

**CITY OF TEMPE
HEARING OFFICER**

Meeting Date: 11/02/2021

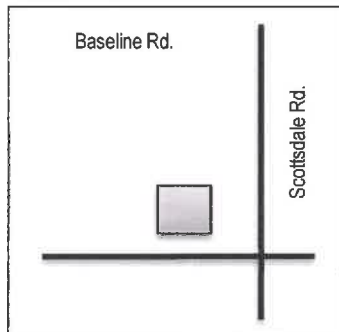
Agenda Item: 5

ACTION: Request approval to abate public nuisance items at the MacDonald Property located at 2111 N. Van Ness Avenue. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1680 for abatement request: landscape cleanup, trash, litter & debris removal.

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 MACDONALD 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 CE213834: landscape cleanup, trash, litter & debris removal.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Laurie & Joy MacDonald
City of Tempe – Code Compliance
R1-6, Single Family Residential
Andres Lara-Reyes

ATTACHMENTS: Supporting Attachment

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

Department Director: Shelly Seyler, Interim Department Director

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 MacDonald Property located at 2111 N. Van Ness Avenue, in the R1-6, Single Family Residential district. This case was initiated 6/22/2021, 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 a 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

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	Laurie & Joy Macdonald	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	2111 N Van Ness Ave, Tempe, AZ 85281	SUITE(S)	CE213834 <input type="checkbox"/>
PROJECT DESCRIPTION	TRASH, LITTER & DEBRIS; OVER HEIGHT GRASS AND WEEDS HEARING DATE: 11/02/2021	PARCEL No(s)	129-18-124 <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
BUSINESS NAME	Laurie & Joy Macdonald	ADDRESS	2111 N Van Ness Ave, Tempe, AZ 85281
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	ADDRESS	
CONTACT NAME	Andres Lara-Reyes	CITY	STATE ZIP
EMAIL		PHONE 1 (480) 350-8963	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	9/30/2021
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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. SUBDIVISIONS / CONDOMINIUMS			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
TOTAL NUMBER OF APPLICATIONS	0			

FOR CITY USE ONLY				
DS TRACKING #		FILE THIS APPLICATION WITH CE / CM TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #				TOTAL APPLICATION FEES
SPR TRACKING # (if 2 nd or 3 rd submittal, use planning resubmittal form)				RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: September 30, 2021
TO: Michael Spencer, Senior Code Inspector
FROM: Andres Lara-Reyes, Code Inspector
SUBJECT: CE213834, LAURIE & JOY MACDONALD Property Abatement

LOCATION: 2111 N VAN NESS AVE, TEMPE, AZ 85281

PARCEL: 129-18-124

OWNER: LAURIE & JOY MACDONALD
2111 N VAN NESS AVE
TEMPE, AZ 85281

FINDINGS:

6/22/2021 Received an online complaint for junk/debris/trash and broken windows.

6/22/2021 Observed awning in back yard pool; oh g/w back yard; 1 broken window in the front elevation of the home - correction notice mailed

6/23/2021 Correction notice posted to the front door

7/1/2021 Received a call from next door neighbor who believes there is a hoarding situation at the property.

7/6/2021 No changes, awning in back yard pool; oh g/w back yard; 1 broken window in the front elevation of the home - final notice mailed

7/19/2021 Received a 311 complaint for junk/debris/trash and broken window.

7/20/2021 Care 7 was contacted. They indicated that Care is attempting to work with the property owner and requested that we hold off on any citations until further notice. The resident in the home is elderly and does not have money for electricity, water and will definitely not be able to maintain the property on her own.

7/26/2021 Care 7 was contacted. The team is working hard to try and get the property owner in compliance, but they are encountering some difficulties. I committed to putting this case on hold for another week and asked him to remain in contact regarding his progress with the property owner.

9/27/2021 Jeff Tamulevich left a message with Sean Green with Care 7 and informed him we would be proceeding with our abatement process. He was asked to contact me directly should he have any opposition to us moving forward.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 2111 N VAN NESS AVE due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.1 & 8. LAURIE & JOY MACDONALD 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 a health hazard and 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,

Andres Lara-Reyes
Code Inspector

ACTION TAKEN: submit
NAME: Sean Green
DATE: 9/30/21



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE:09/30/2021
CASE # CE213834

LAURIE & JOY MACDONALD
2111 N VAN NESS AVE
TEMPE, AZ 85281

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

LOCATION: 2111 N VAN NESS AVE, TEMPE, AZ 85281
PARCEL: 129-18-124

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 11/02/2021. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

Violation of City of Tempe Code 21-3-B-1

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items;

Violation of the Tempe City Code, Chapter 21-3-b-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches;

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

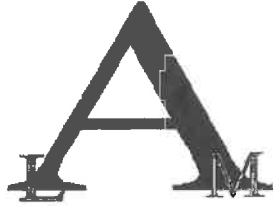
- 1. REMOVE ALL TRASH, LITTER, DEBRIS.**
- 2. CUT ALL OVER HEIGHT GRASS AND WEEDS.**

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 **\$1680.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-4311.

Andres Lara-Reyes
Code Inspector

Direct: 480-350-8963
Code Compliance: 480-350-4311
Email:andres_lara-reyes@tempe.gov



Artistic Land Management, Inc.

September 30, 2021

City of Tempe
Attn: Andres Lara
Code Inspector

RE: Landscape Clean-Up at 2111 N. Van Ness Ave.

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 2111 N. Van Ness Ave, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

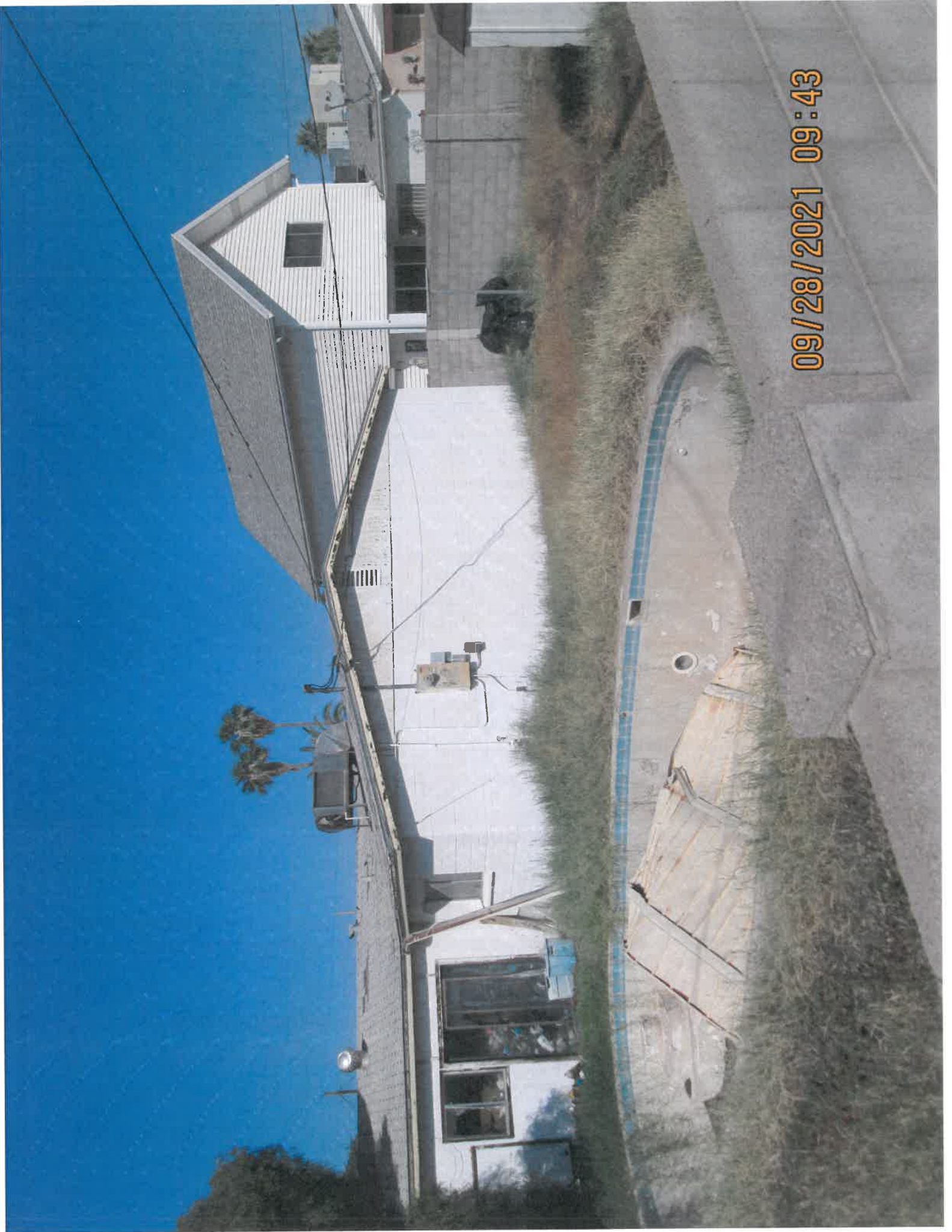
Front & Backyard Clean-Up

- Remove trash, litter, and debris
- Cut down overheight weeds and apply post-emergent where needed
- Police presence for the duration of the visit

Total = \$1,680.00

Respectfully,

Jose Hernandez



09/28/2021 09:43



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

06/22/2021

LAURIE & JOY MACDONALD
2111 N VAN NESS AVE
TEMPE, AZ 85281

Case #: CE213834
Site Address: 2111 N VAN NESS AVE, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 06/22/2021 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.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
CC 21-3.b.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated or slum-like appearance
CC 21-35.f	<i>Glazing.</i> Glazed areas shall be soundly glazed and free from missing, loose, cracked or broken glass that is likely to injure a person, allows the elements or vermin to enter the structure, allows air escape or infiltration, or otherwise diminishes the thermal efficiency of the structure.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all trash, litter, debris, awning in the back yard.	07/06/2021
CC 21-3.b.8	Please cut all over height grass and weeds in the back yard.	07/06/2021
CC 21-35.f	Please repair any broken window(s) in the front elevation of the property.	07/06/2021

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

Andres Lara-Reyes
Code Inspector

Direct: 480-350-8963
Code Compliance: 480-350-4311
Email: andres_lara-reyes@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

07/06/2021

LAURIE & JOY MACDONALD
2111 N VAN NESS AVE
TEMPE, AZ 85281

Case #: CE213834
Site Address: 2111 N VAN NESS AVE, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 07/06/2021 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.

Section	Violation
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; 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
CC 21-3.b.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated or slum-like appearance
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PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all trash, litter, debris, awning in the back yard.	07/20/2021
CC 21-3.b.8	Please cut all over height grass and weeds in the back yard.	07/20/2021
CC 21-35.f	Please repair any broken window(s) in the front elevation of the property.	07/20/2021

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

Andres Lara-Reyes
Code Inspector

Direct: 480-350-8963
Code Compliance: 480-350-4311
Email: andres_lara-reyes@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.

Feature Information

(1 of 1)

Clear ?

129-18-124

Owner Information

Owner Name: MACDONALD LAURIEE / JOYE
 Property Address: 2111 N VAN NESS AVE TEMPE 85281
 Mailing Address: 2111 N VAN NESS TEMPE AZ 85281
 Deed Number: 000190232

Sale Date:
 Sale Price: \$

Property Information

Lat/Long: 33.452370, -111.931442
 S/T/R: 3 1N 4E
 Jurisdiction: TEMPE
 Zoning: R1-6
 PUC: 0131
 Lot Size (sq ft): 5,998
 MCR #: 94-13
 Subdivision: PAPAGO MANOR SUBDIVISION
 Lot #: 151
 Floor: 1
 Construction Year: 1961
 Living Space (sq ft): 1,125

Valuation Information

Tax Year:	2022	2021
FCV:	\$237,800	\$222,300
LPV:	\$137,655	\$131,100
Legal Class:	3.1	3.1









Current Context

PERSON 
 ACCOUNT ID 
 PREMISE  2111 N VAN NESS AVE, TEMPE, AZ, 85281-1335

SA Premise List

Meter Zone 

Premise Information

	Premise Information	2111 N VAN NESS AVE, TEMPE, AZ, 85281-1335
	CIS Division	City of Tempe
	SRP Code	Member
	Solid Waste Service Location	Alley Service
	Taxing City	City of Tempe
	Service Point Information	Water Single-family Residential/Water - Block 1 Fixed Network/Water Route 1/2111 N VAN NESS AVE, TEMPE, AZ, 85281-1335
	Meter Configuration	Water - 5/8" Meter, 17534396, Eff 04-28-2017 12:00AM, Single-Dial Water, 1 register
	Last Meter Read	09-16-2021 02:00AM
	Next Meter Read	10-15-2021 (Water - Block 1 Fixed Network)
	Service Point Information	Solid Waste Residential/Monday Trash Thursday Recycle/2111 N VAN NESS AVE, TEMPE, AZ, 85281-1335