

### CITY OF TEMPE **HEARING OFFICER**

Meeting Date: 11/05/2019

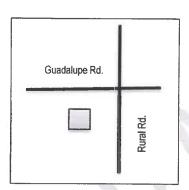
Agenda Item: 2

ACTION: Request approval to abate public nuisance items at the Pfeiff Property located at 228 E. Vaughn Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$831.00 for abatement request, landscape cleanup in front and side yards, removal of bus from the 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 PFEIFF 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 CE192042: landscape cleanup in front and side yards, removal of bus from the property.



**Property Owner** 

Matthew Ray Pfeiff **Applicant** 

City of Tempe - Code Compliance

Zoning District:

R1-6, Single Family Residential

Code Compliance Inspector:

Brandy Zedlar, 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 Pfeiff Property located at 228 E. Vaughn Drive, in the R1-6, Single Family Residential district. This case was initiated 03/20/2019, 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.

## **Planning** Application Part 1 of 2

City of Tempe 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
<a href="http://www.tempe.gov/planning">http://www.tempe.gov/planning</a>



	All applications must	be acc			ed plans, submittal material	s, and correct fee(	s)	len	ipe	
PROJECT NAME	Pseiff Abatement		PROJECT	INFORMAT	ION – REQUIRED	EXISTING	STING EL C			
PROJECT ADDRESS						ZONING R1-6 SUITE(S)				
	228 E. Vaughn Dr., Tempe									
PROJECT DESCRIPTION	Abatement to include: Lan from the property. CE1920	dscape 42 He	clean-up in the earing date: 1	he front and 1/5/19	side yard and removing bus	PARCEL No(s)	301-47-426			
	PROPERTY OWNER	INFO	RMATION – F	REQUIRED	(EXCEPT PRELIMINARY SIT	E PLAN REVIEW)				
BUSINESS NAME				ADDRESS	228 E. Vaughn Dr.					
CONTACT NAME	Matthew Pseiff			CITY	Tempe	STATE	AZ	ZIP 84	5283	
EMAIL				PHONE 1		PHONE 2				
I hereby authorize the	applicant below to proce	ss this	application	with the Cit	ly of Tempe.					
	PROPERT	OWNE	R SIGNATURE	Х	y or rompo.		DATE	-		
or attach written staten	nent authorizing the applicant to	file the	application(s)	INFORMA	TION – REQUIRED					
COMPANY / FIRM NAME	City of Tempe - Code Com	pliance		ADDRESS	HON - KEGOIKEB					
CONTACT NAME	Brandy Zedlar			CITY		STATE		ZIP		
EMAIL	Brandy Zediar			PHONE 1		PHONE 2				
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TYPE OF BUSINESS				PHONE		EMAIL				
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C. VARIANCES						VAR				
	USE PERMIT STANDARDS					ZUP				
E. ZONING CODE						ZOA				
F. PLANNED ARE					PAD		REC			
G. SUBDIVISIONS					SBD	F	REC			
H. DEVELOPMENT	PLAN REVIEW					DPR				
I. APPEALS	U ALIFANDAFATA									
J. GENERAL PLAI		-	-		GPA					
K. ZONING VERIFI					ZVL					
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SPR TRACKING #						TOTAL APPLICA	ATION FEES			
(if 2 <sup>nd</sup> or 3 <sup>nd</sup> submittal, use planning resubmittal form)						RECEIVED BY IN			LS)	

DATE:

9/13/19

TO:

Jeff Tamulevich, Code Administrator

FROM:

Brandy Zedlar

SUBJECT:

Request to Authorize for Abatement- Reference Complaint #CE192042

LOCATION:

228 E. Vaughn Dr., Tempe, AZ 85283

LEGAL:

Parcel #301-47-426 as recorded with the Maricopa County Assessor

OWNER:

MATTHEW PSEIFF 228 E VAUGHN DR TEMPE, AZ 85283

#### FINDINGS:

03/20/19 - The Code Compliance Division received a complaint on the above property concerning lawn parking.

03/27/19 - The property was inspected and found an unregistered bus Lic# CJ-75249 lawn parked in the side yard. The first notice to comply was mailed to Matthew Pseiff.

4/18/19 – The property was inspected and no improvements were made. The final correction notice was mailed to Mr. Pseiff.

05/08/19 – I spoke to Mr. Pseiff regarding the removal of the bus, and he stated he needed more time to try and sell the bus or remove it. I granted him an extension until 6/26/19.

7/23/19 – The property was inspected and no improvements were made. Mailed a revised final notice to the property adding the new landscape violation.

8/14/19 – The property was inspected and no improvements were made. Therefore, citation #1619863 was issued for deteriorated landscape and an unregistered bus.

09/13/19 – The property was inspected and nothing had been done with the bus or the landscape. Code Compliance filed for an Abatement Hearing.

#### **RECOMMENDATIONS:**

I recommend the approval for abatement at 228 E. Vaughn Dr. which is owned by Mr. Matthew Pseiff. Mr. Pseiff has been given ample time and opportunities to bring his property into compliance and has failed to take any corrective action. Since Mr. Pseiff is unable to maintain his property, I am requesting approval for continuous abatements in the next 180 days if deemed necessary. There has been no indication from Mr. Pseiff that he plans to correct and maintain his property.

Respectfully submitted, Brandy Zedlar

**ACTION TAKEN:** 

NAME:

DATE:

#### HAMANN ENTERPRISES, LLC

#### 2925 N 19TH AVE UNIT 97 PHOENIX, AZ 85015 (602) 575-4455

hamannenterprises@yahoo.com

#### THE FOLLOWING DOCUMENT IS FOR:

NAME:

**BRANDY ZEDLAR** 

FIRM:

**CITY OF TEMPE** 

DATE:

9/9/19

#### **PROPOSAL**

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

ADDRESS: 228 E VAUGHN DR

1 LANDSCAPING FRONT AND SIDE YARD	\$400.00				
2 ESTAMATED DUMP FEES	\$20.00				
3 REMOVAL OF BUS	\$135.00				
4 SECURITY BY TEMPE POLICE	\$276.00				
5	\$0.00				
6	\$0.00				
TOTAL COST OF JOB					

THANK YOU FOR YOUR BUSINESS

**BOB HAMANN** 



City of Tempe P. O. Box 5002 Tempe, AZ 85280 www.tempe.gov (480) 350-4311

**Code Compliance Division** 

### NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: September 13, 2019

TO: MATTHEW PSEIFF

228 E VAUGHN DR TEMPE, AZ 85283

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

LEGAL:

Parcel #301-47-426, as recorded with the Maricopa County Assessor.

LOCATION

228 E. Vaughn Dr., Tempe, AZ 85282

This office will submit this complaint to the Abatement Hearing Officer to be placed on the Hearing Officer agenda of November 5, 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: Those items constituting a violation of TCC 21-3-b-8, TCC 21-3-b-3 which would include the following: landscape clean-up in the front and side yard, and removing the bus from the property.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. 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 \$\frac{831.00}{231.00}\$ 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 Enforcement Officer: Brandy Zedlar

Phone Number 480-350-8623

#### 301-47-426 Residential Parcel

This is a residential parcel located at 228 E VAUGHN DR TEMPE 85283. and the current owner is PFEIFF MATTHEW RAY. It is located in the Tempe Gardens 16 Lot 1709-1814 subdivision and MCR 16148. It was last sold on 11/01/2017 for \$325,000. Its current year full cash value is \$264,600.

#### **Property Information**

#### 228 E VAUGHN DR TEMPE 85283

MCR#

16148

Description:

TEMPE GARDENS SIXTEEN

Lat/Long

33.36179849 | -111.93439950

Lot Size

8,621 sq ft.

Zoning

R1-6

Lot#

1782

High School District

TEMPE UNION #213

Elementary School District KYRENE ELEMENTARY SCHOOL DISTRICT

Local Jurisdiction

TEMPE

S/T/R

10 1S 4E

Market Area/Neighborhood 02/007

Subdivision (106 Parcels)

**TEMPE GARDENS 16 LOT 1709-1814** 

#### Owner Information

### **PFEIFF MATTHEW RAY**

Mailing Address 228 E VAUGHAN DR, TEMPE, AZ 85283

Deed Number

170820555

Last Deed Date 11/03/2017

Sale Date

Nov, 2017

Sale Price

\$325,000



# COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FIRST CORRECTION NOTICE

3-27-2019

MATTHEW PSEIFF 228 E VAUGHN DR TEMPE, AZ 85283

Case#: CE192042

Site Address: 228 E VAUGHN DR

#### SITE REINSPECTION ON OR AFTER: 4/15/19

This is a notice to inform you that this site was inspected on 3/25/19 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.

#### **VIOLATION SECTION:**

Violation of the Tempe City Code, Chapter 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; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

#### Violation of the Tempe City Code, Chapter 21-3-b-3

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot

Section 4-602 General Parking Standards. B. Parking Standards Applicable in All Zoning Districts.

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 side yard setback, except for periods of up to forty-eight (48) hours within seven (7) consecutive days for the purpose of loading, unloading and cleaning.

#### PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- 1. Remove the furniture and miscellaneous items from the east side yard.
- 2. Provide valid registration (tags) on the red Monte Carlo Lic#940-YVE or move the vehicle into an enclosed area. (garage or back yard)
- 3. Remove the bus Lic# CJ-75249 from the front of the property.

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

Brandy Zedlar Code Inspector II email

Direct: 480-350-8623

Code Compliance: 480-350-8372 brandy\_zedlar@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).



## COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE

FINAL CORRECTION NOTICE

4-18-2019

MATTHEW PSEIFF 228 E VAUGHN DR TEMPE, AZ 85283

Case#: CE192042

Site Address: 228 E VAUGHN DR

#### SITE REINSPECTION ON OR AFTER: 5/06/19

This is a notice to inform you that this site was inspected on **4/18/19** 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.

#### **VIOLATION SECTION:**

Violation of the Tempe City Code, Chapter 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; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

Violation of the Tempe City Code, Chapter 21-3-b-3

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot

Violation of the Tempe City Code, Chapter 21-3-b-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

Section 4-602 General Parking Standards. B. Parking Standards Applicable in All Zoning Districts.

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 side yard setback, except for periods of up to forty-eight (48) hours within seven (7) consecutive days for the purpose of loading, unloading and cleaning.

#### PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- 1. Remove the furniture and miscellaneous items from the east side yard.
- 2. Provide valid registration (tags) on the red Monte Carlo Lic#940-YVE or move the vehicle into an enclosed area. (garage or back yard)
- 3. Remove the bus Lic# CJ-75249 from the front of the property.
- 4. Completely remove the weeds/grass growing within the gravel landscape in the front and side yard.

\*\*\*If the above required corrections are not satisfied by 5/6/19, a \$770 citation will be issued.

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

Brandy Zedlar Code Inspector II email

Direct: 480-350-8623

Code Compliance: 480-350-8372 brandy\_zedlar@tempe.gov



# COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE REVISED FINAL CORRECTION NOTICE

7-23-2019

MATTHEW PSEIFF 228 E VAUGHN DR TEMPE, AZ 85283

Case#: CE192042

Site Address: 228 E VAUGHN DR

#### SITE REINSPECTION ON OR AFTER: 8/08/19

This is a notice to inform you that this site was inspected on **7/22/19** 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.

#### **VIOLATION SECTION:**

#### Violation of the Tempe City Code, Chapter 21-3-b-3

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot

#### Violation of the Tempe City Code, Chapter 21-3-b-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

Section 4-602 General Parking Standards. B. Parking Standards Applicable in All Zoning Districts.

7. Recreational vehicles and unmounted truck campers, exceeding twenty-one (21) feet in length and all boats and <u>trailers</u> shall not be parked in the required front <u>yard building setback</u> or required <u>street</u> side <u>yard setback</u>, except for periods of up to forty-eight (48) hours within seven (7) consecutive days for the purpose of loading, unloading and cleaning.

#### PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- 1. Remove the bus Lic# CJ-75249 from the front of the property.
- 2. Completely remove the weeds/grass growing within the gravel landscape in the front and side yard.
- 3. Trim the over height grass in the front yard.

\*\*\*If the above required corrections are not satisfied by 8/8/19, a \$570 citation will be issued.

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

Brandy Zedlar Code Inspector II email

Direct: 480-350-8623 Code Compliance: 480-350-8372 brandy zedlar@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).

# Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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