

E-4



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Set a Public Hearing for February 5, 2003, to consider an appeal from Leonel & Maria Tamez regarding Notice and Order to Repair issued for their property located at 820 S. Church Street, Lodi

MEETING DATE: January 15, 2003

PREPARED BY: Community Development Director

RECOMMENDED ACTION: None. The appellant has withdrawn their appeal.

BACKGROUND INFORMATION: Upon receipt of their appeal, Community Development Department Staff has been meeting with the appellants to clarify the requirements of the Notice and Order. Through those discussions, it has been determined that the appellants agree that the substandard building conditions listed in that Notice and Order and the repairs required to correct those conditions are necessary and will be followed.

There is an issue still in contention regarding the use of the property as multi-family rather than single-family. As a land use or zoning issue, it was determined that the initial review of that would be to the Community Development Director and then subsequently to the Planning Commission for appeal.

With those issues clarified, the appellants submitted the attached letter withdrawing their appeal and requesting a refund of their appeal application fee.

FUNDING: No funding required.

Konradt Bartlam
Community Development Director

Prepared by Community Improvement Manager Joseph Wood

KB/jw

- c: City Attorney
- Leonel & Maria Tamez
- James West

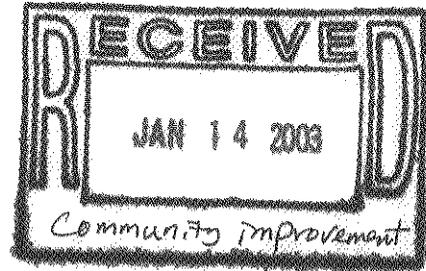
APPROVED: _____

H. Dixon Flynn -- City Manager

NOTICE OF CANCELLATION

Jan.14,2003

RE: Notice and Order -APPEAL
(U.H.C. SECTION 11011)



Property located at
820 S. Church St.
Lodi Ca. 95240

Owners: Leonel & Maria Tamez

Mr Joseph Wood, we would like to cancel our appeal,that we have filed with the City Of Lodi , with regards to the above said Notice and Order and with the agreement that , we are all in the understanding that we will need more time granted to fix current code problems and that, the issue of non-conforming of the property and building will be properly addressed with the Planning dept. of the City Of Lodi. In doing this we will not be removing any of the kitchen units , separate meters, and continue to use the housing as we have been for over 30 yrs. As we have discussed, the decision and ruling of the planning dept. would address these issues.

Thank you very much for you time and help.

Please refund our \$250⁰⁰ application fee for said appeal.

Leonel Tamez

Maria Tamez

Rhonda De La Cruz



CITY OF LODI

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AGENDA TITLE: Set a Public Hearing for February 5, 2003, to consider an appeal from Leonel & Maria Tamez regarding Notice and Order to Repair issued for their property located at 820 S. Church Street, Lodi.

MEETING DATE: January 15, 2003

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council set a public hearing for February 5, 2003, to consider an appeal from Leonel & Maria Tamez, regarding a Notice and Order to Repair issued for the property located at 820 S. Church Street, Lodi, California.

BACKGROUND INFORMATION: The City of Lodi Community Improvement Division has issued a Notice and Order to Repair to Leonel & Maria Tamez, the owners of record for the property located at 820 S. Church Street. Said Notice and Order requires that the owners take specific action to correct substandard building conditions within both the main, two-story, single-family dwelling on the property and the detached garage structure which includes second-story living quarters. Furthermore, the Notice and Order also requires that they discontinue the use of the single-family dwelling as a duplex and the use of the living quarters in the garage structure as a separate dwelling unit, all of which constitute an improper use according to the Zoning Regulations in effect at the property.

Subsequent to the issuance that Notice and Order to Repair, Mr. James West, an accountant for the Tamez Family filed an appeal on their behalf. Community Development Department Staff accepted that appeal application but continue to work with the Mr. West and the Tamez' in order to clarify the issues which they seek relief from through this appeal.

Mr. West's appeal, on behalf of Leonel and Maria Tamez, to the City Council as our Board of Appeals is in accordance with the requirements of the Uniform Housing Code and the Lodi Municipal Code.

FUNDING: No funding required.

Konradt Bartlam
Community Development Director

Prepared by Community Improvement Manager Joseph Wood

KB/jw

c: City Attorney
Leonel & Maria Tamez
James West

APPROVED:

H. Dixon Flynn -- City Manager

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION FOR APPEAL
BEFORE THE LODI CITY COUNCIL

Subject Address of Appeal:

820 S. Church Street, P. No. 045-07046

Name and Address of Appellant:

Leonel and Maria Tamez
820 S. Church Street
Lodi, CA 95240

Brief Statement of Interest in the Subject Address:

Owner of the property from 1976 to present. Proposed value, interest in property and upkeep. Need a permit to work on the property, but the City of Lodi has refused to issue the work permit.

Brief statement of the action protester:

1. The owner was not informed there was an inspection.
2. Robert Holdsworth is not a building inspector.
3. No copies of the Lodi Municipal Code for housing was ever issued to Leonel and Maria Tamez.
4. No reason given for removal of electric meter and cap off all wiring.
5. Toilet was over ruining carpet, never showed to Leonel or Maria Tamez, who will replace the carpet and padding and clean up the bathroom.
6. Damaged vinyl flooring in the kitchen/living room area will be replaced.
7. City of Lodi has refused to issue a permit for work.
8. The roof will be replaced.
9. All dry rot and decay will be replaced.
10. All outside wood will be painted.
11. Why is the shed illegal?
12. The garage, stove, paint and materials for work, but the City of Lodi has blocked their use.
13. The shed is not larger than 120 sq. ft., no measurements were given.
14. Without a work permit, the exterior wood siding can not be removed. There is no inspection of the premises or any knowledge of the interior.
15. There is nothing wrong with the metal staircase. The inspector owes Mr. and Mrs. Tamez a copy of the Lodi Housing Code on stairs.

- 16. There is nothing wrong with the meters.
- 17. This is a plan to remove the R-2 status from the home.
- 18. Mr. James H. Siemens, Building Inspector II, reviewed the building in 1992 and passed the building.
- 19. The City of Lodi has refused to grant the owners, Mr. and Mrs. Tamez, the permits or let them do the work.
- 20. The property owner will apply for, as soon as the City of Lodi will let them, then get the permit.

Relief Sought:

- A. Let the owners review all of the inspections reports and files.
- B. Issue a permit for work to be done.
- C. Set aside the report on the following grounds:

There was no inspection of the property with the owner. Give a complete copy of Lodi Building Codes.

I, Leonel and Maria Tamez, declare under penalty of perjury that the information provided in this application for appeal is true and correct.

Leonel Tamez
 Leonel Tamez _____ Date

Maria Tamez 12-20-02
 Maria Tamez _____ Date

Signature of all parties involved

James H. Siemens

Accepted by _____, date _____, time .

\$250.00 fee paid by check # _____

Fee waived _____

COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION FOR APPEAL
BEFORE THE LODI CITY COUNCIL

SUBJECT ADDRESS OF APPEAL:

NAME(S) AND OFFICIAL MAILING ADDRESS(ES) OF APPELLANT(S):

Additional Names Attached

BRIEF STATEMENT OF INTEREST IN THE SUBJECT ADDRESS:

Continued On Additional Page

BRIEF STATEMENT OF THE ORDER OR ACTION PROTESTED, TOGETHER WITH ANY MATERIAL FACTS CLAIMED TO SUPPORT THE CONTENTION OF THE APPELLANT(S):

Continued On Additional Page

BRIEF STATEMENT OF THE RELIEF SOUGHT AND THE REASONS WHY IT IS CLAIMED THE PROTESTED ORDER OR ACTION SHOULD BE REVERSED, MODIFIED OR OTHERWISE SET ASIDE:

Continued On Additional Page

I, _____ DECLARE, UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS APPLICATION FOR APPEAL IS TRUE AND CORRECT.

SIGNATURE

DATE

SIGNATURES OF ALL PARTIES NAMED AS APPELLANTS:

ACCEPTED BY:



DATE:

12/20/02

TIME:

4:08 AM

\$250.00 FEE PAID: _____

CHECK NO.:

#588

FEE WAIVED: _____

CITY COUNCIL

SUSAN HITCHCOCK, Mayor
EMILY HOWARD
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
KEITH LAND

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

NOTICE AND ORDER (U.H.C. SECTION 1101)

December 12, 2002

Leonel & Maria Tamez
820 S. Church St.
Lodi, CA 95240

Page 1 of 5

Subject Address: 820 S.CHURCH STREET - PARCEL NO. 045-070-16

An inspection of the above-mentioned property was made by the Community Development Department and the violations listed in attached Notice and Order have been found and must be corrected to bring this property into compliance with the Uniform Housing Code. Compliance is not limited to code violations cited, but to all applicable codes required and necessary to bring this property into compliance.

Pursuant to Section 301 of the Uniform Housing Code, no building or structure regulated by that code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the Community Development Department - Building Division. Such permit(s) must be obtained within 15 days from the Building Division at 221 West Pine Street, Lodi, California, 95240.

All work is to commence within 15 days and be completed within 60 days from the date of this Notice and Order. Failure to commence repairs or obtain required permits for repair or demolition within the 15 days or failure to complete repairs or demolition within the time period specified above may result in (1) an order being issued that the building be vacated and posted to prevent further occupancy until the work is completed, and (2) the Building Official may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

December 12, 2002

Leonel & Maria Tamez
820 S. Church St.
Lodi, CA 95240

Page 2 of 5

Subject Address: 820 S.CHURCH STREET - PARCEL NO. 045-070-16

Any person having record title or legal interest in this property may appeal from this Notice and Order to the City Council in accordance with section 15.24.040, Lodi Municipal Code. Any appeal must be made in writing and submitted within 10 days from the date of mailing of this notice. This may be done by filling out an application at the Community Development Department, 221 West Pine Street, Lodi, California. Failure to file such an appeal in accordance with the provisions of sections 15.24.040 of the Lodi Municipal Code shall constitute a waiver of all rights to an administrative hearing and adjudication of the Notice and Order or to any portion thereof.

Your maintenance of substandard housing may subject you to loss of deductions for interest, depreciation, taxes, and amortization pursuant to the Revenue and Taxation Code of the State of California, sections 17274 and 34436.5.

NOTE: Failure to abate will result in reinspection fee(s) for each inspection until compliance is obtained. The amount charged for reinspection(s) is determined by the fee schedule of the individual departments.

If you have any questions regarding this matter, please contact Robert Holdsworth
at (209) 333-6823.

COMMUNITY DEVELOPMENT DEPARTMENT

COPY

ROBERT HOLDSWORTH
COMMUNITY IMPROVEMENT OFFICER
COMMUNITY IMPROVEMENT DIVISION

December 12, 2002

Leonel & Maria Tamez
820 S. Church St.
Lodi, CA 95240

Page 3 of 5

Subject Address: 820 S.CHURCH STREET - PARCEL NO. 045-070-16

UNIT ABOVE THE GARAGE

1. Discontinue the use of the family room above the garage as a rental unit. Rental units are prohibited in areas of the city zoned R-2. This address meets none of the requirements for an exception under this zoning designation. **Remove the kitchen facilities from this unit, including cabinetry and appliances in an approved manner.**
Lodi Municipal Code Section 17.12.030
2. Remove the electric meter and cape off all wiring in an approved manner.
Lodi Municipal Code Section 17.12.030
3. The toilet has over flowed causing the carpeting to be soiled by sewage . Replace the carpeting and pad in an approved manner.
Uniform Housing Code Section 1001.2.1
4. Replace the damaged vinyl floor covering in the kitchen living room area in an approved manner.
Uniform Housing Code Section 1001.2.13
5. The roof covering is leaking. Repair or replace in an approved manner.
Uniform Housing Code Section 1001.8.2
6. There signs of dryrot and decay around the front entry door of this unit. Make the necessary repairs in an approved manner.
Uniform Housing Code Section 1001.8.4
7. The exterior lacks weather protection and wood siding is deteriorating. Prepare and paint the exterior in an approved manner.
Uniform Housing Code Section 1001.8.2
8. Remove the illegal shed attached to the back of the garage in an approved manner.
Uniform Housing Code Section 1001.4
9. The garage is filled with personal belongings and presents a fire hazard. Remove the excessive amount of materials in an approved manner.
Uniform Housing Code Section 1001.9

December 12, 2002

Leonel & Maria Tamez
820 S. Church St.
Lodi, CA 95240

Page 4 of 5

Subject Address: 820 S.CHURCH STREET - PARCEL NO. 045-070-16

MAIN RESIDENCE

9. Remove the exterior wood siding around the entire exterior. **Allow for an inspection of the framing to determine the extent of the damage.** Replace all damaged or unsafe materials and workmanship in an approved manner.
Uniform Housing Code Section 1001.3.4
10. Remove the brick wainscot on the exterior. *Allow for an inspection of the framing behind it.* Replace any dryrot or damaged framing in an approved manner.
Uniform Housing Code Section 1001.3.4
11. The metal stair case to the 2nd floor on the south side was installed illegally without a permit. Submit a plan to the Building Inspection and Planning Dept. and obtain a permit or remove the staircase in an approved manner.
Uniform Housing Code Section 301(2)(3)
12. Replace the damaged window units throughout the dwelling in an approved manner. Reframe the rough opening to meet minimum code requirements.
Uniform Housing Code Section 1001.8.2
13. Remove the upstairs kitchen unit , including cabinetry, appliances in an approved manner.
Uniform Housing Code Section 1001.14
14. Provide GFCI protected receptacles for the upstairs bathrooms in an approved manner.
Uniform Housing Code Section 1001.5
15. The interior stairway does not meet minimum code for tread size, head room and width of the stairway. This structure is hazardous and must be removed in an approved manner..
Uniform Housing Code Section 1001.12
16. Remove the Hair Salon entry door and frame in the opening in an approved manner before installing new siding.
Uniform Housing Code Section 1001.12
17. Remove the separate meters for the garage Apt. unit, the Hair Salon, and the 2nd story apt. in the main dwelling and connect all conductors to the main service in an approved manner.
Uniform Housing Code Section 1001.5

December 12, 2002

Leonel & Maria Tamez
820 S. Church St.
Lodi, CA 95240

Page 5 of 5

Subject Address: 820 S.CHURCH STREET - PARCEL NO. 045-070-16

PERMIT REQUIREMENTS:

A floor plan, to scale, of the residence is required. The plan will indicate all areas of the 1st and 2nd floors of the main residence showing the Apt. units (before) and the return to a single family residence with interior accessibility to all rooms (after).

The property owner will apply for and obtain the necessary Building, Electrical and Code Compliance Repair permit for this project.