

CITY OF TEMPE HEARING OFFICER

Meeting Date: 06/02/2020

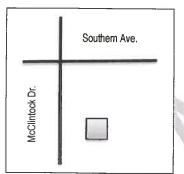
Agenda Item: 2

ACTION: Request approval to abate public nuisance items at the Weisman Property located at 1848 E. Hermosa Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1442.00 for abatement request: Remove grass and weeds from gravel landscape in front and side yards.

RECOMMENDATION: Staff – Approval of 180 day open abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the WEISMAN 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 CE196120: Remove grass and weeds from gravel landscape in front and side yards.



Property Owner

Linda & Ashley Weisman

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 Cleveland Property located at 1848 E. Hermosa Drive, in the R1-6, Single Family Residential district. This case was initiated 09/18/2019, 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 Community Development Department 31 East 5th Street, Garden Level, Tempe, Arizona 85281 (480) 350-4311 Fax (480) 350-8677 Planning Fax (480) 350-8872 http://www.tempe.gov/planning



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	EHAIL	michael glab@tempe.gov		PHONE		PHONE 2	0020	71-0001
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DATE:

04/21/2020

SUBJECT:

WEISMAN Abatement

LOCATION:

1848 E HERMOSA DR, TEMPE, AZ 85282

LEGAL:

LOT 092, BOOK 210, PAGE 019, as recorded with the Maricopa County

Assessor

OWNER:

LINDA & ASHLEY WEISMAN

1848 E HERMOSA DR TEMPE, AZ 85282

FINDINGS:

In September of 2019 my office received a complaint for this property. A violation was observed, and a notice mailed to the owner(s).

In October of 2019 I observed little to no change at the property. A second letter was mailed to the owner(s). I received an email from one of the owners, requesting an extension into November of 2019, which I granted.

In November of 2019 I observed the grass/weeds had been removed from the landscape.

In January of 2020 I observed the grass/weeds had returned to the property. I then posted a notice to the front of the structure.

In February of 2020 I observed the grass/weeds remained in the property. A citation was issued to one of the property owners, and then posted to the front of the structure.

In March of 2020 I observed little to no change at the property and sought bids for property abatement.

In April of 2020 I observed little to no change at the property and requested addition to 06/02/20 hearing agenda.

5 complaints received by my office in total

RECOMMENDATIONS:

The owner(s) of this property, LINDA & ASHELY WEISMAN, have/has made little to no attempt to bring the property into compliance. LINDA & ASHLEY WEISMAN have/has 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:



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 04/21/2020 Case #: CE196120

LINDA & ASHLEY WEISMAN 1848 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: 1848 E HERMOSA DR., TEMPE, AZ 85282

Parcel: 133-59-092

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 06/02/2020 at 5pm, at the City of Tempe Council Chambers, located at 31 E. 5th Street, 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 the grass/weeds from all portions of gravel landscape, including: the west side of the driveway; the front yard; the east side located between the fence line and the 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 \$1,442.00. 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.

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



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

09/18/2019

LINDA & ASHLEY WEISMAN 1848 E HERMOSA DR TEMPE, AZ 85282

Case #: CE196120

Site Address: 1848 E HERMOSA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 09/17/2019 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	Any landscaping, visible from public property, that is substantially dead, damaged, or uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than to or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm of tree having dead or dry fronds descending downward from the base of the lowest living than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet.	plants, weeds, welve (12) inches r similar type ng frond more
PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	Please trim all applicable palm trees on the property, where there are excessive, dead palm fronds present	10/18/2019
	Please remove grass/weeds from gravel portions of the property (e.g. west side of driveway, etc.). Please remove fallen fronds from entirety of landscape. Please maintain east side right of way, between sidewalk and fence line, if needed	10/02/2019

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). **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, 3rd occurrence \$100 per violation, 2nd occurrence \$100 per violation, 3rd occurrence \$100 per violation, 2nd occurrence \$100 per violation, 3rd occurrence \$1,000 per violation, 3rd occurrence \$1,000 per violation, 3rd occurrence, \$1,000 per violation, 3rd occurrence, \$1,000 per violation to other fines, 3rd occurrence, \$1,000 per violation to other fines, 3rd occurrence, \$1,000 per violation to other fines, 3rd occurrence, \$1,000 per violation, 3rd occurrence, \$1,000 per violation, 3rd occurrence \$1,000 per vi



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

10/04/2019

LINDA & ASHLEY WEISMAN 1848 E HERMOSA DR TEMPE, AZ 85282

Case #: CE196120

Site Address: 1848 E HERMOSA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 10/03/2019 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	Any landscaping, visible from public property, that is substantially dead, damaged, or uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than to or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm of tree having dead or dry fronds descending downward from the base of the lowest living than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet or dry fronds longer than five (6) feet or dry fronds longer than eight (8) feet or dry fronds longer than five (6) feet or dry fronds longer than five (6) feet or dry fronds longer than five (6) feet or dry fronds longer than five (7) feet or dry fronds longer than five (7) feet or dry fronds longer than five (8) feet or dry fronds long	plants, weeds, relve (12) inches; similar type g frond more	
PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER	
CC 21-3.b.8	Please trim all applicable palm trees on the property, where there are excessive, dead palm fronds present	10/18/2019	
	Please remove grass/weeds from gravel portions of the property (e.g. west side of driveway, etc.). Please remove fallen fronds from entirety of landscape. Please maintain east side right of way, between sidewalk and fence line, if needed	10/18/2019	

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). 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 POST TO STRUCTURE

11/25/2019

LINDA & ASHLEY WEISMAN 1848 E HERMOSA DR TEMPE, AZ 85282

Case #: CE196120

Site Address: 1848 E HERMOSA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 11/25/2019 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, uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher that or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palr tree having dead or dry fronds descending downward from the base of the lowest than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8)	ed plants, weeds, n twelve (12) inches; n or similar type iving frond more
PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	Please trim all applicable palm trees on the property, where there are excessive, dead palm fronds present	12/27/2019

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). 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 POST TO STRUCTURE

01/21/2020

LINDA & ASHLEY WEISMAN 1848 E HERMOSA DR TEMPE, AZ 85282

Case #: CE196120

Site Address: 1848 E HERMOSA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/21/2020 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	
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PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove the grass/weeds from the front and/or side yard landscape, including to the east of the block wall, so that gravel is free of uncontrolled growth	01/29/2020

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 (I): 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.

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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at: Court Address, City, State, Zip Code																						
Criminal: Without admitting guilt, I promise to appear as directed hereon. Victim? Victim Notified?																						
Civil		ithout adm ithout adm										nlaint	-	l certify				rounds	l believ	e the defend		
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or re	se/driving p ach your 18	แพทeges ม th birthday	nui you • Init	icom ials _	pıy									Date is	sued if r	not viola	tion date			 		
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If the defendant fails to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount.

COMPLAINT

Case No.	20-806789-4	1,984	TRIG: CITY OF TEMPE VS ASHLEY WEISMAN	/ WEISINAN		
WEISMAN, ASHLEY	1LEY					
1848 E HERMOSA DR TEMPE, AZ 85282-5864	SA DR 282-5864					
						d g and d d d d d d d d d d d d d d d d d d
Case Status:	Closed		Case Balance Owing:	\$0.00	TPC Due Date:	
Filed:	2/21/2020	0	Stayed Balance Owing:	\$0.00	TPC Amount Due:	
					Disposition	
1702085A	21-3B8	02/19/2020	LANDSCAPING-DEAD, DAMAGED, UNCONTRO	2/21/2020	11 - PLEAD GUILTY/RESP - SENT	3/5/2020
	and define a second sec		REGISTER OF ACTION			
Pare		elite Titulmineir	Cellon		Amount Judge	User
2/21/2020			ATTC FILED			PDO
2/2//2020			18T = \$200	100 Hb.		250
2/21/2020	_	1702085 A	CIVIL ARRAIGNMENT NLT 3/5/2020			PDO
315/2020		1702085 A	11 - PLEAD GUILTYRESP - SENT IMPOSED		MOV	
3/5/2020	-	1702085 A	FINE AND APPLICABLE FEES IMPOSED		\$200.00 ADM	JDH
3/6/2020			FINANCIAL ORDER ISSUED PAYMENT DUE BY 3/5/2020		SZODLOO ADM	Hen
3/5/2020			FINES AND FEES PAID		\$200.00	NPR
3/15/2020			CLOSED CASE FILE PURGE DATE SET TO 3/5/2025			8

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HAMANN ENTERPRISES, LLC

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

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME:

MICHEAL GLAB

FIRM:

CITY OF TEMPE

DATE:

3/30/20

PROPOSAL

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

ADDRESS: 1848 E HERMOSA DR

1 REMOVAL OF TALL WEEDS, GRASS AND DEBRIS	\$840.00
2 ESTAMATED DUMP FEES	\$50.00
3 SECURITY BY TEMPE POLICE	\$552.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	\$1,442.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

