Staff Summary Report

Tempe

Hearing Officer Hearing Date: August 7, 2007 Agenda Item Number: 20

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items located at the BANKHEAD RESIDENCE located at 1736 South El Camino Drive.

DOCUMENT NAME: 20070807dssd PLANNNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the BANKHEAD RESIDENCE (PL070308/ABT07020) (James Alan Bankhead, property owner) Complaint No. CE064423 located at 1736 South El Camino Drive, in the R1-6, Single Family Residential District.

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

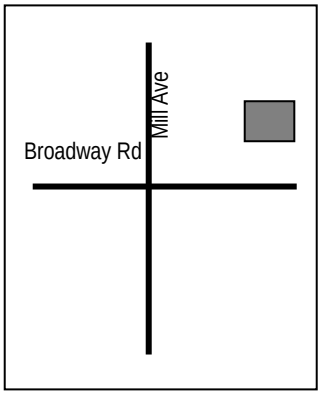
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) SEA

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval

ADDITIONAL INFO: The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the BANKHEAD RESIDENCE (PL070308/ABT07020) (James Alan Bankhead, property owner) Complaint No. CE064423 located at 1736 South El Camino 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 recommends the authorization of abatement of this property.



PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)

3-10. Neighborhood Enhancement Report

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the BANKHEAD RESIDENCE (PL070308/ABT07020) (James Alan Bankhead, property owner) Complaint No. CE064423 located at 1736 South El Camino 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. Refer to the attached memo and photos from Michelle Arnieri, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

Staff recommends the authorization of abatement of this property.

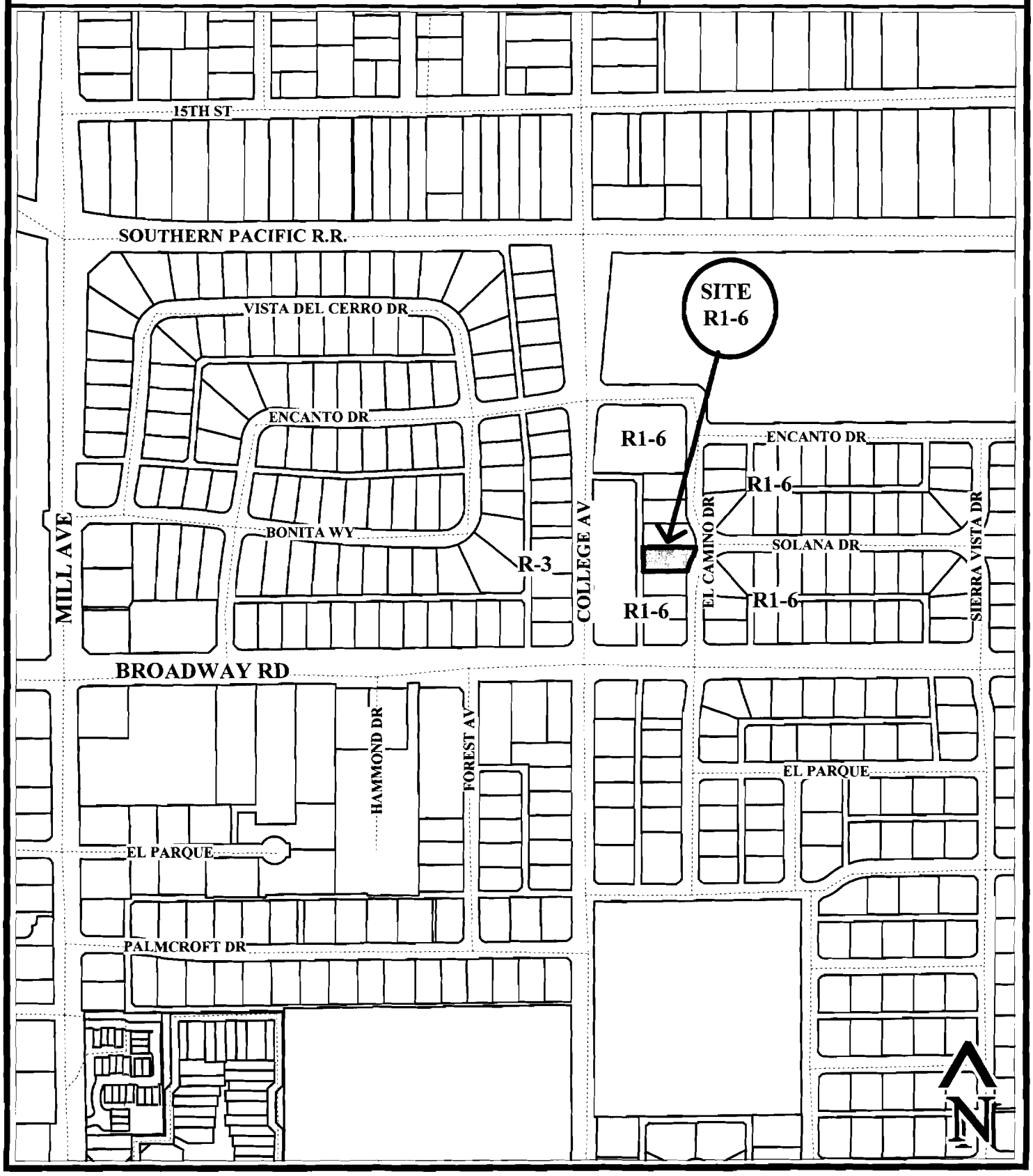
HISTORY & FACTS: See attached memo from the Neighborhood Enhancement Division.

DESCRIPTION:
Owner – James Allen Bankhead
Applicant – Michelle Arnieri, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 9,775 s.f. / .22 acres
Building area – 884 s.f.
Year of construction -1950

Tempe

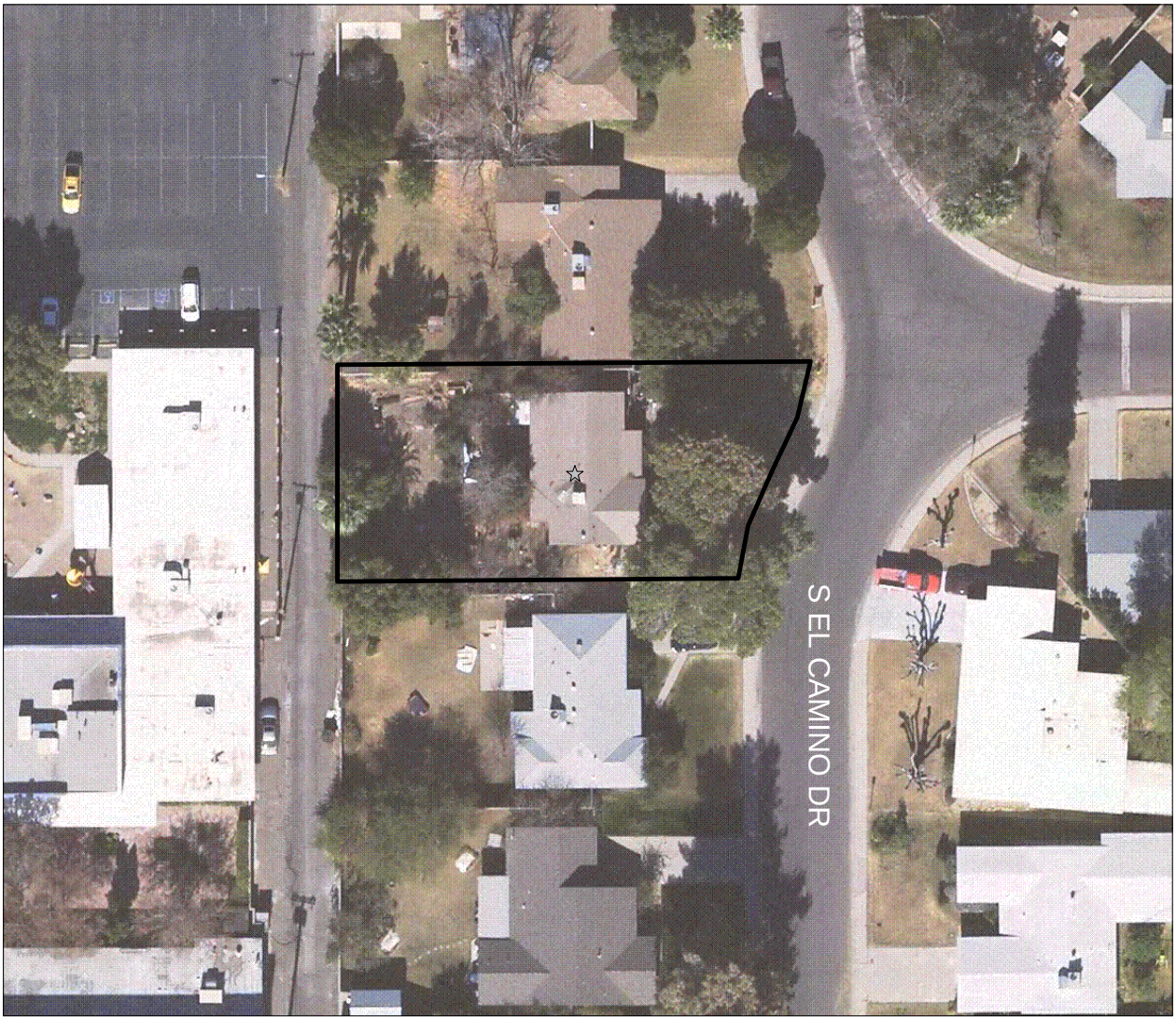
BANKHEAD RESIDENCE

PL070308/ABT07020



Location Map

ATTACHMENT 1



BANKHEAD RESIDENCE (PL070308/ABT07020)

DATE: July 10, 2007

TO: Michael Spencer, Senior Code Inspector

FROM: Michelle Arnieri, Code Inspector

SUBJECT: Request Authorization to Abate Complaint CE064423

LOCATION: 1736 S. El Camino Dr, Tempe AZ 85281

LEGAL: Book 133, Map 15, Parcel 013, as recorded with the Maricopa County Assessor

OWNER: James Alan Bankhead
1736 S. El Camino Dr.
Tempe, AZ 85281

FINDINGS:

8-29-06 I inspected the property with Michael Spencer and observed a garbage can of litter and debris spilling into the driveway as well as common junk in the front and side yards of the property. The first courtesy notice was sent.

9-26-06 I re-inspected the property and observed that no improvements had been made. A final courtesy notice was mailed.

10-19-06 Junk, litter and debris remains at the property. The first civil citation was issued.

11-02-06 Mr. Bankhead failed to appear in court. The property was still in violation of city code 21-3-b-1, junk, litter and debris.

11-03-06 The second civil citation was issued.

11-16-06 Mr. Bankhead failed to appear in court on his second citation for junk, litter and debris.

11-30-06 I made initial contact with our city approved contractor Bob Hepting requesting a bid proposal.

12-14-06 I received the bid for clean up of 1736 S. El Camino Dr. for $350.00.

12-28-06 I took photos of the property for the abatement.

1-04-07 Submitted for abatement.

1-05-07 Kirk Erickson posted the intent to abate letter at the property for me.

2-20-07 Hearing Officer Agenda approved.

3-7-07 I received notice that the homeowner has not appealed the BOFA decision.

3-14-07 I scheduled the abatement with Bob Hebting for March 28, 2007.

3-28-07 The abatement was conducted at the property.

5-30-07 I received a call from a citizen expressing their concern over the property.

5-31-07 I inspected the property and observed debris strewn throughout the entire property. There is dead landscape as well as overgrown trees that need to be trimmed and removed. I sent a courtesy notice to the homeowner with a warning that I would submit for an abatement request if the property was not brought into compliance.

6-14-07 I re-inspected the property and observed that more junk, litter and debris has been brought to the property.

6-27-07 I received an itemized bid from Bishop Inc. in the amount of $5,950.00.

RECOMMENDATIONS:

Staff recommends the abatement of code violations be authorized due to Mr. James Bankhead failing to comply with repeated notifications, citations, previous abatements that have been withdrawn at the last minute regarding the violations of the Tempe City Code as well as abatements that Bishop Inc. has carried out in the past four months. Mr. Bankhead has been sent numerous courtesy notices regarding the junk, litter and debris at his property. There has already been one abatement that was withdrawn in November 2005 due to last minute compliance at the property, a successful abatement on March 28, 2007, multiple citations that are in default for not appearing in court and the property continues to remain in violation for the codes he has been cited for. It should be noted that I have had several prior cases at this property that took extensive time to reach resolution. Mr. Bankhead is a habitual offender of city nuisance codes 21-3-b-1. Bishop Inc. a city contractor has submitted a bid for $5,950.00 to remove all junk, litter and debris from the property as well as remove all dead growth from trees and cut palm trees.

Respectfully submitted,

Michelle Arnieri

ACTION TAKEN: submit for abatement

NAME

DATE: 07-10-07

Tempe

City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2231 (fax)

Neighborhood Enhancement Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: July 10, 2007

TO: James Alan Bankhead
1736 S. El Camino Dr.
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:

LEGAL: Book 133, Map 15, Parcel 013, as recorded with the Maricopa County Assessor.

LOCATION: 1736 S. EL Camino Dr. Tempe, AZ 85281

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of August 7, 2007. 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-1 all junk, litter and debris of the property, 21-3-b-8 removal of dead , uncontrolled growth of all trees and shrubs. 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 $5,950.00 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 Inspector: Michelle Arnieri Phone Number: 480-858-2088

Bishop Inc.
6340 S. Rural Rd. #118-217
Tempe AZ 85283
PH: (602) 339-2082 Fax (480) 413-1691

7606

Estimate

Name: City of Tempe
Address: P.O. Box 5002
City: Tempe, Az. 85281
Attn: Michelle

Date 6/20/2007
Order #
Customer #
Our Order #

Qty	Description	Unit Price	Total
	Work done at: 1736 S. El Camino Drive		
	Scope of work:		
1	Cut down tall weeds and grass		
2	Clean up trash and debris, non-working and\or non-repairable items as directed by Code Compliance personal.		
3	Area includes front and back yard, and items inside open carport areas		
4	15 - Trees need to be trimmed up off the ground approx. 6' and any dead branches	15x150	$2,250.00
	to be removed./ 2 - Palm trees to be trimmed./	2x150	$300.00
	2 - Dead trees to be cut at base and removed	2x150	$300.00
5	City of Tempe 40 yard roll offs (3 each)	$265.00	$795.00
6	Hazmat, chemicals and tires disposal fees	$150.00	$150.00
7	Off duty police officer to be on site during abatement (8 hours)	$47.50 per hour rate	$380.00
8	Estimated labor cost for job		$1,775.00
	Contract #T05-102-01		

Total: $5,950.00

Disclaimer:
This estimate is based on a visual inspection of the property. Due to no access to back yards, locked gates, occupied property, and obstructions to the visual inspection. Prices may vary due to work completed by homeowener, and the time lapse between this estimate and the abatement date.

CASE #CE064423

City of Tempe Code Compliance Division
Courtesy Notice
We need your help to keep our City clean

Notice was delivered to:

James Bankhead
1736 S. Ventura Dr.
Tempe, AZ 85281

This is a courtesy notice to inform you that on May 31, 2007 1736 S. El Camino Dr. was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Section 21 of the Tempe City Code. A re-inspection will be conducted on or after the date indicated to verify compliance. If the property is brought into compliance with the code **before June 14, 2007** you will not be subject to citations or fines for the violation(s). We appreciate your cooperation in this matter.

Violation of the Tempe City Code, Chapter 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; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

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

Required Correction(s):

1. **Please remove all junk, litter and debris from the entire property.**
2. **Remove all dead tree limbs and dead bushes.**
3. **Remove all over height grass.**

If the property is not in compliance prior to June 14, 2007 I will submit the property for abatement.

Code Inspector: Michelle Arnieri
Phone Number: 480-858-2088

ATTACHMENT 9

ATTACHMENT 10