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**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 08/02/2022  
Agenda Item: 2**

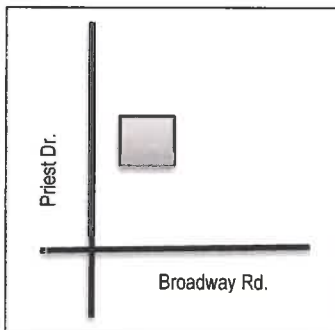
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**ACTION:** Request approval to abate public nuisance items at the Russell Property located at 1347 W. 15<sup>th</sup> Street. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$981 for abatement request: front and back yard landscape cleanup.

**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 RUSSELL 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 CE223325: front and back yard landscape cleanup.



Property Owner	Richard G. Russell (deceased)
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential
Code Compliance Inspector:	Michelle Van Etten

**ATTACHMENTS:** Supporting Attachment

**STAFF CONTACT:** Drew Yocom, Code Administrator (480-858-2190)

Department Director: Jeffrey Tamulevich, Department Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Code Administrator

**COMMENTS:**

Code Compliance is requesting approval to abate the Russell Property located at 1347 W. 15<sup>th</sup> Street, in the R1-6 Single Family Residential district. This case was initiated 06/02/2022, 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 5<sup>th</sup> 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	Richard G Russell, Property Abatement					EXISTING ZONING	R1-6	<input type="checkbox"/>		
PROJECT ADDRESS	1347 W 15th St., Tempe, AZ 85281					SUITE(S)		<input type="checkbox"/>		
PROJECT DESCRIPTION	Abatement of CE223325 August 02, 2022					PARCEL No(s)	124-59-045	<input type="checkbox"/>		
PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)										
BUSINESS NAME			ADDRESS	1347 W 15th St.						
CONTACT NAME	Richard G Russell		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 Code Enforcement		ADDRESS	21 E 6th St. Ste 208						
CONTACT NAME	Michelle Van Etten, Code Inspector		CITY	Tempe		STATE	AZ	ZIP	85281	
EMAIL	michelle_vanetten@tempe.gov		PHONE 1	480-350-2895		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		6/29/22
<i>Michelle Van Etten</i>										
BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs										
BUSINESS NAME			ADDRESS							
CONTACT NAME			CITY			STATE		ZIP		
TYPE OF BUSINESS			PHONE			EMAIL				
APPLICATION										
<input checked="" type="checkbox"/>	APPLICATION (Check all that apply)		QTY	SPECIFIC REQUEST (See <a href="#">Planning &amp; Zoning Fee Schedule</a> 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 <sup>nd</sup> or 3 <sup>rd</sup> submittal, please use Planning Resubmittal Form)						TOTAL APPLICATION FEES				
						RECEIVED BY INTAKE STAFF (INITIALS)				

**SEE REVERSE SIDE FOR REQUIRED PROJECT DATA**



**DATE:** June 29, 2022  
**TO:** Jack Scofield, Senior Code Inspector  
**FROM:** Michelle Van Etten, Code Inspector  
**SUBJECT:** CE223325 – 1347 W 15<sup>th</sup> St., Tempe, AZ 85281, Abatement

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**LOCATION:** 1347 W 15<sup>th</sup> St., Tempe AZ 85281

**PARCEL:** 124-59-045

**OWNER:** Richard G Russell (Deceased)  
1347 W 15<sup>th</sup> St.  
Tempe, AZ 85281

**FINDINGS:**

On 06/02/2022 I observed tall grass and weeds in the front and rear yard areas of the listed property. I sent a correction notice to the homeowner.

On 06/14/2022 the correction notice was returned to me by the USPS with a hand-written note that said "Deceased." I searched online for an obituary notice and saw that the Maricopa County Indigent Decedent Services was looking for information regarding the listed owner. Upon notifying them, I was told that the owner, "Richard George Russell" was deceased with no known heirs. I was told that the property was in probate.

On 06/15/2022 I reinspected the property and found that the violations had not been corrected. I posted the original notice to the front door.

On 06/29/2022 I posted a notice of intent to abate on the front door.

**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property at 1347 W 15<sup>th</sup> St., Tempe due to property owner's death and no known heirs to bring the property into compliance with Tempe City Code 21-3.B.1. Due to the owner being deceased and the matter of ownership in probate, there is no indication that the property will be brought 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,

Michelle Van Etten  
Code Inspector

ACTION TAKEN: Submit

NAME 

DATE: 6/29/22



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 06/29/2022  
CASE # CE223325

**Richard G. Russell**  
**1347 W 15<sup>th</sup> 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:** 1347 W 15<sup>th</sup> St., Tempe AZ 85281  
**PARCEL:** 124-59-045

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This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 08/02/2022. 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.8 Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance

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 GRASS AND WEEDS FROM THE FRONT GRAVEL AND CUT OVERHEIGHT GRASS AND WEEDS FROM THE REAR 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 **\$981.00**. 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.**

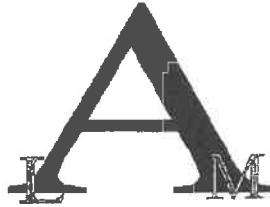
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**Code Inspector: Michelle Van Etten**

**Phone Number: 480-350-2895**

**E-mail: michelle\_vanetten@tempe.gov**

CE 223325



**Artistic Land Management, Inc.**

June 20, 2022

City of Tempe  
Attn: Michelle Van Etten  
Code Compliance Inspector

RE: Clean-Up at 1347 W. 15<sup>th</sup> 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 1347 W. 15<sup>th</sup> St, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

#### Scope of Work

- Remove all grass and weeds from the front, side, and rear yards
- Remove or repair the small chain linked fence at the side of the residence

Total = \$981.00

Respectfully,

Jose Hernandez

Jun 29, 2022 at 8:41:25 AM





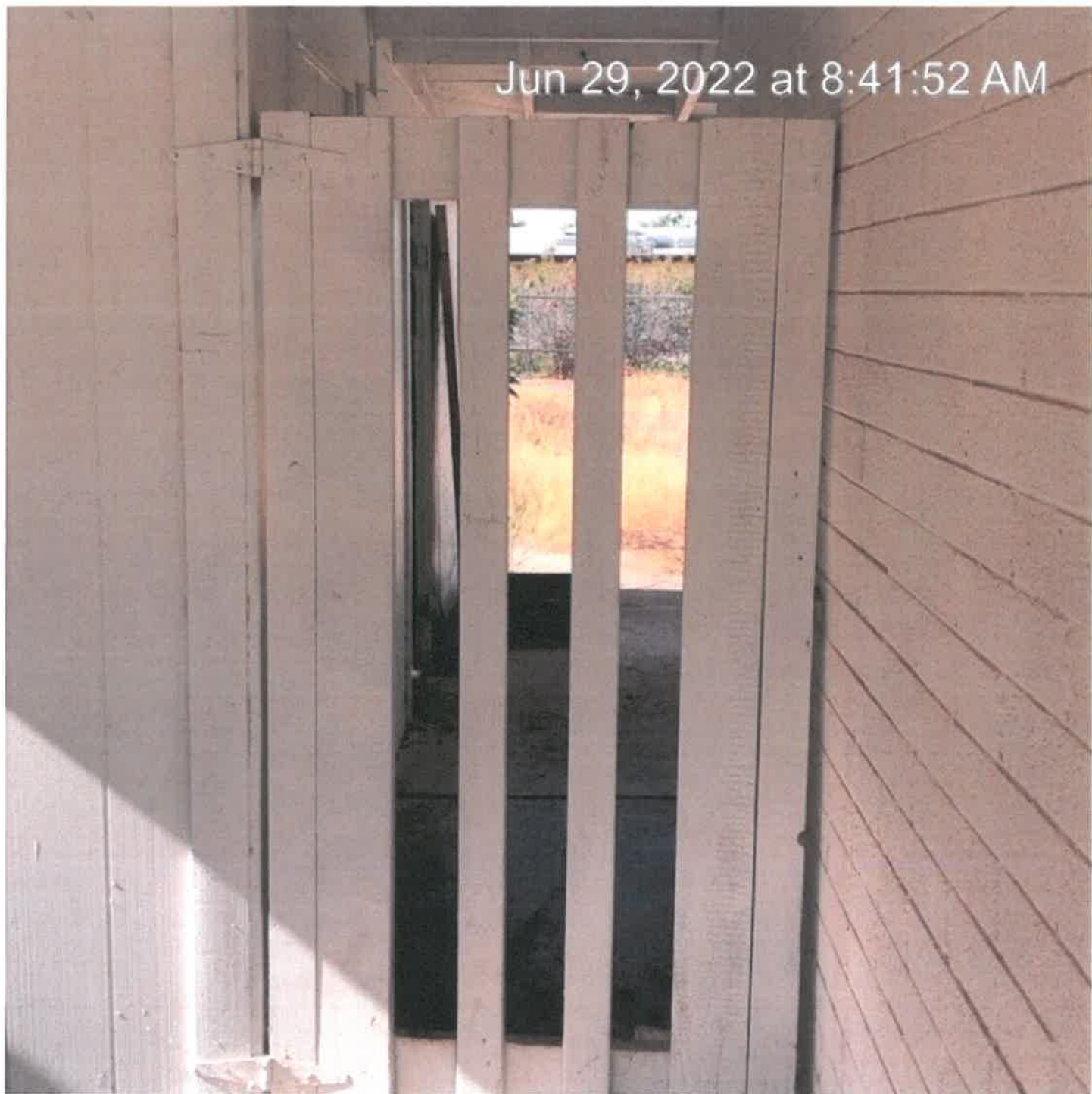
Jun 19, 2022 at 8:41:55 AM



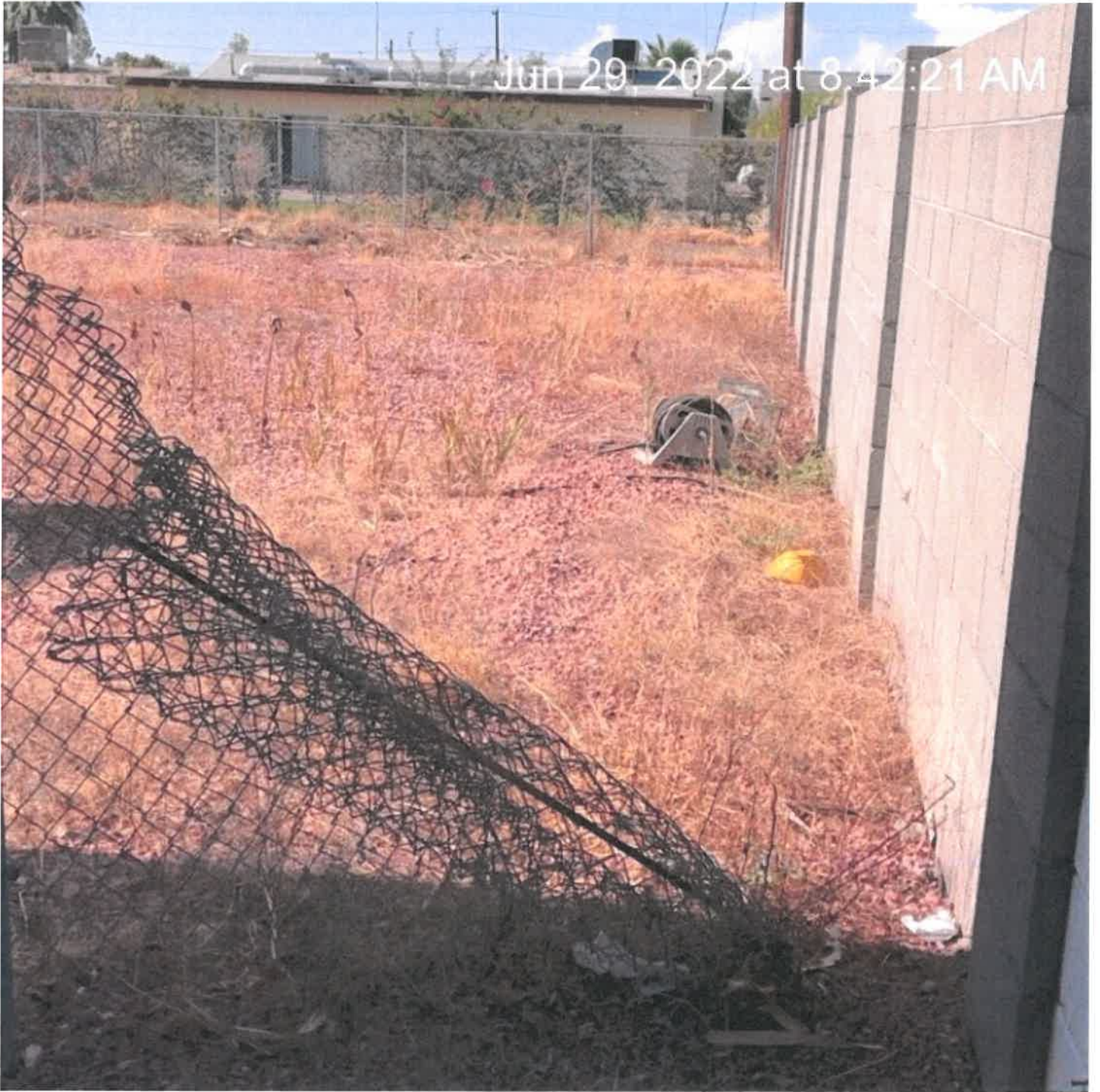
Jun 29, 2022 at 8:41:40 AM



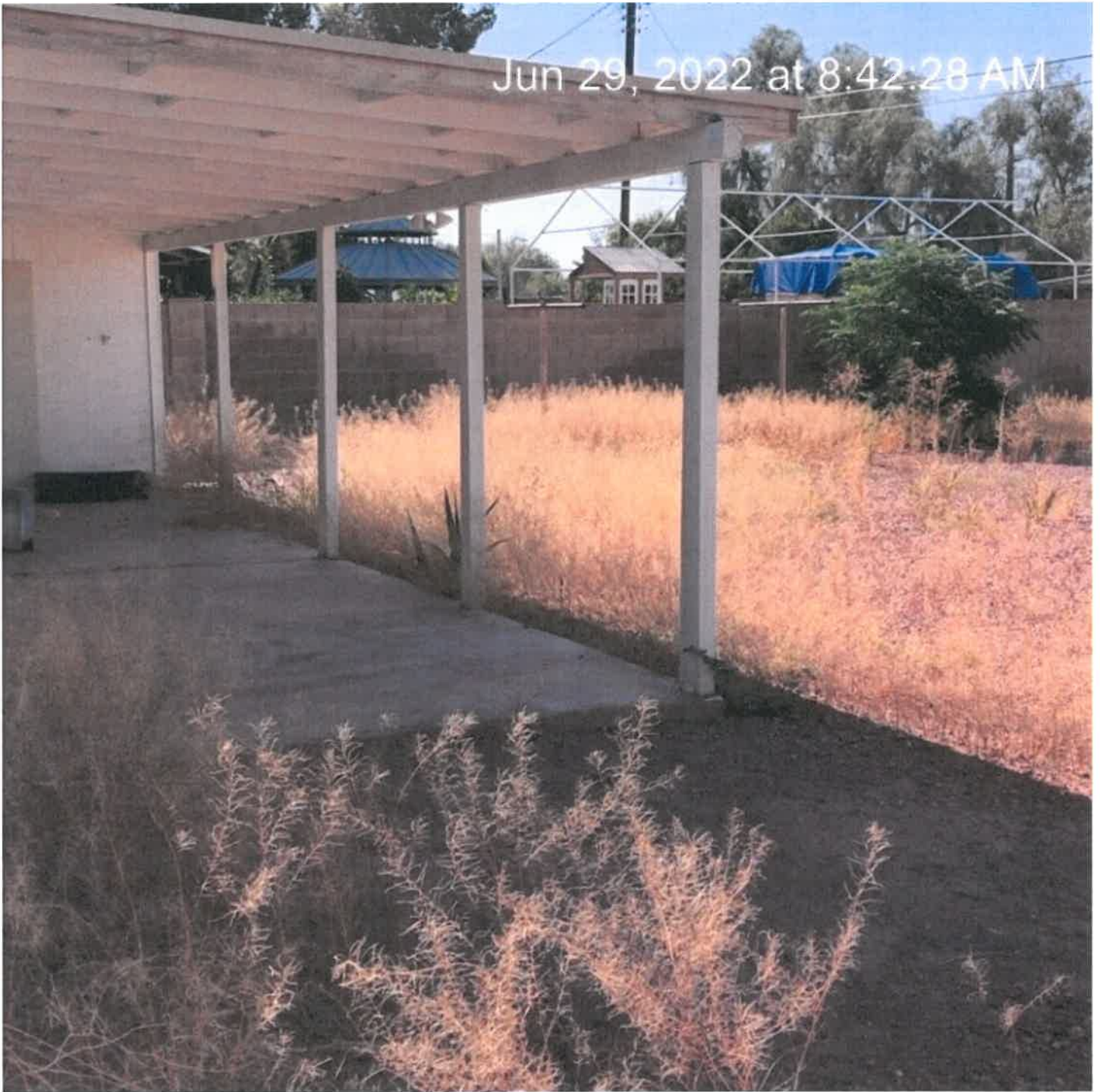
Jun 29, 2022 at 8:41:52 AM



Jun 29, 2022 at 8:42:21 AM



Jun 29, 2022 at 8:42:28 AM





COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

06/01/2022

RUSSELL RICHARD G  
1347 W 15TH ST  
TEMPE, AZ 85281

Case #: CE223325  
Site Address: 1347 W 15TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 06/01/2022 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	SITE REINSP ON OR AFTER
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 appearance	
<b>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</b>		
CC 21-3.b.8	PLEASE REMOVE THE GRASS AND WEEDS FROM THE FRONT GRAVEL LANDSCAPE. ALSO CUT OVERHEIGHT GRASS AND WEEDS FROM THE REAR YARD.	6/15/2022

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

Michelle Van Etten  
Code Inspector

Direct: 480-350-2895  
Code Compliance: 480-350-4311  
Email:michelle\_vanetten@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 \$82.00 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.