

Staff Summary Report



Hearing Officer Hearing Date: 03/06/2012

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 Johnson Property located at 1815 East Lemon Street.

DOCUMENT NAME: HOr_JohnsonPropAbate_030612 **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 **JOHNSON PROPERTY (PL120032)** (Michael Spencer, Inspector; HB Ventures, LLC/Jessica Johnson, property owner) located at 1815 East Lemon Street 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)

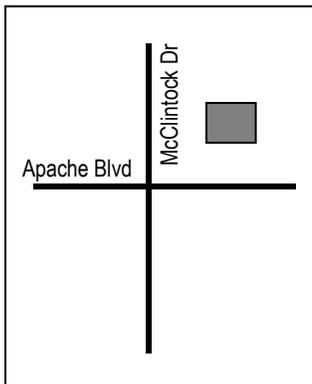
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$1080.00 for abatement request, grass & weeds in front & back yard; debris, secure fence.

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

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Johnson Property located at 1815 East Lemon Street 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 CE114062: grass & weeds in front & back yard; debris, secure fence.

PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-12. Code Compliance Report & Photographs

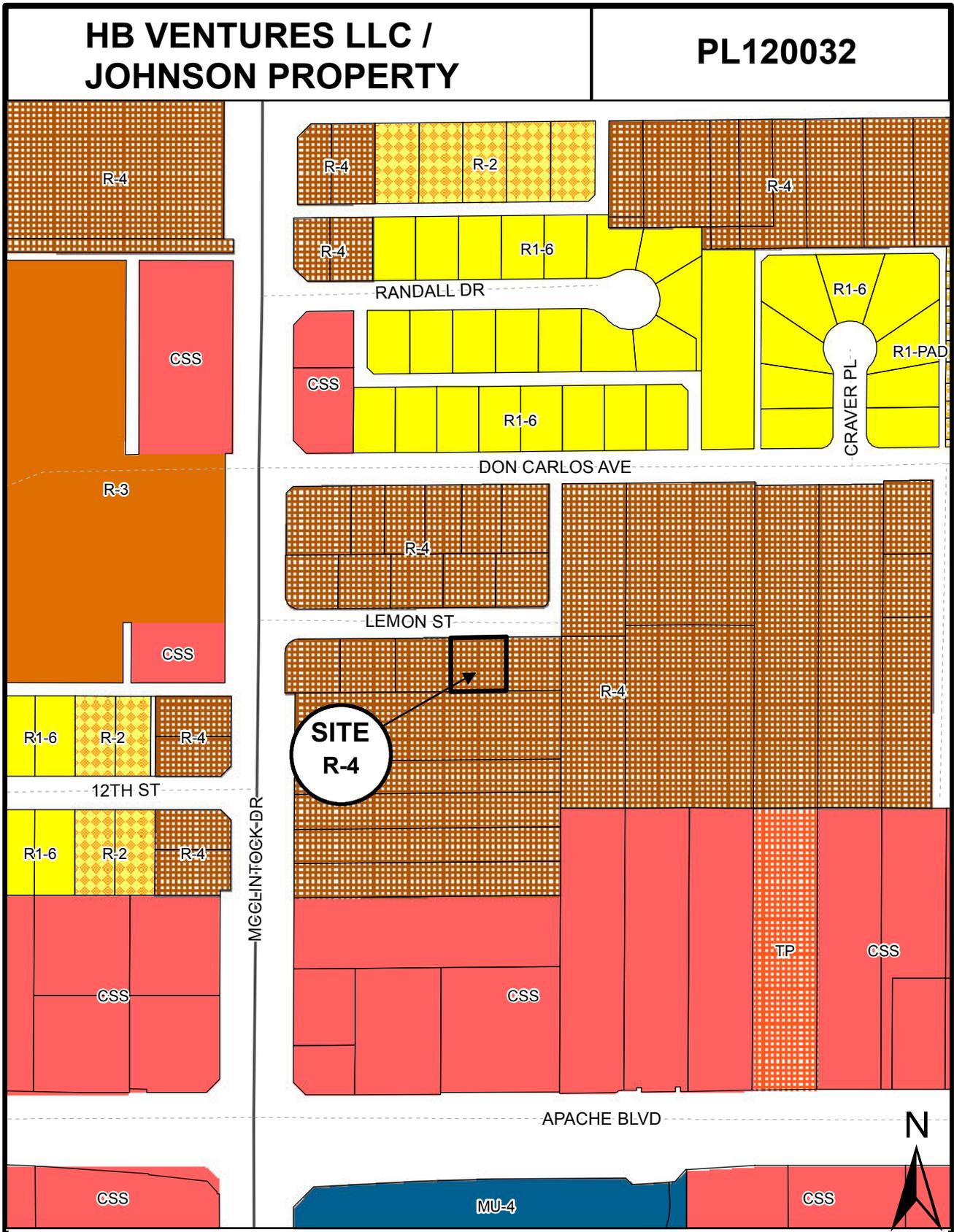
COMMENTS:

Code Compliance is requesting approval to abate the Johnson Property located at 1815 East Lemon Street in the R1-6, Single Family Residential District. This case was initiated 12/11 following which Code Compliance has attempted to obtain compliance through correspondence with the property owners 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.



Location Map



HB VENTURES LLC / JOHNSON PROPERTY (PL120032)

DATE: 02/02/2012

SUBJECT: HB Ventures LLC / Jessica Johnson Property Abatement

LOCATION: 1815 E Lemon ST

LEGAL: Book 132, Map 66, Parcel 007, as recorded with the Maricopa County Assessor

OWNER: HB Ventures LLC / Jessica Johnson
14049 S 8th ST
Phoenix, AZ 85048

FINDINGS:

12/05/2011 Property was inspected and found to have grass and weeds in the gravel of the front yard landscape and over height grass and weeds on the backyard. Chain link fencing around the front yard has become detached with sections overhanging the sidewalk. Notice was mailed to the owner.

12/20/2011 No change in the condition of the front or backyard landscape. No change in the condition of the fencing. Final Notice was mailed to the owner.

01/05/2012 No change in the condition of the front or backyard landscape. No change in the condition of the fencing. Photos were taken of the property and a citation was issued.

01/24/2012 HB Ventures LLC / Jessica Johnson failed to appear on the citation. No change in the condition of the front or backyard landscape. No change in the condition of the fencing.

02/02/2012 Bid was received with a cost of \$1080.00 dollars. Abatement notice posted to the property and sent to the owner.

RECOMMENDATIONS:

The owner of this property HB Ventures LLC / Jessica Johnson has made no attempt to bring the property into compliance and failed to appear on the citation. 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 Spencer
Senior Code Inspector
City of Tempe

ACTION TAKEN: SENT
NAME [Signature]
DATE: 2.2.12



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: 02/02/2012

TO: HB VENTURES LLC / JESSICA JOHNSON
14049 S 8TH ST
PHOENIX, AZ 85048

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

LEGAL: Book 132, Map 66, Parcel 007, as recorded with the Maricopa County Assessor.

LOCATION: 1815 E LEMON ST

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 03/06/2012. 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:

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;

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: Michael Spencer

Phone Number 480-350-8075



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

12-05-2011

HB VENTURES LLC / JESSICA JOHNSON
14049 S 8TH ST
PHOENIX AZ 85048

Case#: CE114062
Site Address: 1815 E LEMON ST

SITE REINSPECTION ON OR AFTER: 12/20/2011

This is a notice to inform you that this site was inspected on 12/05/2011 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.

Table with 2 columns: SECTION and VIOLATION. Rows include CC 21-3.b.8 (Landscaping that is substantially dead damaged or characterized by uncontrolled growth), CC 21-3.b.8 (Uncultivated plants, weeds, tall grass, or growth higher than 12 inches), and CC 21-3.b.15 (A wall or fence deteriorated in appearance or which constitutes a hazard).

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- CC 21-3.b.8 Please remove grass and weeds from the gravel of the front and west side yard landscape. Gravel landscaping must be maintained free of grass and weeds.
CC 21-3.b.8 Please cut over height weeds and grass from the backyard of the residence.
CC 21-3.b.15 Repair or remove the broken chain link fence sections on the front yard landscape.

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

Michael Spencer
Senior Code Inspector

Direct: 480-350-8075
Code Compliance: (480)350-8372

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 \$270 per violation, 3rd occurrence \$370 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$270 per violation, 2nd occurrence \$470 per violation, 3rd occurrence \$670 per violation | Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$370 per violation, 2nd occurrence \$670 per violation, 3rd occurrence \$970 per violation. | Section 21-25: \$1020 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 \$520 in addition to other fines, 2nd occurrence \$1020 in addition to other fines, 3rd occurrence, \$1520 in addition to other fines. | Zoning and Development Code: 1st occurrence \$140 per violation, 2nd occurrence \$390 per violation, 3rd occurrence \$790 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

12-20-2011

HB VENTURES LLC / JESSICA JOHNSON
14049 S 8TH ST
PHOENIX AZ 85048

Case#: CE114062
Site Address: 1815 E LEMON ST

SITE REINSPECTION ON OR AFTER: 01/04/2012

This is a notice to inform you that this site was inspected on 12/20/2011 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.

<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.b.8	Landscaping that is substantially dead damaged or characterized by uncontrolled growth
CC 21-3.b.8	Uncultivated plants, weeds, tall grass, or growth higher than 12 inches
CC 21-3.b.15	A wall or fence deteriorated in appearance or which constitutes a hazard

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

- CC 21-3.b.8 Please remove grass and weeds from the gravel of the front and west side yard landscape. Gravel landscaping must be maintained free of grass and weeds.
- CC 21-3.b.8 Please cut over height weeds and grass from the backyard of the residence.
- CC 21-3.b.15 Repair or remove the broken chain link fence sections on the front yard landscape.

IF NOT IN COMPLIANCE BY 01/04/2012 A \$340.00 DOLLAR CITATION WILL BE ISSUED.

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

Michael Spencer
Senior Code Inspector

Direct: 480-350-8075
Code Compliance: (480)350-8372

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 \$270 per violation, 3rd occurrence \$370 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$270 per violation, 2nd occurrence \$470 per violation, 3rd occurrence \$670 per violation | Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$370 per violation, 2nd occurrence \$670 per violation, 3rd occurrence \$970 per violation. | Section 21-25: \$1020 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 \$520 in addition to other fines, 2nd occurrence \$1020 in addition to other fines, 3rd occurrence, \$1520 in addition to other fines. | Zoning and Development Code: 1st occurrence \$140 per violation, 2nd occurrence \$390 per violation, 3rd occurrence \$790 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 1442688		Case Number		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident <input type="checkbox"/> Fatality <input type="checkbox"/> Commercial		<input type="checkbox"/> 16 Passenger Vehicle <input type="checkbox"/> Haz. Material		
Driver's License No.				DLP <input type="checkbox"/>	State	Class	Endorsements M H N P T X D				Incident Report Number CE114062			
Defendant		Name (First, Middle, Last) AB VENTURES LLC / JESSICA JOHNSON										Juvenile		
Residence Address, City, State, Zip Code 14099 S 8th St PHOENIX AZ 85048										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		State	Expiration Date				
Registered owner & address, City, State, Zip Code								Vehicle Identification Number						
The Undersigned Certifies That:														
On	Month 01	Day 05	Year 2012	Time 9:30	<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 1815 E LEMON ST								<input checked="" type="checkbox"/> Tempe	State of Arizona			Area	Dist.
The Defendant Committed the Following:														
A	Section: CC 21308		ARS CC	Violation: Deteriorated LANDSCAPE				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input checked="" type="checkbox"/> Municipal Code		
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense		MVD		
B	Section: CC 213815		ARS CC	Violation: Deteriorated FENCE				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input checked="" type="checkbox"/> Municipal Code		
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense		MVD		
C	Section:		ARS CC	Violation:				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code		
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense		MVD		
D	Section:		ARS CC	Violation:				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code		
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense		MVD		
E	Section:		ARS CC	Violation:				<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code		
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:		<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense		MVD		
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: 01-20-2012		Time: Between 9AM & 4PM		<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date: _____		Time: _____		<input type="checkbox"/> AM <input type="checkbox"/> PM
				<input type="checkbox"/> 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.	Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.	<input type="checkbox"/> Victim?	<input type="checkbox"/> 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.										
X MAILED	Complainant COSE COMPLAINTS										PSN 8014			
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 \$ 340.00 DOLLAR CITATION													
Date Issued if not violation date														

COMPLAINT



1442688

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: MICHEAL SPENCER
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 1-30-12

PROPOSAL

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

ADDRESS: 1815 E LEMON TEMPE, AZ.

1 .CLEAN FRONT AND REAR YARDS 24 MAN HRS & 2 LOADS	\$ 608.00
2. TEMPE POLICE OFFICER	472.00

TOTAL COST FOR JOB	\$1080.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON





