



**CITY OF TEMPE
HEARING OFFICER**

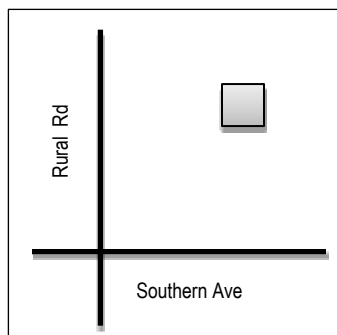
**Meeting Date: 08/19/2025
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the CULBERTSON & HERBOTS Property located at 1211 E. Balboa Dr. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$7,965.00 for abatement request, including removal of all junk/debris, litter on site. Removal of all dead trees and landscape site. 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 CULBERTSON & HERBOTS Property (CE253225). 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 CE253225: including removal of all junk/debris, litter on site. Removal of all dead trees and landscape site. Security on site.



Property Owner: Robert Culbertson & Nicole Herbots
Applicant: City of Tempe – Code Compliance
Zoning District: R1-6- Single Family Residential District
Code Compliance Inspector: Andres Lara-Reyes, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Shawn Daffara, Crime Prevention Planning Coordinator (480-858-2284)

Department Director: Jeff Tamulevich, Community Development Director
Prepared by: Shawn Daffara, Crime Prevention Planning Coordinator
Reviewed by: Drew Yocom, Deputy Community Development Director – Community Enhancement

COMMENTS:

Code Compliance is requesting approval to abate the CULBERTSON & HERBOTS Property located at 1211 E. Balboa Dr. This case was initiated 05/29/2025 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

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	ROBERT CULBERTSON & NICOLE HERBOTS			EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1211 E BALBOA DR TEMPE AZ 85282			SUITE(S)	CE253225 <input type="checkbox"/>
PROJECT DESCRIPTION	TRASH, LITTER, DEBRIS; DETERIORATED LANDSCAPE HEARING DATE: AUGUST 19, 2025			PARCEL No(s)	133-32-495 <input type="checkbox"/>
PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)					
BUSINESS NAME	ROBERT CULBERTSON & NICOLE HERBOTS	ADDRESS	1211 E BALBOA DR		
CONTACT NAME		CITY	TEMPE, AZ	STATE	AZ ZIP
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	ADDRESS	21 E 6TH ST STE 208		
CONTACT NAME	ANDRES LARA-REYES	CITY	TEMPE	STATE	AZ ZIP
EMAIL	andres_lara-reyes@tempe.gov	PHONE 1	(480) 350-8963	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 7/16/2025
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. SUBDIVISIONS / CONDOMINIUMS			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	
TOTAL NUMBER OF APPLICATIONS	0				
FOR CITY USE ONLY					
DS TRACKING #		FILE THIS APPLICATION WITH CE / CM TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)	
PL TRACKING #					
SPR TRACKING # (if 2 nd or 3 rd submittal, use planning resubmittal form)				TOTAL APPLICATION FEES	
				RECEIVED BY INTAKE STAFF (INITIALS)	

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: July 16, 2025
TO: John Salazar, Senior Code Compliance Inspector
FROM: Andres Lara-Reyes, Code Inspector
SUBJECT: CE253225, ROBERT CULBERTSON & NICOLE HERBOTS Property Abatement

LOCATION: 1211 E BALBOA DR TEMPE, AZ 85282

PARCEL: 133-32-495

OWNER: ROBERT CULBERTSON & NICOLE HERBOTS
1211 E BALBOA DR
TEMPE, AZ 85282

FINDINGS:

05/29/2025 The Code Compliance Division received a complaint for Tree branches growing over into alley - notice mailed.

06/11/2025 New complaint was received for trash, litter and debris in the back yard.

06/12/2025 Our office contacted Mr. Culbertson and explained the violations in the backyard to him and his wife. They spoke with Andres and received an extension.

06/23/2025 Tree branches growing over into alley trimmed.

07/02/2025 Correction notice mailed to remove all trash, litter and tree leaves debris in the back yard. Need to remove or cut to ground level any dead trees, dead vegetation, dead tree branches in the back yard.

07/11/2025 Notice of intent to abate mailed and posted to the front door.

07/16/2025 Owner provided access to the back yard. observed a full roll off in the driveway. West half of the back yard shade tarps and most of the debris removed. The east half of the back yard needs clean up. Explained guide lines to bring the property into compliance. we are still moving forward with the abatement process - will monitor & inspect in 2 weeks & review with the office. owner to keep us posted of progress done.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1211 E BALBOA DR due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.1 & 21-3.B.8. ROBERT CULBERTSON & NICOLE HERBOTS have been given ample time to come into compliance and maintain the property. 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,

Andres Lara-Reyes
Code Inspector

ACTION TAKEN: Submit
NAME John Salazar
DATE: 7/18/20



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 07/11/2025
CASE #: CE253225

ROBERT CULBERTSON & NICOLE HERBOTS
1211 E BALBOA DR
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: 1211 E BALBOA DR TEMPE, AZ 85282
PARCEL: 13332495

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **08/19/2025 at 05:00 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:

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

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:

- CC 21-3.b.1 Please remove all trash, litter, debris, tree branches debris, tree leaves debris, scrap, wood, metals, tarps, items covered with tarps, tarps used as shade, blocks, green fencing, pieces of plywood, umbrellas in the back and front yard areas of the property;
- CC 21-3.b.8 Please remove or cut to ground level any dead trees; trim any dead vegetation, dead tree branches, dead palm fronds in the back yard.

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 **\$7965.00**. 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: Andres Lara-Reyes
Phone Number: 480-350-8963
E-mail: andres_lara-reyes@tempe.gov



Artistic Land Management, Inc.

July 7, 2025

City of Tempe
Attn: Andres Lara-Reyes
Code Compliance Inspector

RE: Clean-Up at 1211 E. Balboa 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 1211 E. Balboa Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Remove all trash, litter, debris, tree leaves, and branches debris in the backyard
- Removal of any dead trees, dead vegetation, dead palm fronds, dead tree branches in the backyard
- Police presence on-site for the duration of the visit

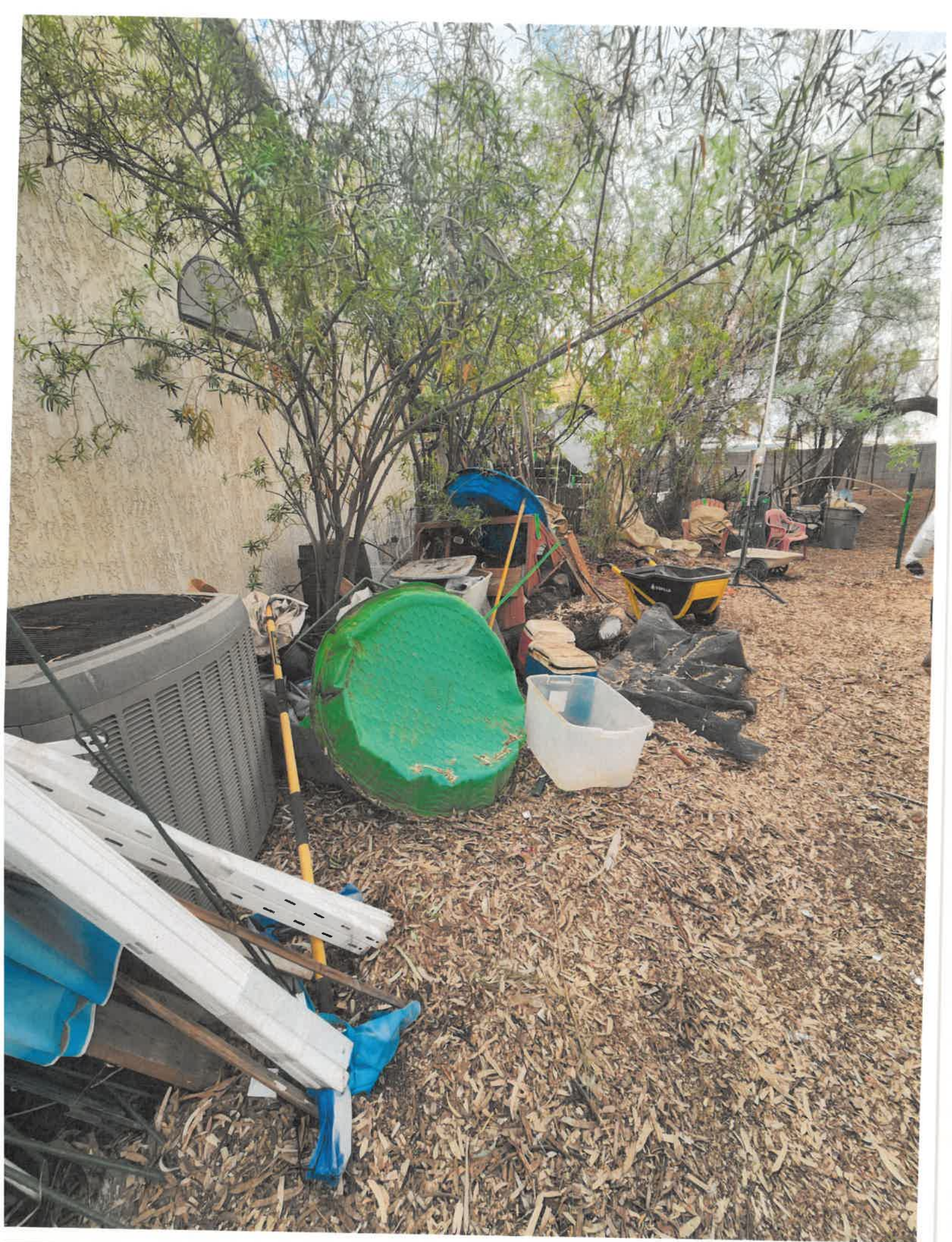
Total = \$7,965.00

*Please note this work will take more than one day

Respectfully,

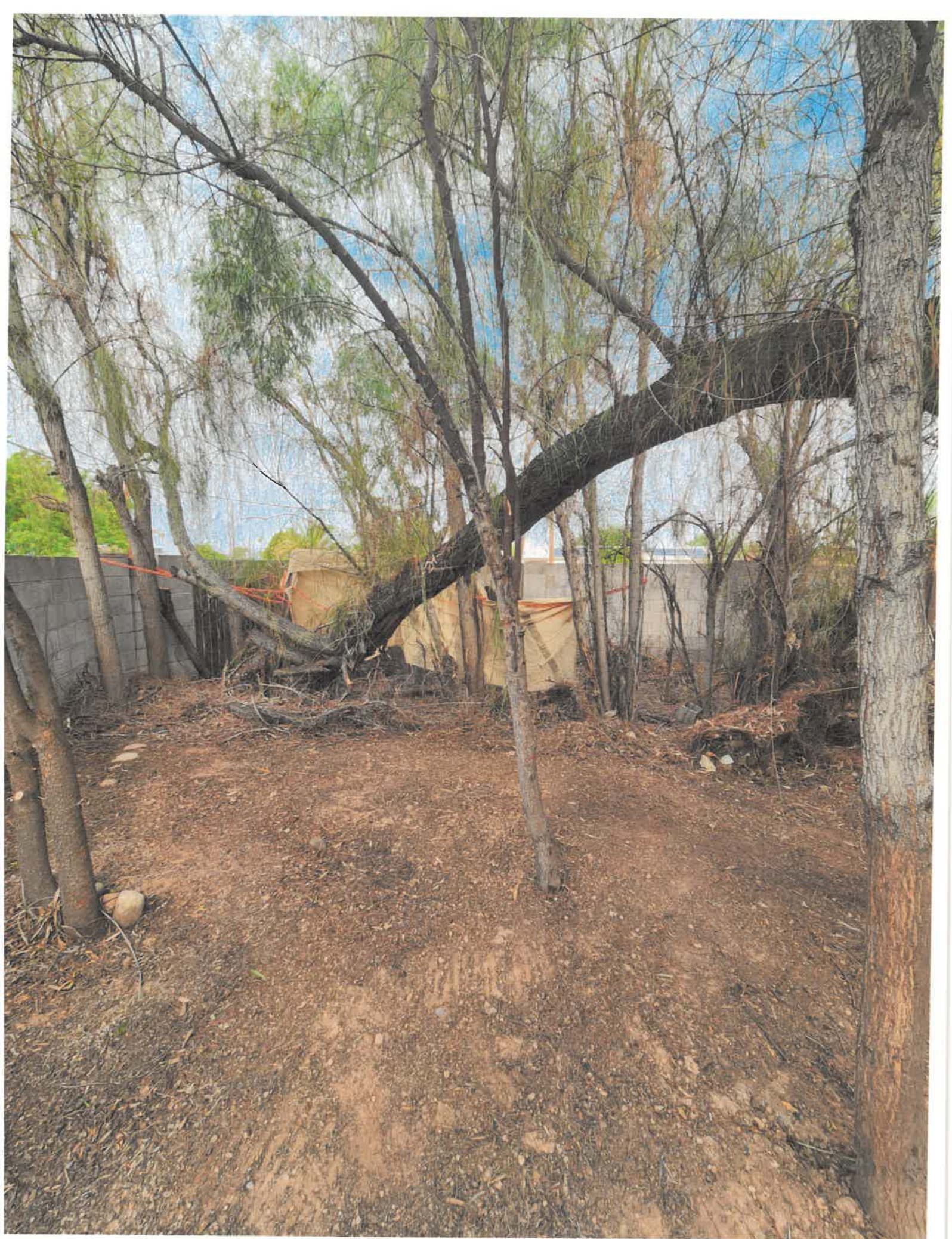
Freddie Panzella























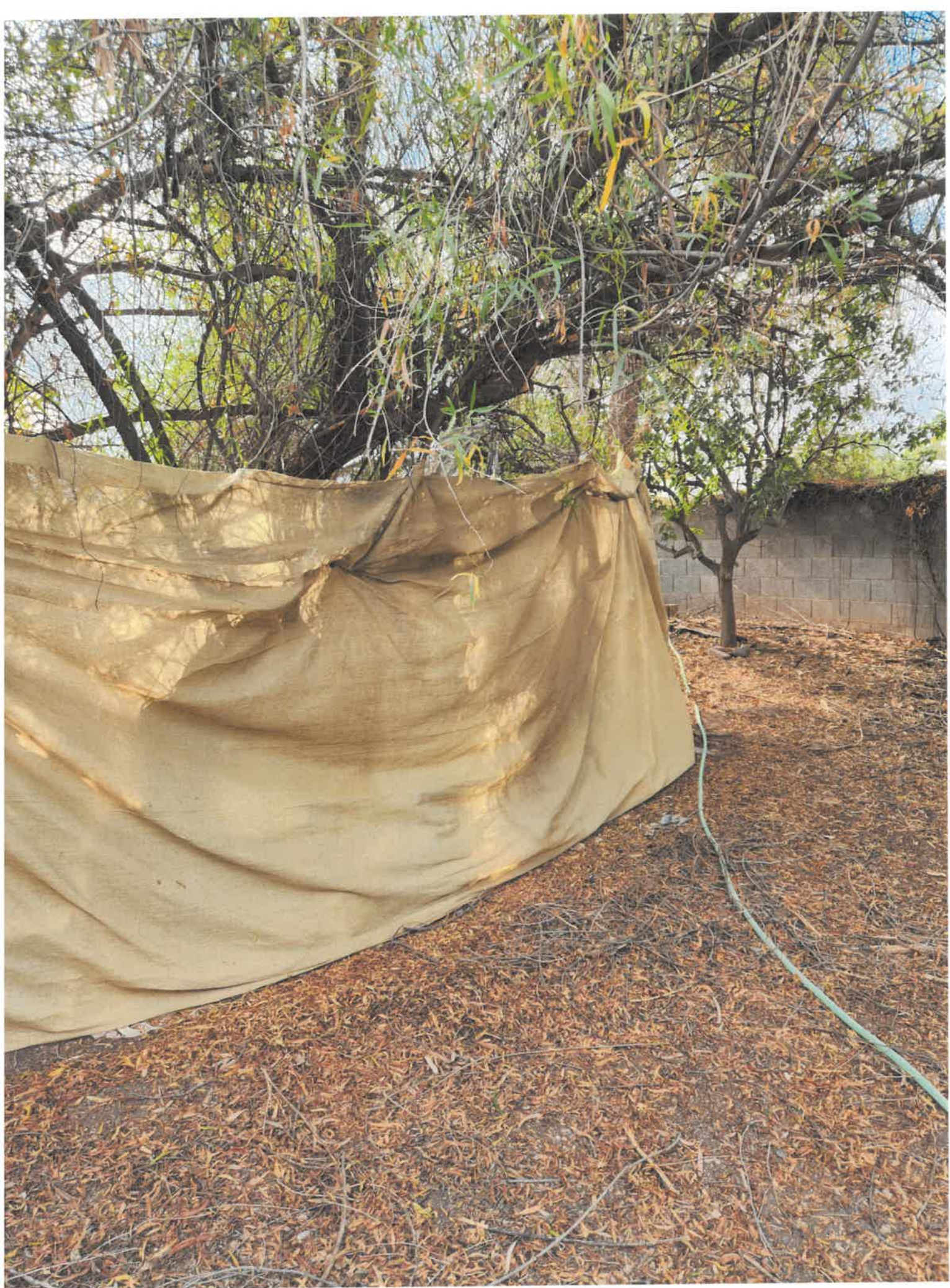


















COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

05/29/2025

ROBERT CULBERTSON & NICOLE HERBOTS
1211 E BALBOA DR
TEMPE, AZ 85282

Case #: CE253225
Site Address: 1211 E BALBOA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/29/2025 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	SITE REINSP ON OR AFTER
CC 21-3.b.7	Object, building, tree, bush or vehicle that interferes with or obstructs a sidewalk or street	
Sec.29-2.	Adjacent property owners to maintain sidewalks, gutters, alleys	
PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		
CC 21-3.b.7	Please trim the tree(s) in the back yard growing into the alley so it does not obstruct City vehicles path.	6/12/2025
Sec.29-2.	Property owners must maintain each alley that is adjacent to their premises free of weeds and debris to the center line of such alley	6/12/2025

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

Andres Lara-Reyes
Code Inspector

Direct: 480-350-8963
Code Compliance: 480-350-4311
Email: andres_lara-reyes@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

07/02/2025

ROBERT CULBERTSON & NICOLE HERBOTS
1211 E BALBOA DR
TEMPE, AZ 85282

Case #: CE253225
Site Address: 1211 E BALBOA DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 07/02/2025 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
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; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items;
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; or any dead trees, bushes, shrubs or portions thereof, including stumps; or 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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.1	Please remove all trash, litter, debris, tree branches debris, tree leaves debris, scrap, wood, metals, tarps, items covered with tarps, tarps used as shade, blocks, green fencing, pieces of plywood, umbrellas in the back and front yard areas of the property;	7/16/2025
CC 21-3.b.8	Please remove or cut to ground level any dead trees; trim any dead vegetation, dead tree branches, dead palm fronds in the back yard.	7/16/2025

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

Andres Lara-Reyes
Code Inspector

Direct: 480-350-8963
Code Compliance: 480-350-4311
Email: andres_lara-reyes@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.