

CITY OF TEMPE HEARING OFFICER

Meeting Date: 04/18/2023

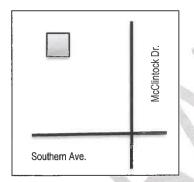
Agenda Item: 3

ACTION: Request approval to abate public nuisance items at the Carlson Property located 1402 E. Campus Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$3716.20 for abatement request: cut over-height lawn, remove junk/trash & debris in front & side yards & carport area, remove inoperable/unregistered vehicle.

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 CARLSON 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 CE226262: cut over-height lawn, remove junk/trash & debris in front & side yards & carport area, remove inoperable/unregistered vehicle.



Property Owner Applicant Zoning District: Code Compliance Inspector: Donald W. Carlson City of Tempe – Code Compliance R1-6 Single Family Residential Barbara Simons

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 Carlson Property located at 1402 E. Campus Drive, in the R1-6 Single Family Residential district. This case was initiated 10/17/2023, 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

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



Part 1 of 2

All applications must be accompanied by the required plans, submittal materials, and correct fee(s) PROJECT INFORMATION - REQUIRED PROJECT NAME Carlson Property Abatement **PROJECT ADDRESS EXISTING** 1402 E. Campus Drive R1-6 ZONING PROJECT DESCRIPTION SUITE(S) Overheight grass and weeds; unregistered/inoperable vehicle PARCEL No(s) 133-33-034 Hearing Date: 04/18/2023 PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN **BUSINESS NAME** CONTACT NAME CITY STATE **EMAIL** ZIP PHONE 1 I hereby authorize the applicant below to process this application with the City of Tempe. PHONE 2 PROPERTY OWNER SIGNATURE | X or attach written statement authorizing the applicant to file the application(s) DATE APPLICANT INFORMATION - REQUIRED COMPANY / FIRM NAME City of Tempe / Code Compliance **ADDRESS** 21 E. 6th St. Ste. 208 CONTACT NAME Barbara Simons / Code Inspector CITY STATE AZ Tempe EMAIL barbara_simons@tempe.gov PHONE 1 85281-3681 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 Muons DATE 3/14/20 BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPR **BUSINESS NAME ADDRESS** CONTACT NAME CITY TYPE OF BUSINESS STATE ZIP PHONE EMAIL APPLICATION SPECIFIC REQUEST (Check all that apply) FOR CITY USE ONLY PRELIMINARY SITE PLAN REVIEW □ | A. for types) (Planning record tracking numbers) ADMINISTRATIVE APPLICATIONS B. SPR C. **VARIANCES** ADM D. USE PERMITS / USE PERMIT STANDARDS VAR ZONING CODE AMENDMENTS E ZUP F. PLANNED AREA DEVELOPMENT OVERLAYS ZOA ZON G. SUBDIVISION / CONDOMINIUM PLATS PAD REC H. DEVELOPMENT PLAN REVIEW SBD REC **APPEALS** DPR J. GENERAL PLAN AMENDMENTS K. \Box ZONING VERIFICATION LETTERS **GPA** ۱. Ø **ABATEMENTS** ZVL M. SIGN TYPE K CE CM TOTAL NUMBER OF APPLICATIONS GO SE DS TRACKING # FOR CITY USE ONLY FILE APPLICATION WITH PL TRACKING # DATE RECEIVED (STAMP) CE / CM / IP TRACKING # VALIDATION OF PAYMENT (STAMP) SPR TRACKING # (if 2nd or 3rd submittal, **TOTAL APPLICATION FEES** please use Planning Resubmittal Form) RECEIVED BY INTAKE STAFF (INITIALS)

DATE:

03/14/2023

TO:

Julie Scofield, Senior Code Inspector

FROM:

Barbara Simons

SUBJECT:

Request to Authorize for Abatement– Reference Complaint #CE226262

LOCATION:

1402 E. Campus Drive Tempe, AZ 85282

LEGAL:

Parcel #133-33-034, as recorded with the Maricopa County Assessor

OWNER:

DONALD W. CARLSON 1402 E. CAMPUS DRIVE

TEMPE, AZ 85282

FINDINGS:

10/17/22 - Case was opened proactively for a over-height grass and weeds in the front yard. Notice to comply was mailed to Donald W. Carlson on 10/17/22, with a re-inspection date of 11/7/22.

11/7/22 – The property was inspected and the over-height grass and weeds remained. A final violation notice was sent with a re-inspection date of 11/28/22.

11/30/22 – The property was inspected and over-height grass and weeds remained. A door notice was left at the property asking the owner to contact me regarding the yard. The owner called me and stated that he would have the violation taken care of over the weekend.

12/14/22 – No change was observed to the property. A phone message was left for the owner asking him to contact me regarding the over-height grass and weeds.

1/5/23 – The property was re-inspected and no change was observed. The owner did not respond to my 12/14 voice message. Photos were taken and Citation #1702157 was issued.

2/21/23 – Re-inspected the property. In addition to the still over-height lawn, an unregistered vehicle was observed. A first notice was sent on the vehicle.

03/14/23 – The property was inspected with no change to its condition. Code Compliance filed for an Abatement Hearing. Notice was posted to the property.

RECOMMENDATIONS:

Respectfully submitted

I recommend the approval of a 180-day open abatement period for removal of excess fronds from 1402 E. Campus Drive, which is owned by Donald W. Carlson. The owner has been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action.

Barbara Simons	
ACTION TAKEN:	Submitted
NAME: Pulie	Scala (alla)
DATE: 3/14	23



REVISED NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 03/22/2023 CASE #: CE226262

CARLSON DONALD W 1402 E CAMPUS 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: 1402 E CAMPUS DR TEMPE, AZ 85282

PARCEL: 13333034

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers 04/18/2023. 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
CC 21-3.b.3	An inoperable vehicle or parts thereof outside of or under a roof area not enclosed
CC 21-3.b.3	An unregistered vehicle outside of or under a roof area not enclosed
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

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	Please remove any junk, trash, debris or any miscellaneous household items from the front and side yards and the carport area.
CC 21-3.b.3	Please restore the inoperable vehicle (Nissan Frontier), including inflated tires, or move it to an enclosed location.
CC 21-3.b.3	Please provide valid tags for the Nissan Frontier in the driveway.
CC 21-3.b.8	Please cut the over-height lawn in the front 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 \$3716.20. 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: Barbara Simons Phone Number: 480-350-5460 E-mail: Barbara_Simons@tempe.gov



March 20, 2023

City of Tempe Attn: Barbara Simons Code Inspector

RE: Clean-Up at 1402 E. Campus 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 1402 E. Campus Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

Front yad, side yard, carport area

- Cut down weeds and unwanted vegetation
- Remove junk and trash
- Police presence on-site for duration of the visit

Total: \$3,612.00

Respectfully,

Jose Hernandez

Customer Quotation

Date	Quote #
22-Feb-2023	52

Apache Sands Towing

7602 E Main St

Mesa, Arizona 85207 Phone: (480) 986-5556

Fax: (480) 373-8766

Quoted For:

City of Tempe (Nuisance Abatement Services)

Arizona

Summary

Location:

1402 E. Campus Dr, tempe

Destination:

Tempe Impound

Reason:

Tow

Zone:

2001 Nissan Frontier Xe (White)

Vehicle: Owner:

Phone:

1N6DD26S31C321148

VIN: Plate/Tag:

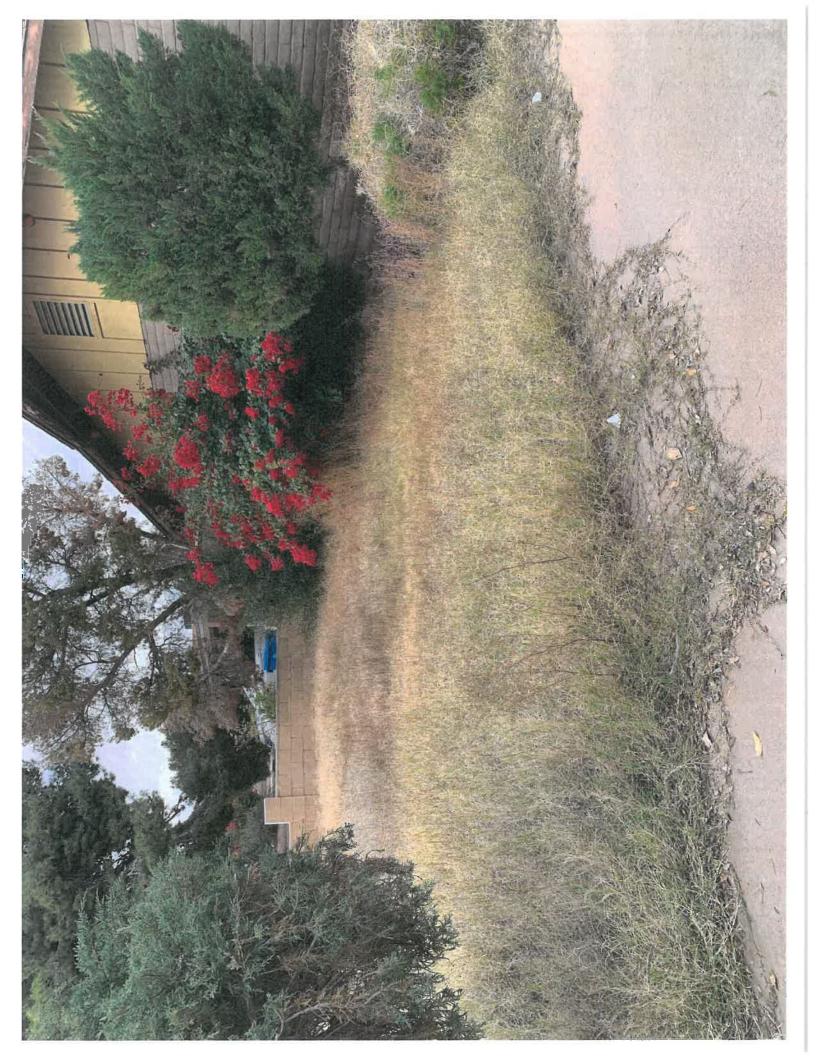
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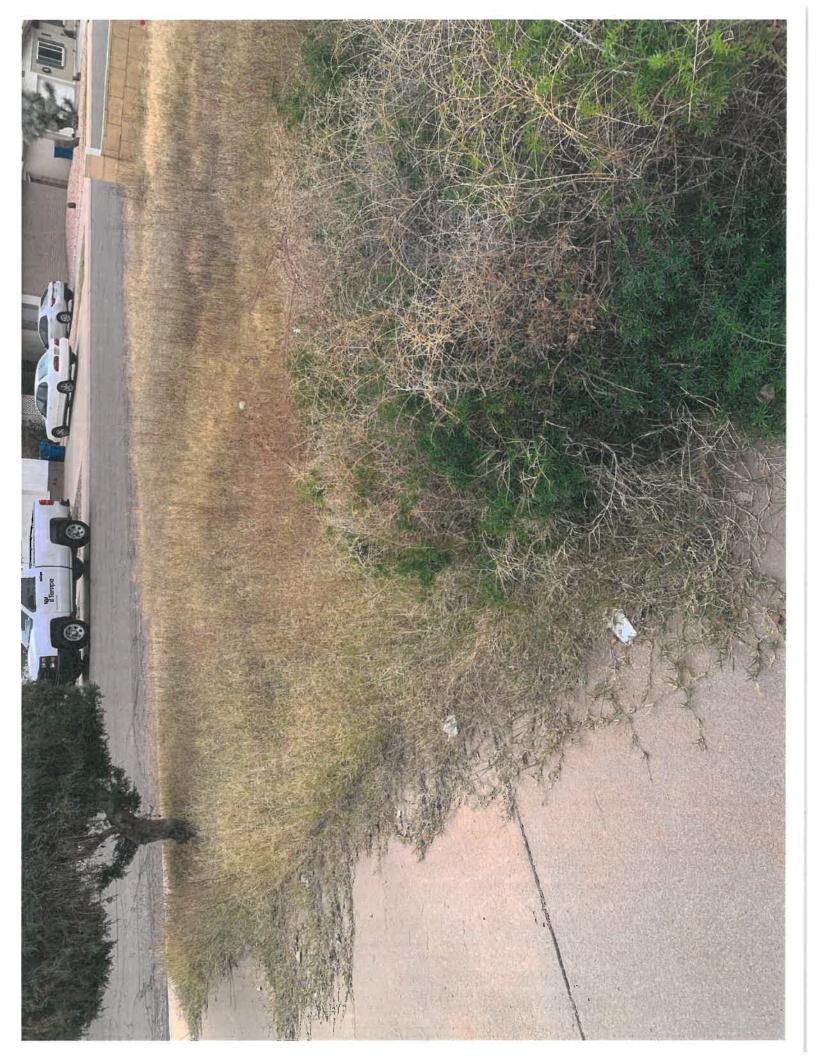
Mileage:

Service	Quantity	Rate	Amount
_4 - LD - T6 -Towing	1.00	104.20	104.20
	Sub Total		104.20
	QUOTATION TOTAL		104.20

The above quoted amounts are valid for 60 days from the date of this quotation.

Si	an	atı	ure











COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

10/17/2022

Section

CARLSON DONALD W 1402 E CAMPUS DR TEMPE, AZ 85282

Case #: CE226262

Site Address: 1402 E CAMPUS DR, TEMPE, AZ 85282

Violation

This is a notice to inform you that this site was inspected on 10/17/2022 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.

Occion	Violation	
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches	
PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	Please completely remove the weeds and/or grass growing in the gravel landscape in the front yard.	11/07/2022

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

Barbara Simons Code Inspector Direct: 480-350-5460

Code Compliance: 480-350-4311 Email:Barbara Simons@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 (I): 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

11/07/2022

CARLSON DONALD W 1402 E CAMPUS DR TEMPE, AZ 85282

Case #: CE226262

Site Address: 1402 E CAMPUS DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 11/07/2022 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	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches	
PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION CC 21-3.b.8 Please completely remove the weeds and/or grass growing in the gravel landscape in the front yard.		11/28/2022

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

Barbara Simons Code Inspector

Direct: 480-350-5460 Code Compliance: 480-350-4311 Email:Barbara_Simons@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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COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE

02/21/2023

CARLSON DONALD W 1402 E CAMPUS DR TEMPE, AZ 85282

Case #: CE226262

Site Address: 1402 E CAMPUS DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/21/2023 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.3	An inoperable vehicle or parts thereof outside of or under a roof area not enclosed
CC 21-3.b.3	An unregistered vehicle outside of or under a roof area not enclosed

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION						
CC 21-3.b.3	Please restore the inoperable vehicle (Nissan Frontier), including inflated tires, or move it to an enclosed location.	03/13/2023				
CC 21-3.b.3	Please provide valid tags for the Nissan Frontier in the driveway.					

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

Barbara Simons Code Inspector Direct: 480-350-5460

Code Compliance: 480-350-4311 Email:Barbara_Simons@tempe.gov CITE DEINICE

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Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County, State of Arizona



Complaint Number Case Number Social Security Number Military Serious Physical Injury 16 Passenger Vehicle									☐ Ha	nmercial z. Material									
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If the defendant fails to appear within the time specified, and either pay the fine for the violation or request a hearing, Judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount.



COMPLAINT