

CITY OF TEMPE HEARING OFFICER

Meeting Date: 11/05/2019

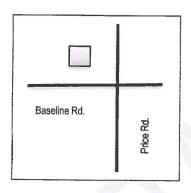
Agenda Item: 6

ACTION: Request approval to abate public nuisance items at the Christoph Property located at 1953 E. Ellis Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$972.00 for abatement request, remove dead cacti and vegetation from front and side yards.

RECOMMENDATION: Staff – Approval of 180 day open abatement

<u>BACKGROUND INFORMATION</u>: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the CHRISTOPH 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 CE193073: remove dead cacti and vegetation from front and side yards.



Property Owner

Julie Christoph

Applicant

City of Tempe – Code Compliance

Zoning District:
Code Compliance Inspector:

R1-6, Single Family Residential Michael Glab, 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 Christoph Property located at 1953 E. Ellis Drive, in the R1-6, Single Family Residential district. This case was initiated 04/26/2019, 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.

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



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PR	OJECT ADDRESS	1953 E ELLIS DR TEMPE	AZ 85	282			ZON 43 Suite(s)			
PROJE	OT DESCRIPTION	CONTINENTAL EAST 3 ABATEMENT OF CE193 NOVEMBER 05, 2019					PARCEL NO(s)	133-36-520		
		PROPERTY OWNE	R INFO	RMATION -	REQUIRED	(EXCEPT PRELIMINARY SI	TE PLAN REVIEW)	TO THE WITH		
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	CONTACT NAME				CITY		STATE	2		
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COMPA	ANY / FIRM NAME		TE LO		T INFORMA	TION - REQUIRED				
	CONTACT NAME	CITY OF TEMPE / CODE			City	21 E 6TH ST SUITE 208				
	EMAIL	MICHAEL GLAB / CODE I	_	TOR	, a	TEMPE		AZ 852	82-3681	
		michael_glab@tempe.gov			PHONE 1	(480) 350-5461	PHONE 2			
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□ C.	VARIANCES						VAR			
□ D.	USE PERMITS /	USE PERMIT STANDARDS					ZUP			
□ E.	ZONING CODE	AMENDMENTS					ZOA	ZON		
□ F.	PLANNED AREA	A DEVELOPMENT OVERLAYS					PAD	REC		
□ G.	SUBDIVISIONS	CONDOMINIUMS					SBD	REC		
□ H.	DEVELOPMENT	PLAN REVIEW					DPR			
□ I.	APPEALS									
□ J.	GENERAL PLAN	AMENDMENTS			<u> </u>		OPA			
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DATE:

09/09/2019

SUBJECT:

CHRISTOPH Abatement

LOCATION:

1953 E ELLIS DR, TEMPE, AZ 85282

LEGAL:

LOT 303, BOOK 129, PAGE 32, as recorded with the Maricopa County

Assessor

OWNER:

JULIE CHRISTOPH

1953 E. ELLIS DR. TEMPE, AZ 85282

FINDINGS:

In April of 2019, my office received a complaint. Violations of Code were observed at the property, notice was mailed to owner.

In May of 2019, I followed up at the property twice, observed violations remained. A second notice was mailed to the property owner, while a third was posted to the structure.

In June of 2019, violations remained at property and one additional notice was mailed to the property owner.

In July of 2019, violations remained at property and a citation was issued to the property owner.

In August of 2019, violations remained, property owner failed to appear in court, need for abatement as a result.

RECOMMENDATIONS:

The owner(s) of this property, JULIE CHRISTOPH, has made some attempt to bring the property into compliance, but is still incomplete. JULIE CHRISTOPH have not had a prior abatement conducted on this property. Due to the failure of the property owner(s) to address this matter, a 180-day open abatement period is being sought for this property. I therefore request the City of Tempe Community Development Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,

MICHAEL GLAB Code Inspector City of Tempe

ACTION TAKEN:

NAME

DATE:



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 09/09/2019 Case #: CE193073

JULIE CHRISTOPH 1953 E ELLIS 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: 1953 E ELLIS DR TEMPE, AZ 85282

Parcel: 13336520

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda to be held on 11/05/2019 at 5pm, at the Tempe History Museum, located at 809 E. Southern Ave., Tempe. 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.8 Deteriorated landscape

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.8

Please remove blackened, dead cacti from front yard landscape. Please remove yellow, dead vegetation from west side of house, near fence line. Please remove fallen, dead cacti from front yard landscape.

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 \$972.00. 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 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: Michael Glab Phone Number: 480-350-5461 E-mail: Michael_Glab@tempe.gov



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

04/26/2019

JULIE CHRISTOPH 1953 E ELLIS DR TEMPE, AZ 85282

Case #: CE193073

Site Address: 1953 E ELLIS DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 04/25/2019 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	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							
CC 21-3.b.8	Please remove fallen, dead cacti from front yard landscape. If stump is dead, please cut to ground level	05/28/2019					
CC 21-3.b.8	Please remove grass/weeds from gravel portions of front and/or side yard landscape	05/10/2019					

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

Michael Glab Code Inspector

Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael_Glab@tempe.gov SITE DEINISD

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 CORRECTION NOTICE

05/14/2019

JULIE CHRISTOPH 1953 E ELLIS DR TEMPE, AZ 85282

Case #: CE193073

Site Address: 1953 E ELLIS DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/14/2019 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	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	SITE REINSP ON OR AFTER	
CC 21-3.b.8	Please upright or remove fallen cacti from landscape	05/28/2019
CC 21-3.b.8	Please remove over height grass/weeds from front and/or side yard gravel landscape	05/28/2019

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

Michael Glab Code Inspector

Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael_Glab@tempe.gov

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COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE POST TO STRUCTURE

05/28/2019

JULIE CHRISTOPH 1953 E ELLIS DR TEMPE. AZ 85282

Case #: CE193073

Site Address: 1953 E ELLIS DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 05/28/2019 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	Any landscaping, visible from public property, that is substantially dead, damaged, or of uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than to or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm of tree having dead or dry fronds descending downward from the base of the lowest living than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet the substantial property of the substantial property or any palm of the property of the substantial property or any palm of the property of the substantial property or any palm of the property of the substantial property or any palm of the property of t	plants, weeds, welve (12) inches; r similar type ag frond more	
PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER	
CC 21-3.b.8	Please upright or remove fallen cacti from landscape (e.g. large saguaro to the west side of the front landscape; two small, blackened cacti in front landscape near driveway; yellow/dead plants on west side of front yard near block wall; etc.)		
CC 21-3.b.8	Please remove grass/weeds from front and/or side yard gravel landscape. Gravel landscapes should be free of all grass/weed growth.	06/05/2019	

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

Michael Glab Code Inspector

Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael_Glab@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 CORRECTION NOTICE

07/01/2019

JULIE CHRISTOPH 1953 E ELLIS DR TEMPE, AZ 85282

Case #: CE193073

Site Address: 1953 E ELLIS DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 07/01/2019 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								
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PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER							
CC 21-3.b.8	Please upright or remove fallen cacti from landscape (e.g. large saguaro to the west side of the front landscape; two small, blackened cacti in front landscape near driveway; yellow/dead plants on west side of front yard near block wall; etc.)	07/16/2019							
CC 21-3.b.8	Please remove grass/weeds from front and/or side yard gravel landscape. Gravel landscapes should be free of all grass/weed growth.	07/16/2019							

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

Michael Glab Code Inspector

Direct: 480-350-5461

Code Compliance: 480-350-8372 Email:Michael Glab@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**

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Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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Interpreter Required?																						
Defendant Name (First, Middle, Last) JULIE 5 CHRISTOPH Juvenile																						
	Resident Address, City State, Zin Code DR TEMPE AZ 85282 Telephone: (cell phone)																					
Sex Height Weight Eyes Hair Origin Date of Birth Restrictions Email Address																						
Busi	Business Address, City, State, Zip Code Business Phone No.																					
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Registered owner & address, City, State, Zip Code Vehicle Identification Number																						
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COMPLAINT



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.



August 26, 2019

City of Tempe Attn: Michael Glab Code Inspector

RE: Clean up – 1953 E Ellis Drive

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 1953 E Ellis Drive in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

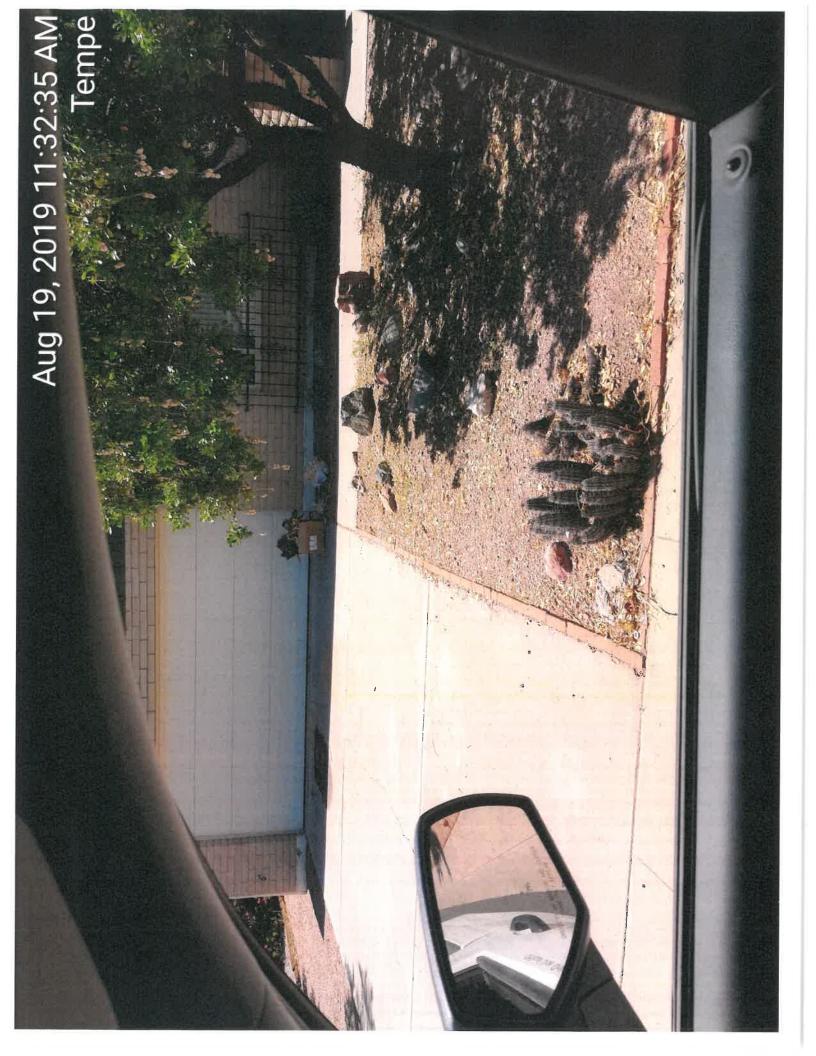
Scope of Work

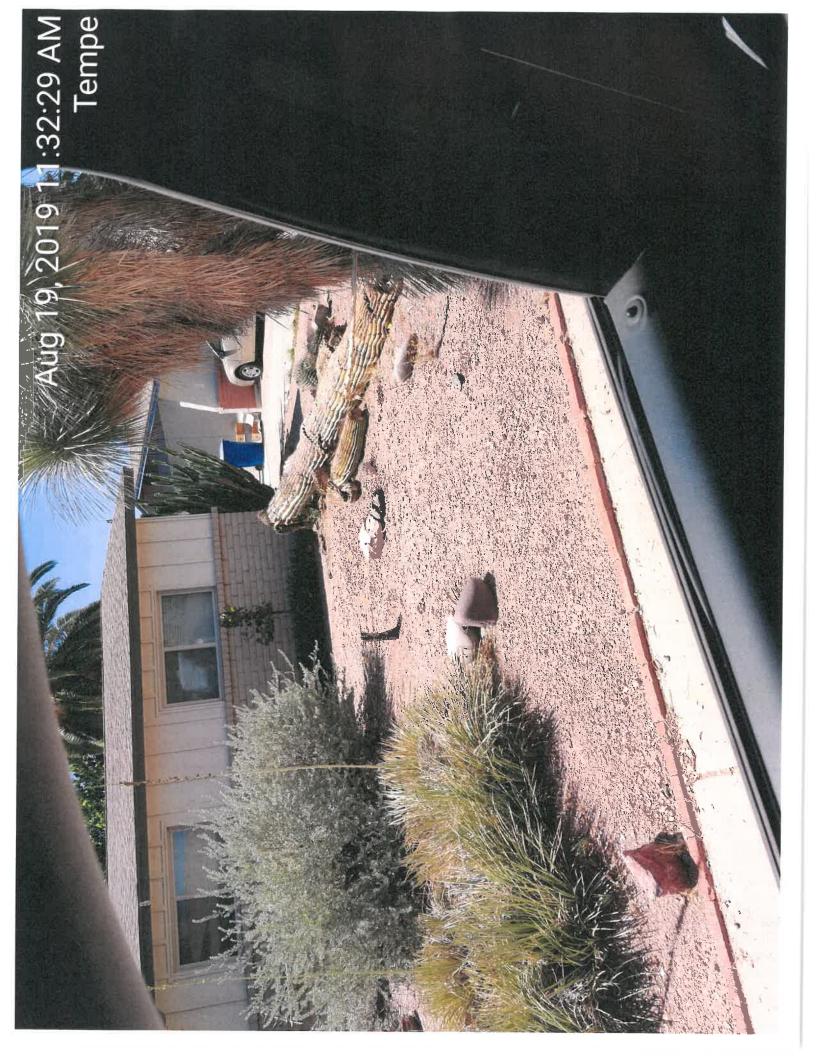
- Minor grass/weed removal from landscape of property
- Minor trimming/removal of dead portions of cacti, plants, bushes, etc.
- Removal of large, fallen Saguaro cactus from middle of landscape
- Removal of blackened, dead cacti at front of property
- P.D. presence on site for duration of visit
- Haul away and disposal of debris

Total = \$972.00

Respectfully,

Jose Hernandez





Aug 19, 2019 11:32:12 AM Tempe