

CITY OF TEMPE HEARING OFFICER

Meeting Date: 09/06/2022

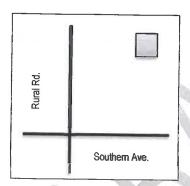
Agenda Item: 5

ACTION: Request approval to abate public nuisance items at the Guinn Property located at 1138 E. Balboa Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$4141.00 for abatement request, front & back yard landscape cleanup, remove trash, debris & stored items from driveway area, restore pool to clean & clear state.

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 GUINN 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 CE222808: front & back yard landscape cleanup, remove trash, debris & stored items from driveway area, restore pool to clean & clear state.



Property Owner
Applicant
Zoning District:

Code Compliance Inspector:

Mary Sue Guinn / Guinn Trust
City of Tempe – Code Compliance
R1-6, Single Family Residential District
Michelle Van Etten

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Code Compliance Administrator

Department Director: Jeff Tamulevich, Community Development Director

Prepared by: Cassidy Hernandez, Administrative Assistant Reviewed by: Drew Yocom, Code Compliance Administrator

COMMENTS:

Code Compliance is requesting approval to abate the Guinn Property located at 1138 E. Balboa Drive in the R1-6, Single Family Residential District. This case was initiated 05/06/22 following 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 the 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.

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 NAME Mary Sue Guinn / Guinn				Trust, Property Abatement					EXISTING ZONING			
PROJECT ADDRESS 1138 E Balboa Dr., Tempe				pe, AZ 85282				SUITE(S)				
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		CONTACT NAME	Mary Sue Guinn			CITY	Tempe		STATE	AZ	ZIP 85	5282
		EMAIL				PHONE 1			PHONE 2			
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CC	MPA	NY / FIRM NAME	City of Tempe Code Enfor	cement		ADDRESS	21 E 6th St	. Ste 208				
		CONTACT NAME	Michelle Van Etten, Code	 Inspect	or	CITY	Tempe		STATE	AZ	ZIP 85	281
		EMAIL	michelle_vanetten@tempe	e.gov		PHONE 1	480-350-28	 195	PHONE 2	-		
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	F.		A DEVELOPMENT OVERLAYS						PAD		REC	
	G.	SUBDIVISION /	CONDOMINIUM PLATS						SBD		REC	
	Н.	DEVELOPMENT	PLAN REVIEW						DPR			
	J	APPEALS										
J. GENERAL PLAN AMENDMENTS							GPA					
K. ZONING VERIFICATION LETTERS							ZVL					
L. ABATEMENTS					CE		СМ					
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DATE:

July 26, 2022

TO:

Jack Scofield, Senior Code Inspector

FROM:

Michelle Van Etten, Code Inspector

SUBJECT:

CE222808, 1138 E Balboa Drive, Tempe - Abatement

LOCATION: 1138 E Balboa Drive, Tempe, AZ. 85282

PARCEL:

133-32-201

OWNER:

Mary Sue Guinn / Guinn Trust

1138 E Balboa Dr. Tempe, AZ, 85282

FINDINGS:

On 05/06/2022 I inspected the property located at 1138 E Balboa Dr. after receiving a complaint of a green swimming pool and deteriorated landscape. I found the violations of a green swimming pool, deteriorated landscape (front and rear), and trash and debris in the driveway area. I sent an initial notice to the homeowner.

On 05/23/2022 I reinspected the property and found that the violations had not been corrected. I sent a second and "final" correction notice.

On 06/06/2022 I reinspected the property and found that the violations were still not addressed. I put a pink placard on the door which requested contact or compliance by 06/08/2022.

On 06/10/2022 I reinspected the property when I had not been contacted by the owner or a responsible party for the property. The violations had not been corrected. I issued a citation. The citation was never contested or remedied.

On 07/26/2022 I reinspected the property. The violations had not been corrected. I posted a notice of intent to abate on the property and mailed a copy of that notice to the homeowner. There has been no progress towards bringing the property into compliance.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1138 E Balboa Dr. due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.1, Trash and Debris, 21-3.B.8, Deteriorated Landscape, and 21-3.B.16 Deteriorated Swimming Pool. The owner was given ample time to come into compliance and maintain the property. The listed owner was issued a civil citation which has not been paid or contested. There is no indication that the property will be brought into compliance in the near future. 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.

ĸes	pecttl	IIIV.	sub	mitted.

Michelle Van Etten Code Inspector

ACTION TAKEN:	Submit
NAME	Mullit
DATE:	7/26/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE:07/26/2022 CASE # CE222808

Guinn Trust / Mary Sue Guinn 1138 E Balboa 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: 1138 E Balboa Dr., Tempe AZ 85282

PARCEL: 133-32-201

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 09/06/2022. 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	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches
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
CC 21-3.b.16	Swimming pool that is deteriorated or presents a health hazard

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 TALL GRASS AND WEEDS FROM THE FRONT AND REAR YARD LANDSCAPES. GRAVEL / DIRT LANDSCAPE AREAS MUST BE MAINTAINED FREE OF GRASS AND WEEDS. GRASS LANDSCAPE AREAS MUST BE MAINTAINED FREE OF WEEDS AND LESS THAN 12".
- 2. REMOVE THE TRASH AND DEBRIS ITEMS FROM THE DRIVEWAY AREA. (WOOD, BUILDING SUPPLIES)
- 3. BRING THE SWIMMING POOL BACK TO A CLEAR, CLEAN STATE.

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 \$4141.00. 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.

Code Inspector: Michelle Van Etten
Phone Number: 480-350-2895

E-mail: michelle_vanetten@tempe.gov



July 16, 2022

City of Tempe Attn: Michelle Van Etten Code Inspector

RE: Clean-Up at 1138 E. Balboa 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 1138 E. Balboa Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

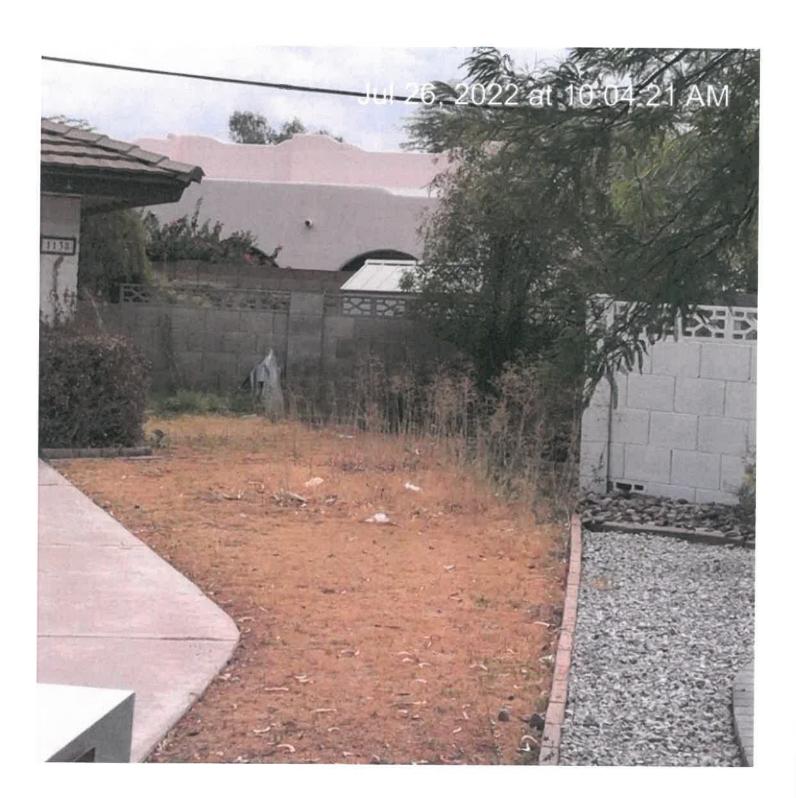
Scope of Work

- Drain deteriorated swimming pool
- Remove tall grass and weeds from the front and rear yard areas
- Remove trash and debris items from the front driveway area

Total = \$4,141.00

Respectfully,

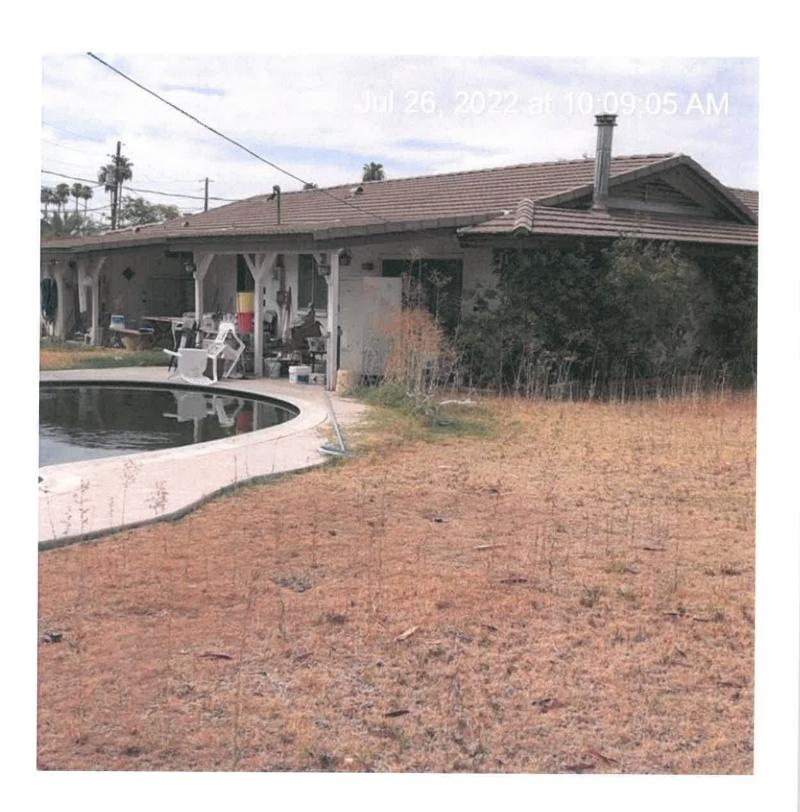
Jose Hernandez

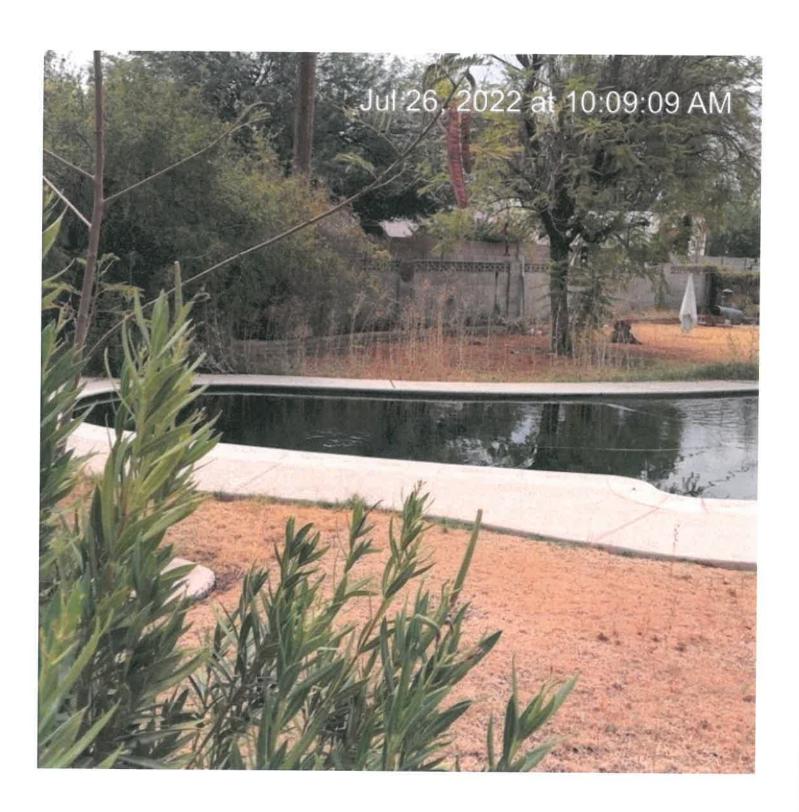


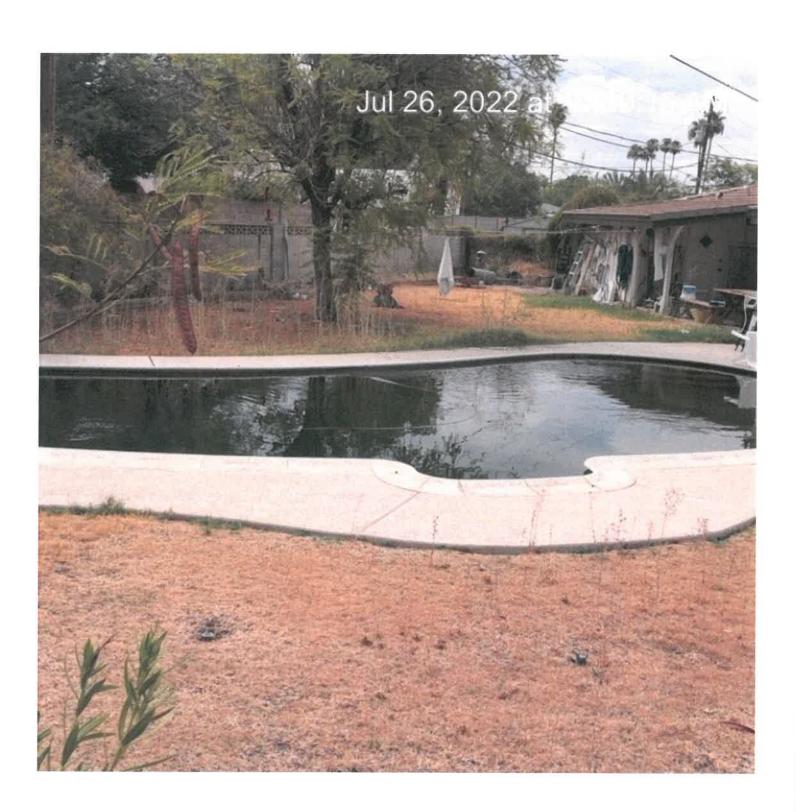














COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

05/06/2022

GUINN TRUST - C/O MARY SUE GUINN 1138 E BALBOA DR TEMPE, AZ 85282

Case #: CE222808

Site Address: 1138 E BALBOA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/06/2022 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
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
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
CC 21-3.b.16	Swimming pool that is deteriorated or presents a health hazard

PLEASE TAKE TI	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	PLEASE REMOVE THE TRASH AND DEBRIS ITEMS FROM THE DRIVEWAY AREA. (WOOD, BUILDING SUPPLIES) THANK YOU	5/20/2022
CC 21-3.b.8	PLEASE REMOVE TALL GRASS AND WEEDS FROM THE FRONT YARD AND BACK YARD LANDSCAPES. GRAVEL / DIRT LANDSCAPE AREAS MUST BE MAINTAINED FREE OF GRASS AND WEEDS. GRASS LANDSCAPE AREAS MUST BE MAINTAINED FREE OF WEEDS AND LESS THAN 12". THANK YOU	5/20/2022
CC 21-3.b.16	PLEASE BRING THE SWIMMING POOL BACK TO A CLEAR, CLEAN STATE.	5/20/2022

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.



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FINAL CORRECTION NOTICE

05/23/2022

GUINN TRUST - C/O MARY SUE GUINN 1138 E BALBOA DR TEMPE, AZ 85282

Case #: CE222808

Site Address: 1138 E BALBOA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/23/2022 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
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
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
CC 21-3.b.16	Swimming pool that is deteriorated or presents a health hazard

PLEASE TAKE TH	IE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	PLEASE REMOVE THE TRASH AND DEBRIS ITEMS FROM THE DRIVEWAY AREA. (WOOD, BUILDING SUPPLIES) THANK YOU	06/06/2022
CC 21-3.b.8	PLEASE REMOVE TALL GRASS AND WEEDS FROM THE FRONT YARD AND BACK YARD LANDSCAPES. GRAVEL / DIRT LANDSCAPE AREAS MUST BE MAINTAINED FREE OF GRASS AND WEEDS. GRASS LANDSCAPE AREAS MUST BE MAINTAINED FREE OF WEEDS AND LESS THAN 12". THANK YOU	06/06/2022
CC 21-3.b.16	PLEASE BRING THE SWIMMING POOL BACK TO A CLEAR, CLEAN STATE.	06/06/2022

CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS WILL BE ISSUED

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

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Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona

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COMPLAINT

