

**CITY OF MODESTO, CALIFORNIA**

Community and Economic Development Department  
Building Safety Division  
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# **NOTICE OF PASSAGE OF RESOLUTION**

**DECEMBER 9, 2019**

**TO: DOUG AND LAURA COLE  
2312 PAPER BARK COURT  
MODESTO, CA 95355-9007**

**VIA: CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**RE: THE UNPERMITTED ADDITION OF AN ACCESSORY STRUCTURE  
GREATER THAN 120 SQUARE FEET WITH ELECTRICAL WORK,  
CONSTRUCTED WITHIN FIVE (5) FEET OF THE TWO-STORY  
DWELLING, LOCATED AT 2312 PAPER BARK COURT, MODESTO,  
CALIFORNIA; ASSESSOR'S PARCEL NU. 085-048-027; CITY OF  
MODESTO CODE ENFORCEMENT CASE NO. COD2019-50071**

PLEASE TAKE NOTICE that on December 2, 2019, the Board of Building Appeals of the City of Modesto conducted a public hearing regarding the real property situated in the City of Modesto commonly referred to as 2312 Paper Bark Court (hereinafter referred to collectively as the "premises"). Following the public hearing, the Board adopted Resolution No. 2019-17, a true and correct copy of which is attached to this Notice.

**PLEASE TAKE FURTHER NOTICE THAT PURSUANT TO RESOLUTION  
NO. 2019-17, THE OWNERS OF THE PREMISES ARE HEREBY ORDERED  
AND DIRECTED TO REMOVE THE BEAMS FROM ATOP THE COLUMNS  
OF THE SUBJECT REAR YARD SHADE STRUCTURE BY JANUARY 1, 2020,  
THE CIVIL PENALTIES AND ADMINISTRATIVE FEES ARE HELD IN  
ABEYANCE.**

**IF THE NUISANCE IS NOT ABATED AS ORDERED BY JANUARY 1, 2020,  
THE CIVIL PENALTIES AND ADMINISTRATIVE FEES WILL BE  
REINSTATED BY THE BOARD.**

PLEASE TAKE FURTHER NOTICE that the owners of the premises or any other interested person having any objections, or feeling aggrieved at any proceeding taken by the City of Modesto in ordering abatement of the nuisance, must bring an action in a court of competent jurisdiction within thirty (30) days after the date of posting on the premises the Notice of Passage of the Resolution declaring the nuisance to exist to contest the validity of any proceedings leading up to and including the adoption of the resolution, otherwise all objections will be deemed to have been waived.

Dated: December 9, 2019



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OSCAR DIAZ  
SECRETARY TO THE BOARD

OD:cp  
Attachment

cc: DOUG AND LAURA COLE  
2312 PAPER BARK COURT  
MODESTO, CA 95355-9007

City Attorney  
Oscar Diaz, Chief Building Official  
Bert Lippert, Building Safety Program Coordinator  
Chris Kemper, Neighborhood Preservation Supervisor  
File

BOARD OF BUILDING APPEALS  
RESOLUTION NO. 2019-17

A RESOLUTION DECLARING THE BUILDING LOCATED AT 2312 PAPER BARK COURT A PUBLIC NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE BY JANUARY 1, 2020.

WHEREAS, Doug And Laura Cole have title to and are the recorded owners of property located at 2312 Paper Bark Court in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises"; and

WHEREAS, the premises at 2312 Paper Bark Court consists of the unpermitted addition of an accessory structure greater than 120 square feet with electrical work, constructed within five (5) feet of the two-story dwelling; and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by the Building Maintenance Code of the City of Modesto to enforce all provisions of the Code including authority to inspect any building or structure and order that any such building or structure determined under the Building Maintenance Code to be Unsafe and Unfit for Human Occupancy be declared a public nuisance and order the recorded owner to abate the nuisance conditions by demolition of the unsafe structures and the removal of the junk, trash, debris and weeds on the property; and

WHEREAS, inspection of the premises was conducted by City of Modesto Building Safety Division personnel on April 23, 2019; and

WHEREAS, a Notice and Order dated May 3, 2019, was issued by the Chief Building Official and ordered the property owner(s) to contact the Building Safety Division of the City of Modesto: **Obtain all required permits and approvals from the City of Modesto Planning and Building Safety Divisions to modify the free-standing accessory structure constructed in the rear yard within five (5) feet of the two-story dwelling within thirty (30) calendar days of the date of this Notice and Order, or remove the structure.**

**All work for which permits are required must be completed and final inspection approved by the City of Modesto Building Safety Division within sixty (60) calendar days of the date of this Notice and Order; and**

WHEREAS, said Notice and Order dated May 3, 2019, gave notice that the premises were found to be a Public Nuisance; and

WHEREAS, on May 3, 2019, said Notice and Order of May 3, 2019, was mailed by certified mail, postage prepaid, return receipt requested to record owners and the holder of the deed of trust of record, pursuant to Article 12 of the Building Maintenance Code of the City of Modesto; and

WHEREAS, on May 3, 2019, said Notice and Order of May 3, 2019, was posted on the premises; and

WHEREAS, the owner(s) of said premises have failed to complete work within the time specified in said Notice and Order and, therefore, the owner(s) are now in violation of the Building Maintenance Code of the City of Modesto; and

WHEREAS, the property constitutes a public nuisance; and

WHEREAS, on November 22, 2019, a “Notice of Board of Building Appeals Civil Penalty Hearing” was mailed by certified mail, postage prepaid, return receipt requested, to record owner(s) and posted on the property, pursuant to California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Sections 58 and 60; and

WHEREAS, said “Notice of Board of Building Appeals Civil Penalty Hearing” gave notice that a public hearing would be held by the Board of Building Appeals of the City of Modesto, on December 2, 2019, at 4:00 p.m., in the Basement Conference Room B300 – Tenth Street Place, 1010 Tenth Street, Modesto, California; regarding the real property situated in the City of Modesto commonly referred to as 2312 Paper Bark Court; and

WHEREAS, a duly noticed public hearing of the Board was held at date, time, and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance and to consider other appropriate action to abate such nuisance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Building Appeals of the City of Modesto, that the following be ordered:

**THE OWNERS OF THE PREMISES ARE HEREBY ORDERED AND DIRECTED TO REMOVE THE BEAMS BY JANUARY 1, 2020, THE CIVIL PENALTIES AND ADMINISTRATIVE FEES ARE HELD IN ABEYANCE.**

**IF THE NUISANCE IS NOT ABATED AS ORDERED BY JANUARY 1, 2020, THE CIVIL PENALTIES AND ADMINISTRATIVE FEES WILL BE REINSTATED BY THE BOARD.**

BE IT FURTHER RESOLVED that the City of Modesto shall cause to be posted on the premises a Notice of the Passage of this Resolution No. 2019-17, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty days after passage of this Resolution No. 2019-17, declaring a nuisance and directing abatement of the nuisance, the City of Modesto shall cause to be posted a copy of said resolution conspicuously on the buildings so declared to be a nuisance and mail another copy of the resolution by certified mail, postage prepaid, return receipt requested, to (1) the person(s) owning the land on which the buildings are located as such person’s name and address appear on the last equalized assessment roll, and (2) to each mortgagee or beneficiary under any deed of trust, of record, at the last known address of such mortgagee or beneficiary. The officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 6, Section 58.

The foregoing matter was introduced at the special meeting of the Board of Building Appeals of the City of Modesto held on the 2nd day of December 2019, by Board Member, Rick Reid, who moved its adoption, which motion being duly seconded

by Board Member, Richard Dalton, was upon roll call carried in the resolution adopted by the following vote:

Ayes: Bergman, Dalton, Yoshino, Reid  
Noes: None.  
Absent: Wungluck

BY ORDER OF THE BOARD OF BUILDING APPEALS OF THE CITY OF MODESTO.



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EVAN YOSHINO  
BOARD OF BUILDING APPEALS