

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

DEPT: Environmental Resources SMH

BOARD AGENDA # *B-2c

Urgent Routine

AGENDA DATE November 20, 2007

CEO Concurs 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. 07-244 at 523 Leon Avenue, Modesto, California

STAFF RECOMMENDATIONS:

Adopt the decision of the Nuisance Abatement Hearing Board regarding nuisances at 523 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. 2007-905

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) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:

Christine Ferraro
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 523 Leon Avenue, Modesto, California. The property is zoned R-2 (medium density residential district).

The property contains a junkyard, debris, refuse and rubbish and a vehicle storage yard.

Should the Board decide to adopt the Nuisance Abatement Hearing Board's recommendations, as detailed in Attachment 1, Betty Munsinger, 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 all but two unregistered, non-operative vehicles from the premises.

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. CE07-244 (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: 523 Leon Avenue, Modesto, CA. Abatement Hearing No. CE 07-244


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 523 Leon Avenue, Modesto, CA., in the unincorporated area of Stanislaus County, California, also identified as Assessor's Parcel Numbers 037-039-033 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 Betty Munsinger.
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 07-244
Assessor's Parcel No : 037-039-033
Address : 523 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 vehicle storage yard. This is a violation of §21.32.020 and §21.16.040 of the Stanislaus County Code.

CORRECTIVE ACTION REQUIRED:

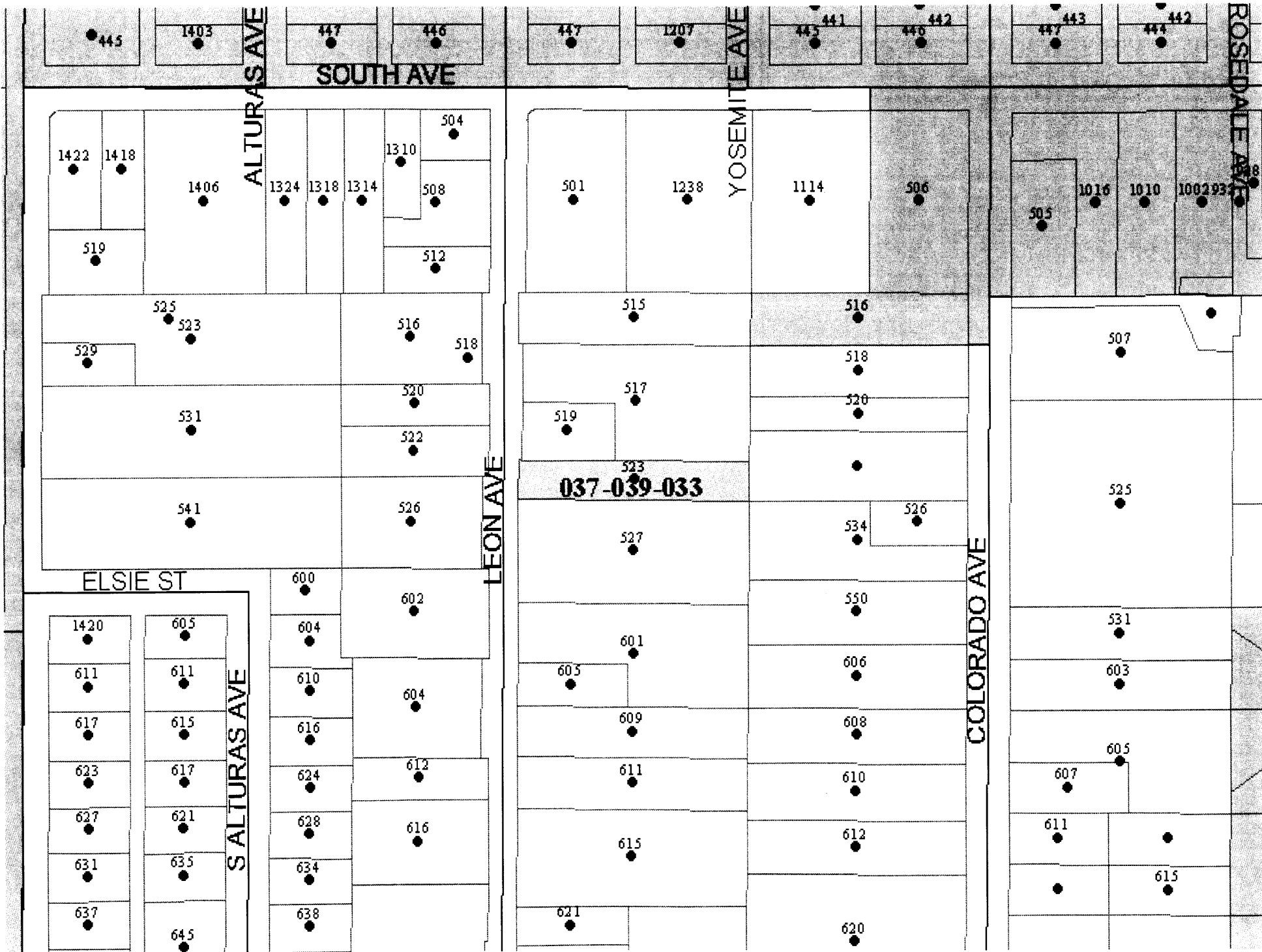
1. Removing junk in excess of 200 square feet from the premises.
2. Collecting and disposing of all debris, refuse, and rubbish to an approved location.
3. Removing all but two unregistered, non-operative vehicles from the premises.

PLEASE NOTE: A compliance inspection will be conducted on or after July 23, 2007. Please contact our office at (209) 525-6700 to provide an update with the corrective actions as requested above.

Enclosures: Stanislaus County Code

CE # 07-244

523 LEON AVENUE, MODESTO



SOUTH AVE

ALTURAS AVE

YOSEMITE AVE

ROSEDALE AVE

LEON AVE

COLORADO AVE

ELSIE ST

SALTURAS AVE

037-039-033

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A high-contrast, black and white photograph of a forest interior. The image is dominated by the dark, vertical trunks of trees, which stand out against a lighter, more detailed background of dense foliage and branches. The lighting is dramatic, with deep shadows and bright highlights that create a sense of depth and texture. The overall composition is vertical, emphasizing the height of the trees.

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05/24/2007





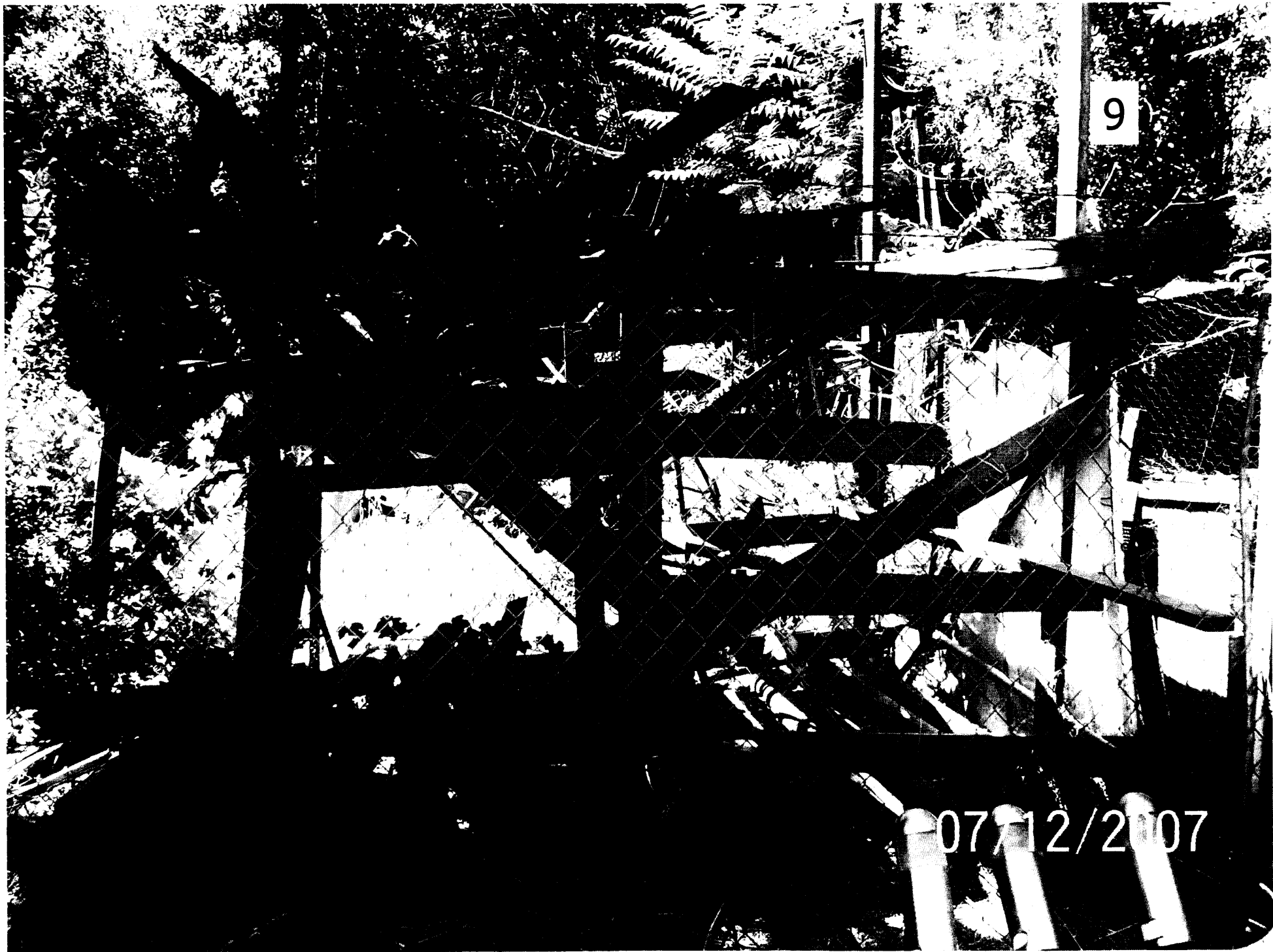
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A high-contrast, black and white photograph showing a cluttered outdoor area. The scene is dominated by dark, silhouetted tree trunks and branches in the foreground and midground. In the background, there is a structure that appears to be a vehicle or a small building, partially obscured by the trees. The lighting is very bright, creating a stark contrast between the dark shadows and the bright highlights. The overall impression is one of a dense, overgrown, and possibly neglected space.

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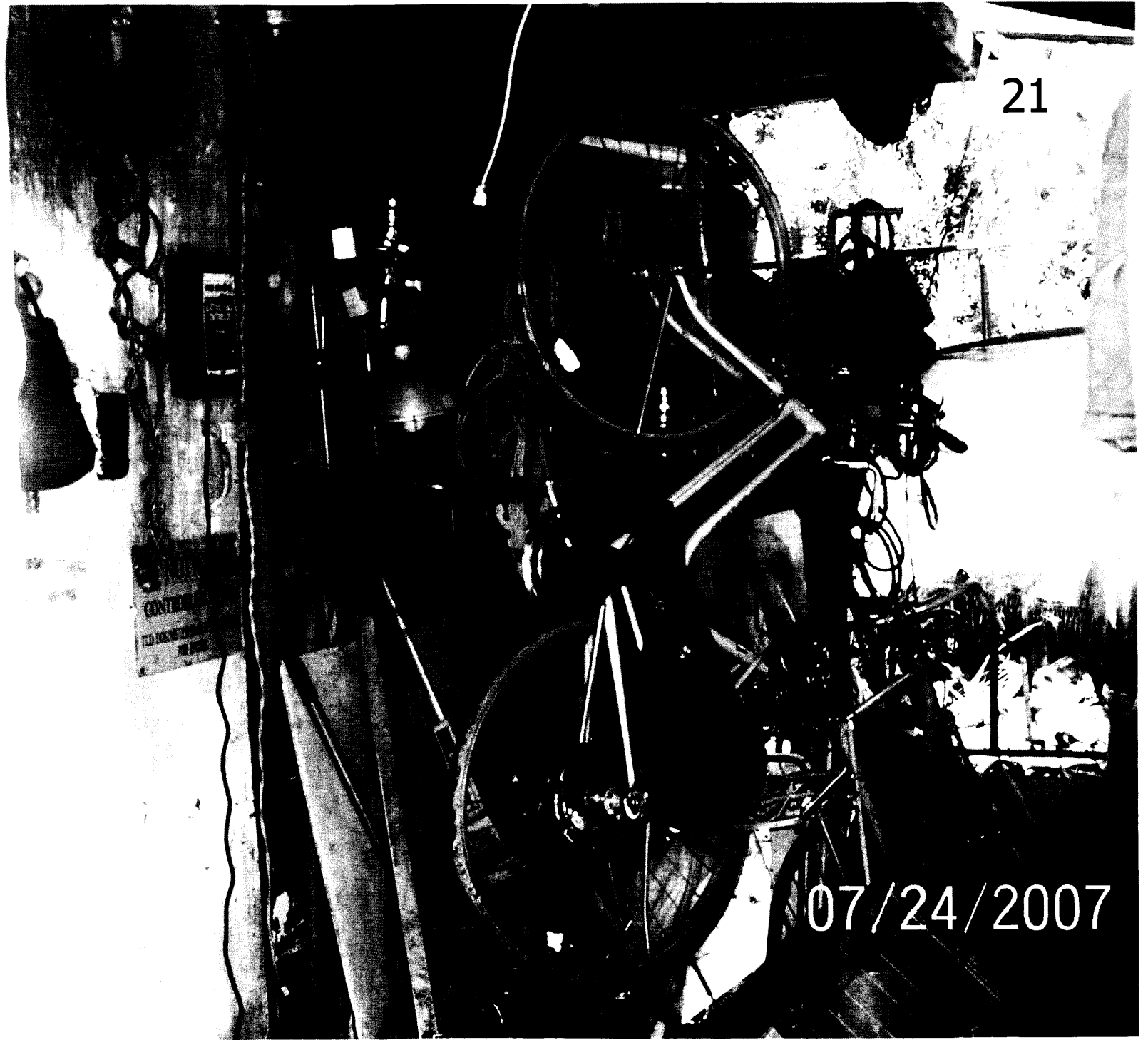
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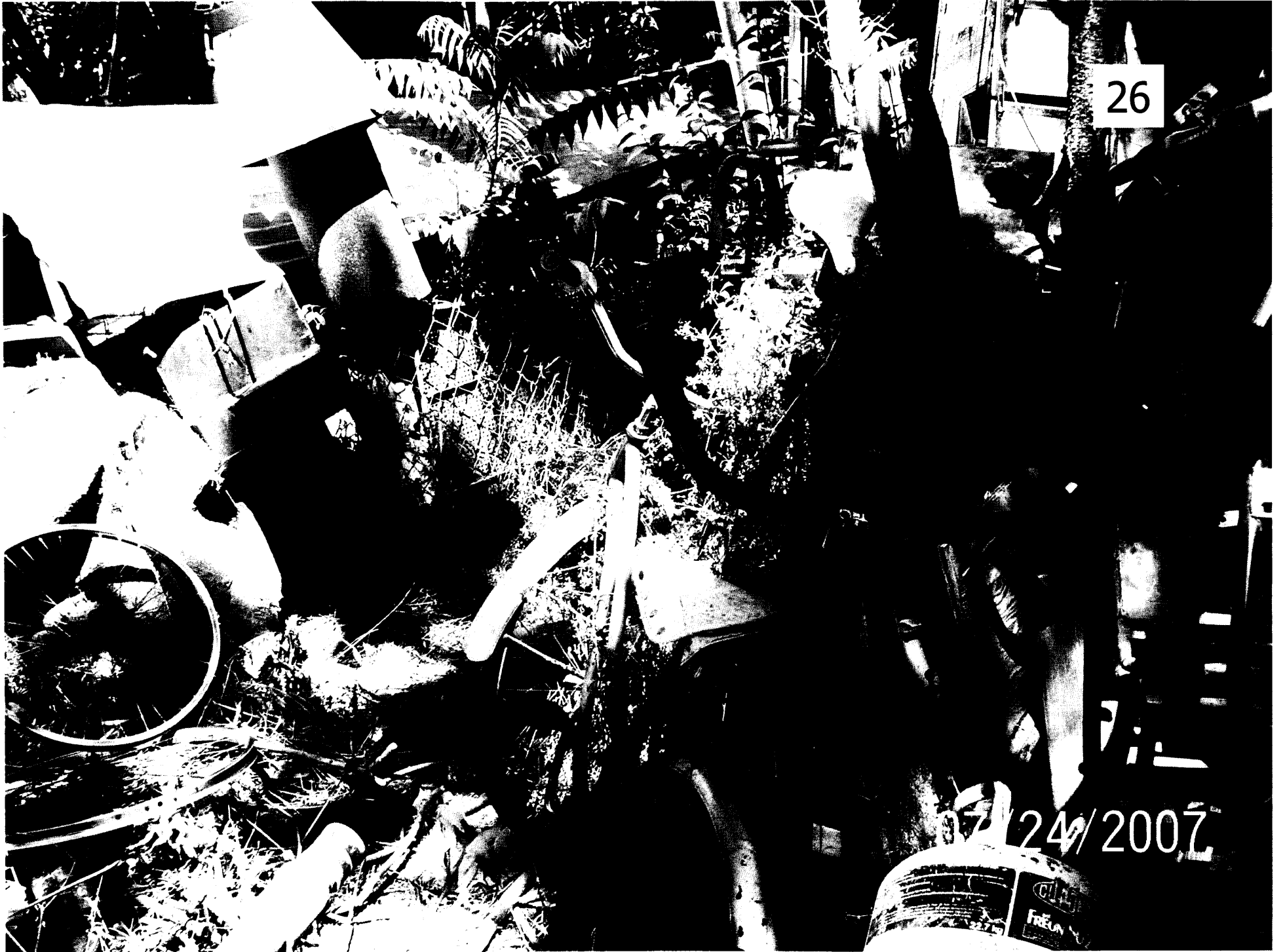
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A high-contrast, black and white photograph of a construction site. The scene is dominated by dark, shadowed areas and bright, overexposed highlights. In the upper right, a white rectangular sign with the number '42' is visible. Below it, a large, light-colored, textured object, possibly a piece of machinery or a structure, is partially illuminated. To the left, a dark, rectangular structure with a grid-like pattern is visible. In the foreground, several thick, dark pipes or conduits run across the frame, surrounded by dense, tangled vegetation and debris. The overall composition is chaotic and industrial.

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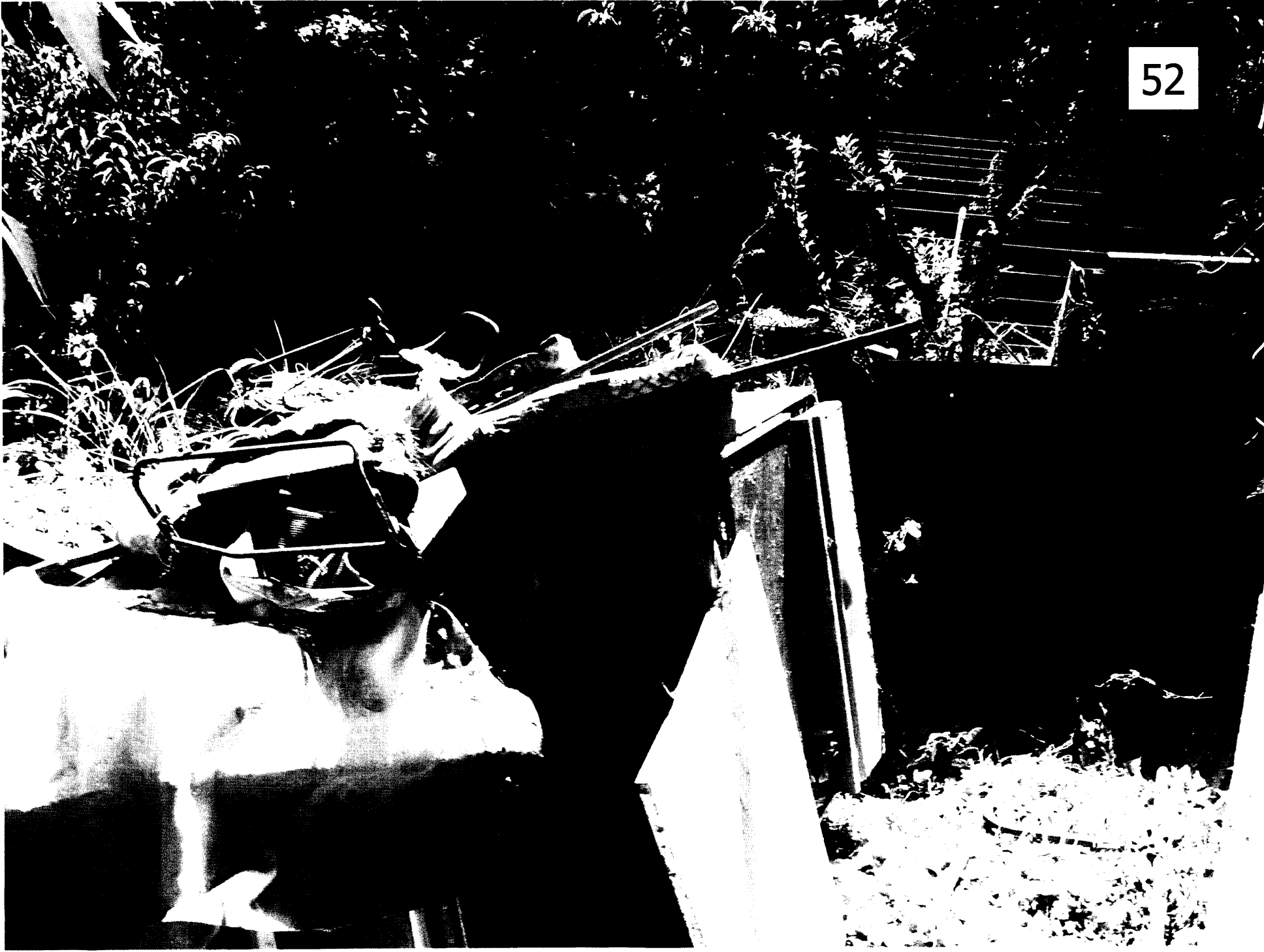
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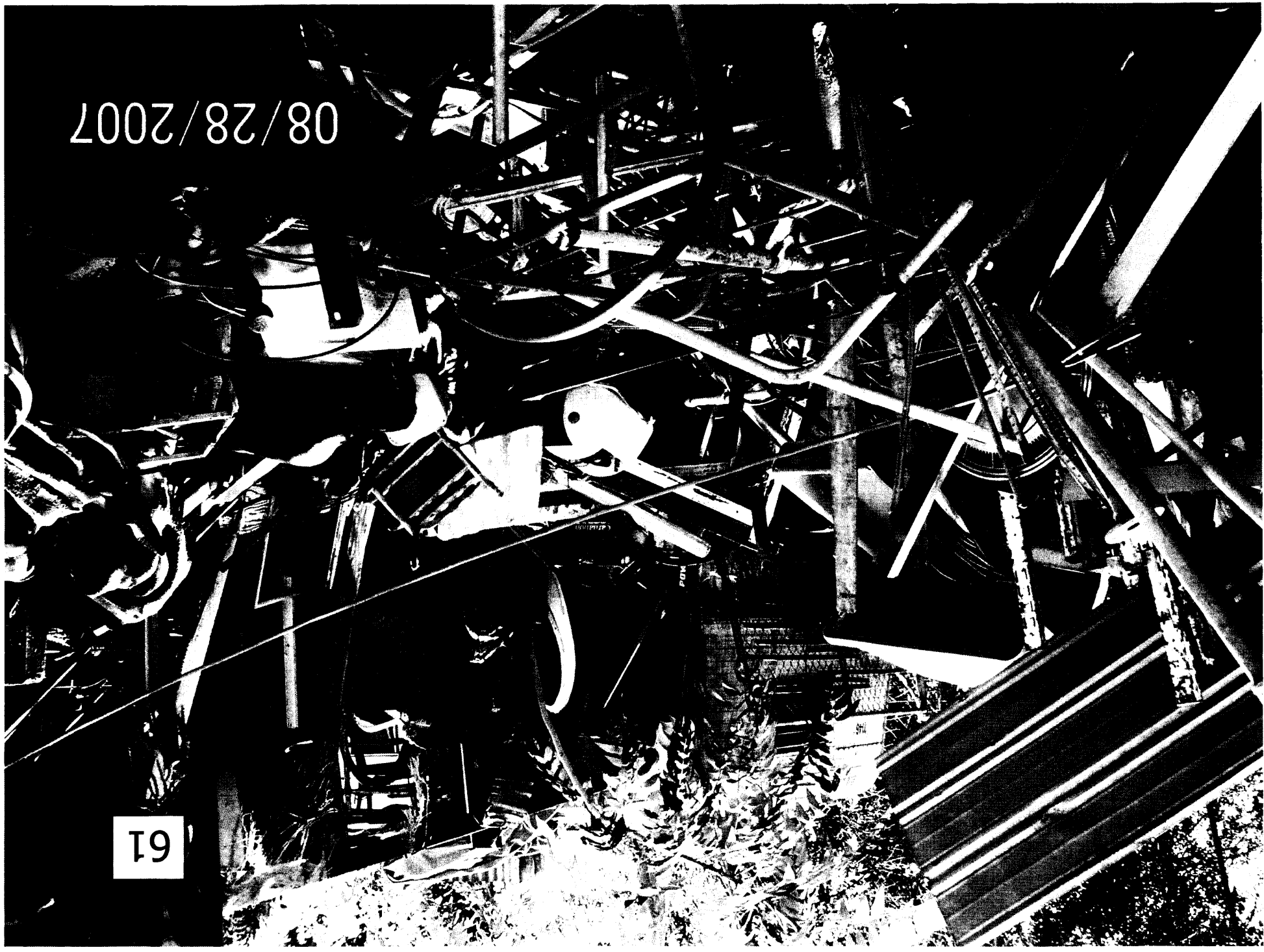


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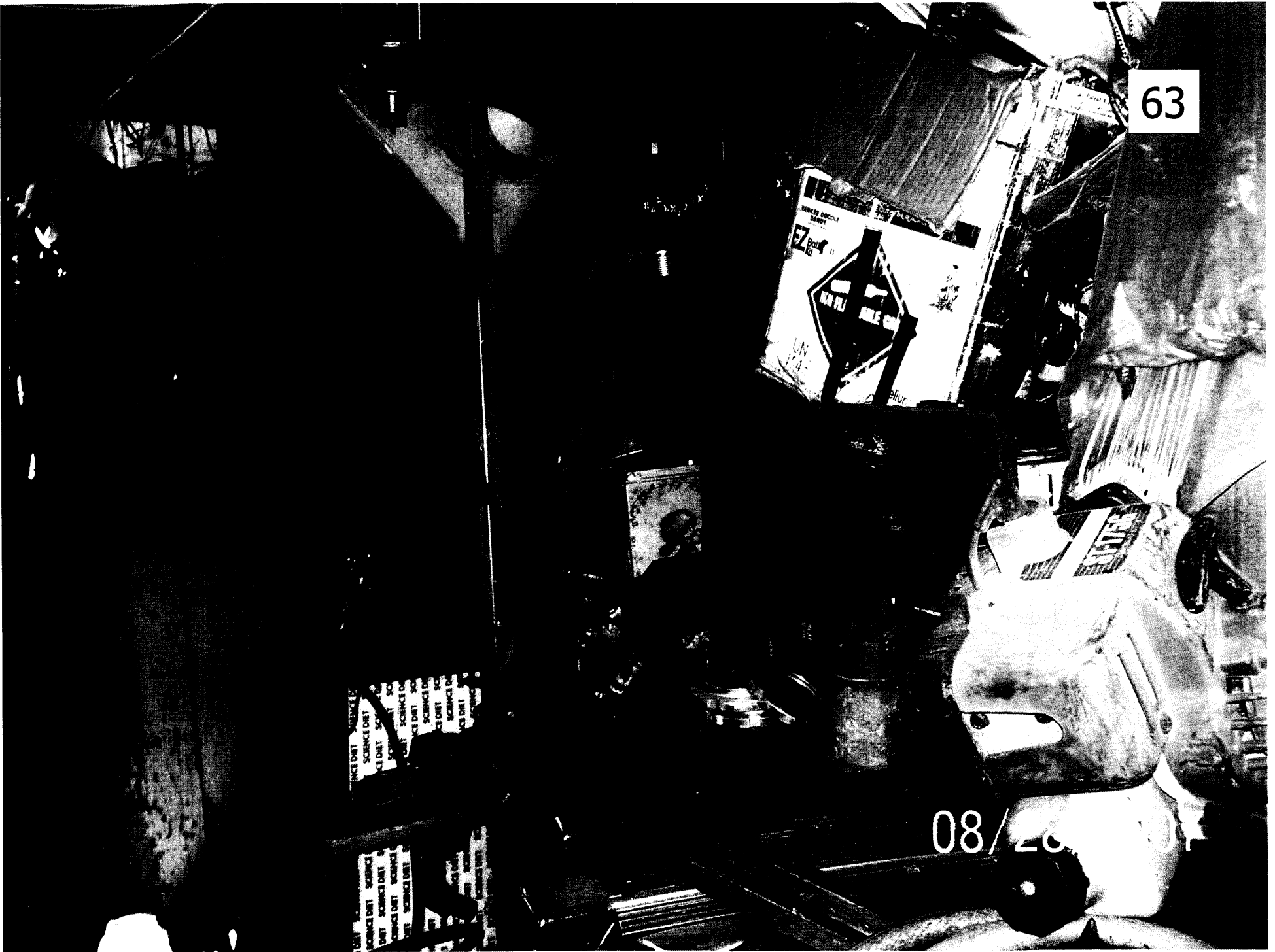


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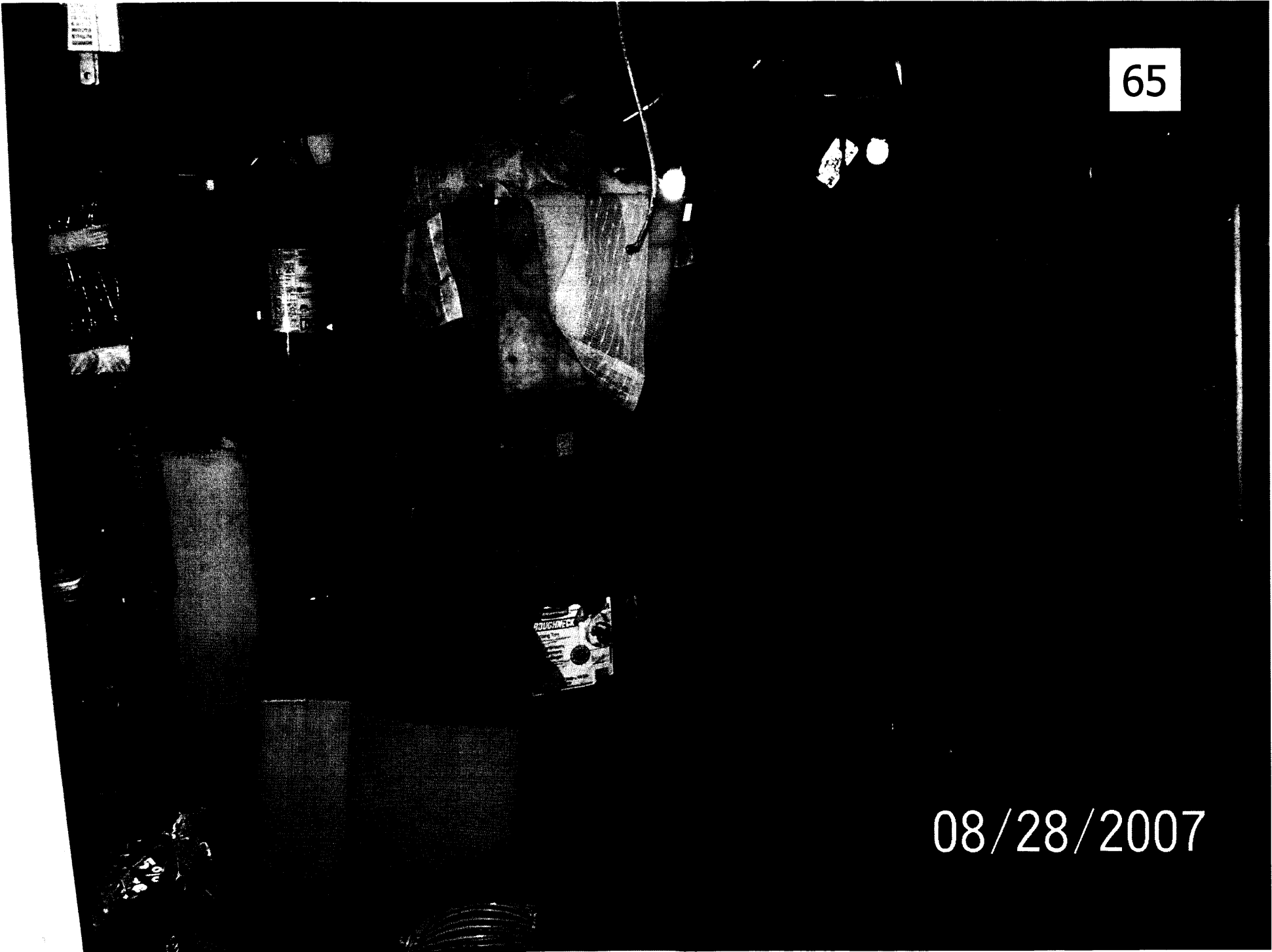
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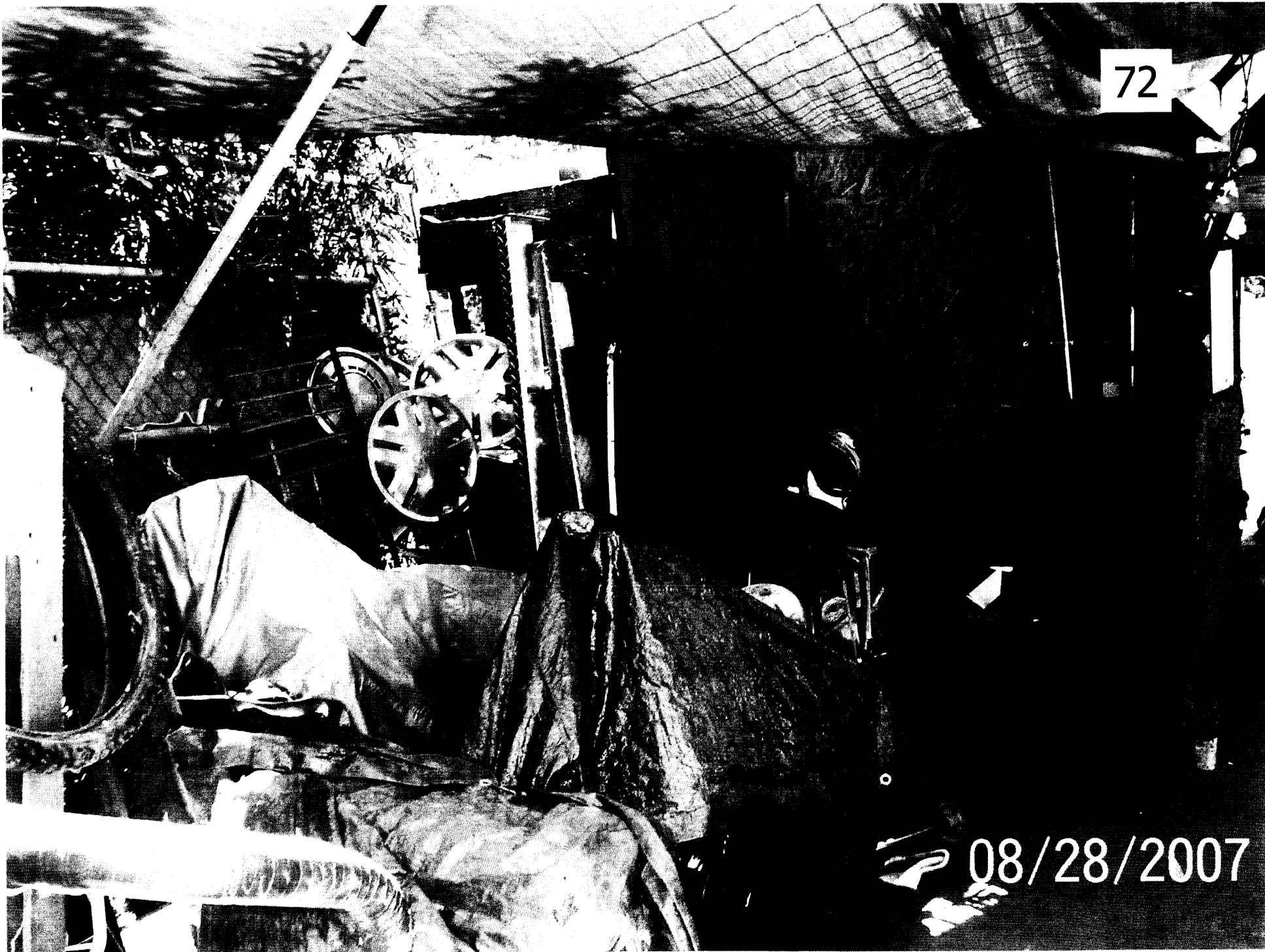
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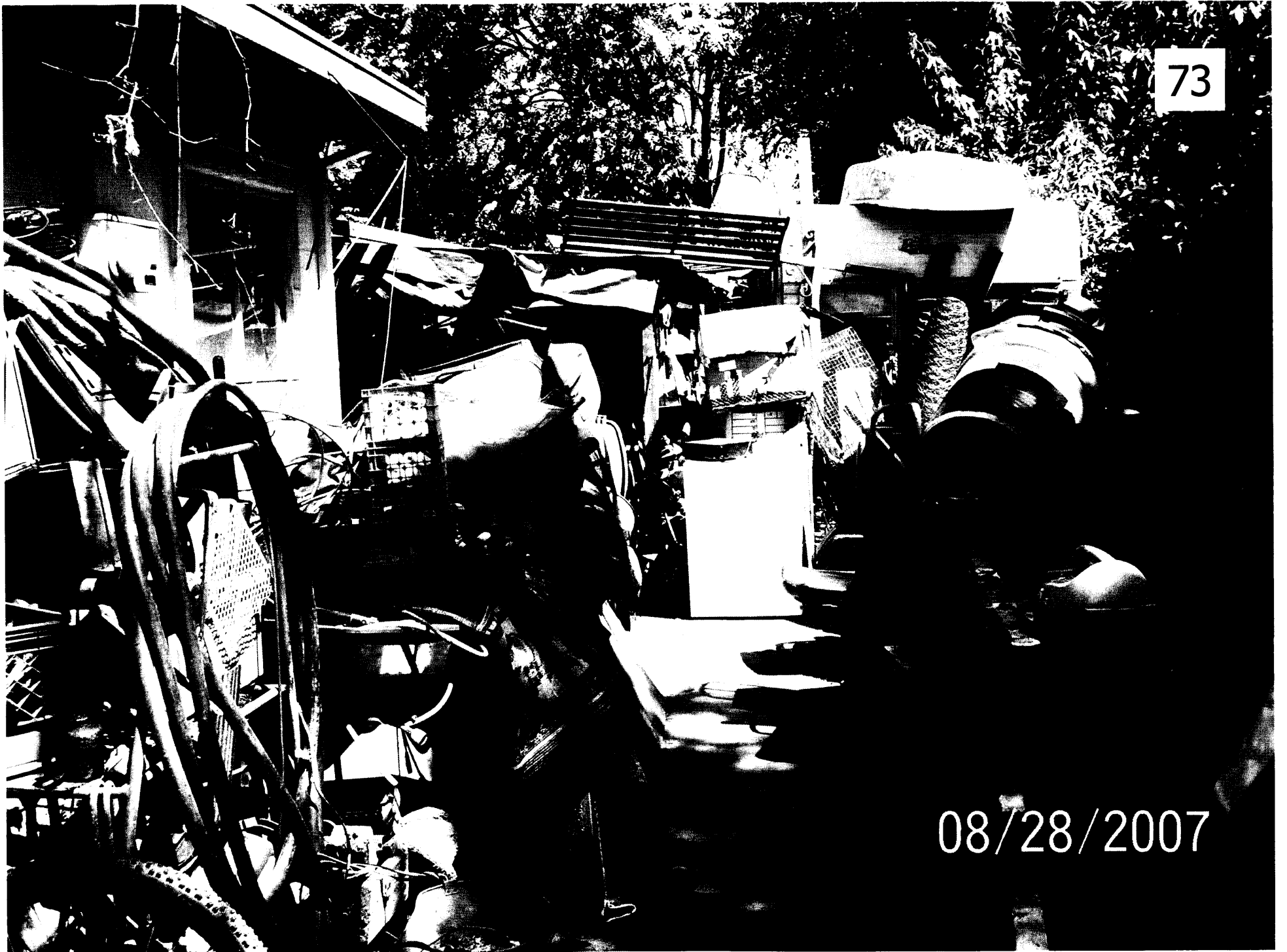
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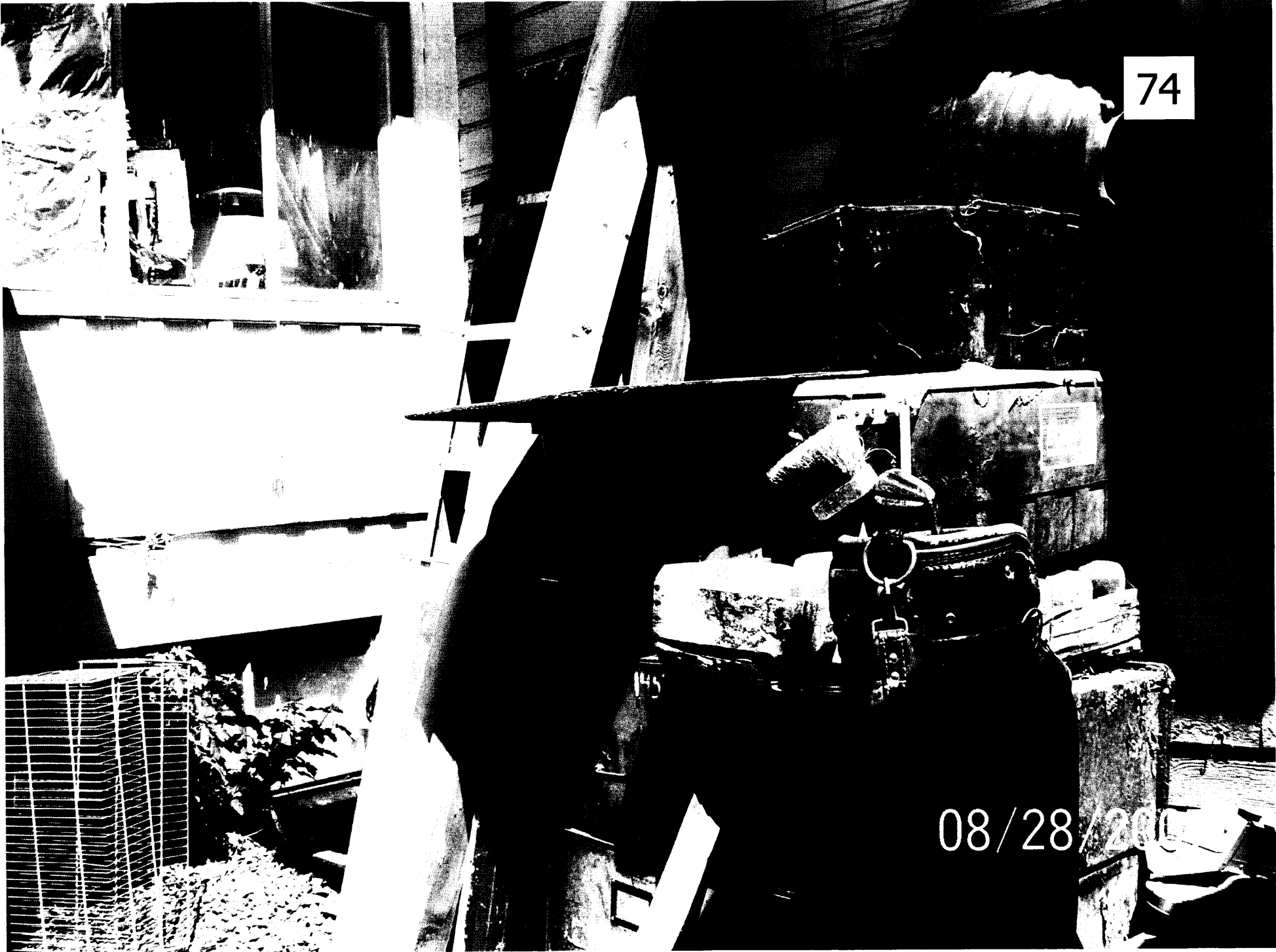
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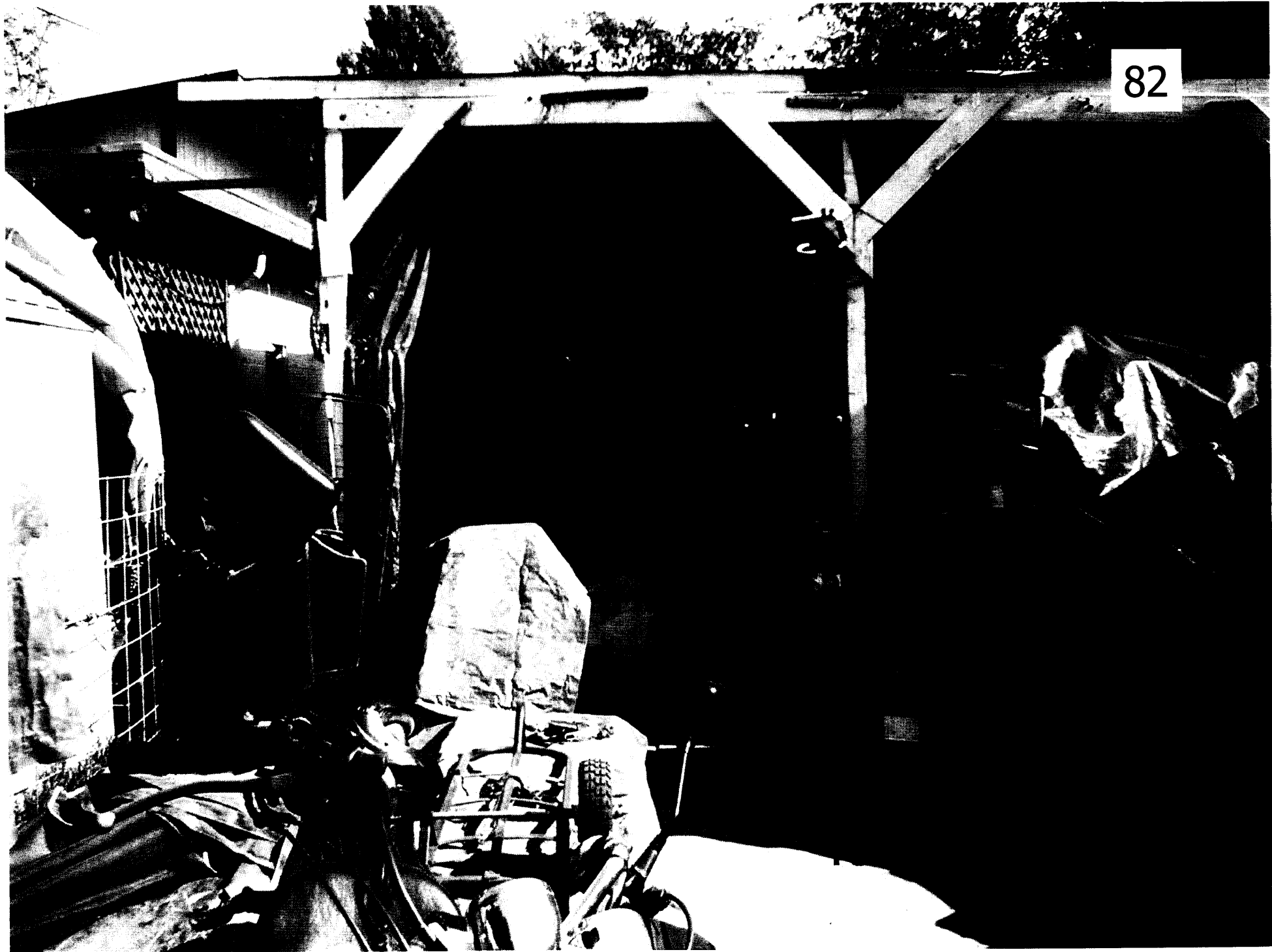
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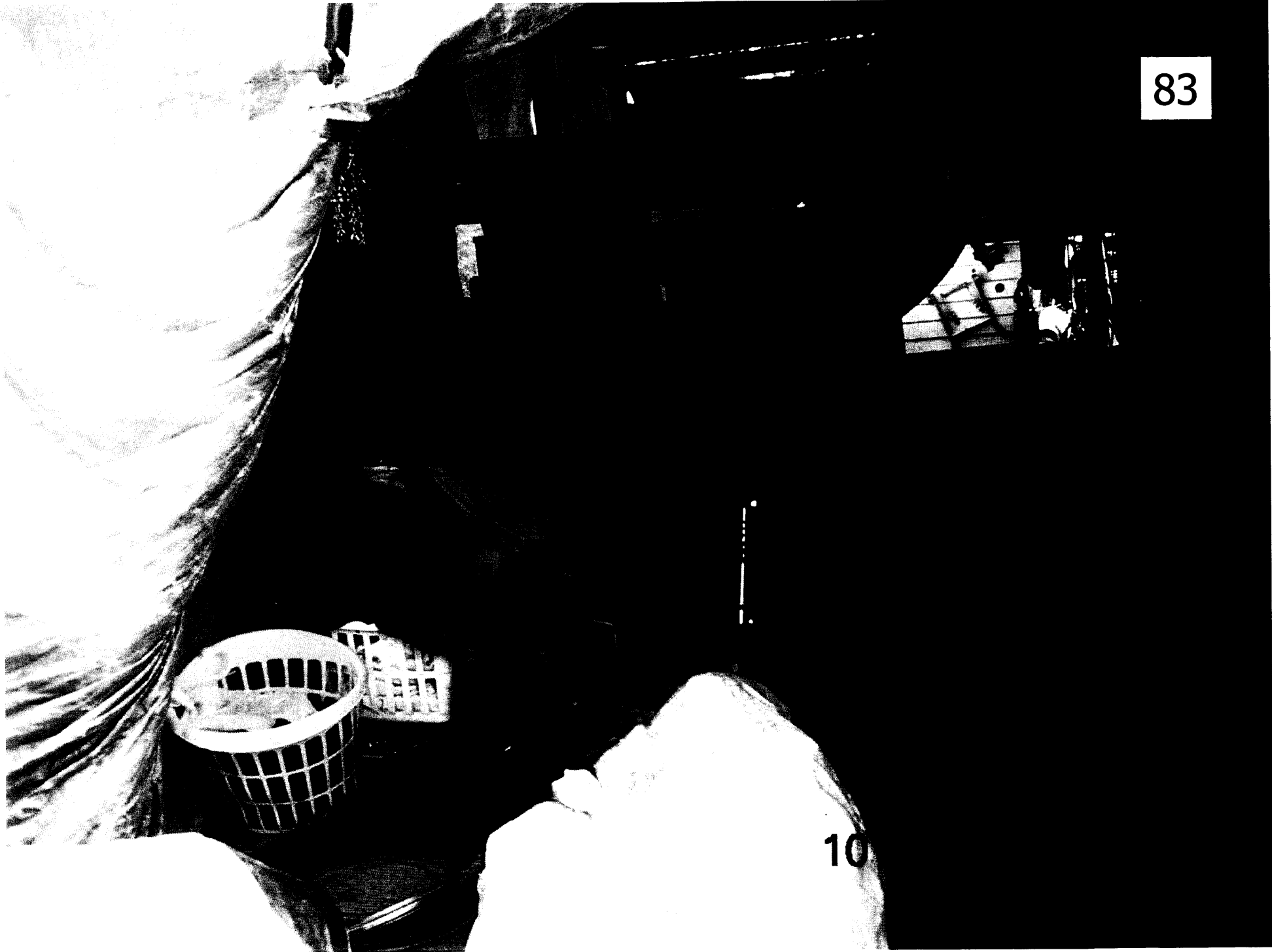






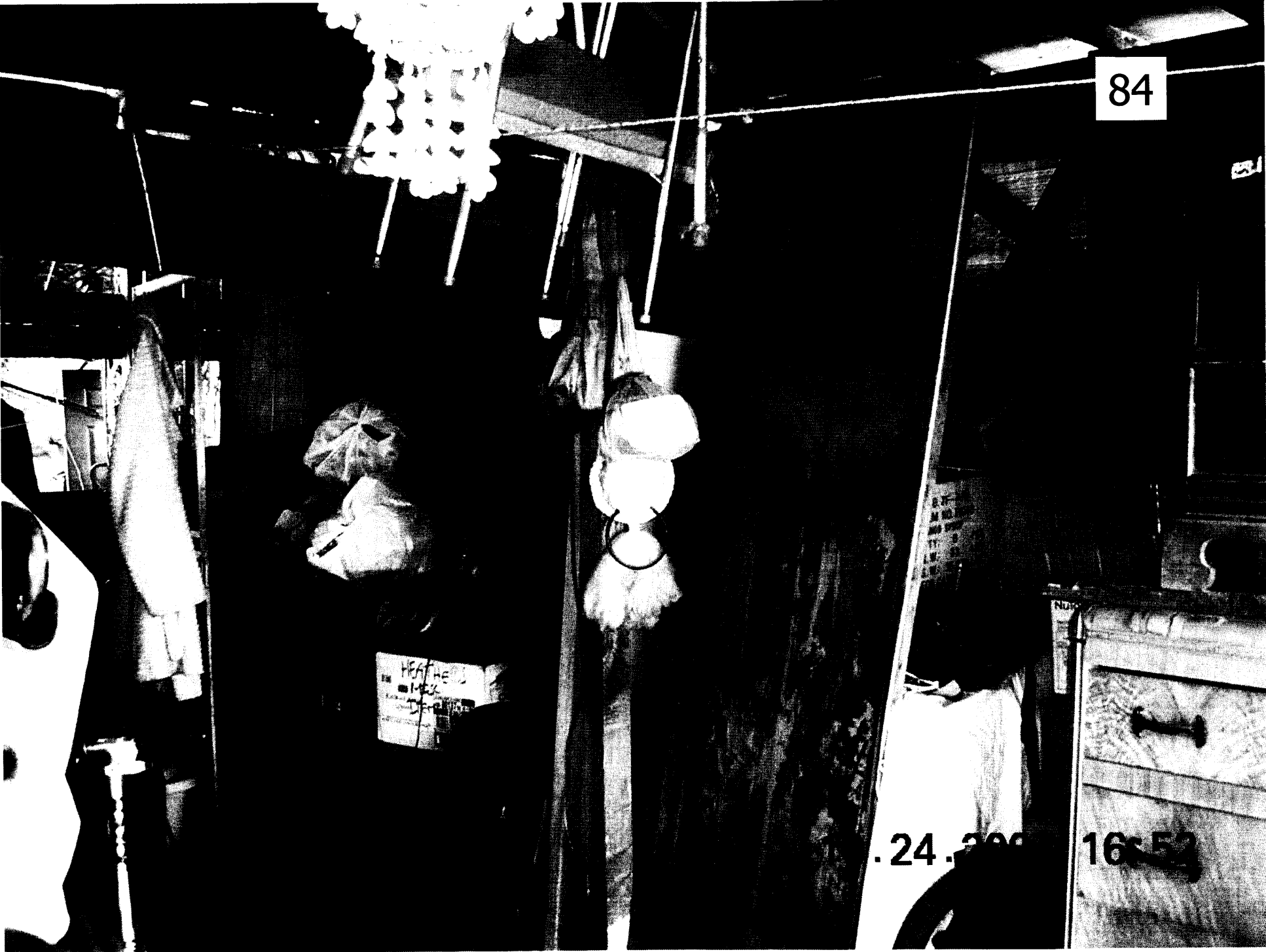


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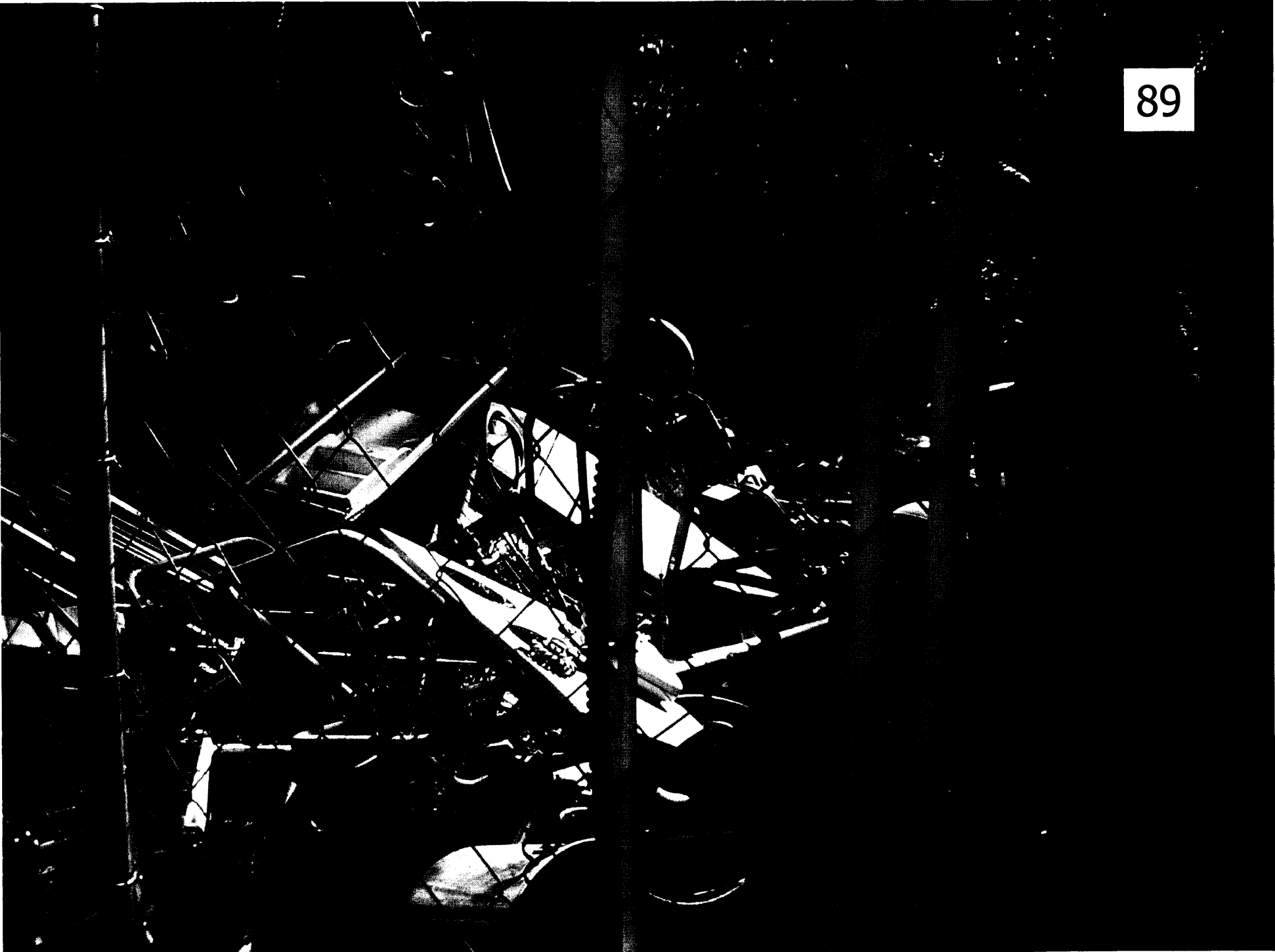
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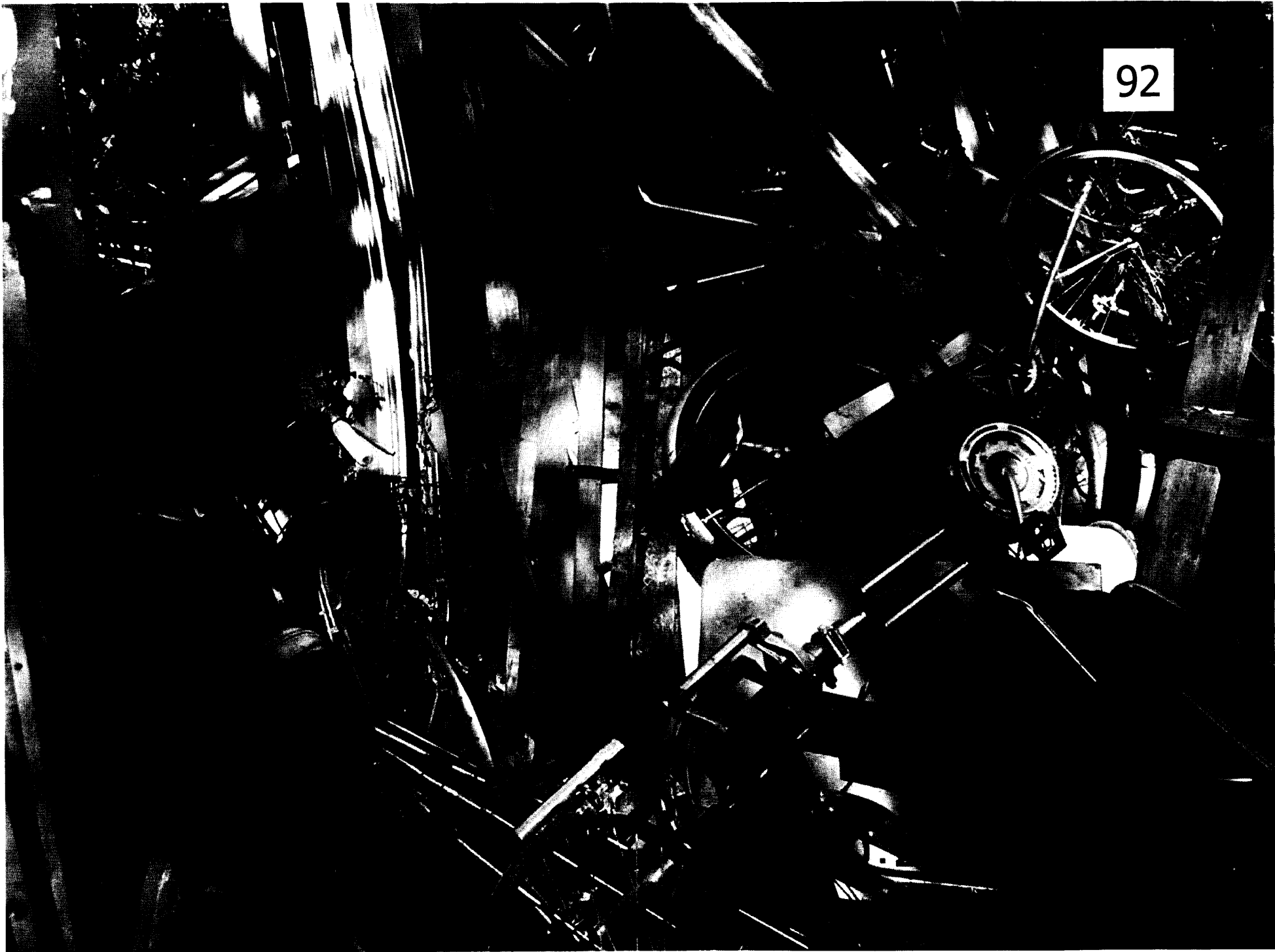


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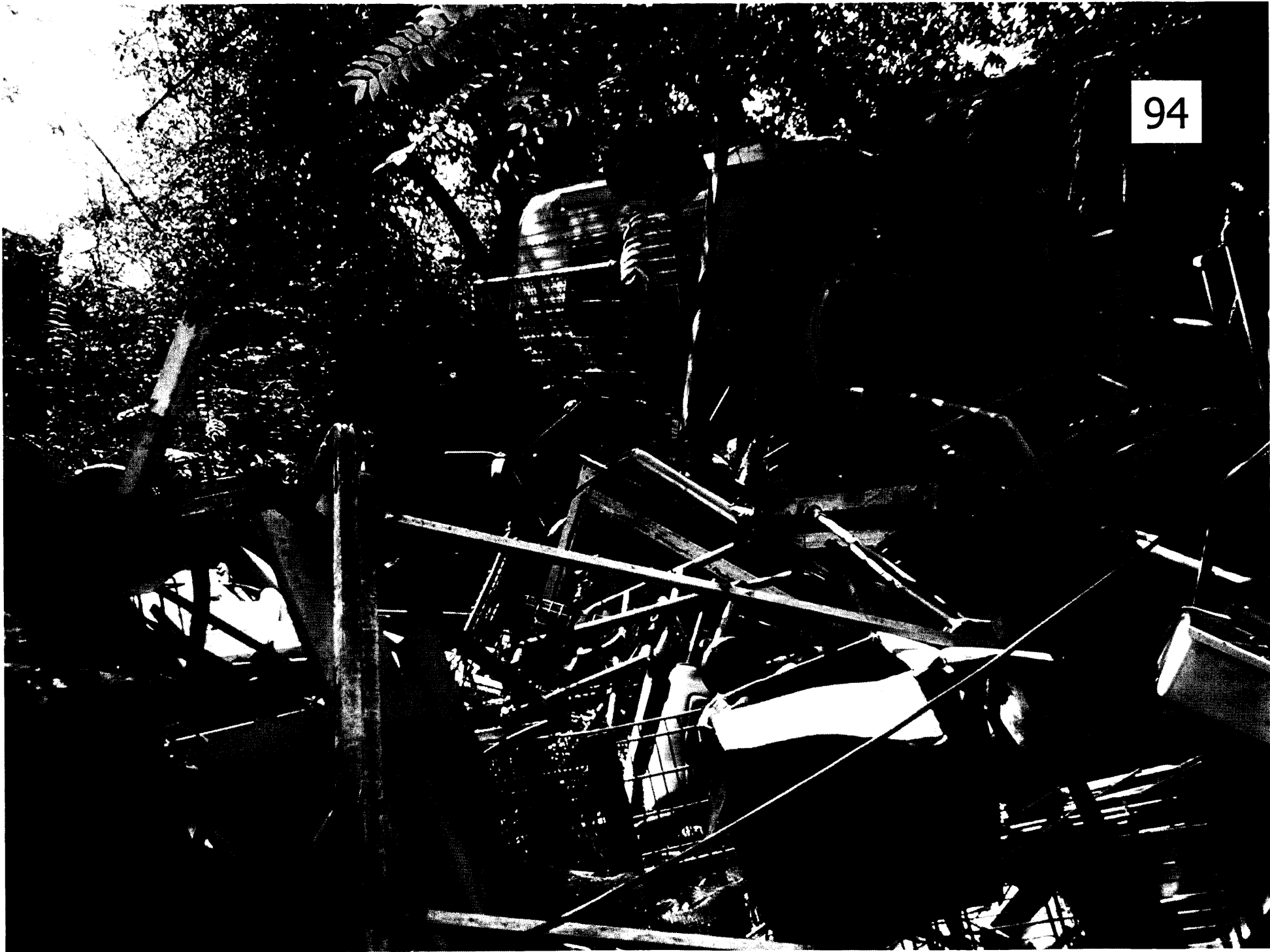


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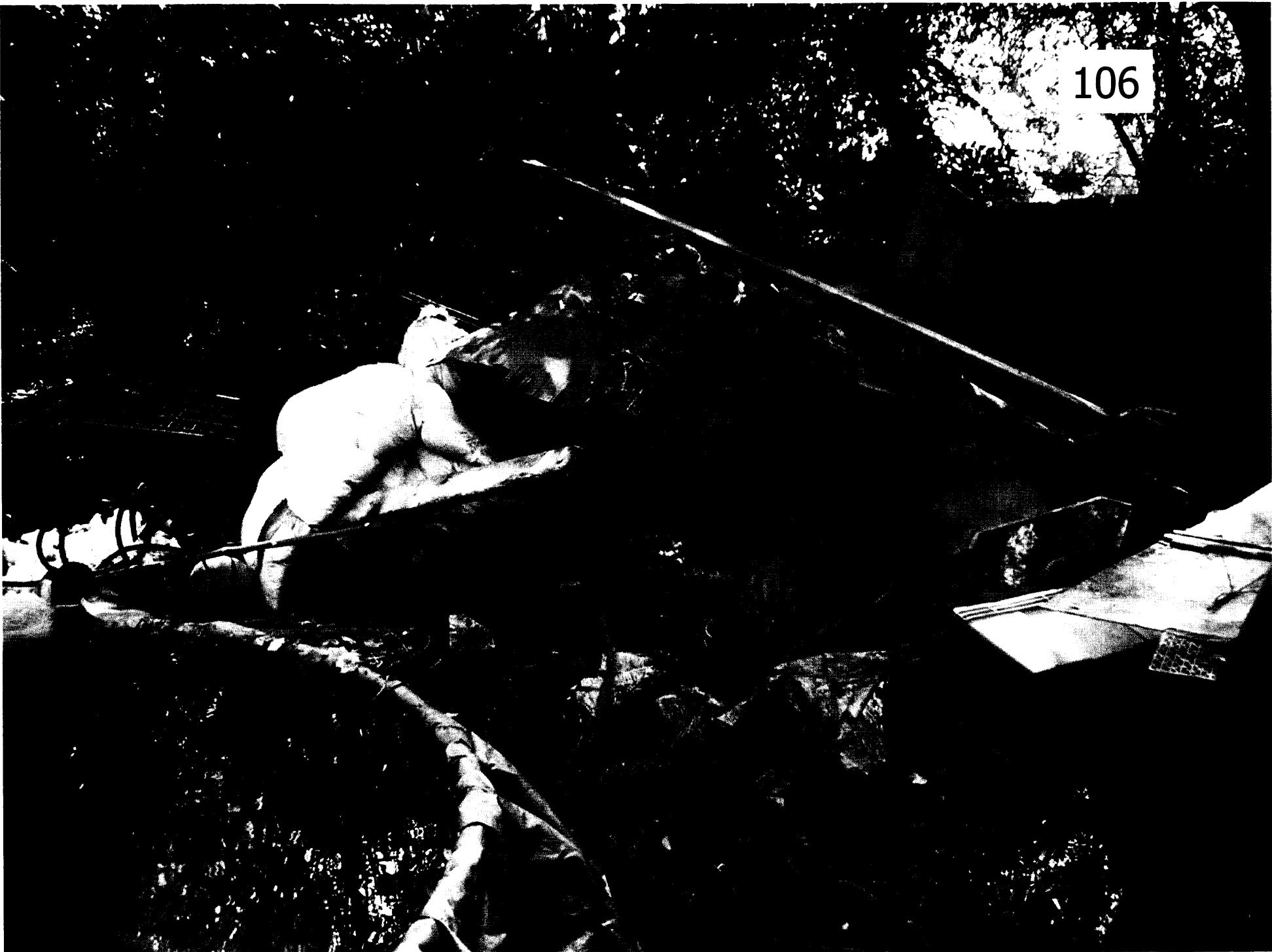
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