

**CITY OF TEMPE
HEARING OFFICER**

Meeting Date: 08/17/2021

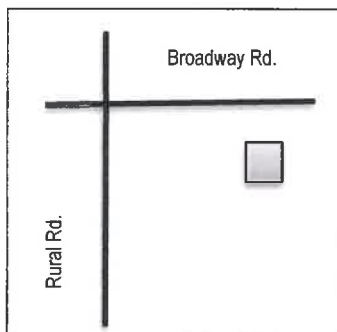
Agenda Item: 4

ACTION: Request approval to abate public nuisance items at the Jones Property located at 1331 E. Palmdale Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$510 for abatement request: landscape cleanup in front yard.

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 JONES 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 CE211031: landscape cleanup in front yard.



Property Owner	Ana Jones
Applicant	City of Tempe – Code Compliance
Zoning District:	R-2, Two Family Residential
Code Compliance Inspector:	Barbara Simons

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 Jones Property located at 1331 E. Palmdale Drive, R-2, Two Family Residential district. This case was initiated 02/18/21, 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	JONES ABATEMENT	EXISTING ZONING	R-2 <input type="checkbox"/>
PROJECT ADDRESS	1331 E. PALMDALE DR.	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION <i>(provide required project data on reverse side of submittal form)</i>	KNOELL VILLA SOLANO MCR 201-16 AUGUST 17, 2021 ABATEMENT CE211031	PARCEL No(s)	133-31-345 <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW AND SIGN TYPE K)			
BUSINESS NAME	ADDRESS		
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	CITY OF TEMPE / CODE ENFORCEMENT	ADDRESS	21 E 6TH ST. STE 208
CONTACT NAME	BARBARA SIMONS / CODE INSPECTOR	CITY	TEMPE
EMAIL	barbara_simons@tempe.gov	PHONE 1	480-350-5460
		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 <i>Barbara Simons</i>	DATE	7/12/21
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BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME	ADDRESS		
CONTACT NAME	CITY	STATE	ZIP
TYPE OF BUSINESS	PHONE	EMAIL	

APPLICATIONS (Check all that apply)	QTY	SPECIFIC REQUEST (See Planning & Zoning Fee Schedule for types)	FOR CITY USE ONLY
<input type="checkbox"/> A. PRELIMINARY SITE PLAN REVIEW			SPR
<input type="checkbox"/> B. ADMINISTRATIVE APPLICATION			ADM
<input type="checkbox"/> C. VARIANCE			VAR
<input type="checkbox"/> D. USE PERMIT / USE PERMIT STANDARD			ZUP
<input type="checkbox"/> E. ZONING CODE AMENDMENT			ZOA ZON
<input type="checkbox"/> F. PLANNED AREA DEVELOPMENT OVERLAY			PAD REC
<input type="checkbox"/> G. SUBDIVISION / CONDOMINIUM PLAT			SBD REC
<input type="checkbox"/> H. DEVELOPMENT PLAN REVIEW			DPR
<input type="checkbox"/> I. APPEAL / RECONSIDERATION			
<input type="checkbox"/> J. GENERAL PLAN AMENDMENT			GPA
<input type="checkbox"/> K. ZONING VERIFICATION LETTER			ZVL
<input checked="" type="checkbox"/> L. ABATEMENTS			CE CM
<input type="checkbox"/> M. TYPE 'K' SIGN PERMIT			GO SE
<input type="checkbox"/> N. GRANT DEVELOPMENT PLAN REVIEW			GDPR
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 # <i>(if 2nd or 3rd submittal, please use Planning Resubmittal Form)</i>			RECEIVED BY INTAKE STAFF (INITIALS)

DATE: 7/12/21
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Barbara Simons
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE211031

LOCATION: 1331 E. Palmdale Dr. Tempe, AZ 85282
LEGAL: Parcel #133-31-345, as recorded with the Maricopa County Assessor
OWNER: ANA JONES
1331 E. PALMDALE DRIVE
TEMPE, AZ 85282

FINDINGS:

02/18/21 - Case was opened proactively for weeds in a gravel landscape. Notice to comply was mailed to Ana Jones with a re-inspection date of 03/08/21.

03/10/21 – The property was inspected and the weeds in the front yard were still present. Sent final notice with a re-inspection date of 3/29/21.

03/29/21 – 4/20/21 The property was inspected weekly and the weeds in the front yard were still present. On 4/20 the owner was called and a voice message was left requesting a return call.

04/28/21 – No change was observed to the property. No contact was made by the owner. Photos were taken and a citation was issued.

07/12/21 – 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 am recommending approval for abatement of the property at 1331 E. Palmdale Drive. The property is owned by Ana Jones. The owner has been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action. Several notices were mailed, and a citation was issued. I am also requesting that an open abatement of 180 days be granted to cover any future violations.

Respectfully submitted,

Barbara Simons

ACTION TAKEN: submit
NAME: Barbara Simons
DATE: 7-12-21



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 07/12/2021
Case #: CE211031

**JONES ANA
1331 E PALMDALE 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: 1331 E PALMDALE DR TEMPE, AZ 85282
Parcel: 13331345

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of 8/17/21 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

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 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 \$510. 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

133-31-345

Residential Parcel

This is a Residential parcel located at [1331 E PALMDALE DR TEMPE 85282](#). The current owner is JONES ANA. It is located in the KNOELL VILLA SOLANO subdivision, and MCR [20116](#). Its current year full cash value is \$183,800.

[MAPS](#)
[PICTOMETRY](#)
[VIEW/PAY TAX BILL](#)
[DEED](#)

[OWNER](#)
[VALUATIONS](#)
[ADDITIONAL INFO](#)
[SKETCHES](#)

[MAP FERRET](#)
[SIMILAR PARCELS](#)
[REGISTER RENTAL](#)

PROPERTY INFORMATION



[1331 E PALMDALE DR TEMPE 85282](#)

MCR #	20116
Description	KNOELL VILLA SOLANO MCR 201-16
Lat/Long	33.406245 -111.916536
Lot Size	6,438 sq ft.
Zoning	R-2
Lot #	56
High School District	TEMPE UNION #213
Elementary School District	TEMPE ELEMENTARY SCHOOL DISTRICT
Local Jurisdiction	TEMPE
S/T/R	26 1N 4E
Market	02/004
Area/Neighborhood	
Subdivision (122 Parcels)	KNOELL VILLA SOLANO

OWNER INFORMATION



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

02/18/2021

JONES ANA
1331 E PALMDALE DR
TEMPE, AZ 85282

Case #: CE211031
Site Address: 1331 E PALMDALE DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/18/2021 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 front yard.	03/08/2021

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

03/10/2021

JONES ANA
1331 E PALMDALE DR
TEMPE, AZ 85282

Case #: CE211031
Site Address: 1331 E PALMDALE DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/10/2021 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 front yard.	03/29/2021

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
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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.









Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702154	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 CE 211031	

Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language	Defendant ANA JONES	Juvenile						
Residence Address, City, State, Zip Code 1331 E PALMDALE DR. TEMPE AZ 85282		Telephone: (cell phone) <input type="checkbox"/>						
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions	Email Address
Business Address, City, State, Zip Code							Business Phone No.	
Vehicle	Color	Year	Make	Model	Style	License Plate	State	Expiration Date
Registered owner & address, City, State, Zip Code						Vehicle Identification Number		

The Undersigned Certifies That:

On	Month 04	Day 28	Year 2021	Time 300	<input type="checkbox"/> AM <input checked="" 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 1331 E. PALMDALE DR.						<input checked="" type="checkbox"/> Tempe	State of Arizona		Area	Dist.

The Defendant Committed the Following:

A	Section: TC 21-3 A	ARS Violation: 21-3.0.8 DETERIORATED LANDSCAPE	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 <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
B	Section:	ARS Violation:	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 <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
C	Section:	ARS Violation:	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 <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
D	Section:	ARS Violation:	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 <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
E	Section:	ARS Violation:	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 <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense

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: 05/19/2021	Time: Between 9AM & 4PM
		<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
	<input type="checkbox"/> 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 & POSTED TO PROPERTY	D SIMON	804Z
	Code Compliance	PSN

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 VIOLATION - \$200.00 FINE

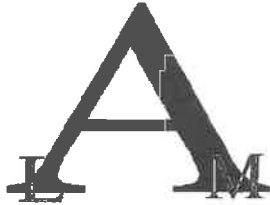
Date Issued If not violation date _____

COMPLAINT

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.



1702154



Artistic Land Management, Inc.

June 29, 2021

City of Tempe
Attn: Barbara Simons
Code Inspector

RE: Clean-Up at 1331 E. Palmdale 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 1331 E. Palmdale Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Grass/weed removal in the front and side yards
- Pre-Emergent application
- P.D presence for duration of the visit

Total = \$510.00

Respectfully,

Jose Hernandez

HAMANN ENTERPRISES, LLC

3831 W AVALON DR.

PHOENIX, AZ 85019

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: BARBARA SIMMONS

FIRM: CITY OF TEMPE COMMERCIAL CODE COMPLIANCE

DATE: 4/27/20221

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # T13-004-03

ADDRESS: 1331 E PALMDALE DR

1 LOT CLEANING	\$500.00
2 ESTAMTED DUMP FEES	\$30.00
3 PRE EMERGENT APPLICACION FRONT AND SIDE YARDS	\$300.00
4 SECURITY BY TEMPE POLICE	\$276.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$1,106.00

THANK YOU FOR YOUR BUSINESS
BOB HAMANN