
**CITY OF TEMPE
HEARING OFFICER**

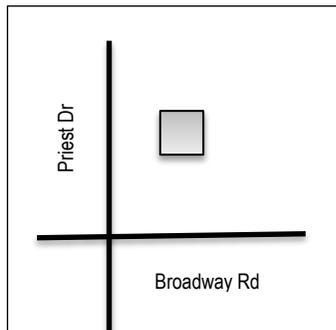
**Meeting Date: 10/3/2023
Agenda Item: 3**

ACTION: Request approval to abate public nuisance items at the Haiman LLC Property located 1323 S. Shafer Dr. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$14,687.00 for abatement request: landscape cleanup, removal of junk/debris from front, side, and rear 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 HAIMAN LLC. 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 CE220767: landscape cleanup and removing junk/debris from front, side, and rear yards.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Haiman LLC
City of Tempe – Code Compliance
R1-6 Single Family Residential District
Michelle Van Etten

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: Shawn Daffara, CPTED Coordinator
Reviewed by: Drew Yocom, Code Administrator

COMMENTS:

Code Compliance is requesting approval to abate the Haiman LLC Property located 1323 S. Shafer Dr, in the R1-6 Single Family Residential District. This case was initiated 02/04/22, 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

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	HAIMAN LLC - MAIDER MANSOORI - ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1323 S SHAFER DR, TEMPE AZ 85281	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE220767 OCTOBER 03, 2023	PARCEL No(s)	124-59-156 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
BUSINESS NAME	HAIMAN LLC	ADDRESS	8067 W LOUISE DR
CONTACT NAME	MAIDER MANSOORI	CITY	PEORIA STATE AZ ZIP
EMAIL		PHONE 1	PHONE 2

I hereby authorize the applicant below to process this application with the City of Tempe.

PROPERTY OWNER SIGNATURE or attach written statement authorizing the applicant to file the application(s)	X	DATE
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APPLICANT INFORMATION - REQUIRED			
COMPANY / FIRM NAME	City of Tempe / Code Enforcement	ADDRESS	21 E 6th St, Suite 208
CONTACT NAME	Michelle Van Etten / Code Inspector	CITY	Tempe STATE AZ ZIP
EMAIL	michelle_vanetten@tempe.gov	PHONE 1	(480) 350-2895 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 <i>Michelle Van Etten</i>	DATE	8/31/23
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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. SUBDIVISIONS / CONDOMINIUMS			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
TOTAL NUMBER OF APPLICATIONS	0			

FOR CITY USE ONLY			
DS TRACKING #	FILE THIS APPLICATION WITH CE / CM TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			TOTAL APPLICATION FEES
SPR TRACKING # (if 2 nd or 3 rd submittal, use planning resubmittal form)			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: August 31, 2023
TO: Jack Scofield, Senior Code Inspector
FROM: Michelle Van Etten, Code Inspector
SUBJECT: CE220767, 1323 S Shafer Dr., Tempe - Abatement

LOCATION: 1323 S Shafer Dr, Tempe AZ 85281

PARCEL: 124-59-156

OWNER: Haiman LLC – C/O Maider Mansoori
80067 W Louise Dr
Peoria, AZ 85383

FINDINGS:

This case was initiated on 02/04/2022 after I received a complaint about trash and debris, lawn parking, and other nuisance violations at the property. I observed several violations and sent an initial notice to the homeowner. These violations were never taken care of, and to this day, there are several nuisance violations at the property.

The property received multiple notices and citations, an abatement was approved, and several abatement cleanups took place. The property could never be fully cleaned up, however, because of the previous owner's behavior and a safety risk posed to the community and the officers at the property. That owner was ultimately evicted, and the property has since sold.

Mr. Mansoori, the new owner, has been in contact with me regarding the eviction of the previous owner and the cleanup of the property. This property has continued to receive complaints from the public throughout this process. I reinspected on 08/22/2023 and observed several nuisance violations. There was lawn parking, trash and debris, and deteriorated landscaping. I sent a notice to the new owner and asked that when the previous owner was officially evicted, he work on getting all of these violations corrected.

I went back out to the property on 08/31/2023 and observed that there was a deteriorated landscape in the front and possibly the rear (due to the amount of trash and debris in the yard, it was difficult to see the ground) and trash and debris in the front and rear yards.

I mailed a notice of intent to abate to the owner on 08/31/2023 and emailed him a copy. I told him that I would continue to monitor the property up until the date of the hearing.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at 1323 S Shafer Dr., Tempe due to the property owner's failure to bring the property into compliance with Tempe City Code 21-3.B.8 Deteriorated Landscape and 21-3.B.1 Trash and Debris. The owner was given ample time to come into compliance and maintain the property. There is no indication that the property will be brought into compliance in the near future. This 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,

Michelle Van Etten
Code Inspector

ACTION TAKEN: submit
NAME 
DATE: 9/1/23



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 08/31/2023
CASE # CE220767

HAIMAN LLC – MAIDER MANSOORI
8067 W LOUISE DR
PEORIA, AZ 85383

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

LOCATION: 1323 S Shafer Dr., Tempe AZ 85281
PARCEL: 124-59-156

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 10/03/2023. 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.8 Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance
- 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

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 ALL GRASS AND WEEDS FROM THE FRONT DIRT AND GRAVEL LANDSCAPES AND REMOVE ALL GRASS AND WEEDS FROM THE REAR DIRT YARD.**
- 2. REMOVE ALL TRASH AND DEBRIS ITEMS FROM THE FRONT, SIDE AND REAR YARDS.**

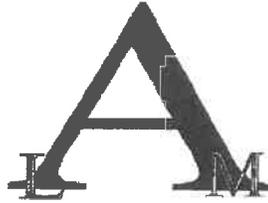
Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$14,687.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual 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: Michelle Van Etten

Phone Number: 480-350-2895

E-mail: michelle_vanetten@tempe.gov



Artistic Land Management, Inc.

August 28, 2023

City of Tempe
Attn: Jack Scofield
Code Compliance Inspector

RE: Clean-Up at 1323 S. Shafer 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 1323 S. Shafer 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 backyard
- Landscape clean-up in the front and backyard
- Police presence for the duration of the visit

Total = \$14,687.00

*Please note the work will take more than one day to complete

Respectfully,

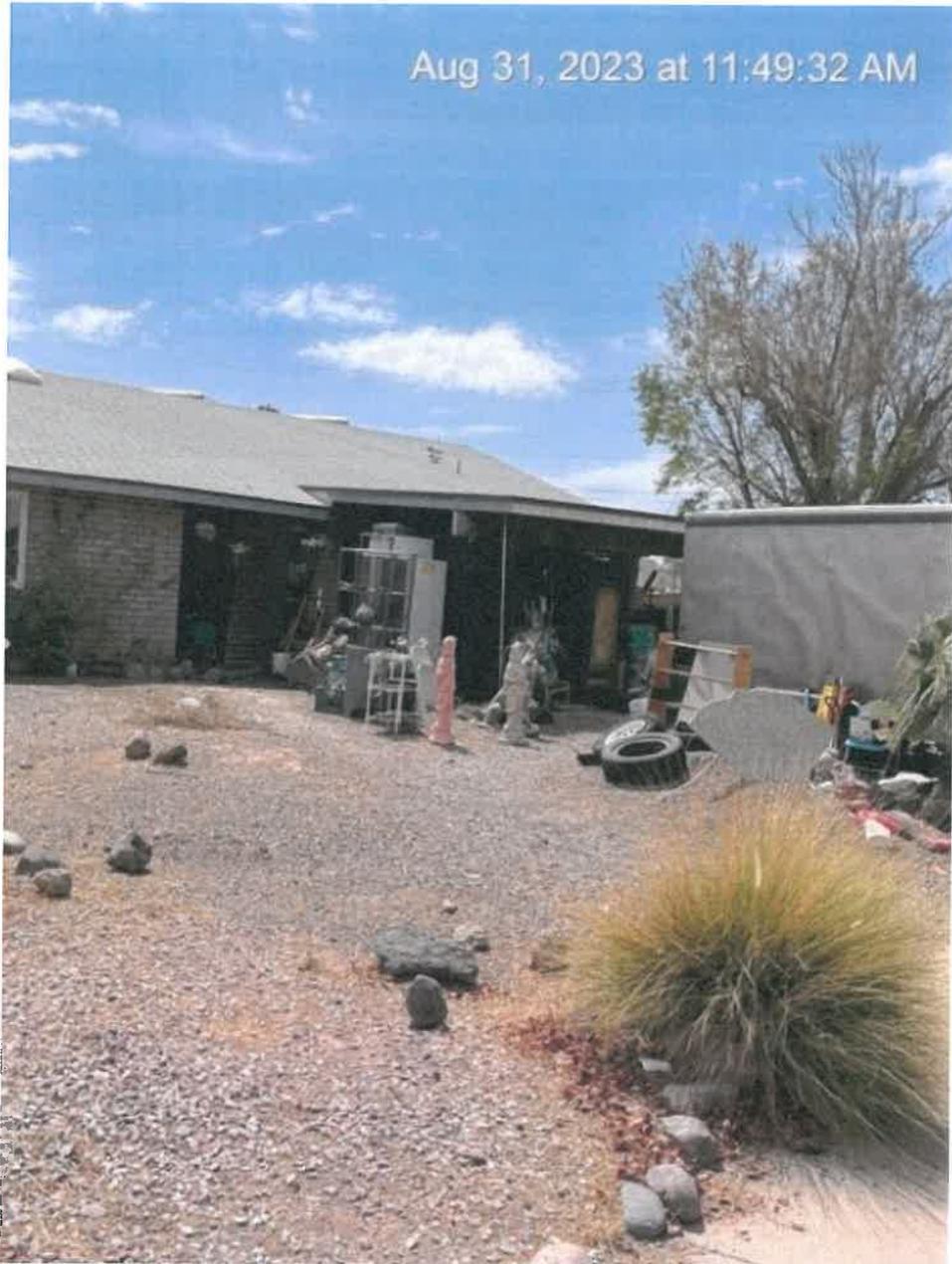
Jose Hernandez

Aug 31, 2023 at 11:49:07 AM





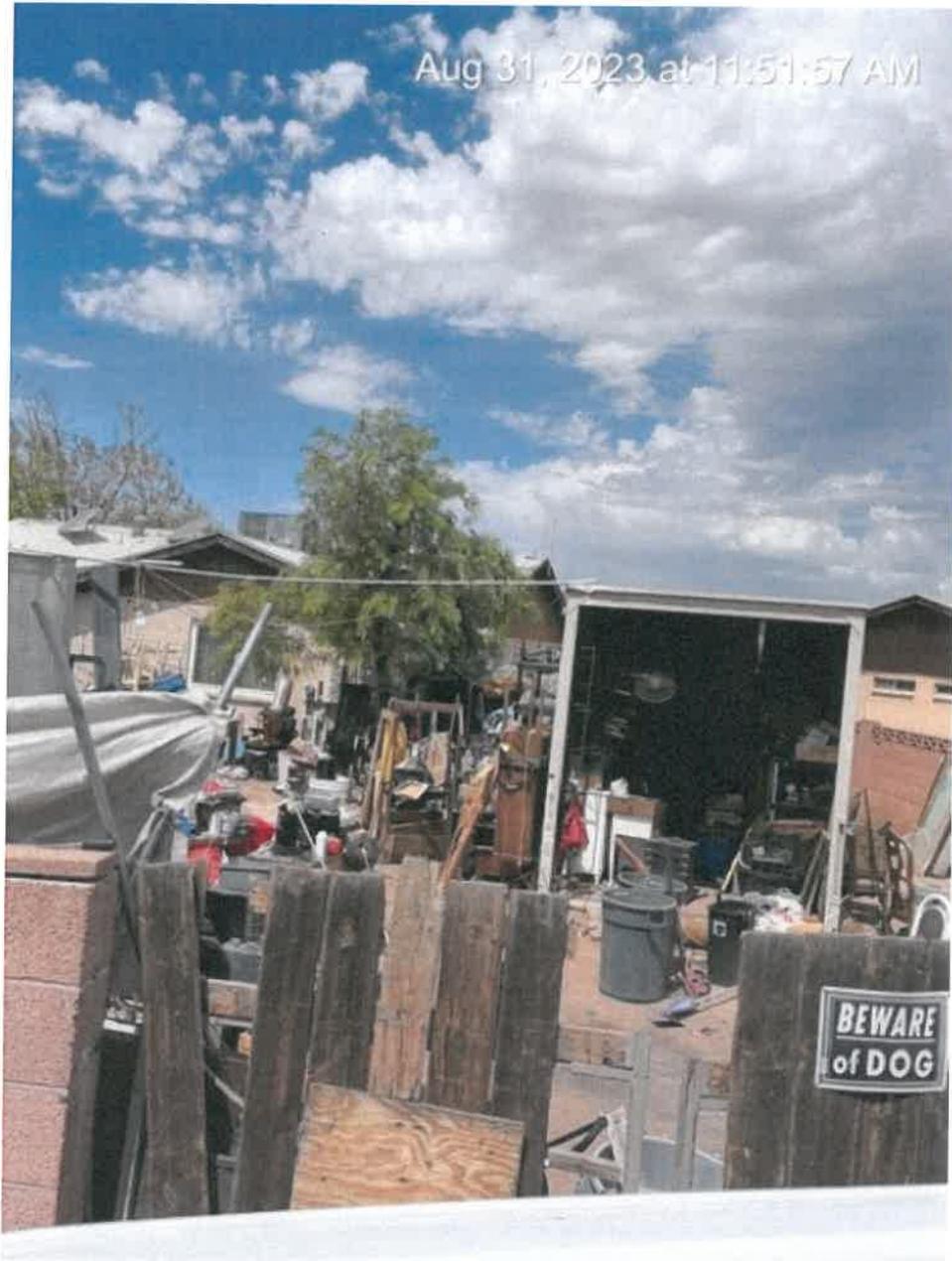
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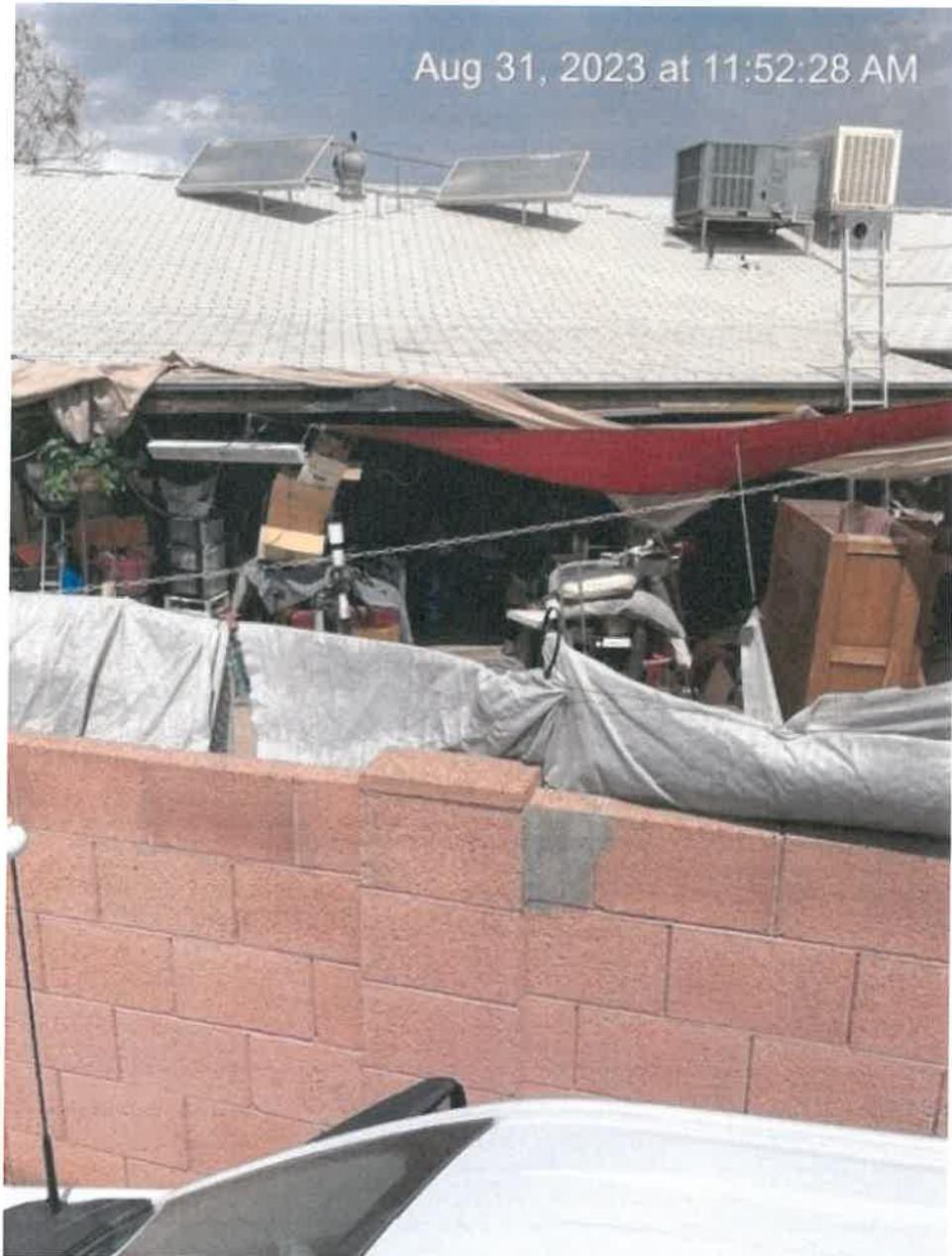
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Aug 31, 2023 at 11:52:28 AM



Aug 31, 2023 at 11:52:57 AM





COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
CORRECTION NOTICE

08/22/2023

HAIMAN LLC - MAIDER MANSOORI
 8067 W LOUISE DR
 PEORIA, AZ 85383

Case #: CE220767
 Site Address: 1323 S SHAFER DR, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 08/22/2023 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.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
ZDC 4-706	Non-permitted wall or fence
CC 21-3.b.3	An inoperable vehicle or parts thereof outside of or under a roof area not enclosed
CC 21-3.b.4	To permit outside of any single-family or multifamily dwelling or accessory building any camper, vehicle or parts thereof in the front or side area of the building visible from the street that is not on an improved area intended for parking
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
ZDC 4-602.B.7	Recreational vehicles and unmounted truck campers, exceeding twenty-one (21) feet in length and all boats and trailers shall not be parked in the required front yard building setback or required street yard setback
ZDC 3-401.C	Non-permitted accessory building

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	REMOVE ALL TRASH AND DEBRIS ITEMS FROM THE FRONT PORCH, AND SIDE AND REAR YARD AREAS. (INCLUDING BUT NOT LIMITED TO: MISC. TRASH AND DEBRIS, AUTO PARTS, BUCKETS, INDOOR FURNITURE ITEMS, APPLIANCES, METAL, HOUSEHOULD ITEMS AND GOODS, BOXES, CLOTH AND CLOTHING ITEMS, PALLETS, SHELVING, CRATES, TOOLS, AND MISC. OTHER ITEMS)	09/25/2023
ZDC 4-706	REMOVE THE NON-PERMITTED ADDITION TO THE REAR / SIDE YARD WALLS AND GATES. CITY PERMIT IS REQUIRED FOR WALL OR FENCE OVER 7' IN HEIGHT. ALL MATERIALS AND COLORS MUST BE CONSISTENT.	09/25/2023
CC 21-3.b.3	ALL VEHICLES AND TRAILERS ON THE PROPERTY MUST BE OPERABLE AND HAVE CURRENT, VALID REGISTRATION.	09/25/2023
CC 21-3.b.4	ALL VEHICLES AND TRAILERS MUST BE PARKED IN THE DRIVEWAY OR AREA CONTIGUOUS TO THE DRIVEWAY AND IN ACCORDANCE WITH THE LISTED CITY CODE.	09/25/2023

CC 21-3.b.8	REMOVE ALL GRASS AND WEEDS FROM FRONT, SIDE AND REAR GRAVEL AND DIRT LANDSCAPE AREAS. GRAVEL AND DIRT LANDSCAPES MUST BE MAINTAINED FREE OF GRASS AND WEEDS. GRASS LANDSCAPES MUST BE FREE OF WEEDS AND LESS THAN 12". REMOVE ALL DEAD TREES FROM THE FRONT, SIDE AND REAR YARD AREAS AND / OR REMOVE ALL DEAD PORTIONS THEREOF. IF TREES ARE COMPLETELY REMOVED, STUMPS MUST BE CUT DOWN AT OR BELOW GROUND LEVEL.	09/25/2023
ZDC 4-602.B.7	REMOVE ALL TRAILERS FROM THE FRONT YARD SETBACK.	09/25/2023
ZDC 3-401.C	REMOVE NON-PERMITTED ACCESSORY BUILDINGS FROM THE REAR YARD, REDUCE THEIR HEIGHT TO CITY CODE, MOVE THEM FROM THE FRONT / REAR SETBACK STANDARDS.	09/25/2023

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

Michelle Van Etten
Code Inspector

Direct: 480-350-2895
Code Compliance: 480-350-4311
Email:michelle_vanetten@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.