

Staff Summary Report



Hearing Officer Hearing Date: 01/17/12

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 Ferguson Property located at 1213 West Hermosa Drive.

DOCUMENT NAME: 20120117cdsl02 **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 **FERGUSON PROPERTY (PL110443 /ABT11048 /CE113670)** (Brandy Zedlar, Inspector; William Ferguson, property owner) located at 1213 West Hermosa 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*

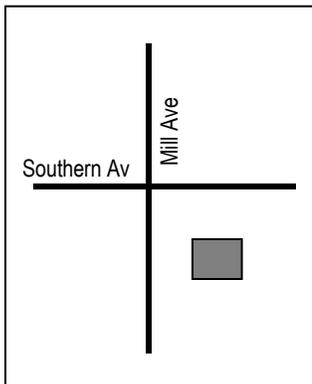
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: \$375.00 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 Ferguson Property located at 1213 West Hermosa 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 CE113670: deteriorated landscape, weeds and debris

PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-10. Code Compliance Report & Photographs

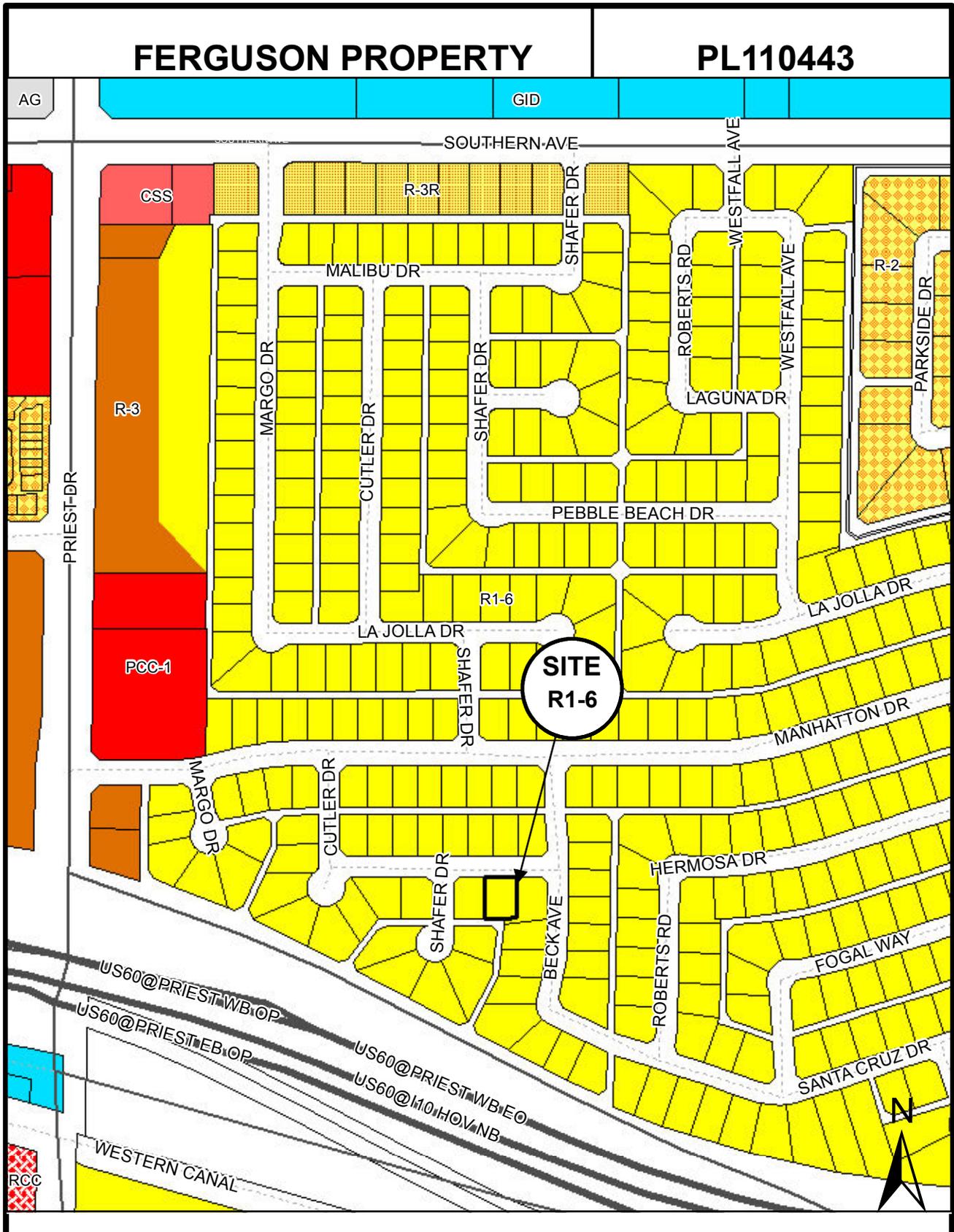
COMMENTS:

Code Compliance is requesting approval to abate the Ferguson Property located at 1213 West Hermosa Drive in the R1-6, Single Family Residential District. This case was initiated 10/11 following which Code Compliance has attempted to obtain compliance through correspondence with the property owners regarding violations of the Tempe City Code. .

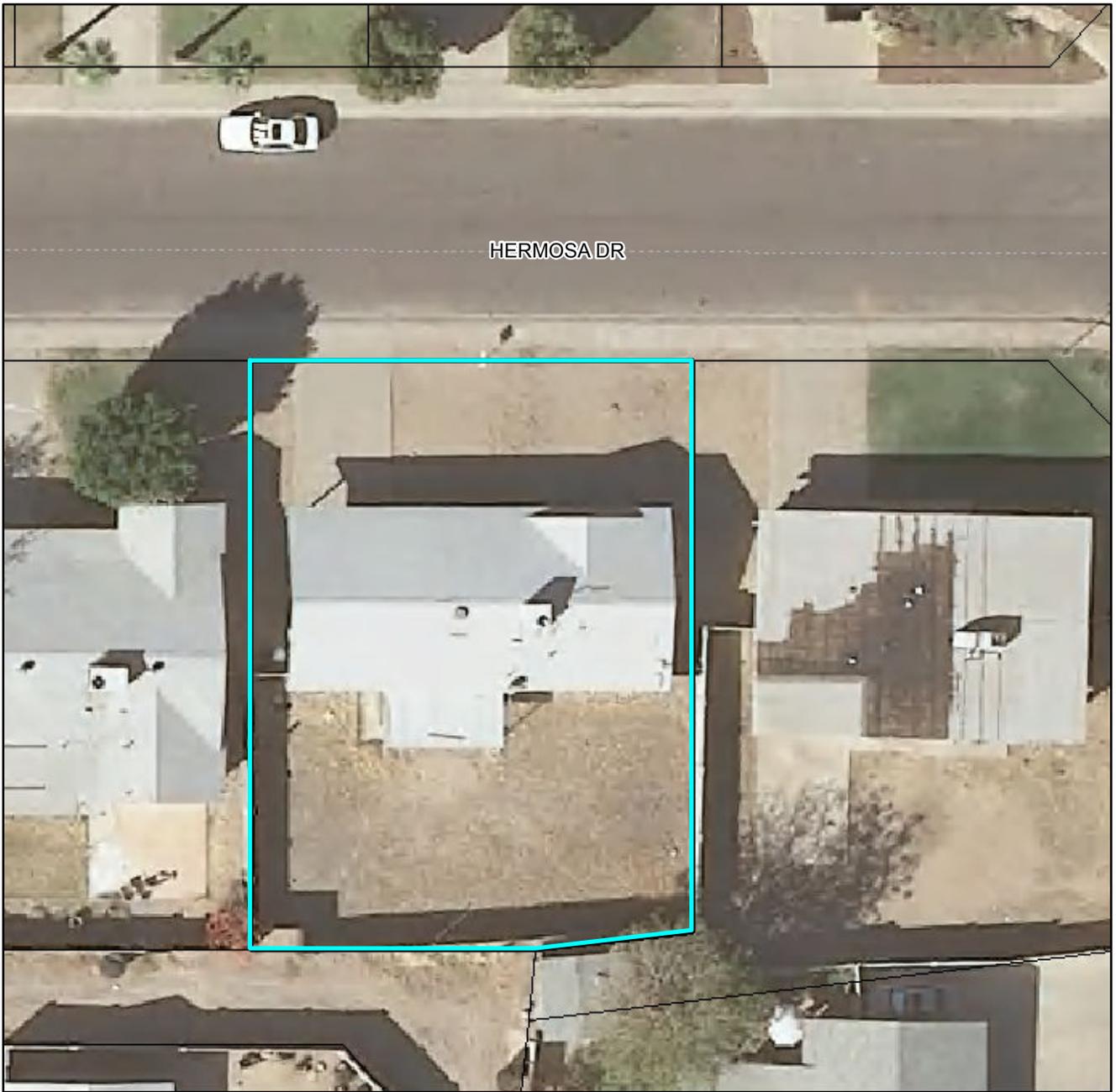
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

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



Location Map



FERGUSON PROPERTY (PL110443)



QUICK LINKS ...

Home Contacts *Parcel Search:

Advanced Search Options

*Market Overview

*Residential Similar Property Search

No Parcel Number? Use Advanced Search Options.

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

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Property Information

[View GIS Maps](#)

Parcel #: 123-49-028-A

MCR #: 13514

Property Address: 1213 W HERMOSA DR
TEMPE 85282

Property Description: ROOSEN HEIGHTS ALL OF LOT 27 & THE W 1F OF LOT 28

Section Township Range: 33 1N 4E

Associated Parcel:

Subdivision Name: ROOSEN HEIGHTS

Lot #: 27

School Dist: TEMPE SCHOOL DISTRICT

Local Jurisdiction: TEMPE

[Tax District FAQs](#)

Owner Information

[View Tax Information](#)

Owner: FERGUSON WILLIAM GEORGE

In Care Of:

Mailing Address: 1213 W HERMOSA DR
TEMPE AZ 85282 USA

Deed #: 100513288

Deed Date: 6/17/2010

Sales Price: n/a

Sales Month/Year: n/a

Valuation Information

[View Similar Parcels](#)

Tax Year:	2012	2011	2010
Full Cash Value (FCV):	\$91,800	\$118,100	\$140,000
Limited Property Value (LPV):	\$91,800	\$118,100	\$140,000
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:	\$9,180	\$11,810	\$14,000
Assessed LPV:	\$9,180	\$11,810	\$14,000
Property Use Code:	0131	0131	0131
Tax Area Code:	031600	031600	031600

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
FINAL CORRECTION NOTICE

10-31-2011

**WILLIAM FERGUSON
1213 W HERMOSA DR
TEMPE, AZ 85282**

Case#: CE113670
Site Address: 1213 W HERMOSA DR

SITE REINSPECTION ON OR AFTER: 11/16/11

This is a notice to inform you that this site was inspected on **10/28/11** 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-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 the weeds/grass growing within the gravel landscape in the front and side yard.**

*****If the above required correction is not satisfied by 11/16/11, a \$170 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**

**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.

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1442856	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 CE113670		<input type="checkbox"/> 16 Passenger Vehicle	<input type="checkbox"/> Haz. Material
Defendant Name (First, Middle, Last) WILLIAM FERBUSON							Juvenile	
Residence Address, City, State, Zip Code 1213 W. HERMOSA DR. TEMPE, AZ 85282							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 11	Day 18	Year 11	Time 10:00	<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 1213 W. HERMOSA DR.						<input checked="" type="checkbox"/> Tempe	State of Arizona		Area	Dist.

The Defendant Committed the Following:

A	Section: 21-3 B B	ARS Violation: CC 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					
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					
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					
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					
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					

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: 12/7/11	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 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.	
X MAILED 11/18/11	Danny Tedlow Complainant	8021 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

CODE COMPLIANCE

Date issued if not violation date _____

COMPLAINT





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: December 14, 2012

TO: WILLIAM FERGUSON
1213 W HERMOSA 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:

LEGAL: Parcel # 123-49-028A, as recorded with the Maricopa County Assessor.

LOCATION 1213 W. Hermosa Dr., Tempe, AZ 85282

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of January 17, 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: 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 \$375.00. 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: BRAANDY ZEDLAR
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 12-13-11

PROPOSAL

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

ADDRESS: 1213 W HERMOSA TEMPE, AZ.

1. MOW AND REMOVE WEEDS & DEBRIS FROM FRONT YARD 9 MH @ 22/H	\$198.00
2. POLICE OFFICER 3 HOUR MIN	177.00

TOTAL COST FOR JOB	\$375.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON



ATTACHMENT 9

