



**CITY OF TEMPE
HEARING OFFICER**

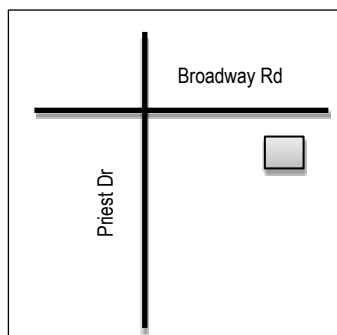
**Meeting Date: 5/06/2025
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the 833 W BROADWAY RD- FARHAD NABAVI PROPERTY located at 833 W. Broadway Rd. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$2,750.00 for abatement request, including deteriorating landscaping, dead trees, junk and debris, graffiti, and security on site.

RECOMMENDATION: Staff – Approval

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the 833 W BROADWAY RD- FARHAD NABAVI. 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 CM211405: including deteriorating landscaping, dead trees, junk and debris, graffiti, and security on site.



Property Owner: FARHAD NABAVI
Applicant: City of Tempe – Code Compliance
Zoning District: GID, General Industrial District
Code Compliance Inspector: Brian Shumway, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Jack Scofield, Code Compliance Administrator (480-350-8967)
Department Director: Jeff Tamulevich, Community Development Director
Prepared by: Shawn Daffara, Crime Prevention Planning Coordinator (480-858-2284)
Reviewed by: Drew Yocom, Deputy Community Development Director – Community Enhancement Division

COMMENTS:

Code Compliance is requesting approval to abate the 833 W Broadway- Farhad Nabavi located at 833 W. Broadway Rd in the GID, General Industrial District. This case was initiated 10/29/21 following 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 the 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	833 W Broadway Rd, Nabavi Farhad, Property Abatement	EXISTING ZONING	<input type="checkbox"/>
PROJECT ADDRESS	833 W Broadway Rd Tempe, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement of CM211405 May6, 2025	PARCEL No(s)	<input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME	Nabavi Farhad	ADDRESS	PO BOX 27725
CONTACT NAME		CITY	Tempe
		STATE	AZ
		ZIP	85282
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 Enforcement	ADDRESS	21 E. 6th St. Ste 208
CONTACT NAME	Brian Shumway, Code Inspector	CITY	Tempe
		STATE	AZ
		ZIP	85281
EMAIL	brian_shumway@tempe.gov	PHONE 1	480-858-2283
		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	4/4/25
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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)	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: April 04, 2025
TO: Anna Churan, Senior Code Inspector
FROM: Brian Shumway, Code Inspector
SUBJECT: CM211405, NABAVI FARHAD

LOCATION: 833 W. Broadway Rd. Tempe, AZ 85281
PARCEL: 123-550-04K
OWNER: NABAVI FARHAD
PO BOX 27725
TEMPE, AZ 85285

FINDINGS:

This case originated on October 29, 2021, when Code Compliance Division received complaint for deteriorated landscape, graffiti, and junk, trash, debris at 833 W Broadway Rd in Tempe, Arizona

01/03/2022-08/09/2024- Violations remained present. With the owner at the time, 833 W Broadway RE LLC, multiple correction notices were issued, four citations were issued, and defendant failed to appear on all but one. Between 2022-2023, building permits were issued, no work was done, and they expired.

09/17/2024-11/25/2024- Code Commercial Supervisor Churan noted property still in violation, vacant business, old bank. Junk, trash, debris, homeless encampments, grass and weeds in gravel, missing address numbers, graffiti, deteriorated landscaping.

12/26/2024- I took over as the Inspector for this case. I inspected the property and noticed graffiti in numerous places on the property. Junk, trash, debris all over the property (old wood, old mattresses, old clothing). It appears several homeless encampments on the south end of the property. Several dead trees and dead vegetation throughout the property. Dead trees, where the stumps are still showing, not cut down to ground level. Missing vegetation on the property, along Broadway, and along Hardy Dr. Drywall and building material are missing on the drive-thru area and wood facing is deteriorated. South doors are boarded up, not in working condition. Several broken, damaged windows.

01/30/2025- I inspected the property, and all the violations were still present. I was able

to contact owner of 833 W Broadway RE LLC, Mark Ferris, by telephone and he told me the property is in foreclosure. He said possibly will be in bankruptcy at some point too. Mark said he is already out \$250,000 and it does not make sense to put any more money into the property.

02/12/2025- Code Compliance received a complaint from PD about people getting into the building through unsecured door. I reached out to Mark and advised him.

02/14/2025- Mark provided me with a Notice of Foreclosure stating the property is in the beginning stages of foreclosure with an auction date of 03/25/25. I went by the property and noticed all the violations were still present.

02/18/2025- I returned to the property today and noticed all violations from December 26, 2024, remain. Fifth citation issued and owner failed to appear.

02/24/25- Posted notice to abate to property and mailed to owner.

03/26/25- this property was sold in foreclosure back to the original owner, Farhad Nabavi. The property is still in violation and junk, trash, debris, graffiti, overgrown, dead, dry, and deteriorated landscape is still present at the property.

04/04/25- Inspected the property and noticed it still had multiple violations, the abatable ones were graffiti, and dead tree branches. My supervisor Anna Churan and myself met Farhad Nabavi onsite and I had delivered the notice of violations and the notice of intent to abate. Maricopa County Assessors shows the owner as Nabavi Farhad as of March 25, 2025. Farhad said he is aware of the history of violations on the property. Farhad stated he understood the notice and stated he will clean up the property. Due to the long history of this property being in violation of junk, trash, debris, deteriorated landscaping, and graffiti, I am continuing with the abatement process.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 833 W. Broadway Rd, Tempe due to property owner's failure to bring property into compliance with Tempe City Code Sec. 22-105, 21-3.b.8 and 21-3.b.1. Property owner has been given ample time to come into compliance and maintain the property. The property owner has been issued multiple 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,

Brian Shumway
Code Inspector

ACTION TAKEN: Submit

NAME Ana Anna

DATE: 4/18/25



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 04/04/2025
CASE #: CM211405

FARHAD NABAVI
PO BOX 27725
TEMPE, AZ 85285

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

LOCATION: 833 W BROADWAY RD TEMPE, AZ 85282
PARCEL: 12355004K

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers 05/06/2025 5:00 PM. 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:

- Sec.22-105. All sidewalks, walls, buildings, fences, signs, and other structures of surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property
- CC 21-3.b.8 Landscaping that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps
- 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

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

- Sec.22-105. Please remove all graffiti on the property
- CC 21-3.b.8 Remove dead tree. Stumps need to be removed or cut to ground level
- CC 21-3.b.1 Please remove trash, litter and debris from property.

There has been multiple homeless encampments on-site, they are leaving behind junk, trash, and debris.

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 \$2,750.00. 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: Brian Shumway
Phone Number: 480-858-2283
E-mail: Brian_Shumway@tempe.gov**



Skunky's Junk Removal

833 West Broadway Road
Tempe, AZ 85282

✉ emailprocurementofficerdirectly@none.com

ESTIMATE	#653
SERVICE DATE	Feb 22, 2025
EXPIRATION DATE	Apr 7, 2025
TOTAL	\$2,750.00

CONTACT US

2618 W. First Street, Suite 7
Tempe, AZ 85281

☎ (844) 758-6597

✉ info@skunkysjunk.com

ESTIMATE

Services	amount
CM211405, 833 W Broadway	\$2,750.00
Remove any junk, trash and debris from the front, sides and rear of the property.	
Cut the over height grass, weeds, remove any dead vegetation in the front, sides and rear of the property.	
Trim and/or remove any overgrown bushes, shrubs or trees in the front, side and rear of the property, including the removal of the stump on the property.	
Also, covering and/or removal of graffiti on the property.	
	Services subtotal: \$2,750.00
Total	\$2,750.00

Skunky's Junk Removal is a full service Junk removal company located in Tempe Arizona. Skunky's is dedicated to diverting waste from landfills and donates salvageable items to local charity's.

Feb 25, 2025 at 9:56:03 AM



Feb 25, 2025 at 9:56:14 AM



Feb 25, 2025 at 9:58:40 AM



Feb 25, 2025 at 9:57:14 AM



Apr 16, 2025 at 1:13:53 PM



Apr 16, 2025 at 1:14:05 PM

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

04/04/2025

FARHAD NABAVI
PO BOX 27725
TEMPE, AZ 85285

Case #: CM211405
Site Address: 833 W BROADWAY RD, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 04/01/2025 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
ZDC 4-102.E.1.	Site not maintained in accordance with approved plans
ZDC 4-102.E.2.	Dead or damaged landscape feature
ZDC 4-102.E.6.	Lack of maintenance
Sec.22-105.	All sidewalks, walls, buildings, fences, signs, and other structures of surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps
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
ZDC 4-903B.Address	Addresses shall be visible from public access and meet size specifications.
ZDC 4-803.D.9	Parking lots , aisles and refuse areas shall be illuminated from dusk to dawn.
ZDC 4-102.E.3.	Illegal removal of landscape, lighting, walls, screening devices or other features

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
ZDC 4-102.E.1.	Maintain site in conformance with plans approved by the City	4/18/2025
ZDC 4-102.E.2.	Replace landscaping in accordance with last approved plans	4/18/2025
ZDC 4-102.E.6.	Maintain property free of trash, litter and/or debris. This includes repairing pot holes in asphalt parking lot.	4/18/2025
Sec.22-105.	Please remove all graffiti on the property	4/18/2025
CC 21-3.b.8	Remove dead tree. Stumps need to be removed or cut to ground level	4/18/2025
CC 21-3.b.1	Please remove trash, litter and debris from property. There has been multiple homeless encampments on-site, they are leaving behind junk, trash, and debris.	4/18/2025
ZDC 4-903B.Address	Replace sign per site plan. Property address needs to be visible.	4/18/2025
ZDC 4-803.D.9	Pease ensure all lighting in parking lot is working and is on from dusk to dawn.	4/18/2025
ZDC 4-102.E.3.	Please replace all lighting on the property. Ensure lighting is conforms to last site plan. Any modifications need to be approved. Please contact our in-house City Planner, Shawn Daffara at 480-858-2284 or shawn_daffara@tempe.gov. He can assist you with any site modifications.	4/18/2025

CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS MAY BE ISSUED

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

Brian Shumway
Code Inspector

Direct: 480-858-2283
Code Compliance: 480-350-4311
Email: Brian_Shumway@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

04/04/2025

PAKON
FARHAD (FRED) NABAVI
2505 S HARDY
TEMPE, AZ 85282

Case #: CM211405
Site Address: 833 W BROADWAY RD, TEMPE, AZ 85282

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