
**CITY OF TEMPE
HEARING OFFICER**

Meeting Date: 10/19/2022

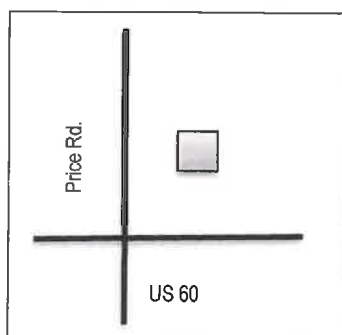
Agenda Item: 5

ACTION: Request approval to abate public nuisance items at the Finell Property located at 2440 E. La Jolla Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1,642 for abatement request: landscape cleanup, remove dead palm fronds, remove deteriorated fence sections.

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 FINELL 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 CE222987 : landscape cleanup, remove dead palm fronds, remove deteriorated fence sections.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Charles Finell
City of Tempe – Code Compliance
R1-6, Single Family Residential
Melissa Ensing

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 Finell Property located at 2440 E. La Jolla Drive, in the R1-6 Single Family Residential district. This case was initiated 05/16/2022, 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 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	FINELL PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	2440 E. LA JOLLA DR., TEMPE, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE222987 OCTOBER 19, 2022	PARCEL No(s)	134-44-267 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME		ADDRESS	2440 E. LA JOLLA DR.
CONTACT NAME	CHARLES FINELL	CITY	TEMPE
EMAIL		STATE	AZ
		ZIP	85282
		PHONE 1	
		PHONE 2	

I hereby authorize the applicant below to process this application with the City of Tempe.

PROPERTY OWNER SIGNATURE	X	DATE	
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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 STREET, SUITE 208
CONTACT NAME	MELISSA ENSING/CODE INSPECTOR	CITY	TEMPE
EMAIL	melissa_ensing@tempe.gov	STATE	AZ
		ZIP	85281
		PHONE 1	480-858-2085
		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>Melissa Ensing</i>	DATE	09/06/2022
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BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME		ADDRESS	
CONTACT NAME		CITY	
TYPE OF BUSINESS		STATE	
		ZIP	
		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: September 06, 2022
TO: Jack Scofield, Senior Code Inspector
FROM: Melissa Ensing, Code Inspector
SUBJECT: CE222987, Finell Property Abatement

LOCATION: 2440 E. La Jolla Dr. TEMPE, AZ 85282

PARCEL: 13444267

OWNER: CHARLES FINELL
2440 E. LA JOLLA DR.
TEMPE, AZ 85282

FINDINGS:

05/16/2022 The Code Compliance Division received a complaint for deteriorated landscape and deteriorated fence. I inspected property and observed deteriorated landscape with grass and weeds growing in the gravel landscape in the front, side and rear yards along with the deteriorated fence with missing slats and falling over. Notice to comply mailed to owner.

05/26/2022 The Code Compliance Division received an additional complaint for over height grass and weeds and grass and weeds in gravel landscape.

06/16/2022 I inspected property and found landscape to be even more deteriorated and there was no improvement with the deteriorated fence. Mailed final notice to comply to owner.

07/18/2022 Posted notice to property to comply or contact me 07/21/2022.

07/22/2022 Owner did not contact me and the landscape and fence was still deteriorated therefore, a Civil Citation was issued.

05/18/2021 The Code Compliance Division received an additional complaint for deteriorated landscape.

08/08/2022 Owner failed to appear for court.

09/06/2022 Posted notice of intent to abate to property and mailed to property owner.


RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 2440 E. LA JOLLA DR. due to property owner's failure to bring property into compliance with Tempe City Codes 21-3.B.8 and 21-3.B.15. CHARLES FINELL has been given ample time to come into compliance and maintain the property. The owner has been issued a civil citation and has failed to appear to court for the citation. 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,

Melissa Ensing
Code Inspector

ACTION TAKEN: Submit
NAME 
DATE: 9/6/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 09/06/2022
CASE #: CE222987

FINELL CHARLES C
2440 E LA JOLLA 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: 2440 E LA JOLLA DR TEMPE, AZ 85282
PARCEL: 13444267

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **10/19/2022**. 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 characterize by uncontrolled growth, or presents a deteriorated appearance
- CC 21-3.b.15** A wall or fence deteriorated in appearance or which constitutes a hazard

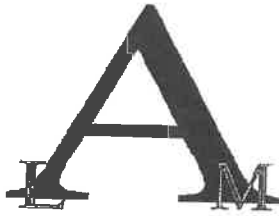
As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below. If the violation(s) have not been corrected, our office will proceed with the abatement process.

- CC 21-3.b.8 REMOVE GRASS AND WEEDS FROM FRONT, SIDE AND REAR YARDS.**
GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.
REMOVE LANDSCAPE DEBRIS FROM FRONT, SIDE AND REAR YARDS.
- CC 21-3.b.15 REPAIR OR REPLACE DETERIORATED/MISSING SECTIONS OF THE FRONT FENCE.**
REPLACEMENT MATERIALS MUST BE CONSISTENT AND OF LIKE MATERIALS

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 **\$1642.00**. 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: Melissa Ensing
Phone Number: 480-858-2085
E-mail: Melissa_Ensing@tempe.gov



Artistic Land Management, Inc.

August 26, 2022

City of Tempe
Attn: Melissa Ensing
Code Inspector

RE: Clean-Up at 2440 E. La Jolla 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 2440 E. La Jolla Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

Front Yard Clean-up

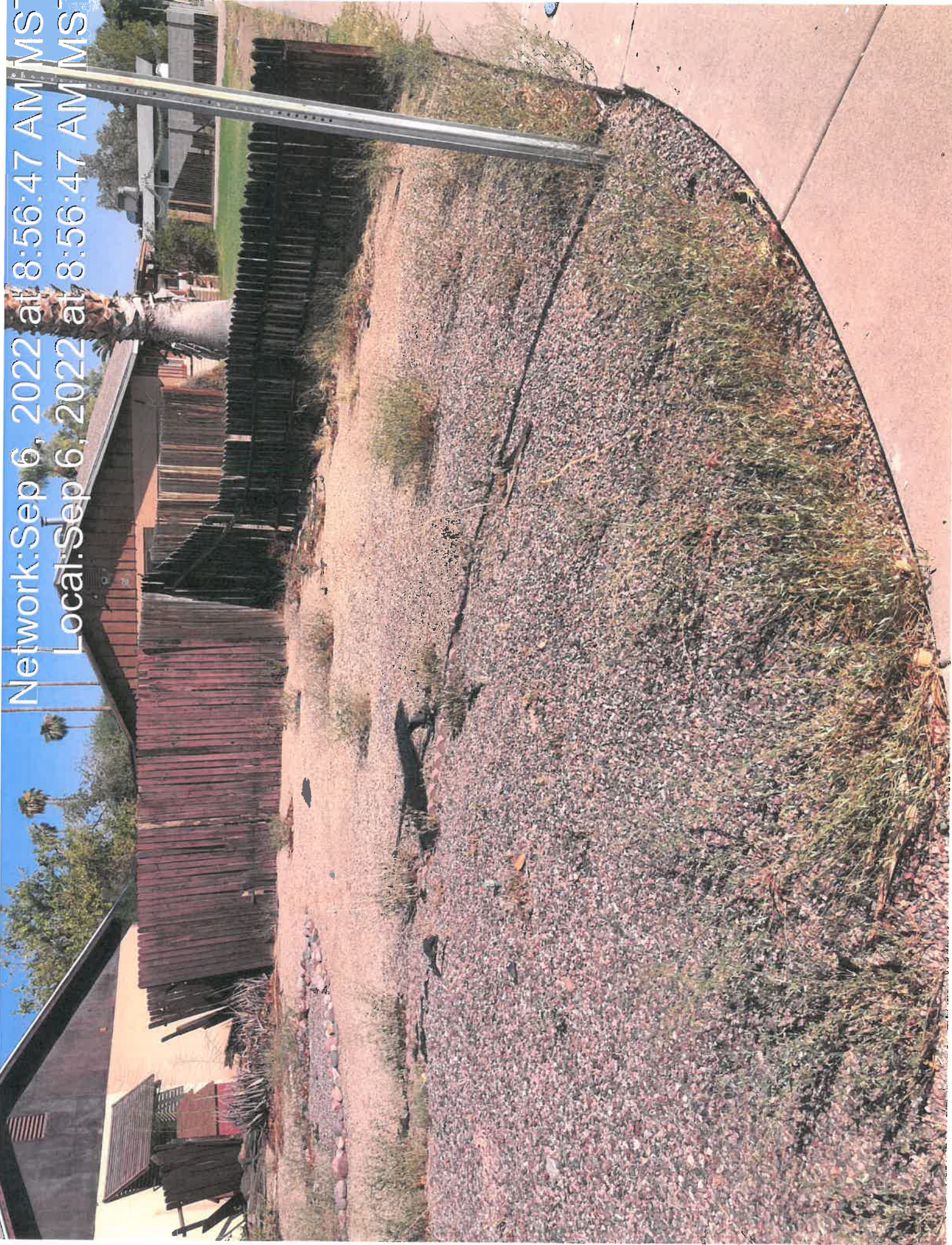
- Remove grass and weeds from landscaped areas
- Trim dead palm tree fronds from palm trees
- Remove deteriorated fence sections and debris
- PD presence on-site for duration of the visit

Total = \$1,642.00

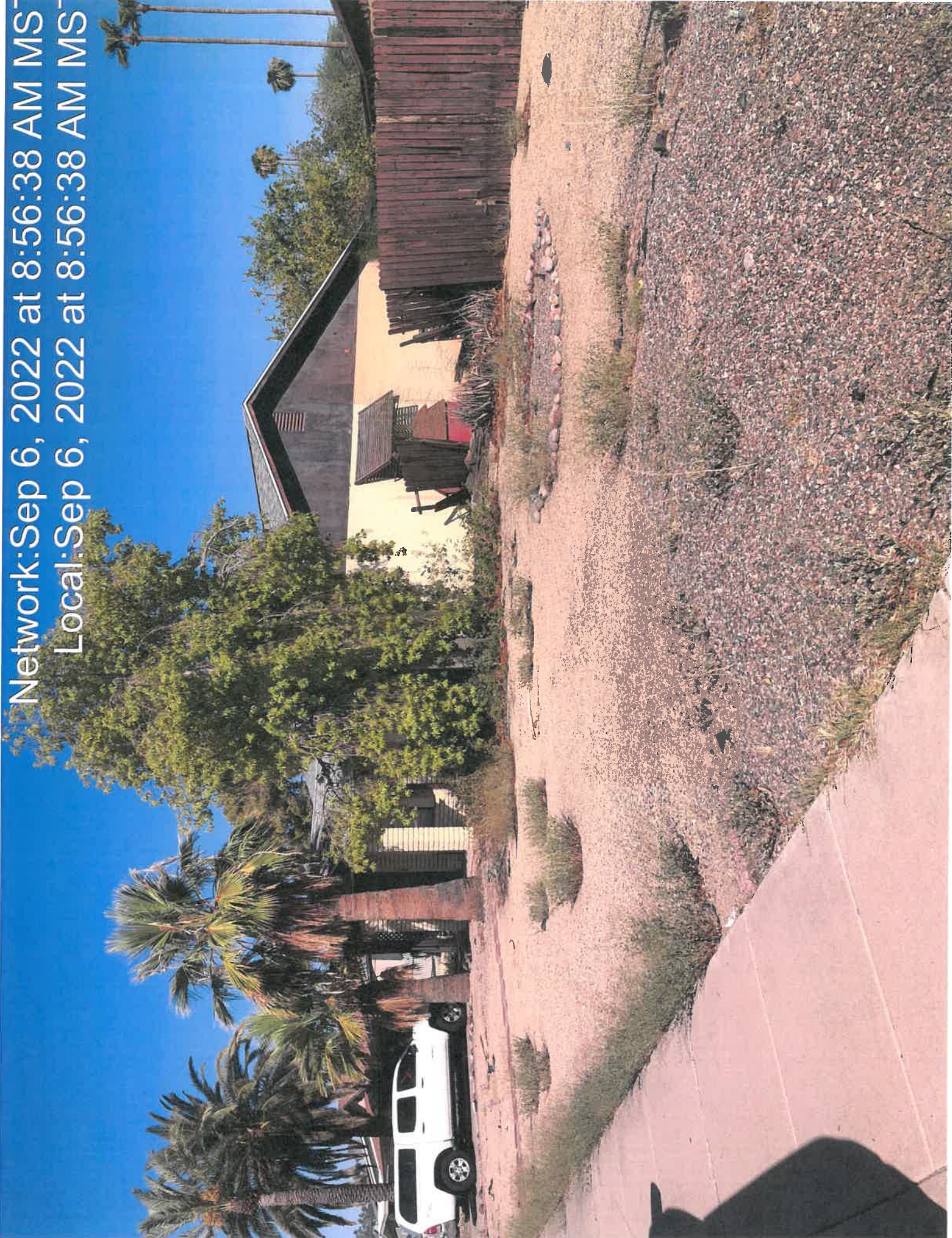
Respectfully,

Jose Hernandez

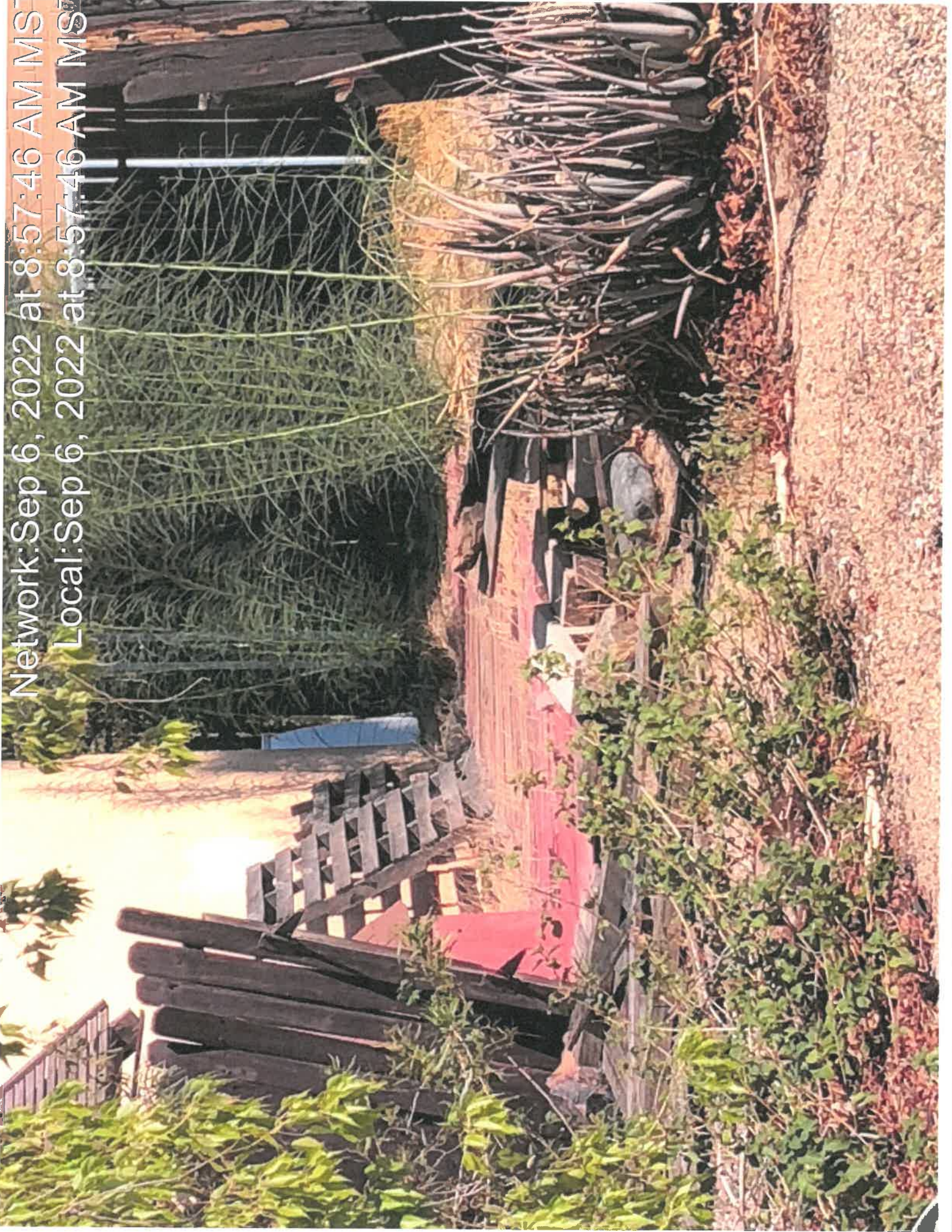
Network: Sep 6, 2022 at 8:56:47 AM MS-
Local: Sep 6, 2022 at 8:56:47 AM MS-



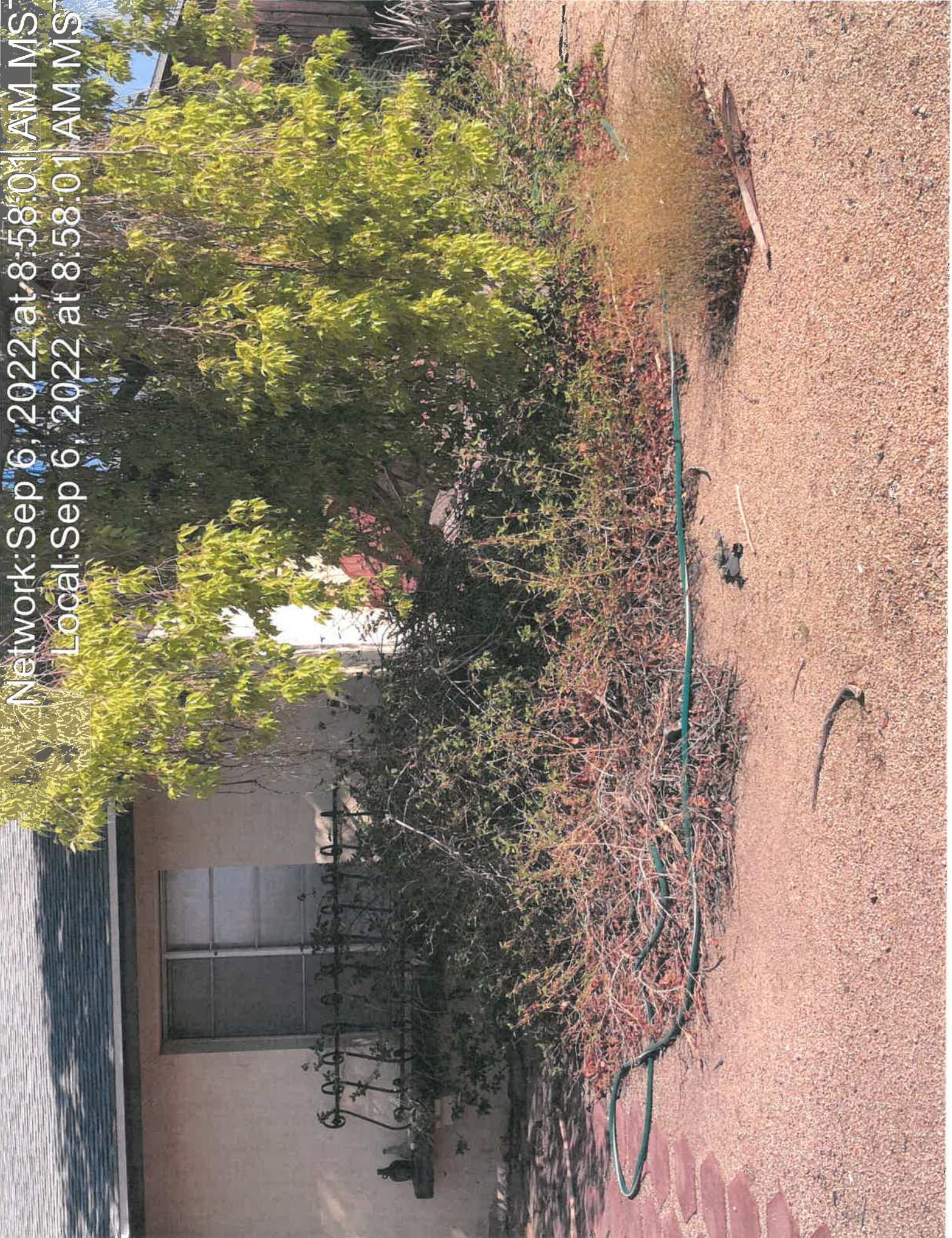
Network: Sep 6, 2022 at 8:56:38 AM MS -
Local: Sep 6, 2022 at 8:56:38 AM MS -



Network: Sep 6, 2022 at 8:57:46 AM MS
Local: Sep 6, 2022 at 8:57:46 AM MS



Network: Sep 6, 2022 at 8:58:01 AM MS-
Local: Sep 6, 2022 at 8:58:01 AM MS-



Network, Sep 6, 2022 at 9:00:05 AM MST
Local: Sep 6, 2022 at 9:00:05 AM MST



Network: Sep 6, 2022 at 8:58:30 AM MS-
Local: Sep 6, 2022 at 8:58:30 AM MS-





COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

05/17/2022

FINELL CHARLES C
2440 E LA JOLLA DR
TEMPE, AZ 85282

Case #: CE222987
Site Address: 2440 E LA JOLLA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/16/2022 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.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.15	A wall or fence deteriorated in appearance or which constitutes a hazard

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	PLEASE REMOVE GRASS AND WEEDS FROM FRONT, SIDE AND REAR YARDS. GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.	6/16/2022
CC 21-3.b.15	REPAIR OR REPLACE DETERIORATED/MISSING SECTIONS OF THE FRONT FENCE. REPLACEMENT MATERIALS MUST BE CONSISTENT AND OF LIKE MATERIALS	6/16/2022

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

Melissa Ensing
Code Inspector

Direct: 480-858-2085
Code Compliance: 480-350-4311
Email:Melissa_Ensing@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

06/16/2022

FINELL CHARLES C
2440 E LA JOLLA DR
TEMPE, AZ 85282

Case #: CE222987
Site Address: 2440 E LA JOLLA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 06/16/2022 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.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.15	A wall or fence deteriorated in appearance or which constitutes a hazard

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	REMOVE GRASS AND WEEDS FROM FRONT, SIDE AND REAR YARDS. GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.	07/18/2022
CC 21-3.b.15	REPAIR OR REPLACE DETERIORATED/MISSING SECTIONS OF THE FRONT FENCE. REPLACEMENT MATERIALS MUST BE CONSISTENT AND OF LIKE MATERIALS	07/18/2022

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.

Melissa Ensing
Code Inspector

Direct: 480-858-2085
Code Compliance: 480-350-4311
Email: Melissa_Ensing@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

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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702626	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 C2222987

Interpreter Required? Spanish Other Language

Defendant Name (First, Middle, Last) **Charles C. Finell** Juvenile

Residence Address, City, State, Zip Code **2440 E. La Jolla Dr. Tempe, AZ 85282** Telephone: (cell phone)

Sex Height Weight Eyes Hair Origin Date of Birth Restrictions Email Address

Business Address, City, State, Zip Code Business Phone No.

Vehicle Color Year Make Model Style License Plate State Expiration Date

Registered owner & address, City, State, Zip Code Vehicle Identification Number

The Undersigned Certifies That:

On Month **07** Day **22** Year **2022** Time **08:40** AM PM **Speed** Approx. Posted R & P Speed Measurement Device Radar Laser Pace Direction of Travel

At Location **2440 E. La Jolla Dr.** Tempe **85282** State of Arizona Area Dist.

The Defendant Committed the Following:

A Section: **TC 21-3 A** ARS Violation: **CC 21-3.B.8 Deteriorated Landscape** Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

B Section: **TC 21-3 A** ARS Violation: **CC 21-3.B.15 Deteriorated Fence** Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

C Section: ARS Violation: Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

D Section: ARS Violation: Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

E Section: ARS Violation: Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

You must appear on the date and time indicated at:

Tempe Municipal Court
140 E. 5th Street
Tempe, AZ 85281
Court No. 0753

Traffic Court Suite 150, 1st Floor Date: **08/05/2022** Time: Between 9AM & 4PM

Criminal Court Suite 200, 2nd Floor Date: _____ Time: _____ AM PM

Court: _____ Date: _____ Time: _____ AM PM Court No. _____

Court Address, City, State, Zip Code

Criminal: Without admitting guilt, I promise to appear as directed hereon.

Civil: Without admitting responsibility, I acknowledge receipt of this complaint.

X _____

Victim? Victim Notified?

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.

Melissa S **17448**
Complainant PSN

Comments: **First violation \$4000**
Mailed certified

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 _____

Date issued if not violation date _____

COMPLAINT



1702626

If you were charged with a civil ordinance violation and you fail to appear as directed in this complaint, a default judgement will be entered, and a monetary penalty will be imposed.