

# Staff Summary Report



Hearing Officer Hearing Date: 11/15/11

Agenda Item Number: 3

**SUBJECT:** This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Nido Property located at 1018 West Strahan Drive.

**DOCUMENT NAME:** 20111115cdsl02 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **NIDO PROPERTY (PL110361 /ABT11040 /CE112544)** (Brandy Zedlar, Inspector; Armando & Buena Nido, property owner) located at 1018 West Strahan Drive in the R1-6, Single Family Residential District.

**PREPARED BY:** Sherri Lesser, Senior Planner (480-350-8486)

**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

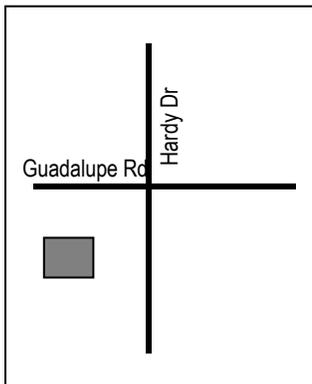
**LEGAL REVIEW BY:** N/A

**DEPARTMENT REVIEW BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

**FISCAL NOTE:** \$1080.00 for abatement request, including deteriorated landscape, weeds and debris

**RECOMMENDATION:** **Staff – Approval of Abatement Proceedings**

**ADDITIONAL INFO:**



Code Compliance is requesting approval to abate the Nido Property located at 1018 West Strahan Drive in the R1-6, Single Family Residential District. 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 CE112544: deteriorated landscape, weeds and debris.

**PAGES:**

1. List of Attachments
2. Comments; History & Facts/Description

**ATTACHMENTS:**

1. Location Map
2. Aerial Photo
- 3-11. Code Compliance Report & Photographs

**COMMENTS:**

Code Compliance is requesting approval to abate the Nido Property located at 1081 West Strahan Drive in the R1-6, Single Family Residential District. This case was initiated 07/11 following which Code Compliance has attempted to obtain compliance through correspondence with the property owners regarding violations of the Tempe City Code for deteriorated landscape.

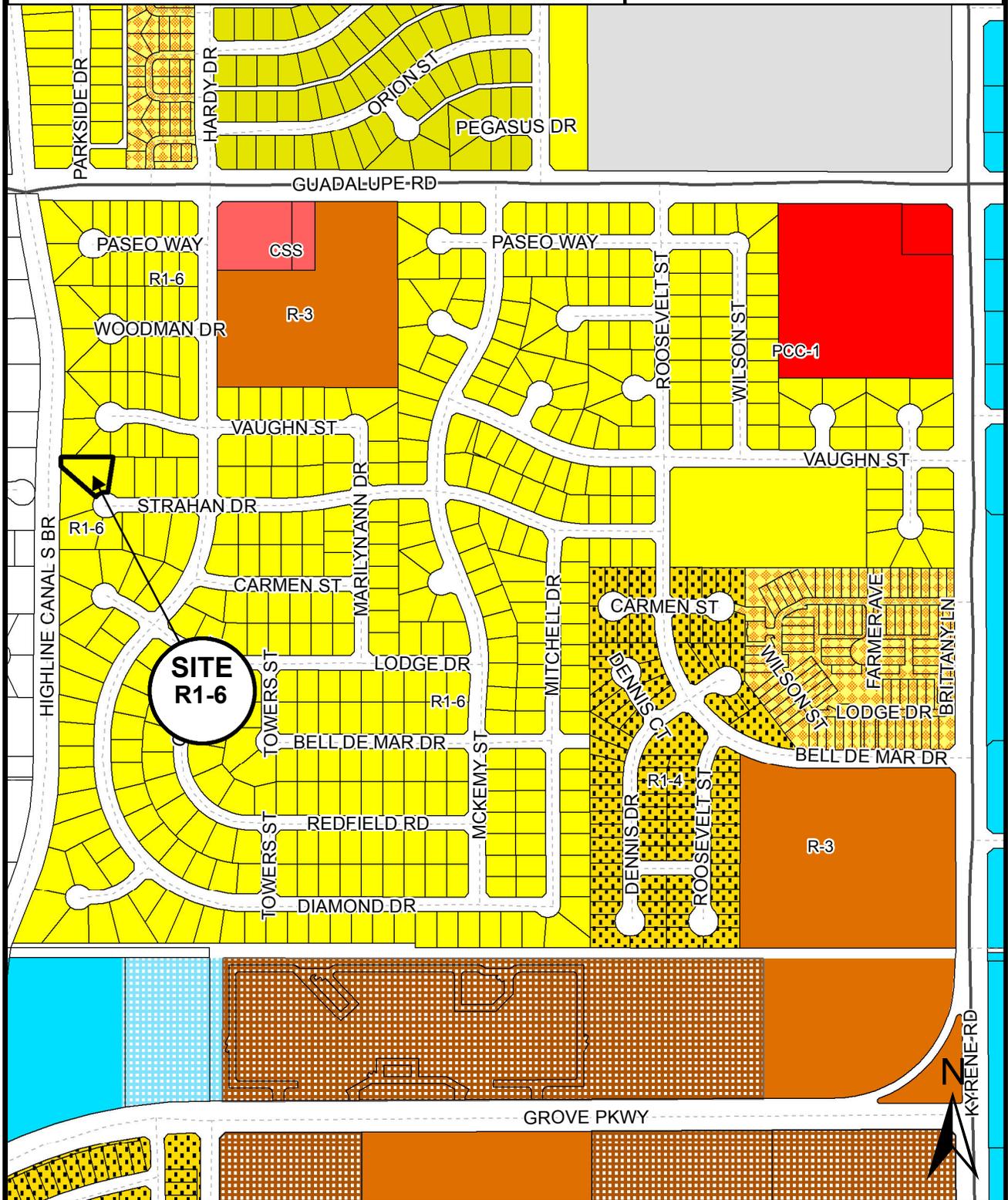
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

**HISTORY & FACTS:**

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

**NIDO PROPERTY**

**PL110361**



**Location Map**



**NIDO PROPERTY (PL110361)**

**DATE:** 10/12/11  
**TO:** Jeff Tamulevich, Code Administrator  
**FROM:** Brandy Zedlar  
**SUBJECT:** Request to Authorize for Abatement– Reference Complaint #CE112544

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**LOCATION:** 1018 W. Strahan Dr., Tempe, AZ 85283  
**LEGAL:** Parcel #301-45-302, as recorded with the Maricopa County Assessor  
**OWNER:** Armando & Buena Nido  
1018 W. Strahan Dr.  
Tempe, AZ 85283

**FINDINGS:**

7/27/11 – The Code Compliance Division received a complaint on the above property concerning junk and debris in the front yard.

8/02/11 - The property was inspected and found to have two vehicles lawn parking and a large amount of junk and debris in the front and side yard. Notice to comply was mailed first class to Mr. & Mrs. Armando Nido.

8/18/11 – The property was inspected and found no vehicles lawn parking and only a small amount of junk removed. Final notice to comply was mailed first class to Mr. & Mrs. Armando Nido.

9/14/11 – The property was inspected with no change in its condition. Citation #1442852 was issued to Armando Nido for junk and debris in the front yard.

10/5/11 – Mr. Armando defaulted on citation #1442852.

10/12/11 – The property was inspected with no change in its condition. Code Compliance filed for an Abatement Hearing.

**PROPERTY HISTORY:**

- 1 complaint for junk & debris was received in 1999.

**RECOMMENDATIONS:**

I recommend the approval for abatement at 1018 W. Strahan Dr., which is owned by Mr. Armando Nido. Mr. Nido has been given ample time and opportunities to bring his property into compliance and has failed to take corrective action. There has been no indication from Mr. Nido that he plans to correct and maintain his property.

Respectfully submitted,  
Brandy Zedlar

ACTION TAKEN: \_\_\_\_\_

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

*Submit*  
*[Signature]*  
10.13.11



QUICK LINKS ...

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[\\*Residential Similar Property Search](#)

No Parcel Number? Use Advanced Search Options.

\*(A parcel number is needed to use these Features)

[New Search](#)

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**Property Information**

[View GIS Maps](#)

**Parcel #:** 301-45-302

**MCR #:** 26302

**Property Address:** 1018 W STRAHAN DR  
TEMPE 85283

**Property Description:** TEMPE ROYAL ESTATES UNIT 5 MCR 263-2

**Section Township Range:** 9 1S 4E

**Associated Parcel:**

**Subdivision Name:** TEMPE ROYAL ESTATES 5 LOT 227-309

**Lot #:** 286

**School Dist:** KYRENE SCHOOL DISTRICT

**Local Jurisdiction:** TEMPE

[Tax District FAQs](#)

**Owner Information**

[View Tax Information](#)

**Owner:** NIDO ARMANDO L/BUENA V

**In Care Of:**

**Mailing Address:** 1018 W STRAHAN DR  
TEMPE AZ 85283 USA

**Deed #:** 030519427

**Deed Date:** 4/24/2003

**Sales Price:** n/a

**Sales Month/Year:** n/a

**Valuation Information**

[View Similar Parcels](#)

**Tax Year:**

**2012**

**2011**

**2010**

**Full Cash Value (FCV):**

\$150,300

\$163,100

\$209,200

**Limited Property Value (LPV):**

\$150,300

\$163,100

\$209,200

**Notice: The values displayed on this page may not reflect constitutional or statutory adjustments.**

**Legal Class:**

3

3

3

**Assessment Ratio:**

10.0%

10.0%

10.0%

**Assessed FCV:**

\$15,030

\$16,310

\$20,920

**Assessed LPV:**

\$15,030

\$16,310

\$20,920

**Property Use Code:**

0131

0131

0131

**Tax Area Code:**

281600

281600

281600

**Additional Component Information (for this parcel)**

[Valuation](#)

[Characteristics](#)

[Commercial Property Overview](#)

**New Search Helpful Information:**

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**Disclaimer**

The data contained in this database is deemed reliable but not guaranteed. This information should be used for informational use only and does not constitute a legal document for the description of these properties. Every effort has been made to insure the accuracy of this data; however, this material may be slightly dated which would have an impact on its accuracy. The Maricopa County Assessor's Office disclaims any responsibility or liability for any direct or indirect damages resulting from the use of this data.

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Maricopa County Assessor || 301 W. Jefferson St. || Phoenix, AZ 85003

602-506-3406



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FIRST CORRECTION NOTICE

8-01-2011

ARMANDO & BUENA NIDO
1018 W STRAHAN DR
TEMPE, AZ 85283

Case#: CE1112544
Site Address: 1018 W STRAHAN DR

SITE REINSPECTION ON OR AFTER: 8/17/11

This is a notice to inform you that this site was inspected on 7/29/11 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:

Sec. 21-3. Enumerated violations.

(b) A nuisance includes any one or more of the following conditions:

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.

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

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. Lawn parking is prohibited in the City of Tempe. If any vehicle is found to be lawn parked in the future, a \$170 civil citation will be issued without notice. (Black Jetta with Lic #ANF5992 and the grey Jeep Lic #AMP-0030 were lawn parked on 7/29/11.)
2. Please remove the mattresses front the front yard/sidewalk area.
3. Please remove all household, boxes, trash and miscellaneous items from the driveway and south side 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

Civil and Criminal Penalties

City Code Section 21-3, subsections (b) 1-8, 15 and 17-19; Section 21-4; Sections 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 per violation, 2nd occurrence \$250 per violation, 3rd occurrence \$350 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$250 per violation, 2nd occurrence \$450 per violation, 3rd occurrence \$650 per violation | Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$350 per violation, 2nd occurrence \$650 per violation, 3rd occurrence \$950 per violation. | Section 21-25: \$1000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (B) Habitual Offender: 1st occurrence \$500 in addition to other fines, 2nd occurrence \$1000 in addition to other fines, 3rd occurrence, \$1500 in addition to other fines. | Zoning and Development Code: 1st occurrence \$120 per violation, 2nd occurrence \$370 per violation, 3rd occurrence \$770 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

8-18-2011

**ARMANDO & BUENA NIDO  
1018 W STRAHAN DR  
TEMPE, AZ 85283**

Case#: CE1112544  
Site Address: 1018 W STRAHAN DR

**SITE REINSPECTION ON OR AFTER: 9/02/11**

This is a notice to inform you that this site was inspected on **8/17/11** 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:**

**Sec. 21-3. Enumerated violations.**

**(b) A nuisance includes any one or more of the following conditions:**

**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.

**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.

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:**

1. Please remove all auto parts, boxes, trash and miscellaneous items from the driveway and south side yard.
2. Please remove all weeds/grass growing within the bare dirt landscape in the front yard.

**\*\*\*If the above required corrections are not satisfied by 9/2/11, a \$340 civil 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  
Civil and Criminal Penalties**

**Direct: 480-350-8623  
Code Compliance: 480-350-8372  
brandy\_zedlar@tempe.gov**

City Code Section 21-3, subsections (b) 1-8, 15 and 17-19; Section 21-4; Sections 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 per violation, 2nd occurrence \$250 per violation, 3rd occurrence \$350 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$250 per violation, 2nd occurrence \$450 per violation, 3rd occurrence \$650 per violation | Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$350 per violation, 2nd occurrence \$650 per violation, 3rd occurrence \$950 per violation. | Section 21-25: \$1000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (B) Habitual Offender: 1st occurrence \$500 in addition to other fines, 2nd occurrence \$1000 in addition to other fines, 3rd occurrence, \$1500 in addition to other fines. | Zoning and Development Code: 1st occurrence \$120 per violation, 2nd occurrence \$370 per violation, 3rd occurrence \$770 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.

# Arizona Traffic Ticket and Complaint

City of Tempe  
Maricopa Coun  
State of Arizona



Complaint Number <b>1442852</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.	DLP <input type="checkbox"/>	State	Class	Endorsements M H N P T X D	Incident Report Number <b>CE119544</b>		
Defendant Name (First, Middle, Last) <b>HERMANDO L. NIDO</b>							Juvenile
Residence Address, City, State, Zip Code <b>1018 W. STRAHAN DR. TEMPE, AZ 85283</b>						Residence Phone No. ( ) -	
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions
Business Address, City, State, Zip Code						Business Phone No. ( ) -	
Vehicle Color			Year	Make	Model	Style	License Plate
Registered owner & address, City, State, Zip Code						Vehicle Identification Number	

The Undersigned Certifies That:

On	Month <b>09</b>	Day <b>14</b>	Year <b>11</b>	Time <b>11:00</b>	<input checked="" type="checkbox"/> AM <input 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>1018 W. STRAHAN DR.</b>								<input checked="" type="checkbox"/> Tempe <input type="checkbox"/> State of Arizona	Area	Dist.

The Defendant Committed the Following:

<b>A</b>	Section: <b>21-3 B 1</b>	ARS Violation: <b>JUNK &amp; DeBRIS</b>	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction: <input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
<b>B</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction: <input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
<b>C</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction: <input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
<b>D</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction: <input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
<b>E</b>	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction: <input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	

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>10/3/11</b>	Time: Between 9AM & 4PM
		<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date:	Time: <input type="checkbox"/> AM <input type="checkbox"/> PM
	Court:	Date:	Time:	<input type="checkbox"/> AM <input type="checkbox"/> PM Court No.
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</b> <b>MAILED 9/14/11</b>	<b>Brandy J. Jalo 8021</b> Complainant PSN	

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 \_\_\_\_\_

**1st violation \$170.00**

**COME COMPLIANCE**

Date issued if not violation date \_\_\_\_\_

COMPLAINT



1442852



City of Tempe  
P. O. Box 5002  
Tempe, AZ 85280  
www.tempe.gov  
(480) 350-8372  
(480) 858-2231 (fax)

Code Compliance Division

## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: October 12, 2011

TO: ARMANDO & BUENA NIDO  
1018 W STRAHAN 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:

LEGAL: Parcel # 301-45-302, as recorded with the Maricopa County Assessor.

LOCATION 1018 W. Strahan Dr., Tempe, AZ 85283

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of November 15, 2011. 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-1 which would include the following: removal of all junk & debris from the front and side 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 \$1080.00. 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) 350-8372.

Code Enforcement Officer: Brandy Zedlar

Phone Number 480-350-8372

JACK HARRINGTON  
3831 W AVALON  
PHOENIX, AZ. 85019  
TEL: (602) 446-2630  
FAX: (602) 347-5487  
EMAIL: JACKHBOARDUPS@YAHOO.COM

THE FOLLOWING DOCUMENT IS FOR:

NAME: BRANDY  
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS  0  PAGE(S)

DATE: 8-6-11

**PROPOSAL**

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE  
UNDER CONTRACT # TO8-092-02

ADDRESS: 1018 W STRAHON TEMPE, AZ.

1. MOW AND REMOVE WEEDS & DEBRIS FROM FRONT YARD AND CARPORT 24 MH @ 22/H	\$528.00
2. 2 LOAD TO DUMP	80.00
3. POLICE OFFICER 8 HRS	472.00
	-----
TOTAL COST FOR JOB	\$1080.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

\_\_\_\_\_



