

**CITY OF TEMPE
HEARING OFFICER**

Meeting Date: 08/18/2020

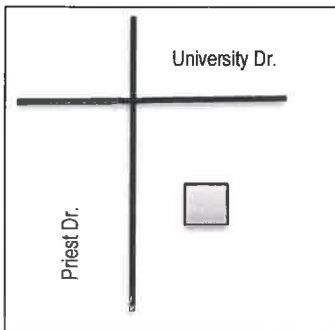
Agenda Item: 2

ACTION: Request approval to abate public nuisance items at the Loew Property located at 1148 W. 12th Street. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$801.00 for abatement request: Remove junk, trash and debris, and remove tree stump to ground level.

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 LOEW 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 CE201662: Remove junk, trash and debris, and remove tree stump to ground level.



Property Owner	William Loew
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential
Code Compliance Inspector:	Andrew Lara-Reyes, Code Inspector

ATTACHMENTS: Supporting Attachment

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

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Loew Property located at 1148 W. 12th Street, in the R1-6, Single Family Residential district. This case was initiated 03/09/20, 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 5th 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	WILLIAM LOEW	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1148 W 12TH ST TEMPE, AZ 85281	SUITE(S)	CE201662 <input type="checkbox"/>
PROJECT DESCRIPTION	TRASH, LITTER & DEBRIS; DEAD TREE STUMP HEARING DATE: AUGUST 18, 2020	PARCEL No(s)	124-77-107 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
BUSINESS NAME	WILLIAM LOEW	ADDRESS	1148 W 12TH ST
CONTACT NAME		CITY	TEMPE, 85281
EMAIL		PHONE 1	
		STATE	AZ
		ZIP	
		PHONE 2	

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

PROPERTY OWNER SIGNATURE	X	DATE	
or attach written statement authorizing the applicant to file the application(s)			

APPLICANT INFORMATION - REQUIRED			
COMPANY / FIRM NAME	CITY OF TEMPE	ADDRESS	
CONTACT NAME	ANDRES LARA-REYES	CITY	
EMAIL		PHONE 1	(480) 350-8963
		STATE	
		ZIP	
		PHONE 2	

I hereby attest that this application is accurate and the submitted documents are complete. I acknowledge that if the application is deemed to be incomplete it will be returned to me without review, to be resubmitted with any missing information.

APPLICANT SIGNATURE	X	DATE	7/6/2019
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BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME		ADDRESS	
CONTACT NAME		CITY	
TYPE OF BUSINESS		PHONE	
		STATE	
		ZIP	
		EMAIL	

APPLICATION (check all that apply)	QTY	SPECIFIC REQUEST (see planning & zoning fee schedule for types)	FOR CITY USE ONLY (planning record tracking numbers)	
<input type="checkbox"/> A. PRELIMINARY SITE PLAN REVIEW			SPR	
<input type="checkbox"/> B. ADMINISTRATIVE APPLICATIONS			ADM	
<input type="checkbox"/> C. VARIANCES			VAR	
<input type="checkbox"/> D. USE PERMITS / USE PERMIT STANDARDS			ZUP	
<input type="checkbox"/> E. ZONING CODE AMENDMENTS			ZOA	ZON
<input type="checkbox"/> F. PLANNED AREA DEVELOPMENT OVERLAYS			PAD	REC
<input type="checkbox"/> G. SUBDIVISIONS / CONDOMINIUMS			SBD	REC
<input type="checkbox"/> H. DEVELOPMENT PLAN REVIEW			DPR	
<input type="checkbox"/> I. APPEALS				
<input type="checkbox"/> J. GENERAL PLAN AMENDMENTS			GPA	
<input type="checkbox"/> K. ZONING VERIFICATION LETTERS			ZVL	
<input checked="" type="checkbox"/> L. ABATEMENTS			CE	CM
TOTAL NUMBER OF APPLICATIONS	0			

FOR CITY USE ONLY			
DS TRACKING #		FILE THIS APPLICATION WITH CE / CM TRACKING #	DATE RECEIVED (STAMP)
PL TRACKING #			VALIDATION OF PAYMENT (STAMP)
SPR TRACKING # (if 2 nd or 3 rd submittal, use planning resubmittal form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: 07/06/2020
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Andres Lara-Reyes
SUBJECT: Request to Authorize for Abatement– Reference Complaint # CE201662

LOCATION: 1148 W 12TH ST, TEMPE, AZ 85281
LEGAL: Parcel #124-77-107, as recorded with the Maricopa County Assessor
OWNER: WILLIAM LOEW
1148 W 12TH ST
TEMPE, AZ 85281

FINDINGS:

1148 W 12TH ST is currently in violation of City of Tempe’s Nuisance Code 21-3-b-1 and Code 21-3-b-8 in regard to trash, litter, debris and a dead tree stump.

The property has been in violation since 03/09/2020 with the initial violation being trash, litter, debris and a dead tree stump. There has been no effort from the owner to clean up the property.

The owner WILLIAM LOEW has been issued several correction notices and a citation in an attempt to correct the violation. As stated above, no effort from the owner to clean up the property has been done, which means the property violation remains unresolved as of this date. Notice of intent to abate was mailed to the owner and posted to the property.

RECOMMENDATIONS:

WILLIAM LOEW has not made an attempt to remedy the violation upon the property at 1148 W 12TH ST. Since this property remains in violation, without the intervention of abatement, the property will continue to deteriorate. I therefore make a request to the City of Tempe Development Services Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order. WILLIAM LOEW has given no indication that he plans on correcting the violations and maintaining the property.

Respectfully submitted,
Andres Lara-Reyes

ACTION TAKEN: _____
NAME: _____
DATE: 7 6 20 _____



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 07/06/2020
Case #: CE201662

**WILLIAM LOEW
1148 W 12TH 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:

Location: 1148 W 12TH ST TEMPE, AZ 85281
Parcel: 124-77-107

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of August 18, 2020 located at the Tempe Council Chambers, 31 E 5th Street, at 5pm. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

- CC 21-3.b.1 Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items;
- CC 21-3.b.8 Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps;

If the violations have not been corrected within thirty (30) days, our office will proceed with the abatement process. As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below:

- CC 21-3.b.1 Please remove all trash, litter, debris, piles of paper, furniture, boxes, crates & any household items in the carport.
- CC 21-3.b.8 Please remove or cut to ground level one dead tree stump in the front yard.

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 \$801.00. 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: Andres Lara-Reyes
Phone Number: 480-350-8963
E-mail: andres_lara-reyes@tempe.gov

HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: ANDRES LARA-REYES

FIRM: CITY OF TEMPE

DATE: 6/10/20

PROPOSAL

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

ADDRESS: 1148 W 12TH ST

1	REMOVAL OF DEBRIS AND TRASH FROM CARPORT REMOVE OF TREE STUMP FRONT YARD	\$500.00
2	ESTAMATED DUMP FEES	\$25.00
3	SECURITY BY TEMPE POLICE	\$276.00
4		\$0.00
5		\$0.00
6		\$0.00
TOTAL COST OF JOB		<hr/> \$801.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

03/10/2020

WILLIAM LOEW
1148 W 12TH ST
TEMPE, AZ 85281

Case #: CE201662
Site Address: 1148 W 12TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 03/10/2020 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
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items;
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all trash, litter, debris, furniture, boxes, crates & any house hold items in the carport.	04/10/2020
CC 21-3.b.8	Please remove or cut to ground level one dead tree in the front yard.	04/10/2020

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

Andres Lara-Reyes
Code Inspector

Direct: 480-350-8963
Code Compliance: 480-350-8372
Email: andres_lara-reyes@tempe.gov

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) 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 \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | 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. | 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.

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

04/13/2020

WILLIAM LOEW
1148 W 12TH ST
TEMPE, AZ 85281

Case #: CE201662
Site Address: 1148 W 12TH ST, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 04/10/2020 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
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items;
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps;

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all trash, litter, debris, furniture, boxes, crates & any house hold items in the carport.	04/24/2020
CC 21-3.b.8	Please remove or cut to ground level one dead tree stump in the front yard.	04/24/2020

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

Andres Lara-Reyes
Code Inspector

Direct: 480-350-8963
Code Compliance: 480-350-8372
Email: andres_lara-reyes@tempe.gov

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) 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 \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | 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. | 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.

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).

Preferences Help You are logged in as Andres Lara-Reyes

Home Menu History Control Central Save Clear Refresh

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

Current Context

Person LOEW,WILLIAM - Home Phone: (480) 731-4640

Account ID 5157000000 3 LOEW,WILLIAM,Residential,\$51.94,5157000000

Current Balance \$51.94

M Premise 1148 W 12TH ST, TEMPE, AZ, 85281-5331

Customer Information (Map Zone)

Account ID 5157000000

Main Customer LOEW,WILLIAM - Home Phone: (480) 731-4640

Set Up Date 09-01-2000

CIS Division City of Tempe

Customer Class Residential

Bill Cycle Block 1

Current Credit Rating 850

Home Phone (480) 731-4640

SA Premise List

Premise	Current Balance	Payoff Balance
1148 W 12TH ST, TEMPE, AZ, 85281-5331		\$27.64
1148 W 12TH ST, TEMPE, AZ, 85281-5331		\$13.60
1148 W 12TH ST, TEMPE, AZ, 85281-5331		\$10.70
		\$0.00

Premise Information

Premise Information	1148 W 12TH ST, TEMPE, AZ, 85281-5331
CIS Division	City of Tempe
SRP Code	Member
Solid Waste Service Location	Alley Service
Taxing City	City of Tempe
Service Point Information	Solid Waste Residential/Monday Trash Wednesday Recycle/
Service Point Information	Water Single-family Residential/Water - Block 1 Fixed Network
Meter Configuration	Water - 5/8 " Meter, 15231970, Eff 08-26-2017 09:15AM , S
Last Meter Read	06-15-2020 03:00AM
Next Meter Read	07-16-2020 (Water - Block 1 Fixed Network)

Field Activity Information

Schedule Date/Time Start	Field Activity Information
01-09-2019 02:32PM	1148 W 12TH ST, TEMPE, AZ, 85281-5331,Water Single-family Residential, Sev
01-09-2019 04:32AM	1148 W 12TH ST, TEMPE, AZ, 85281-5331,Water Single-family Residential, Sev
07-13-2017 12:00AM	1148 W 12TH ST, TEMPE, AZ, 85281-5331,Water Single-family Residential, On-
04-15-2016 10:22AM	1148 W 12TH ST, TEMPE, AZ, 85281-5331,Water Single-family Residential, On-
01-07-2016 04:01PM	1148 W 12TH ST, TEMPE, AZ, 85281-5331,Water Single-family Residential, Sev
01-05-2016 05:31AM	1148 W 12TH ST, TEMPE, AZ, 85281-5331,Water Single-family Residential, Sev
03-11-2014 12:00AM	1148 W 12TH ST, TEMPE, AZ, 85281-5331,Water Single-family Residential, Star
12-09-2013 05:31AM	1148 W 12TH ST, TEMPE, AZ, 85281-5331,Water Single-family Residential, Sev

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1702031	Case Number	Social Security Number	Military	<input type="checkbox"/> Serious Physical Injury	<input type="checkbox"/> Accident	<input type="checkbox"/> Fatality	<input type="checkbox"/> Commercial
Driver's License No.	DLP <input type="checkbox"/>	State	Class	Endorsements M H N P T X D	Incident Report Number CE201662		

Interpreter Required? Spanish Other Language

Defendant Name (First, Middle, Last) **WILLIAM LOEW** Juvenile

Residence Address, City, State, Zip Code **1148 W 12TH ST TEMPE AZ 85281** Telephone: (cell phone)

Sex Height Weight Eyes Hair Origin Date of Birth Restrictions Email Address

Business Address, City, State, Zip Code Business Phone No.

Vehicle Color Year Make Model Style License Plate State Expiration Date

Registered owner & address, City, State, Zip Code Vehicle Identification Number

The Undersigned Certifies That:

On Month **05** Day **06** Year **2020** Time **9:40** AM PM **Speed** Approx. Posted R & P Speed Measurement Device Radar Laser Pace Direction of Travel

At Location **1148 W 12TH ST** Tempe State of Arizona Area Dist.

The Defendant Committed the Following:

A Section: **21-361** ARS Violation: **CC TRASH, LITTER & DEBRIS** Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

B Section: **21-368** ARS Violation: **CC DEAD TREE STUMP** Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

C Section: ARS Violation: Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

D Section: ARS Violation: Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

E Section: ARS Violation: Domestic Violence Case Criminal Criminal Traffic Municipal Code Civil Traffic Petty Offense

You must appear on the date and time indicated at:
 Tempe Municipal Court
 140 E. 5th Street
 Tempe, AZ 85281
 Court No. 0753
 Traffic Court Suite 150, 1st Floor Date: **05/21/2020** Time: Between 9AM & 4PM
 Criminal Court Suite 200, 2nd Floor Date: _____ Time: _____ AM PM
 Court: _____ Date: _____ Time: _____ AM PM Court No. _____
 Court Address, City, State, Zip Code

Criminal: Without admitting guilt, I promise to appear as directed hereon.
 Civil: Without admitting responsibility, I acknowledge receipt of this complaint.

X MAILED
 Victim? Victim Notified?
 I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.
 Complaint *[Signature]* 8036
 PSN

Comments: **Juvenile Notification:**
 Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials **1ST VIOLATION \$400.00**
CODE COMPLIANCE
 Date issued if not violation date

If the defendant falls 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

