

**CITY OF TEMPE  
HEARING OFFICER**

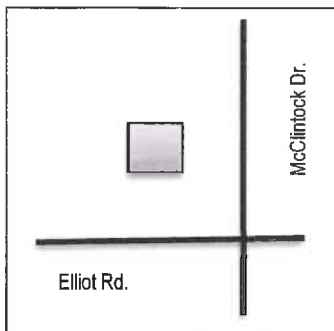
**Meeting Date: 07/05/2022  
Agenda Item: 2**

**ACTION:** Request approval to abate public nuisance items at the Chavira Property located at 1401 E. Stephens Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$2318 for abatement request: remove dead fronds from palm trees on the property.

**RECOMMENDATION:** Staff – Approval of abatement

**BACKGROUND INFORMATION:** City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the CHAVIRA 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 CE220522: remove dead fronds from palm trees on the property.



Property Owner  
Applicant  
Zoning District:  
Code Compliance  
Inspector:

Leandro Chavira  
City of Tempe – Code Compliance  
R1-7, Single Family Residential  
Julie Scofield

**ATTACHMENTS:** Supporting Attachment

**STAFF CONTACT:** Drew Yocom, Interim Code Administrator (480-858-2190)

Department Director: Jeffrey Tamulevich, Department Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Interim Code Administrator

**COMMENTS:**

Code Compliance is requesting approval to abate the Chavira Property located at 1401 E. Stephens Drive, in the R1-7 Single Family Residential district. This case was initiated 01/24/2022, 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 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 Submittal Form

Part 1 of 2

City of Tempe  
Community Development Department  
31 East 5<sup>th</sup> 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	CHAVIRA PROPERTY ABATEMENT	EXISTING ZONING	R1-7 <input type="checkbox"/>
PROJECT ADDRESS	1401 E. STEPHENS DR. TEMPE, AZ 85283	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE220522 HEARING IS JULY 5TH, 2022	PARCEL No(s)	301-92-580 <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)					
BUSINESS NAME		ADDRESS	1401 E. STEPHENS DR.		
CONTACT NAME	LEANDRO CHAVIRA	CITY	TEMPE	STATE	AZ ZIP 85283
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	ADDRESS	21 E. 6TH ST.		
CONTACT NAME	JULIE SCOFIELD	CITY	TEMPE	STATE	AZ ZIP 85281
EMAIL	JULIE_SCOFIELD@TEMPE.GOV	PHONE 1	480-350-8951	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 <i>Julie Scofield</i>	DATE	5/20/22
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BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRS					
BUSINESS NAME		ADDRESS			
CONTACT NAME		CITY		STATE	ZIP
TYPE OF BUSINESS		PHONE		EMAIL	

<input checked="" type="checkbox"/>	APPLICATION (Check all that apply)	QTY	SPECIFIC REQUEST (See <i>Planning &amp; Zoning Fee Schedule</i> 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. SUBDIVISION / CONDOMINIUM PLATS			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
<input type="checkbox"/>	M. SIGN TYPE K			GO	SE
TOTAL NUMBER OF APPLICATIONS		0			

FOR CITY USE ONLY			
DS TRACKING #		FILE APPLICATION WITH CE / CM / IP TRACKING #	DATE RECEIVED (STAMP)
PL TRACKING #			VALIDATION OF PAYMENT (STAMP)
SPR TRACKING # (if 2 <sup>nd</sup> or 3 <sup>rd</sup> submittal, please use Planning Resubmittal Form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

**SEE REVERSE SIDE FOR REQUIRED PROJECT DATA**

**DATE:** 05/20/2022  
**FROM:** Julie Scofield, Sr. Code Inspector  
**SUBJECT:** CE220522, Chavira Property Abatement

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**LOCATION:** 1401 E. STEPHENS DR. TEMPE, AZ 85283

**LEGAL:** KNOELL TEMPE UNIT 9

**PARCEL:** 301-92-580

**OWNER:** LEANDRO CHAVIRA  
1401 E. STEPHENS DR.  
TEMPE, AZ 85283

**FINDINGS:**

01/24/2022 The Code Compliance Division received a complaint for this property for overgrown palm trees in the back yard of the property. An inspection confirmed that there were several palm trees in the back yard with dead palm fronds that are in violation of the landscape code. A notice was mailed to the current owner, Leandro Chavira.

02/24/2022 Inspected the property, and the trees were still in violation. A final notice was mailed to the property owner.

03/28/2022 Reinspected the property. The property was still in violation. A pink hanger was hung on the front door requesting the owner to come into compliance or contact me by 4/1/2022 to avoid a citation.

04/01/2022 Received a phone message from Mr. Chavira. He said he was working on the trees. Granted him until 4/11/2022 to complete the trees and asked him to contact me if he needed more time.

04/11/2022 Mr. Chavira called and requested another week. The time was granted.

04/25/2022 Issued citation #1702577 for the violation of overgrown palm tree fronds. Pictures were taken to show the condition of the property.

05/20/2022 Turning in the paperwork to abate the property. The hearing is set for July 5th, 2022.

**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violation at the property located at 1401 E. Stephens Dr, due to property owner's failure to bring property into compliance with Tempe City Code 21-3. b.8. Leandro Chavira was issued a citation and did not pay for

the fines and has not brought the property into compliance. The property represents an eyesore to the community.

Without the intervention of abatement, the property will continue to deteriorate. I therefore make a request to the City of Tempe Community Development Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code.

Respectfully submitted,

Julie Scofield  
Code Inspector II

ACTION TAKEN: Submit  
NAME Julie Scofield  
DATE: 5/20/2022



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 05/20/2022  
CASE #: CE220522

**CHAVIRA LEANDRO  
1401 E STEPHENS 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:

**LOCATION:** 1401 E STEPHENS DR TEMPE, AZ 85283  
**PARCEL:** 301-92-580

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **07/05/2022**. 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** 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

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

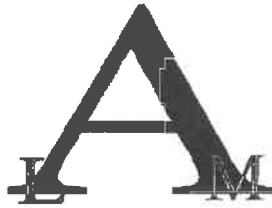
**CC 21-3.b.8 PLEASE TRIM OFF ALL DEAD PALM FRONDS FROM THE PALM TREES IN THE BACK YARD OF THE PROPERTY.**

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 **\$2318.00**. In addition to the actual cost of abatement, an administrative charge of fifteen percent (15%) 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.**

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**Code Inspector: Julie Scofield  
Phone Number: 480-350-8951  
E-mail: julie\_scofield@tempe.gov**



**Artistic Land Management, Inc.**

May 18, 2022

City of Tempe  
Attn: Julie Scofield  
Code Compliance Inspector

RE: Clean-Up at 1401 E. Stephens Dr.

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 1401 E. Stephens Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

#### Scope of Work

- Trim three overgrown fan palms
- Haul away and dispose of debris
- Police presence for the duration of the visit

Total = \$2,318.00

Respectfully,

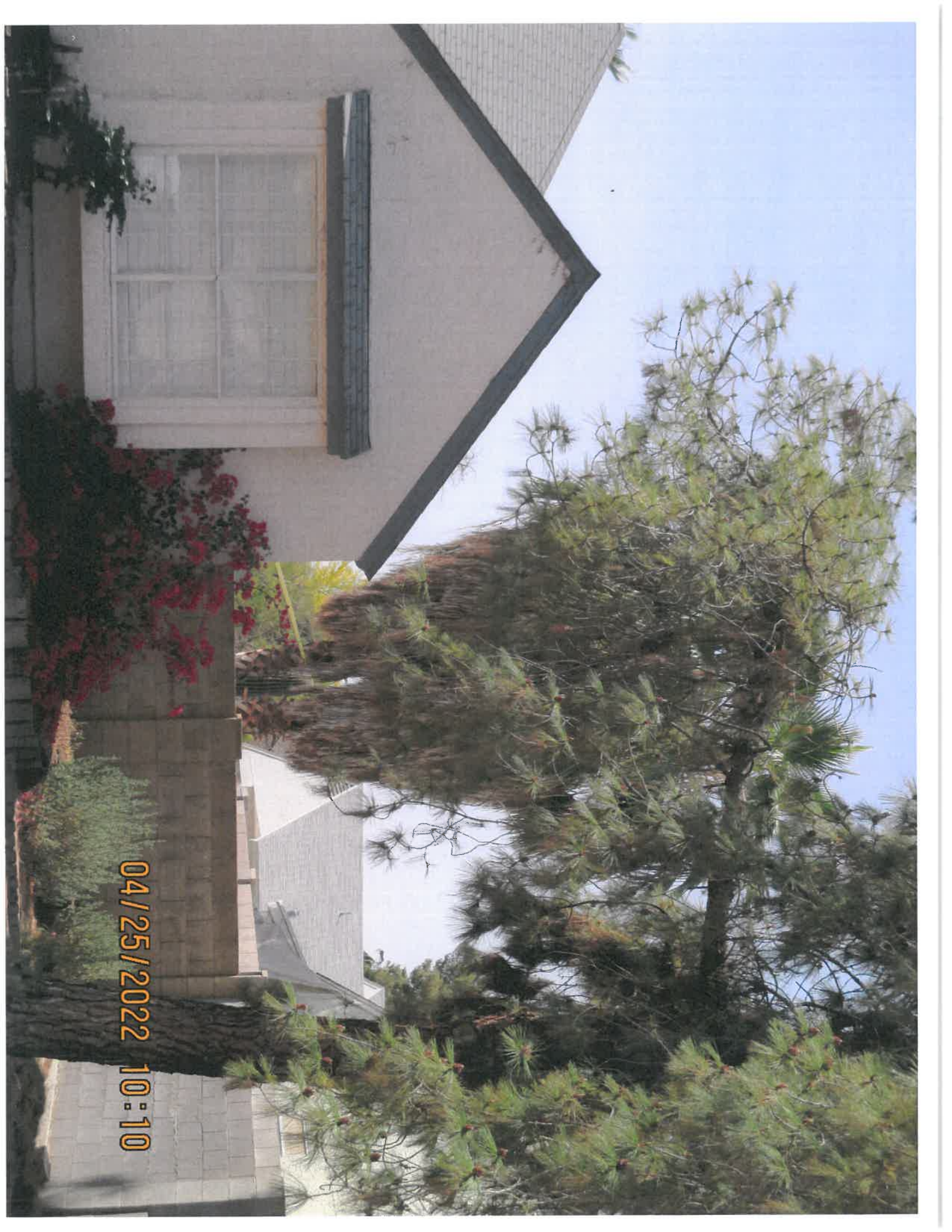
Jose Hernandez





04/25/2022 10:09





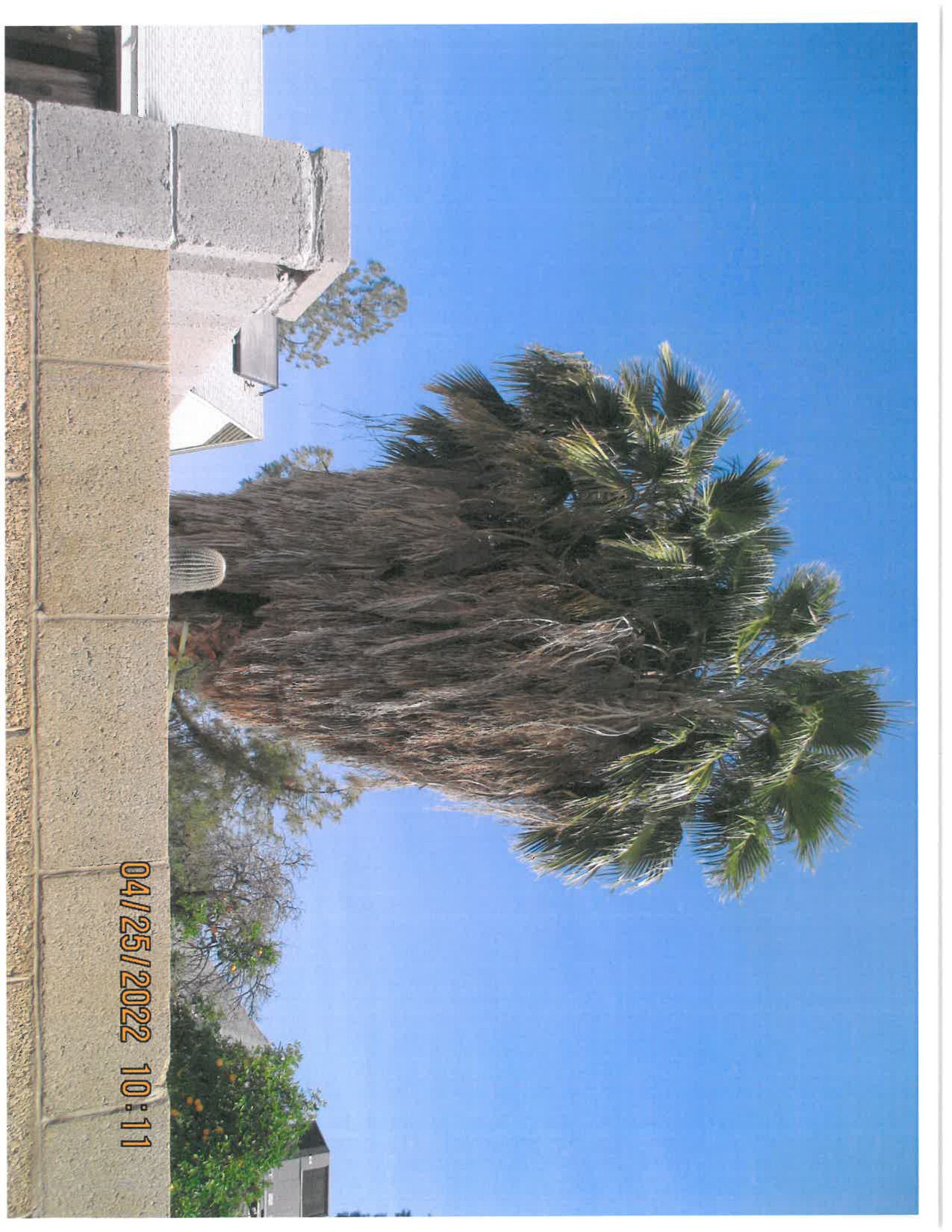
04/25/2022 10:10





04/25/2022 10:12





04/25/2022 10:11





04/25/2022 10:11



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

01/24/2022

CHAVIRA LEANDRO  
1401 E STEPHENS DR  
TEMPE, AZ 85283

Case #: CE220522  
Site Address: 1401 E STEPHENS DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 01/24/2022 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 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

**SITE REINSP  
ON OR  
AFTER**

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

CC 21-3.b.8	PLEASE TRIM OFF ALL DEAD PALM FRONDS FROM THE PALM TREES IN THE BACK YARD OF THE PROPERTY.	2/23/2022
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Julie Scofield**  
Code Inspector

**Direct: 480-350-8951**  
**Code Compliance: 480-350-4311**  
**Email: julie\_scofield@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 \$82.00 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**

02/24/2022

CHAVIRA LEANDRO  
1401 E STEPHENS DR  
TEMPE, AZ 85283

Case #: CE220522  
Site Address: 1401 E STEPHENS DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 02/24/2022 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 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

**SITE REINSP  
ON OR  
AFTER**

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

CC 21-3.b.8	PLEASE TRIM OFF ALL DEAD PALM FRONDS FROM THE PALM TREES IN THE BACK YARD OF THE PROPERTY.	3/26/2022
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Julie Scofield**  
Code Inspector

**Direct: 480-350-8951**  
**Code Compliance: 480-350-4311**  
**Email:julie\_scofield@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 \$82.00 pursuant to City Code Section 21-51, subsection (b).

**Civil and Criminal Penalties**

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# Arizona Traffic Ticket and Complaint

City of Tempe  
Maricopa County  
State of Arizona



Complaint Number <b>1702577</b>	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	<input type="checkbox"/> 16 Passenger Vehicle	<input type="checkbox"/> Haz. Material	Incident Report Number <b>CE220522</b>

Interpreter Required?  Spanish  Other Language

**Defendant** Name (First, Middle, Last) **LEANDRO CHAVIRA** Juvenile

Residence Address, City, State, Zip Code **1401 E. Stephens Dr. Tempe, AZ 85283** 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 **04/25/2022** Time **10:09**  AM  PM **Speed** Approx. Posted R & P Speed Measurement Device  Radar  Laser  Pace Direction of Travel

At Location **1401 E Stephens Dr.**  Tempe **85283** State of Arizona Area Dist.

The Defendant Committed the Following:

<b>A</b>	Section: <b>TCC 21-3A</b>	ARS Violation: <b>21-3-B-8 Deteriorated Landscape (Palm fronds)</b>	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense
<b>B</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense
<b>C</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense
<b>D</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense
<b>E</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense

**You must appear on the date and time indicated at:**

Traffic Court Suite 150, 1st Floor Date: **05/09/2022** 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.

Complainant **[Signature]** PSN **8022**

Comments: **1st citation \$200.00**

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 \_\_\_\_\_

Date issued if not violation date \_\_\_\_\_

COMPLAINT



1702577

If you were charged with a civil ordinance violation and you fail to appear as directed in this complaint, a default judgement will be entered, and a monetary penalty will be imposed.