



Legislation Details (With Text)

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**On agenda:** 1/24/2017      **Final action:**

**Title:** 9:45 A.M. - HEARING - Consideration of Notice of Nuisance and Order to Abate for property located at 7180 Bartlett Springs Rd (APN 027-135-03 -Walter Niesen and/or Wendy Fetzer, by Ken Strirtz)

**Sponsors:** Community Development

**Indexes:**

**Code sections:**

**Attachments:** 1. hearing request Stirtz-The Precious Forest

Date	Ver.	Action By	Action	Result
1/24/2017	2	BOARD OF SUPERVISORS		

**MEMORANDUM**

**TO:** Board of Supervisors

**FROM:** Robert Massarelli, Community Development Director  
By: Michael Penhall, Code Enforcement Officer

**SUBJECT:** Nuisance Abatement Hearing Request for Stirtz/The Precious Forest  
January 24, 2017 BOS Agenda, at 9:45 A.M.

**DATE:** December 20, 2016

**EXECUTIVE SUMMARY:**

On October 26, 2016, Community Development staff received a Nuisance Abatement Hearing Request Form from the property owner representative Ken Stirtz; **see Attachment 1**. The Hearing Request form listed the reasons why Mr. Stirtz believes the property should not be considered a public nuisance. The Hearing Request was received due to a Notice of Nuisance and Order to Abate; **see Attachment 2**, being posted on the property and sent certified mail to the property owner(s) of record.

This property is 1.5 acres, zoned "CR" Resort Commercial with only a permitted single family residence located in the Lakeview Pines Subdivision No 1 of Lake County. This property also has multiple "previously occupied", unpermitted, tent like structures/cabins that were being used for special events without the proper permits.

A Major Use permit was applied for on February 6, 2015 but has "not" been approved to date. This has been due to insufficient information submitted by the applicant on the project and due to multiple changes by the applicant to the project after initial submittal to the Community Development Department.

The Lake County Zoning Ordinance; Chapter 21, Sections 2.4, 2.6, 17.5 and 2013 and 2016 California Building Code; Chapter 1, Section 1.8.4.1 does not allow for building without permits.

The construction that has been performed is substandard due to the lack of permits and could be difficult to bring into compliance with the current California Building Code(s). And since no building permit application(s) have been submitted, or a building permit obtained, staff does not have information concerning compliance with any setbacks, seasonal streams, driveway, parking or requirements from other local and state agencies.

A drive-by site visit was conducted on October 17, 2016 and it was confirmed that many violations of Lake County and California Codes existed. On October 25, 2016, Code Enforcement staff obtained an Inspection Warrant from a Lake County Superior Court Judge to enter the property and inspect for violations. Code Enforcement staff also coordinated with Lake County Environmental Health and the Lake County Sheriff's office to assist in the inspection. On October 26, 2016, staff from Code Enforcement, Environmental Health and a Deputy from the Lake County Sheriff's Office entered the property without resistance. Upon Code Enforcements inspection, many violations were observed. Environmental Health will be conducting a separate investigation and determination of this property.

On December 7, 2016 a permit; #16-17-0859 was issued for the demolition of two (2) tent structures, three (3) cabins and illegal electrical.

**Due to the Nuisance Abatement Hearing Request received on October 26, 2016 any future abatement actions are stayed until otherwise resolved before or at the hearing**

Therefore, Code Enforcement Staff recommends that the Board uphold the Notice of Nuisance and Order to Abate dated October 26, 2016 and authorize staff to move forward with the abatement process and clean up the property of any remaining open and outdoor storage, demolish any/all remaining unpermitted or substandard building(s) located on the property unless directed by the Board to do otherwise.