

CITY OF TEMPE HEARING OFFICER

Meeting Date: 06/01/2021

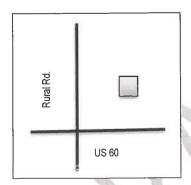
Agenda Item: 3

<u>ACTION</u>: Request approval to abate public nuisance items at the Widmer Property located at 1112 E. Manhatton Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$889.00 for abatement request: landscape cleanup, remove junk, trash & debris, board up broken window.

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 WIDMER 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 CE211416: landscape cleanup, remove junk, trash & debris, board up broken window.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Steven P. Widmer
City of Tempe – Code Compliance
R1-6, Single Family Residential
Barbara Simons - 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 Widmer Property located at 1112 E. Manhatton Drive, R1-6, Single Family Residential district. This case was initiated 03/03/2021, after which Code Compliance discovered the owner is deceased.

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

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 EXISTING** R1-6 Widmer Abatement **ZONING** PROJECT ADDRESS SUITE(S) 1112 E. Manhatton Drive, Tempe AZ 85282 PARCEL No(s) PROJECT DESCRIPTION 133-54-089 Cypress East (provide required project Abatement of CE211416 data on reverse side of June 1, 2021 submittal form) PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW AND SIGN TYPE K) **BUSINESS NAME** 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 **ADDRESS** 21 E. 6th St. STE 208 City of Tempe / Code Compliance STATE **CONTACT NAME** CITY ΑZ 85281-3681 Barbara Simons / Code Inspector Tempe PHONE 1 PHONE 2 **EMAIL** 480-350-5460 barbara simons@tempe.gov 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. DATE 4/28/21 APPLICANT SIGNATURE | X BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPR **BUSINESS NAME ADDRESS** CONTACT NAME CITY STATE ZIP **EMAIL** TYPE OF BUSINESS **PHONE** FOR CITY USE ONLY APPLICATIONS (Check all that apply) SPECIFIC REQUEST (See for types) PRELIMINARY SITE PLAN REVIEW SPR A. ADM B. ADMINISTRATIVE APPLICATION C. VARIANCE VAR ZUP D. **USE PERMIT / USE PERMIT STANDARD** E. **ZONING CODE AMENDMENT** ZOA ZON F. PAD REC PLANNED AREA DEVELOPMENT OVERLAY SBD REC G. SUBDIVISION / CONDOMINIUM PLAT \Box H. **DEVELOPMENT PLAN REVIEW** DPR I. APPEAL / RECONSIDERATION J. **GPA GENERAL PLAN AMENDMENT ZONING VERIFICATION LETTER** ZVL K. CE CM Ø L. **ABATEMENTS** M. TYPE 'K' SIGN PERMIT GO SE **GDPR GRANT DEVELOPMENT PLAN REVIEW** TOTAL NUMBER OF APPLICATIONS 0 FOR CITY USE ONLY VALIDATION OF PAYMENT (STAMP) **FILE APPLICATION WITH** DATE RECEIVED (STAMP) **DS TRACKING #** CE / CM / IP TRACKING # PL TRACKING # **TOTAL APPLICATION FEES SPR TRACKING #** (if 2nd or 3rd submittal, RECEIVED BY INTAKE STAFF (INITIALS) please use Planning Resubmittal Form)

DATE:

04/28/21

TO:

Jeff Tamulevich, Code Compliance Administrator

FROM:

Barbara Simons

SUBJECT:

Request to Authorize for Abatement- Reference Complaint #CE211416

LOCATION:

1112 E. Manhatton Dr. Tempe, AZ 85282

LEGAL:

Parcel #133-54-089, as recorded with the Maricopa County Assessor

OWNER:

STEVEN P. WIDMER

1112 E MANHATTON DRIVE

TEMPE, AZ 85282

FINDINGS:

03/03/21 - Case was opened proactively for weeds in a gravel landscape. Notice to comply was mailed to Steven P. Widmer with a re-inspection date of 03/24/21.

03/22/21 - Received a request to inspect property for a broken window and unsecured back door from Tempe police department.

03/24/21 - The property was inspected and the weeds in the front yard were still present. Upon inspection of the back yard a small broken window was observed, along with weeds in the gravel landscape and junk and debris in the yard. Final notice was sent with a re-inspection date of 04/12/21.

04/13/21 - No change was observed to the property. Obituary notice for owner was discovered; date of death was 02/20/21. Decision to proceed directly to abatement was made.

04/28/21 - The property was inspected with no change to its condition. Code Compliance filed for an Abatement Hearing. Notice was posted to the property.

RECOMMENDATIONS:

I recommend the approval of a 180-day open abatement period for landscape cleanup, repair of broken window and removal of junk, trash and debris from 1112 E. Manhatton Drive, which is owned by Steven P. Widmer. The owner is deceased and unable to bring the property into compliance.

Respectfully submitted,

Barbara Simons

ACTION TAKEN:

NAME:

DATE:



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 04/28/2021 Case #: CE211416

WIDMER STEVEN P 1112 E MANHATTAN 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: 1112 E MANHATTON DR TEMPE, AZ 85282

Parcel: 13354089

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of 06/01/21 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 21-4.a.2.e Broken Window
CC 21-3.b.1 Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building

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 completely remove the weeds and/or grass in the gravel landscape in the front and back yards.

CC 21-4.a.2.e

Please replace the broken window next to the back door.

CC 21-3.b.1

Please remove the junk and debris in the back yard.

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 \$889. 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: Barbara Simons Phone Number: 480-350-5460

E-mail: Barbara Simons@tempe.gov



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

03/03/2021

WIDMER STEVEN P 1112 E MANHATTAN DR TEMPE, AZ 85282

Case #: CE211416

Site Address: 1112 E MANHATTON DR, TEMPE, AZ 85282

front yard.

This is a notice to inform you that this site was inspected on 03/03/2021 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.

Section	Violation	
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches	
PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	Please completely remove the weeds and/or grass in the gravel landscape in the	03/22/2021

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

Barbara Simons Code Inspector Direct: 480-350-5460 Code Compliance: 480-350-4311 Email:Barbara Simons@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

03/24/2021

WIDMER STEVEN P 1112 E MANHATTAN DR TEMPE, AZ 85282

Case #: CE211416

Site Address: 1112 E MANHATTON DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/24/2021 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.

Section	Violation
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches
CC 21-4.a.2.e	Broken Window
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		
CC 21-3.b.8	Please completely remove the weeds and/or grass in the gravel landscape in the front yard.	04/12/2021
	Please cut the over-height grass/weeds in the back yard.	
CC 21-4.a.2.e	Please replace the broken window next to the back door.	
CC 21-3.b.1	Please remove the junk and debris in the back yard.	

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

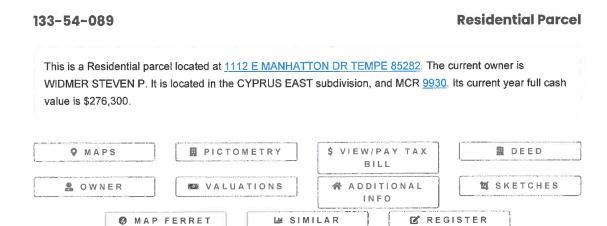
Barbara Simons Code Inspector

Direct: 480-350-5460

Code Compliance: 480-350-4311 Email:Barbara_Simons@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.



PARCELS

RENTAL

PROPERTY INFORMATION



1112 E MANHATTON DR TEMPE 85282

MCR # 9930

Description CYPRUS EAST

Long/Lat 33.38829902 | -111.92179198

 Lot Size
 7,693 sq ft.

 Zoning
 R1-6

 Lot #
 89

High School District TEMPE UNION #213

Elementary School TEMPE ELEMENTARY SCHOOL DISTRICT

District

Local Jurisdiction TEMPE
S/T/R 35 1N 4E
Market 02/004

Area/Neighborhood

Subdivision (225 CYPRUS EAST

Parcels)

OWNER

INFORMATION



WIDMER STEVEN P

Mailing Address 1112 E MANHATTAN DR, TEMPE, AZ 85282

 Deed Number
 031605888

 Last Deed Date
 11/21/2003

Sale Date n/a Sale Price n/a

VALUATION INFORMATION

[0]

We provide valuation information for the past 5 years. For mobile display, we only show 1 year of valuation information. Should you need more data, please look at our <u>data sales</u>.

The Valuation Information displayed below may not reflect the taxable value used on the tax bill due to any special valuation relief program. CLICK HERE TO PAY YOUR TAXES OR VIEW YOUR TAX BILL Z

Tax Year	2022	2021	2020	2019	2018
Full Cash Value ②	\$276,300	\$255,300	\$235,100	\$219,300	\$200,500
Limited Value 🚱	\$167,396	\$159,425	\$151,833	\$144,603	\$137,717
Legal Class	3.1	3.1	3.1	3.1	3
Description	PRIMARY RESIDENCE	PRIMARY RESIDENCE	PRIMARY RESIDENCE	PRIMARY RESIDENCE	PRIMARY RESIDENCE
Assessment Ratio	10.0%	10.0%	10.0%	10.0%	10.0%
Assessed LPV	\$16,740	\$15,943	\$15,183	\$14,460	\$13,772
Property Use Code	0131	0131	0131	0131	0131
PU Description	Single Family Residence				
Tax Area Code	031600	031600	031600	031600	031600
Valuation Source	Notice	Notice	Notice	Notice	Notice

ADDITIONAL PROPERTY INFORMATION

Menu Search

Steven P. Widmer

Send Flowers



Steven P. Widmer

Tempe - 58, of Tempe, AZ passed away on 02/20/2021. If you have any information regarding this person, please call Maricopa County Indigent Decedent Services at 602-372-0535, select option #5.

To Plant Memorial Trees in memory, please visit our Sympathy Store.

Published in The Arizona Republic from Mar. 1 to Mar. 2, 2021.

Widmer Pages

See more records on Ancestry®

MEMORIAL EVENTS

No memorial events are currently scheduled. To offer your sympathy during this difficult time, you can now have memorial trees planted in a National Forest in memory of your loved one.

Funeral services provided by

Wymans Cremation and Burial

115 S. Country Club Dr

Mesa, AZ 85210

(480) 668-2898

Plant Memorial Trees

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April 20, 2021

City of Tempe Attn: Barbara Simons Code Inspector

RE: Clean-Up at 1112 E Manhatton Dr.

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 1112 E Manhatton Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Weed/grass removal and pre-emergent treatment in gravel landscape areas
- Cut over-height grass weeds and in lawn areas (back yard)
- Remove dead vegetation in any landscape areas
- Remove junk and debris in back yard
- Board up broken window next to back door.

Total = \$889.00

Respectfully,

Jose Hernandez



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:

1112 East Manhatton Drive

Tempe, AZ 85282

Operator:

SKIP

Estimator:

Skip Yaw

Company:

EVDS

Business: (480) 833-4538

E-mail: skip@evds.co

Type of Estimate:

Nuisance Abatement Services

Date Entered:

4/15/2021

Date Assigned:

Price List:

AZPH8X_MAR21

Labor Efficiency:

Restoration/Service/Remodel

Estimate:

21-1334-NUISANCE



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

21-1334-NUISANCE

Nuisance Abatement Services

Exterior

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
Nuisance Abaement Services	1.00 EA	0.00	920.00	0.00	920.00

NOTE: Abatement Services include;

1) Cut/remove overgrown grass and weeds in gravel landscaped areas of all elevations (front, sides and back).

2) Apply pre-emergent to same areas.

3) Remove dead vegetation in any landscaped areas.

4) Remove junk and debris in back yard.

5) Haul off and dispose of all yard waste, junk and debris.

6) Board-Up broken window next to back door.

Totals: Exterior	0.00	920.00
Total: Nuisance Abatement Services	0.00	920.00
Line Item Totals: 21-1334-NUISANCE	0.00	920.00

4/15/2021

Page: 2



East Valley Disaster Services, Inc. 257 W. Broadway Mesa, AZ 85210 (480) 833-4538 (Office & 24 Hour Emergency) Info@evds.co

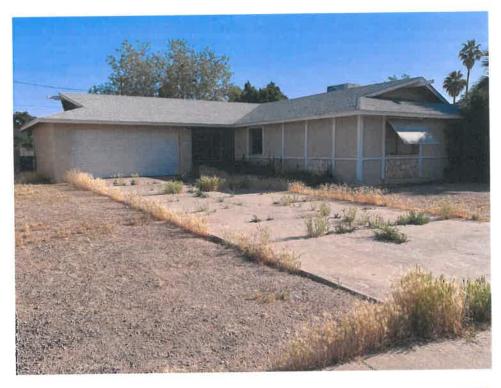
EIN: 86-0721883 / ROC: B License #097838

	Summary	
Line Item Total		920.00
Replacement Cost Value Net Claim		\$920.00 \$920.00
	Ol.: V.	
	Skip Yaw	



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

1 1-1112 East Manhatton Drive (1) Date Taken: 4/14/2021



2 2-1112 East Manhatton Drive (2) Date Taken: 4/14/2021





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

3-1112 East Manhatton Drive (3) Date Taken: 4/14/2021



4-1112 East Manhatton Drive (4) Date Taken: 4/14/2021





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

5-1112 East Manhatton Drive (5)
 Date Taken: 4/14/2021



6 6-1112 East Manhatton Drive (6) Date Taken: 4/14/2021



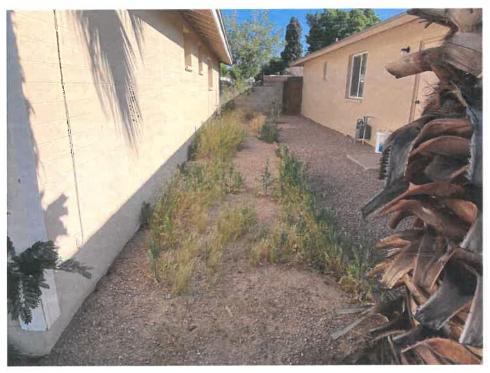


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7-1112 East Manhatton Drive (7) Date Taken: 4/14/2021



8 8-1112 East Manhatton Drive (8) Date Taken: 4/14/2021



21-1334-NUISANCE 4/15/2021 Page: 7



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

9 9-1112 East Manhatton Drive (9) Date Taken: 4/14/2021



10 10-1112 East Manhatton Drive (10) Date Taken: 4/14/2021

