

**CITY OF TEMPE
HEARING OFFICER**

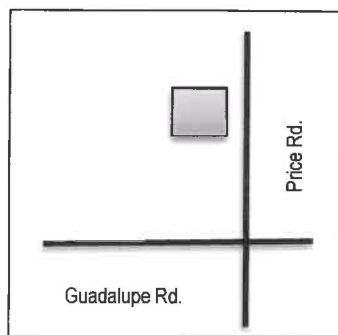
Meeting Date: 08/17/2021
Agenda Item: 6

ACTION: Request approval to abate public nuisance items at the Anders Property located at 2156 E. La Donna Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$880 for abatement request: landscape cleanup, front and back yards.

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 ANDERS 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 CE212241: landscape cleanup, front and back yards.



Property Owner: Horst W. & Massoumeh Anders
Applicant: City of Tempe – Code Compliance
Zoning District: R1-7, Single Family Residential
Code Compliance Inspector: Julie Scofield

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 Anders Property located at 2156 E. La Donna Drive, R1-7, Single Family Residential district. This case was initiated 04/06/21, 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	HORST PROPERTY ABATEMENT	EXISTING ZONING	R1-7 <input type="checkbox"/>
PROJECT ADDRESS	2156 E. LA DONNA DR. TEMPE, AZ 85283	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE212241 HEARING IS AUGUST 17TH, 2021	PARCEL NO(S)	301-97-561 <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME		ADDRESS	2156 E. LA DONNA DR.
CONTACT NAME	HORST ANDERS	CITY	TEMPE STATE AZ ZIP 85283
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 STATE AZ ZIP 85281
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 <i>Julie Scofield</i>	DATE	7/14/21
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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

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: 07/14/2021
TO: Michael Spencer, Sr. Code Inspector
FROM: Julie Scofield, Code Inspector
SUBJECT: CE212241, Anders Property Abatement

LOCATION: 2156 E. LA DONNA DR. TEMPE, AZ 85283

LEGAL: KNOELL TEMPE UNIT 8

PARCEL: 301-97-561

OWNER: HORST ANDERS
2156 E. LA DONNA DR.
TEMPE, AZ 85283

FINDINGS:

04/06/2021 The Code Compliance Division received a complaint for this property for deteriorated landscape. Inspected the property, and there was grass and weeds growing throughout the gravel landscape and in the driveway. A notice was mailed to the property owner, Horst Anders.

04/13/2021 An anonymous complaint came in for deteriorated landscape at this property.

04/21/2021 Re-inspected the property. The landscape was still in violation. A final notice was mailed.

04/29/2021 An anonymous complaint came in for deteriorated landscape at this property.

05/12/2021 Hung a pink hanger on the door asking for contact or compliance by 5/18/2021 to avoid possible citation.

05/19/2021 Another possible address for the owners was found. Mailed a notice to this address as a final attempt.

06/01/2021 An anonymous complaint came in for deteriorated landscape at this property.

06/09/2021 Issued a citation for the deteriorated landscape. Pictures were taken to show the condition of the property.

06/28/2021 An anonymous complaint came in for deteriorated landscape at this property.

07/14/2021 The owner failed to appear on the citation and has since then, went to collections. Turning in the paperwork for the abatement hearing to be heard on August 17th, 2021. Included the back yard landscape in the bid as well, due to the grass and weeds being over height.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 2156 E. La Donna Dr. due to property owner's failure to bring property into compliance with Tempe City Code 21-3. B.8. Anders 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: submitted
NAME: Mark Flynn
DATE: 7/14/21



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 07/14/2021
Case #: CE212241

**ANDERS HORST W & MASSOUMEH
2156 E LA DONNA 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: 2156 E LA DONNA DR TEMPE, AZ 85283
Parcel: 301-97-561

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of 8/17/2021 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.8 Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps

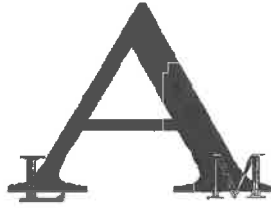
If the violations have not been corrected within thirty (30) days, our office will proceed with the abatement process. As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below:

CC 21-3.b.8 Remove all grass and weeds from the gravel landscape in the front and side of the property.
Cut down to ground level the over height grass and weeds in back yard.

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$880.00. 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



Artistic Land Management, Inc.

July 13, 2021

City of Tempe
Attn: Julie Scofield
Code Inspector

RE: Clean-Up at 2156 E LaDonna 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 2156 E LaDonna Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Landscape clean-up in the front and backyard

Total = \$880.00

Respectfully,

Jose Hernandez

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County,
State of Arizona



Complaint Number 1702296	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 CE212241		
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language							
Defendant	Name (First, Middle, Last) Horst W. ANDERS						Juvenile
Residence Address, City, State, Zip Code 2156 E. LA DONNA 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	License Plate	State
Registered owner & address, City, State, Zip Code						Vehicle Identification Number	

The Undersigned Certifies That:

On	Month 06	Day 09	Year 2021	Time 0955	<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 2156 E. LA DONNA DR.						<input checked="" type="checkbox"/> Tempe	85283	Area	Dist.	State of Arizona

The Defendant Committed the Following:

A	Section: TCC 21-3A	ARS CC	Violation: 21-3-B-8 Deteriorated Landscape	<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	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
	MVD					
B	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	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
	MVD					
C	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	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
	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	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
	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	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
	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: 06/23/2021	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 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 Stuart B. Field	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 \$200.00

Date issued if not violation date _____

COMPLAINT



1702296



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

04/06/2021

ANDERS HORST W & MASSOUMEH
2156 E LA DONNA DR
TEMPE, AZ 85283-2447

Case#: CE212241
Site Address: 2156 E LA DONNA DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 04/21/2021

This is a notice to inform you that this site was inspected on 04/06/2021 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.

VIOLATION SECTION:

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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE REMOVE ALL GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY IN THE GRAVEL LANDSCAPED AREAS. ALL GRAVEL LANDSCAPES MUST BE MAINTAINED FREE AND CLEAR OF ANY UNCONTROLLED GROWTH REGARDLESS OF HEIGHT.
2. REMOVE THE WEEDS GROWING FROM THE DRIVEWAY CRACK AND JOINTS AS WELL.

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

04/21/2021

ANDERS HORST W & MASSOUMEH
2156 E LA DONNA DR
TEMPE, AZ 85283-2447

Case#: CE212241

Site Address: 2156 E LA DONNA DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 05/06/2021

This is a notice to inform you that this site was inspected on 04/21/2021 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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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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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
CORRECTION NOTICE**

05/19/2021

ANDERS HORST W & MASSOUMEH
225 W CATALINA #8
YUMA, AZ 85354-8156

Case#: CE212241
Site Address: 2156 E LA DONNA DR. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 06/02/2021

This is a notice to inform you that this site was inspected on 05/19/2021 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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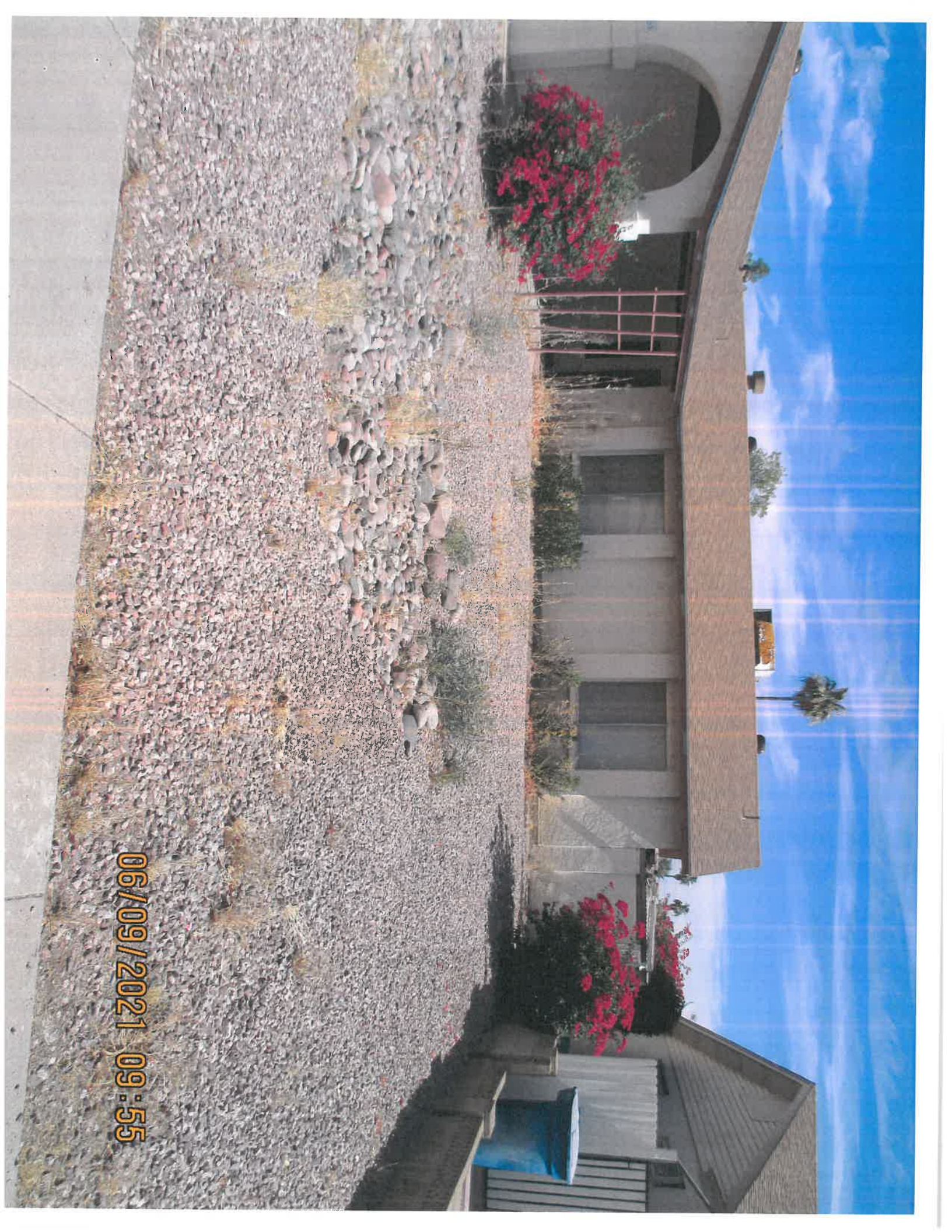
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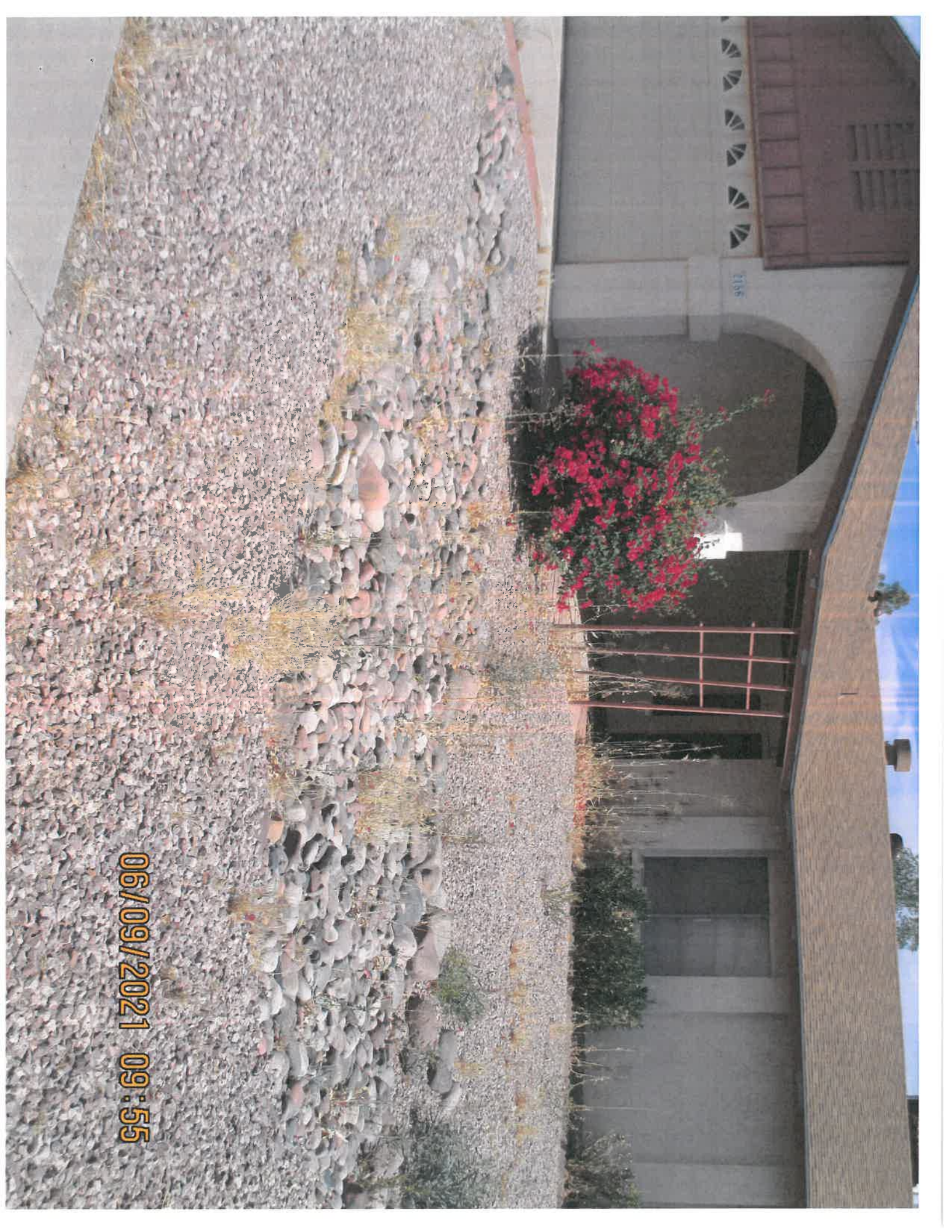
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06/09/2021 09:55



06/09/2021 09:55



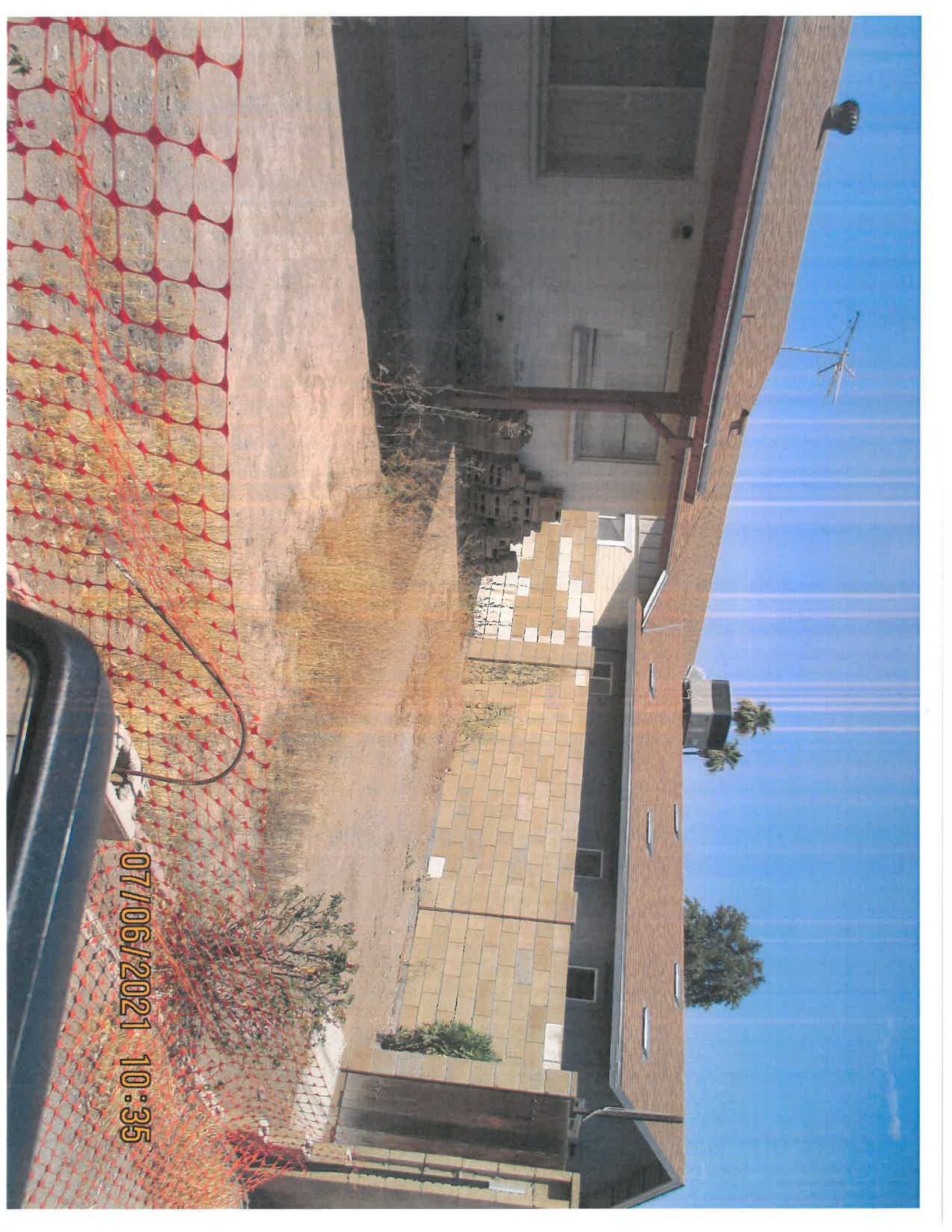
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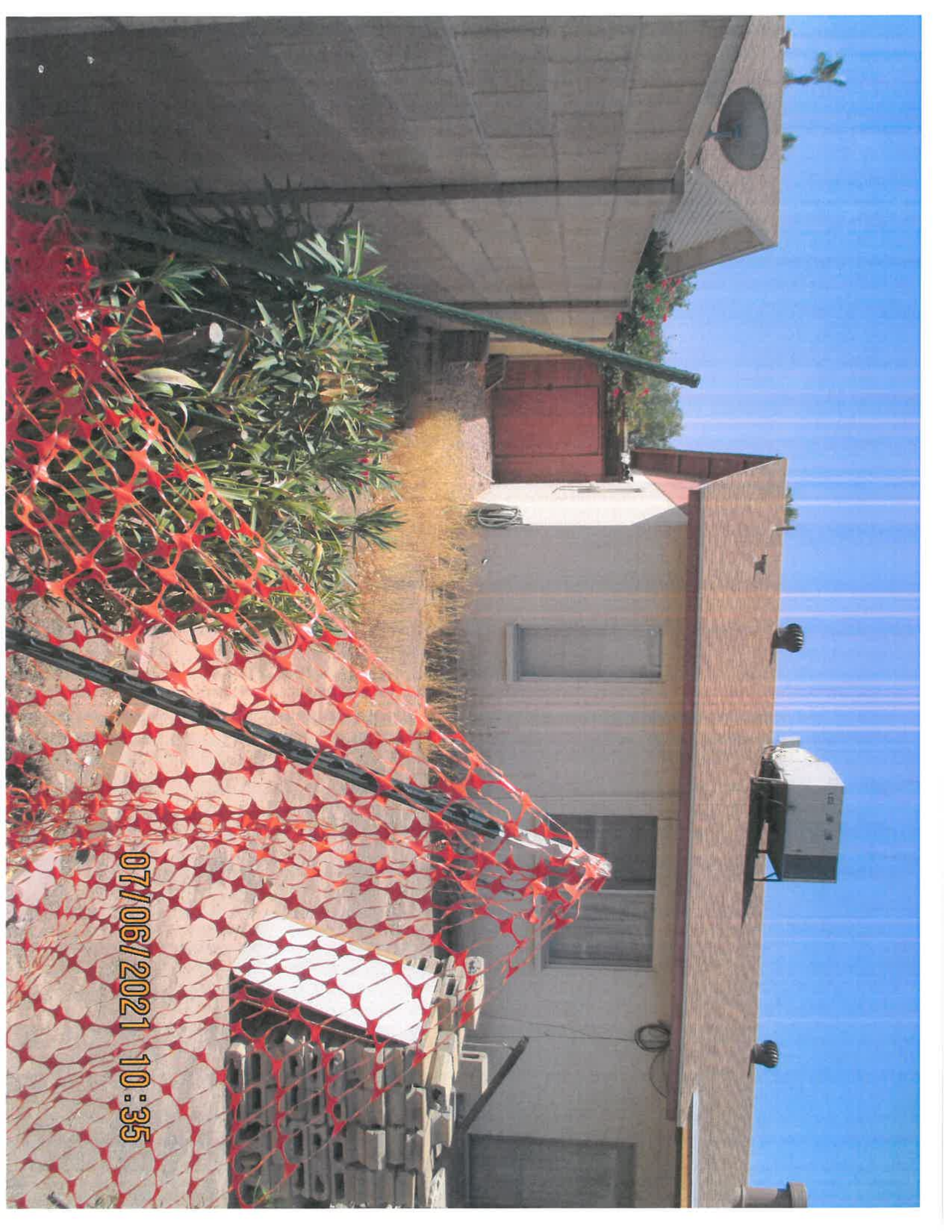




06/09/2021 09:55



07/06/2021 10:35



07/06/2021 10:35