



Legislation Text

File #: 22-664, Version: 1

Memorandum

Date: July 12, 2022

To: The Honorable Lake County Board of Supervisors

From: Mary Darby, Community Development Director
By: Marcus Beltramo, Code Enforcement Manager

Subject: Hearing before the Board of Supervisors regarding a Notice of Nuisance and Order to Abate for 5145 W State Hwy 20, Upper Lake, CA (Blue Lakes)

Executive Summary:

Pursuant to Lake County Code (LCC) Chapter 13, Article I, Section 13-7.1 - A hearing before the Board of Supervisors regarding a Notice of Nuisance and Order to Abate (NONOTA) may be requested by filing a written request for a hearing with the Lake County Community Development Department within twenty-one (21) days of service of the NONOTA. When a hearing is requested as provided for in the NONOTA, the Board shall proceed to hear the testimony.

Subject Property:	5145 W State Hwy 20, Upper Lake, CA (Blue Lakes)	
Property Zoning:	"R1" Single Family Residential District	
Property Description:	No primary structure; two (2) accessory structures (pergola)	
Property Owner(s):	Adamson, Judith	ownership - 7.142800%
(As reflected on title)	Bielenberg, R Michael	ownership - 7.142800%
	Blue, Roberta Jo	ownership - 2.380900%
	Bua, Don J	ownership - 0.158700%
	Coker, Barbara	ownership - 7.142800%
	Donner, Tamsen	ownership - 7.142800%
	Eby, Carolyn L	ownership - 3.571400%
	Eby, David L	ownership - 3.571400%
	Folger, Gregory Mathew	ownership - 7.142800%
	Giammona, Ciro J	ownership - 3.571400%
	Giammona, Lee C	ownership - 3.571400%
	Gillette, Marcia	ownership - 2.380900%
	Lowblad, Charles T	ownership - 6.985000%
	Milburn, Barbara	ownership - 3.571400%
	Milburn, Donald R	ownership - 3.571400%

Pease, Richard C	ownership - 3.571400%
Pease, Virginia R	ownership - 3.571400%
Quinn, Eric	ownership - 2.380900%
Smith, Jackie R	ownership - 3.571400%
Smith, Vernon R	ownership - 3.571400%
Stump, Steve & Uvea	ownership - 7.142800%
Summerfield, Kay	ownership - 3.571400%
Summerfield, Nick	ownership - 3.571400%

Exhibit A - Map

Facts:

On May 17, 2022, a complaint was received alleging a new and second structure is going to be built on the subject property. The complaint further stated the structure will block property owners' view of the lake and quite possibly lower their property value. It should be noted that already existing on the property was an accessory structure commonly known as a pergola.

On May 20, 2022, Code Enforcement was allowed access onto the subject property. Observed on the property were materials (wood posts) typically used for the construction of a structure.

Exhibit B - Photos from May 20, 2022

On May 23, 2022, I received information a new structure, commonly known as a pergola had been erected or constructed on the subject property. The structure measures approximately 11ft X 8ft X 8 ½ ft (approximately 88 sq ft).

On June 1, 2022, A NONOTA was issued against the subject property. The NONOTA cited the following violation(s) of the Lake County Code:

- LCC Chapter 21, Article 10 - Violation of the Zoning Designation
- LCC Chapter 21, Article 48 - Failure to obtain Zoning Clearance

*It should be noted that Pursuant to LCC Chapter 21, Article 61, Section 61.4 (b) - Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of Chapter 21 and any use of land or buildings operated or maintained contrary to the provisions of Chapter 21 are declared to be public nuisances.

Exhibit - C - Photos of the new structure

On June 6, 2022, a written request was received for a nuisance abatement hearing along with accompanying documents.

Exhibit D - Nuisance Abatement Hearing Request

*Additional Note/Background: In 2021, prior to the current action taken against the property, Code Enforcement investigated a complaint made against the property regarding an existing structure that had been erected in violation of the conditions included the property owners grant deed for the

subject property. This structure is not the subject of the current 2022 Code Enforcement action taken against the property. It was decided at that time by prior Code Enforcement management that if the structure could be physically moved it would be considered temporary that would be sufficient for compliance. Code Enforcement was informed the structure was constructed with bolts that could be screwed into an existing foundation and that the structure could be moved by unscrewing the bolts and then physically moved. The prior case was closed with no action taken. Per statement made to Code Enforcement, this prior existing structure has never been moved and has been situated in its current location for more than a year.

If not budgeted, fill in the blanks below only:

Estimated Cost: _____ Amount Budgeted: _____ Additional Requested: _____ Future Annual Cost: _____

Consistency with Vision 2028 (check all that apply):

☐ Not applicable

- ☒ Well-being of Residents
- ☐ Economic Development
- ☐ Community Collaboration

- ☒ Public Safety
- ☐ Infrastructure
- ☐ Business Process Efficiency

- ☐ Disaster Prevention, Preparedness, Recovery
- ☐ County Workforce
- ☐ Clear Lake

Recommended Action:

Code Enforcement recommends the Board of Supervisors to deny the hearing request of Zeb Herinckx and to uphold the 2022 NONOTA / Code Enforcement action and direct staff to move forward with the abatement process for the structure.