

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Environmental Resources *JMT*

BOARD AGENDA # \*B-2b

Urgent  Routine

AGENDA DATE November 20, 2007

CEO Concur with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Adopt the Recommendations of the Nuisance Abatement Hearing Board Regarding CE No. 07-225 at 527 Leon Avenue, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding nuisances at 527 Leon Avenue, Modesto, California as set forth in Attachment 1.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2007-904

On motion of Supervisor Mayfield, Seconded by Supervisor Grover  
and approved by the following vote,

Ayes: Supervisors: Mayfield, Grover, Monteith, DeMartini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

**DISCUSSION:**

This agenda item is important because it promotes a safe community, a healthy community, and the efficient delivery of public services, serves the public's interest, and fosters pride in our local community. The decision to be made by the Board of Supervisors is to adopt, modify, or reject the October 25, 2007 recommendations of the Nuisance Abatement Hearing Board, as presented in Attachment 1.

The property in question is 527 Leon Avenue, Modesto, California. The property is zoned R-2 (medium density residential district).

The property contains a junkyard, debris, refuse and rubbish, grass, weeds and rank growths, an unlawful vacant structure, an unlawful vacant and/or unsecured property and failure to obtain a demolition/renovation permit.

Should the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations, as detailed in Attachment 1, Stanislav Mojaisky and/or Resurgent Capital Services LLP, owner(s) of the property, will have to abate the nuisance within two weeks after the Board of Supervisors' decision by complying with the following actions:

1. Removing junk in excess of 200 square feet from the premises.
2. Collecting and disposing of all debris, refuse, and rubbish to an approved location.
3. Removing grass, weeds, and rank growths on the property and adjacent sidewalks.
4. Obtaining a building permit from the Department of Planning and Community Development, Building Permit Division, located at 1010 10<sup>th</sup> Street, 3<sup>rd</sup> Floor, Modesto (525-6557) and conforming to the regulation as set forth in §2.93.050 to secure the structure against unauthorized entry.

NOTE: If the structure(s) is/are deemed a nuisance by the Board of Supervisors a request will be made to demolish and remove the substandard building(s) based on the structural hazards and attracted nuisances.

5. Conforming to the regulations as set forth in §2.94.050 to secure the property against unauthorized entry by erecting a fence around the property that will deter any nuisance condition from existing (i.e. a six-foot chain link or solid fence). A fence height over six feet requires you to obtain a building permit from Stanislaus County Planning and Community Development, Building Permits Division, located at 1010 10<sup>th</sup> Street, 3<sup>rd</sup> Floor, Modesto (525-6557).
6. Applying for and obtaining the required permits from Stanislaus County Planning and Community Development, Building Permits Division, located at 1010 10<sup>th</sup> Street, 3<sup>rd</sup> Floor, Modesto (525-6557), for the demolition or repair and renovation of the building.

Should the owner(s) fail to comply within that two-week period, the County would proceed with the abatement process through a forced clean-up action, whereby the property will be cleared of all contributing factors to the public nuisance. The cost of the abatement will be charged to the owner(s). If the responsible person(s) fail to pay the cost of abatement, a Notice of Abatement Lien will be recorded against the property.

If the Board adopts the Nuisance Abatement Hearing Board's decision, this public nuisance can be abated in a timely and efficient manner thus providing for a safe and healthy community, allowing the public to take greater pride in the areas they live in and frequent.

**POLICY ISSUE:**

The Board should decide if it should accept, modify, or reject the written decision as presented in the Decision of Abatement Hearing No. CE07-225 (Attachment 1). Acceptance of staff's recommendation would be consistent with the Board's priorities of a safe community, a healthy community, and the efficient delivery of public services.

**STAFFING IMPACT:**

There is no staffing impact associated with this request.



## **NUISANCE ABATEMENT HEARING BOARD**

---

### **DECISION**

**IN RE: 527 Leon Avenue, Modesto, CA.  
Abatement Hearing No. CE 07-225**

The Nuisance Abatement Hearing Board heard the above-referenced matter on October 25, 2007. Upon consideration of oral and documentary evidence presented at the hearing, the Nuisance Abatement Board finds and determines as follows:

1. The property located at 527 Leon Avenue, Modesto, CA., in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Numbers 037-039-032 is zoned R-2 (Medium Density Residential District).
2. County Staff confirmed the existence of and presented evidence of violations of Stanislaus County Codes occurring on the property, as noted in "Attachment A."
3. All owners of record, tenants and others holding interest of record in the Property are identified and listed in the title report contained in the staff report regarding this matter. The title report lists the owner/s of record for the property as Stanislav Mojaisky and/or Resurgent Capital Services LLP.
4. All interested parties were served a Notice and Order to Abate pursuant to Stanislaus County Code Section 2.92.030, describing the conditions or use of the property that constitutes the violations and ordering abatement of those conditions.
5. County staff has attempted to obtain voluntary compliance by the interested parties, and the interested parties have had significant and reasonable time to correct all violations but have refused and/or failed to meet the deadlines prescribe by Notice.
6. The owners have the legal responsibility for maintenance of the property in conformance with the applicable law, ordinance and rules, including abatement of all violations and compliance with all orders of the County.
7. The interested parties were served proper Notice of Hearing to Abate Nuisance pursuant to Stanislaus County Code Section 2.92.070.
8. Based on the evidence and testimony presented at the hearing, which is incorporated herein by reference, there is substantial evidence that violations of the Stanislaus County Code, as set forth in the staff report for the matter, still exists on the property.

9. Pursuant to Stanislaus County Code Section 2.92.010, the continuing violations that exist on the property constitute a public nuisance.

NOW THEREFORE, the Nuisance Abatement Hearing Board recommends that the Stanislaus County Board of Supervisors:

1. Order the owner and interested parties to abate the nuisance on the property within two weeks from the date of the Board decision by correcting the condition or use of the property as set forth in the staff report on this matter.
2. Authorize the County to abate the nuisance and to charge the costs of the abatement to the County if the Owners or other interested parties do not abate the nuisance within the specified time period.
3. Authorize County staff, pursuant to Stanislaus County Code Section 2.92.070, to dispose of any material, equipment, vehicles or other personal property removed from the property to abate a nuisance in any manner authorized by law, and to charge the costs of disposal to the owners and/or interested parties as part of the cost of abatement.
4. Authorize County staff to charge the owners and/or interested parties for County staff time incurred to investigate through the Abatement Hearing.
5. Order a Notice of Abatement Lien be recorded against the property if the owners and/or interested parties fail to pay the costs demanded by the County.

Dated: October 25, 2007



Allen Layman, Chair

**Stanislaus County Nuisance Abatement Hearing Board**

It should be noted that on NOV 20 2007 the Board of Supervisors will hear this matter as a consent item.

## Attachment "A"

RE: **File Number** : CE 07-225  
**Assessor's Parcel No** : 037-039-032  
**Address** : 527 LEON AVENUE, MODESTO, CA

### A. CONDITIONS OF VIOLATIONS:

Inspection of the above referenced property revealed the following violations of Stanislaus County Code §2.92.010:

1. Unlawful junkyard/accumulation of junk on the premises. This is a violation of §21.32.020 and §21.16.040 of the Stanislaus County Code.
2. Unlawful accumulation of debris, refuse, and rubbish. This is a violation of §9.04.020 of the Stanislaus County Code.
3. Unlawful accumulation of grass, weeds, and rank growths on the property. This is a violation of §9.20.040 of the Stanislaus County Code.
4. Unlawful vacant structure. This is a violation of §2.93.040 of the Stanislaus County Code.
5. Unlawful vacant and/or unsecured property facilitating a nuisance. This is a violation of §2.94.040 of the Stanislaus County Code.
6. Failure to obtain demolition/renovation permit. This is a violation of the Uniform Building Code §106.

### CORRECTIVE ACTION REQUIRED:

1. Removing junk in excess of 200 square feet from the premises.
2. Collecting and disposing of all debris, refuse, and rubbish to an approved location.
3. Removing grass, weeds, and rank growths on the property and adjacent sidewalks.
4. Obtaining a building permit from Stanislaus County Planning and Community Development, Building Permits Division, located at 1010 10th Street, 3rd Floor, Modesto (525-6557) and conforming to the regulation as set forth in §2.93.050 (attached) to secure the structure against unauthorized entry.

NOTE: If the structure(s) is/are deemed a nuisance by the Board of Supervisors a request will be made to demolish and remove the substandard building(s) based on the structural hazards and attracted nuisances.

5. Conforming to the regulations as set forth in §2.94.050 (attached) to secure the property against unauthorized entry by erecting a fence around the property that will deter any nuisance condition from existing (i.e. a six-foot chain link or solid fence). A fence height over six feet requires you to obtain a building permit from Stanislaus County Planning and Community Development, Building Permits Division, located at 1010 10th Street, 3rd Floor, Modesto (525-6557).

6. Applying for and obtaining the required permits from Stanislaus County Planning and Community Development, Building Permits Division, located at 1010 10th Street, 3rd Floor, Modesto (525-6557), for the demolition or repair and renovation of the building.

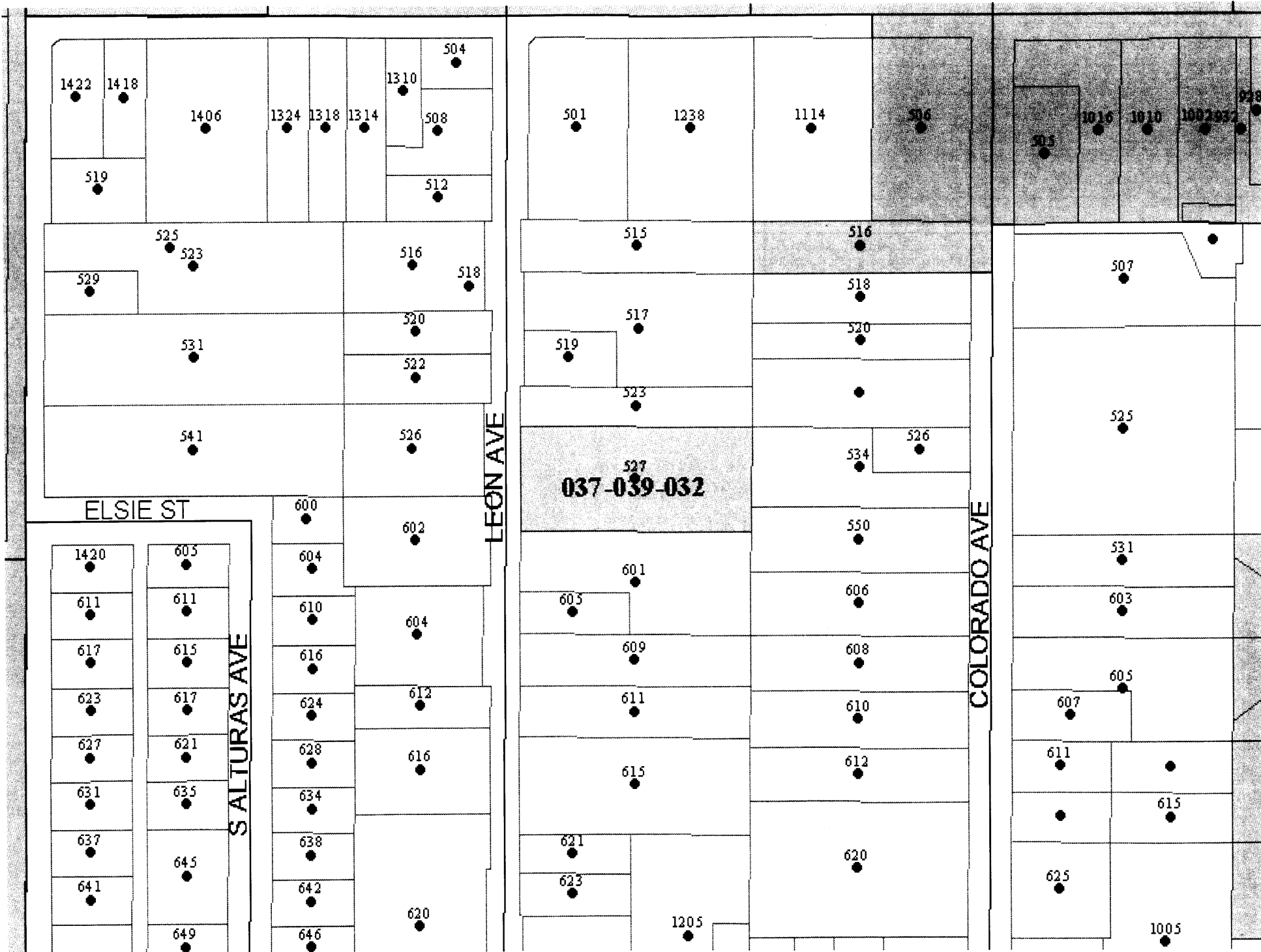
PLEASE NOTE: A compliance inspection will be conducted on or after July 6, 2007. Please contact our office at (209) 525-6700 to provide an update with the corrective actions as requested above.

Enclosures: Stanislaus County Code  
Uniform Building Code

**CE # 07-225**

**527 LEON AVENUE, MODESTO**





1422 1418

1406

1324

1318

1314

1310

504

508

519

512

525

523

516

518

529

520

531

522

541

526

ELSIE ST

600

602

LEON AVE

1420

605

604

611

611

610

604

617

615

616

SALTURAS AVE

623

617

624

612

627

621

628

616

631

635

634

637

645

638

641

649

642

620

646

037-039-032

527

534

526

550

601

603

609

611

615

621

623

1205

501

1238

1114

506

515

516

519

517

523

518

520

534

550

606

608

610

612

620

COLORADO AVE

503

1016

1010

1002

932

938

507

525

531

603

605

611

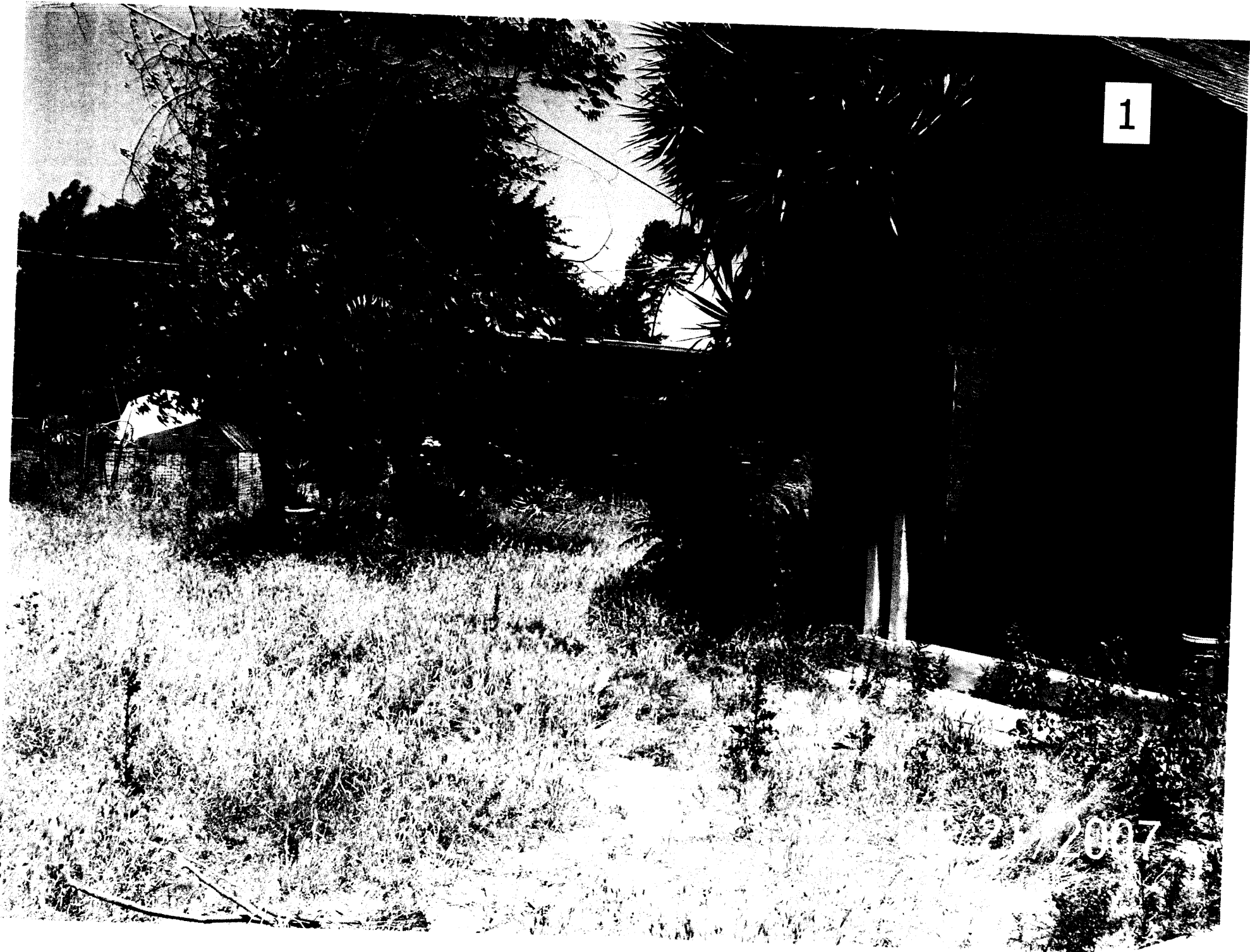
615

625

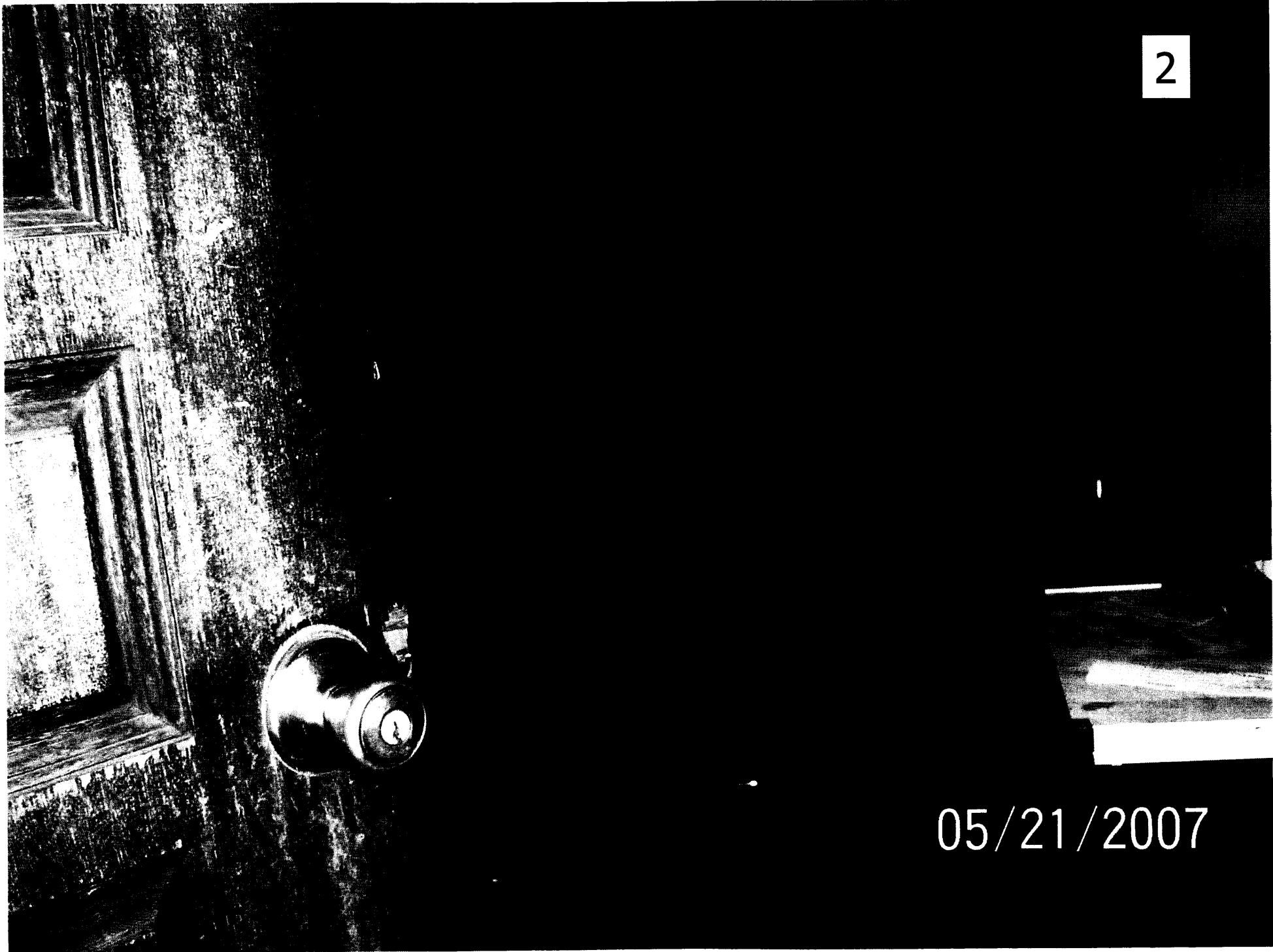
1005

1

9/2007



2



05/21/2007

3

05/21/2007



5



05/21/2007

A high-contrast, black and white photograph of a building's exterior. The image is heavily stylized, with deep blacks and bright whites. In the upper right corner, a small white square contains the number '6'. The building features a dark roof with a textured surface, possibly shingles. Below the roofline, there are several windows and a set of double doors with multiple panes. In the foreground, a dark horizontal beam or ledge is visible, with some light-colored, irregular shapes on it. The overall scene is somewhat obscured by shadows and the high contrast of the image.

6

05/21/2007

7

05/24/2015





8

2007



9

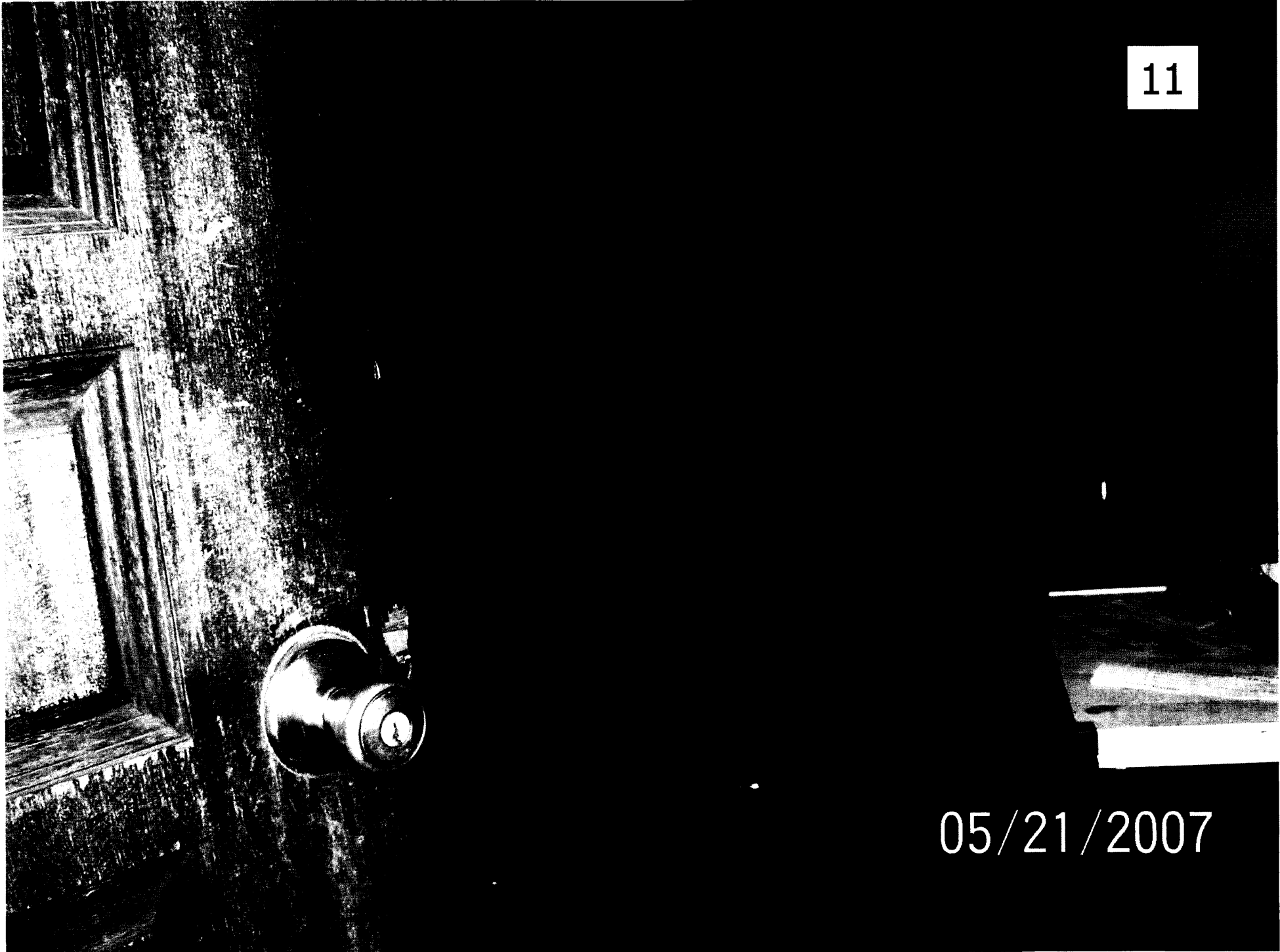
05/21/2007

10

05 MAY 2008



11



05/21/2007

12

5  
2  
7

05-2





08 2007

14

08/24/2007



15



08/28/2007





16

08/28/2007

17

08/28/2007

18

08/28/2007



20



08/28/2007

21

08/28/2007

08/28/2007

23

08/28/2007

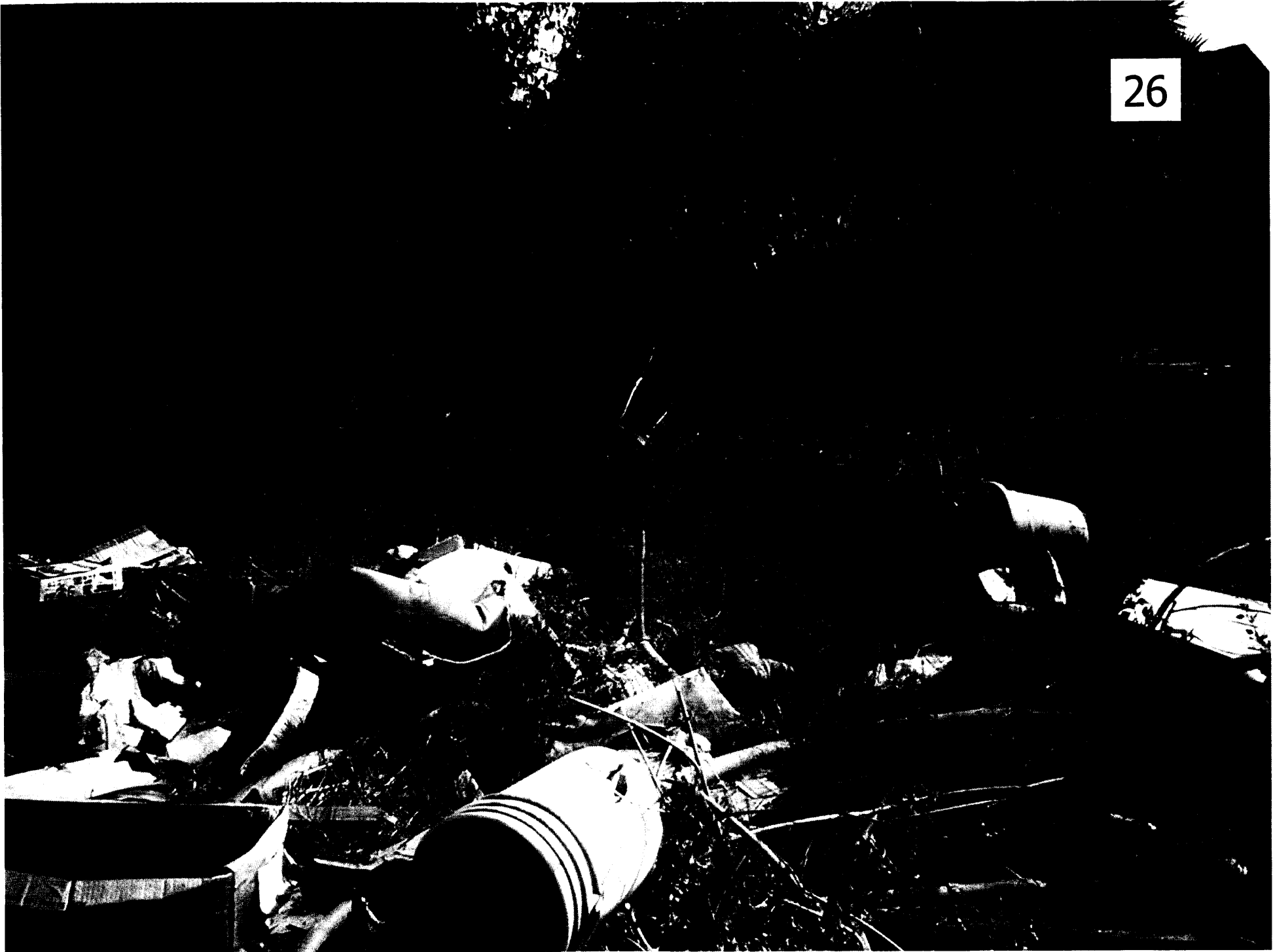


24



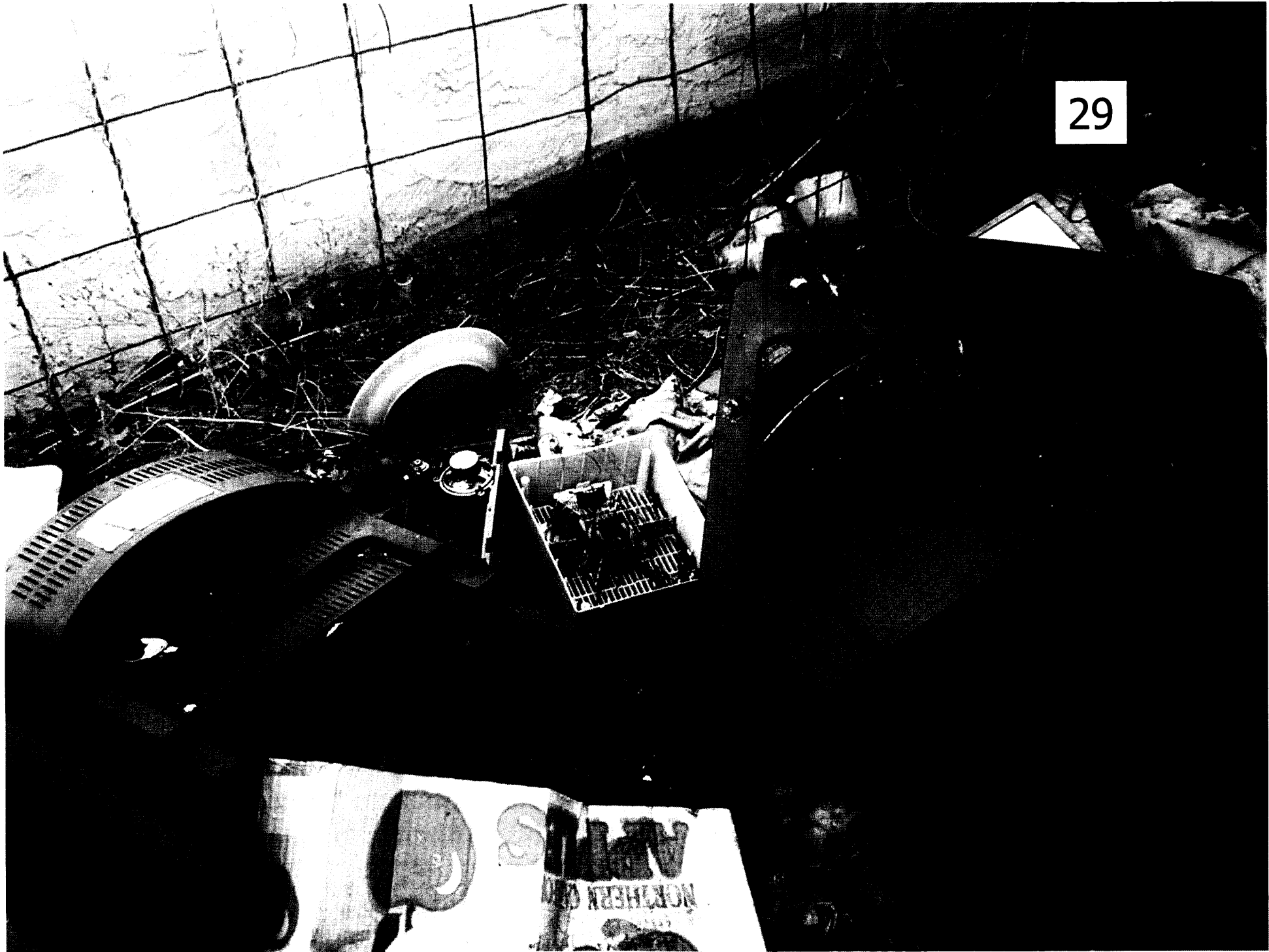
08/28/2007













31





32

10.24.2007 17:10





THE END