
**CITY OF TEMPE
HEARING OFFICER**

Meeting Date: 01/04/2022

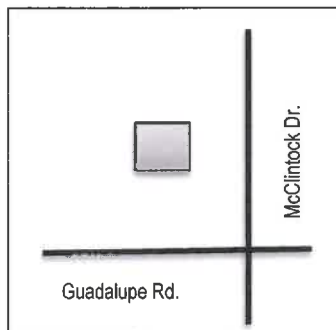
Agenda Item: 3

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: \$890 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 CE214946: front and side yard landscape cleanup.



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

ATTACHMENTS: Supporting Attachment

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

Department Director: Shelly Seyler, Interim Department 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 08/13/2021, 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 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	ADAMS PROPERTY ABATEMENT					EXISTING ZONING	R1-6	<input type="checkbox"/>		
PROJECT ADDRESS	5934 S. JUNIPER ST. TEMPE, AZ 85283					SUITE(S)		<input type="checkbox"/>		
PROJECT DESCRIPTION	ABATEMENT OF CE214946 HEARING IS SCHEDULED FOR JANUARY 4TH, 2022					PARCEL No(s)	301-91-284	<input type="checkbox"/>		
PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)										
BUSINESS NAME	JOHN ADAMS		ADDRESS	5934 S. JUNIPER ST.						
CONTACT NAME		CITY	TEMPE	STATE	AZ	ZIP	85283			
EMAIL		PHONE 1		PHONE 2						
<i>I hereby authorize the applicant below to process this application with the City of Tempe.</i>										
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		ADDRESS	21 E. 6TH ST.						
CONTACT NAME	JULIE SCOFIELD		CITY	TEMPE	STATE	AZ	ZIP	85281		
EMAIL	JULIE_SCOFIELD@TEMPE.GOV		PHONE 1	480-350-8951		PHONE 2				
<i>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.</i>										
APPLICANT SIGNATURE X							DATE			
<i>Julie Scofield</i> 7/1/18/21										
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)		VALIDATION OF PAYMENT (STAMP)				
PL TRACKING #										
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: 11/18/2021
TO: Michael Spencer, Sr. Code Inspector
FROM: Julie Scofield, Code Inspector
SUBJECT: CE214946, Adams Property Abatement

LOCATION: 5934 S. JUNIPER ST. TEMPE, AZ 85283

LEGAL: TEMPE ROYAL PALMS

PARCEL: 301-91-284

OWNER: JOHN ADAMS
5934 S. JUNIPER ST.
TEMPE, AZ 85284

FINDINGS:

08/13/2021 The Code Compliance Division received a complaint for this property for deteriorated landscape. An inspection found that the property was in violation for grass and weeds in a gravel landscape. A notice was mailed to the owner, John Adams.

08/30/2021 There has been no change to the property. A final notice was mailed.

09/15/2021 There has been no change to the landscape. A pink hanger was placed on the door asking for contact or compliance by 09/20/2021 to avoid a citation.

09/17/2021 An anonymous complaint came in for this property regarding the front yard landscape.

09/23/2021 Issued a citation to the property for the deteriorated landscape. Citation # 1619615. Pictures were taken to show the condition of the property.

10/22/2021 An anonymous complaint came in for this property regarding the front yard landscape.

11/18/2021 Turning in the abatement packet for the hearing to be heard on January 4th, 2022, for the landscape violation. The citation has gone to collections.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violation at the property located at 5934 S. Juniper St., due to property owner's failure to bring property into compliance with Tempe City Code 21-3. b.8. Mr. Adams was issued multiple notices. A citation was issued but has gone to collections. There has been no indication that the property owner will bring the property into compliance. The property represents an eyesore to the community.

Without the intervention of abatement, the property will continue to deteriorate. I therefore make a request to the City of Tempe Community Development Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code. I also request that the abatement be approved for 180 days.

Respectfully submitted,

Julie Scofield
Code Inspector II

ACTION TAKEN: submit
NAME: [Signature]
DATE: 11/18/21



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 11/18/2021
CASE #: CE214946

**JOHN 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:

LOCATION: 5934 S JUNIPER ST TEMPE, AZ 85283
PARCEL: 301-91-284

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **01/04/2022**. 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 Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps

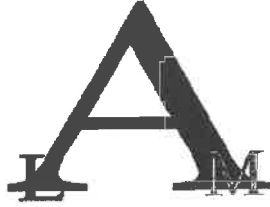
As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below. If the violation(s) have not been corrected, our office will proceed with the abatement process.

CC 21-3. b.8 Remove all grass and weeds from gravel landscape in the front and or sides of the property. Remove and discard fallen fruit. Remove grass and weeds from driveway cracks and joints.

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 **\$890.00**. In addition to the actual cost of abatement, an administrative charge of fifteen percent (15%) 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: Julie Scofield
Phone Number: 480-350-8951
E-mail: julie_scofield@tempe.gov**



Artistic Land Management, Inc.

November 17, 2021

City of Tempe
Attn: Julie Scofield
Code Inspector

RE: Landscape Clean-Up at 5934 S. Juniper St.

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 5934 S. Juniper St, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

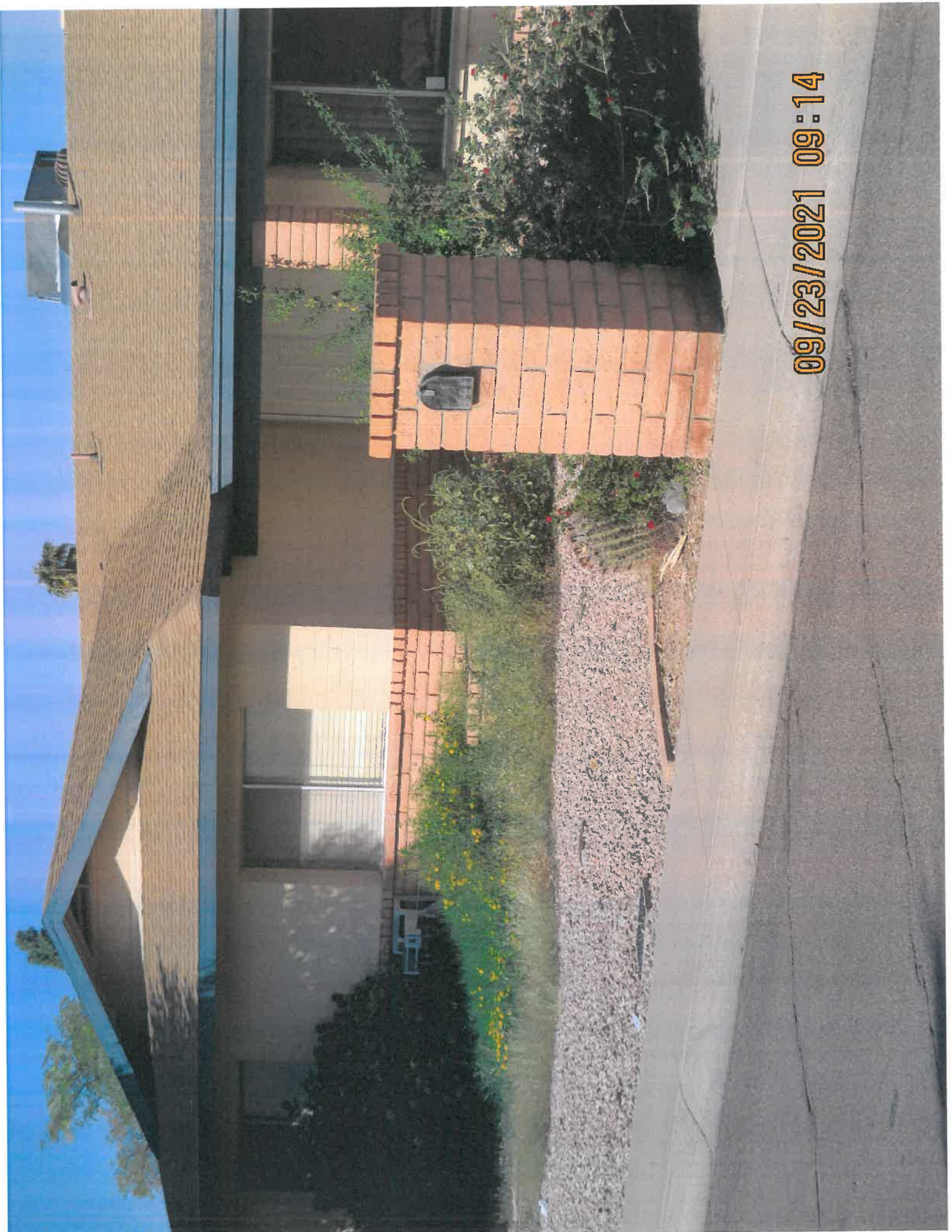
Front and Side Yard Clean-Up

- Cut down weeds and unwanted grass to ground level
- Apply post-emergent chemical where needed
- Rake and/or blow landscaped areas
- Haul off debris
- Police presence on-site for duration of visit

Total = \$890.00

Respectfully,

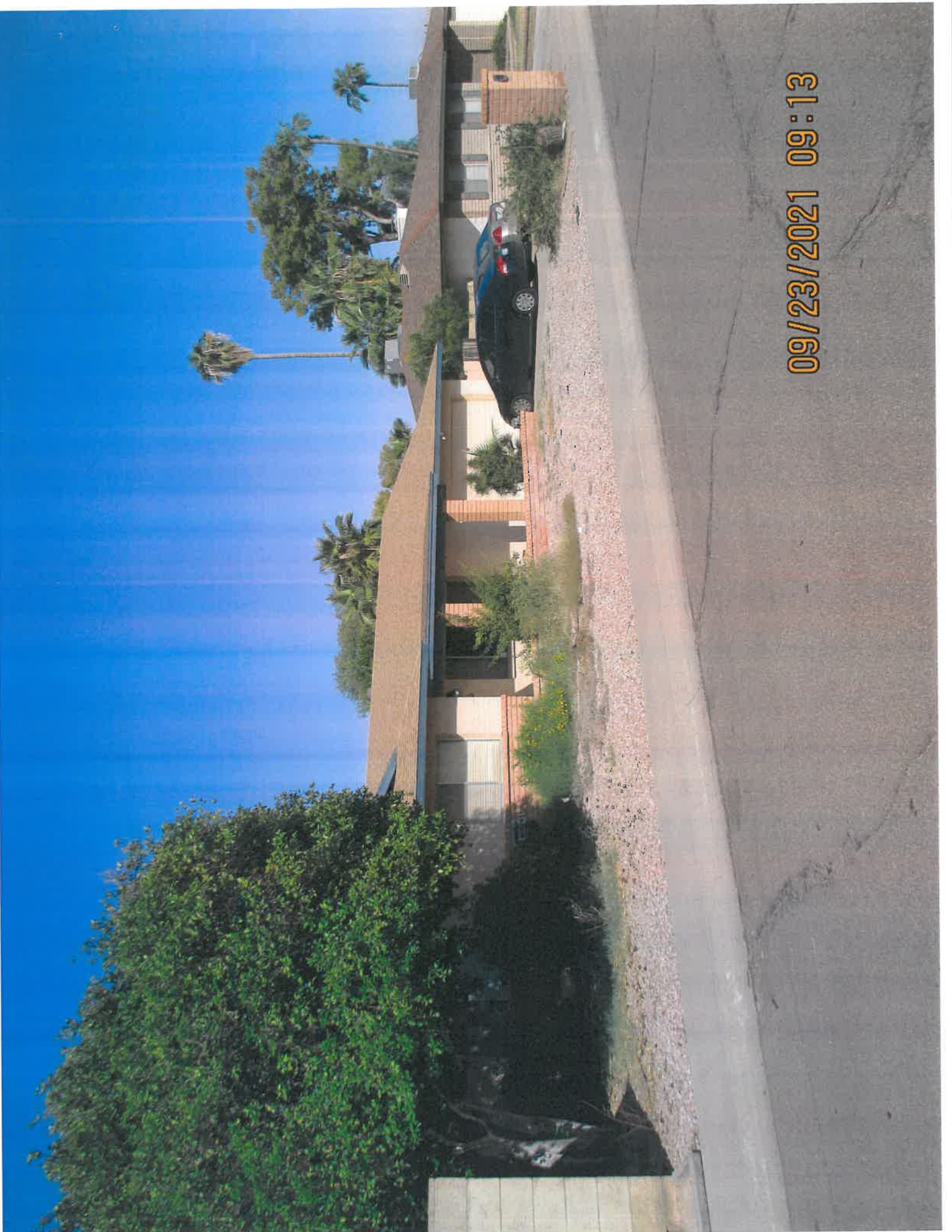
Jose Hernandez



09/23/2021 09:14



09/23/2021 09:14



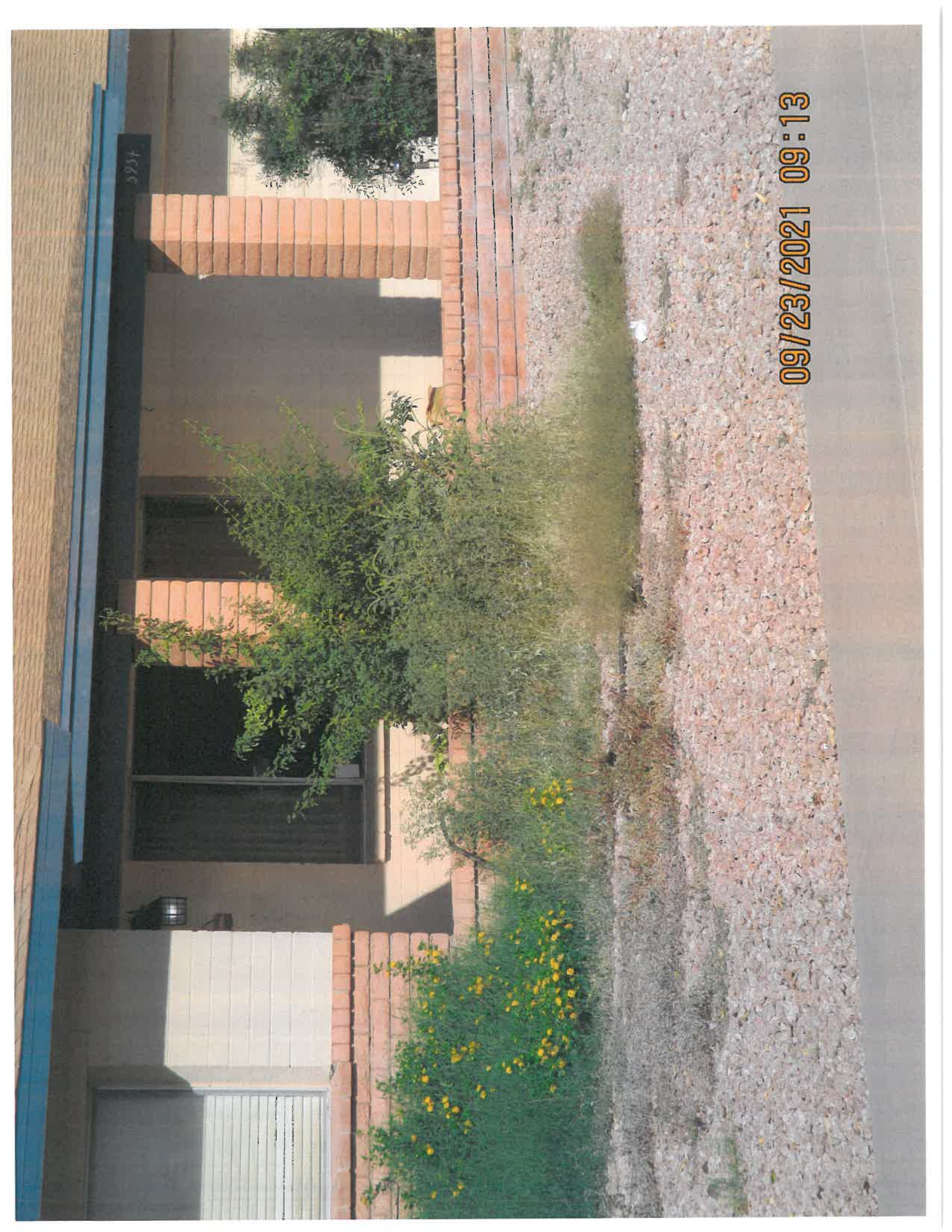
09/23/2021 09:13



09/23/2021 09:13

4366

09/23/2021 09:13





09/23/2021 09:13



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

08/13/2021

ADAMS JOHN MICHAEL
5934 S JUNIPER ST
TEMPE, AZ 85283

Case#: CE214946
Site Address: 5934 S. JUNIPER ST. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 08/30/2021

This is a notice to inform you that this site was inspected on 08/13/2021 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 \$82.00 pursuant to City Code Section 21-51, subsection (b).



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

08/30/2021

ADAMS JOHN MICHAEL
5934 S JUNIPER ST
TEMPE, AZ 85283

Case#: CE214946
Site Address: 5934 S. JUNIPER ST. TEMPE, AZ 85283

SITE REINSPECTION ON OR AFTER: 09/13/2021

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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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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 \$82.00 pursuant to City Code Section 21-51, subsection (b).

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1619615	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 ce214944
Defendant Name (First, Middle, Last) John M. Adams		Residence Address, City, State, Zip Code 5934 S. Juniper St. Tempe AZ 85283					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 09	Day 23	Year 2021	Time 9:13	<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 5934 S. Juniper St.						<input checked="" type="checkbox"/> Tempe	85283	State of Arizona		Area	Dist.

The Defendant Committed the Following:

A	Section: TCC 21-3A	ARS CC	Violation: 21-3-B-8 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 type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD						
B	Section:	ARS CC	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	<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
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<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
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<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
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<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: 10/07/21 Time: Between 9AM & 4PM
<input type="checkbox"/> Court:	<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor Date: _____ Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
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: **Sturtevant** PSN: **8022**

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 _____

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.



1619615

COMPLAINT

Case No: 21-019861-4

Title: CITY OF TEMPE VS JOHN MICHAEL ADAMS

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

Case Status: Inactive
 Filed: 9/24/2021

Case Balance Owning: \$294.30
 Stayed Balance Owning: \$0.00

TPC Due Date:
 TPC Amount Due:

Cite Number	Code	Violation Date	Description	Filed	Disposition	Disp Date
1619615A	21-3B8	09/23/2021	LANDSCAPING-DEAD, DAMAGED, UNCONTRO	9/24/2021	58 - FAIL TO APPEAR	10/21/2021

Citations: 1

REGISTER OF ACTION

Date	Cite Number	Action	Amount	Judge	User
9/24/2021		ATTC FILED			JDH
9/24/2021		**1ST VIOLATION**			JDH
9/24/2021	1619615 A	CIVIL ARRAIGNMENT NLT 10/7/2021			JDH
10/8/2021		CV ARR FTA - PENDING DEFAULT APPEAR NLT 10/21/2021			SYS
10/22/2021	1619615 A	DEFAULT FEE IMPOSED	\$50.00		SYS
10/22/2021	1619615 A	FINE AND APPLICABLE FEES IMPOSED	\$200.00		SYS
10/22/2021	1619615 A	JCEF TIME PAYMENT FEE IMPOSED	\$20.00		SYS
10/22/2021	1619615 A	FTA DEFAULT			SYS
10/22/2021		CASE HAS BEEN REFERRED TO VALLEY FOR COLLECTION	\$24.30		

Actions: 9

