

**CITY OF TEMPE
HEARING OFFICER**

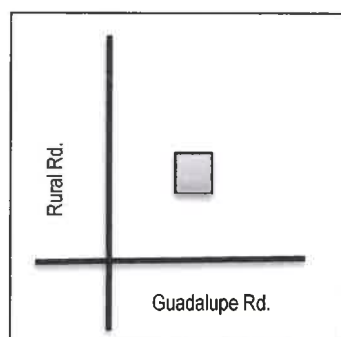
**Meeting Date: 08/03/2021
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the Davis Property located at 1004 E. Westchester Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1797 for abatement request: remove boat and jet skis, remove junk and debris.

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 DAVIS 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 CE210592: remove boat and jet skis, remove junk and debris.



Property Owner	Kenneth H. Davis
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential
Code Compliance Inspector:	Julie Scofield - 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 Davis Property located at 1004 E. Westchester Drive, R1-6, Single Family Residential district. This case was initiated 2/02/21, 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

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	DAVIS PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1004 E. Westchester Dr. Tempe, AZ 85283	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CE210592 Hearing is August 3rd, 2021	PARCEL No(s)	301-91-198 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME		ADDRESS	1004 E. Westchester Dr
CONTACT NAME	Kenneth Davis	CITY	Tempe
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	Community Development	ADDRESS	21 E. 6th St.
CONTACT NAME	Julie Scofield	CITY	Tempe
EMAIL	julie_scofield@tempe.gov	PHONE 1	480-350-8951
		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	DATE	10/24/21
<i>Julie Scofield</i>			

BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME		ADDRESS	
CONTACT NAME		CITY	
TYPE OF BUSINESS		PHONE	
		EMAIL	

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)
PL TRACKING #			VALIDATION OF PAYMENT (STAMP)
SPR TRACKING # (if 2 nd or 3 rd submittal, please use Planning Resubmittal Form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: 06/24/2021
TO: Michael Spencer, Sr. Code Inspector
FROM: Julie Scofield, Code Inspector
SUBJECT: CE210592, Davis Property Abatement

LOCATION: 1004 E. WESTCHESTER DR. TEMPE, AZ 85283

LEGAL: TEMPE ROYAL PALMS

PARCEL: 301-91-198

OWNER: KENNETH DAVIS
C/O KIMBERLY MANN (DAVIS)
1004 E. WESTCHESTER DR
TEMPE, AZ 85283

FINDINGS:

02/02/2021 The Code Compliance Division received a complaint for junk, trash, and debris and a boat in the front yard. Inspected the property, and there is a boat parked on the east side of the property in an unimproved surface and within the setback. There are also jet skis parked further back in the same area. There is scattered miscellaneous items in the front yard and in the back of the vehicles. A notice was mailed to the property owner Kenneth Davis and current resident Kimberly Mann. (Per water bill)

02/17/2021 Inspected the property and the items have been cleaned up. The boat and jet skis are still on the east side. A final notice was mailed.

03/11/2021 Called and talked to Kimberly Mann -who is on the water bill. she said that she wanted to move the boat to another property but needed more time. Offered her the phone number to planning as well to see about getting a use permit to allow the boat to be parked in the setback. Explained to her at that time that the area would have to be made an improved surface. Granted an extension until 03/25/2021.

04/07/2021 Called and talked to Kimberly Mann again. The boat is still parked on an unimproved section and still in the setback. She said she has tried to call planning, but no one was calling her back. Gave her another week to move the boat.

04/20/2021 Inspected the property and the boat was parked on the street, the jet skis are still on the east side.

04/30/2021 The boat was on the property once again. mailed a final revised notice to include the lawn parking and the boat because other details were found regarding the owner.

05/07/2021 received an anonymous complaint regarding boat in the front yard.

05/19/2021 Went by the property and the boat is parked on the street. The jet skis are still on the side.

05/26/2021 Issued a citation for the boat being parked in the setback, junk trash and debris now back, and the lawn parking from the boat and the jet skis. Pictures were taken of the property to show the current condition.

06/24/2021 Turning in the paperwork for the abatement hearing to be heard on August 3rd, 2021.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1361 E. Dava Dr. due to property owner's failure to bring property into compliance with Tempe City Code 21-3. B.4 AND 21-3. B.1. Davis has been given ample time to come into compliance and maintain the property. There has been no indication that the property owner will bring the property into compliance. The property represents an eyesore to the community.

Without the intervention of abatement, the property will continue to deteriorate. I therefore make a request to the City of Tempe Community Development Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.
Respectfully submitted,

Julie Scofield
Code Inspector II

ACTION TAKEN: subent
NAME: [Signature]
DATE: 6-24-21



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 06/24/2021
Case #: CE210592

**DAVIS KENNETH H
1004 E. WESTCHESTER DR.
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: 1004 E WESTCHESTER DR TEMPE, AZ 85283
Parcel: 301-91-198

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of 8/03/2021 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.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 |
| ZDC 4-602.B.7 | Recreational vehicles and unmounted truck campers, exceeding twenty-one (21) feet in length and all boats and trailers shall not be parked in the required front yard building setback or required street yard setback |

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.1 | Please remove trash, litter, and debris and any other miscellaneous items from front/sides of property. |
| CC 21-3.b.4 | Remove boat/boat trailer and jet ski/jet ski trailer from the east side of the property. Do not park any vehicles or trailers on unimproved surface. |

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 \$1797.00. 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: Julie Scofield
Phone Number: 480-350-8951
E-mail: julie_scofield@tempe.gov

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702293	Case Number	Social Security Number	Military	<input type="checkbox"/> Serious Physical Injury	<input type="checkbox"/> Accident	<input type="checkbox"/> Fatality	<input type="checkbox"/> Commercial
Driver's License No.	DLP <input type="checkbox"/>	State	Class	Endorsements M H N P T X D	Incident Report Number CE210592		
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language							
Defendant Name (First, Middle, Last) Kimberly MANN							Juvenile
Residence Address, City, State, Zip Code 1004 E. Westchester Dr. Tempe, AZ 85283						Telephone: (cell phone) <input type="checkbox"/>	
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions
Business Address, City, State, Zip Code						Business Phone No.	
Vehicle Color				Year	Make	Model	Style
Registered owner & address, City, State, Zip Code				Vehicle Identification Number			

The Undersigned Certifies That:

On	Month 05	Day 20	Year 2021	Time 0958	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Speed	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace	Direction of Travel
At	Location 1004 E. Westchester Dr.								<input checked="" type="checkbox"/> Tempe 85283	Area	Dist.

The Defendant Committed the Following:

A	Section: 2 DC-201A	ARS CC	Violation: 2 DC 4-602.B.7 Boat in setback	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code	
MVD						
B	Section: TCC21-3A	ARS CC	Violation: LAWN Parking 21-3-B-4	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code	
MVD						
C	Section: TCC21-3A	ARS CC	Violation: Junk, Trash, debris 21-3-B	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code	
MVD						
D	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	
MVD						
E	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	
MVD						

You must appear on the date and time indicated at:	Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753	<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor	Date: 6/10/2021	Time: Between 9AM & 4PM
		<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
	Court:	Date:	Time:	<input type="checkbox"/> AM <input type="checkbox"/> PM Court No.
Court Address, City, State, Zip Code				

Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.	Victim? <input type="checkbox"/>	Victim Notified? <input type="checkbox"/>
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.	I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.	
x mailed	Complainant Julie Scofield	PSN 8022

Comments:
Juvenile Notification: Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials _____

1st citation
A = \$170 C = \$200 Total \$570.00
B = \$200

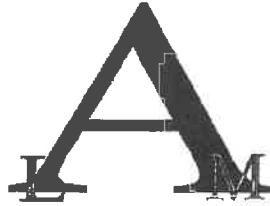
Date issued if not violation date _____

If the defendant fails 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.



1702293

COMPLAINT



Artistic Land Management, Inc.

June 23, 2021

City of Tempe
Attn: Julie Scofield
Code Inspector

RE: Landscape Clean-Up at 1004 E Westchester 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 1004 E Westchester Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Tow the boat and jet ski trailer from the side of the house
- Remove junk and debris from the front yard
- P.D presence for duration of the visit

Total = \$1,797.00

Respectfully,

Jose Hernandez



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

02/02/2021

DAVIS KENNETH H
5917 S BONARDEN LN
TEMPE, AZ 85283-3066

Case#: CE210592
Site Address: 1004 E. WESTCHESTER DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 02/16/2021

This is a notice to inform you that this site was inspected on 02/02/2021 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**

ZDC 4-602.B.7 *Recreational vehicles* and unmounted truck campers, exceeding twenty-one (21) feet in length and all boats and *trailers* shall not be parked in the required front *yard building setback* or required *street side yard setback*, except for periods of up to forty-eight (48) hours within seven (7) consecutive days for the purpose of loading, unloading and cleaning. Such vehicles parked or stored in the defined setbacks shall be subject to a *use permit*.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

ZDC 4-602.B.7 PLEASE REMOVE THE BOAT IMMEDIATELY FROM THE FRONT OF THE PROPERTY. IN ORDER TO KEEP THIS BOAT PARKED IN THE FRONT OF THE PROPERTY, IT MUST BE PARKED BEYOND THE FRONT YARD SETBACK (20FT).

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

Julie Scofield
Code Inspector II

Direct: 480-350-8951
Code Compliance: (480)350-8372
Email: julie_scofield@tempe.gov

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.

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).

Recreational vehicle (RV) means any motor vehicle that is designed or customarily used for sleeping or camping including, but not limited to, motor homes and mounted truck campers.

Trailer means any platform or frame with wheels that is designed or customarily used to carry personal property and for being drawn or towed by a motor vehicle including, but not limited to, travel trailers and camping trailers.

Vehicles, motor means vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes, but not limited to motorcycles, passenger vehicles, trucks and recreational vehicles with motive power.



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

02/02/2021

MANN, KIMBERLY
1004 E. WESTCHESTER DR.
TEMPE, AZ 85283

Case#: CE210592
Site Address: 1004 E. WESTCHESTER DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 02/16/2021

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Julie Scofield
Code Inspector II

Direct: 480-350-8951
Code Compliance: (480)350-8372
Email: julie_scofield@tempe.gov

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02/02/2021

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VIOLATION SECTION:

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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE REMOVE AND OR PROPERLY DISCARD THE ITEMS IN THE FRONT AND OR SIDES OF THE PROPERTY. THIS INCLUDES THE TRASH, CLOTHING ITEMS, BAGS, ANY HOUSEHOLD ITEMS, AND ANY OTHER MISCELLANEOUS ITEMS. THIS ALSO INCLUDES ANY ITEMS STORED IN THE BACK OF VEHICLES. (TRUCK BEDS)

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

Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

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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.

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CODE COMPLIANCE
CORRECTION NOTICE**

02/02/2021

DAVIS KENNETH H
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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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE REMOVE AND OR PROPERLY DISCARD THE ITEMS IN THE FRONT AND OR SIDES OF THE PROPERTY. THIS INCLUDES THE TRASH, CLOTHING ITEMS, BAGS, ANY HOUSEHOLD ITEMS, AND ANY OTHER MISCELLANEOUS ITEMS. THIS ALSO INCLUDES ANY ITEMS STORED IN THE BACK OF VEHICLES. (TRUCK BEDS)

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

Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

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.

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

02/17/2021

DAVIS KENNETH H
5917 S BONARDEN LN
TEMPE, AZ 85283-3066

Case#: CE210592
Site Address: 1004 E. WESTCHESTER DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 03/05/2021

This is a notice to inform you that this site was inspected on 02/17/2021 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**

ZDC 4-602.B.7 *Recreational vehicles* and unmounted truck campers, exceeding twenty-one (21) feet in length and all boats and *trailers* shall not be parked in the required front *yard building setback* or required *street side yard setback*, except for periods of up to forty-eight (48) hours within seven (7) consecutive days for the purpose of loading, unloading and cleaning. Such vehicles parked or stored in the defined setbacks shall be subject to a *use permit*.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

ZDC 4-602.B.7 PLEASE REMOVE THE BOAT IMMEDIATELY FROM THE FRONT OF THE PROPERTY. IN ORDER TO KEEP THIS BOAT PARKED IN THE FRONT OF THE PROPERTY, IT MUST BE PARKED BEYOND THE FRONT YARD SETBACK (20FT).

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

Julie Scofield
Code Inspector II

Direct: 480-350-8951
Code Compliance: (480)350-8372
Email: julie_scofield@tempe.gov

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.

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).

Recreational vehicle (RV) means any motor vehicle that is designed or customarily used for sleeping or camping including, but not limited to, motor homes and mounted truck campers.

Trailer means any platform or frame with wheels that is designed or customarily used to carry personal property and for being drawn or towed by a motor vehicle including, but not limited to, travel trailers and camping trailers.

Vehicles, motor means vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes, but not limited to motorcycles, passenger vehicles, trucks and recreational vehicles with motive power.



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

02/17/2021

MANN, KIMBERLY
1004 E. WESTCHESTER DR.
TEMPE, AZ 85283

Case#: CE210592
Site Address: 1004 E. WESTCHESTER DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 03/05/2021

This is a notice to inform you that this site was inspected on 02/17/2021 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**

ZDC 4-602.B.7 *Recreational vehicles and unmounted truck campers, exceeding twenty-one (21) feet in length and all boats and trailers shall not be parked in the required front yard building setback or required street side yard setback, except for periods of up to forty-eight (48) hours within seven (7) consecutive days for the purpose of loading, unloading and cleaning. Such vehicles parked or stored in the defined setbacks shall be subject to a use permit.*

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

ZDC 4-602.B.7 PLEASE REMOVE THE BOAT IMMEDIATELY FROM THE FRONT OF THE PROPERTY. IN ORDER TO KEEP THIS BOAT PARKED IN THE FRONT OF THE PROPERTY, IT MUST BE PARKED BEYOND THE FRONT YARD SETBACK (20FT).

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

Julie Scofield
Code Inspector II

Direct: 480-350-8951
Code Compliance: (480)350-8372
Email: julie_scofield@tempe.gov

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.

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).

Recreational vehicle (RV) means any motor vehicle that is designed or customarily used for sleeping or camping including, but not limited to, motor homes and mounted truck campers.

Trailer means any platform or frame with wheels that is designed or customarily used to carry personal property and for being drawn or towed by a motor vehicle including, but not limited to, travel trailers and camping trailers.

Vehicles, motor means vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes, but not limited to motorcycles, passenger vehicles, trucks and recreational vehicles with motive power.



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

04/29/2021

MANN, KIMBERLY
WILLIAM DAVIS/ KIMBERLY DAVIS
1004 E. WESTCHESTER DR.
TEMPE, AZ 85283

Case#: CE210592
Site Address: 1004 E. WESTCHESTER DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 05/14/2021

This is a notice to inform you that this site was inspected on 04/29/2021 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**

ZDC 4-602.B.7 *Recreational vehicles* and unmounted truck campers, exceeding twenty-one (21) feet in length and all boats and *trailers* shall not be parked in the required front *yard building setback* or required *street side yard setback*, except for periods of up to forty-eight (48) hours within seven (7) consecutive days for the purpose of loading, unloading and cleaning. Such vehicles parked or stored in the defined setbacks shall be subject to a *use permit*.

Violation of City of Tempe Code 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 area 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

ZDC 4-602.B.7 PLEASE REMOVE THE BOAT IMMEDIATELY FROM THE FRONT OF THE PROPERTY. IN ORDER TO KEEP THIS BOAT PARKED IN THE FRONT OF THE PROPERTY, IT MUST BE PARKED BEYOND THE FRONT YARD SETBACK (20FT).

PLEASE DO NOT PARK OR ALLOW ANYONE TO PARK IN THE LANDSCAPING AREA OF THE FRONT AND OR SIDE OF THE PROPERTY. ADDITIONAL PARKING MUST MEET REQUIREMENTS OF 21-3-B-4. THIS INCLUDES THE EAST SIDE WHERE THE BOAT IS PARKED.

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

Julie Scofield
Code Inspector II

Direct: 480-350-8951
Code Compliance: (480)350-8372
Email: julie_scofield@tempe.gov

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.

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IF ANY OF THE VIOLATIONS ARE NOT CORRECTED ON OR AFTER 5/14/2021, CITATIONS MAY BE ISSUED.

05/26/2021 09:58





05/26/2021 09:58



05/26/2021 09:58



05/26/2021 09:58