
**CITY OF TEMPE
HEARING OFFICER**

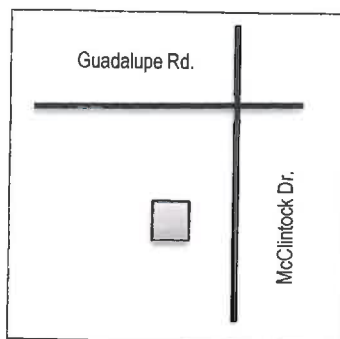
**Meeting Date: 11/17/2020
Agenda Item: 9**

ACTION: Request approval to abate public nuisance items at the Salazar Property located at 1521 E. Bell De Mar Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$520.00 for abatement request: landscape cleanup.

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 SALAZAR 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 CE203983: landscape cleanup.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Joe Salazar III
City of Tempe – Code Compliance
R1-6 Single Family Residential
Brandy Zedlar, Code Inspector

ATTACHMENTS: Supporting Attachment

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

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Barbara Simons, Code Inspector
Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Salazar Property located at 1521 E. Bell De Mar Drive, in the R1-6, Single Family Residential district. This case was initiated 06/15/20, 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	SALAZAR ABATEMENT	EXISTING ZONING		<input type="checkbox"/>
PROJECT ADDRESS	1521 E BELL DE MAR DR, TEMPE, AZ 85283	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement to include: Landscape clean-up in the front and side yard. Hearing Date: 11/17/20. CE203983	PARCEL No(s)	301-92-121	<input type="checkbox"/>

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

BUSINESS NAME		ADDRESS	1521 E BELL DE MAR DR		
CONTACT NAME	JOE SALAZAR III	CITY	TEMPE	STATE	AZ
EMAIL		PHONE 1		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 - CODE COMPLIANCE	ADDRESS	
CONTACT NAME	BRANDY ZEDLAR	CITY	
EMAIL		PHONE 1	(480) 350-8623

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	4/01/22/20
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BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs

BUSINESS NAME		ADDRESS	
CONTACT NAME		CITY	
TYPE OF BUSINESS		PHONE	

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	1		CE	CM
TOTAL NUMBER OF APPLICATIONS	1			

FOR CITY USE ONLY

DS TRACKING #		FILE THIS APPLICATION WITH CE / CM TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #				
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: 10/22/20
TO: Jeff Tamulevich, Code Administrator
FROM: Brandy Zedlar
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE203983

LOCATION: 1521 E BELL DE MAR DR., Tempe, AZ 85283
LEGAL: Parcel #301-92-121 as recorded with the Maricopa County Assessor
OWNER: JOE SALAZAR III
1521 E BELL DE MAR DR
TEMPE, AZ 85283

FINDINGS:

06/15/20 – The Code Compliance Division received a complaint on the above property concerning deteriorated landscape.

06/25/20 - The property was inspected and found to have weeds/grass growing within the gravel landscape in the front and side yard. First notice to comply was mailed to Mr. Salazar.

07/23/20 – The property was inspected with no change to its condition. Final notice to comply was posted to the property and mailed to Mr. Clardy.

08/18/20 – The final notice was returned with no forwarding address. Revised final notice was posted to the property.

09/25/20 – The property was inspected and found no improvement. Submitted a bid request to Hamann Enterprises to clean the landscape.

10/06/20 – Received the bid from Hamann Enterprises to clean the landscape for \$520.00.

10/22/20 – The property was inspected with no change to its condition. Code Compliance filed for an Abatement with a hearing date of 11/17/20.

RECOMMENDATIONS:

I recommend the approval for abatement at 1521 E. Bell De Mar Dr., which is owned by Mr. Joe Salazar. Mr. Salazar has been given ample time and opportunities to bring his property into compliance and has failed to take any corrective action. Since Mr. Salazar is unable to maintain his property, I am requesting approval for continuous abatements in the next 180 days if deemed necessary. There has been no indication from Mr. Salazar that he plans to correct and maintain his property.

Respectfully submitted,
Brandy Zedlar

ACTION TAKEN:

NAME:

DATE:

Submit
[Signature]
10 22 20

HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: BRANDY ZEDLAR

FIRM: CITY OF TEMPE

DATE: 9/28/20

PROPOSAL

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

ADDRESS: 1521 E BEL DE MAR DR

1 FRONT YARD LANDSCAPE AND CLEAN UP	\$500.00
2 ESTAMATED DUMP FEES	\$20.00
3	\$0.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$520.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



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

Code Compliance Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: October 15, 2020

TO: JOE SALAZAR
1521 E BELL DE MAR DR
TEMPE, AZ 85283

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

LEGAL: Parcel #301-92-121, as recorded with the Maricopa County Assessor.

LOCATION 1521 E. Bell De Mar Dr., Tempe, AZ 85283

This office will submit this complaint to the Abatement Hearing Officer to be placed on the Hearing Officer agenda of **November 17, 2020**. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of: Those items constituting a violation of TCC-21-3-b-8 which would include the following: landscape clean-up in the front and side yard.

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 \$ **520.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-4311.

Code Enforcement Officer: Brandy Zedlar

Phone Number 480-350-8623

301-92-121 Residential Parcel

This is a residential parcel located at [1521 E BELL DE MAR DR TEMPE 85283](#), and the current owner is SALAZAR JOE E III. It is located in the Tempe Gardens 17 subdivision and MCR 16003. It was last sold on 01/01/2011 for \$155,000. Its current year full cash value is \$305,200.

Property Information

[1521 E BELL DE MAR DR TEMPE 85283](#)

MCR #	16003
Description:	TEMPE GARDENS SEVENTEEN
Lat/Long	33.35948899 -111.91454197
Lot Size	7,248 sq ft.
Zoning	R1-6
Lot #	1935
High School District	TEMPE UNION #213
Elementary School District	KYRENE ELEMENTARY SCHOOL DISTRICT
Local Jurisdiction	TEMPE
S/T/R	11 1S 4E
Market Area/Neighborhood	02/007
Subdivision (141 Parcels)	TEMPE GARDENS 17

Owner Information

[SALAZAR JOE E III](#)

Mailing Address	1521 E BELL DE MAR DR, TEMPE, AZ 85283
Deed Number	110025138
Last Deed Date	01/10/2011
Sale Date	Jan, 2011
Sale Price	\$155,000



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FIRST CORRECTION NOTICE**

6-25-2020

**JOE SALAZAR
1521 E BELL DE MAR DR
TEMPE, AZ 85283**

Case#: CE203983
Site Address: 1521 E BELL DE MAR DR

SITE REINSPECTION ON OR AFTER: 7/13/20

This is a notice to inform you that this site was inspected on **6/24/20** and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

VIOLATION SECTION:

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

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- 1. Completely remove the weeds/grass growing within the graveled landscape in the front and side yard.**

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

**Brandy Zedlar
Code Inspector II
email**

**Direct: 480-350-8623
Code Compliance: 480-350-8372
brandy_zedlar@tempe.gov**

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

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

7-23-2020

JOE SALAZAR
1521 E BELL DE MAR DR
TEMPE, AZ 85283

Case#: CE203983
Site Address: 1521 E BELL DE MAR DR

SITE REINSPECTION ON OR AFTER: 8/10/20

This is a notice to inform you that this site was inspected on **7/22/20** and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

VIOLATION SECTION:

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

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- 1. Completely remove the weeds/grass growing within the graveled landscape in the front and side yard.**

*****If the above required corrections are not satisfied by 8/10/20, a \$200 citation will be issued.**

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

Brandy Zedlar
Code Inspector II
email

Direct: 480-350-8623
Code Compliance: 480-350-8372
brandy_zedlar@tempe.gov

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

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

8-18-2020

JOE SALAZAR
1521 E BELL DE MAR DR
TEMPE, AZ 85283

Case#: CE203983
Site Address: 1521 E BELL DE MAR DR

SITE REINSPECTION ON OR AFTER: 9/03/20

This is a notice to inform you that this site was inspected on **8/17/20** and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

VIOLATION SECTION:

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PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- 1. Completely remove the weeds/grass growing within the graveled landscape in the front and side yard.**

*****If the above required corrections are not satisfied by 9/03/20, a \$200 citation will be issued.**

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

Brandy Zedlar
Code Inspector II
email

Direct: 480-350-8623
Code Compliance: 480-350-8372
brandy_zedlar@tempe.gov

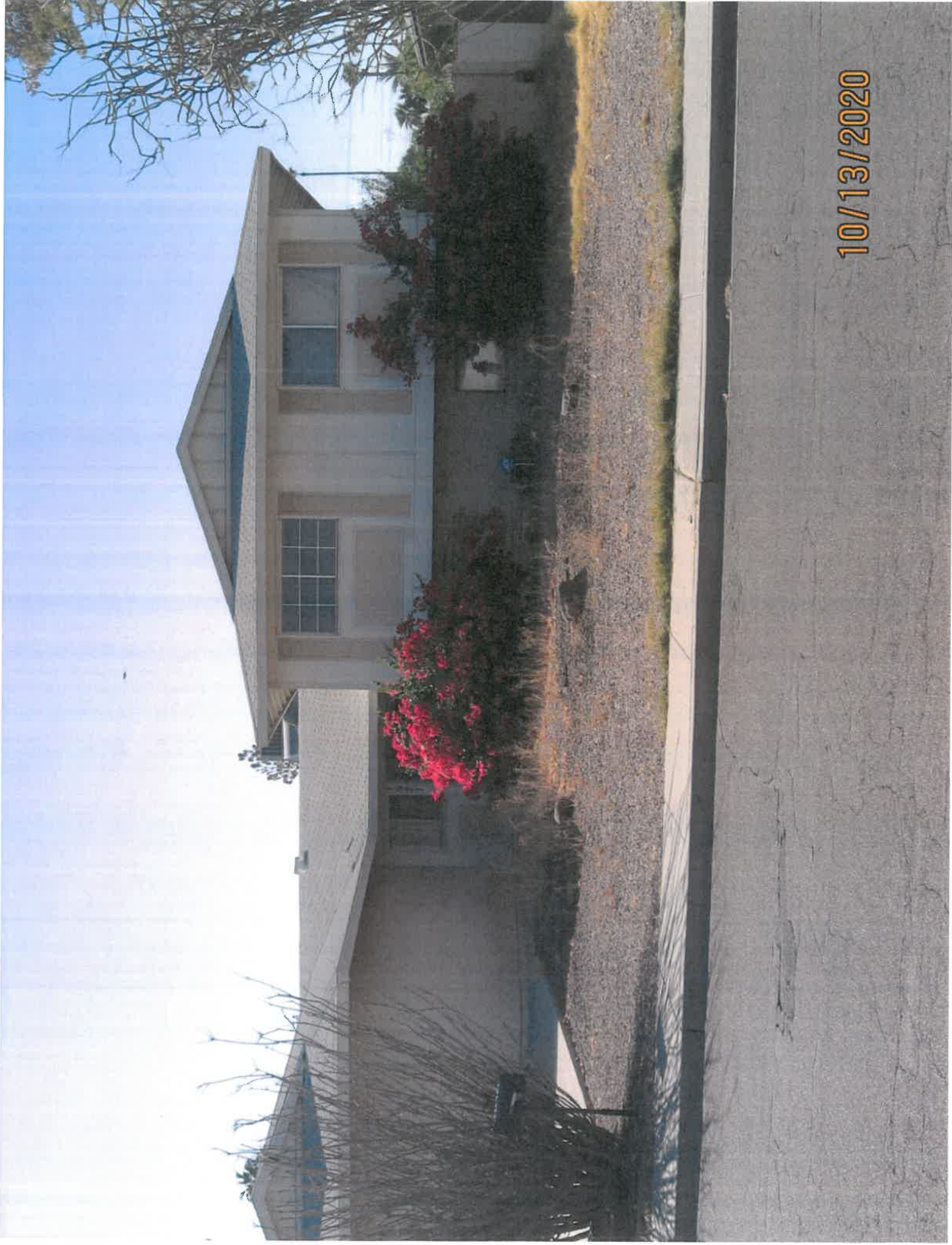
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10/13/2020



10/13/2020