

ADMINISTRATIVE ENFORCEMENT
ORDER

IN THE MATTER OF:

MARIA A. GARCIA
1718 MONTEREY AVENUE
MODESTO, CA 95354

MARIA A. GARCIA
830 BRIGHTON AVENUE APT. 4
MODESTO, CA 95355

RE: THE SINGLE-FAMILY DWELLING ILLEGALLY CONVERTED INTO A DUPLEX WITHOUT THE REQUIRED BUILDING PERMIT AND INSPECTION APPROVAL WITH A SECOND STRUCTURE FORMALLY A GARAGE BEFORE IT WAS ILLEGALLY CONVERTED INTO A DWELLING UNIT LOCATED ON THE PROPERTY KNOWN AS 1718 MONTEREY AVENUE, MODESTO, CALIFORNIA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2013-50209

Assessor's Parcel Number: 035-049-005

Legal Description: LOT 17 IN BLOCK 2142 OF THE LEGION PARK TRACT, AS PER MAP FILED JANUARY 4, 1941 IN VOLUME 14 OF MAPS, AT PAGE 10, STANISLAUS COUNTY RECORDS.

I.

STATEMENT OF THE CASE

This appeal hearing was heard before the Board of Building Appeals, which met in a Special Meeting session on December 18, 2013, at 4:00 p.m. in Conference Room 2005, at 1010 10th Street, Modesto, California. The hearing was held in response to an appeal of the Notice and Order dated October 23, 2013, pursuant to Modesto Municipal Code Section 9-8.701.

The purpose of the appeal hearing was to request more time in preparing a timeline for the start and completion dates for each phase of construction and to provide a set of plans that cover the scope of repairs required by the Notice and Order from the Board by staying the time period of thirty (30) calendar days to correct the violations required by this Notice and Order by completing the following actions:

1. Contact the Building Safety Division of the City of Modesto and obtain a permit for the demolition of the two (2) structures within thirty (30) calendar days of the date of the Notice and Order; and

2. You are required to complete the demolition of the two (2) structures and obtain Building Safety Division approval within thirty (30) calendar days of the date of the Notice and Order.

OR

If you choose to not demolish the single-family dwelling at this time, then you are required to contact the Building Safety Division within seven (7) calendar days of the date of this Notice and Order and state your intent to repair this structure; the enclosed Intent to Repair or Demolish Form is to be used for this purpose. Along with the completed form, please include a detailed schedule with dates for application and plan submittal, anticipated permit issuance, start of construction, and progress dates for framing, drywall and completion. These dates will be used to track progress and establish civil penalties if necessary as noted below. A complete set of plans prepared by a licensed architect that include an evaluation of the structure by an engineer are required before a building permit to make the necessary repairs can be obtained. All required work shall be to the current California building, electrical, mechanical and plumbing codes. Unless this new schedule has been reviewed and approved by the Chief Building Official within seven (7) calendar days of the date of this Notice and Order, you are expected to obtain permits and physically commence the repairs within thirty (30) calendar days of the date of this Notice and Order and have them completed and approved by the Building Safety Division within sixty (60) calendar days from the date of this Notice and Order.

The following individuals testified:

1. Bert Lippert, Building Inspection Program Coordinator, City of Modesto.
2. Maria A. Garcia, property owner of 1718 Monterey Avenue, Modesto, California

The following items were introduced into evidence:

- Exhibit A: An Appeal Hearing packet presented by Bert Lippert, Building Inspection Program Coordinator
1. Copy of NOTICE TO APPEAL HEARING and PROOF OF SERVICE dated December 6, 2013
 2. Copies of NOTICE AND ORDER and PROOF OF SERVICE dated October 23, 2013
 3. Copy of ASSESSMENT ROLL dated October 1, 2013 and December 2, 2013
 4. Copy of INDIVIDUAL GRANT DEED and LEGAL DESCRIPTION
 5. Copy of CERTIFICATE OF EXISTANCE dated August 13, 2013

6. Copy of NOTICE OF REQUEST FOR APPEAL BEFORE THE BOARD OF BUILDING APPEALS OF THE CITY OF MODESTO received November 18, 2013
7. Copy of NOTICE OF ORDER dated July 19, 2013
8. Copy of NOTICE OF REQUEST FOR APPEAL BEFORE THE BOARD OF BUILDING APPEALS OF THE CITY OF MODESTO received August 14, 2013
9. Photographs taken October 23, 2013
10. Photograph taken June 18, 2013
11. Photographs taken May 7, 2013

Exhibit B: A copy of the INSPECTION RESULTS of December 3, 2013.

II.

FINDINGS OF FACT

1. Maria A. Garcia is the responsible party for the illegally converted single-family dwelling into a duplex and the illegal conversion of the garage into a second dwelling unit at 1718 Monterey Avenue, Modesto, California.
2. The tax assessor's parcel number is: 035-049-005 for 1718 Monterey Avenue, Modesto, California.
3. On October 23, 2013, the City of Modesto deemed the illegally converted single-family dwelling into a duplex and the illegal conversion of the garage into a second dwelling unit at 1718 Monterey Avenue, Modesto, California; to be unsafe, illegal, and unfit for human occupancy.
4. On November 18, 2013, the Building Safety Division of the City of Modesto received a NOTICE OF REQUEST FOR APPEAL BEFORE THE BOARD OF BUILDING APPEALS OF THE CITY OF MODESTO.

IV.

DETERMINATION OF ISSUES

1. The Board of Building Appeals of the City of Modesto affirms the Notice and Order dated October 23, 2013, by Acting Chief Building Official Jim Mack, with a revised implementation date of January 2, 2014.

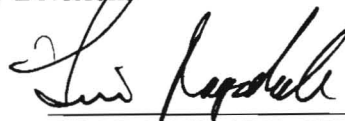
V.

ORDER

THEREFORE, THE FOLLOWING ORDER IS MADE:

1. You are required within thirty (30) calendar days of the date of this Administrative Enforcement Order to obtain a permit for the demolition of the two (2) structures from the Building Safety Division of the City of Modesto; and
2. You are required within thirty (30) calendar days of the date of this Administrative Enforcement Order to complete the demolition of the two (2) structures and remove all the debris associated with a demolition from the property and obtain final approval from the Building Safety Division; and
3. You are required within seven (7) calendar days of the date of this Administrative Enforcement Order to contact and provide a completed intent to repair this structure form with attached schedule of dates and obtain approval from the Building Safety Division; and
4. You are required within thirty (30) calendar days of the date of this Administrative Enforcement Order to obtain a permit for the conversion of the single-family dwelling from a duplex back into a single-family dwelling; and
5. You are required within thirty (30) calendar days of the date of this Administrative Enforcement Order to physically commence the work required to convert the illegal duplex back into a single-family dwelling; and
6. You are required within sixty (60) calendar days of the date of this Administrative Enforcement Order to complete all the work required to convert the illegal duplex back into a single-family dwelling and obtain final inspection approval from the Building Safety Division; and
7. You are required within thirty (30) calendar days of the date of this Administrative Enforcement Order to physically commence the work required to convert the garage from habitable living space back into a garage and obtain final approval from the Building Safety Division.

Dated: January 7, 2014



TIM RAGSDALE, CHAIRPERSON
BOARD OF BUILDING APPEALS

