

**CITY OF TEMPE
HEARING OFFICER**

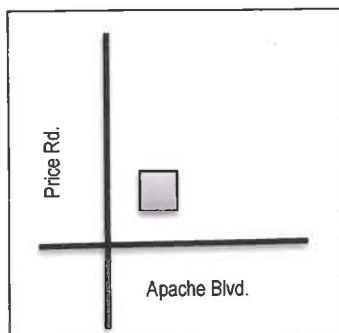
Meeting Date: 07/06/2021
Agenda Item: 7

ACTION: Request approval to abate public nuisance items at the Chunxiang Xu Property located at 2244 E. Apache Blvd. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$4122.00 for abatement request: remove weeds and debris from asphalt and burned areas of property, secure unsecured building.

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 CHUNXIANG XU 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 CM210513: remove weeds and debris from asphalt and burned areas of property, secure unsecured building.



Property Owner	Chunxiang Xu
Applicant	City of Tempe – Code Compliance
Zoning District:	CSS, Commercial
Code Compliance	Marvin White - Code Inspector
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 Chunxiang Xu Property located at 2244 E. Apache Blvd., in the CSS Commercial district. This case was initiated 4/09/21, 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.

ABATEMENT

Project Submittal Application

City of Tempe
 Development Services Department
 31 E. 5th Street, Garden Level, Tempe, AZ 85281
 Building Safety - Phone: 480-350-8341 Fax: 480-350-8677
 Planning - Phone: 480-350-8331 Fax: 480-350-8872
www.tempe.gov



Project Information - Required

Project Name: CHUNXIANG XU	
Project Address: 2244 E. APACHE BLVD.	Suite No.: <input type="checkbox"/>
Proposed Use of Building/Suite:	Existing Zoning: CSS <input type="checkbox"/>
Legal Description: <input type="checkbox"/> Attached	Parcel No.: 135-41-024C <input type="checkbox"/>
Description of Work/Request: Abatement of case # CM210513	
JULY 6, 2021	
Valuation (for building plan review only):	

Applicant Information - Required

Company or Firm Name: City of Tempe Code enforcement	Telephone 1: (480) 350-8966	Ext: _____
Applicant's Name: MARVIN WHITE / CODE INSPECTOR	Telephone 2: ()	Ext: _____
Applicant's Street Address: 21 E. 6TH ST.	Fax: ()	
City: TEMPE	State: AZ	Zip: 85281
Applicant Signature: <i>Marvin White</i>		Email Address(es): marvin_white@tempe.gov
		Date: 5-28-21

For City Use Only

Planning	Fees	Building	Engineering	Submitted Materials:
<input type="checkbox"/> SPR		<input type="checkbox"/> New Building	<input type="checkbox"/> Engineering	Building _____ Fire _____
<input type="checkbox"/> Dev Plan Review		<input type="checkbox"/> Complete	<input type="checkbox"/> Revision	Planning _____ Signs _____
<input type="checkbox"/> Sign Permit		<input type="checkbox"/> Prelease	Tracking Nos.:	
<input type="checkbox"/> Use Permit		<input type="checkbox"/> Basic	DS _____	Engineering _____
<input type="checkbox"/> Variance		<input type="checkbox"/> Add/Alt	BP _____	<input type="checkbox"/> Spec Book(s)
<input type="checkbox"/> General Plan Amend		<input type="checkbox"/> TI	EN _____	<input type="checkbox"/> Soils Report
<input type="checkbox"/> Zoning Amend		<input type="checkbox"/> AFES (O/H)	PL _____	<input type="checkbox"/> Structural Calcs
<input type="checkbox"/> Zoning Verification Letter		<input type="checkbox"/> MF	X _____	<input type="checkbox"/> Report
<input type="checkbox"/> Subdivision/Condo		<input type="checkbox"/> NRes	PC _____	<input type="checkbox"/> Truss Calcs
<input type="checkbox"/> PAD Overlay		<input type="checkbox"/> Res Remodel/Add	PPC _____	<input type="checkbox"/> Hydraulic Calcs
<input type="checkbox"/> Legal Posting Signs		<input type="checkbox"/> Pool	CA _____	<input type="checkbox"/> Parking Analysis
<input type="checkbox"/> Administrative Decision		<input type="checkbox"/> Demo	FR _____	<input type="checkbox"/> Lighting Cut Sheets
<input checked="" type="checkbox"/> Abatement		<input type="checkbox"/> Grading Only	RA _____	<input type="checkbox"/> Haz Mat Form
<input type="checkbox"/> Shared Parking		<input type="checkbox"/> Phased Constr	SGN _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> CCR Review		<input type="checkbox"/> Phased Constr w/UG MEP	PF _____	Total Valuation:
<input type="checkbox"/> Continuance		<input type="checkbox"/> Structural Frame	MCA Code: _____	Total Submittal Fees:
<input type="checkbox"/> Appeal		<input type="checkbox"/> MEP Only	File With: _____	Validation: _____
<input type="checkbox"/> Other _____		<input type="checkbox"/> Mobile Home	Received By: _____	Date Stamp: _____
Fire		<input type="checkbox"/> Factory Built Bldg		
<input type="checkbox"/> Tanks		<input type="checkbox"/> Deferred submittal		
<input type="checkbox"/> Spray Paint Booth		<input type="checkbox"/> Revision		
<input type="checkbox"/> Special Extinguishing		<input type="checkbox"/> New Standard		
<input type="checkbox"/> Fire Alarm		<input type="checkbox"/> Permits based on Standard #		
<input type="checkbox"/> Kitchen Hood System		<input type="checkbox"/> Suiting		
<input type="checkbox"/> Rack Storage		<input type="checkbox"/> Other _____		
<input type="checkbox"/> Hazmat				
<input type="checkbox"/> Other _____				

Planning Submittals are Subject to Dissemination to the Public

Please See Reverse for Instructions, Submittal Information and Time Limit of Application



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE:05/28/21
CASE # CM210513

**CHUNXIANG XU
ATTN: BO SONG
4209 E. WILLIAMS DR.
PHOENIX, AZ. 85050**

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

**LOCATION: 2244 E. APACHE BLVD. TEMPE, AZ 85281
PARCEL: 135-41-024C**

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 07/06/2021. 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:

Violation of City of Tempe Code 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; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

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.

Violation of City of Tempe Code 21-3-B-9

Any dangerous, deteriorated, abandoned, partially destroyed or unfinished building, addition, appendage or other structure, or any building in violation of the uniform building Code as adopted by the City, and any vacated or abandoned building not securely closed at all times, any wood, metal or other material used for securing a vacated or abandoned building must be compatible with the color of the building.

If the violations have not been corrected within thirty 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:

1. **REMOVE ALL OVERGROWN WEEDS FROM GRAVEL AND ASPHALT AREAS ON PROPERTY.**
2. **REMOVE ALL DEBRIS FROM ASPHALT AND BURNT OUT AREAS OF BUILDING ON PROPERTY.**
3. **SECURE UNSECURED BUILDING WITH MATERIAL THAT IS COMPATIBLE WITH EXISTING PAINT COLOR.**

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 **\$4,122.00**. 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.

Code Inspector: Marvin White

Phone Number: 480-350-8966

E-mail: marvin_white@tempe.gov

DATE: May 28, 2021
TO: Jack Scofield, Senior Code Inspector
FROM: Marvin White, Code Inspector
SUBJECT: CM210513 / Chunxiang Xu / Property Abatement

LOCATION: 2244 E. Apache Blvd. Tempe, AZ 85281
LEGAL: Book, Map, Parcel, as recorded with the Maricopa County Assessor
OWNER: Chunxiang Xu
4209 E. Williams Dr.
Phoenix, AZ. 85050

FINDINGS:

See Attached.

RECOMMENDATIONS:

I recommend a 180 day abatement of the property located at 2244 E. Apache Blvd. due to the fact that the property owner Chunxiang Xu has failed to bring the property into compliance with the City of Tempe Nuisance Code and the property has become blight on the neighborhood.

Thank you,

Marvin White
Code Inspector II

ACTION TAKEN: Submit

NAME Jack Pappalardo

DATE: 5/28/21



COMMUNITY DEVELOPMENT Code Compliance

Enforcement

CM210513

CHUNXIANG XU / GRAFFITI OVERGR

Description of Work:

VISITED SITE AND NOTICED GRAFFITI OVERGROWN LANDSCAPE MATERIAL WEEDS DEBRIS AND UNSECURED BUILDING PHOTOS TAKEN VIOLATION LETTER MAILED TO THE PROPERTY OWNER. WILL FOLLOW UP.

Project Address:

2244 E APACHE BLVD

Marvin White

4/9/2021 VISITED SITE AND NOTICED GRAFFITI OVERGROWN LANDSCAPE MATERIAL WEEDS DEBRIS AND UNSECURED BUILDING PHOTOS TAKEN VIOLATION LETTER MAILED TO THE PROPERTY OWNER. WILL FOLLOW UP.

Marvin White

4/27/2021 VISITED SITE AND NOTICED ADDITIONAL UNSECURED BUILDINGS PHOTOS TAKEN. WILL FOLLOW UP.,

Marvin White

5/4/2021 VISITED SITE AND NO CHANGE NOTICED PHOTOS TAKEN FINAL CERTIFIED VIOLATION LETTER MAILED TO THE PROPERTY OWNER CHUNXIANG XU / BO SONG. WILL FOLLOW UP.

Marvin White

5/14/2021 VISITED SITE AND NO CHANGE NOTICED FROM PREVIOUS INSPECTION BUT DID NOTICE ADDITIONAL TRASH AND DEBRIS FROM EXISTING BUILDING THAT HAS BURNED DOWN SINCE PREVIOUS INSPECTION PHOTOS TAKEN. WILL FOLLOW UP.

Marvin White

5/21/2021 VISITED SITE AND NO CHANGE NOTICED. WILL FOLLOW UP.

Marvin White

5/24/2021 VISITED SITE AND NO CHANGE NOTICED AWAITING FINAL BID TO BEGIN THE ABATEMENT PROCESS. WILL FOLLOW UP.

Marvin White

5/26/2021 VISITED SITE AND NO CHANGE NOTICED. WILL FOLLOW UP.

Marvin White

5/28/2021 VISITED SITE AND NO CHANGE NOTICED PHOTOS TAKEN NOTICE OF INTENT TO ABATE POSTED AND MAILED TO THE PROPERTY OWNER. WILL FOLLOW UP.



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE

CORRECTION NOTICE

04/09/21

CHUNXIANG XU
ATTN: BO SONG
4209 E. WILLIAMS DR.
PHOENIX, AZ. 85050

Case #: CM210513

Site Address: 2244 E. APACHE BLVD. TEMPE, AZ.

SITE REINSPECTION ON OR AFTER: 04/23/21

This is a notice to inform you that this site was inspected on 04/09/21 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.

<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.B.1	Site not maintained overgrown weeds dead landscape material and debris.
CC 21-3.B.9	Site not maintained unsecured building.
CC 22-105.A	Site not maintained graffiti present.

<u>SECTION</u>	<u>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</u>
CC 21-3.B.1	Maintain site and remove overgrown dead palm fronds weeds and debris.
CC 21-3.B.9	Maintain site and secure unsecured building.
CC 22-105.A	Maintain site and remove all graffiti within ten days.

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

Marvin White
Code Inspector II

Direct: 480-350-8966
Code Compliance: 480-350-8372
Email: marvin_white@tempe.gov

Civil and Criminal Penalties

City Code Section 21-3, Subsec (b) 1-8, 17-19 and 21; Sections 21-4; Sections 21-13; Section 21-24; section 21-38, Subsec (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 | Sections 21-3, Subsections (b) 9-16 and 20; Sections 2-34, 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 the 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

05/04/21

CHUNXIANG XU
ATTN: BO SONG
4209 E. WILLIAMS DR.
PHOENIX, AZ. 85050

Case #: CM210513

Site Address: 2244 E. APACHE BLVD. TEMPE, AZ.

SITE REINSPECTION ON OR AFTER: 05/14/21

This is a notice to inform you that this site was inspected on 05/03/21 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.

<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.B.1	Site not maintained overgrown weeds dead landscape material and debris.
CC 21-3.B.9	Site not maintained unsecured building.
CC 22-105.A	Site not maintained graffiti present.

<u>SECTION</u>	<u>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</u>
CC 21-3.B.1	Maintain site and remove overgrown dead palm fronds weeds and debris immediately or the Site will be abated and a lien placed.
CC 21-3.B.9	Maintain site and secure unsecured buildings immediately or the site will be abated and a lien placed.
CC 22-105.A	Maintain site and remove all graffiti immediately or the site will be abated and a lien placed.

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

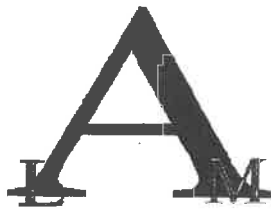
Marvin White
Code Inspector II

Direct: 480-350-8966
Code Compliance: 480-350-8372
Email: marvin_white@tempe.gov

Civil and Criminal Penalties

City Code Section 21-3, Subsec (b) 1-8, 17-19 and 21; Sections 21-4; Sections 21-13; Section 21-24; section 21-38, Subsec (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 | Sections 21-3, Subsections (b) 9-16 and 20; Sections 2-34, 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 the 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 calender year, the property owner may be assessed a reinspection fee of \$ 82.00 pursuant to City Code Section 21-51, subsection (b).



Artistic Land Management, Inc.

May 17, 2021

City of Tempe
Attn: Marvin White
Code Inspector II

RE: Clean-Up at 2244 E. Apache Blvd.

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 2244 E. Apache Blvd, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Remove all overgrown weeds
- Trim dead palm fronds from tree
- Board up all unsecured buildings
- Remove burnt wood and concrete pile next to burnt building due to recent fire

Total = \$4,122.00

Respectfully,

Jose Hernandez



Maricopa County Assessor's Office Parcel Viewer

Feature Information

(1 of 2)

Clear ?

135-41-024C

Owner Information

Owner Name: XU CHUNXIANG
Property Address: 2244 E APACHE BLVD TEMPE 85281
Mailing Address: 810 BROCKTON LN NORTH PLYMOUTH MN 55447
Deed Number: 140329285
Sale Date:
Sale Price: \$

Property Information

Lat/Long: 33.415326, -111.890204
S/T/R: 19 1N SE
Jurisdiction: TEMPE
Zoning: CSS
PUC: 1860
Lot Size (sq ft): 17,570
MCR #:
Subdivision:
Lot #:
Floor: 1
Construction Year:
Living Space (sq ft):

Valuation Information

Tax Year: 2022 2021
FCV: \$447,500 \$414,400

