
**CITY OF TEMPE
HEARING OFFICER**

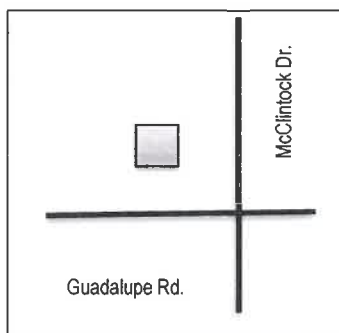
**Meeting Date: 06/02/2020
Agenda Item: 9**

ACTION: Request approval to abate public nuisance items at the Adams Property located at 5934 S. Juniper Street. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1126.00 for abatement request: Front and side yard landscape cleanup.

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 ADAMS 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 CE200927: Front and side yard landscape cleanup.



Property Owner: John Michael Adams
Applicant: City of Tempe – Code Compliance
Zoning District: R1-6, Single Family Residential
Code Compliance Inspector: 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 Adams Property located at 5934 S. Juniper Street, in the R1-6, Single Family Residential district. This case was initiated 02/12/20, 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	Adams Abatement	EXISTING ZONING	<input type="checkbox"/>
PROJECT ADDRESS	5934 S. Juniper St., Tempe, AZ 85283	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	Abatement to include: Landscape clean-up. Hearing date: June 2, 2020 CE200927	PARCEL No(s)	301-91-284 <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
BUSINESS NAME		ADDRESS	5934 S. Juniper St
CONTACT NAME	John Michael Adams	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	5/7/20
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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. 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: 5/07/20
TO: Jeff Tamulevich, Code Administrator
FROM: Brandy Zedlar
SUBJECT: Request to Authorize for Abatement– Reference Complaint #CE200927

LOCATION: 5934 S. Juniper St., Tempe, AZ 85283
LEGAL: Parcel #301-91-284 as recorded with the Maricopa County Assessor
OWNER: JOHN MICHAEL ADAMS
5934 S JUNIPER ST
TEMPE, AZ 85283

FINDINGS:

02/12/20 – The Code Compliance Division received a complaint on the above property concerning deteriorated landscape.

02/14/20 - The property was inspected and found to have weeds/grass growing within the gravel landscape in the front and side yard. Due to repeat offense, a final notice was mailed to Mr. Adams.

03/11/20 – The property was inspected with no change to its condition. A pink notice was posted to the door to remove the weeds by 3/18/20 or a citation would be issued.

03/26/20 – The property was inspected with no change to its condition. Citation #1619868 was issued for deteriorated landscape.

04/13/20 – The property was inspected and found no improvement. Submitted a bid request to Hamann Enterprises to clean the landscape.

04/14/20 – Received the bid from Hamann Enterprises to clean the landscape for \$1,126.00.

05/07/20 – The property was inspected with no change to its condition. Code Compliance filed for an Abatement with a hearing date of 6/2/20.

RECOMMENDATIONS:

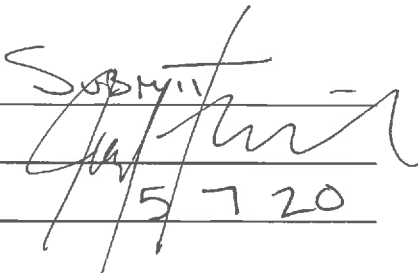
I recommend the approval for abatement at 5934 S. Juniper St., which is owned by Mr. John Michael Adams. Mr. Adams has been given ample time and opportunities to bring his property into compliance and has failed to take any corrective action. Since Mr. Adams is unable to maintain his property, I am requesting approval for continuous abatements in the next 180 days if deemed necessary. There has been no indication from Mr. Adams that he plans to correct and maintain his property.

Respectfully submitted,
Brandy Zedlar

ACTION TAKEN:

NAME:

DATE:

Submitted

5 7 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 ZEDLAR

FIRM: CITY OF TEMPE

DATE: 4/14/20

PROPOSAL

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

ADDRESS: 5934 S JUNIPER ST

1 LANDSCAPE FRONT AND SIDE YARDS	\$800.00
2 ESTAMATED DUMP FEES	\$50.00
3 SECURITY BY TEMPE POLICE	\$276.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$1,126.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

301-91-284 Residential Parcel

This is a residential parcel located at [5934 S JUNIPER ST TEMPE 85283](#), and the current owner is ADAMS JOHN MICHAEL. It is located in the Tempe Royal Palms Unit 13 subdivision and MCR 15537. It was last sold on 07/01/2017 for \$320,000. Its current year full cash value is \$306,200.

Property Information

[5934 S JUNIPER ST TEMPE 85283](#)

MCR #	15537
Description:	TEMPE ROYAL PALMS UNIT THIRTEEN
Lat/Long	33.36832800 -111.91500895
Lot Size	8,803 sq ft.
Zoning	R1-6
Lot #	646
High School District	TEMPE UNION #213
Elementary School District	TEMPE ELEMENTARY SCHOOL DISTRICT
Local Jurisdiction	TEMPE
S/T/R	2 1S 4E
Market Area/Neighborhood	02/007
Subdivision (162 Parcels)	TEMPE ROYAL PALMS UNIT 13

Owner Information

[ADAMS JOHN MICHAEL](#)

Mailing Address	5934 S JUNIPER ST, TEMPE, AZ 85283
Deed Number	170627124
Last Deed Date	08/24/2017
Sale Date	Jul, 2017
Sale Price	\$320,000



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: May 1, 2020

TO: JOHN MICHAEL ADAMS
5934 S JUNIPER ST
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 #301-91-284, as recorded with the Maricopa County Assessor.

LOCATION 5934 S Juniper St., Tempe, AZ 85283

This office will submit this complaint to the Abatement Hearing Officer to be placed on the Hearing Officer agenda of **June 2, 2020**. 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 which would include the following: landscape clean-up in 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 **\$ 1126.00** 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
FINAL CORRECTION NOTICE

02-14-2020

**JOHN ADAMS
5934 S JUNIPER ST
TEMPE, AZ 85283**

Case#: CE196980
Site Address: 5934 S JUNIPER ST

SITE REINSPECTION ON OR AFTER: 03/02/20

This is a notice to inform you that this site was inspected on **02/13/20** 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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

1. **Completely remove the weeds/grass growing within the gravel landscape in the front and side yard.**

*****If the above required correction is not satisfied by 03/02/20, a \$200 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
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.

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1619868		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 CE 211927	
Defendant		Name (First, Middle, Last) JOHN MICHAEL JAMES						Residence Phone No.	
Residence Address, City, State, Zip Code 204 S JUNIPER ST TEMPE AZ 85281									Juvenile
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	State	Expiration Date
Registered owner & address, City, State, Zip Code							Vehicle Identification Number		

The Undersigned Certifies That:

On 02 25 2011 at 11:00 AM/PM **Speed** Approx. Posted R & P Speed Measurement Device Radar Laser Pace Direction of Travel

At Location 2924 S JUNIPER ST Tempe State of Arizona Area Dist.

The Defendant Committed the Following:

A	Section: <u>21-2 BE</u>	ARS Violation: <u>21-2 BE</u>	<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	
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: 3/26/12 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 3/26/12

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 _____ 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 _____

First violation \$ 200

Date issued if not violation date 3/26/12

ENFORCEMENT COPY

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.



03/25/2020

03/25/2020





03/25/2020