

CITY OF TEMPE **HEARING OFFICER**

Meeting Date: 06/06/2023

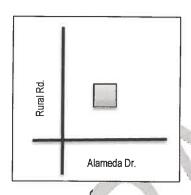
Agenda Item: 2

ACTION: Request approval to abate public nuisance items at the Vanduzer Property located 1115 E. Concorda Drive. The applicant is the City of Tempe - Code Compliance.

FISCAL IMPACT: \$1420 for abatement request: landscape cleanup, front, side & back yards.

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 VANDUZER 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 CE230331: landscape cleanup, front, side & back yards.



Property Owner Applicant 🔍 Zoning District Code Compliance Inspector:

1115 E. Concorda LLC / Todd Vanduzer City of Tempe - Code Compliance R1-6 Single Family Residential Julie Scofield

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 Vanduzer Property located at 1115 E. Concorda Drive, in the R1-6 Single Family Residential district. This case was initiated 01/17/23, 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 NAME	1115 E CONCORDA LLC	PROPE			ION – REQUIRED		EXISTING RI-6					
	PRO	JECT ADDRESS							ZONING SUITE(S)					
PR	OJEC	T DESCRIPTION	ABATEMENT OF CE2303		-, AZ 65262				PARCEL No(s) 133-56-062					
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	В	USINESS NAME	1115 E CONCORDA LLC	VIATIO:	ATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K) ADDRESS 429 E MARIGOLD LN									
	(CONTACT NAME	TODD VANDUZER			CITY	TEMPE		STATE	۵7	ZIF	85281		
EMAIL						PHONE 1			PHONE 2	N2.		00201		
I he	ereby	authorize the	applicant below to proce	ss this	application v	with the Cit	tv of Tempe.				<u> </u>			
			PROPERT	Y OWNE	R SIGNATURE					DATE				
			ment authorizing the applicant t	o file the		INFORMA	TION – REQUIRED				-			
CO	MPAI	NY / FIRM NAME	CITY OF TEMPE		_	ADDRESS	21 E. 6TH ST.							
		ONTACT NAME	JULIE SCOFIELD			CITY	TEMPE		STATE	AZ	ZîP	85281		
		EMAIL	JULIE_SCOFIELD@TEMP	E.GOV	,	PHONE 1	480-350-8951		PHONE 2			1		
I he	reby	attest that th	is application is accurate	and the	submitted o	locuments	are complete. I ackno	wledge that	if the applica	tion is	deeme	ed to be		
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DATE:

April 28th, 2023

FROM:

Julie Scofield, Sr. Code Inspector

SUBJECT:

CE230331, Property Abatement

LOCATION: 1115 E. CONCORDA DR. TEMPE, AZ 85282

LEGAL:

HUGHES ACRES 2

PARCEL:

133-56-062

OWNER:

1115 E CONCORDA LLC C/O TODD VANDUZER 429 E. MARIGOLD LN. TEMPE, AZ 85281

FINDINGS:

01/17/2023 The Code Compliance Division received a complaint for deteriorated landscape and missing blocks along the back yard fence.

01/18/2023 Code Inspector Ryan Salanoa inspected the property. The fence was in violation of having missing blocks from a portion of the fence in the back yard. A notice was mailed to the property owner.

02/10/2023 An anonymous complaint came in for the deteriorated fence.

02/13/2023 I, Code inspector Julie Scofield took over the case. I inspected the property and found the front and back yard to have a deteriorated landscape, and the fence in the back yard was missing bricks. A notice was mailed to the owner of the property and the tenants

03/02/2023 A reinspection of the property took place. There had been no change to the landscape and or the fence. A final notice was mailed.

03/21/2022 A citation was issued for the fence and the landscape. Pictures were taken to show the condition of the property.

03/23/2022 Received an anonymous complaint for the landscape and the fence.

04/24/2023 A second citation was issued for the landscape and the fence. Pictures were taken. Requested a bid for the landscape.

04/28/2023 Turning in the paperwork for the abatement hearing to be held June 6th, 2023.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1115 E. Concorda Dr. due to property owner's failure to bring property into compliance with Tempe City Code 21-3. B.8. The owner has 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 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,

Julie Scofield Code Inspector II

ACTION TAKEN: <u>Submitted</u>

NAME <u>Fulse Stofield</u>

DATE: <u>4/28/23</u>



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 04/28/2023 CASE #: CE230331

1115 E CONCORDA LLC C/O TODD VANDUZER 429 E MARIGOLD LN TEMPE, AZ 85281

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

LOCATION: 1115 E CONCORDA DR TEMPE, AZ 85282

PARCEL: 133-56-062

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers 06/06/2023. 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.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

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

PLEASE REMOVE ALL GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY IN THE GRAVEL LANDSCAPED AREAS. CUT ALL OVER HEIGHT GRASS/WEEDS 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 \$1420.00. 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: Julie Scofield Phone Number: 480-350-8951 E-mail: julie scofield@tempe.gov



April 26, 2023

City of Tempe Attn: Julie Scofield Code Inspector

RE: Clean-Up at 1115 E. Concorda 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 1115 E. Concorda Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

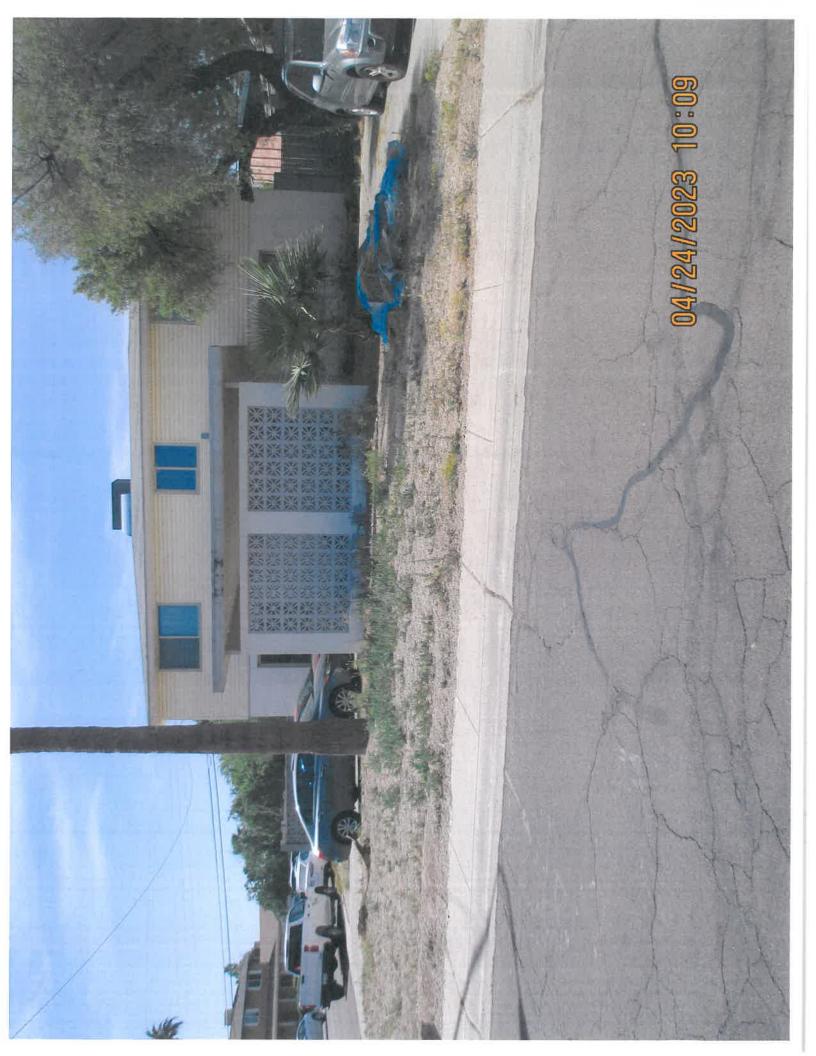
Scope of Work

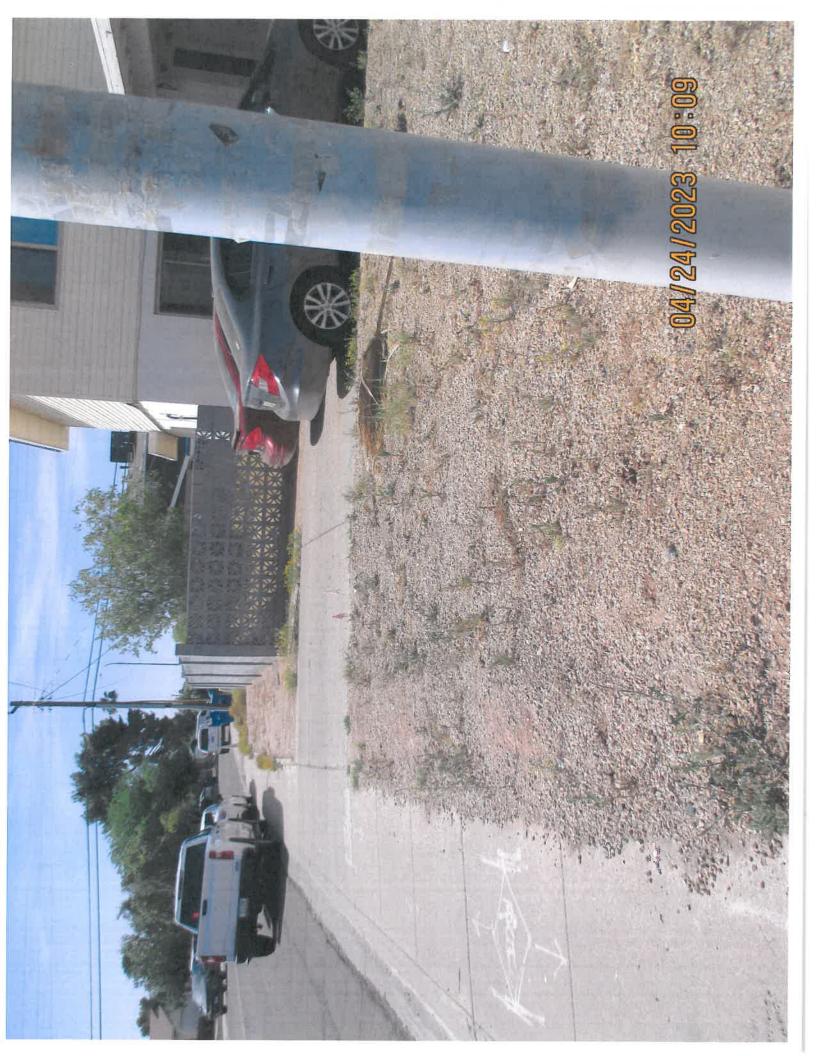
- Remove weeds and unwanted dead vegetation from the front and backyard
- Haul off debris
- Police presence on-site for duration of visit

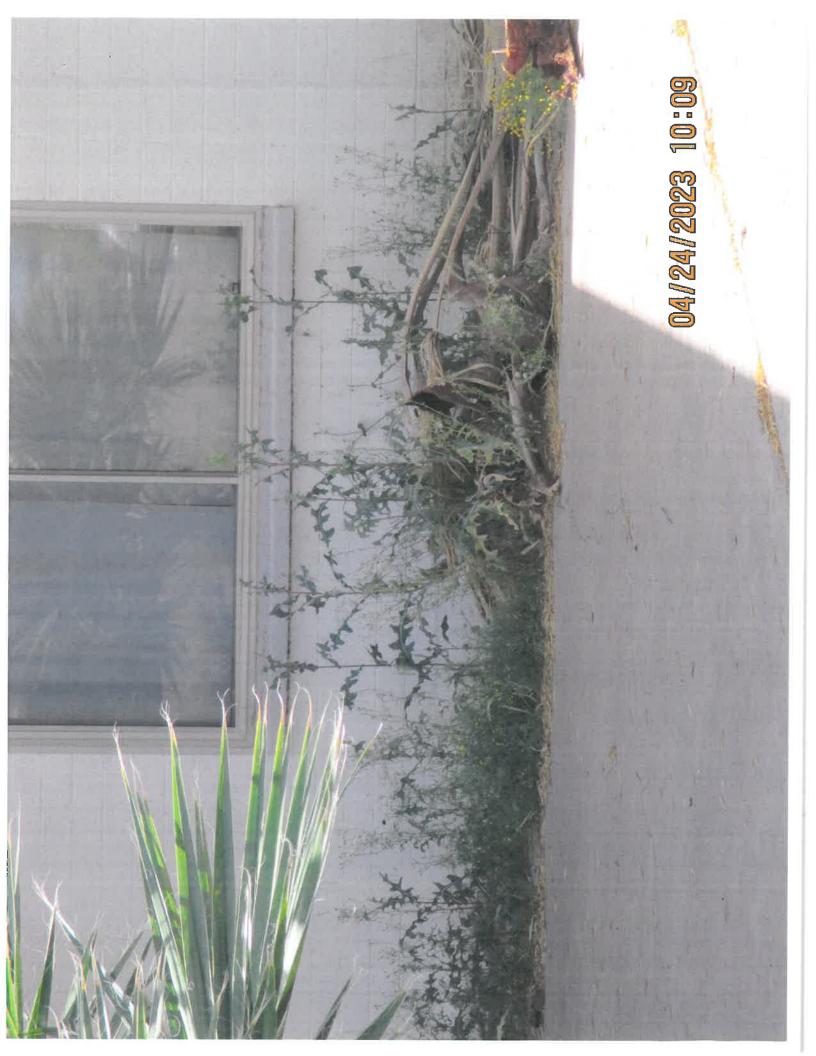
Total: \$1,420.00

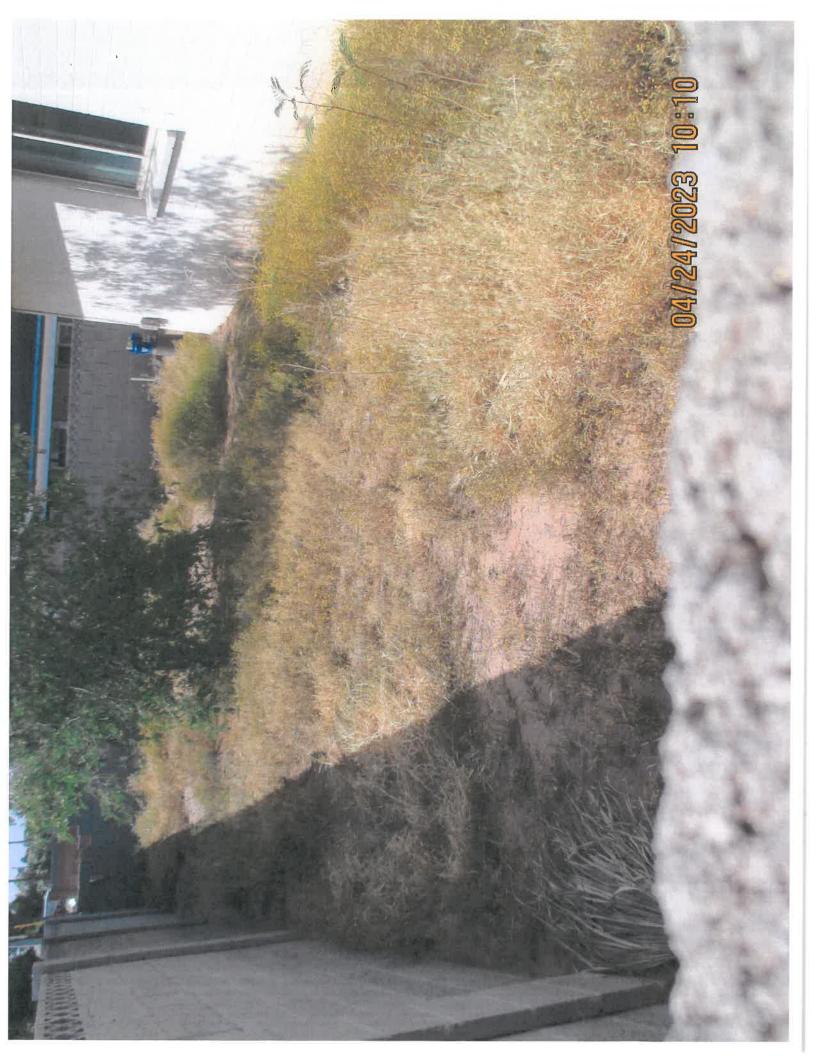
Respectfully,

Jose Hernandez











COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

01/18/2023

Owner 429 E MARIGOLD LN TEMPE, AZ 85281

Case #: CE230331

Site Address: 1115 E CONCORDA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/18/2023 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.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.15	Brick wall in the backyard has missing blocks. Please fix the back wall and fill in the missing blocks.	2/17/2023

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

Ryan Salanoa Code Inspector Direct: 480-858-2142

Code Compliance: 480-350-4311 Email:Ryan_Salanoa@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 REVISED CORRECTION NOTICE

02/13/2023

1115 CONCORDA LLC C/O TODD VANDUZER 429 E MARIGOLD LN TEMPE, AZ 85281

Case #: CE230331

Site Address: 1115 E CONCORDA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/13/2023 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.15	A wall or fence deteriorated in appearance, or which constitutes a hazard
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							
CC 21-3.b.15	PLEASE FIX/REPLACE ALL MISSING BROKEN BRICKS ON THE FENCING ALONG THE ALLEY ON THE SOUTH SIDE OF THE PROPERTY. ALL MATERIALS MUST BE THE SAME AND PAINTED TO MATCH CURRENT COLORS.	3/15/2023					
CC 21-3.b.8	PLEASE REMOVE ALL GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY IN THE GRAVEL LANDSCAPED AREAS. ALL GRAVEL LANDSCAPES MUST BE MAINTAINED FREE AND CLEAR OF ANY UNCONTROLLED GROWTH REGARDLESS OF HEIGHT.	2/27/2023					

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

Julie Scofield Code Inspector

Direct: 480-350-8951

Code Compliance: 480-350-4311 Email: julie_scofield@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

03/02/2023

1115 CONCORDA LLC C/O TODD VANDUZER 429 E MARIGOLD LN TEMPE, AZ 85281

Case #: CE230331

Site Address: 1115 E CONCORDA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/02/2023 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.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 ALL GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY IN THE GRAVEL LANDSCAPED AREAS. ALL GRAVEL LANDSCAPES MUST BE MAINTAINED FREE AND CLEAR OF ANY UNCONTROLLED GROWTH REGARDLESS OF HEIGHT. REMOVE ALL FALLEN PALM TREE DEBRIS IN THE FRONT AND OR SIDES OF THE PROPERTY. CUT ALL OVER HEIGHT GRASS AND OR WEEDS IN THE BACK YARD OF THE PROPERTY. 	03/16/2023									

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

Julie Scofield Code Inspector Direct: 480-350-8951

Code Compliance: 480-350-4311 Email: julie_scofield@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

4/1/18		Tempe
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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.

1702590

Arizona Traffic **Ticket and Complaint**

City of Tempe Maricopa County



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W	ehicle	Color	!	Ye	ar N	lake	M	odel	8	Style	Lic	ense Pla	ate		State	Expira	tion Date
Registered owner & address, City, State, Zip Code Vehicle Identification Number																	
The Undersigned Certifies That:																	
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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.

