

**CITY OF TEMPE
HEARING OFFICER**

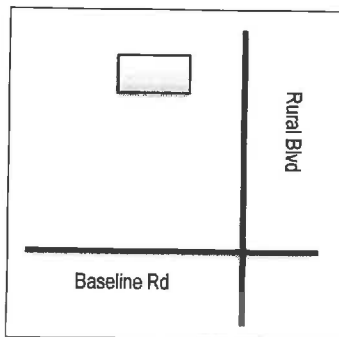
Meeting Date: 05/19/20
Agenda Item: 2

ACTION: Request approval to abate public nuisance items at the Davis Property located at 426 East Greenway Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1627.00 for abatement request, including deteriorated landscape and over height grass/weeds throughout the front and backyards, 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 DAVIS PROPERTY (CE197712). 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 CE197712: deteriorated landscape. The request includes the following:



Property Owner	Jessie Davis
Applicant	City of Tempe – Code Compliance
Zoning District:	R1-6, Single Family Residential District
Code Compliance Inspector	Julie Scofield, Code Inspector

ATTACHMENTS: Supporting Attachment

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

Department Director: Chad Weaver, Community Development Director

Prepared by: Shelbie Meyer, Administrative Assistant

Reviewed by: Drew Yocom, Planning and Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Davis Property located at 426 East Greenway Drive in the R1-6, Single Family Residential District. This case was initiated 12/11/2019 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	DAVIS PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	426 E. GREENWAY DR. TEMPE, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE197712 HEARING IS MAY 19TH, 2020	PARCEL No(s)	133-41-535 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME		ADDRESS	426 E. GREENWAY DR.
CONTACT NAME	JESSIE M DAVIS	CITY	TEMPE
EMAIL		STATE	AZ
		ZIP	85282
		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	COMMUNITY DEVELOPMENT	ADDRESS	21 E. 6TH ST.
CONTACT NAME	JULIE SCOFIELD	CITY	TEMPE
EMAIL	JULIE_SCOFIELD@TEMPE.GOV	STATE	AZ
		ZIP	85281
		PHONE 1	480-350-8951
		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	4/15/2020
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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)
PL TRACKING #			VALIDATION OF PAYMENT (STAMP)
SPR TRACKING # (if 2 nd or 3 rd submittal, please use Planning Resubmittal Form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: 04/15/2020
TO: Jeff Tamulevich, Code Administrator
FROM: Julie Scofield
SUBJECT: Davis Property Abatement

LOCATION: 426 E. Greenway Dr. Tempe, AZ 85282

PARCEL: 133-41-535

OWNER: Jessie Davis
426 E. Greenway Dr.
Tempe, AZ 85282

FINDINGS:

- 12/11/2019 Complaint came into Neighborhood Enhancement (CE197712) for this property regarding deteriorated landscape. The property was inspected. Grass and weeds are growing in the gravel landscape. A notice was mailed to the owner, Jessie Davis
- 01/02/2020 There has been no change to the property. A final notice was mailed.
- 01/22/2020 A citation was issued for the landscape. Pictures were taken the same day.
- 02/05/2020 Received a subpoena to appear in court for the citation that was issued.
- 02/26/2020 Conducted the court hearing where Ms. Davis was found responsible. Provided Ms. Davis with pamphlets of landscaping programs that the city provides. Also granted her more time to come into compliance.
- 04/09/2020 Inspected the property and there has been no change to the front of the property. There is over height grass and weeds in the back yard which is visible from the front of the property. Mailing a notice for the back yard. Requested a bid for the cleanup of the landscaping of the property, to include front and back yard.
- 04/15/2020 Turning in the paperwork for the abatement hearing to be held on May 19th, 2020.

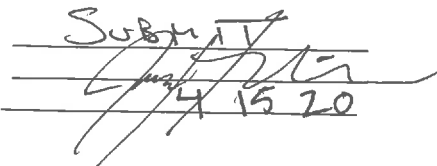
RECOMMENDATIONS:

I am recommending the approval for the abatement at 426 E. Greenway Dr. The property is owned by Jessie Davis. The owner has been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action. Several notices were mailed, and a citation was issued. I am also requesting that an open abatement of 180 days be granted to cover any future violations.

Respectfully submitted,

Julie Scofield

ACTION TAKEN:
NAME
DATE:

Submitted

4/15/20

HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: JULIE SCOFIELD

FIRM: CITY OF TEMPE

DATE: 4/13/20

PROPOSAL

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

ADDRESS: 426 E GREENWAY DR

1 REMOVAL OF TALL WEEDS, GRASS AND DEBRIS FRONT AND BACK YARD	\$800.00
2 ESTAMATED DUMP FEES	\$75.00
3 SECURITY BY TEMPE POLICE	\$552.00
4 APLICATION OF PRE EMERGENT AND WEED KILLER	\$200.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$1,627.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1701922	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	<input type="checkbox"/> 16 Passenger Vehicle	<input type="checkbox"/> Haz. Material	Incident Report Number CE197712

Interpreter Required? Spanish Other Language

Defendant Name (First, Middle, Last) **Jessie Davis** Juvenile

Residence Address, City, State, Zip Code **426 E. Greenway Dr. Tempe, AZ 85282** Telephone: (cell phone)

Sex Height Weight Eyes Hair Origin Date of Birth Restrictions Email Address

Business Address, City, State, Zip Code Business Phone No.

Vehicle Color Year Make Model Style License Plate State Expiration Date

Registered owner & address, City, State, Zip Code Vehicle Identification Number

The Undersigned Certifies That:

On **01/22/2020** Time **10:22** AM PM **Speed** Approx. Posted R & P Speed Measurement Device Radar Laser Pace Direction of Travel

At **426 E. Greenway Dr** Tempe **85282** Area Dist.

The Defendant Committed the Following:

A	Section: 21-3-B-8	ARS Violation: Deteriorated Landscape	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code
	MVD				<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
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
	MVD				<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
C	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
	MVD				<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
D	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
	MVD				<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
E	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
	MVD				<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

Traffic Court Suite 150, 1st Floor Date: **02/05/2020** Time: **Between 9AM & 4PM**

Criminal Court Suite 200, 2nd Floor Date: _____ Time: _____ AM PM

Court: _____ Date: _____ Time: _____ AM PM Court No. _____

Court Address, City, State, Zip Code

Criminal: Without admitting guilt, I promise to appear as directed hereon.

Civil: Without admitting responsibility, I acknowledge receipt of this complaint.

x Mailed

Victim? Victim Notified?

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.

Complainant **Fulee Sedgwick** 8022 PSN

Comments: **1st citation \$200.00**

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 _____

Date issued if not violation date _____



COMPLAINT



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

12/11/19

BRICE JEREMY BENTON/DAVIS JESSIE MARIE
426 E GREENWAY DR
TEMPE, AZ 85282-6939

Case#: CE197712
Site Address: 426 E GREENWAY DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 12/27/2019

This is a notice to inform you that this site was inspected on 12/11/2019 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.

VIOLATION SECTION:

Violation of City of Tempe Code 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 GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY IN THE GRAVEL LANDSCAPED AREAS. ALL GRAVEL LANDSCAPES MUST BE MAINTAINED FREE AND CLEAR OF ANY UNCONTROLLED GROWTH REGARDLESS OF HEIGHT.

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

Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

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.

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).



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

01/02/2020

BRICE JEREMY BENTON/DAVIS JESSIE MARIE
426 E GREENWAY DR
TEMPE, AZ 85282-6939

Case#: CE197712
Site Address: 426 E GREENWAY DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 01/16/2020

This is a notice to inform you that this site was inspected on 01/02/2020 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 City of Tempe Code 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.

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

Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

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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).



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

04/09/2020

BRICE JEREMY BENTON/DAVIS JESSIE MARIE
426 E GREENWAY DR
TEMPE, AZ 85282-6939

Case#: CE197712
Site Address: 426 E GREENWAY DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 04/24/2020

This is a notice to inform you that this site was inspected on 04/09/2020 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:

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PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE CUT ALL OVER HEIGHT GRASS AND OR WEEDS IN THE BACK YARD OF THE PROPERTY.

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

Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

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.

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04/09/2020 08:40



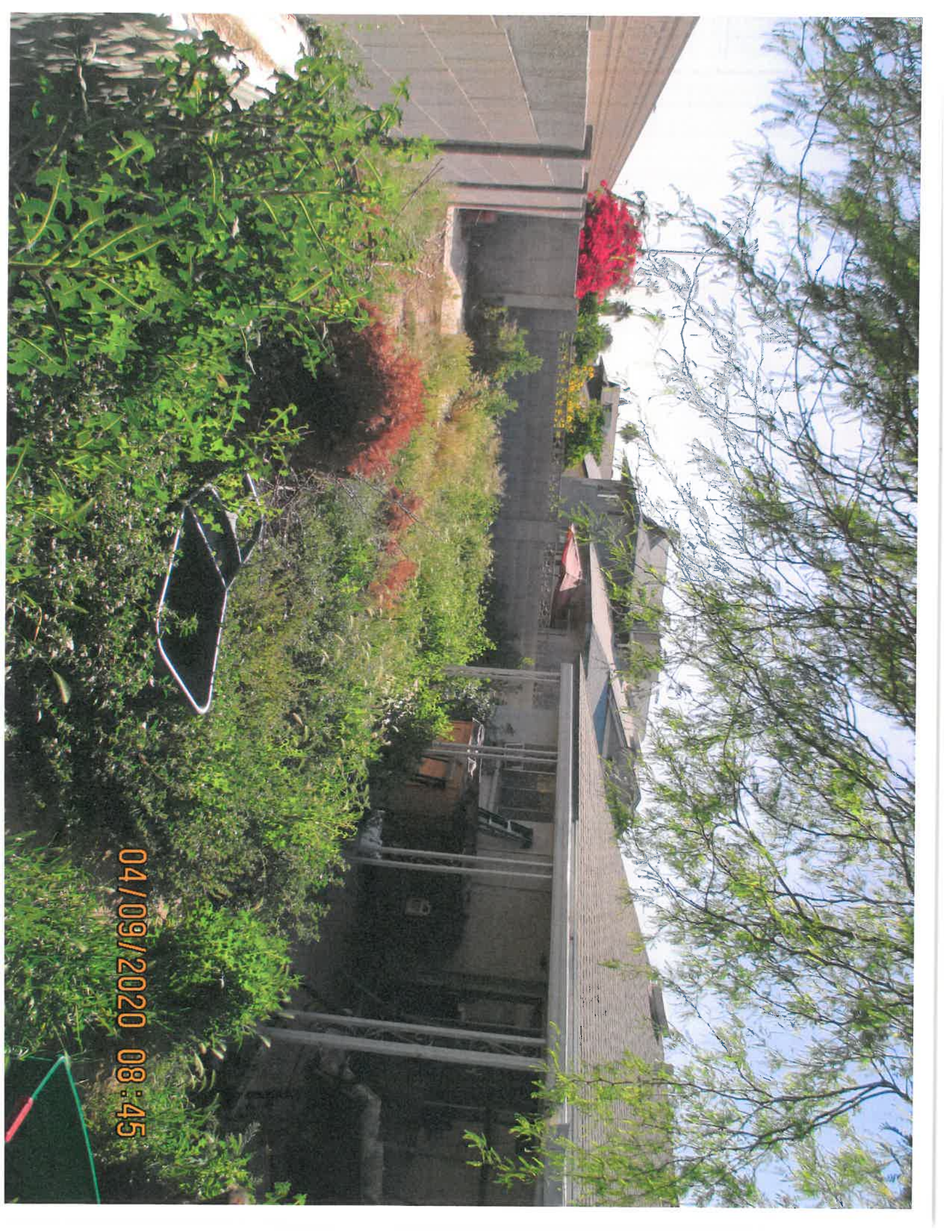
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04/09/2020 08:40



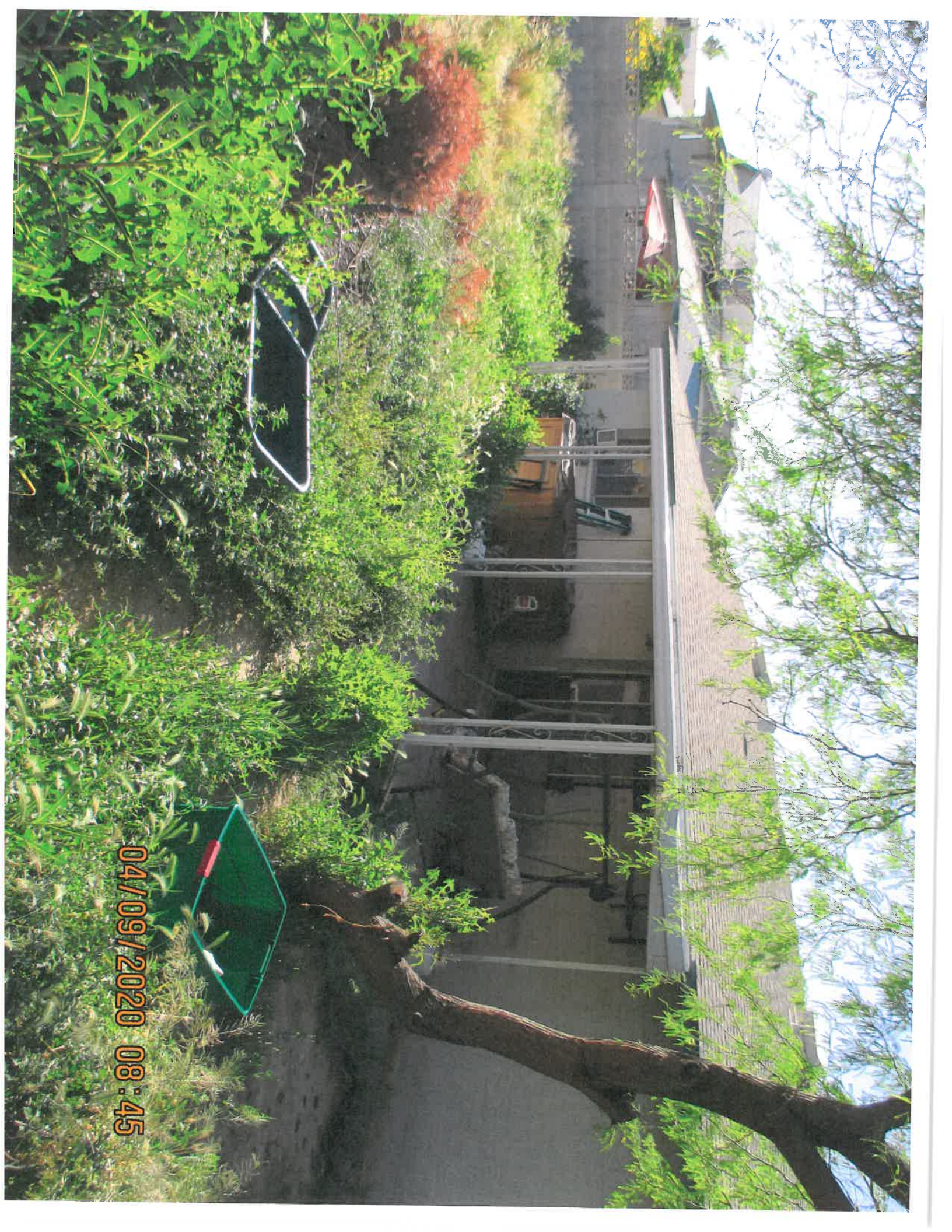
04/09/2020 08:41



04/09/2020 08:45

04/09/2020 08:45





04/09/2020 08:45