
**CITY OF TEMPE
HEARING OFFICER**

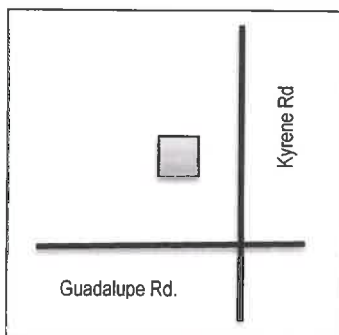
**Meeting Date: 01/03/2023
Agenda Item: 3**

ACTION: Request approval to abate public nuisance items at the Hofstetter Property located at 820 W. Libra Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$610 for abatement request: front 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 HOFSTETTER 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 CE225349 : front yard landscape cleanup.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Cherryl B. Hofstetter
City of Tempe – Code Compliance
R1-7 Single Family Residential
Alima Dia

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 Hofstetter Property located at 820 W. Libra Drive, in the R1-7 Single Family Residential district. This case was initiated 09/07/2022, 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	HOFSTETTER PROPERTY ABATEMENT	EXISTING ZONING	R1-7	<input type="checkbox"/>
PROJECT ADDRESS	820 W LIBRA DRIVE, TEMPE, AZ 85283	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE225349 HEARING IS SCHEDULED FOR 01/03/2023	PARCEL No(s)	301-05-198	<input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)

BUSINESS NAME	ADDRESS	10401 N. 100TH ST NO 10		
CONTACT NAME	CITY	STATE	ZIP	85258
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	ADDRESS	21 E. 6TH STREET, SUITE 208		
CONTACT NAME	CITY	STATE	ZIP	85281
EMAIL	PHONE 1	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
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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. 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)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			TOTAL APPLICATION FEES
SPR TRACKING # (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: November 8th, 2022
TO: Julie Scofield, Senior Code Inspector
FROM: Alima Dia, Code Inspector
SUBJECT: CE225349, Cherryl Hofstetter

LOCATION: 820 W LIBRA DRIVE TEMPE AZ 85283

PARCEL: 301-05-198

OWNER: CHERRYL HOFSTETTER
10401 N. 100TH ST NO 10
Scottsdale, Az 85258

FINDINGS:

9/7/2022 -Initial inspection the property found the gravel landscaping had grass and weeds growing in the front and sides. A notice was mailed to the owner Ms. Hofstetter.

9/23/2022- Re inspected the property and found the grass and weeds were still on the property. A final notice was mailed to the owner.

10/7/2022- Visited the property, and the property was still in violation. Placed a pink tag on the door and give the owner and or tenant until 10/11/2022 to comply or contact me.

10/11/2022- Reinspected the property, and it was still in violation and issued a citation for deteriorating landscaping. Pictures were taken and citations was mailed and sent certified to the owner.

10/27/2022-Requested a bid for abatement cleanup.

11/9/2022- Turned in the abatement packet for hearing scheduled on January 3rd, 2023.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 820 W Libra Drive Tempe, Arizona 85283. The owner's failure to bring property into compliance with Tempe City Code 21-3. B.8. Mrs. Hofstetter has been given ample time to come into compliance and maintain the property. The property owner has been issued a civil citation and has failed to

appear to court. 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,

Alima Dia
Code Inspector

ACTION TAKEN: submitted
NAME Julie Scofield
DATE: 11/14/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 11/8/2022
CASE # CE225349

**CHERRYL HOFSTETTER
10401 N 100th ST NO 10
SCOTTSDALE, AZ 85258**

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

**LOCATION: 820 W LIBRA DRIVE TEMPE, AZ 85283
PARCEL: 301-05-198**

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 01/03/2023. 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-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.

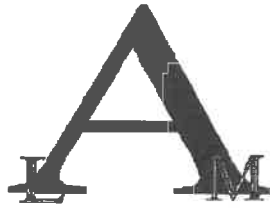
If the violations have not been corrected within thirty days, our office will proceed with the abatement process. As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below:

1. REMOVE GRASS AND WEEDS FROM THE GRAVEL AREAS OF THE FRONT YARD LANDSCAPE.

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 \$610.00. 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: Alima Dia
Phone Number: 480-350-8075
E-mail: Alima_dia @tempe.gov**



Artistic Land Management, Inc.

November 2, 2022

City of Tempe
Attn: Alima Dia
Code Inspector

RE: Clean-Up at 820 W. Libra 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 820 W Libra Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

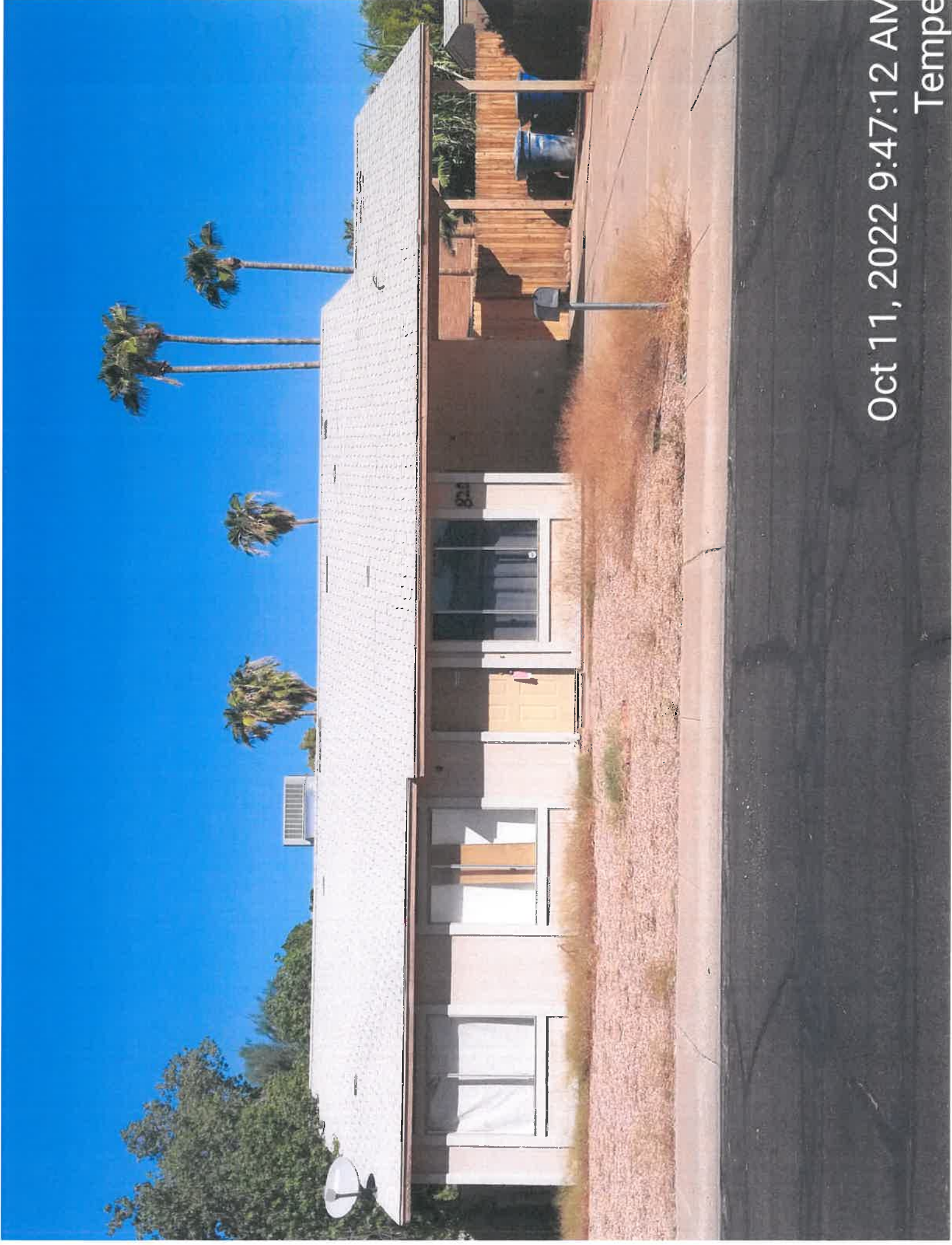
Front and Side yard:

- Cut down weeds and unwanted vegetation to ground level
- Apply post-emergent chemical where needed
- Haul off debris

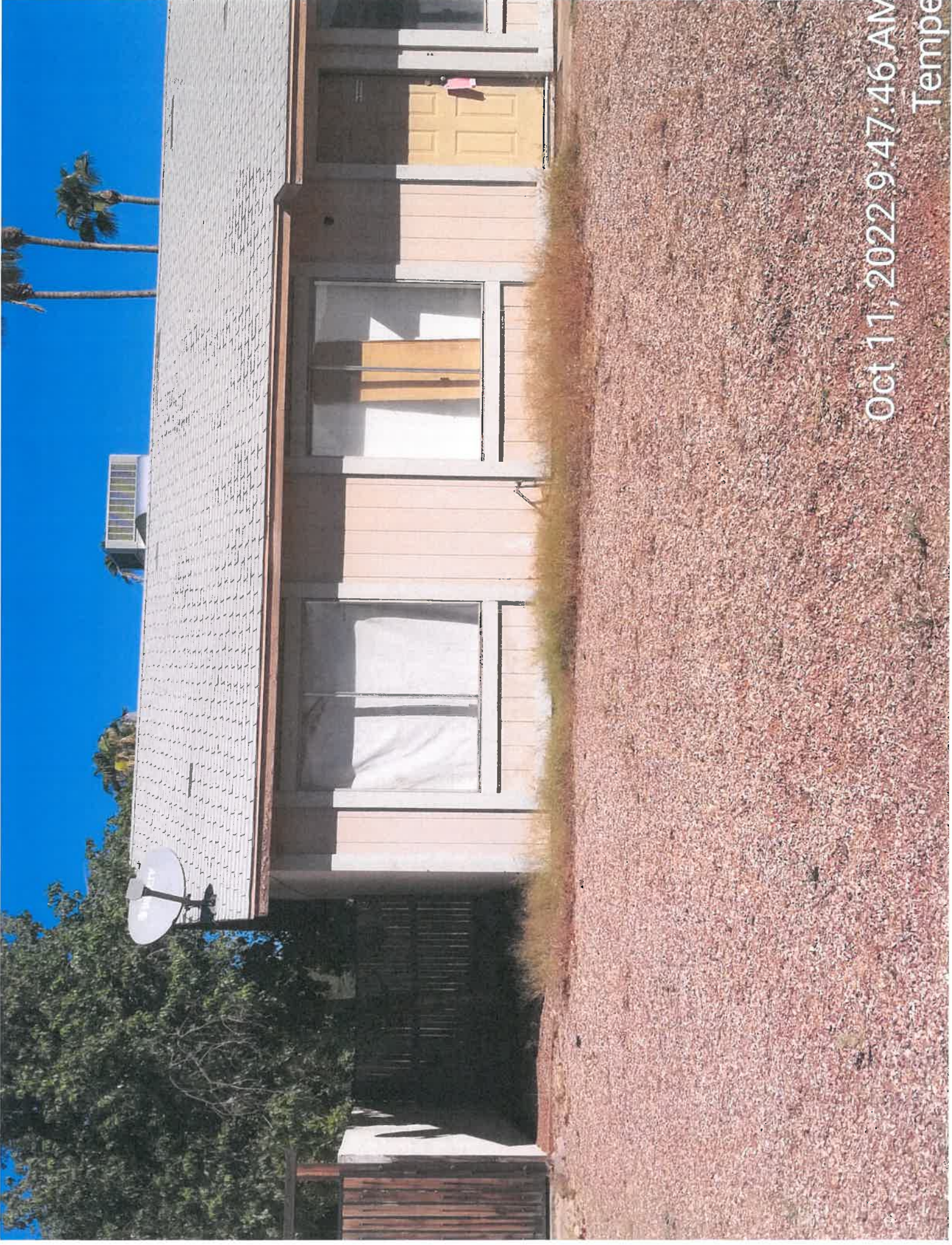
Total = \$610.00

Respectfully,

Jose Hernandez



Oct 11, 2022 9:47:12 AM
Tempe



Oct 11, 2022 9:47:46 AM
Tempe



Oct 11, 2022 9:47:53 AM

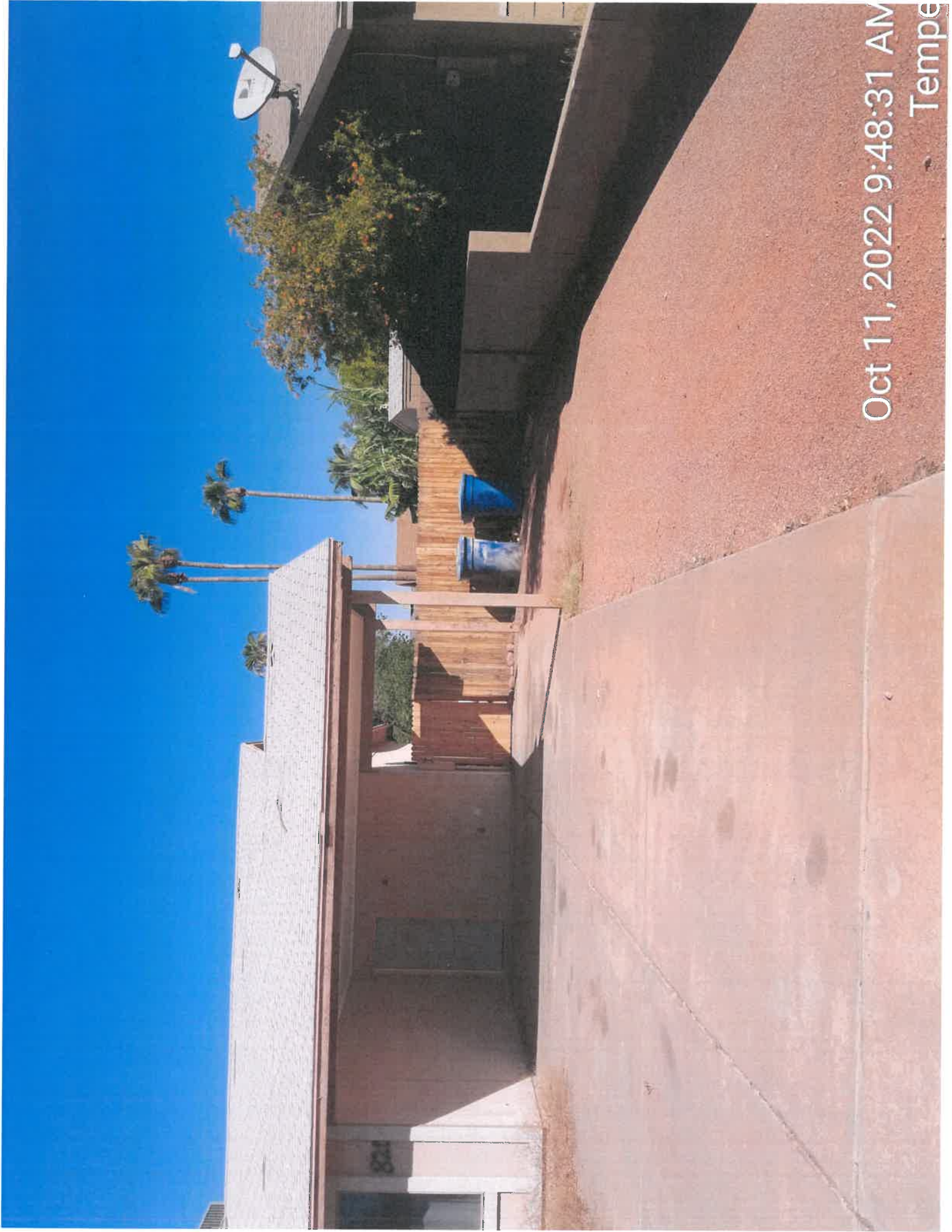
Tempe



Oct 11, 2022 9:48:13 AM
Tempe



Oct 11, 2022 9:48:21 AM
Tempe



Oct 11, 2022 9:48:31 AM
Tempe



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

09/07/2022

HOFSTETTER CHERYL B TR
10401 N 100TH ST NO 10
SCOTTSDALE, AZ 85258

Case #: CE225349
Site Address: 820 W LIBRA DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 09/07/2022 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	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove grass and or weeds in the gravel landscaping area this includes the front and or sides of the property. All gravel landscape must maintain free of any uncontrolled growth.	9/21/2022

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

Alima Dia
Code Inspector

Direct: 480-350-8075
Code Compliance: 480-350-4311
Email: Alima_Dia@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

09/23/2022

HOFSTETTER CHERRYL B TR
10401 N 100TH ST NO 10
SCOTTSDALE, AZ 85258

Case #: CE225349
Site Address: 820 W LIBRA DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 09/23/2022 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.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove grass and or weeds in the gravel landscaping area this includes the front and or sides of the property. All gravel landscape must maintain free of any uncontrolled growth.	10/7/2022

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

Alima Dia
Code Inspector

Direct: 480-350-8075
Code Compliance: 480-350-4311
Email: Alima_Dia@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).
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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702538		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 CE225349			
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language													Juvenile		
Defendant		Name (First, Middle, Last) Cheryl B. Hofstetter													
Residence Address, City, State, Zip Code 10401 N. 100th Street No. 10 Scottsdale, AZ 85258										Telephone: (cell phone) <input type="checkbox"/>					
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 10	Day 11	Year 2022	Time 9:47	<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 820 W. Libra Drive							<input checked="" type="checkbox"/> Tempe 85283	State of Arizona		Area	Dist.	

The Defendant Committed the Following:

A	Section: CC21-3	ARS A	Violation: 21-3 B.8 deteriorated landscape	<input type="checkbox"/> Domestic Violence Case		<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	Violation:	<input type="checkbox"/> Domestic Violence Case		<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	Violation:	<input type="checkbox"/> Domestic Violence Case		<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	Violation:	<input type="checkbox"/> Domestic Violence Case		<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	Violation:	<input type="checkbox"/> Domestic Violence Case		<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: 10.25.2022	Time: Between 9AM & 4PM	
			<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM	
	Court: <input type="checkbox"/>		Date: _____		Time: <input type="checkbox"/> AM <input type="checkbox"/> PM Court No. _____	
Court Address, City, State, Zip Code						

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	<i>[Signature]</i> Complainant	
	21709 PSN	

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 _____

first violation Mailed Certified \$200.00

Date issued if not violation date _____

COMPLAINT

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.



1702538