

CITY OF TEMPE HEARING OFFICER

Meeting Date: 11/19/2019

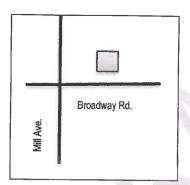
Agenda Item: 3

ACTION: Request approval to abate public nuisance items at the Bankhead Property located at 1736 S. El Camino Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$4902.00 for abatement request, remove dead pine tree in front yard and removal of junk, trash, debris, scrap and other discarded household items.

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 BANKHEAD 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 CE192716: remove dead pine tree in front yard and removal of junk, trash, debris, scrap and other discarded household items.



Property Owner

Applicant

Zoning District:

2011ing District.

Code Compliance Inspector:

James Alan Bankhead

City of Tempe - Code Compliance

R1-6, Single Family Residential

Andres Lara-Reyes, 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 Bankhead Property located at 1736 S. El Camino Drive, in the R1-6, Single Family Residential district. This case was initiated 04/15/2019, 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.

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



Part 1 of 2

	PROJECT NAME		st be ac	companied by the re PROJECT INFOR	equii	red plans, submittal materi FION – REQUIRED	als, and correct fee((s) IE	anpe
		JAMES ALAN BANKHE	AD				EXISTING		
	PROJECT ADDRESS	1736 S EL CAMINO DR	, TEMPI	E, AZ 85281			ZONING SUITE(S)	18	
PR	JECT DESCRIPTION	TRASH, LITTER, DEBR	IS; DEA	D TREE	_		PARCEL No(s)	GE 1927 16	
		HEARING DATE: NOVE	MBER :	19. 2019				133-15-013	
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	CONTACT NAME				CITY	The state of the s	STATE	2	P
	EMAIL			PHO	NE 1		PHONE 2		
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		PROPER ment authorizing the applican	MWO YT	ED CICALATHDE V	e CI	y or rempe.		DATE	
	IPANY / FIRM NAME		to line al	APPLICANT INFOR	MAT	TION - REQUIRED			
CON		CITY OF TEMPE		ADDRI	ESS				
	CONTACT NAME	ANDRES LARA-REYES		C	TY		STATE	ZIF	
	EMAIL			PHON		(480) 350-8963	PHONE 2		
I her	eby attest that th	is application is accurate	and th	e submitted docume	nts a		o that if the applies	diam in alco-	
inco	mpiete it will be i			be resubmitted with	any	missing information.			ed to be
	-				41	pres 2		DATE	114-119
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	. VARIANCES						VAR		
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		CONDOMINIUMS					SBD	REC	
	. DEVELOPMENT	PLAN REVIEW					DPR	ILEO	
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□ J.							GPA		
□ K	. ZONING VERIFIC	CATION LETTERS					ZVL		
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	renij							market fast	. 2120)

DATE:

10/14/2019

TO:

Jeff Tamulevich, Code Compliance Administrator

FROM:

Andres Lara-Reyes

SUBJECT:

Request to Authorize for Abatement- Reference Complaint # CE192716

LOCATION:

1736 S EL CAMINO DR, TEMPE, AZ 85281

LEGAL:

Parcel #133-15-013, as recorded with the Maricopa County Assessor

OWNER:

JAMES ALAN BANKHEAD

1736 S EL CAMINO TEMPE, AZ 85281

FINDINGS:

1736 S EL CAMINO is currently in violation of City of Tempe's Nuisance Code in regard to trash, litter, debris and a dead pine tree.

The property has been in violation since 04/15/2019 with the initial violation being trash, litter, debris and a dead tree. There has been no response from the owner of the property and no mail has been returned.

The owner JAMES ALAN BANKHEAD was issued correction notices to correct the violation by mail. As stated above, no mail has been returned which means the property remains unresolved as of this date. Notice of intent to abate was mailed and hand delivered to the owner.

RECOMMENDATIONS:

JAMES ALAN BANKHEAD has made minimum improvements to remedy the violations upon the property at 1736 S EL CAMINO. Since this property remains in violation, without the intervention of abatement, the property will continue to deteriorate. I therefore make a request to the City of Tempe Development Services Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order. Mr. JAMES ALAN BANKHEAD has given minimum indications that he plans on correcting the violations and maintaining the property.

Respectfully submitted, Andres Lara-Reyes

ACTION TAKEN

NAME:

DATE:



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 10/14/2019 Case #: CE192716

JAMES ALAN BANKHEAD 1736 S EL CAMINO TEMPE, AZ 85281

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

Location: 1736 S EL CAMINO DR TEMPE, AZ 85281

Parcel: 133-15-013

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of November 19, 2019. 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.1 Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not

enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts;

unused, inoperable, worn out or discarded appliances or other household items;

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;

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

CC 21-3.b.1 Please remove all trash, litter, debris, items covered with tarps, piles of palm tree fronds debris, wood, scrap, pipes, metals, discarded furniture and boxes in the back yard.

CC 21-3.b.8 Please remove or cut to ground level the dead pine tree in the front yard.

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 \$4902.00. 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 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: Andres Lara-Reyes Phone Number: 480-350-8963

E-mail: andres_lara-reyes@tempe.gov

HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97 PHOENIX, AZ 85015 (602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: ANDRES LARA-REYES

FIRM:

CITY OF TEMPE

DATE:

10/7/19

PROPOSAL

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

ADDRESS: 1736 S EL CAMINO DR

1 LANDSCAPE FRONT AND BACK YARDS	\$2,000.00
2 ESTAMATED DUMP FEES	\$150.00
3 ROLL OFF DUMPSTER	\$500.00
4 REMOVAL OF DEAD PINE TREE IN FRONT YARD. TRIMMING OF PALM TREE IIN BACK YARD 3RD PARTY	\$1,700.00
5 SECURITY BY TEMPE POLICE	\$552.00
6	\$0.00
TOTAL COST OF JOB	\$4,902.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

04/16/2019

JAMES ALAN BANKHEAD 1736 S EL CAMINO TEMPE, AZ 85281

Case #: CE192716

Site Address: 1736 S EL CAMINO DR, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 04/16/2019 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.

	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;	
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PLEASE TAKE T	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.0.8	Please remove or cut to ground level the dead pine tree in the front yard.	05/16/2019

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

Andres Lara-Reyes Code Inspector

Direct: 480-350-8963

Code Compliance: 480-350-8372 Email:andres_lara-reyes@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.



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FINAL CORRECTION NOTICE

05/16/2019

JAMES ALAN BANKHEAD 1736 S EL CAMINO TEMPE, AZ 85281

Case #: CE192716

Site Address: 1736 S EL CAMINO DR, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 05/16/2019 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.

Section	Violation	
CC 21-3.b.8	Landscaping that is substantially dead, damaged or characterized by uncontr presents a deteriorated or slum-like appearance; or any dead trees, bushes, thereof, including stumps;	olled growth, or shrubs or portions
PLEASE TAKE	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove or cut to ground level the dead pine tree in the front yard.	05/30/2019

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

Andres Lara-Reyes Code Inspector

Direct: 480-350-8963

Code Compliance: 480-350-8372 Email:andres_lara-reyes@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.



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

08/26/2019

JAMES ALAN BANKHEAD 1736 S EL CAMINO TEMPE, AZ 85281

Case #: CE192716

Site Address: 1736 S EL CAMINO DR, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 08/26/2019 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.

Section	Violation		
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof no enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items;		
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; 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	SITE REINSP ON OR AFTER	
CC 21-3.b.1	Please remove all trash, litter, debris, tarps, piles of tree leaves debris, wood, scrap, rolls of fencing, pipes, metals, discarded furniture and boxes in the back yard.	09/26/2019
CC 21-3.b.8	Please remove all the dead fronds from one palm tree in the back yard.	09/26/2019
CC 21-3.b.8	Please remove or cut to ground level the dead pine tree in the front yard.	09/26/2019

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

Andres Lara-Reyes Code Inspector

Direct: 480-350-8963

Code Compliance: 480-350-8372 Email:andres_lara-reyes@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, occurrence \$1,000 per violation. |Section 21-4 (b) Habitual Offender: 1st 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.



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FINAL CORRECTION NOTICE

09/26/2019

JAMES ALAN BANKHEAD 1736 S EL CAMINO TEMPE, AZ 85281

Case #: CE192716

Site Address: 1736 S EL CAMINO DR, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 09/26/2019 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.

Section	Violation
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items;
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; 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.
CC 21-3.b.6	Excessive animal waste that is not securely protected from insects and the elements, or that is kept or handled in violation of this code or any other ordinance of the city or the county; provided, that nothing in this subsection shall be deemed to prohibit the use of such animal waste on any farm or ranch in such a manner and for such purposes as are compatible with customary methods of good husbandry or cultivation.
CC 21-3.b.11	The erection, continuance or use of any building, room or other place in the city that, by noxious exhalations, including but not limited to smoke, soot, dust, fumes or other gases, offensive odors or other annoyances, is discomforting or offensive or detrimental to the health of individuals or of the public.

PLEASE TAKE	SITE REINSP ON OR AFTER	
CC 21-3.b.1	Please remove all trash, litter, debris, tarps, piles of tree leaves debris, wood, scrap, rolls of fencing, pipes, metals, discarded furniture and boxes in the back yard.	10/10/2019
CC 21-3.b.6 CC 21-3.b.11	Please remove any odors or smells from the back-yard area.	10/10/2019
CC 21-3.b.8	Please remove all the dead fronds from one palm tree in the back yard.	10/10/2019
CC 21-3.b.8	Please remove or cut to ground level the dead pine tree in the front yard.	10/10/2019

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

Andres Lara-Reyes Code Inspector

Direct: 480-350-8963

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133-15-013 Residential Parcel

This is a residential parcel located at 1736 S EL CAMINO DR TEMPE 85281. and the current owner is BANKHEAD JAMES ALAN. It is located in the University Terrace subdivision and MCR 4945. Its current year full cash value is \$228,800.

Property Information

1736 S EL CAMINO DR TEMPE 85281

MCR#

4945

Description:

UNIVERSITY TERRACE

Lat/Long

33.40823995 | -111.93382580

Lot Size

9,775 sq ft.

Zoning

R1-6

Lot#

11

High School District

TEMPE UNION #213

Elementary School District TEMPE ELEMENTARY SCHOOL DISTRICT

Local Jurisdiction

TEMPE

S/T/R

22 1N 4E

Market Area/Neighborhood 02/005

Subdivision (60 Parcels)

UNIVERSITY TERRACE

Owner Information

BANKHEAD JAMES ALAN

Mailing Address 1736 S EL CAMINO, TEMPE, AZ 85281

Deed Number

840045052

Last Deed Date 02/02/1984

Sale Date

n/a

Sale Price

n/a



Maricopa County Treasurer's Office

Royce T. Flora, Treasurer

Tax Summary 133-15-013 0

Current Mailing Name & Address

BANKHEAD JAMES ALAN 1736 S EL CAMINO DR TEMPE, AZ 85281-6623 Property (Situs) Address 1736 S EL CAMINO DR TEMPE, AZ 85281

2019 Tax Due

Assessed Tax:

\$1,073.74

Tax Paid:

\$0.00

Total Due:

\$1,073.74

O View 2019 Tax Details

Create Stub

View Additional Tax Years

Back Taxes							
Tax Year Status		Assessed Tax	Amount Due				
2 018	Unpaid	\$1,044.80	\$1,170.17				

Total Amount Due

Total Amount Due:

\$2,243.91

Total amount due does not reflect any pending payments. Amount may change based on activity to this parcel. **NOTE:** Your property may be subject to additional tax liens listed under previous parcel numbers.

