

CITY OF TEMPE HEARING OFFICER

Meeting Date: 12/01/2020

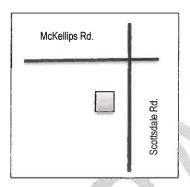
Agenda Item: 2

ACTION: Request approval to abate public nuisance items at the Arroyo Property located at 1637 N. Sunset Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$4734.00 for abatement request: landscape cleanup and removal of junk, trash and debris 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 ARROYO 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 CE195239: landscape cleanup and removal of junk, trash and debris in back yard.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Francisca P. Arroyo Trust
City of Tempe – Code Compliance
R1-6 Single Family Residential
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 Arroyo Property located at 1637 N. Sunset Drive, in the R1-6, Single Family Residential district. This case was initiated 08/05/19, 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.

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: Francisca Arrogo Property Abatement											
Project Address: 637 1	V 50	nset Dr			Suite No.:						
Proposed Use of Building/Suite:	-				Existing Zoning:	-6 "					
Legal Description: Attached	Cal	Mer Hill	152		Parcel No.: 132.71.109						
Description of Work/Request:	earli	ng Date:		CE	95239						
	•	Valu	ation (for building pla	an review only):	,						
		Applicant	Information - Requi	red							
Company or Firm Name:	Temp	se Code	ompliant		100350	Ext: 54-62					
Applicant's Name:	Here	dia Code	Inspector	Telephone 2:	•	Ext:					
Applicant's Street Address :	34 5-	e:208	1	Fax: ()							
City: Tempe	, (State:	Zip:	Email Address(es):						
Applicant Signature:	27/2			Date: \()	2 2020						
17	-67-6	MER	or City Use Only	(0.							
Planning	Fees	Building	Engineering		Submitted Materials:						
□ Recordation		□ New Building	□ Engineering		Building	Fire					
□ SPR		□ Com Add/Alt			Planning	Signs					
□ PL Dev Plan Review		□ TI	☐ Revision								
□ Sign Permit		□ MF	Tracking Nos.:		Engineering						
□ Use Permit		□ NRes	DS								
□ Variance		☐ Res Remodel/Add	BP		☐ Spec Book(s)	☐ Soils Report					
☐ General Plan Amend		□ Pool			☐ Structural Calcs ☐ Report						
☐ Zoning Amend		□ Demo	RA		☐ Truss Calcs	□ Materials					
☐ Zoning Verification Letter		☐ Grading Only	FR		☐ Hydraulic Calcs	□ Color Board					
□ Subdivision/Condo		□ Phased Constr	RAF		☐ Parking Analysis ☐ Haz Mat For						
□ PAD Overlay		□ Phased Constr	EN		☐ Lighting Cut Sheets ☐ Other:						
☐ Legal Posting Signs		w/UG MEP	RAE		Total Valuation:						
☐ Administrative Decision		☐ Structural Frame	PL_								
Abatement		□ MEP Only			Total Submittal Fees:						
□ Shared Parking		☐ Mobile Home	SPR								
☐ CCR Review		□ Factory Built Bidg	SGN								
□ Continuance		 □ Deferred submittal □ Revision 	GO								
☐ Appeal		☐ New Standard	GOB								
☐ Other		□ Permits based	SE		Validation:						
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		- O W	MCA Code:								
☐ Tanks		□ Suiting									
☐ AFES (O/H)		□ Other									
☐ Spray Paint Booth			File With:								
□ Special Extinguishing			I IIG TAILII.		Date Stamp:						
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☐ Kitchen Hood System			Received By:		-						
□ Rack Storage			Received By:								
☐ Hazmat											
□ Other						i					

DATE:

10/21/2020

SUBJECT:

FRANCISCA ARROYO: PROPERTY ABATEMENT

LOCATION: 1637 N SUNSET DR

LEGAL:

Book 132, Map 71, Parcel 109, as recorded with the Maricopa County

Assessor

OWNER:

FRANCISCA ARROYO 1637 N SUNSET DR TEMPE AZ, 85281

FINDINGS:

08.05.2019: Received an anonymous complaint about over height grass and weeds including junk trash debris in the back yard. Upon inspection of the concerns, both violations were easily verified. A first notice was sent.

08.20.2019: No corrective actions have been taken to clear the pending violation. Final notice will be sent regarding the state of the back yard completely covered in debris.

09.03.2019: No corrective actions have been taken to clear the pending violation. A second final notice will be sent with a short extension to clear the case without consequence.

09.11.2019: An extension was requested to clear the violations, and granted, over that weekend to avoid citation

09.16.2019: Upon inspection of the property for accomplished corrective measure was disappointed to see that nothing had been done to alleviate our concerns regarding junk trash debris covering the entire back yard. After speaking with the property owner before this final extension I expressed the importance of significant progress in order to consider further extension passed the final date. Unfortunately, nothing was accomplished, and a first citation was issued.

10.10.2019: Code continued to receive anonymous complaints regarding the pending violations.

10.14.2019: The violation was not addressed, and the property owner had not initiated any contact. In order to preserve a positive relationship; I sent a final message via voice messaging to reach the property owner before penalties are issued for neglected violation at the property. I granted in the message a short extension anticipating total compliance.

10.30.2019: I tried on numerous occasions to bring awareness to the property owner regarding her responsibilities. Mrs. Arroyo refuses to recognize the maintenance necessary to clear the case. I have tried to offer assistance programs but plainly says that that will not change her actions and that she purposely bought that location because of its huge back yard. I expressed that items could not remain out in open air and must be properly stored. I have already issued a first citation that subsequently was defaulted on as a failure to appear. Before issuing a second citation issued a third final notice as a final attempt to preserve a positive relationship.

12.05.2019: After nearly a months extension divided in two instances between the November Holiday. Nothing further was accomplished and due to the combined failed effort to address our concerns, initiate contact, or corrective action, as requested in the notices previously sent via mail, a second citation was issued today.

02.07.2019: Code continued to receive anonymous complaints regarding the pending violations.

10.20.2020: Due to the pandemic, several months went by were very little action took place in consideration of social hardships and particular schedule adjustments in preservation of our departments wellbeing. Upon return to a normalized setting and reinspection of the property. Noticed nothing has been accomplished and in fact worsened leaving no other option but to pursue abatement procedures towards compliance.

RECOMMENDATIONS:

The owner of this property Francisca Arroyo has made no attempt to bring the property into compliance. Francisca Arroyo has had several abatements conducted on his property over the past several years and shows no inclination to maintain the property. 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:

NAME

DATE:



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: 10/21/2020

TO: FRANCISCA ARROYO 1637 N SUNSET DR 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 132, Map 71, Parcel 109, as recorded with the Maricopa County Assessor.

LOCATION: 1637 N SUNSET DR 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 12.01.2020. 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:

VIOLATIONS: CC 21-3.b.1 - Filthy, littered, debris or trash-covered exterior areas

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 \$4,734.00. 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 guestions regarding this matter, please contact our office at (480) 350-8372.

Code Enforcement Officer: Hector Heredia

Phone Number 480-350-5462



October 20, 2020

City of Tempe Attn: Hector Heredia Code Inspector

RE: Cleanup – 1637 N Sunset Drive

Thank you for giving Artistic Land Management, Inc the opportunity to serve your landscaping needs. Below is our price to provide all labor, equipment, landfill fees, and supervision to perform the work listed below at 1637 N Sunset Drive in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Junk, trash, and debris removal of entire back yard
- Clean up of deteriorated/overgrown back yard
- P.D. presence on site for duration of the visit

Total = \$4,734.00

Respectfully,

Jose Hernandez



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE

08/06/2019

FRANCISCA P ARROYO TRUST : ARROYO FRANCISCA 1637 N SUNSET DR TEMPE. AZ 85281

Case #: CE195239

Site Address: 1637 N SUNSET DR, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 08/06/2019 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.1	Filthy, littered, debris or trash-covered exterior areas	
PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all the trash, litter, debris and stored items from your entire back yard including the front yard as necessary. These items include boxes, bins, plastic containers, rags, bags, clothing, deteriorated shelving, deteriorated drawers, crates, cages, cleaning equipment, landscaping equipment, suitcases,	8/20/2019

yard including the front yard as necessary. These items include boxes, bins, plastic containers, rags, bags, clothing, deteriorated shelving, deteriorated drawers, crates, cages, cleaning equipment, landscaping equipment, suitcases, cushions, crutches, tarps, blankets, bricks, tiles, scrap wood, scrap metal, tools, home décor, deteriorated mirrors, deteriorated doors, deteriorated bed frames, lamps, deteriorated lawn equipment, chairs, tables, rugs, carpeting, pots, pans, deteriorated television stand, deteriorated file cabinet, deteriorated glass table top, ladders, deteriorated bikes / parts of, deteriorated barrels, deteriorated picture frames, deteriorated luggage, deteriorated plant décor all general trash and any other miscellaneous items in this general surrounding area. All storage items must be kept in an enclosed unit classified as a building with four walls and a door / windows. An un-enclosed area cannot be maintained as outdoor storage. All debris must be discarded appropriately at city dump sites or designated bins to help diminish a deteriorated slum like appearance. 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.

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**



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FINAL CORRECTION NOTICE

08/20/2019

FRANCISCA P ARROYO TRUST : ARROYO FRANCISCA 1637 N SUNSET DR TEMPE, AZ 85281

Case #: CE195239

Site Address: 1637 N SUNSET DR, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 08/20/2019 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.1	Filthy, littered, debris or trash-covered exterior areas	·

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

SITE REINSP ON OR AFTER

9/3/2019

CC 21-3.b.1

Please remove all the trash, litter, debris and stored items from your entire back yard including the front yard as necessary. These items include boxes, bins. plastic containers, rags, bags, clothing, deteriorated shelving, deteriorated drawers, crates, cages, cleaning equipment, landscaping equipment, suitcases, cushions, crutches, tarps, blankets, bricks, tiles, scrap wood, scrap metal, tools, home décor, deteriorated mirrors, deteriorated doors, deteriorated bed frames, lamps, deteriorated lawn equipment, chairs, tables, rugs, carpeting, pots, pans, deteriorated television stand, deteriorated file cabinet, deteriorated glass table top, ladders, deteriorated bikes / parts of, deteriorated barrels, deteriorated picture frames, deteriorated luggage, deteriorated plant décor all general trash and any other miscellaneous items in this general surrounding area. All storage items must be kept in an enclosed unit classified as a building with four walls and a door / windows. An un-enclosed area cannot be maintained as outdoor storage. All debris must be discarded appropriately at city dump sites or designated bins to help diminish a deteriorated slum like appearance. 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. This issue 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 violation 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.

Direct: 480-350-5462

Code Compliance: 480-350-8372 Email:Hector_Heredia@tempe.gov

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COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FINAL CORRECTION NOTICE

09/04/2019

FRANCISCA P ARROYO TRUST : ARROYO FRANCISCA 1637 N SUNSET DR TEMPE, AZ 85281

Case #: CE195239

Site Address: 1637 N SUNSET DR, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 09/04/2019 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.1	Filthy, littered, debris or trash-covered exterior areas

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

SITE REINSP ON OR AFTER

09/11/2019

CC 21-3.b.1

Please remove all the trash, litter, debris and stored items from your entire back yard including the front yard as necessary. These items include boxes, bins, plastic containers, rags, bags, clothing, deteriorated shelving, deteriorated drawers, crates, cages, cleaning equipment, landscaping equipment, suitcases, cushions, crutches, tarps, blankets, bricks, tiles, scrap wood, scrap metal, tools, home décor, deteriorated mirrors, deteriorated doors, deteriorated bed frames, lamps, deteriorated lawn equipment, chairs, tables, rugs, carpeting, pots, pans, deteriorated television stand, deteriorated file cabinet, deteriorated glass table top, ladders, deteriorated bikes / parts of, deteriorated barrels, deteriorated picture frames, deteriorated luggage, deteriorated plant décor all general trash and any other miscellaneous items in this general surrounding area. All storage items must be kept in an enclosed unit classified as a building with four walls and a door / windows. An un-enclosed area cannot be maintained as outdoor storage. All debris must be discarded appropriately at city dump sites or designated bins to help diminish a deteriorated slum like appearance. 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.

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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



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FINAL CORRECTION NOTICE

10/30/2019

FRANCISCA P ARROYO TRUST : ARROYO FRANCISCA 1637 N SUNSET DR TEMPE, AZ 85281

Case #: CE195239

Site Address: 1637 N SUNSET DR, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 10/30/2019 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.1	Filthy, littered, debris or trash-covered exterior areas

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

SITE REINSP ON OR AFTER

11/08/2019

CC 21-3.b.1

Please remove all the trash, litter, debris and stored items from your entire back yard including the front yard as necessary. These items include boxes, bins, plastic containers, rags, bags, clothing, deteriorated shelving, deteriorated drawers, crates, cages, cleaning equipment, landscaping equipment, suitcases, cushions, crutches, tarps, blankets, bricks, tiles, scrap wood, scrap metal, tools, home décor, deteriorated mirrors, deteriorated doors, deteriorated bed frames, lamps, deteriorated lawn equipment, chairs, tables, rugs, carpeting, pots, pans, deteriorated television stand, deteriorated file cabinet, deteriorated glass table top, ladders, deteriorated bikes / parts of, deteriorated barrels, deteriorated picture frames, deteriorated luggage, deteriorated plant décor all general trash and any other miscellaneous items in this general surrounding area. All storage items must be kept in an enclosed unit classified as a building with four walls and a door / windows. An un-enclosed area cannot be maintained as outdoor storage. All debris must be discarded appropriately at city dump sites or designated bins to help diminish a deteriorated slum like appearance. 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. This issue 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 violation in a twelvemonth 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.

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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**

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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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

1701773

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County . State of Arizona



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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







