



Legislation Text

File #: 19-663, Version: 1

MEMORANDUM

TO: Board of Supervisors

FROM: Michalyn DelValle, Community Development Director
Mary Jane Montana, Deputy Building Official
Kathy Freeman, Code Enforcement Supervisor
By: Marcus Beltramo, Code Enforcement Officer

DATE: July 9, 2019

SUBJECT: 9:30 A.M. HEARING - Nuisance Abatement Hearing Request for Andrew Markel, 15284 Humboldt Ext., Cobb, CA, APN# 051-042-004

EXECUTIVE SUMMARY:

On 5/9/2019, the Code Enforcement Division received from Andrew Markel (hereinafter, Appellant) a signed "Nuisance Abatement Hearing Request Form" requesting a hearing in front of the County Board of Supervisors. Appellant filed said request in a timely manner.

The Community Development Department received a complaint from the public. The complaint made allegations of persons living in a trailer located on the subject property that does not have water, septic, or power. This was the basis for an investigation.

Appellant wishes to contest a "Notice of Nuisance and Order to Abate" (hereinafter, NON/OTA) served on him as the responsible party for violations of open and outdoor storage and residing in a dwelling (mobile trailer) that does not meet minimum construction standards occurring on the real property commonly known as 15284 Humboldt Ext., Cobb, CA, APN# 051-042-004 (hereinafter, subject property). Appellant disputes violations for Open and Outdoor Storage (junk and garbage).

(See Exhibit #1 - Nuisance Abatement Hearing Request Form)

VIOLATIONS CITED:

County of Lake Code of Ordinances Chapter 21, Section 41.12 - Open & Outdoor Storage

County of Lake Code of Ordinances Chapter 21, Section 10.20 - Minimum Residential
Construction Standards

FACTS:

On 10/1/2018, California Governor Executive Order B-25-15, related to the Valley Fire which the subject property is located, expired. The order allowed for the issuance of a temporary dwelling permit for the occupying of those dwellings not meeting the minimum residential standards. Appellant is not considered a victim of the Valley Fire and was not on title for any property involved in the Valley Fire at the time the executive order was enacted. Therefore Appellant cannot benefit from said executive order or obtain said temporary dwelling permit.

On 2/11/2019, interest in the subject property was granted to Appellant. On 2/13/2019, a Grant Deed was recorded reflecting Appellant on title for the subject property.

(See Exhibit #2 - Grant Deed)

The subject property is zoned as a Suburban Reserve District "SR" and pursuant to County of Lake Zoning Ordinance Chapter 21, Section 9.3 permitted uses allow for *"One (1) single-family dwelling or mobile home which shall be constructed according to the residential construction standards of Section 10.20."* The subject property is 0.23 (+/-) acres.

(See Exhibit #3 - Parcel Book printouts)

(See Exhibit #4 - GIS printouts)

(See Exhibit #5 - Copy of Zoning Ordinance SR)

On 4/3/2019, a site visit was conducted on the subject property by Code Enforcement Supervisor Kathy Freeman (hereinafter, Freeman) and myself. Freeman and I observed on the subject property a white pick-up truck and located directly behind the truck was a trailer/mobile coach, not attached. No other dwellings/structures were observed on the subject property. Contact was made with Appellant Markel while at the subject property. Appellant stated he was the owner of the subject property. Appellant acknowledged and admitted that he was currently residing and living in the trailer. Appellant stated that he had not obtained any temporary dwelling permit in order to occupy the trailer. Appellant was informed and made aware of code violations that existed on the subject property and avenues for which to achieve compliance.

The trailer does not meet the following minimum residential construction standards:

- Section 10.20 (a) - Dwelling is not twelve (12) feet in width or diameter and is at least 360 square feet in gross area.
- Section 10.20 (c) - Dwelling unit is not attached to permanent continuous concrete or masonry perimeter foundations, or to permanent foundation systems pursuant to Health and Safety Code Section 18551.

- Section 10.20 (d) - Unit is not designed so that exterior walls look like wood or masonry or stucco regardless of their actual composition.
- Section 10.20 (e) - Roofing materials are not designed to look like composition roofing, tile, shakes, shingles, or tar and gravel.
- Section 10.20 (f) - Unit siding does not extend to the ground level.
- Section 10.20 (g) - Unit's slope of the main roof shall not be less than two (2) inches of vertical rise for twelve (12) inches of horizontal run.
- Section 10.20 (h) - Unit does not have a perimeter roof overhang on all sides extending not less than six (6) inches.

In addition, violations were observed on the property for trash, junk, and other debris not maintained in an orderly manner, that creates a fire, safety, health, or sanitary hazard violation of the Open and Outdoor Storage code. Further, outdoor storage shall be completely screened from public view from all exterior property lines and any public roadway within one half (1/2) mile of the pen storage area. No legal existing dwelling or structure on the subject property.

(See Exhibit #6-A through 6-C - Photos).

On 4/17/2019, a second site visit was conducted by Code Enforcement Officer Andy Williams and myself. The issues/violations observed during the site visit on 4/3/2019 continued to persist. Appellant was served with a "Notice of Violation" for violation of Chapter 21, section 10.20 for occupying a dwelling that did not meet minimum residential construction standards. *(Said Notice of Violation is not the subject of this report or request for hearing.)*

(See Exhibit #7-A through 7-F - Photos)

On 5/2/2018, a third site visit was conducted by Code Enforcement Supervisor Freeman and myself. The issues/violations observed on 4/3/2019 and 4/17/2019 continued to persist. On this date, Freeman issued Appellant a NON/OTA for the subject property, for the above violations and Appellant was personally served with said NON/OTA.

(See Exhibit #8 - Photo)

(See Exhibit #9 - NON/OTA)

On 5/9/2019, Appellant came into the Community Development Department office requesting a hearing in regards to the NON/OTA. Appellant completed a "Nuisance Abatement Hearing Request Form to Board of Supervisors".

(See Exhibit #1 -Hearing Request Form)

As of the date of this report, a thorough and diligent search was conducted for any permit(s) related to Appellant and the subject property. No information was found indicating that Appellant has applied for or been issued any permit(s).

On 5/23/2019, County of Lake, Environmental Health (hereinafter, EH) was contacted. EH stated

they have received a complaint for the subject property based on a referral from Lake County Code Enforcement. EH has made a request to Code Enforcement for a joint investigation.

FISCAL IMPACT: ___ None ___ Budgeted ___ Non-Budgeted

Estimated Cost: Trailer removal - \$100 X length of trailer (per foot)

Trash/junk removal -To be determined by contractor bids received.

Amount Budgeted: Unknown

Additional Requested: N/A

Annual Cost (if planned for future years): N/A

FISCAL IMPACT (Narrative): N/A

STAFFING IMPACT (if applicable): Time and efforts to administer removal of trailer and trash/junk/debris from property.

RECOMMENDED ACTION: The Code Enforcement Staff recommends that the NON/OTA dated 5/2/2019 be upheld and authorize staff to move forward with obtaining a warrant and pursuing an abatement action to remove the trailer and other trash, junk, and debris from the subject property.