

**CITY OF TEMPE
HEARING OFFICER**

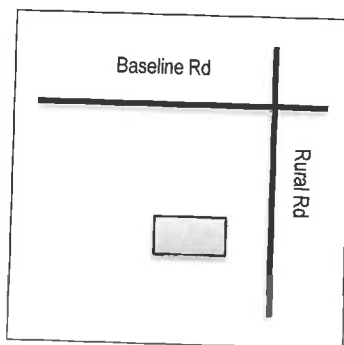
Meeting Date: 07/21/2021
Agenda Item: 2

ACTION: Request approval to abate public nuisance items at the FKH SFR PROPCO B-HLD Property located at 740 E Auburn Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$689.15 for abatement request, including the clean-up of deteriorated landscaping and restoration of dead grass in the front yard, Security on site.

RECOMMENDATION: Staff – Approval

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the FKH SFR PROPCO B-HLD PROPERTY (CE210476). 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 CE210476: deteriorated landscaping and dead front yard grass. The request includes the following:



Property Owner
Applicant
Zoning District:
Code Compliance Inspector:

FKH SFR PROPCO B-HLD
City of Tempe – Code Compliance
R1-6, Single Family Residential District
Michael Glab, Code Inspector

ATTACHMENTS: Supporting Attachment

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

Department Director: Shelly 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 FKH SFR PROPCO B-HLD Property located at 740 E Auburn Drive in the R1-6, Single Family Residential District. This case was initiated 01/25/2021 following 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 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	FKH SFR PROPCO B-HLD LP ABATEMENT	EXISTING ZONING	R1-6	<input type="checkbox"/>
PROJECT ADDRESS	740 E AUBURN DR TEMPE AZ 85283	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	UNIVERSITY ROYAL ABATEMENT OF CE210476 JULY 21, 2021	PARCEL No(s)	301-80-327	<input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE 1	PHONE 2		

I hereby authorize the applicant below to process this application with the City of Tempe.

PROPERTY OWNER SIGNATURE	X	DATE
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or attach written statement authorizing the applicant to file the application(s)

APPLICANT INFORMATION – REQUIRED

COMPANY / FIRM NAME	CITY OF TEMPE / CODE COMPLIANCE	ADDRESS	21 E 6TH ST SUITE 208
CONTACT NAME	MICHAEL GLAB / CODE INSPECTOR	CITY	TEMPE
EMAIL	michael_glab@tempe.gov	PHONE 1	(480) 350-5461

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	DATE	6/9/21
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BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE	EMAIL		

<input checked="" type="checkbox"/> 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. 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)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			TOTAL APPLICATION FEES
SPR TRACKING # (if 2 nd or 3 rd submittal, please use Planning Resubmittal Form)			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: 06/09/2021
SUBJECT: FKH SFR PROPCO B-HLD Abatement

LOCATION: 740 E AUBURN DR., TEMPE, AZ 85283
LEGAL: LOT 323, BOOK 150, PAGE 017, as recorded with the Maricopa County Assessor
OWNER: FKH SFR PROPCO B-HLD
1850 PARKWAY PL STE 900
MARIETTA, GA 30067

FINDINGS:

In January of 2021, I visited the property and confirmed a violation of City Code, related to a deteriorated landscape, was present. I mailed a violation notice to the property owner, requesting the violation be remedied.

In March of 2021, I visited the property and confirmed a violation of City Code remained, related to a deteriorated landscape. I mailed a second violation notice to the property owner, requesting the violation be remedied.

In April of 2021, I visited the property and confirmed a violation of City Code remained related to a deteriorated landscape. I posted a violation notice to the front of the structure, requesting the violation be remedied.

RECOMMENDATIONS:

The owner(s) of this property, FKH SFR PROPCO B-HLD, have/has made little to no attempt to bring the property into compliance. FKH SFR PROPCO B-HLD 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

ACTION TAKEN: Submit

NAME: 

DATE: 6/9/21



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 06/09/2021
Case #: CE210476

**FKH SFR PROPCO B-HLD LP
1850 PARKWAY PL STE 900
MARIETTA, GA 30067**

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

Location: 740 E AUBURN DR., TEMPE, AZ 85283
Parcel: 301-80-327

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 07/21/2021 at 5pm, at the City of Tempe Council Chambers, located at 31 E. 5th 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.8 Deteriorated landscape

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 seed/water the front yard grass landscape, so that the grass is returned to a living state and appears greenish in color; that any dirt patches are now growing grass. If not planning to continue growing grass, please replace the landscape with another approved landscaping material, such as gravel, rock, stone, etc.

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 \$ 689.15. 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**



COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
 CORRECTION NOTICE

01/25/2021

CERBERUS SFR HOLDINGS
 PO BOX 82739
 GOLETA, GA 93118

Case #: CE210476
 Site Address: 740 E AUBURN DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 01/25/2021 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	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;
CC 21-38.h	Rental property landscape improvement requirements

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please seed/water the front yard grass landscape, so that the grass is returned to a living state and appears greenish in color; that any dirt patches are now growing grass. If not planning to continue growing grass, please replace the landscape with another approved landscaping material, such as gravel, rock, stone, etc.	02/26/2021
CC 21-38.h	Please seed/water the front yard grass landscape, so that the grass is returned to a living state and appears greenish in color; that any dirt patches are now growing grass. If not planning to continue growing grass, please replace the landscape with another approved landscaping material, such as gravel, rock, stone, etc.	02/26/2021

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

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
 CORRECTION NOTICE

01/25/2021

FKH SFR PROPCO B-HLD LP
 1850 PARKWAY PL STE 900
 MARIETTA, GA 30067

Case #: CE210476
 Site Address: 740 E AUBURN DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 01/25/2021 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
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CC 21-38.h	Rental property landscape improvement requirements

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please seed/water the front yard grass landscape, so that the grass is returned to a living state and appears greenish in color; that any dirt patches are now growing grass. If not planning to continue growing grass, please replace the landscape with another approved landscaping material, such as gravel, rock, stone, etc.	02/26/2021
CC 21-38.h	Please seed/water the front yard grass landscape, so that the grass is returned to a living state and appears greenish in color; that any dirt patches are now growing grass. If not planning to continue growing grass, please replace the landscape with another approved landscaping material, such as gravel, rock, stone, etc.	02/26/2021

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

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
 CORRECTION NOTICE

03/12/2021

CERBERUS SFR HOLDINGS
 PO BOX 82739
 GOLETA, GA 93118

Case #: CE210476
 Site Address: 740 E AUBURN DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 03/12/2021 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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CC 21-38.h	Please seed/water the front yard grass landscape, so that the grass is returned to a living state and appears greenish in color; that any dirt patches are now growing grass. If not planning to continue growing grass, please replace the landscape with another approved landscaping material, such as gravel, rock, stone, etc.	04/13/2021

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

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

03/12/2021

FKH SFR PROPCO B-HLD LP
1850 PARKWAY PL STE 900
MARIETTA, GA 30067

Case #: CE210476
Site Address: 740 E AUBURN DR, TEMPE, AZ 85283

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Michael Glab
Code Inspector

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COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
 POST TO STRUCTURE

04/23/2021

CERBERUS SFR HOLDINGS
 FKH SFR PROPCO B-HLD LP
 PO BOX 82739
 GOLETA, GA 93118

Case #: CE210476
 Site Address: 740 E AUBURN DR, TEMPE, AZ 85283

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CC 21-38.h	Landscaping rental housing improvement requirement

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Michael Glab
 Code Inspector

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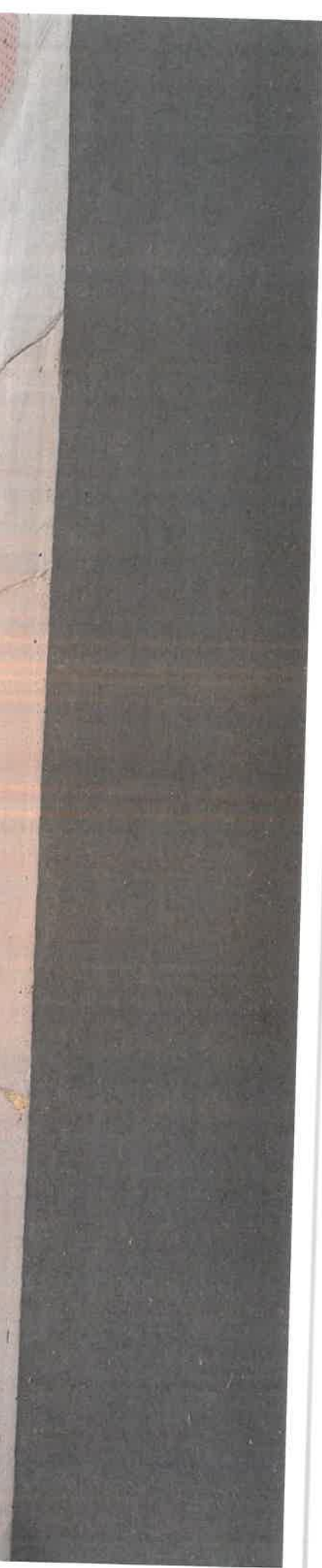
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Jun 4, 2021 1:41:50 PM
Tempe



Jun 4, 2021 1:41:54 PM
Tempe





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

Client: City of Tempe / Nuisance Abatement Services
Property: 740 East Auburn 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: 6/1/2021

Date Assigned:

Price List: AZPH8X_JUN21
Labor Efficiency: Restoration/Service/Remodel
Estimate: 21-1452-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

21-1452-NUISANCE
Nuisance Abatement Services

DESCRIPTION	Exterior		REPLACE	TAX	TOTAL
	QTY	REMOVE			
1. Nuisance Abatement Services	1.00 EA	0.00	667.00	22.15	689.15
NOTE: Abatement services include;					
1) Scraping of yard to bare dirt landscape, removing all sporadic grass/weed growth.					
2) Removal of fallen tree acorns, pods, etc. located on east side of parcel.					
3) Haul away and disposal of yard waste.					
4) Security provided by the City of Tempe Police Department.					
Totals: Exterior				22.15	689.15
Total: Nuisance Abatement Services				22.15	689.15
Line Item Totals: 21-1452-NUISANCE				22.15	689.15



East Valley Disaster Services

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

Summary

Line Item Total	
Material Sales Tax	667.00
Replacement Cost Value	22.15
Net Claim	<u>\$689.15</u>
	<u>\$689.15</u>

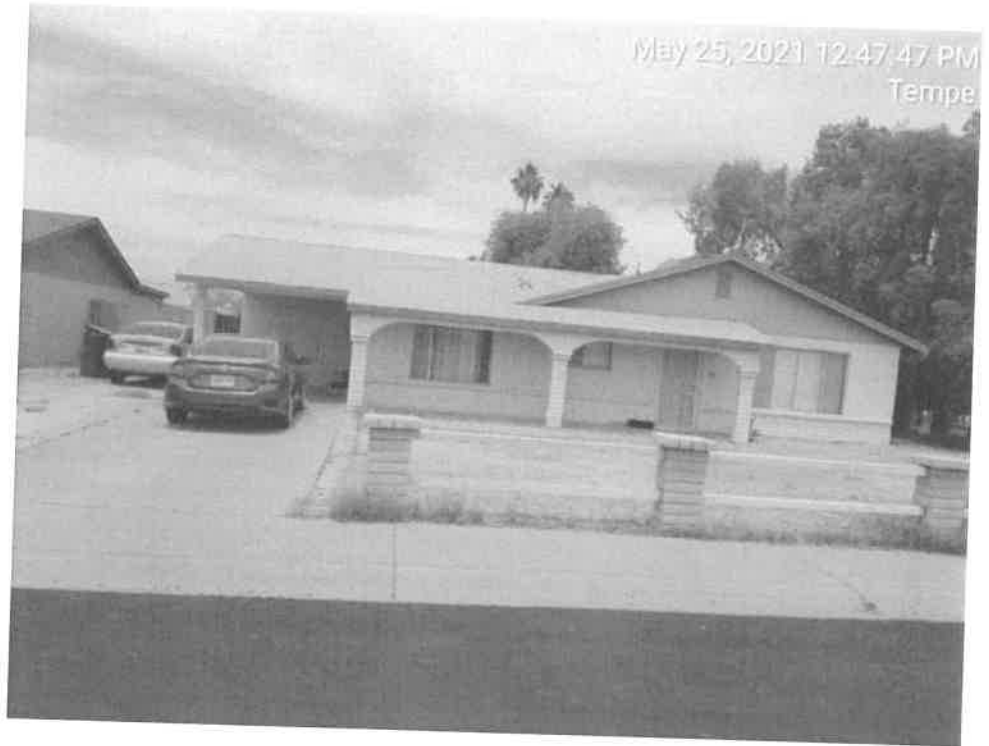
Skip Yaw



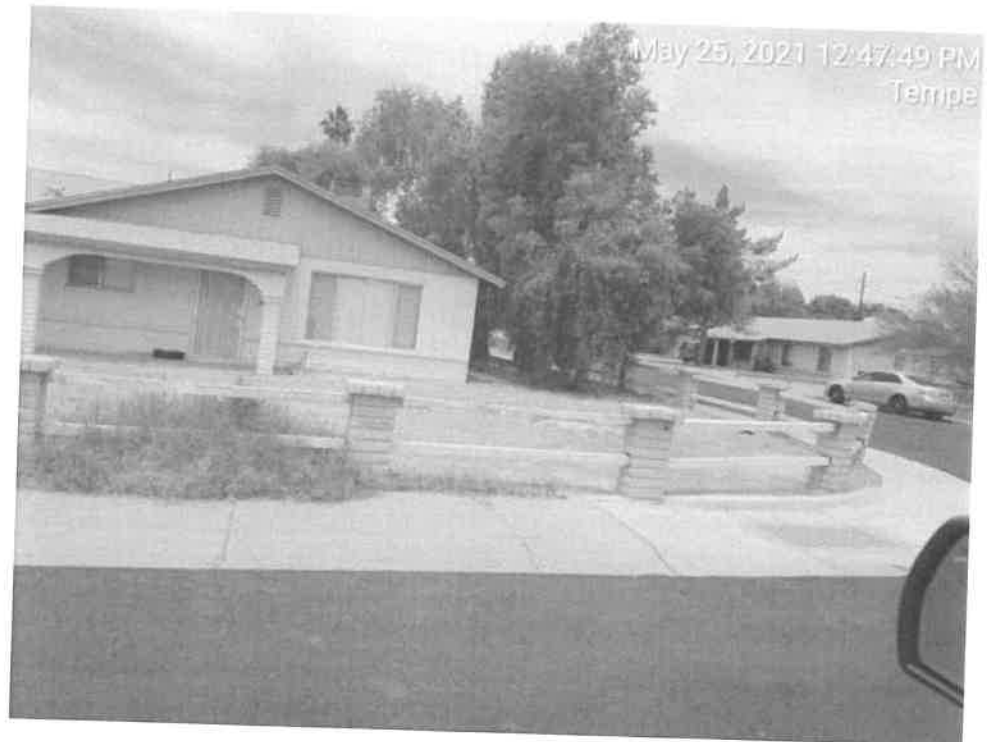
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1 1-740 East Auburn Drive (1)



2 2-740 East Auburn Drive (2)





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- 3 3-740 East Auburn Drive (3)
Date Taken: 6/1/2021



- 4 4-740 East Auburn Drive (4)
Date Taken: 6/1/2021

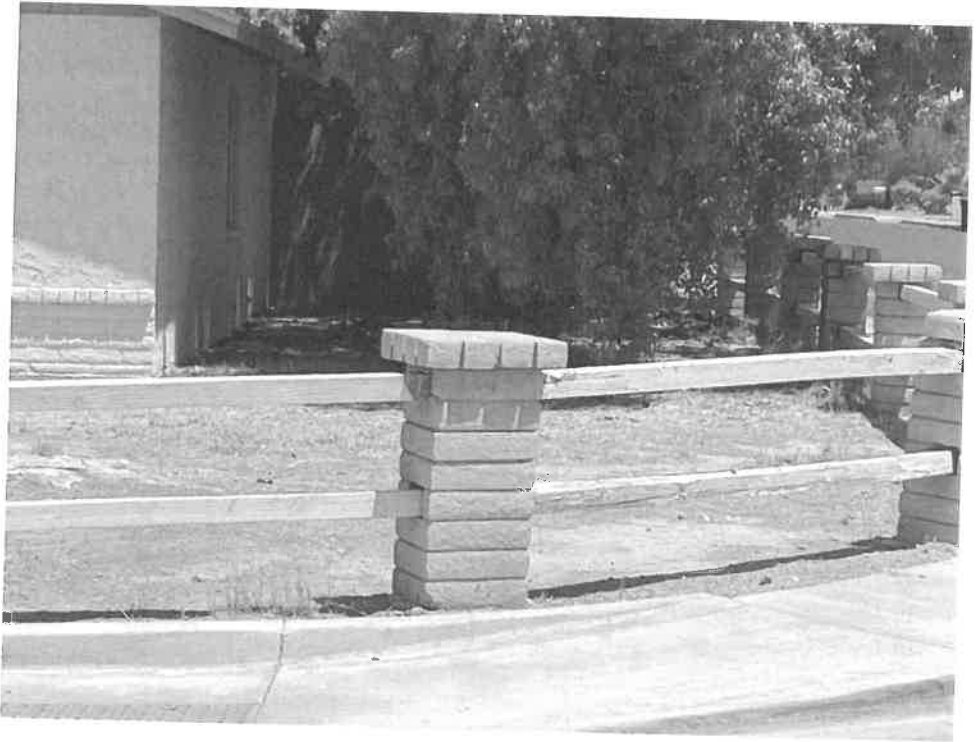




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- 5 5-740 East Auburn Drive (5)
Date Taken: 6/1/2021



- 6 6-740 East Auburn Drive (6)
Date Taken: 6/1/2021





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- 7 7-740 East Auburn Drive (7)
Date Taken: 6/1/2021



- 8 8-740 East Auburn Drive (8)
Date Taken: 6/1/2021





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- 9 9-740 East Auburn Drive (9)
Date Taken: 6/1/2021



- 10 10-740 East Auburn Drive (10)
Date Taken: 6/1/2021





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11 11-740 East Auburn Drive (11)

