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**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 08/15/2023  
Agenda Item: 2**

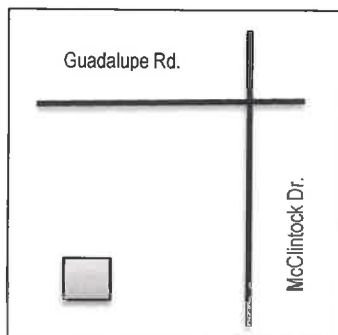
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**ACTION:** Request approval to abate public nuisance items at the Davis Property located 6904 S. Lakeshore Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$1310 for abatement request: front, & side yard landscape cleanup; junk & debris removal from front porch & driveway area.

**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 DAVIS 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 CE230918: front, & side yard landscape cleanup; junk & debris removal from front porch & driveway area.



Property Owner  
Applicant  
Zoning District:  
Code Compliance  
Inspector:

Monson Curtis Davis  
City of Tempe – Code Compliance  
R1-6 Single Family Residential District  
Barbara Simons

**ATTACHMENTS:** Supporting Attachment

**STAFF CONTACT:** Drew Yocom, 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, Code Administrator

**COMMENTS:**

Code Compliance is requesting approval to abate the Davis Property located 6904 S. Lakeshore Drive, in the R1-6 Single Family Residential District. This case was initiated 2/14/23, 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 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	DAVIS PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	6904 S. LAKESHORE DRIVE	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE230918 HEARING SCHEDULED FOR AUGUST 15, 2023	PARCEL No(s)	301-48-359 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME		ADDRESS	6904 S. LAKESHORE DRIVE
CONTACT NAME	MONSON CURTIS DAVIS	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 STREET
CONTACT NAME	BARBARA SIMONS	CITY	TEMPE
		STATE	AZ
		ZIP	85281
EMAIL	barbara_simons@tempe.gov	PHONE 1	480-350-5460
		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	7/12/23
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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	

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)
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:** 07/12/2023  
**TO:** Julie Scofield, Senior Code Inspector  
**FROM:** Barbara Simons  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE230918

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**LOCATION:** 6904 S. Lakeshore Drive Tempe, AZ 85283  
**LEGAL:** Parcel #301-48-359, as recorded with the Maricopa County Assessor  
**OWNER:** MONSON CURTIS DAVIS  
6904 S LAKESHORE DRIVE  
TEMPE, AZ 85283

**FINDINGS:**

2/14/23 - Case was opened proactively for weeds in the gravel front & side yards and for junk and stored items in the front porch area. Notice to comply was mailed to Monson Curtis Davis on 2/14/23, with a re-inspection date of 3/6/23.

3/7/23 – The property was inspected and the weeds and the junk and stored items remained. A final violation notice was sent with a re-inspection date of 3/27/23.

3/29/23 – The property was inspected and no changes were observed. A door notice was left at the property asking the owner to contact me.

4/10/23 – The yard was cleaned up and some of the items that had been stored in one of the vehicles in the driveway had been removed. Boxes and stored items remained in the front porch area. I emailed the owner asking for resolution by 4/17.

4/18/23 – The property was re-inspected and no change was observed in the porch area. I emailed the owner again warning of a citation if not remedied.

4/26/23 – Owner emailed and said he had rented a storage unit for the items in the porch area and would begin moving them. An extension was granted until May 15<sup>th</sup>.

5/17/23 – The property was re-inspected and the weeds were back and the items in the porch area remained. Photos were taken and Citation #1702170 was issued.

7/12/23 – The property was inspected with no change to its condition. Code Compliance filed for an Abatement Hearing. Notice was posted to the property.

**RECOMMENDATIONS:**

I recommend the approval of a 180-day open abatement period for removal of excess fronds from 6904 S. Lakeshore Drive, which is owned by Monson Curtis Davis. The owner has been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action.

Respectfully submitted,  
Barbara Simons

ACTION TAKEN: Submitted

NAME: Julia Scofield

DATE: 7/12/23



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 07/12/2023  
CASE #: CE230918

**DAVIS MONSON CURTIS**  
**6904 S LAKESHORE 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:** 6904 S LAKESHORE DR TEMPE, AZ 85283  
**PARCEL:** 30148359

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **08/15/2023**. 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
- CC 21-3.b.8** Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

**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.1** Please remove the junk, trash and stored items in the front porch area.
- CC 21-3.b.8** Please completely remove the weeds and/or grass in the gravel landscape in the front & side yards.

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 **\$1310**. 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: Barbara Simons**  
**Phone Number: 480-350-5460**  
**E-mail: Barbara\_Simons@tempe.gov**



**Artistic Land Management, Inc.**

June 24, 2023

City of Tempe  
Attn: Barbara Simons  
Code Inspector

RE: Clean-Up at 6904 S Lakeshore 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 6904 S. Lakeshore Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

#### Scope of Work

- Front and side yard landscape clean-up to include removal of grass and weeds
- Pre-emergent application
- Remove stored items in front porch and driveway areas
- Haul off and dispose of debris
- Police presence for duration of the visit

Total: \$1,310.00

Respectfully,

Jose Hernandez



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

02/14/2023

DAVIS MONSON CURTIS  
6904 S LAKESHORE DR  
TEMPE, AZ 85283

Case #: CE230918  
Site Address: 6904 S LAKESHORE DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 02/14/2023 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	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches
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 completely remove the weeds and/or grass growing in the gravel landscape in the front and side yards.	03/06/2023
CC 21-3.b.1	Please remove the junk, trash and stored items in the front porch area.	

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

Barbara Simons  
Code Inspector

Direct: 480-350-5460  
Code Compliance: 480-350-4311  
Email: Barbara\_Simons@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**

03/07/2023

DAVIS MONSON CURTIS  
6904 S LAKESHORE DR  
TEMPE, AZ 85283

Case #: CE230918  
Site Address: 6904 S LAKESHORE DR, TEMPE, AZ 85283

This is a notice to inform you that this site was inspected on 03/07/2023 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	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches
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 completely remove the weeds and/or grass growing in the gravel landscape in the front and side yards.	03/27/2023
CC 21-3.b.1	Please remove the junk, trash and stored items in the front porch area.	

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

**Barbara Simons**  
Code Inspector

**Direct: 480-350-5460**  
**Code Compliance: 480-350-4311**  
**Email: Barbara\_Simons@tempe.gov**

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**Civil and Criminal Penalties**

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6901



# Arizona Traffic Ticket and Complaint

City of Tempe  
Maricopa County  
State of Arizona



Complaint Number <b>1702170</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.		<input type="checkbox"/> DLP	State	Class	Endorsements M H N P T X D			Incident Report Number <b>CE 230918</b>		<input type="checkbox"/> 16 Passenger Vehicle <input type="checkbox"/> Haz. Material			
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language													
Defendant <b>MONSON CURTIS DAVIS</b>										Juvenile			
Residence Address, City, State, Zip Code <b>6904 S LAKE SHORE DR. TEMPE AZ 85283</b>										Telephone: (cell phone) <input type="checkbox"/>			
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 <b>05</b>	Day <b>17</b>	Year <b>2023</b>	Time <b>2:15</b>	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Speed	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace		Direction of Travel	
At	Location <b>6904 S. LAKE SHORE DR.</b>							<input checked="" type="checkbox"/> Tempe	<b>85283</b>	State of <b>Arizona</b>		Area	Dist.
The Defendant Committed the Following:													
<b>A</b>	Section: <b>TCC 21-3 A</b>		ARS Violation: <b>CC 21-3.b.8 DETERIORATED LANDSCAPE</b>		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input checked="" type="checkbox"/> Municipal Code				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense				
MVD													
<b>B</b>	Section: <b>TCC 21-3 A</b>		ARS Violation: <b>CC 21-3.b.1 JUNK, TRASH &amp; DEBRIS</b>		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input checked="" type="checkbox"/> Municipal Code				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense				
MVD													
<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				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense				
MVD													
<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				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense				
MVD													
<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				
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense				
MVD													
You must appear on the date and time indicated at:	Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753		<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor		Date: <b>05-31-2023</b>		Time: <b>Between 9AM &amp; 4PM</b>						
	<input type="checkbox"/> Court:		<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor		Date: _____		Time: _____		<input type="checkbox"/> AM <input type="checkbox"/> PM				
	Court Address, City, State, Zip Code												
Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.						Victim? <input type="checkbox"/>			Victim Notified? <input type="checkbox"/>				
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.						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.							
<b>X MAILED &amp; POSTED TO PROPERTY</b>						<b>D. SCHMIDT</b>			<b>8042</b>				
						<b>COMPLIANCE</b>			<b>PSN</b>				
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 _____													
Date issued if not violation date													
<b>1ST VIOLATION - \$400.00 FINE</b>													
<b>COMPLAINT</b>													

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.



1702170