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**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 8/06/2019  
Agenda Item: 6**

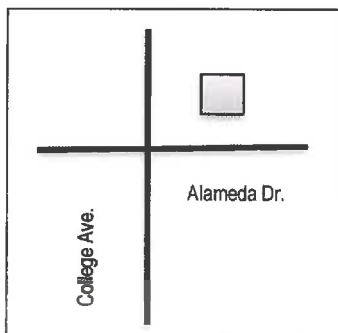
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**ACTION:** Request approval to abate public nuisance items at the White Property located at 314 E. Loma Vista Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$726.00 for abatement request, cut over-height grass and weeds from perimeter of front yard and driveway, remove trash, litter, debris, boxes and furniture in the carport area.

**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 WHITE 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 CE192343: cut over-height grass and weeds from perimeter of front yard and driveway, remove trash, litter, debris, boxes and furniture in the carport area.



Property Owner: Jack and Charline White  
Applicant: City of Tempe – Code Compliance  
Zoning District: R1-6, Single Family Residential  
Code Compliance Inspector: Andres Lara-Reyes, Code Inspector

**ATTACHMENTS:** Supporting Attachment

**STAFF CONTACT:** Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director  
Legal review by: N/A  
Prepared by: Barbara Simons, Code Inspector  
Reviewed by: Drew Yocom, Planning & Research Analyst

**COMMENTS:**

Code Compliance is requesting approval to abate the White Property located at 314 E. Loma Vista Drive, in the R1-6, Single Family Residential district. This case was initiated 04/02/2019, 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 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                   | JACK E & CHARLINE WHITE  | EXISTING ZONING | R1-6 <input type="checkbox"/>      |
| PROJECT ADDRESS                | 314 E LOMA VISTA DR TEMPE, AZ 85282  | SUITE(S)        | CE192343 <input type="checkbox"/>  |
| PROJECT DESCRIPTION            | TRASH, LITTER, DEBRIS & OVER HEIGHT GRASS & WEEDS.<br>HEARING DATE: AUGUST 6, 2019 | PARCEL No(S)    | 13326071A <input type="checkbox"/> |

| PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW) |                         |         |                     |
|---|-------------------------|---------|---------------------|
| BUSINESS NAME   | JACK E & CHARLINE WHITE | ADDRESS | 314 E LOMA VISTA DR |
| CONTACT NAME  |                         | CITY    | TEMPE               |
|   |                         | STATE   | AZ                  |
| EMAIL   |                         | PHONE 1 | (480) 968-1695      |
|   |                         | 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     | ADDRESS |                |
| CONTACT NAME                     | ANDRES LARA-REYES | CITY    |                |
|                                  |                   | STATE   |                |
| EMAIL                            |                   | PHONE 1 | (480) 350-8963 |
|                                  |                   | 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 | 6/17/2019 |
|---------------------|---|------|-----------|

| BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs |  |         |  |
|---|--|---------|--|
| BUSINESS NAME   |  | ADDRESS |  |
| CONTACT NAME  |  | CITY    |  |
|   |  | STATE   |  |
| TYPE OF BUSINESS  |  | PHONE   |  |
|   |  | EMAIL   |  |

| APPLICATION (check all that apply)                             | QTY | SPECIFIC REQUEST (see 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)               |
| PL TRACKING #   |  |   | VALIDATION OF PAYMENT (STAMP)       |
| SPR TRACKING # (if 2 <sup>nd</sup> or 3 <sup>rd</sup> submittal, use planning resubmittal form) |  |   | TOTAL APPLICATION FEES              |
|   |  |   | RECEIVED BY INTAKE STAFF (INITIALS) |

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

**DATE:** 06/17/2019  
**TO:** Jeff Tamulevich, Code Compliance Administrator  
**FROM:** Andres Lara-Reyes  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint # CE192343

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**LOCATION:** 314 E LOMA VISTA DR TEMPE, AZ 85282  
**LEGAL:** Parcel #13326071A, as recorded with the Maricopa County Assessor  
**OWNER:** JACK E & CHARLINE WHITE  
314 E LOMA VISTA DR  
TEMPE, AZ 85282

**FINDINGS:**

314 E LOMA VISTA DR is currently in violation of City of Tempe's Nuisance Code in regard to trash, litter, debris, boxes and furniture in the carport area & over height grass and weeds in the front.

The property has been in violation since 04/02/2019 with the initial violation being for over height grass and weeds. There has been no response from the owner to correct the violation(s).

The owner JACK E & CHARLINE WHITE have been issued correction notices and citations to correct the violation(s) by mail with no response. As stated above, trash, litter, debris, boxes and furniture in the carport area & over height grass and weeds remain in violation as of this date. Notice of intent to abate was posted, certified mailed and mailed to the owner's mailing address.

**RECOMMENDATIONS:**

JACK E & CHARLINE WHITE has not responded or attempted to remedy the violation(s) upon the property at 314 E LOMA VISTA DR. I therefore make a request to the City of Tempe Development Services 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. JACK E & CHARLINE WHITE has not given any indication that it plans on correcting the violation(s) and maintaining the property.

Respectfully submitted,  
Andres Lara-Reyes

ACTION TAKEN:  \_\_\_\_\_

NAME: \_\_\_\_\_

DATE: 6/17/19 \_\_\_\_\_



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 06/17/2019  
Case #: CE192343

**JACK E & CHARLINE WHITE**  
**314 E LOMA VISTA 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: 314 E LOMA VISTA DR TEMPE, AZ 85282  
Parcel: 13326071A

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of August 6, 2019. 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; 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;
- CC 21-3.b.8 Landscaping that is substantially dead, damaged or characterized by uncontrolled growth or presents a deteriorated or slum-like appearance; or any dead trees, bushes shrubs or portion th

If the violations have not been corrected within thirty (30) 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:

- CC 21-3.b.1 Please remove all trash, litter, debris, boxes and furniture in the carport area.
- CC 21-3.b.8 Please cut all over height grass and weeds in the perimeter of the front yard landscape area and driveway.

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 \$726.00. 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 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)350-8311.

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**Code Inspector: Andres Lara-Reyes**  
**Phone Number: 480-350-8963**  
**E-mail: andres\_lara-reyes@tempe.gov**

HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: ANDRES LARA-REEYES

FIRM: CITY OF TEMPE

DATE: 6/16/19

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE  
UNDER CONTRACT # T18-011-03

ADDRESS: 314 E LOMA VISTA DR

|  |                |
|--|----------------|
| 1 LANDSCAPE FRONT YARD<br>REMOVE DEIBIS IN CARPORT | \$400.00       |
| 2 ESTAMATED DUMP FEES                              | \$50.00        |
| 3 SECURITY BY TEMPE POLICE                         | \$276.00       |
| 4  | \$0.00         |
| 5  | \$0.00         |
| 6  | \$0.00         |
| TOTAL COST OF JOB                                  | <hr/> \$726.00 |

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

04/04/2019

JACK E & CHARLINE WHITE  
314 E LOMA VISTA DR  
TEMPE, AZ 85282

Case #: CE192343  
Site Address: 314 E LOMA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 04/03/2019 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 or slum-like appearance; |

**SITE REINSP  
ON OR  
AFTER**

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

|             |   |            |
|-------------|---|------------|
| CC 21-3.b.8 | Please cut all over height grass and weeds in the perimeter of the front yard landscape area. | 04/17/2019 |
|-------------|---|------------|

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

**Andres Lara-Reyes**  
Code Inspector

**Direct: 480-350-8963**  
**Code Compliance: 480-350-8372**  
**Email: andres\_lara-reyes@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 \$75.00 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

04/17/2019

JACK E & CHARLINE WHITE  
314 E LOMA VISTA DR  
TEMPE, AZ 85282

Case #: CE192343  
Site Address: 314 E LOMA VISTA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 04/17/2019 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 or slum-like appearance; |

**SITE REINSP  
ON OR  
AFTER**

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

|             |   |            |
|-------------|---|------------|
| CC 21-3.b.8 | Please cut all over height grass and weeds in the perimeter of the front yard landscape area. | 05/01/2019 |
|-------------|---|------------|

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

**Andres Lara-Reyes**  
Code Inspector

**Direct: 480-350-8963**  
**Code Compliance: 480-350-8372**  
**Email: andres\_lara-reyes@tempe.gov**

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**133-26-071A Residential Parcel**

This is a residential parcel located at 314 E LOMA VISTA DR TEMPE 85282, and the current owner is WHITE CHARLINE M/MICHAEL H/SMITH JERI LINDA. It is located in the Broadmor Manor 5 subdivision and MCR 9748. Its current year full cash value is \$359,500.

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**Property Information****314 E LOMA VISTA DR TEMPE 85282**

|                            |   |
|----------------------------|---|
| MCR #                      | <u>9748</u>   |
| Description:               | BROADMOR MANOR 5 LOT 72 & PT LOT 73 THE W 20' AS MEAS AT RT ANGLES TO SWLY LN |
| Lat/Long                   | <u>33.40153288   -111.93199473</u>  |
| Lot Size                   | 14,301 sq ft.   |
| Zoning                     | R1-6  |
| Lot #                      | 72  |
| High School District       | TEMPE UNION #213  |
| Elementary School District | TEMPE ELEMENTARY SCHOOL DISTRICT  |
| Local Jurisdiction         | TEMPE   |
| S/T/R                      | 27 1N 4E  |
| Market Area/Neighborhood   | 02/004  |
| Subdivision (34 Parcels)   | <u>BROADMOR MANOR 5</u>   |

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**Owner Information****WHITE CHARLINE M/MICHAEL H/SMITH JERI LINDA**

Mailing Address 314 E LOMA VISTA DR, TEMPE, AZ 85282  
Deed Number 170837035  
Last Deed Date 11/09/2017  
Sale Date n/a  
Sale Price n/a

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## Maricopa County Treasurer's Office

Royce T. Flora, Treasurer

### Tax Summary 133-26-071A 1

**Current Mailing Name & Address**

WHITE CHARLINE M/MICHAEL H/SMITH JERI LI  
314 E LOMA VISTA DR  
TEMPE, AZ 85282

**Property (Situs) Address**

314 E LOMA VISTA DR  
TEMPE, AZ 85282

#### 2018 Tax Due

|                      |            |                  |            |                   |        |
|----------------------|------------|------------------|------------|-------------------|--------|
| <b>Assessed Tax:</b> | \$2,904.34 | <b>Tax Paid:</b> | \$2,904.34 | <b>Total Due:</b> | \$0.00 |
|----------------------|------------|------------------|------------|-------------------|--------|

[View 2018 Tax Details](#)

[Create Stub](#)

[View Additional Tax Years](#)

#### Total Amount Due

**Total Amount Due:** \$0.00

Total amount due does not reflect any pending payments. Amount may change based on activity to this parcel.

**NOTE:** Your property may be subject to additional tax liens listed under previous parcel numbers.

[301 West Jefferson, Suite 100, Phoenix, Arizona 85003](#)
[\(602\)506-8511](tel:(602)506-8511)
[TT \(602\)506-2348](tel:(602)506-2348)
[FAX \(602\)506-1102](tel:(602)506-1102)
[Disclaimer](#)

Preferences Help | You are logged in as Andres Lara-Reyes

Home Menu Control Central Save Clear Refresh

Main Account Information Customer Information Account Tree Premise Tree Bill/Payment Tree Pay

**Current Context**

Person WHITE,JACK E - Cell Phone: (480) 968-1695

Account ID 6402100000 1 WHITE,JACK E,Residential,\$62.78,6402100000

Current Balance \$62.78

M Premise 314 E LOMA VISTA DR, TEMPE, AZ, 85282-2329

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**Customer Information (Map Zone)**

Account ID 6402100000

Main Customer WHITE,JACK E - Cell Phone: (480) 968-1695

Set Up Date 09-01-2000

CIS Division City of Tempe

Customer Class Residential

Bill Cycle Block 2

Current Credit Rating 1000

Auto Pay Source Code WELLS FARGO BANK NA (ARIZONA)

Cellular Phone (480) 968-1695

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**SA Premise List**

| Premise                                    | Current Balance | Payoff Balance |
|--|-----------------|----------------|
| 314 E LOMA VISTA DR, TEMPE, AZ, 85282-2329 | \$25.60         | \$25.60        |
| 314 E LOMA VISTA DR, TEMPE, AZ, 85282-2329 | \$14.20         | \$14.20        |
| 314 E LOMA VISTA DR, TEMPE, AZ, 85282-2329 | \$10.98         | \$10.98        |
| 314 E LOMA VISTA DR, TEMPE, AZ, 85282-2329 | \$12.00         | \$12.00        |

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**Premise Information**

|  |  |
|--|--|
| Premise Information                        | 314 E LOMA VISTA DR, TEMPE, AZ, 85282-2329 |
| CIS Division                               | City of Tempe                              |
| Lot Size Square Footage (Flood Irrigation) | 14319                                      |
| SRP Code                                   | Member                                     |
| Solid Waste Service Location               | Alley Service                              |
| Taxing City                                | City of Tempe                              |
| Service Point Information                  | Flood Irrigation/Flood Irrigation/Broadmo  |
| Service Point Information                  | Solid Waste Residential/Monday Recycle     |
| Service Point Information                  | Water Single-family Residential/Water - E  |
| Meter Configuration                        | Water - 5/8 " Meter, 17533417, Eff 04-28   |
| Last Meter Read                            | 05-19-2019 04:00PM                         |
| Next Meter Read                            | 06-20-2019 ( Water - Block 2 Fixed Netw    |

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**Field Activity Information**

|                          |   |
|--------------------------|---|
| Schedule Date/Time Start | Field Activity Information  |
| 12-28-2017 12:00AM       | 314 E LOMA VISTA DR, TEMPE, AZ, 85282-2329,Water Single-family Resident |

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**Account Financial History**

|              |                            |
|--------------|----------------------------|
| Arrears Date | Financial Transaction Type |
| 05-28-2019   | Bill Segment               |
| 05-17-2019   | Pay Segment                |

