
**CITY OF TEMPE
HEARING OFFICER**

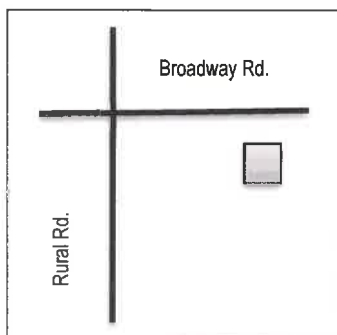
**Meeting Date: 01/05/2021
Agenda Item: 5**

ACTION: Request approval to abate public nuisance items at the IH6 Property located at 1336 E. Broadmor Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$726.00 for abatement request: remove excess/dead fronds from palm tree in front yard.

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 IH6 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 CE204934: remove excess/dead fronds from palm tree in front yard.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

IH6 Property Phoenix LP
City of Tempe – Code Compliance
R-2 Multi Family Residential
Michael Glab, 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 IH6 Property located at 1336 E. Broadmor Drive, in the R-2, Multi Family Residential district. This case was initiated 07/31/20, 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	IH6 PROPERTY PHOENIX, LP ABATEMENT	EXISTING ZONING	R-2 <input type="checkbox"/>
PROJECT ADDRESS	1336 E BROADMOR DR TEMPE, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	HUGHES ACRES 7 ABATEMENT OF CE204934 JANUARY 05, 2021	PARCEL No(s)	133-31-209 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
BUSINESS NAME	ADDRESS		
CONTACT NAME	CITY	STATE	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	21 E 6TH ST SUITE 208
CONTACT NAME	MICHAEL GLAB / CODE INSPECTOR	CITY	TEMPE STATE AZ ZIP 85281-3681
EMAIL	michael_glab@tempe.gov	PHONE 1	(480) 350-5461 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	12/4/2020
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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)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			
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: 12/04/2020

SUBJECT: IH6 PROPERTY PHOENIX LP Abatement

LOCATION: 1336 E BROADMOR DR., TEMPE, AZ 85282

LEGAL: LOT 929, BOOK 116, PAGE 042, as recorded with the Maricopa County Assessor

OWNER: IH6 PROPERTY PHOENIX LP
1336 E BROADMOR DR
TEMPE, AZ 85282

FINDINGS:

In July of 2020, my office received a complaint due to excessive, dead palm fronds. I inspected the property, confirmed a violation, and sent a notice to the property owner(s)/manager(s), requesting compliance

In August of 2020, my office received an additional complaint related to the palm

In September of 2020, I observed little to no change at the property and mailed a second notice to the property owner(s)/manager(s)

In October of 2020, I observed little to no change at the property and posted a notice to the front of the structure

In November of 2020, I received an email from a property manager advising that the property would be added to their list for maintenance. I followed up at the property and observed little to no change

In December of 2020, I sought bids to initiate the abatement process

RECOMMENDATIONS:

The owner(s) of this property, IH6 PROPERTY PHOENIX LP, have/has made little to no attempt to bring the property into compliance. IH6 PROPERTY PHOENIX LP have/has not had a prior abatement conducted on this property. Due to the failure of the property owner(s) to address this matter, a 180-day open abatement period is being sought for this property. 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 GLAB
Code Inspector
City of Tempe

ACTION TAKEN: SUBMIT
NAME: [Signature]
DATE: 12 14 20



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

Date: 12/04/2020
Case #: CE204934

**IH6 PROPERTY PHOENIX LP
8665 E HARTFORD DR STE 200
SCOTTSDALE, AZ 85255**

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

Location: 1336 E BROADMOR DR., TEMPE, AZ 85282
Parcel: 133-31-209

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda to be held on 01/05/2021 at 5pm, at the City of Tempe Council Chambers, located at 31 E. 5th Street, Tempe. 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 Excessive, dead palm fronds

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.8 Please trim excessive, dead palm fronds from the palm tree(s) located on the property (e.g. the front yard, etc.)

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 \$726.00. 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: Michael Glab
Phone Number: 480-350-5461
E-mail: Michael_Glab@tempe.gov



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
POST TO STRUCTURE

10/06/2020

IH6 PROPERTY PHOENIX, LP
8665 E HARTFORD DR STE 200
SCOTTSDALE, AZ 85255

Case #: CE204934
Site Address: 1336 E BROADMOR DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 10/02/2020 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	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;

**SITE REINSP
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8	Please remove excessive, dead palm fronds from the palm tree(s) located on the property (e.g. the front yard landscape, etc.). Please remove the pile of palm debris from the west side yard storage	11/09/2020
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Michael Glab
Code Inspector

Direct: 480-350-5461
Code Compliance: 480-350-8372
Email: Michael_Glab@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.



We recognize the affects the Coronavirus (COVID-19) has had on our community, and during these difficult times we want to provide assistance. Please reach out to the inspector should you need additional time.

COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

07/31/2020

IH6 PROPERTY PHOENIX LP
PO BOX 4698
LOGAN, UT 84323

Case #: CE204934
Site Address: 1336 E BROADMOR DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 07/30/2020 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	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		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove excessive, dead palm fronds from the palm tree(s) located on the property (e.g. the front yard landscape, etc.)	08/31/2020

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

Michael Glab
Code Inspector

Direct: 480-350-5461
Code Compliance: 480-350-8372
Email: Michael_Glab@tempe.gov

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Civil and Criminal Penalties

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

07/31/2020

IH6 PROPERTY PHOENIX, LP
8665 E HARTFORD DR STE 200
SCOTTSDALE, AZ 85255

Case #: CE204934
Site Address: 1336 E BROADMOR DR, TEMPE, AZ 85282

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PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove excessive, dead palm fronds from the palm tree(s) located on the property (e.g. the front yard landscape, etc.)	08/31/2020

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

Michael Glab
Code Inspector

Direct: 480-350-5461
Code Compliance: 480-350-8372
Email: Michael_Glab@tempe.gov

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

09/02/2020

IH6 PROPERTY PHOENIX LP
PO BOX 4698
LOGAN, UT 84323

Case #: CE204934
Site Address: 1336 E BROADMOR DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 09/02/2020 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.

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PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove excessive, dead palm fronds from the palm tree(s) located on the property (e.g. the front yard landscape, etc.). Please remove the pile of palm debris from the west side yard storage	10/02/2020

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

Michael Glab
Code Inspector

Direct: 480-350-5461
Code Compliance: 480-350-8372
Email: Michael_Glab@tempe.gov

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

09/02/2020

IH6 PROPERTY PHOENIX, LP
8665 E HARTFORD DR STE 200
SCOTTSDALE, AZ 85255

Case #: CE204934
Site Address: 1336 E BROADMOR DR, TEMPE, AZ 85282

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HAMANN ENTERPRISES, LLC
2925 N 19TH AVE UNIT 97
PHOENIX, AZ 85015
(602) 575-4455
hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: MICHEAL GLAB

FIRM: CITY OF TEMPE

DATE: 12/2/20

PROPOSAL

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

ADDRESS: 1336 E BROADMOR DR

1 TRIM PALM TREE IN FRONT YARD	\$400.00
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/> \$726.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

Nov 20, 2020 9:11:54 AM
Tempe

