

**CITY OF TEMPE
HEARING OFFICER**

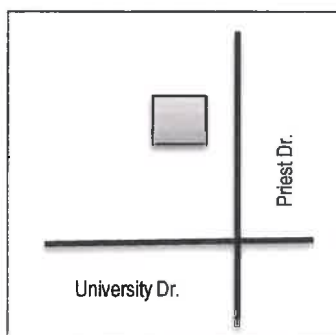
**Meeting Date: 03/01/2022
Agenda Item: 3**

ACTION: Request approval to abate public nuisance items at the Schultz Property located at 1418 W. 6th Street. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$3210 for abatement request: remove miscellaneous items stored on the property.

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 SCHULTZ 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 CE213846: remove miscellaneous items stored on the property.



Property Owner
Applicant
Zoning District
Code Compliance
Inspector

Charles Schultz Je.
City of Tempe – Code Compliance
R1-6, Single Family Residential
Julie Scofield

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 Schultz Property located at 1418 W. 6th Street, in the R1-6, Single Family Residential district. This case was initiated 06/21/2021, 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 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	Schultz Property Abatement					EXISTING ZONING	R1-6	<input type="checkbox"/>			
PROJECT ADDRESS	1418 W. 6th St. Tempe, AZ 85281					SUITE(S)		<input type="checkbox"/>			
PROJECT DESCRIPTION	Abatement of CE213846 Hearing is scheduled for March 1st, 2022					PARCEL No(s)	124-72-054	<input type="checkbox"/>			
PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)											
BUSINESS NAME			ADDRESS	1418 W. 6th St.							
CONTACT NAME	Charles Schultz Jr.		CITY	Tempe		STATE	AZ	ZIP	85281		
EMAIL			PHONE 1			PHONE 2					
<i>I hereby authorize the applicant below to process this application with the City of Tempe.</i>											
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	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>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.</i>											
APPLICANT SIGNATURE			X				DATE			1/25/22	
BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs											
BUSINESS NAME			ADDRESS								
CONTACT NAME			CITY			STATE		ZIP			
TYPE OF BUSINESS			PHONE			EMAIL					
APPLICATION	QTY	SPECIFIC REQUEST				FOR CITY USE ONLY					
<input checked="" type="checkbox"/>		(Check all that apply)				(See Planning & Zoning Fee Schedule for types)					
<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	DATE RECEIVED (STAMP)		VALIDATION OF PAYMENT (STAMP)					
PL TRACKING #			CE / CM / IP TRACKING #								
SPR TRACKING #					TOTAL APPLICATION FEES						
(if 2 nd or 3 rd submittal, please use Planning Resubmittal Form)				RECEIVED BY INTAKE STAFF (INITIALS)							

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: 01/24/2022
TO: Jeff Tamulevich, Code Enforcement Manager
FROM: Julie Scofield, Code Inspector
SUBJECT: CE213846, Shultz Property Abatement

LOCATION: 1418 W. 6th ST. TEMPE, AZ 85281

LEGAL: LINDON PARK 8

PARCEL: 124-72-054

OWNER: CHARLES SHULTZ JR
1418 W. 6TH ST.
TEMPE, AZ 85281

FINDINGS:

06/21/2021 The Code Compliance Division received a complaint for this property regarding deteriorated landscape and junk, trash, and debris.

06/24/2021 An inspection, that was conducted by Code Inspector Brandy Zedlar, found that the property was in violation for missing landscape in the front yard and junk and debris in the carport. A notice was mailed to the owner, Charles Shultz Jr.

07/22/2021 Code Compliance received another complaint for this property regarding a deteriorated landscape, junk, trash, and debris, and deteriorated paint. Code Inspector Brandy inspected the property and found to be no change in the condition of the property. A final notice was mailed to the owner.

08/05/2021 Code Inspector Julie Scofield took over this case. Went to the property to inspect. The violations found included, appliances, auto parts, metal, bike parts, furniture, and miscellaneous items stored in the front and back yard. There was a broken window in the front of the property. The landscape consisted of dirt, with some grass and weeds growing in it. A notice was mailed to the owner, Charles Shultz Jr.

09/15/2021 Reinspected the property. There had been no change to any of the violations. A final notice was mailed to the property owner.

10/18/2021 Received an email from Lynn Shultz requesting more time to correct the violations. An extension was granted.

11/04/2021 Another complaint was received regarding the junk and debris and landscape.

11/30/2021 The window in the front of the property has been replaced. The landscape has shown improvement and a grass landscape is growing. The items in the front and



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 01/25/2022
CASE #: CE213846

SCHULTZ CHARLES JR.
1418 W 6TH ST
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: 1418 W 6TH ST. TEMPE, AZ 85281
PARCEL: 124-72-054

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **03/01/2022**. 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

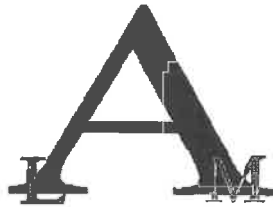
As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below. If the violation(s) have not been corrected, our office will proceed with the abatement process.

CC 21-3.b.1 Please remove items from being stored in the front and back yard of the property.

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 **\$3210.00**. In addition to the actual cost of abatement, an administrative charge of fifteen percent (15%) 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.

January 18, 2022

City of Tempe
Attn: Julie Scofield
Code Inspector II

RE: Clean-Up at 1418 W. 6th St.

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 1418 W. 6th St, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Remove junk and debris from front & backyard
- Police presence on-site for duration of visit
- Haul off and dispose of debris

Total = \$3,210.00

Respectfully,

Jose Hernandez











**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

08/05/2021

SCHULTZ CHARLES JR
1418 W 6TH ST
TEMPE, AZ 85281

Case#: CE213846
Site Address: 1418 W 6TH ST. TEMPE, AZ 85281

SITE REINSPECTION ON OR AFTER: 09/04/2021

This is a notice to inform you that this site was inspected on 08/05/2021 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.

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.

Violation of the Tempe City Code, Chapter 21-4-2

- G. Glazed area not in sound condition or maintained free of missing, loose, cracked or broken glass;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE COMPLETELY REMOVE ALL GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY. MAINTAIN DIRT LANDSCAPE FREE OF ANY UNCONTROLLED GROWTH OR INSTALL ANOTHER FORM OF LANDSCAPING. IT COULD CONSIST OF GRASS, GRAVEL, DESERT, OR A COMBINATION WITH DEFINED BORDERS, YOUR CHOICE.
2. PLEASE REMOVE AND OR PROPERLY DISCARD THE ITEMS IN THE FRONT, SIDES, AND BACK YARD OF THE PROPERTY. THIS INCLUDES THE FURNITURE, METAL, APPLIANCES, AUTO PARTS, BICYCLE PARTS, ANY HOUSEHOLD ITEMS, AND ANY OTHER MISCELLANEOUS ITEMS.

3. PLEASE REPLACE ALL WINDOWS ON THE HOUSE THAT ARE BROKEN OR CRACKED.

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**

09/15/2021

SCHULTZ CHARLES JR
1418 W 6TH ST
TEMPE, AZ 85281

Case#: CE213846
Site Address: 1418 W 6TH ST. TEMPE, AZ 85281

SITE REINSPECTION ON OR AFTER: 10/18/2021

This is a notice to inform you that this site was inspected on 09/15/2021 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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Violation of the Tempe City Code, Chapter 21-4-2

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Julie Scofield
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Direct: 480-350-8951
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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).

IF THE VIOLATIONS ARE NOT CORRECTED BY 10/18/2021, CITATIONS MAY BE ISSUED.

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702433	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	<input type="checkbox"/> 16 Passenger Vehicle	<input type="checkbox"/> Haz. Material	Incident Report Number CE21384C
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language							Juvenile
Defendant Name (First, Middle, Last) Charles Schultz JR							Telephone: (cell phone) <input type="checkbox"/>
Residence Address, City, State, Zip Code 1418 W. COTN ST Tempe, AZ 85281							
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 12	Day 16	Year 2021	Time 0844	<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 1418 W COTN ST.								<input checked="" type="checkbox"/> Tempe	85281	Area	Dist.

The Defendant Committed the Following:

A	Section: TCC 21-3A	ARS CC	Violation: 21-3-B-1	Domestic Violence Case <input type="checkbox"/>	<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD					
B	Section:	ARS CC	Violation:	Domestic Violence Case <input type="checkbox"/>	<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:	Domestic Violence Case <input type="checkbox"/>	<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:	Domestic Violence Case <input type="checkbox"/>	<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:	Domestic Violence Case <input type="checkbox"/>	<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: 01/03/2022	Time: Between 9AM & 4PM
	<input type="checkbox"/> Court:	<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
	Court Address, City, State, Zip Code		Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM

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	Complaintant <i>[Signature]</i>	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 _____		

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.



1702433

COMPLAINT