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**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 11/19/2019  
Agenda Item: 4**

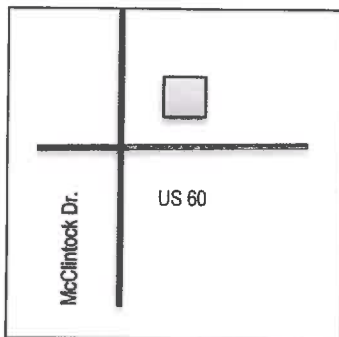
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**ACTION:** Request approval to abate public nuisance items at the Hargreaves Property located at 1903 E. Hermosa Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$511.00 for abatement request, remove grass/weeds from gravel portion of front and side landscapes.

**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 HARGREAVES 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 CE195472: remove grass/weeds from gravel portion of front and side landscapes.



Property Owner: Charlotte Hargreaves  
Applicant: City of Tempe – Code Compliance  
Zoning District: R1-6, Single Family Residential  
Code Compliance Inspector: Michael Glab, 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 Hargreaves Property located at 1903 E. Hermosa Drive, in the R1-6, Single Family Residential district. This case was initiated 08/14/2019, 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	HARGREAVES ABATEMENT	EXISTING ZONING	R1-6	<input type="checkbox"/>
PROJECT ADDRESS	1903 E HERMOSA DR., TEMPE, AZ 85282	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	TEMPE ROYAL PALMS UNIT SEVEN ABATEMENT OF CE195472 NOVEMBER 19, 2019	PARCEL No(s)	133-36-272	<input type="checkbox"/>

### PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE 1	PHONE 2		
EMAIL				

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

PROPERTY OWNER SIGNATURE	X	DATE	
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### APPLICANT INFORMATION – REQUIRED

COMPANY / FIRM NAME	CITY OF TEMPE / CODE COMPLIANCE	ADDRESS	21 E 6TH ST SUITE 208
CONTACT NAME	MICHAEL GLAB / CODE INSPECTOR	CITY	TEMPE
EMAIL	michael_glab@tempe.gov	PHONE 1	(480) 350-5461
		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>Michael A. Glab</i>	DATE	10/10/2019
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### BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE	EMAIL		
TYPE OF BUSINESS				

<input checked="" type="checkbox"/> 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)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			TOTAL APPLICATION FEES
SPR TRACKING # (if 2 <sup>nd</sup> or 3 <sup>rd</sup> submittal, use planning resubmittal form)			RECEIVED BY INTAKE STAFF (INITIALS)

**SEE REVERSE SIDE FOR REQUIRED PROJECT DATA**

**DATE:** 10/10/2019

**SUBJECT:** HARGREAVES Abatement

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**LOCATION:** 1903 E HERMOSA DR, TEMPE, AZ 85282

**LEGAL:** LOT 696, BOOK 122, PAGE 43, as recorded with the Maricopa County Assessor

**OWNER:** CHARLOTTE HARGREAVES  
1903 E HERMOSA DR  
TEMPE, AZ 85282

**FINDINGS:**

In August of 2019, my office received a complaint. Violations of Code were observed at the property and one notice was mailed to the property owner. Follow up at the property observed little to no change. A second notice was mailed to the property owner.

In September of 2019, I followed up at the property, observed violations remaining. I then posted a notice to the structure. I followed up at the property, observed violations remaining. Plan to seek remedy through property abatement process.

**RECOMMENDATIONS:**

The owner(s) of this property, CHARLOTTE HARGREAVES, has little to no attempt to bring the property into compliance. CHARLOTTE HARGREAVES has not had a prior abatement conducted on this property. Due to the failure of the property owner(s) to address this matter, a 180-day open abatement period is being sought for this property. I therefore request the City of Tempe Community Development Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,

MICHAEL GLAB  
Code Inspector  
City of Tempe

ACTION TAKEN:

NAME

DATE:

Submit  
[Signature]  
10 11 19



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 10/10/2019  
Case #: CE195472

**CHARLOTTE HARGREAVES  
1903 E HERMOSA 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: 1903 E HERMOSA DR., TEMPE, AZ 85282  
Parcel: 133-36-272

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda to be held on 11/19/2019 at 5pm, at the Tempe History Museum, located at 809 E. Southern Ave., Tempe. 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            Deteriorated landscape

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.8            Please remove grass/weeds from gravel portions of front and/or side yard landscape, including at northwest corner of parcel, as well as west side right of way (between fence line and sidewalk, etc.)**

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 \$511.00. 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)350-4311.

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**Code Inspector: Michael Glab  
Phone Number: 480-350-5461  
E-mail: Michael\_Glab@tempe.gov**



COMMUNITY DEVELOPMENT DEPARTMENT  
 CODE COMPLIANCE  
 CORRECTION NOTICE

08/14/2019

CHARLOTTE HARGREAVES  
 1903 E HERMOSA DR  
 TEMPE, AZ 85282

Case #: CE195472  
 Site Address: 1903 E HERMOSA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 08/13/2019 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	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;

**SITE REINSP  
 ON OR  
 AFTER**

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

CC 21-3.b.8	<b>Please remove grass/weeds from gravel portions of landscape (e.g. west side of west fence line right of way, near corner, etc.). Gravel landscaping should be free of grass/weeds.</b>	08/28/2019
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Michael Glab**  
 Code Inspector

**Direct: 480-350-5461**  
**Code Compliance: 480-350-8372**  
**Email: Michael\_Glab@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  
 CORRECTION NOTICE

08/28/2019

CHARLOTTE HARGREAVES  
 1903 E HERMOSA DR  
 TEMPE, AZ 85282

Case #: CE195472  
 Site Address: 1903 E HERMOSA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 08/28/2019 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.

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PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	<b>Please remove grass/weeds from gravel portions of landscape (e.g. west side of west fence line right of way, near corner, etc.). Gravel landscaping should be free of grass/weeds.</b>	09/11/2019

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

**Michael Glab**  
 Code Inspector

**Direct: 480-350-5461**  
**Code Compliance: 480-350-8372**  
**Email: Michael\_Glab@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).  
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COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
POST TO STRUCTURE

09/13/2019

CHARLOTTE HARGREAVES  
1903 E HERMOSA DR  
TEMPE, AZ 85282

Case #: CE195472  
Site Address: 1903 E HERMOSA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 09/11/2019 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.

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PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	<b>Please remove grass/weeds from gravel portions of landscape (e.g. west side of west fence line right of way, near corner, etc.). Gravel landscaping should be free of grass/weeds.</b>	09/23/2019

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

<b>Michael Glab</b> Code Inspector	<b>Direct: 480-350-5461</b> <b>Code Compliance: 480-350-8372</b> <b>Email: Michael_Glab@tempe.gov</b>
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**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**

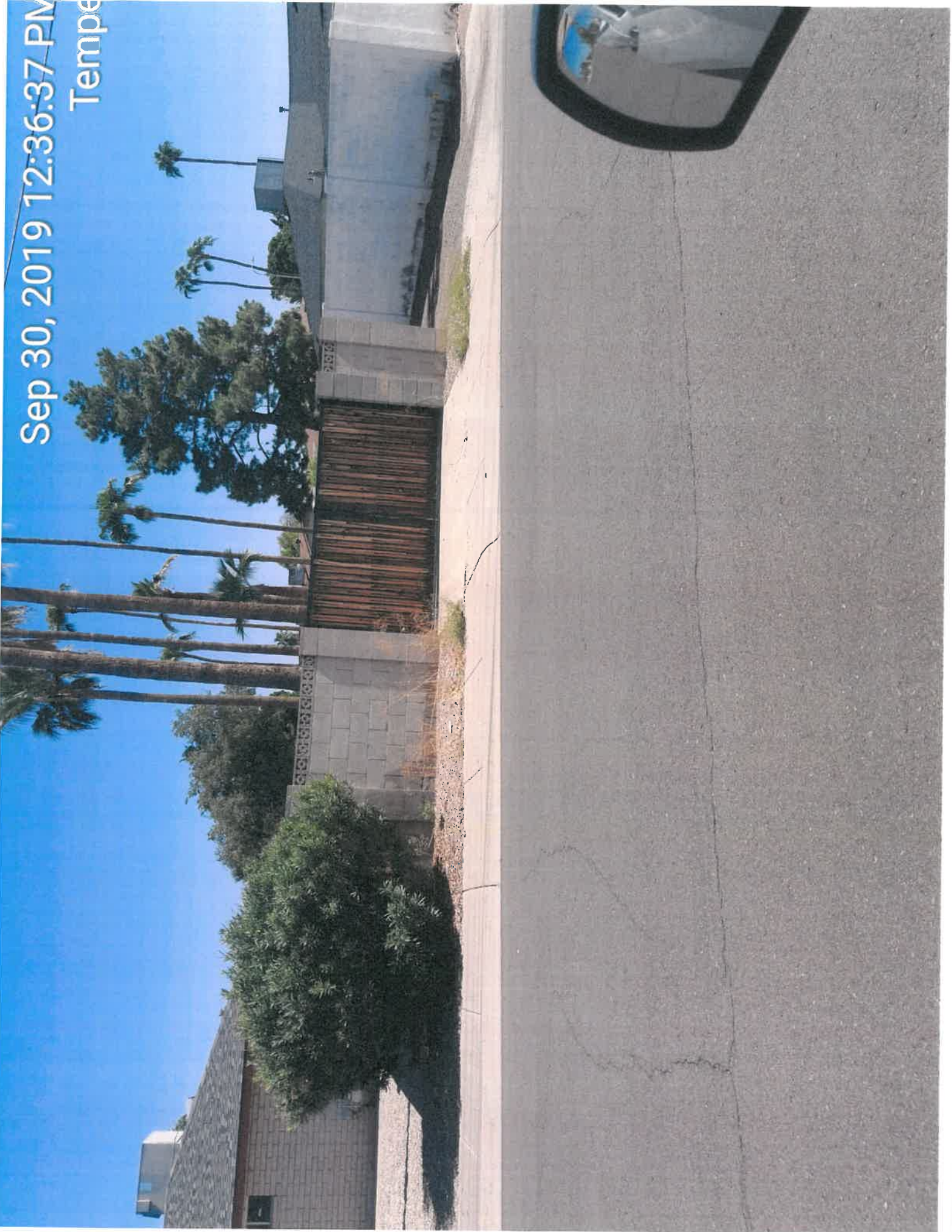
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Sep 30, 2019 12:36:26 PM  
Tempe



Sep 30, 2019 12:36:37 PM  
Tempe





September 27, 2019

City of Tempe  
Attn: Michael Glab  
Code Inspector

RE: Clean Up – 1903 E Hermosa Drive

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 1903 E Hermosa Drive in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

#### Scope of Work

1. Removal of both living, and dead, grass/weeds from gravel landscape near corner and along west side right of way
2. Haul away and disposal of the removed yard waste
3. Application of pre-emergent over portions with growth
4. P.D. presence on site for duration of visit

Total = \$511.00

Respectfully,

Jose Hernandez