

**CITY OF TEMPE
BOARD OF ADJUSTMENT**

**Meeting Date: 02/26/2020
Agenda Item: 2**

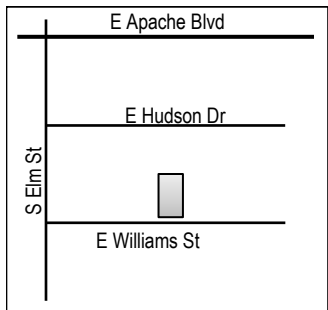
ACTION: Request an appeal of the December 17, 2019 Hearing Officer’s decision to approve the abatement of public nuisance items for the **VAN EGMOND PROPERTY**, located at 1620 East Williams Street. The appellant is Warren Van Egmond.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: N/A

BACKGROUND INFORMATION: The **VAN EGMOND PROPERTY (PL190326 / CE190735)** is located south of East Apache Boulevard and west of South McClintock Drive on Lot 59 of the Hudson Manor Unit I Subdivision in the R1-6, Single-Family Residential District. The request includes the following:

ABTA190004 Appeal of the December 17, 2019 Hearing Officer’s decision to approve the abatement of public nuisance items



Property Owner	Warren Van Egmond
Applicant	City of Tempe
Appellant	Warren Van Egmond
Code Inspector	Hector Heredia
Zoning District	R1-6
Net site area	10,502 s.f.
Total Building area	1,180 s.f.

ATTACHMENTS: Development Project File

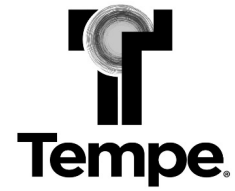
STAFF CONTACT(S): Robbie Aaron, Planner II (480) 350-8096

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Robbie Aaron, Planner II

Reviewed by: Steve Abrahamson, Principal Planner



DEVELOPMENT PROJECT FILE
for
VAN EGMOND PROPERTY
(PL190326)









ATTACHMENTS:

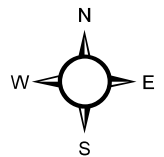
1. Location Map
2. Aerial Map
3. Letter of Appeal
- 4-7. Approved minutes of the December 17, 2019 Hearing Officer
- 8-28. Staff report from the December 17, 2019 Hearing Officer (in original order and pagination)
- 28-30. Public Input Received

VAN EGMONT RESIDENCE

PL190326



- | | |
|--|--|
|  General Industrial District (GID) |  Single-Family Residential (R1-6) |
|  Mixed Use Med-High (MU-3) |  Multi-Family Residential (R-2) |
|  Mixed Use High (MU-4) |  Multi-Family Residential Limited (R-3) |
|  Commercial Shopping and Services (CSS) |  Multi-Family Residential General (R-4) |



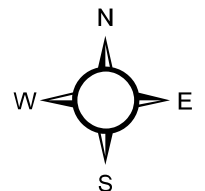
VAN EGMONT RESIDENCE

PL190326



City of Tempe

Aerial Map



Letter of Explanation

to accompany appeal of the decision made on December 17, 2019 by the Hearing Officer of the City of Tempe Code Compliance Division granting authority to abate alleged public nuisance items at 1620 E Williams Street. *Case no. CE 190735*

Warren Van Egmond, owner of residential property located at 1620 E Williams Street in the City of Tempe, appeals the decision of the Hearing Officer made on December 17, 2019 granting the Code Compliance Division authority to abate alleged public nuisance items at said property.

This request was based on the text of City of Tempe Code C.C. 21-3.b.8., which reads as follows:

Chapter 21 - NUISANCES AND PROPERTY ENHANCEMENT

ARTICLE I. – NUISANCES

Sec. 21-3.b. A nuisance includes any one (1) or more of the following conditions:

- (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;

Appellant and owner maintains that the property at 1620 E Williams Street is in complete compliance with all requirements of Tempe Code regarding landscaping in C.C. 21-3.b.8., that the Code Compliance Division is in error in maintaining that such violations exist, and that the Hearing Officer is in error in granting the abatement request. The language and terminology used by the Code Compliance Division in its citations to this property are vague and unspecific and cannot be identified with any actual conditions existing on the property, or address conditions that are outside the scope of the code. The Code Enforcement Division also has demonstrated wide variation in its application of this code to properties with similar conditions in similar locations.

Code Compliance practices regarding landscape violations of this type condone such imprecise use of language and terminology and show wide variations in language, interpretation, and application.

Since such practice is widespread and uncensured, no potential impact is seen on the future actions of the Code Compliance Division regarding landscape citations of this section, except perhaps to encourage Code Compliance to be more consistent and fair in its enforcement of the code.

The appellant therefore requests that the request to abate be denied.

MINUTES HEARING OFFICER December 17, 2019

Minutes of the regular public hearing of the Hearing Officer, of the City of Tempe, which was held at the Tempe History Museum located at 809 East Southern Avenue, Tempe, Arizona 85282 at 5:00pm.

REGULAR SESSION 5:00 PM

Present:

Vanessa MacDonald, Hearing Officer
Jeff Tamulevich, Code Compliance Administrator
Drew Yocom, Code Compliance Analyst
Shelbie Meyer, Administrative Assistant

There were (4) interested citizens present at the regular session.

Meeting convened at 5:00 PM and was called to order by Vanessa MacDonald. Hearing Officer MacDonald stated anyone wishing to appeal a decision will need to file a written appeal within fourteen (14) calendar days, by December 31, 2019 at 3:00 PM, to the Community Development Department.

1. The following was noted:

• **Agenda Item No. 1**

November 19, 2019 Hearing Officer Minutes

Vanessa MacDonald, Hearing Officer, stated the November 19, 2019 Hearing Officer Minutes had been reviewed and were approved.

2. Request abatement of public nuisance items at the HALL PROPERTY located at 1248 W 10th Place. The applicant is the City of Tempe (CE194523).

Andres Lara-Reyes, Code Inspector, gave the following overview of this case:

- Inspector requested a 180-day abatement of this property for junk, trash, and debris with over height grass and weeds.
- Since June of 2019, this property has been in violation along with reinspection fees and citations issued.
- This property has been abated many times in the past with the property owner never corresponding with the inspector.

Hearing Officer MacDonald approved a 180-day abatement.

3. Request abatement of public nuisance items at the VILLASENOR PROPERTY located at 1876 E Dunbar Drive. The applicant is the City of Tempe (CE193519).

Michael Glab, Code Inspector, gave the following overview of this case:

- In May 2019, the Code Compliance Division received a complaint for deteriorated landscape.
- Little to no change as of December along with property owner being found responsible in court.
- December 6, 2019, property owner contacted Inspector Glab wanting to grow grass, but no avail.

Hearing Officer MacDonald approved a 180-day abatement.

4. Request abatement of public nuisance items at the SMITH PROPERTY located at 209 W Southern Avenue. The applicant is the City of Tempe (CM190735).

Marvin White, Code Inspector, gave the following overview of this case:

- Inspector White indicated that violations include over height grass and weeds in gravel and debris where property owner has been issued a citation.
- Property owner has been in contact with Inspector White but refuses to make improvements to the property.

Hearing Officer MacDonald approved a 180-day abatement.

6. Request abatement of public nuisance items at the ARIZONA INSTANT FUNDING LLC PROPERTY located at 114 E. Garfield Street. The applicant is the City of Tempe (CE188434).

Hector Heredia, Code Inspector, gave the following overview of this case:

- Inspector Heredia indicated that this case has been open for almost a year with many changes of ownership. Notices were issued to property owners throughout the year, with no avail.
- Inspector Heredia indicated that the property is vacant with overgrowth throughout the property, with a deteriorated roof.
- Hearing Office MacDonald was concerned about the unpermitted structure that was encroaching the setback, Inspector Heredia did not recall about any building permits or complaints regarding that issue.

Hearing Officer MacDonald approved a 180-day abatement.

5. Request abatement of public nuisance items at the VAN EGMOND PROPERTY located at 1620 E Williams Street. The applicant is the City of Tempe (CE190735).

Hector Heredia, Code Inspector, gave the following overview of this case:

- Inspector Heredia indicated there have been anonymous complaints regarding over grown vegetation around perimeter and dead palm tree fronds.
- Property was fully initiated in April, later Mr. Van Egmond was ticketed and found guilty in court as a result. There has been little to no progress as of then.
- Inspector indicated that the overgrown decorative grass is adequate, but the main concern is the dead palm tree fronds descending from the palm tree in the back and the deteriorated landscape.

Warren Van Egmond, property owner, expressed his concerns as follows:

- Van Egmond acknowledged that he responded to Inspector Heredia's violation notices and letters, Van Egmond began to read each response dating back from January 31, 2019 from Inspector Heredia and Manager, Jeff Tamulevich, and even palm tree violations from three (3) years ago from a different inspector, Inspector Glab.
- Van Egmond denies he was found responsible in court in July, yet Van Egmond admitted the Judge agreed with Inspector Heredia regarding the palm tree. Van Egmond believes the court decision is wrong and claimed that he appealed this judgement through Superior Court on the basis that the statute is an open legal question. Hearing Officer MacDonald asked for a judicial order, Van Egmond could not provide such documents due to court never providing a written order, only a receipt for the appeal. Van Egmond does not believe that the hearing officer meeting can take place due to his beliefs that this is an open legal question. Hearing Officer MacDonald corrected Van Egmond that the hearing officer meeting is separate and valid which can simultaneously proceed with his Superior Court case. Van Egmond argued that it is still inappropriate to proceed. Hearing Officer MacDonald believes that Van Egmond was given adequate due process and that Van Egmond's landscape needs remediation.
- Hearing Officer MacDonald asked Mr. Van Egmond's opposition for having the palm tree trimmed. He responded with the cost being an issue and carbon dioxide emissions through power tools. Hearing Officer MacDonald stated that this is not a climate change issue, and more about adhering to Tempe's city code. Mr. Van Egmond believes that his tree does not violate Code since his tree is in the back yard, therefore, it does not qualify as landscape, according to his interpretation of Chapter 21 of the nuisance code, as well as the Oxford dictionary. Hearing Officer MacDonald did not agree with his interpretation of Tempe City Code or the application of the Oxford dictionary.
- Mr. Van Egmond believes his property is being singled out. Hearing Officer MacDonald explained that his property has had anonymous complaints and that he has been given ample time. Mr. Van Egmond explained that three (3) years ago, the state of his palm tree was accepted by Inspector Glab and Hearing Officer MacDonald said that Inspector Glab's case is not relevant to Inspector Heredia's case.
- Mr. Van Egmond said he is not able to pay the estimate of the palm tree trimming nor is there easy access to trim the palm tree.
- Mr. Van Egmond explained how big the palm tree in the back has gotten over the years, so much so, that it is considered a "menace" needing an extension latter to take care of over time. He is willing to go through all bases of appeal because he believes it is not bothering him or anyone else.
- Hearing Office MacDonald read emails into the record from two individuals that were interested in Mr. Van Egmond's property: [one email in support](#) of the abatement, the [other email in opposition](#).

James Bankhead, City of Tempe resident, expressed his concerns as follows:

- Mr. Bankhead supports Mr. Van Egmond's view on climate change and his opposition to not cut his palm fronds.
- Mr. Bankhead believes the City of Tempe is becoming unlivable.

Jeff Tamulevich, Code Compliance Administrator, gave following remarks:

- Mr. Tamulevich cleared any uncertainty by explaining to Mr. Van Egmond that the dead palm fronds in the back yard, any obstruction of sidewalk, dead vegetation and over height grass and weeds in the front yard are all concerns that need to be addressed.

Hearing Officer MacDonald approved a 180-day abatement.

ANNOUNCEMENTS

- Drew Yocom announced that the next meeting will take place on January 7, 2020.

With no further business, the public hearing adjourned at 6:45 PM.

Prepared by: Shelbie Meyer
Reviewed by: Drew Yocom

Drew Yocom, Planning and Research Analyst
For Vanessa MacDonald, Hearing Officer

DY: sm

**CITY OF TEMPE
HEARING OFFICER**

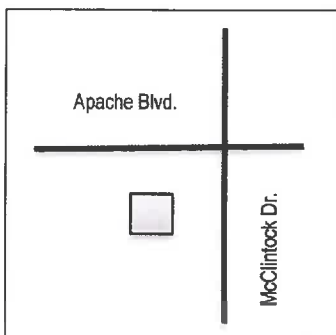
**Meeting Date: 11/05/2019
Agenda Item: 8**

ACTION: Request approval to abate public nuisance items at the Van Egmond Property located at 1620 E. Williams Street. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$2895.00 for abatement request, remove deteriorated/overgrown bushes in front yard, remove dead palm fronds on tree in back yard.

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 VAN EGMOND 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 CE190735: remove deteriorated/overgrown bushes in front yard, remove dead palm fronds on tree in back yard.



Property Owner	Warren Van Egmond
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential
Code Compliance Inspector:	Hector Heredia, 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 Van Egmond Property located at 1620 E. Williams Street, in the R1-6, Single Family Residential district. This case was initiated 01/31/2019, 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

Project Submittal Application

City of Tempe
 Community Development Department
 31 E. 5th Street, Garden Level, Tempe, AZ 85281
 (480) 350-4311 Fax: (480) 350-8677
 Planning Fax: (480) 350-8872
www.tempe.gov



Project Information - Required

Project Name: Warren Van Egmond Property Abatement

Project Address: 1620 E Wilkins St Tempe Az 85281 Suite No.:

Proposed Use of Building/Suite: Existing Zoning: R1-6

Legal Description: Attached Hudson Manor I Parcel No.: 133.07.060

Description of Work/Request: Hearing Officer 11.05.19 CE190735

Valuation (for building plan review only):

Applicant Information - Required

Company or Firm Name: City of Tempe: Code Compliance Telephone 1: () 4803505163 Ext: _____

Applicant's Name: Hector Heredia: Code Insp. Telephone 2: () Ext: _____

Applicant's Street Address: 21 E 6th St. Ste: 208 Fax: ()

City: Tempe State: Az Zip: 85281 Email Address(es):

Applicant Signature: Hector Heredia Date: 09.26.19

For City Use Only

Planning	Fees	Building	Engineering	Submitted Materials:
<input type="checkbox"/> Recordation <input type="checkbox"/> SPR <input type="checkbox"/> PL Dev Plan Review <input type="checkbox"/> Sign Permit <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> General Plan Amend <input type="checkbox"/> Zoning Amend <input type="checkbox"/> Zoning Verification Letter <input type="checkbox"/> Subdivision/Condo <input type="checkbox"/> PAD Overlay <input type="checkbox"/> Legal Posting Signs <input type="checkbox"/> Administrative Decision <input checked="" type="checkbox"/> Abatement <input type="checkbox"/> Shared Parking <input type="checkbox"/> CCR Review <input type="checkbox"/> Continuance <input type="checkbox"/> Appeal <input type="checkbox"/> Other _____ Fire <input type="checkbox"/> Tanks <input type="checkbox"/> AFES (O/H) <input type="checkbox"/> Spray Paint Booth <input type="checkbox"/> Special Extinguishing <input type="checkbox"/> Fire Alarm <input type="checkbox"/> Kitchen Hood System <input type="checkbox"/> Rack Storage <input type="checkbox"/> Hazmat <input type="checkbox"/> Other _____		<input type="checkbox"/> New Building <input type="checkbox"/> Com Add/Alt <input type="checkbox"/> TI <input type="checkbox"/> MF <input type="checkbox"/> NRes <input type="checkbox"/> Res Remodel/Add <input type="checkbox"/> Pool <input type="checkbox"/> Demo <input type="checkbox"/> Grading Only <input type="checkbox"/> Phased Constr <input type="checkbox"/> Phased Constr w/UG MEP <input type="checkbox"/> Structural Frame <input type="checkbox"/> MEP Only <input type="checkbox"/> Mobile Home <input type="checkbox"/> Factory Built Bldg <input type="checkbox"/> Deferred submittal <input type="checkbox"/> Revision <input type="checkbox"/> New Standard <input type="checkbox"/> Permits based on Standard #	<input type="checkbox"/> Engineering <input type="checkbox"/> Revision Tracking Nos.: DS _____ BP _____ RA _____ FR _____ RAF _____ EN _____ RAE _____ PL _____ SPR _____ SGN _____ GO _____ GOB _____ SE _____ ZP _____ MCA Code: _____ File With: _____ Received By: _____	<input type="checkbox"/> Building <input type="checkbox"/> Planning <input type="checkbox"/> Engineering <input type="checkbox"/> Fire <input type="checkbox"/> Signs <input type="checkbox"/> Spec Book(s) <input type="checkbox"/> Structural Calcs <input type="checkbox"/> Truss Calcs <input type="checkbox"/> Hydraulic Calcs <input type="checkbox"/> Parking Analysis <input type="checkbox"/> Lighting Cut Sheets <input type="checkbox"/> Soils Report <input type="checkbox"/> Report <input type="checkbox"/> Materials <input type="checkbox"/> Color Board <input type="checkbox"/> Haz Mat Form <input type="checkbox"/> Other: Total Valuation: _____ Total Submittal Fees: _____ Validation: _____ Date Stamp: _____

DATE: 09/26/2019

SUBJECT: WARREN VAN EGMOND: PROPERTY ABATEMENT

LOCATION: 1620 E WILLIAMS ST TEMPE AZ, 85281

LEGAL: Book 133, Map 07, Parcel 060, as recorded with the Maricopa County Assessor

OWNER: WARREN VAN EGMOND
1620 E WILLIAMS ST
TEMPE AZ, 85281

FINDINGS:

01.31.2019: An anonymous complaint was received regarding a deteriorated front yard landscape including an over grown / dead palm fronds on tree in the back yard visible from several public access points. Upon inspection of the property the violations were verified, and a first notice was sent to the property owner.

02.14.2019: Upon inspection of the property for progress I noticed that nothing was accomplished, and a final notice was issued.

03.08.2019: An extension was requested by Mr. Egmond and subsequently granted, a thirty days period, by Administration Jeff Tamulevich.

03.28.2019: Minor progress was accomplished but not enough to close the case and a final extension, for three weeks, was granted before penalties were to be issued if violations were not corrected.

04.30.2019: Another extension was granted until May 3rd to complete the corrective period before citation for non-compliance will be issued.

05.31.2019: Twenty- eight days later passed the final extension a citation was issued for failure to comply with our request outlined in corrective notices.

07.11.2019: Mr. Van Egmond was found responsible for the violations by our court system.

08.14.2019: A third final notice was issued, with clarified instructions as requested by the property owner including a shortened extension to clear the case without further consequence.

09.27.2019: No corrective actions have been taken to clear the property of pending violations. Due to a combined failed effort to bring the property into compliance and adequately communicate corrective actions, plans or measures has prompted for the abatement process to be initiated. The paperwork will be submitted for the November 5th, 2019 Hearing Officer.

RECOMMENDATIONS:

The owner of this property **Warren Van Egmond** has made no attempt to bring the property into compliance. Due to the continual lack of maintenance a 180-day open abatement 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,

Hector Heredia
Code Inspector
City of Tempe

ACTION TAKEN:

Submitt

NAME

Hector Heredia

DATE:

9 27 19



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2231 (fax)

Code Compliance Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 09/26/2019

TO: WARREN VAN EGMOND
1620 E WILLIAMS ST
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:

LEGAL: Book 133, Map 07, Parcel 060, as recorded with the Maricopa County Assessor.

LOCATION: 1620 E WILLIAMS ST TEMPE AZ, 85281

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 11.05.2019. 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:

VIOLATIONS:

CC 21-3.b.8 - Dead or dry palm fronds

CC 21-3.b.8 - Landscaping that is substantially dead, damaged or characterized by uncontrolled growth or presents a deteriorated appearance

CC 21-3.b.8 - Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

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 \$2895.00. 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) 350-8372.

Code Enforcement Officer: **Hector Heredia**

Phone Number 480-350-5462



October 4, 2019

City of Tempe
Attn: Hector Heredia
Code Inspector

RE: Revised Clean up – 1620 E Williams Street

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 1620 E Williams Street in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Removal of dead palm fronds on the tree in the back yard
- Removal of deteriorated/overgrown bushes, strictly in the front yard
- P.D. presence on site for duration of visit
- Haul away and disposal of debris

Total = \$2,895.00

Respectfully,

Jose Hernandez



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE

01/30/2019

VAN EGMOND WARREN
1620 E WILLIAMS
TEMPE, AZ 85281

Case #: CE190735
Site Address: 1620 E WILLIAMS ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 01/30/2019 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	Dead or dry palm fronds
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
ZDC 4-602.B.7	Non-permitted parking of recreational vehicles

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please completely address and remove all the dead palm fronds from your palm trees and their surrounding area located in the back yard visible from public access points. All dead palm fronds must be discarded appropriately and in designated bins or city pumping sites. Please utilize those areas to discard all waste to diminish a deteriorated state of appearance or potential hazard. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	02/14/2019
CC 21-3.b.8	Please water your front yard vegetation to bring it back to a living state, or please trim and maintain vegetation so it does not appear to be in a state of uncontrolled growth, dry or dead. Also, please remove all grass, weeds and brush from your front yard area including any visible surrounding common areas and up against property walls and fence lines as necessary. Discard all landscaping debris appropriately and in designated bins or city dump sites. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	
ZDC 4-602.B.7	Please remove your Camper from the front yard setback to the designated parking location or to an appropriate storage facility. If not familiar with the regulations regarding the front and side yard setback, please familiarize yourself with the City of Tempe Zoning Codes and Chapter 21 Nuisances Codes for clarification of the violation. Or please remove your Camper to a more discrete location permanently.	

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

Hector Heredia Jr
Code Inspector

Direct: 480-350-5462
Code Compliance: 480-350-8372
Email:Hector_Heredia@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

02/14/2019

VAN EGMOND WARREN
 1620 E WILLIAMS
 TEMPE, AZ 85281

Case #: CE190735
 Site Address: 1620 E WILLIAMS ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 02/14/2019 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	Dead or dry palm fronds
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

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please completely address and remove all the dead palm fronds from your palm trees and their surrounding area located in the back yard visible from public access points. All dead palm fronds must be discarded appropriately and in designated bins or city pumping sites. Please utilize those areas to discard all waste to diminish a deteriorated state of appearance or potential hazard. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	2/28/2019
CC 21-3.b.8	Please water your front yard vegetation to bring it back to a living state, or please trim and maintain vegetation so it does not appear to be in a state of uncontrolled growth, dry or dead. Also, please remove all grass, weeds and brush from your front yard area including any visible surrounding common areas and up against property walls and fence lines as necessary. Discard all landscaping debris appropriately and in designated bins or city dump sites.	
<p>This is the final attempt to reach you regarding the above noted. These issues must be addressed. If your property is not brought into compliance before or on the due date a citation will be issued. There will be no more notices sent to your property due to negligence of the pending violations in a twelve-month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details or for clarification.</p>		

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

Hector Heredia Jr
Code Inspector

Direct: 480-350-5462
Code Compliance: 480-350-8372
Email:Hector_Heredia@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

05/03/2019

VAN EGMOND WARREN
 1620 E WILLIAMS
 TEMPE, AZ 85281

Case #: CE190735
 Site Address: 1620 E WILLIAMS ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 05/03/2019 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	Dead or dry palm fronds
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
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please completely address and remove all the dead palm fronds from your palm trees and the surrounding area located in the back yard visible from public access points. All dead palm fronds must be discarded appropriately and in designated bins or city dumping sites. Please utilize those areas to discard all waste to diminish a deteriorated state of appearance or potential hazard. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	5/17/2019
CC 21-3.b.8	Please water your front yard vegetation to bring it back to a living state where necessary or in a deteriorated state. Please trim and maintain vegetation so it does not appear to be in a state of uncontrolled growth, dry or dead. Discard all landscaping debris appropriately and in designated bins or city dump sites.	
CC 21-3.b.8	Please completely address and cut all the over height grass and weeds from your front yard area, including any visible surrounding areas, up against property walls and fence lines as necessary. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	

This is the final attempt to reach you regarding the above noted. These issues must be addressed. If your property is not brought into compliance before or on the due date a citation will be issued. There will be no more notices sent to your property due to negligence of the pending violations in a twelve-month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details or for clarification.

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

Hector Heredia Jr
Code Inspector

Direct: 480-350-5462
Code Compliance: 480-350-8372
Email:Hector_Heredia@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

08/14/2019

VAN EGMOND WARREN
 1620 E WILLIAMS
 TEMPE, AZ 85281

Case #: CE190735
 Site Address: 1620 E WILLIAMS ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 08/14/2019 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	Dead or dry palm fronds
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
CC 21-3.b.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please completely address and remove all the dead palm fronds from your palm trees and the surrounding area located in the back yard visible from public access points. All dead palm fronds must be discarded appropriately and in designated bins or city dumping sites. Please utilize those areas to discard all waste to diminish a deteriorated state of appearance or potential hazard. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	08/23/2019
CC 21-3.b.8	Please trim and maintain vegetation so it does not appear to be in a state of uncontrolled growth, dry, dead or deteriorated. Discard all landscaping debris appropriately and in designated bins or city dump sites. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	
CC 21-3.b.8	Please completely address and cut all the over height grass and weeds from your front yard area, including any visible surrounding areas, up against property walls, fence lines as necessary and in between vegetation. Lastly, make sure that your property is being maintained on a regular basis, if not regularly present please make proper arrangements to address such issues.	

This is the final attempt to reach you regarding the above noted. These issues must be addressed. If your property is not brought into compliance before or on the due date a second citation will be issued with steeper penalties. There will be no more notices sent to your property due to negligence of the pending violations in a twelve-month period. As a final reminder, if your yard is out of compliance again in this period for the same violation/s, citations will be issued without further warning or notice. Please contact me by phone at your earliest convenience to discuss the details or for clarification.

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

Hector Heredia Jr
Code Inspector

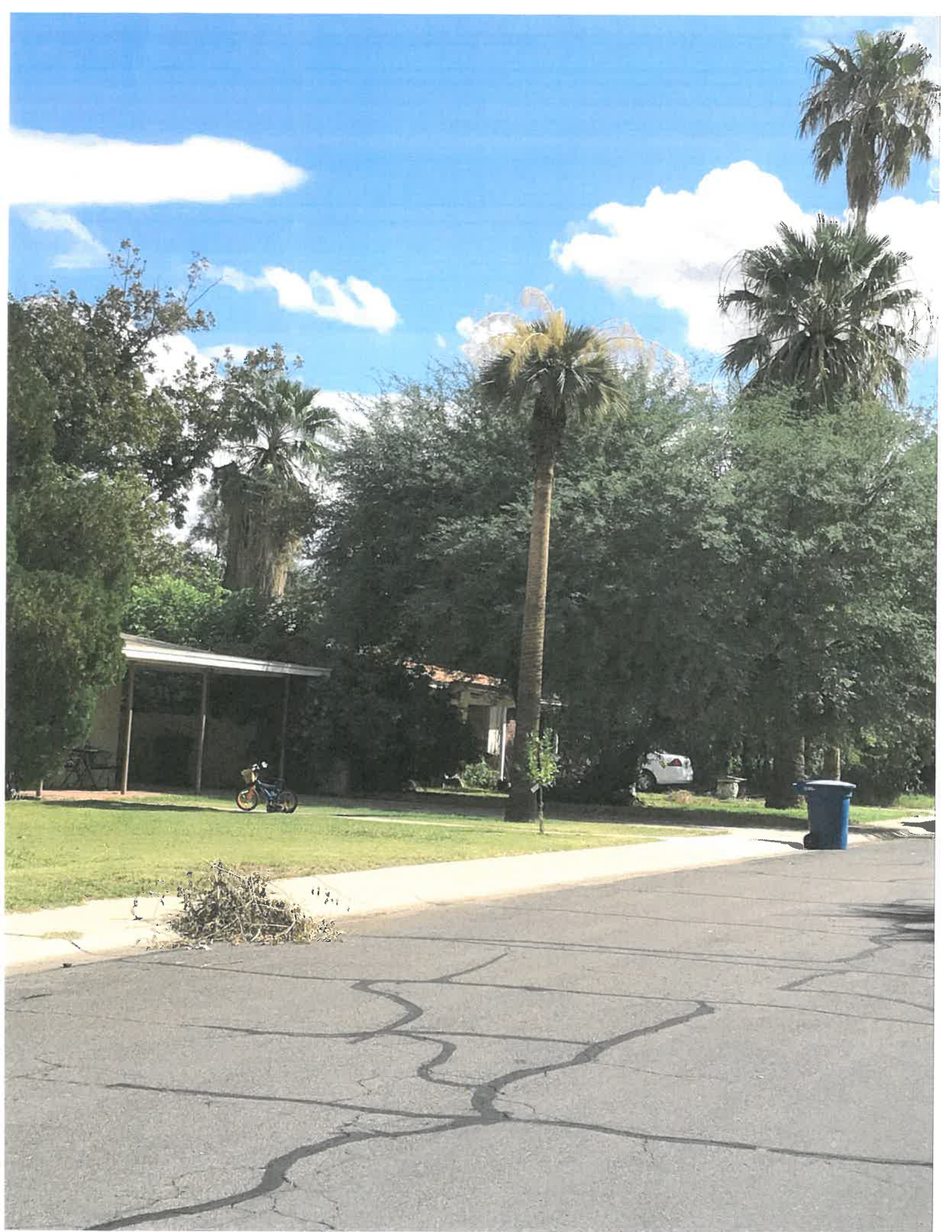
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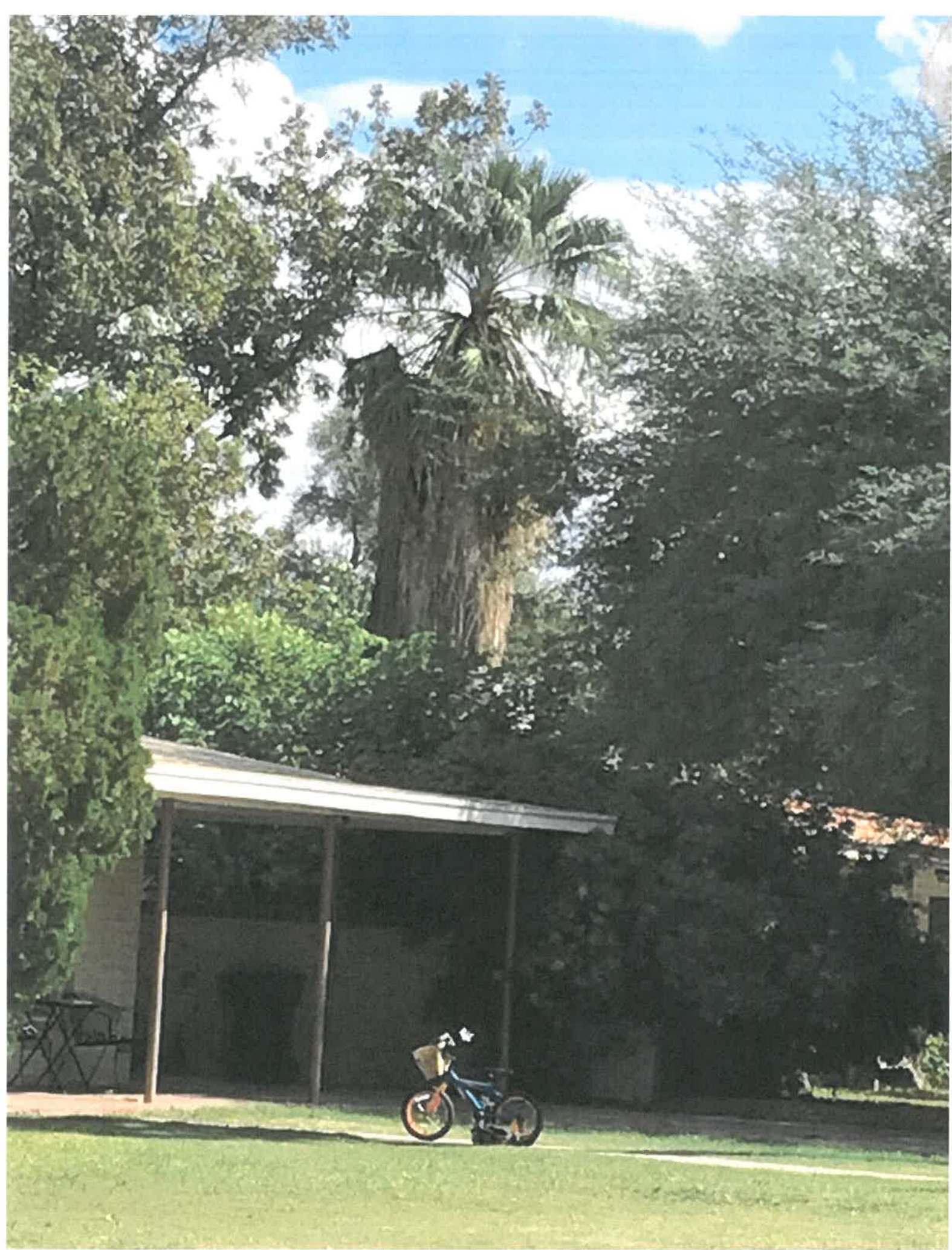
Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

Civil and Criminal Penalties

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.

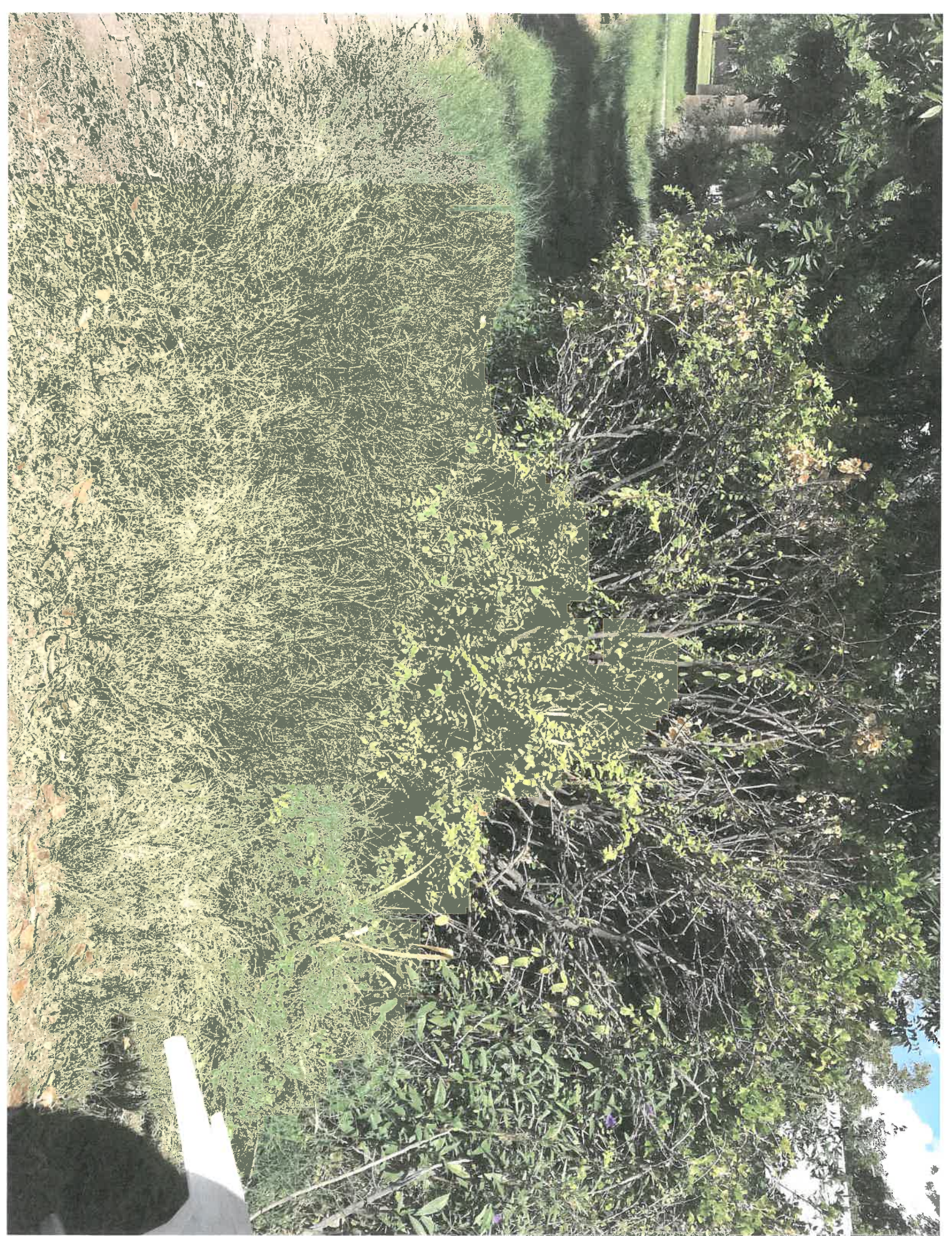












Nelson, Brittany

From: Meyer, Shelbie
Sent: Wednesday, February 19, 2020 4:31 PM
To: Nelson, Brittany
Subject: FW: Case no. CE 190735 for the Van Egmond property at 1620 E Williams St.

-----Original Message-----

From: Philip Amorosi [REDACTED]
Sent: Tuesday, December 17, 2019 7:55 AM
To: Meyer, Shelbie <Shelbie_Meyer@tempe.gov>
Subject: Case no. CE 190735 for the Van Egmond property at 1620 E Williams St.

Hi Ms. Meyer,

I am the Chair of the Hudson Manor Neighborhood Association. We whole heartedly support the city's efforts to get Mr. Van Egmond's property back up to city code AND to keep it trimmed. The association has received plenty of complaints on how bad his property looks. We have filed complaints with code enforcement ourselves.

His bogus claims that he is doing this to support climate change is wrong. What cools our neighborhood is the flood irrigation we get every two weeks in the summer. Our neighborhood is already cooler and that is with everybody else trimming their trees and bushes and mowing their lawns to make them look nice. It has nothing to do with making it look like Mr. Van Egmond's unkempt jungle. Unfortunately when you water your property that often it grows. But you accept that if you want to live in a flood irrigated neighborhood.

Don't be fooled by his slick rhetoric, he manipulates the evidence to get out of doing any work. It is bad enough that we have had to look at his dilapidated camper trailer that has sat in his driveway for the last couple of decades that has never been used because he got the city to allow him to keep it there, please don't allow him to keep his front yard in the overgrown condition it is in now. It is a breeding ground for fleas, termites and mosquitos and we don't need more cases of West Nile Virus around here. Two neighbors that I know of have already gotten it.

Thank you for your time,
Phil Amorosi
Chair, HMNA

Nelson, Brittainy

From: Meyer, Shelbie
Sent: Wednesday, February 19, 2020 4:31 PM
To: Nelson, Brittainy
Subject: FW: Case no. CE 190735

From: Laurie Nessel [REDACTED]
Sent: Monday, December 16, 2019 10:57 PM
To: Meyer, Shelbie <Shelbie_Meyer@tempe.gov>
Subject: Re: Case no. CE 190735

Re: Case no. CE 190735
Van Egmond property at 1620 E Williams St.

I am writing in support of the natural yard at my neighbor, Warren Van Egmonds, residence at 1620 E. Williams St. The city of Tempe invited citizens to weigh-in on plans for a sustainable community. Mr. Van Egmonds yard demonstrates sustainability and instead of being vilified and persecuted for a yard that reduces evaporation with its lush overstory, eliminates the use of noise and co2 polluting lawn equipment as well as the use of toxic herbicides and pesticides, Mr. Van Egmond should be hailed as a hero in the vanguard of the no-mow, natural-yard movement. The city should educate the public and revise ordinances to be natural-yard friendly if it is serious about sustainability. Snags, leaf litter and long grass returns nutrients to the soil and offers food and shelter for native birds (not the pesky pigeons) and other wildlife, which in turn help control insects. Over 3 billion birds in North America have vanished mainly from lost habitat and cat casualties. The feral cat colony across the street from Mr. Van Egmonds is the true public nuisance but that is another story. Pesticides have been catastrophic for our pollinators and the natural yard is a step in the right direction in providing a healthy habitat for pollinators, too.

I would be heartbroken if Mr. Van Egmond loses his appeals and his yard suffers abatement. It would destroy the soothing, natural oasis in a sea of clipped grass and trained bushes.

Laurie Nessel
[REDACTED] E. Cedar St.
Tempe, Arizona 85281

Nelson, Brittainy

From: Meyer, Shelbie
Sent: Wednesday, February 19, 2020 4:33 PM
To: Nelson, Brittainy
Subject: FW: Regarding Case no. CE 190735 for the Van Egmond property at 1620 E Williams St.

From: James DeMars [REDACTED]
Sent: Friday, December 20, 2019 7:13 AM
To: Meyer, Shelbie <Shelbie_Meyer@tempe.gov>
Subject: Regarding Case no. CE 190735 for the Van Egmond property at 1620 E Williams St.

Hello Shelbie Meyer,

I am a long time neighbor of Warren Egmond, I have lived at [REDACTED] E. Cedar St., Tempe, AZ 85281 since 1981 and own the house next to me at [REDACTED] E. Cedar St. I am planning on selling my home and making major improvements on the [REDACTED] property.

I write in support of Warren's decision to let his plants "go wild" as long as there are no pieces of furniture in the yard and basic cleanliness is maintained. Warren is a nonconformist who has been part of our neighborhood for many years. I find him to be a good neighbor who often challenges status quo assumptions.

While I can't anticipate all potential problems I encourage the city to wait until problems arise;

let Warren demonstrate the beauty of the abundant growth, he enjoys shaping an alternative life style and I know him to be smart enough to cure any real problems that might arise. In the meantime I find his rejection of conformity to be very refreshing.

James DeMars

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Dr. James DeMars
Professor of Music Composition
Arizona State University
website: jamesdemars.net