283-2200

Case#: CE205014  
Site Address: 5402 S HEATHER DR. TEMPE, AZ 85283

**SITE REINSPECTION ON OR AFTER: 01/29/2021**

This is a notice to inform you that this site was inspected on 11/18/2020 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.

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Julie Scofield  
Code Inspector II  
E-Mail

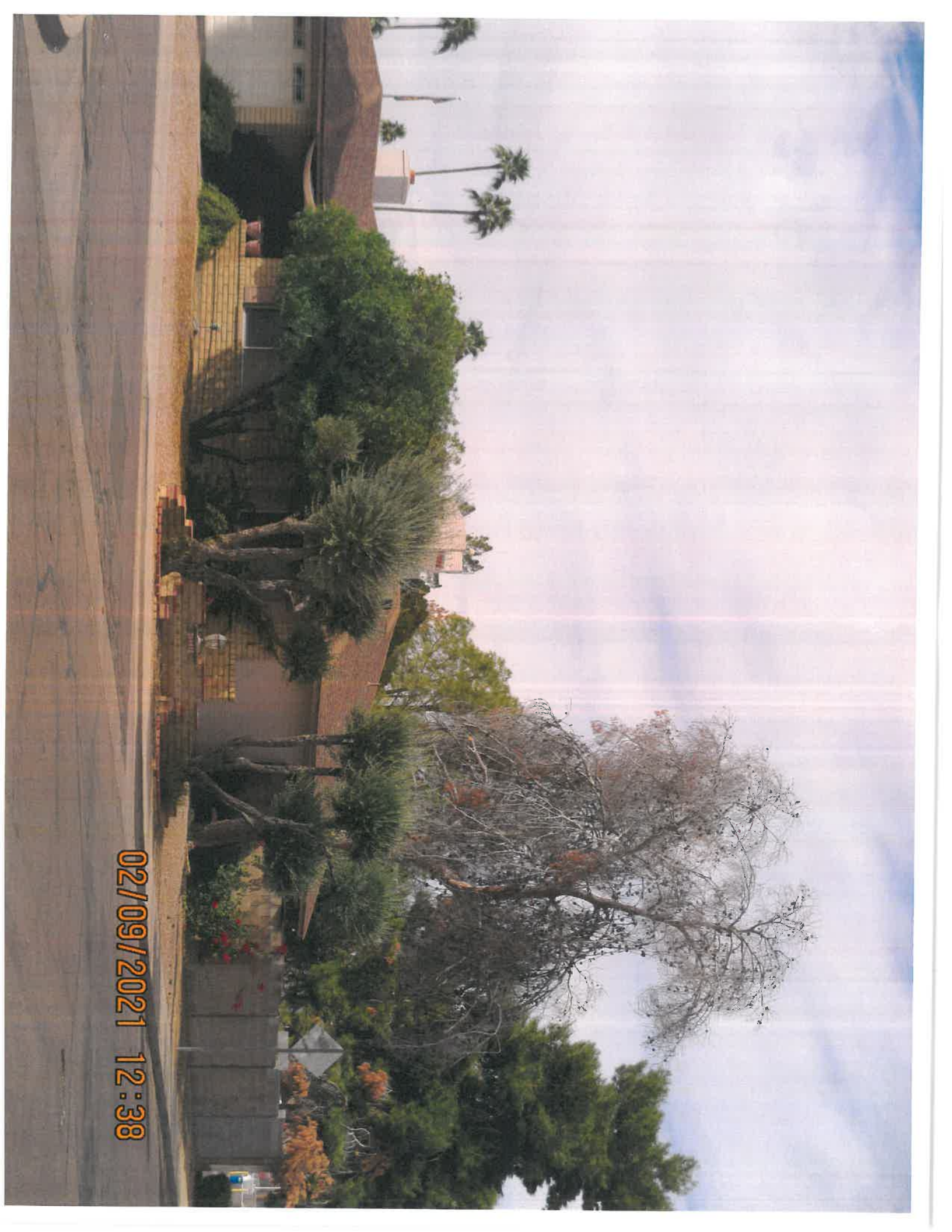
Direct: 480-350-8951  
Code Compliance: 480-350-8372  
[julie\\_scofield@tempe.gov](mailto:julie_scofield@tempe.gov)

### 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.

**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).**





02/09/2021 12:38





02/09/2021 12:42





02/09/2021 12:39