

CITY OF TEMPE HEARING OFFICER

Meeting Date: 01/03/2023

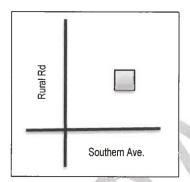
Agenda Item: 4

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

FISCAL IMPACT: \$4872 for abatement request: remove junk, trash, debris and stored items from front & back of property.

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 STRUTZENBERG 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 CE224997: remove junk, trash, debris and stored items from front & back of property.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Derek Strutzenberg 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 Strutzenberg Property located at 1138 E. Del Rio Drive, in the R1-6 Single Family Residential district. This case was initiated 08/25/2022, 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.

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		PROJECT NAME	STRUTZENBERG PROPE	RTY AE	BATEMENT			EXISTING R1-6			
PROJECT ADDRESS 1138 E. DEL RIO DR., TEMPE, AZ				Z 85282			SUITE(S)				
PROJECT DESCRIPTION ABATEMENT OF CE22499			97			PARCEL No(s)	133-32-	 285			
JANUARY 03, 2023											
		P	ROPERTY OWNER INFORI	MATION	N – REQUIRE	ED (EXCEP	T PRELIMINARY SITE PLAN F	REVIEW & SIGN T	YPF K)		
		BUSINESS NAME				ADDRESS	1138 E. DEL RIO DR.		,		
CONTACT NAME DEREK STRUTZENBERG					CITY	TEMPE	STATE	AZ	ZIP	85282	
		EMAIL				PHONE 1		PHONE 2			100202
I he	reby	y authorize the	applicant below to proce	ss this	application v	with the Ci	ty of Tempe.		L		
			PROPERT	Y OWNER	R SIGNATURE	Х			DATE		
	or att	ach whiten state	ment authorizing the applicant t	o file the	application(s) APPLICANT	INFORMA	TION – REQUIRED				
CO	MPA	NY / FIRM NAME	CITY OF TEMPE/CODE EI			ADDRESS	21 E. 6TH STREET, SUITE 20	8			
	C	CONTACT NAME	MELISSA ENSING/CODE	INSPEC	TOR	CITY	TEMPE	STATE	AZ	ZIP	85281
		EMAIL	melissa_ensing@tempe.go	v		PHONE 1	480-858-2085	PHONE 2			l
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	TYP	E OF BUSINESS				PHONE		EMAIL			
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	B.		IVE APPLICATIONS			***	ADM				
	C.	VARIANCES	///					VAR			
	D.		/ USE PERMIT STANDARDS					ZUP			
	E.		AMENDMENTS					ZOA		ON	
	F.		A DEVELOPMENT OVERLAYS					PAD	R	EC	
	G.		CONDOMINIUM PLATS					SBD	R	EC	
	Н.	DEVELOPMEN	T PLAN REVIEW					DPR			
	I.	APPEALS									
	J.	GENERAL PLA	N AMENDMENTS					GPA			
☐ K. ZONING VERIFICATION LETTERS						ZVL	ZVL				
L. ABATEMENTS						CE	CE CM				
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FOR CITY USE ONLY											
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SPR TRACKING # (if 2 nd or 3 nd submittal,								TOTAL APPLICA	ATION FEE	S	
please use Planning								RECEIVED BY	NTAKE ST	AFF (IN	ITIALS)
Resubmittal Form)											



DATE:

November 30, 2022

TO:

Jack Scofield, Senior Code Inspector

FROM:

Melissa Ensing, Code Inspector

SUBJECT:

CE224997, Strutzenberg Property Abatement

LOCATION: 1138 E. Del Rio Dr. TEMPE, AZ 85282

PARCEL:

13332285

OWNER:

DEREK STRUTZENBERG

1138 E. DEL RIO DR. **TEMPE, AZ 85282**

FINDINGS:

08/25/2022 The Code Compliance Division received a complaint for trash and debris in front and rear yards. I inspected property and observed trash, debris, boxes, tarp, car tools, car parts, plywood, appliances, metal, furniture, crates, carpet, and misc, items in the front and rear yards and driveway. I also observed a deteriorated gate leading to rear yard as well as grass and weeds in gravel landscape in the front yard and over height grass and weeds in the rear yard. Notice to comply mailed to owner.

09/08/2022 I inspected property and found no improvement. Mailed final notice to comply to owner.

09/23/2022 Property still in violation. Posted notice to property to comply or contact me by 09/28/2022.

09/28/2022 Owner's girlfriend contacted me. She stated they have been out of town, and she will correct the violations. I granted her an extension.

10/03/2022 The Code Compliance Division received an additional complaint for junk, trash, debris and over height grass and weeds.

10/12/2022 I inspected the property and observed no improvement with the trash and debris in the front and rear yards. The landscape was still deteriorated. I left the owner a detailed voicemail stating if the violations were not corrected by 10/24/2022 a citation would be issued.

10/12/2022 Owner's girlfriend contacted me again and stated she has made improvements and had some questions. She asked if I would meet up with her at the property. I tried making contact while at the property and was unsuccessful. I left another voicemail restating that if the property was not brought into compliance by 10/24/2022 or a citation would be issued.

10/17/2022 The Code Compliance Division received an additional complaint for junk, trash, and debris.

10/24/2022 The landscape was corrected. The front and rear yards were further deteriorated with trash and debris, therefore a Civil Citation was issued to the owner.

10/25/2022 The Code Compliance Division received an additional complaint for junk, trash, and debris.

11/04/2022 The Code Compliance Division received an additional complaint for junk, trash, and debris.

11/08/2022 Owner failed to appear for court.

11/30/2022 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 1138 E. DEL RIO DR. due to property owner's failure to bring property into compliance with Tempe City Codes 21-3.B.1. DEREK STRUTZENBERG 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		
	1-	-	

NAME

DATE:

12/2/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 11/30/2022 CASE #: CE224997

STRUTZENBERG DEREK 1138 E DEL RIO 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 DEL RIO DR TEMPE, AZ 85282

PARCEL: 13332285

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers *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:

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

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.1

REMOVE TRASH, DEBRIS, CARPET, CAR TOOLS, PLYWOOD, APPLIANCES, METAL, FURNITURE, CRATES AND ANY MISC ITEMS FROM FRONT AND REAR YARDS.

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 \$4872.00. 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



November 14, 2022

City of Tempe Attn: Melissa Ensing Code Inspector

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

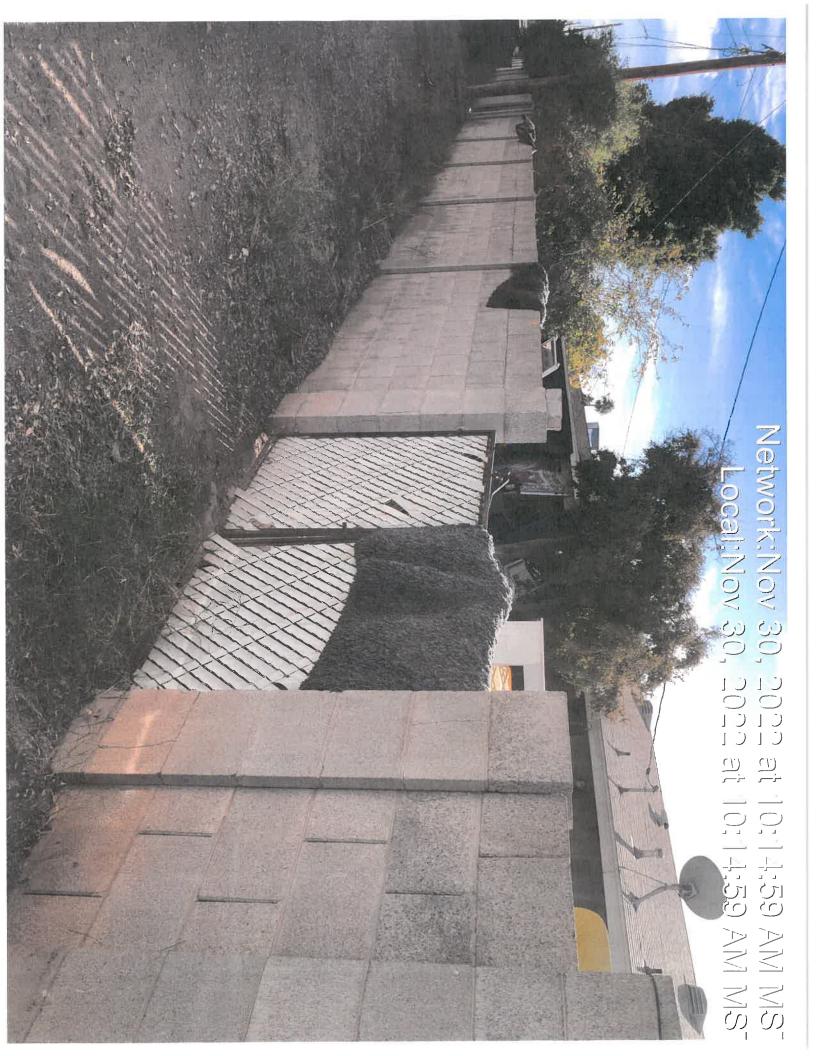
Scope of Work

- Remove trash, debris, and miscellaneous items from the front, side, and rear yards and driveway
- Dispose of removed items off-site
- Police presence for the duration of the visit

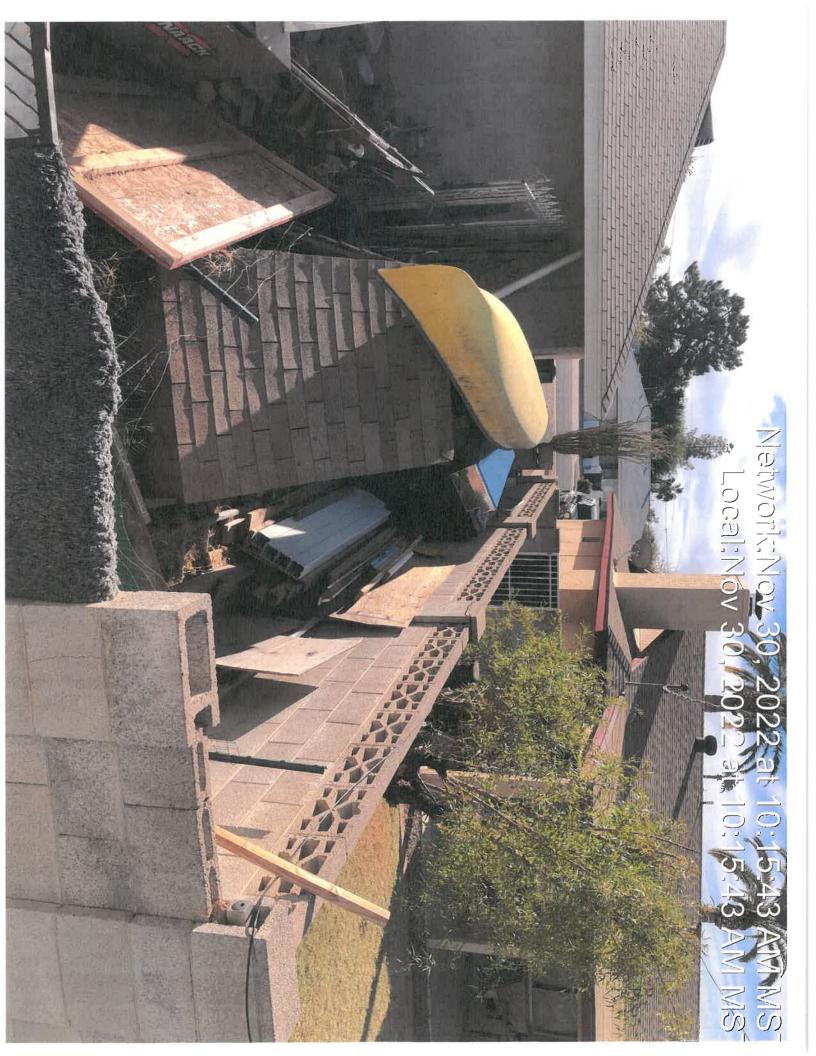
Total = \$4,872.00

Respectfully,

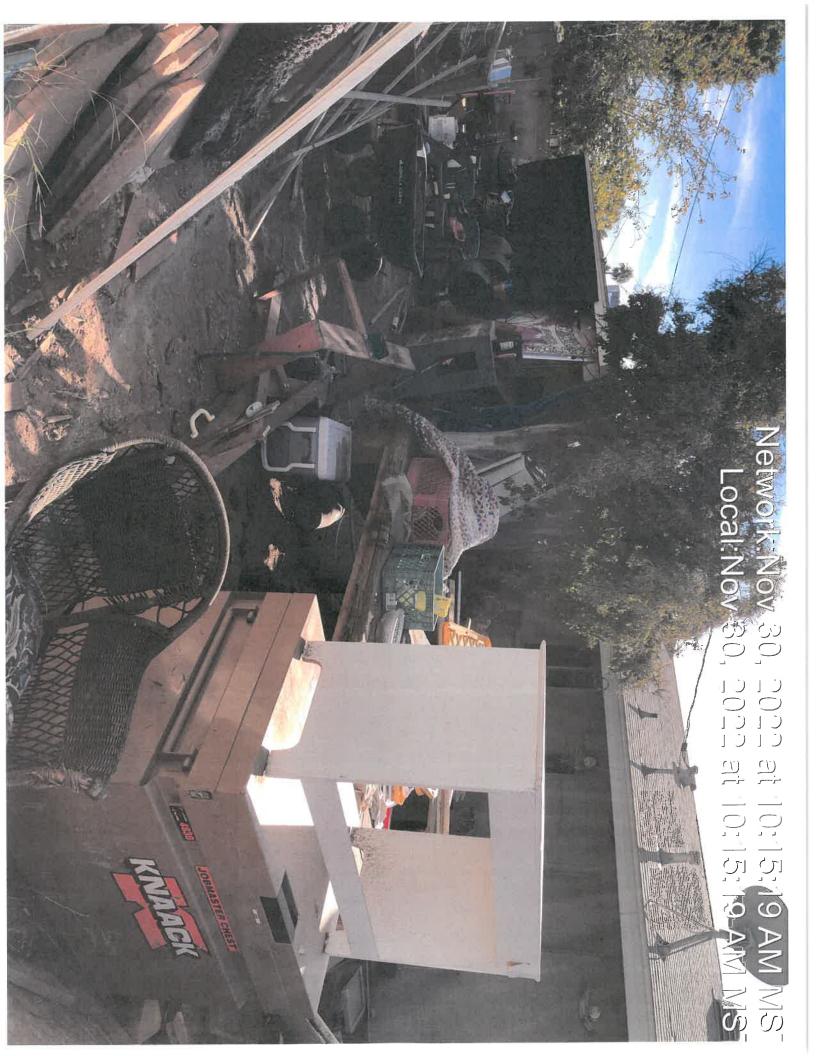
Jose Hernandez













COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

08/25/2022

STRUTZENBERG DEREK 1138 E DEL RIO DR TEMPE, AZ 85282

Case #: CE224997

Site Address: 1138 E DEL RIO DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 08/25/2022 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	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance

PLEASE TAKE TH	HE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	REMOVE TRASH, DEBRIS, CAR PARTS, CARPET, CAR TOOLS, PLYWOOD, APPLIANCES, METAL, FURNITURE, CRATES AND ANY MISC ITEMS FROM FRONT AND REAR YARDS.	9/8/2022
CC 21-3.b.15	REPAIR OR REPLACE DETERIORATED GATE IN FRONT LEADING TO REAR YARD.	9/8/2022
CC 21-3.b.8	REMOVE OVER HEIGHT GRASS AND WEEDS IN REAR YARD DIRT LANDSCAPE.	9/8/2022
	REMOVE GRASS AND WEEDS FROM FRONT YARD GRAVEL LANDSCAPE.	
	GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF ALL GRASS AND WEEDS.	

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

09/08/2022

STRUTZENBERG DEREK 1138 E DEL RIO DR TEMPE, AZ 85282

Case #: CE224997

Site Address: 1138 E DEL RIO DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 09/08/2022 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

PLEASE TAKE TH	IE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	REMOVE TRASH, DEBRIS, CARPET, CAR TOOLS, PLYWOOD, APPLIANCES, METAL, FURNITURE, CRATES AND ANY MISC ITEMS FROM FRONT AND REAR YARDS.	09/23/2022
CC 21-3.b.8	REMOVE OVER HEIGHT GRASS AND WEEDS IN REAR YARD DIRT LANDSCAPE.	09/23/2022
	REMOVE GRASS AND WEEDS FROM FRONT YARD GRAVEL LANDSCAPE.	
	GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF ALL GRASS AND WEEDS.	

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

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.

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County, State of Arizona

	Tempe
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Driver's License No. DLP State Class Endorsements Incident Report Number											
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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.