

**CITY OF TEMPE  
HEARING OFFICER**

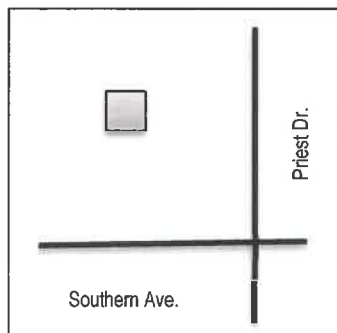
**Meeting Date: 01/03/2023  
Agenda Item: 5**

**ACTION:** Request approval to abate public nuisance items at the Olivarez Property located at 1624 W. Geneva Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$6024 for abatement request: remove junk, trash, debris and stored items from front & back of property, front & 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 OLIVAREZ 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 CE225681 : remove junk, trash, debris and stored items from front & back of property, front & back yard landscape cleanup.



Property Owner  
Applicant  
Zoning District:  
Code Compliance  
Inspector:

Estate of Vivian Olivarez  
City of Tempe – Code Compliance  
R1-6 Single Family Residential  
Hector Heredia

**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 Olivarez Property located at 1624 W. Geneva Drive, in the R1-6 Single Family Residential district. This case was initiated 09/22/2022, 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	KEEME CARLOS M / VIVIAN OLIVAREZ / CARMEN PROPERTY ABATEMENT	EXISTING ZONING	<input type="checkbox"/>
PROJECT ADDRESS	1624 W GENEVA DR TEMPE AZ 85282	SUITE(S)	R1 - 6 <input type="checkbox"/>
PROJECT DESCRIPTION	HEARING OFFICER : 01.03.2023 CE225681	PARCEL No(s)	123.57.257 <input type="checkbox"/>

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

BUSINESS NAME	ADDRESS		
CONTACT NAME	CITY	STATE	ZIP
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	City of Tempe Code Compliance	ADDRESS	21 E 6TH ST STE 208		
CONTACT NAME	Hector Heredia Code Inspector	CITY	TEMPE	STATE	AZ ZIP 85281
EMAIL	hector_heredia@tempe.gov	PHONE 1	480.350.5462	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	2/2/22
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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	

<input checked="" type="checkbox"/>	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 <sup>nd</sup> or 3 <sup>rd</sup> submittal, please use Planning Resubmittal Form)			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



**DATE:** 12.01.2022  
**TO:** Julie Scofield, Senior Code Inspector  
**FROM:** Hector Heredia, Code Inspector  
**SUBJECT:** CE225681 : KEEME CARLOS M / VIVIAN OLIVAREZ / CARMEN PROPERTY ABATEMENT

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**LOCATION:** 1624 W GENEVA DR TEMPE AZ 85282

**PARCEL:** 123.57.257

**OWNER:** KEEME CARLOS M / VIVIAN OLIVAREZ / CARMEN  
1624 W GENEVA DR  
TEMPE, AZ 85282

**FINDINGS:**

09.22.2022: Code Compliance received anonymous complaints regarding a green pool, a deteriorated fence, including junk / debris, a deteriorated landscape with over height on the front and back yard areas and dead tree / limbs. At the time of inspection, I also noticed that the property was condemned after a fire severely damaged the location. These concerns were verified, and a first notice was mailed to the property owner.

10.06.2022: At the second inspection no corrective actions had taken place and a final notice was mailed to the property.

10.26.2022: Due to the severity of the damaged property and the lack of communication with the property owners the abatement was initiated. After multiple failed attempts to reach the owners direction taken from management.

12.01.2022: All elements were gathered, and the abatement packet was completed. The location will be set for the January 03<sup>rd</sup>, 2023 Hearing Officer Agenda.

**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property located at 1624 W Geneva Dr due to property owner's failure to bring property into compliance with Tempe City Codes **CC 21.3.b.1 & CC 21.3.B.8**. Keeme Carlos M / Vivian Olivarez / Carmen have been given ample time to come into compliance and maintain the property. 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,

Hector Heredia  
Code Inspector

ACTION TAKEN: Submitted  
NAME Julie Scofield  
DATE: 12/1/2022



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 12.01.2022  
CASE # CE225681

**KEEME CARLOS M / VIVIAN OLIVAREZ / CARMEN**  
**1624 W GENEVA 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:** 1624 W GENEVA DR TEMPE, AZ 85282  
**PARCEL:** 123.57.257

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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 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 Codes

#### **CC 21.3.b.1**

A nuisance includes any one (1) or more of the following conditions: 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.

#### **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 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 JUNK / DEBRIS FROM THE ENTIRE PROPERTY FRONT / BACK YARD AREAS.
2. REMOVE GRASS AND WEEDS FROM THE ENTIRE PROPERTY FRONT / BACK YARD AREAS.
3. REMOVE DEAD TREES / STUMPS INCLUDING OVERGROWN AND DEAD PALM FRONDS FROM THE BACK 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 **\$6,024.00**. 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.

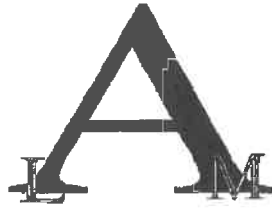
**If you have questions regarding this matter, please contact our office at (480) 350-4311.**

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**Code Inspector: Hector Heredia**

**Phone Number: 480.350.5462**

**E-mail: [hector\\_heredia@tempe.gov](mailto:hector_heredia@tempe.gov)**



**Artistic Land Management, Inc.**

November 29, 2022

City of Tempe  
Attn: Hector Heredia  
Code Inspector

RE: Clean-Up at 1624 W. Geneva 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 1624 W. Geneva Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

**Scope of Work**

- Clean-up deteriorated and overgrown landscape in the front and backyard areas including the dead tree and dead palm fronds on the trees
- Remove junk and debris from the front and backyard areas
- Dispose of removed items off-site

Total = \$6,024.00

Police Assistance (if required) = 12 Hours at \$77/Hr = \$924.00

Respectfully,

Jose Hernandez









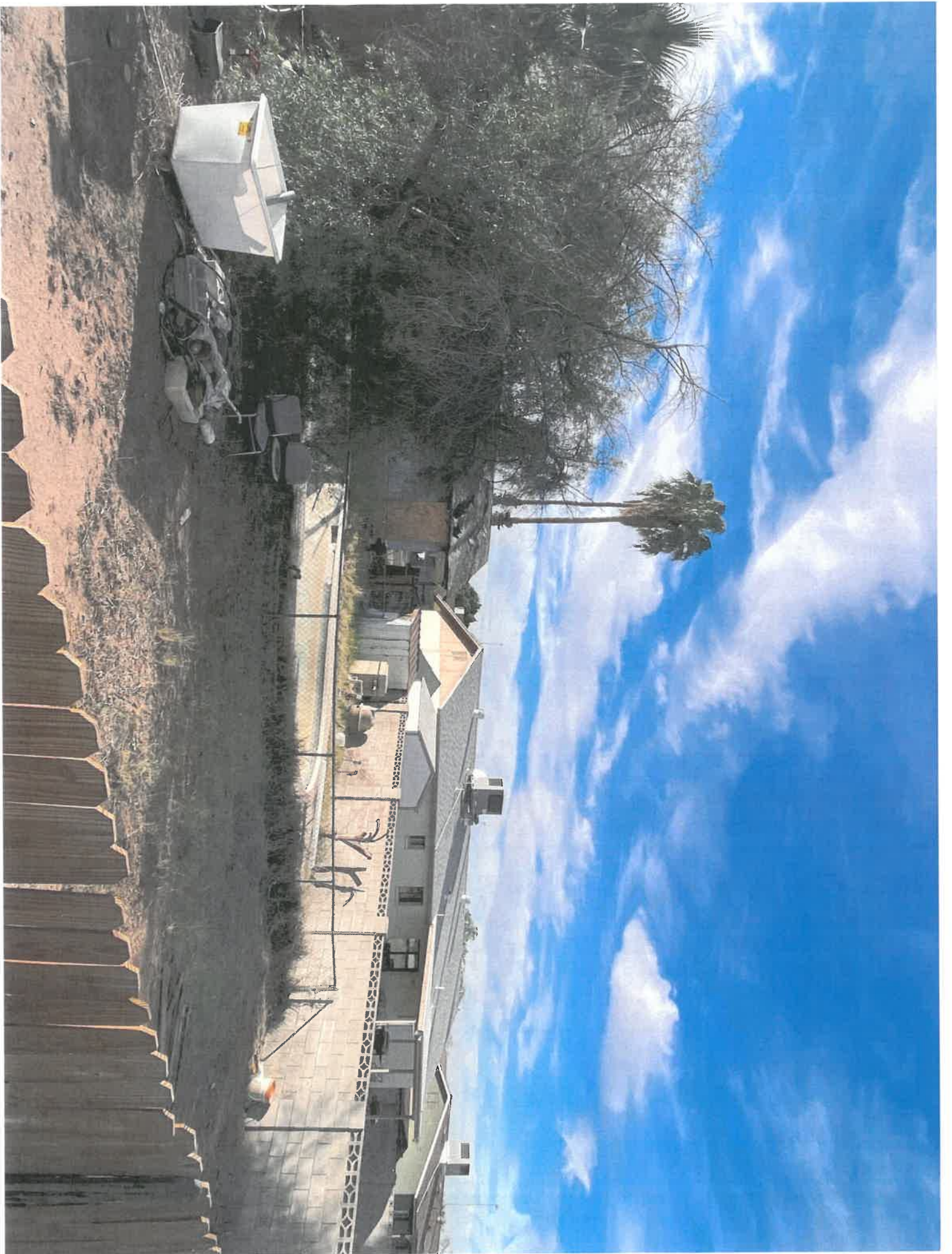


















COMMUNITY DEVELOPMENT DEPARTMENT  
 CODE COMPLIANCE  
 CORRECTION NOTICE

09/22/2022

KEEME CARLOS M / VIVIAN OLIVAREZ / CARMEN  
 1624 W GENEVA DR  
 TEMPE, AZ 85282

Case #: CE225681  
 Site Address: 1624 W GENEVA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 09/22/2022 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.15	A wall or fence deteriorated in appearance or which constitutes a hazard
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches
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.1	Please remove all the trash, litter, debris, and stored items from your entire property, back to front and including underneath carport / driveway as needed. All storage items must be kept in an enclosed unit classified as a building with four walls and a door / window. An un-enclosed area cannot be maintained as outdoor storage. All debris must be discarded appropriately at city dump sites or designated bins to help diminish a deteriorated appearance. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	10/6/2022
CC 21-3.b.15	Please take all the precautionary measures necessary to repair / restore your property's fencing to its original, damage free and standing state including free of all deterioration. Please consider using like materials from the surrounding area so it does not appear to be a deteriorated state or a potential hazard for any pedestrian. This means replacing any missing planks, chain links or bricks including deteriorated paint to unify the appearance of the restoration project. All debris must be discarded appropriately at city dump sites or designated bins to help diminish a deteriorated appearance. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	10/6/2022

CC 21-3.b.8	Please completely address and cut the over height grass and weeds from the entire property, back to front. This includes any visible surrounding areas, up against property walls and fence lines as necessary. Please make sure that all growth is always eliminated from the graveled areas. Make sure to address and maintain city right of way areas that you are responsible for. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	10/6/2022
CC 21-3.b.8	Please remove the dead tree and palm tree from your property's back yard. Removal of the dead trees must be addressed from the stump at ground level. After the removal has taken place the excavated area must be refilled with like materials from the surrounding area as a precaution to a potential hazardous situation for any pedestrian. Please discard all tree debris in appropriate city dumping sites. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	10/6/2022

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

**Hector Heredia Jr**  
Code Inspector

**Direct: 480-350-5462**  
**Code Compliance: 480-350-4311**  
**Email: Hector\_Heredia@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

10/06/2022

KEEME CARLOS M / VIVIAN OLIVAREZ / CARMEN  
1624 W GENEVA DR  
TEMPE, AZ 85282

Case #: CE225681  
Site Address: 1624 W GENEVA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 10/06/2022 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.15	A wall or fence deteriorated in appearance or which constitutes a hazard
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches
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.1	Please remove all the trash, litter, debris, and stored items from your entire property, back to front and including underneath carport / driveway as needed. All storage items must be kept in an enclosed unit classified as a building with four walls and a door / window. An un-enclosed area cannot be maintained as outdoor storage. All debris must be discarded appropriately at city dump sites or designated bins to help diminish a deteriorated appearance. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	10/20/2022
CC 21-3.b.15	Please take all the precautionary measures necessary to repair / restore your property's fencing to its original, damage free and standing state including free of all deterioration. Please consider using like materials from the surrounding area so it does not appear to be a deteriorated state or a potential hazard for any pedestrian. This means replacing any missing planks, chain links or bricks including deteriorated paint to unify the appearance of the restoration project. All debris must be discarded appropriately at city dump sites or designated bins to help diminish a deteriorated appearance. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	10/20/2022

CC 21-3.b.8 Please completely address and cut the over height grass and weeds from the entire property, back to front. This includes any visible surrounding areas, up against property walls and fence lines as necessary. Please make sure that all growth is always eliminated from the graveled areas. Make sure to address and maintain city right of way areas that you are responsible for. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues. 10/20/2022

CC 21-3.b.8 Please remove the dead tree and palm tree from your property's back yard. Removal of the dead trees must be addressed from the stump at ground level. After the removal has taken place the excavated area must be refilled with like materials from the surrounding area as a precaution to a potential hazardous situation for any pedestrian. Please discard all tree debris in appropriate city dumping sites. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues. 10/20/2022

**This is the final attempt to reach you regarding the above noted. These issues must be addressed. If your property is not brought into compliance before or on the due date a citation will be issued. There will be no more notices sent to your property due to negligence of the pending violations in a twelve-month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details or for clarification.**

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

**Hector Heredia Jr**  
**Code Inspector**

**Direct: 480-350-5462**  
**Code Compliance: 480-350-4311**  
**Email: Hector\_Heredia@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.