
**CITY OF TEMPE
HEARING OFFICER**

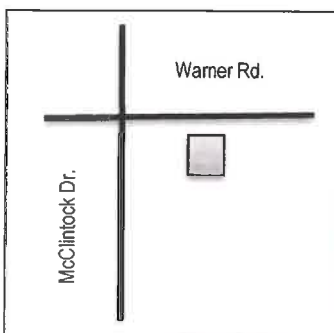
**Meeting Date: 01/05/2021
Agenda Item: 12**

ACTION: Request approval to abate public nuisance items at the Pulver Property located at 8837 S. Los Feliz Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1604.00 for abatement request: landscape cleanup and junk and debris removal in back yard.

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 PULVER 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 CE204816: landscape cleanup and junk and debris removal in back yard.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Yolanda Pulver Family Trust
City of Tempe – Code Compliance
R1-7 – Single Family Residential
Brandy Zedlar, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Barbara Simons, Code Inspector
Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Pulver Property located at 8837 S. Los Feliz Drive, in the R1-7, Single Family Residential district. This case was initiated 07/24/20, 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

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	Pulver Abatement	EXISTING ZONING	<input type="checkbox"/>
PROJECT ADDRESS	8837 S Los Feliz Dr., Tempe, AZ 85284	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement to include: Landscape clean-up in the backyard and removal of junk & debris in the back yard. CE204816 Hearing Date: 1/5/21	PARCEL No(s)	301-63-696 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
BUSINESS NAME		ADDRESS	8821 S. Los Feliz Dr
CONTACT NAME	Yolanda Pulver	CITY	Tempe STATE AZ ZIP
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 Compliance	ADDRESS	
CONTACT NAME	Brandy Zedlar	CITY	STATE ZIP
EMAIL		PHONE 1 (480) 350-8623	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
<i>[Signature]</i>		12/14/20

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)
PL TRACKING #			VALIDATION OF PAYMENT (STAMP)
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: 12/14/20
TO: Jeff Tamulevich, Code Administrator
FROM: Brandy Zedlar
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE204816

LOCATION: 8837 S. Los Feliz Dr., Tempe, AZ 85284
LEGAL: Parcel #301-63-696 as recorded with the Maricopa County Assessor
OWNER: YOLANDA PULVER
8821 S LOS VELIZ DR
TEMPE, AZ 85284

FINDINGS:

07/24/20 – The Code Compliance Division received a complaint on the above property concerning deteriorated landscape and junk and debris.

08/06/20 - The property was inspected and found to have over height weeds/grass in the back yard, boxes on the patio, and dead trees in the back yard. First notice to comply was mailed to Ms. Pulver.

09/24/20 – The property was inspected with no change to its condition. Final notice was mailed to Ms. Pulver.

12/01/20 – The property was inspected and found no improvement. Submitted a bid request to Hamann Enterprises to clean the landscape.

12/02/20 – Received the bid from Hamann Enterprises to clean the landscape for \$1,604.00

12/04/20 - Notice to Abate was posted to the property.

12/14/20 – The property was inspected with no change to its condition. Code Compliance filed for an Abatement with a hearing date of 1/5/21.

RECOMMENDATIONS:

I recommend the approval for abatement at 8837 S. Los Feliz Dr., which is owned by Ms. Yolanda Pulver. Ms. Pulver has been given ample time and opportunities to bring her property into compliance and has failed to take any corrective action. Since Ms. Pulver is unable to maintain her property, I am requesting approval for continuous abatements in the next 180 days if deemed necessary. There has been no indication from Ms. Pulver that she plans to correct and maintain her property.

Respectfully submitted,
Brandy Zedlar

ACTION TAKEN: _____
NAME: _____
DATE: _____

Submit
[Signature]
12 14 20

HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: BRANDY ZEDLER

FIRM: CITY OF TEMPE

DATE: 12/2/20

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # T18-011-03

ADDRESS: 8837 S LOS FELIZ

1 REMOVE DEAD IN TREES AND BUSHES IN BACK YARD	\$1,000.00
2 ESTAMATED DUMP FEES	\$50.00
3 SECURITY BY TEMPE PD	\$554.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$1,604.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

301-63-696 Residential Parcel

This is a residential parcel located at [8837 S LOS FELIZ DR TEMPE 85284](#), and the current owner is YOLANDA PULVER FAMILY TRUST. It is located in the Alta Mira Unit 3 subdivision and MCR 25805. Its current year full cash value is \$389,700.

Property Information

[8837 S LOS FELIZ DR TEMPE 85284](#)

MCR #	25805
Description:	ALTA MIRA UNIT 3 MCR 258-5
Lat/Long	33.33389401 -111.90595404
Lot Size	12,406 sq ft.
Zoning	R1-7
Lot #	272
High School District	TEMPE UNION #213
Elementary School District	KYRENE ELEMENTARY SCHOOL DISTRICT
Local Jurisdiction	TEMPE
S/T/R	24 1S 4E
Market Area/Neighborhood	02/007
Subdivision (99 Parcels)	ALTA MIRA UNIT 3

Owner Information

[YOLANDA PULVER FAMILY TRUST](#)

Mailing Address	8821 S LOS FELIZ DR, TEMPE, AZ 85284
In Care Of	YOLANDA PULVER TR
Deed Number	130606475
Last Deed Date	07/02/2013
Sale Date	n/a
Sale Price	n/a



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-4311

Code Compliance Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: December 4, 2020

TO: YOLANDA PULVER
8837 S LOS FELIZ DR
TEMPE, AZ 85284

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

LEGAL: Parcel #301-63-696, as recorded with the Maricopa County Assessor.

LOCATION 8837 S Los Feliz Dr., Tempe, AZ 85284

This office will submit this complaint to the Abatement Hearing Officer to be placed on the Hearing Officer agenda of **January 5, 2021**. 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: Those items constituting a violation of TCC-21-3-b-8 and 21-3-b-1 which would include the following: landscape clean-up and back yard, and removal of all junk/debris from the back yard.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. 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 **\$ 1604.00** In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent 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 for 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 Enforcement Officer: Brandy Zedlar

Phone Number 480-350-8623



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FIRST CORRECTION NOTICE

8-18-2020

YOLANDA PULVER
8837 S LOS FELIZ
TEMPE, AZ 85284

Case#: CE204816
Site Address: 8837 S LOS FELIZ

SITE REINSPECTION ON OR AFTER: 9/03/20

This is a notice to inform you that this site was inspected on **8/17/20** 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.

VIOLATION SECTION:

Violation of the Tempe City Code, Chapter 21-3-b-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; 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.

Violation of the Tempe City Code, Chapter 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; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- 1. Trim the over height weeds/grass in the back yard.**
- 2. Remove the boxes and miscellaneous items from the back patio.**
- 3. Remove all dead vegetation from the orange trees in the back yard.**

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

Brandy Zedlar
Code Inspector II
email

Direct: 480-350-8623
Code Compliance: 480-350-8372
brandy_zedlar@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 \$75.00 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
FIRST CORRECTION NOTICE

8-18-2020

**YOLANDA PULVER
8821 S LOS FELIZ DR
TEMPE, AZ 85284**

Case#: CE204816
Site Address: 8837 S LOS FELIZ

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

**Brandy Zedlar
Code Inspector II
email**

**Direct: 480-350-8623
Code Compliance: 480-350-8372
brandy_zedlar@tempe.gov**

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**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE**

9-25-2020

**YOLANDA PULVER
8821 S LOS FELIZ DR
TEMPE, AZ 85284**

Case#: CE204816
Site Address: 8837 S LOS FELIZ

SITE REINSPECTION ON OR AFTER: 10/12/20

This is a notice to inform you that this site was inspected on **9/24/20** 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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- 2. Remove the boxes and miscellaneous items from the back patio.**
- 3. Remove all dead vegetation from the orange trees in the back yard.**

*****If the above required corrections are not satisfied by 10/12/20, a \$400 citation will be issued.**

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

**Brandy Zedlar
Code Inspector II
email**

**Direct: 480-350-8623
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**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE**

9-25-2020

**YOLANDA PULVER
8837 S LOS FELIZ DR
TEMPE, AZ 85284**

Case#: CE204816
Site Address: 8837 S LOS FELIZ

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10/15/2020



10/15/2020



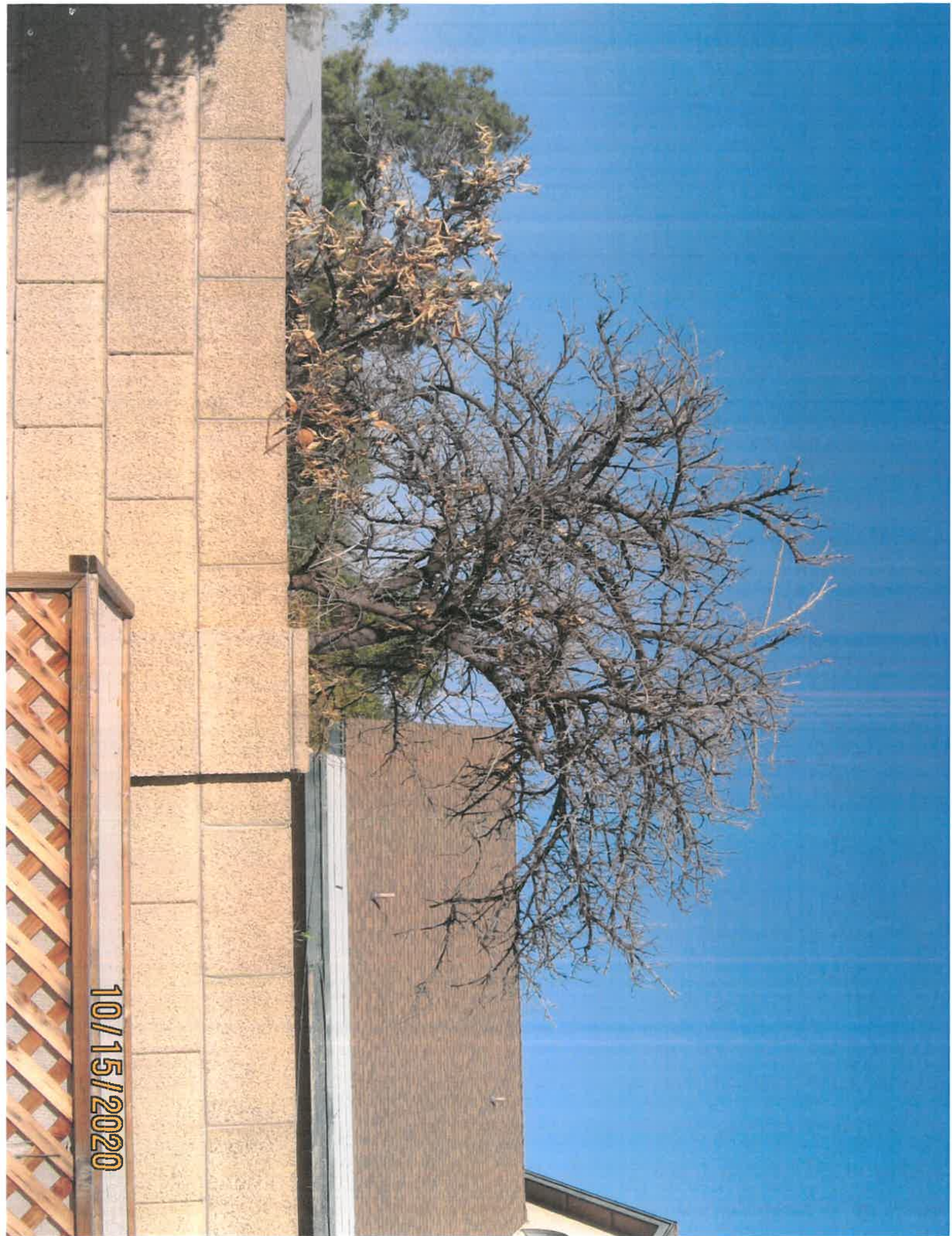
10/15/2020



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10/15/2020



10/15/2020