



**CITY OF TEMPE  
HEARING OFFICER**

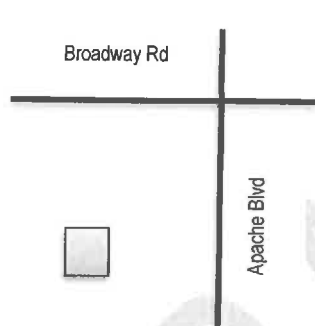
**Meeting Date: 05/04/2021  
Agenda Item: 3**

**ACTION:** Request approval to abate public nuisance items at the White Property located at 314 E Loma Vista Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$880.00 for abatement request, including boarding of unsecured windows, doors, and other openings on site.

**RECOMMENDATION:** Staff – Approval of 180-day open abatement.

**BACKGROUND INFORMATION:** City of Tempe – Code Compliance Section requests the approval of an emergency abatement to abate items in violation of the Tempe City Code at the WHITE PROPERTY (CE205075). 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 CE205075: boarding of unsecured windows, doors, and other openings on site. The request includes the following:



Property Owner	White Charline M / Michael H / Smith Jeri Linda
Applicant *	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential District
Code Compliance Inspector:	Ashley Nichols, Code Inspector

**ATTACHMENTS:** Supporting Attachment

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

Department Director: Shelley Seyler, Interim Community Development Director  
Prepared by: Shelbie Meyer, Administrative Assistant  
Reviewed by: Drew Yocom, Planning and Research Analyst

**COMMENTS:**

Code Compliance is requesting approval to abate the White Property located at 314 E Loma Vista Drive in the R1-6, Single Family Residential District. This case was initiated 04/12/21, following an emergency abatement 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 the 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 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	WHITE PROPERTY ABATEMENT	EXISTING ZONING	R1-6	<input type="checkbox"/>
PROJECT ADDRESS	314 E LOMA VISTA DR TEMPE, AZ 85282	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	BROADMOR MANOR 5 ABATEMENT CE205075 MAY 4TH, 2021	PARCEL No(s)	133-26-071A	<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 ENFORCEMENT	ADDRESS	21 E 6TH ST STE 208		
CONTACT NAME	ASHLEY NICHOLS / CODE INSPECTOR	CITY	STATE	ZIP	85281-3681
EMAIL	ASHLEY_NICHOLS@TEMPE.GOV	PHONE 1	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	4/16/2021
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**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		<i>Emergency</i>	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 <sup>nd</sup> or 3 <sup>rd</sup> submittal, use planning resubmittal form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

**SEE REVERSE SIDE FOR REQUIRED PROJECT DATA**

**DATE:** 04/16/2021  
**TO:** Jeff Tamulevich, Code Enforcement Manager  
**FROM:** Ashley Nichols, Code Inspector  
**SUBJECT:** CE205075, White Property Abatement

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**LOCATION:** 314 E LOMA VISTA DR TEMPE AZ 85282  
**LEGAL:** BROADMOR MANOR 5  
**PARCEL:** 133-26-071A  
**OWNER:** WHITE CHARLINE M / MICHAEL H / SMITH JERI LINDA  
314 E LOMA VISTA DR  
TEMPE AZ 85282

**FINDINGS:**

04/12/2021 Code Compliance received a complaint regarding an unsecured building as well as transient activity on the property.

04/13/2021 The property was inspected and found to have multiple missing / broken windows and other openings in the back of the house. Requested a bid for an emergency abatement.

04/15/2021 Received a bid for the boarding up of the unsecured building.

04/16/2021 Posted notice of intent to abate to the property.

04/19/2021 Conducted an emergency abatement on the property to board up all openings in the back of the house.

**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property at 314 E Loma Vista Dr., due to the property owner's failure to bring the property into compliance with Tempe City Code 21-3.B.9.

We are requesting the approval of an emergency abatement that took place on April 19<sup>th</sup>, 2021 for an unsecured building. This property was deemed an emergency due to multiple missing / broken windows and other openings in the back of the house. The property represents a health hazard and safety concern and is an eyesore to the community.

Without the intervention of the abatement, the property would have continued to deteriorate. We are also requesting 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:

~~Sub N~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~4 22 21~~

NAME

DATE:



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE IMMEDIATE THREAT TO THE HEALTH OR SAFETY OF THE PUBLIC

Date: 04/16/2021  
Case #: CE205075

**WHITE CHARLINE M / MICHAEL H / SMITH JERI LINDA  
314 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:

**Legal:** BROADMOR MANOR 5  
**Location:** 314 E LOMA VISTA DR, TEMPE, AZ 85282  
**Parcel:** 133-26-071A

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This office will abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

CC 21-3.b.9 Dangerous, deteriorated, abandoned, partially destroyed or unfinished structure; vacated or abandoned building not securely closed with appropriate materials.

### 1. PLEASE SECURE PROPERTY TO PREVENT ACCESS TO VACANT HOUSE.

As owner of the property, you have **THREE (3)** days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within this time period, our office will proceed with the abatement process. The necessary work will be performed at the expense of the property owner. The cost of this work will be **\$880.00**. 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 for 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: Ashley Nichols**  
**Phone Number: (480) 858-2085**  
**E-mail: Ashley\_Nichols@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: 314 East Loma Vista Drive

Operator: SKIP

Estimator: Skip Yaw  
Company: EVDS

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

Type of Estimate: Board-Up

Date Entered: 4/15/2021

Date Assigned:

Price List: AZPH8X\_APR21

Labor Efficiency: Restoration/Service/Remodel

Estimate: 21-1342-NUISANCE-2



# 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

## 21-1342-NUISANCE-2

### Nuisance Abatement Services - Board-Up

#### Exterior

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
1. Nuisance Abatement Services	1.00 EA	0.00	880.00	0.00	880.00
<b>NOTE: Abatement Services include;</b>					
<b>1) Board-Up all windows and doors on the west and north elevations of the back yard.</b>					
Totals: Exterior				0.00	880.00
Total: Nuisance Abatement Services - Board-Up				0.00	880.00
<b>Line Item Totals: 21-1342-NUISANCE-2</b>				<b>0.00</b>	<b>880.00</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	880.00
<b>Replacement Cost Value</b>	<b>\$880.00</b>
<b>Net Claim</b>	<b>\$880.00</b>

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Skip Yaw



