

**CITY OF TEMPE
HEARING OFFICER**

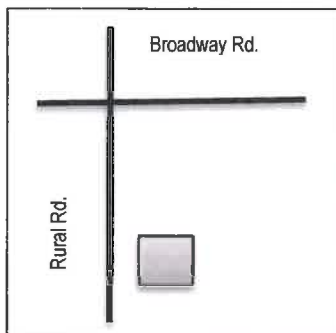
**Meeting Date: 07/05/2022
Agenda Item: 3**

ACTION: Request approval to abate public nuisance items at the Wedwick Property located at 2504 S. Jentilly Lane. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1411 for abatement request: front and side yard landscape cleanup, remove trash, debris & miscellaneous items from driveway.

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 WEDWICK 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 CE221920: front and side yard landscape cleanup, remove trash, debris & miscellaneous items from driveway.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Chris Wedwick
City of Tempe – Code Compliance
R1-6, Single Family Residential
Melissa Ensing

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 Wedwick Property located at 2504 S. Jentilly Lane, in the R1-6 Single Family Residential district. This case was initiated 03/22/2022, 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 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 Submittal Form

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	WEDWICK PROPERTY ABATEMENT					EXISTING ZONING	R1-6	<input type="checkbox"/>		
PROJECT ADDRESS	2504 S. JENTILLY LN., TEMPE, AZ 85282					SUITE(S)		<input type="checkbox"/>		
PROJECT DESCRIPTION	ABATEMENT OF CE221920 JULY 05, 2022					PARCEL No(s)	133-42-082	<input type="checkbox"/>		
PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)										
BUSINESS NAME					ADDRESS	2504 S. Jentilly LN.				
CONTACT NAME	Chris Wedwick			CITY	Tempe	STATE	AZ	ZIP	85282	
EMAIL					PHONE 1	PHONE 2				
<i>I hereby authorize the applicant below to process this application with the City of Tempe.</i>										
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 ENFORCEMENT				ADDRESS	21 E. 6TH STREET, SUITE 208				
CONTACT NAME	MELISSA ENSING/CODE INSPECTOR			CITY	TEMPE	STATE	AZ	ZIP	85281	
EMAIL	melissa_ensing@tempe.gov				PHONE 1	480-858-2085		PHONE 2		
<i>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.</i>										
APPLICANT SIGNATURE					X	DATE 6/1/2022				
<i>Melissa</i>										
BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs										
BUSINESS NAME					ADDRESS					
CONTACT NAME					CITY			STATE		
TYPE OF BUSINESS					PHONE			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. 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)		VALIDATION OF PAYMENT (STAMP)				
PL TRACKING #						TOTAL APPLICATION FEES				
SPR TRACKING # (if 2 nd or 3 rd submittal, please use Planning Resubmittal Form)						RECEIVED BY INTAKE STAFF (INITIALS)				

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: June 1, 2022
TO: Jack Scofield, Senior Code Inspector
FROM: Melissa Ensing, Code Inspector
SUBJECT: CE221920, Chris Wewick Property Abatement

LOCATION: 2504 S. JENTILLY LN., TEMPE, AZ 85282

PARCEL: 13342082

OWNER: CHRIS WEDWICK
2504 S. JENTILLY LN.
TEMPE, AZ 85282

FINDINGS:

03/22/2022 I inspected property and observed deteriorated landscape that included grass and weeds in the front and side yards, palm fronds in the front landscape, trash and debris in the driveway and side yard. Notice to comply mailed to owner.

04/05/2022 I inspected property and found landscape to still be deteriorated with the trash and debris improvement. Mailed final notice to comply to owner.

04/19/2022 Posted placard notice to comply or contact me on the door.

04/26/2022 Civil Citation issued.

05/24/2022 Owner failed to appear for court

06/01/2022 Posted notice of intent to abate to property and mailed to property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 2504 S. JENTILLY LN. due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8 and 21-3.B.1. Mr. Wedwick has been given ample time to come into compliance and maintain the property. The property owner has been issued a civil citation and has failed to appear to court. There has been no indication that the property owner will bring the property into compliance. The property represents a health hazard and 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 and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Respectfully submitted,

Melissa Ensing
Code Inspector

ACTION TAKEN: Submit

NAME 

DATE: 6/2/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 06/01/2022
CASE #: CE221920

**WEDWICK CHRIS
2504 S JENTILLY LN
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: 2504 S JENTILLY LN TEMPE, AZ 85282
PARCEL: 13342082

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 landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance
- 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

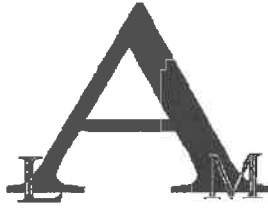
As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below. If the violation(s) have not been corrected, our office will proceed with the abatement process.

- CC 21-3.b.8 REMOVE GRASS AND WEEDS FROM FRONT AND SIDE YARDS.**
- GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS.**
- CC 21-3.b.1 REMOVE TRASH, DEBRIS, AND OTHER MISC ITEMS FROM THE DRIVEWAY.**

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 **\$1,411.00**. 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.

**Code Inspector: Melissa Ensing
Phone Number: 480-858-2085
E-mail: Melissa_Ensing@tempe.gov**



Artistic Land Management, Inc.

May 18, 2022

City of Tempe
Attn: Melissa Ensing
Code Compliance Inspector

RE: Clean-Up at 2504 S. Jentilly Ln.

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 2504 S. Jentilly Ln, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Remove weeds, trash, junk, and debris from the front and side yards including the driveway area
- Police presence for the duration of the visit

Total = \$1,411.00

Respectfully,

Jose Hernandez

Network:Jun 1, 2022 at 10:45:10 AM MS-
Local:Jun 1, 2022 at 10:45:10 AM MS-



Network:Jun 1, 2022 at 10:45:47 AM MS-
Local:Jun 1, 2022 at 10:45:47 AM MS-



Network:Jun 1, 2022 at 10:43:33 AM MS-
Local:Jun 1, 2022 at 10:43:33 AM MS-





COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

03/23/2022

WEDWICK CHRIS
2504 S JENTILLY LN
TEMPE, AZ 85282

Case #: CE221920
Site Address: 2504 S JENTILLY LN, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/22/2022 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 landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance
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
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

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	PLEASE REMOVE GRASS AND WEEDS FROM FRONT AND SIDE YARDS. GRAVEL LANDSCAPE MUST BE MAINTAINED FREE OF GRASS AND WEEDS, WILDFLOWERS PERMITTED.	04/05/2022
CC 21-3.b.8	PLEASE REMOVE PALM FRONDS FROM FRONT LANDSCAPE.	04/05/2022
CC 21-3.b.1	REMOVE TRASH, DEBRIS, AND OTHER MISC ITEMS FROM THE DRIVEWAY.	04/05/2022

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

Melissa Ensing
Code Inspector

Direct: 480-858-2085
Code Compliance: 480-350-4311
Email:Melissa_Ensing@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
CORRECTION NOTICE

03/23/2022

WEDWICK,CHRIS
12802 E GOLD DUST AVE
SCOTTSDALE, AZ 85259

Case #: CE221920
Site Address: 2504 S JENTILLY LN, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 03/22/2022 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.

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Melissa Ensing
Code Inspector

Direct: 480-858-2085
Code Compliance: 480-350-4311
Email:Melissa_Ensing@tempe.gov

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

04/05/2022

WEDWICK CHRIS
2504 S JENTILLY LN
TEMPE, AZ 85282

Case #: CE221920
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CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS WILL BE ISSUED.

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

Melissa Ensing
Code Inspector

Direct: 480-858-2085
Code Compliance: 480-350-4311
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