

## CITY OF TEMPE HEARING OFFICER

Meeting Date: 06/01/2021

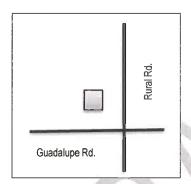
Agenda Item: 2

<u>ACTION</u>: Request approval to abate public nuisance items at the Pawlowski Property located at 508 E. Orion Street. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT**: \$330.00 for abatement request: remove trailer.

**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 PAWLOWSKI 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 CE207582: remove trailer.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Rebecca Pawlowski
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: 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 Pawlowski Property located at 508 E. Orion Street, R1-6, Single Family Residential district. This case was initiated 12/18/2020, 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 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 Submittal Form

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
<a href="http://www.tempe.gov/planning">http://www.tempe.gov/planning</a>



Part 1 of 2

	All applications must be	accom	panied by	the require	d plans, submittal	materials, an	d correct fee(s	, ,,	
PROJECT NAME		F	PROJECTII	VFORMATI	ON – REQUIRED		EXISTING	D1 6	
PROJECT NAME	PAWLOWSKI ABATEMENT						ZONING	R1-6	
PROJECT ADDRESS	508 E ORION ST TEMPE A	z 85283					SUITE(S)		
PROJECT DESCRIPTION	COLLEGE PARK UNIT FOU ABATEMENT OF CE207582 JUNE 01, 2021	2					PARCEL No(s)	301-81-051	
. PF	OPERTY OWNER INFORM	ATION -	- REQUIRE	D (EXCEP	PRELIMINARY SIT	E PLAN REV	/IEW & SIGN T	YPE K)	
BUSINESS NAME				ADDRESS					-
CONTACT NAME				CITY			STATE	Z	IP
EMAIL				PHONE 1			PHONE 2		
I hereby authorize the	applicant below to process	s this a	pplication v	vith the Cit	y of Tempe.				
	PROPERTY	OWNER	SIGNATURE					DATE	
or attach written stater	ment authorizing the applicant to	file the a	pplication(s)	INFORMA <sup>*</sup>	ION - REQUIRED				
COMPANY / FIRM NAME	CITY OF TEMPE / CODE C			ADDRESS	21 E 6TH ST SUITE	E 208			
CONTACT NAME	MICHAEL GLAB / CODE IN			CITY	TEMPE		STATE	AZ Z	SE 85281-3681
EMAIL	michael glab@tempe.gov			PHONE 1	(480) 350-5461		PHONE 2		
I hereby attest that th	is application is accurate a	nd the s	submitted o	locuments	are complete. I ack	nowledge the	at if the applica	tion is deer	ned to be
incomplete it will be r	eturned to me without revie	ew, <u>to b</u>	e resubmit SIGNATURE	ted with an	y missing informat	jon.			
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CONTACT NAME				CITY					
TYPE OF BUSINESS				PHONE			EMAIL		
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	AMENDMENTS						ZOA	ZON	
	EA DEVELOPMENT OVERLAYS						PAD	REC	
	/ CONDOMINIUM PLATS						SBD	REC	
	NT PLAN REVIEW						DPR		
☐ I. APPEALS									
☐ J. GENERAL PL	AN AMENDMENTS						GPA		
☐ K. ZONING VERI	FICATION LETTERS						ZVL		
L. ABATEMENT	S						CE	СМ	
☐ M. SIGN TYPE K							GO	ŞE	
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PL TRACKING #			M / IP TRACK						
SPR TRACKING #		1					TOTAL APPLIC	CATION FEES	
(if 2 <sup>nd</sup> or 3 <sup>rd</sup> submittal, please use Planning Resubmittal Form)							RECEIVED BY	INTAKE STAF	F (INITIALS)

DATE:

04/26/2021

SUBJECT:

**PAWLOWSKI** Abatement

LOCATION:

508 E. ORION ST., TEMPE, AZ 85283

LEGAL:

LOT 048, BOOK 140, PAGE 032, as recorded with the Maricopa County Assessor

OWNER:

**REBECCA PAWLOWSKI** 

**508 E ORION ST TEMPE, AZ 85283** 

#### **FINDINGS:**

In December of 2020, I visited the property and confirmed a violation of City Code related to lawn parking was present. I mailed a violation notice to the property owner, requesting the violation be remedied.

In January of 2021, I visited the property and confirmed little to no change at the property. I mailed a second violation notice to the property owner, requesting the violation be remedied. I returned to the property and confirmed little to no change at the property, so I returned to the property and posted a notice to the front of the structure.

In March of 2021, I visited the property and observed little to no change regarding the lawn parking violation. I then issued a citation to the property owner, mailing one copy certified and posting a second to the Tempe address.

In April of 2021, I visited the property and observed little to no change regarding the lawn parking violation. I sought bids to abate the property.

#### **RECOMMENDATIONS:**

The owner(s) of this property, REBECCA PAWLOWSKI, have/has made little to no attempt to bring the property into compliance. REBECCA PAWLOWSKI 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

DATE:

ACTION TAKEN: Sabast

NAME

DATE: 4-26-21



### NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 04/26/2021 Case #: CE207582

REBECCA PAWLOWSKI 508 E ORION ST 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: 508 E ORION ST., TEMPE, AZ 85283

Parcel: 301-81-051 9

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 06/01/2021 at 5pm, at the City of Tempe Council Chambers, located at 31 E. 5<sup>th</sup> 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.4 Lawn parking

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.4 Please remove the trailer from the east side landscape. Please park vehicle compliant with all applicable laws in the future

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 \$ 330.00. 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



12/18/2020

JASON COQUIA 508 E ORION ST TEMPE, AZ 85283-2880

Case #: CE207582

Site Address: 508 E ORION ST, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 12/18/2020 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.4	To leave or permit to remain outside of any single-family or multifamily dwelling or accessory building any camper, vehicle, or part thereof in any portion of the front or side area of the building visible from the street that is not on an improved area designed or intended for such use. An improved area shall:  a. Be contiguous to, parallel with, and share an access point with, the required driveway;  b. Have a consistent length and width, but not necessarily the same dimensions of the parking are or required driveway;  c. Be no greater than thirty-five percent (35%) of the front and side areas visible from the street;  d. Be a minimum of three (3) inches in depth if gravel, crushed rock or other aggregate. If using materials other than asphalt or concrete, an improved surface containing material such as gravel or crushed rock must be contained within a permanent border, imbedded in the ground, delineating the improved area from the remainder of the yard; and  e. Be maintained free of all vegetation, including, but not limited to grasses, trees and bushes.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION  CC 21-3.b.4  Please remove the trailer from the east side of the front yard landscape.  Please park vehicles compliant with all five requirements of TCC 21-3.b.4 in		SITE REINSP ON OR AFTER
CC 21-3.b.4		01/06/2021

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: 480-350-4311 Email:Michael\_Glab@tempe.gov



12/18/2020

REBECCA PAWLOWSKI 508 E ORION ST TEMPE, AZ 85283-2880

Case #: CE207582

Site Address: 508 E ORION ST, TEMPE, AZ 85283

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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: 480-350-4311 Email:Michael\_Glab@tempe.gov



12/18/2020

REBECCA PAWLOWSKI 3500 N HAYDEN RD STE 707 SCOTTSDALE, AZ 85251-4703

Case #: CE207582

Site Address: 508 E ORION ST, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 12/18/2020 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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# PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION CC 21-3.b.4 Please remove the trailer from the east side of the front yard landscape. Please park vehicles compliant with all five requirements of TCC 21-3.b.4 in the future SITE REINSP ON OR AFTER 01/06/2021

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: 480-350-4311 Email: Michael Glab@tempe.gov



01/06/2021

JASON COQUIA 508 E ORION ST TEMPE, AZ 85283-2880

Case #: CE207582

Site Address: 508 E ORION ST, TEMPE, AZ 85283

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Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-4311 Email:Michael Glab@tempe.gov



01/06/2021

REBECCA PAWLOWSKI 508 E ORION ST TEMPE, AZ 85283-2880

Case #: CE207582

Site Address: 508 E ORION ST, TEMPE, AZ 85283

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CC 21-3.b.4	Please remove the trailer from the east side of the front yard landscape.  Please park vehicles compliant with all five requirements of TCC 21-3.b.4 in the future	01/20/2021

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Code Compliance: 480-350-4311 Email: Michael Glab@tempe.gov OITE DEINOR



01/06/2021

REBECCA PAWLOWSKI 3500 N HAYDEN RD STE 707 SCOTTSDALE, AZ 85251-4703

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Site Address: 508 E ORION ST, TEMPE, AZ 85283

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Michael Glab Code Inspector Direct: 480-350-5461

Code Compliance: 480-350-4311 Email:Michael\_Glab@tempe.gov SITE REINSP



## COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE POST TO STRUCTURE

01/27/2021

REBECCA PAWLOWSKI JASON COQUIA 508 E ORION ST TEMPE. AZ 85283-2880

Case #: CE207582

Site Address: 508 E ORION ST, TEMPE, AZ 85283

the future

This is a notice to inform you that this site was inspected on 01/27/2021 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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PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.4	Please remove the trailer from the east side of the front yard landscape.  Please park vehicles compliant with all five requirements of TCC 21-3.b.4 in	02/04/2021

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: 480-350-4311 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** 

## Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



Com	Complaint Number Case Number Social Security Number Military Serious Physical Accident Fatality Commercial										Too					
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Registered owner & address, City, State, Zip Code  Vehicle Identification Number  The Undersigned Certifies That:																
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MVD																
You must Tempe Municipal Court 140 E. 5th Street Suite 150, 1st Floor Date: D3 18 2 Time: Between 9AM & 4PM																
appear on Tempe, AZ 85281 Criminal Court																
and time Court:  Date: Time: AM Court No.								Court No.								
indicated																
at: Court Address, City, State, Zip Code																
Criminal: Without admitting guilt, I promise to appear as directed hereon.																
Civil: Without admitting responsibility, I acknowledge receipt of this complaint.																
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license/driving privileges until you comply or reach your 18th birthday. Initials Date issued if not violation date																

COMPLAINT



If the defendant falls to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount.

Title: CITY OF TEMPE vs REBECCA PAWLOWSKI	
Case No: 21-005139-4	PAWLOWSKI, REBECCA

508 E ORION ST TEMPE, AZ 85283	5T 283					
Case Status: Inactive	Inactive		Case Balance Owing: \$294.30		TPC Due Date:	
Filed:	Filed: 3/8/2021	_	Stayed Balance Owing: \$0.00	T	TPC Amount Due:	
	7					
Cite Number	Code	Violation Date Description	Description	Filed	Disposition	Disp Date
1702303A	21-3B4	03/04/2021	ENUMERATED VIOL-CAMPER/VEH OUT FRON	3/8/2021 58 - F	58 - FAIL TO APPEAR	4/19/2021

		REGISTER OF ACTION			
Date	Cite Number	Action	Amount	Judge	User
3/8/2021		ATTC FILED			TRF
3/8/2021	1702303 A	CIVIL ARRAIGNMENT NLT 3/18/2021			TRF
3/19/2021		CV ARR FTA - PENDING DEFAULT APPEAR NLT 4/19/2021			SYS
4/20/2021	1702303 A	DEFAULT FEE IMPOSED	\$50.00		SYS
4/20/2021	1702303 A	FINE AND APPLICABLE FEES IMPOSED	\$200.00		SYS
4/20/2021	1702303 A	JCEF TIME PAYMENT FEE IMPOSED	\$20.00		SYS
4/20/2021	1702303 A	FTA DEFAULT			SYS
4/20/2021		CASE HAS BEEN REFERRED TO VALLEY FOR COLLECTION	\$24.30		

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#### 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:

4/5/21

#### **PROPOSAL**

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE UNDER CONTRACT # T21-025-03

ADDRESS: 508 E ORION ST

	1 REMOVAL OF TRAILER FROM FRONT YARD	\$135.00
	2 SECURITY BY TEMPE POLICE 3 HOUR MIN	\$195.00
	3	\$0.00
	4	\$0.00
	5	\$0.00
	6	\$0.00
TOTAL C	COST OF JOB	\$330.00

THANK YOU FOR YOUR BUSINESS

**BOB HAMANN** 

