

ADMINISTRATIVE HEARING STAFF REPORT

For

ADMINISTRATIVE HEARING DATED: August 21, 2013

FILE: CE13-0295

LOCATION: 2508 Montgomery Drive

RESPONSIBLE PARTY: BJ Morgan

CASE FACTS:

June 13, 2013: I inspected and took pictures of the property and illegal additions to the rear of the house.

June 18, 2013: I sent the owner a notice of violation letter.

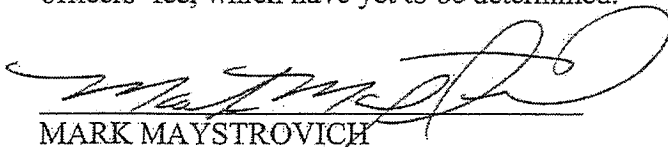
July 3, 2013: I sent the owner a notice of violation – failure to abate letter.

July 17, 2013: I sent the owner a notice of noncompliance.

July 25, 2013: I sent the owner an administrative notice and order with the penalty calculation sheet.

BUILDING AND CODE ENFORCEMENT RECOMMENDATION:

Building and Code Compliance recommends that the Administrative Notice and Order be upheld and the penalties paid per the penalty calculation sheet. The penalties are to include the hearing officers' fee, which have yet to be determined.



MARK MAYSTROVICH  
CODE ENFORCEMENT OFFICER  
(707) 543-3268

7-30-13

DATE

Douglas A. Thiele  
Administrative Hearing Officer  
107 South State Street  
Ukiah, CA 95482

File No. CE13-0295

### ADMINISTRATIVE ENFORCEMENT ORDER

---

- I -A. Responsible Party: Russell Morgan, Jr.  
-B. Address: 2508 Montgomery Drive, Santa Rosa, CA
- II Location of Violation: 2508 Montgomery Drive, Santa Rosa, CA
- III Assessor Parcel Number: 013-051-002                      Zoning District: R-16
- 

#### Administrative Hearing Officer's Decision:

A hearing was held on August 21, 2013 before Douglas A. Thiele, Administrative Hearing Officer, regarding the violations alleged by the City of Santa Rosa in its Administrative Notice and Order dated July 25, 2013. There was present at said hearing Mark Maystrovich, Code Enforcement Officer/Building Inspector, for the City of Santa Rosa. The Responsible Party, Russell Morgan, Jr. also appeared. No interested members of the public appeared and testified at the hearing.

The first issued addressed at the hearing was the identity of the property owner and responsible party. Russell Morgan, Jr. advised that B.J. Morgan who was named as Responsible Party in the Administrative Notice and Order was his deceased mother. He advised that the real property is owned by a trust created by his now deceased parents in which he is beneficiary. According to Mr. Morgan, all that needs to be done for him to be record owner is for the trustee to execute a deed transferring the property from the trust to him. Mr. Morgan did acknowledge that all notices pertaining to this proceeding were received at the property address and reviewed by him. Based on these facts and the willingness of Mr. Morgan to proceed with the hearing, the pleadings in this proceeding are amended to identify Russell Morgan, Jr. as the responsible party.

After considering all of the testimony and evidence including the Administrative Notice and Order dated July 25, 2013 submitted as evidence at the hearing, I make the following findings,

1. The eleven violations listed in Appendix No. 5 of the Administrative Notice and Order dated July 25, 2013 are found to exist and the Administrative Notice and Order are upheld in that respect. A copy of the Appendix No. 5 is attached to this decision and by reference made a part hereof.

Respondent shall have thirty (30) days from the date of this decision to submit a site plan and

apply for the necessary building and/or demolition permits to correct each of the eleven violations described above. The property owner shall act diligently during the permit process and shall respond within fifteen (15) days to any request for corrections or modification to the permit applications. All violations shall be corrected as determined by a City inspection within six (6) months of the date of this decision.

2. As the City of Santa Rosa is the prevailing party, it is entitled to its administrative costs of \$527.00 as set forth in the Penalty Calculation Sheet, Appendix No. 7-E, of the Administrative Notice and Order dated July 25, 2013. In addition, it is entitled to \$50.00 for the time spent by Mr. Maystrovich in attending the hearing and \$300.00 for the time of the Administrative Hearing Office in attending the hearing and issuing this ruling. The total amount awarded as administrative costs is \$ 877.00.

3. As regards penalties up to the date of the hearing, none are awarded. As this matter just came to the attention of the City in June, 2013, responsible party who arrived at the property after the violations were created has had little time to address the problems. As regards penalties after the date of the hearing, they will also not be awarded so long as Responsible Party complies with the following schedule,

a) Within thirty (30) days of the date of this decision, Responsible Party shall submit a site plan and apply for the necessary building and/or demolition permits to correct each of the eleven violations described above.

b) Following submission of the site plans and permit applications, Responsible Party shall act diligently during the permit process and shall respond within fifteen (15) days to any requests for corrections or modification to the permit applications.

c) All violations shall be corrected as determined by a City inspection within six (6) months of the date of this decision.

If Responsible Party does each of the above within the prescribed time schedule, no penalties shall be awarded. If Responsible Party fails to timely perform any of the above, penalties shall start to accrue at the rate of \$25.00/day per violation starting on the day of non-compliance with the above time schedule. If the violations continue to exist, Responsible Party is hereby notified that he may be subject to additional penalties as authorized by law.

4. All notices required by law have been timely and properly given to Responsible Party by the City of Santa Rosa.

5. I have served the Administrative Enforcement Order on each party. When the Administrative Enforcement Order is served on the code enforcement officer, the order shall be final.

6. This decision shall serve as notice to each responsible party that the penalties and administrative costs will become a special assessment against the property where the violations

occurred if payment is not received within thirty days of the date of this Administrative Enforcement Order. The penalty for late payment of assessed costs is 7% per annum, pro-rated daily, from payment due date which is thirty days from the date of this decision.

Dated: September 16, 2013

By Order Of:   
Administrative Hearing Officer

CERTIFICATE OF SERVICE

I am employed in the County of Mendocino, State of California. I am over the age of 18 years and not a party to the within action. My business address is 107 South State Street, Ukiah, CA 95482.

On September 16, 2013, I served the attached Administrative Enforcement Order on the following parties to this action by placing a true copy in a sealed envelope, addressed as follows:

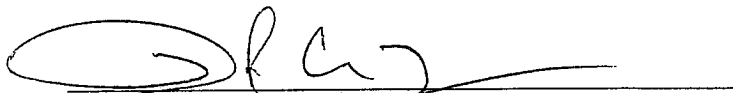
Russell Morgan, Jr.  
2508 Montgomery Drive  
Santa Rosa, CA 95405-5031

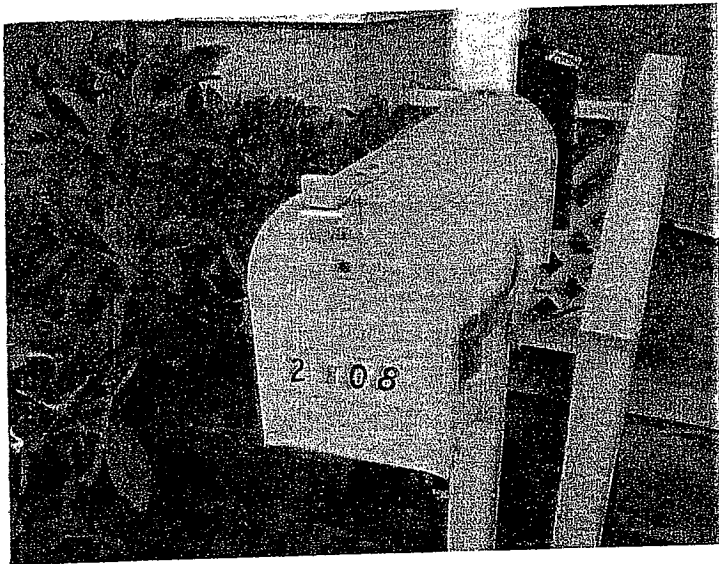
Mark Maystrovich  
Code Enforcement Officer  
100 Santa Rosa Avenue  
Santa Rosa, CA 95404

I placed each such sealed envelope, with postage thereon fully prepaid with the United States Postal Service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 16, 2013 at Ukiah, CA

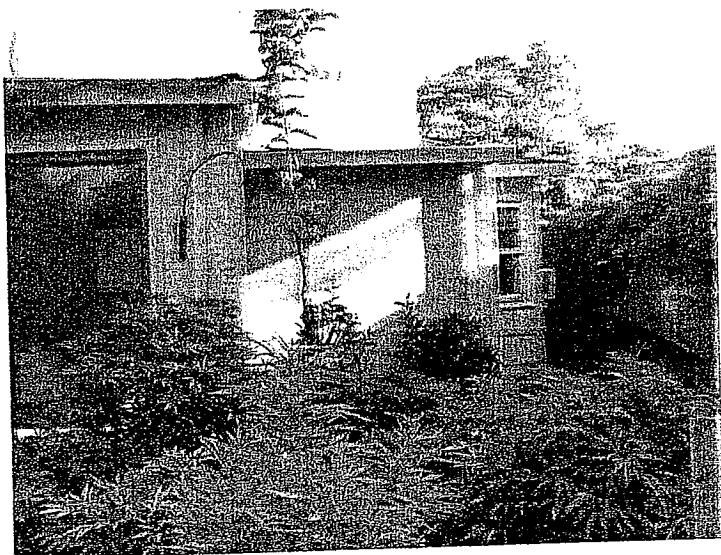
  
\_\_\_\_\_  
Douglas A. Thiele



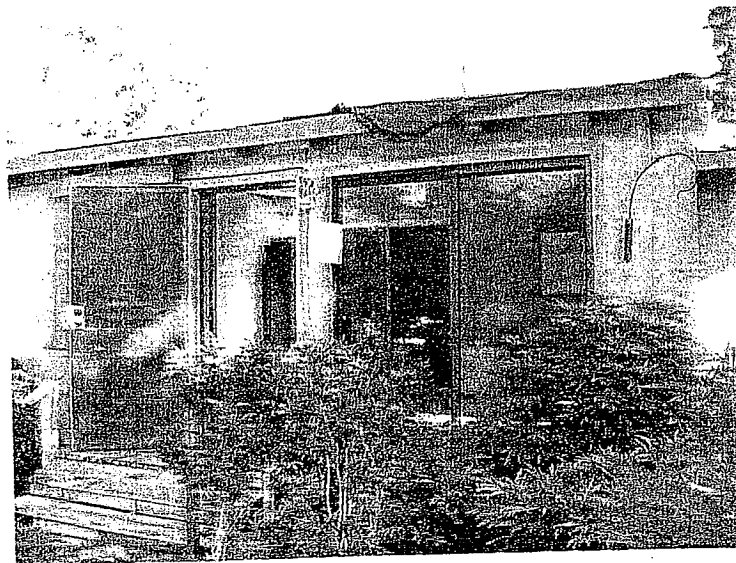
2508 Montgomery Dr 6-13-13 001.jpg  
06/13/2013 (Thu), 6:56 AM  
1/60 sec, f/3.2, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 002.jpg  
06/13/2013 (Thu), 6:57 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



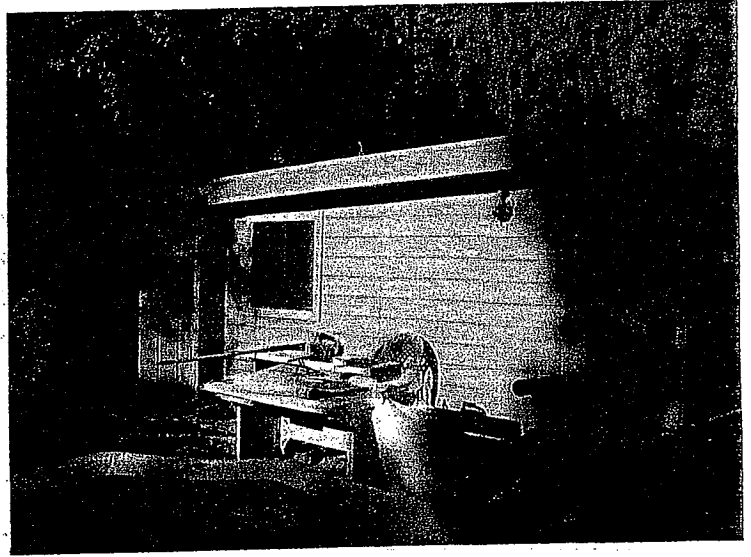
2508 Montgomery Dr 6-13-13 003.jpg  
06/13/2013 (Thu), 6:57 AM  
1/60 sec, f/3.5, 38mm (equiv.), Flash



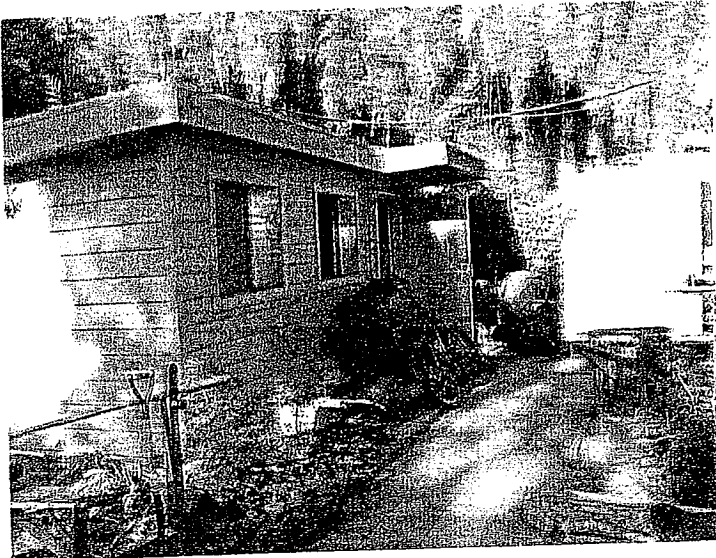
2508 Montgomery Dr 6-13-13 004.jpg  
06/13/2013 (Thu), 6:58 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



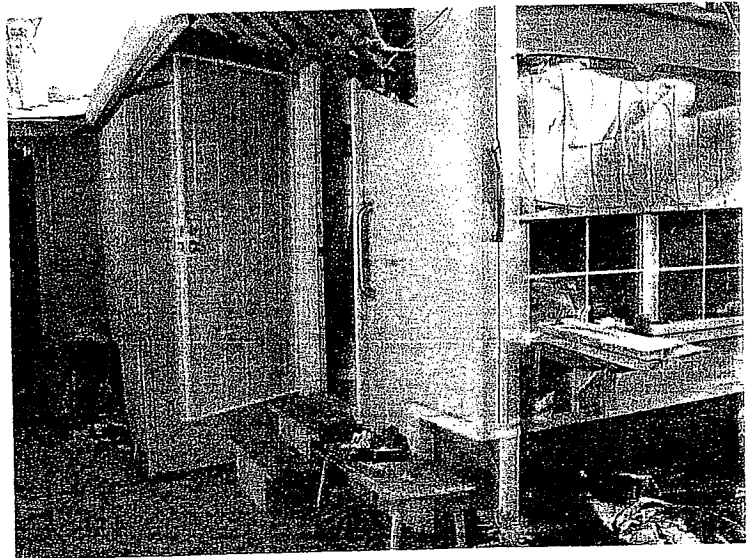
2508 Montgomery Dr 6-13-13 005.jpg  
06/13/2013 (Thu), 6:58 AM  
1/80 sec, f/4.0, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 006.jpg  
06/13/2013 (Thu), 6:58 AM  
1/1000 sec, f/4.0, 38mm (equiv.), Flash



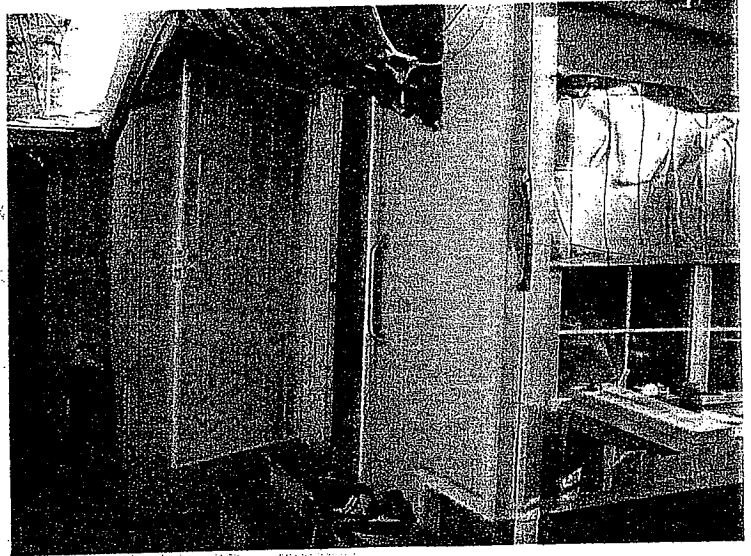
2508 Montgomery Dr 6-13-13 007.jpg  
06/13/2013 (Thu), 6:58 AM  
1/100 sec, f/4.0, 38mm (equiv.), Flash



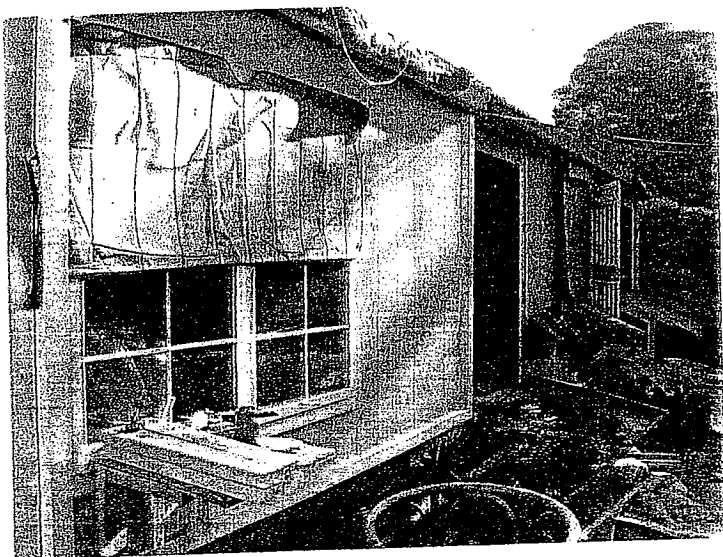
2508 Montgomery Dr 6-13-13 008.jpg  
06/13/2013 (Thu), 6:58 AM  
1/80 sec, f/4.0, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 009.jpg  
06/13/2013 (Thu), 6:58 AM  
1/50 sec, f/2.6, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 010.jpg  
06/13/2013 (Thu), 6:59 AM  
1/125 sec, f/4.0, 38mm (equiv.), Flash

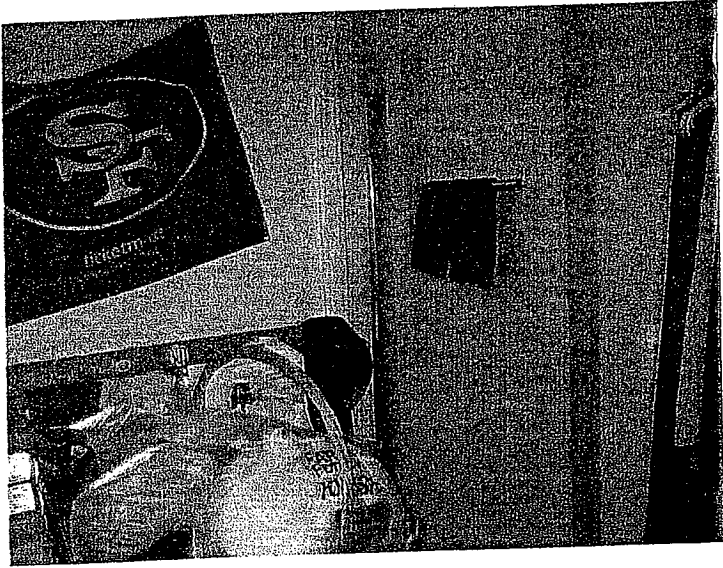


2508 Montgomery Dr 6-13-13 011.jpg  
06/13/2013 (Thu), 6:59 AM  
1/100 sec, f/4.0, 38mm (equiv.), Flash

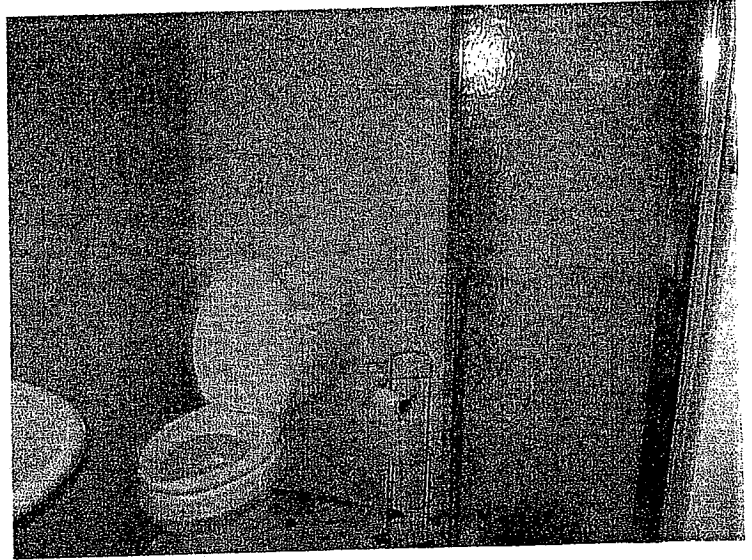


2508 Montgomery Dr 6-13-13 012.jpg  
06/13/2013 (Thu), 6:59 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash





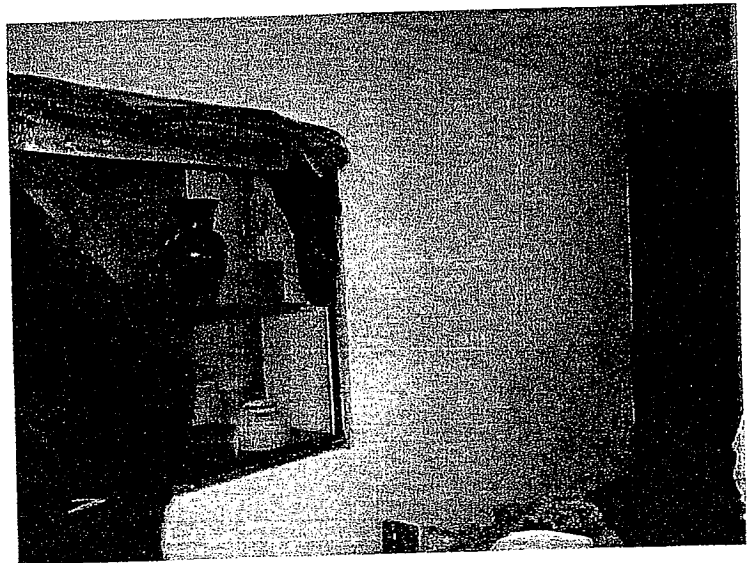
2508 Montgomery Dr 6-13-13 013.jpg  
06/13/2013 (Thu), 6:59 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



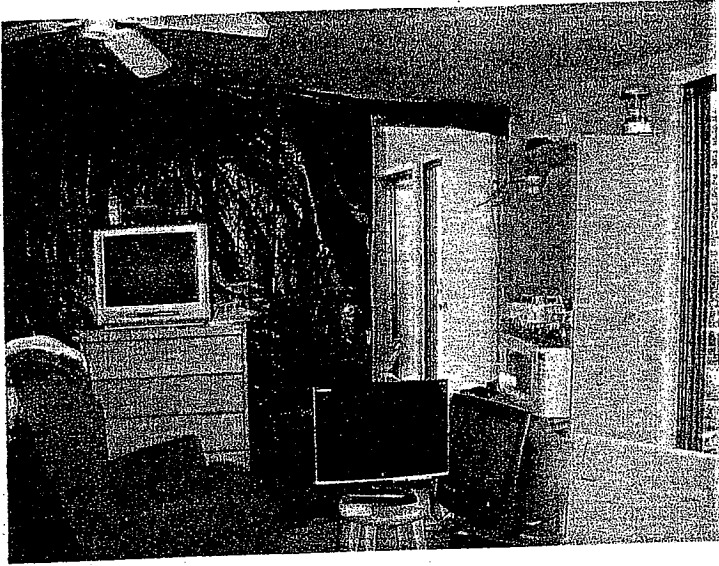
2508 Montgomery Dr 6-13-13 014.jpg  
06/13/2013 (Thu), 6:59 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 015.jpg  
06/13/2013 (Thu), 6:59 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



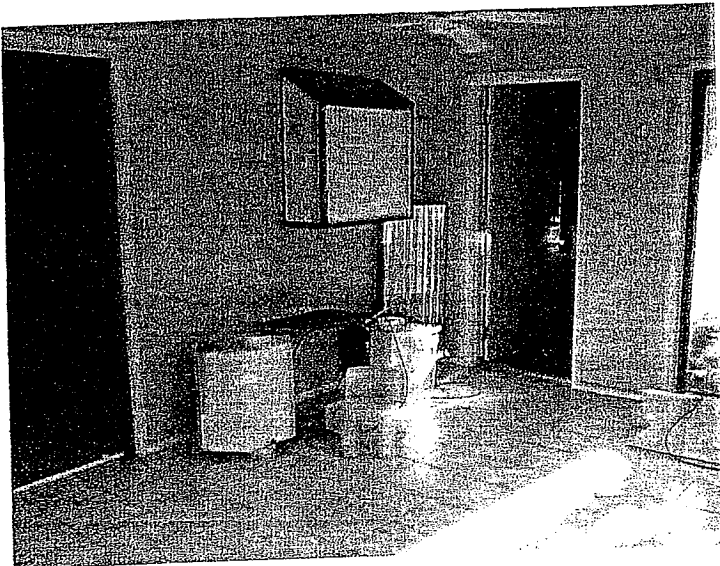
2508 Montgomery Dr 6-13-13 016.jpg  
06/13/2013 (Thu), 7:00 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



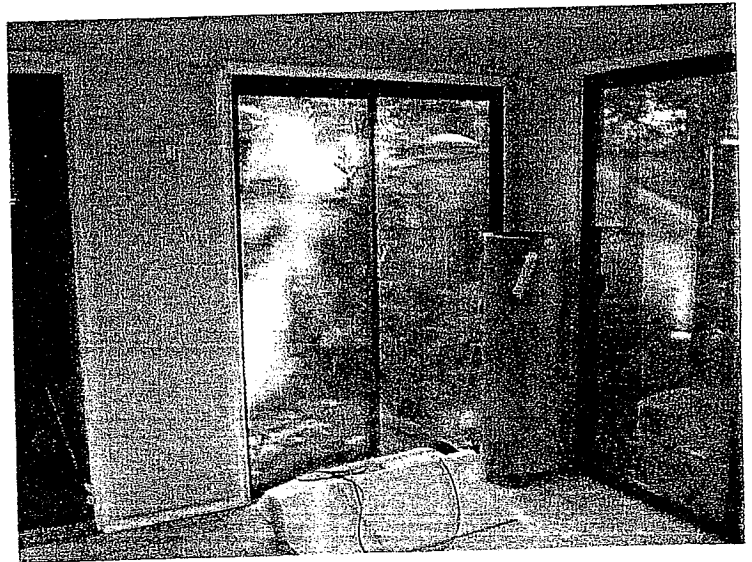
2508 Montgomery Dr 6-13-13 017.jpg  
06/13/2013 (Thu), 7:00 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 018.jpg  
06/13/2013 (Thu), 7:00 AM  
1/60 sec, f/2.8, 38mm (equiv.), Flash

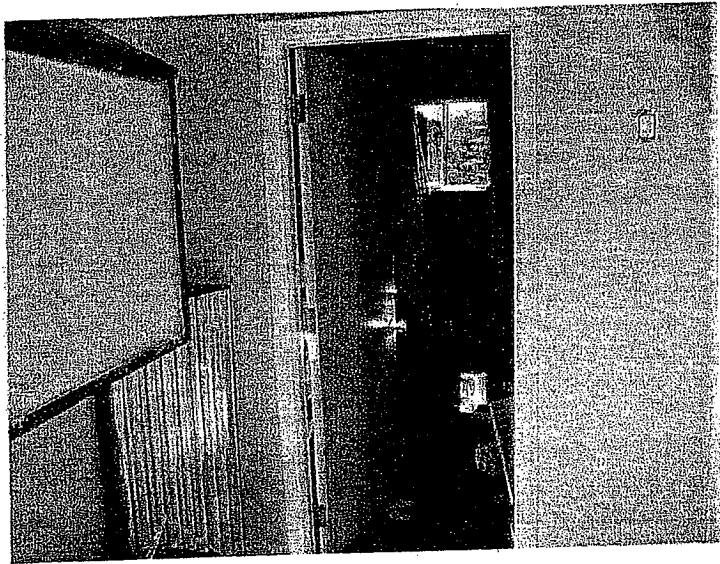


2508 Montgomery Dr 6-13-13 019.jpg  
06/13/2013 (Thu), 7:00 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash

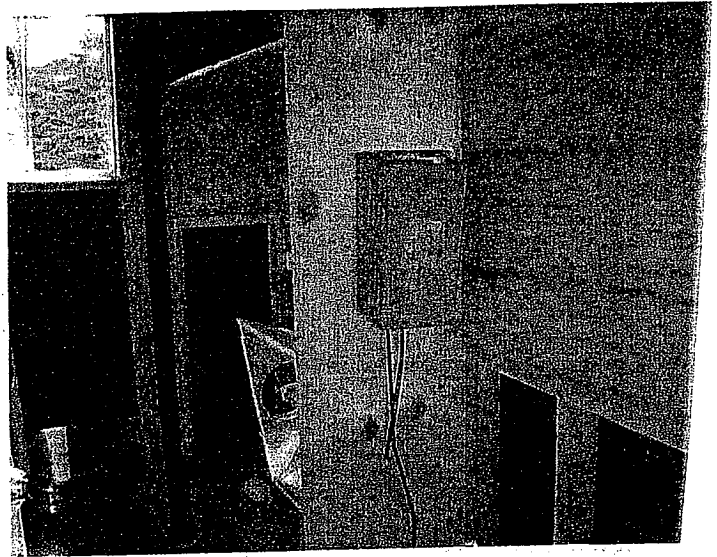


2508 Montgomery Dr 6-13-13 020.jpg  
06/13/2013 (Thu), 7:00 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash

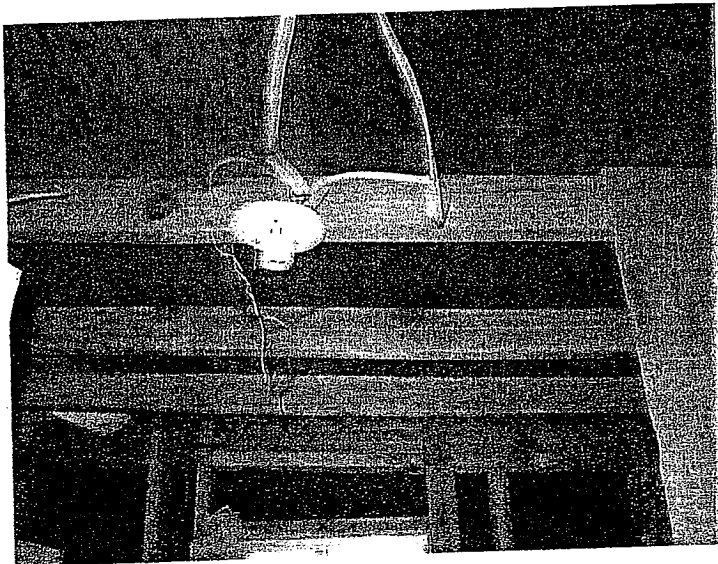
7.9



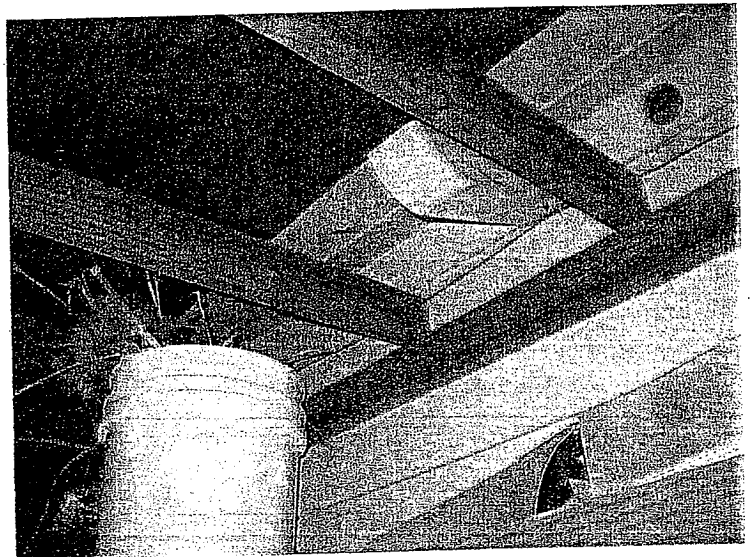
2508 Montgomery Dr 6-13-13 021.jpg  
06/13/2013 (Thu), 7:00 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 022.jpg  
06/13/2013 (Thu), 7:00 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



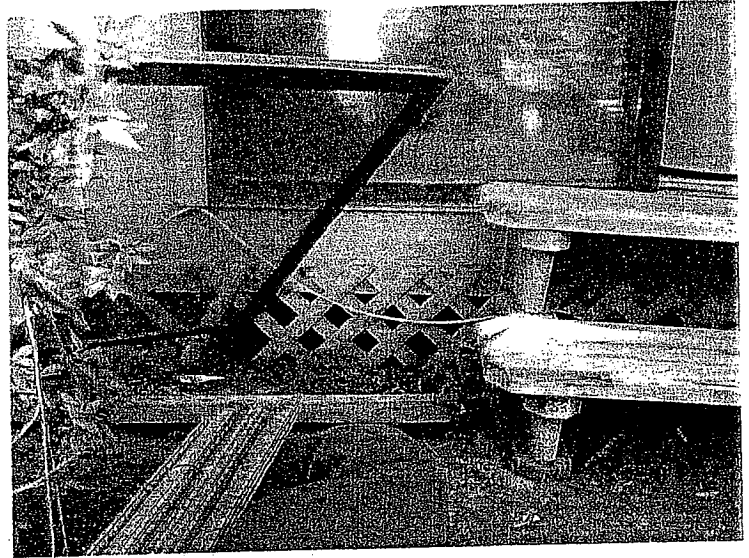
2508 Montgomery Dr 6-13-13 023.jpg  
06/13/2013 (Thu), 7:01 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



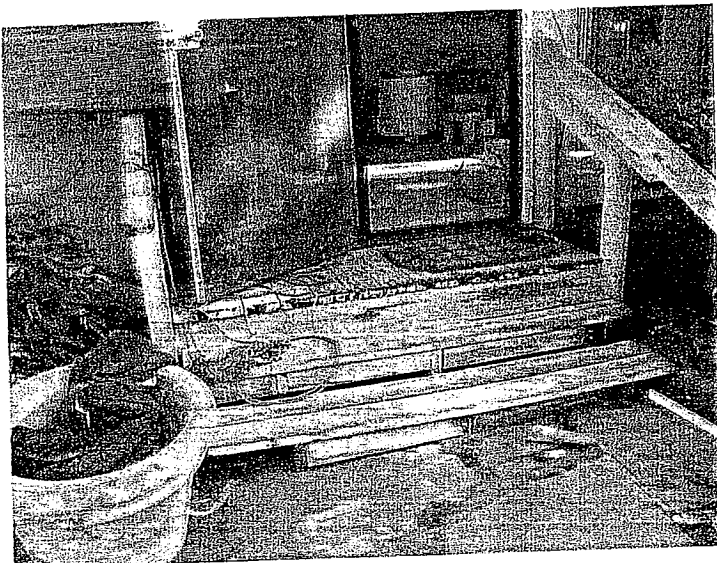
2508 Montgomery Dr 6-13-13 024.jpg  
06/13/2013 (Thu), 7:01 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 025.jpg  
06/13/2013 (Thu), 7:01 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



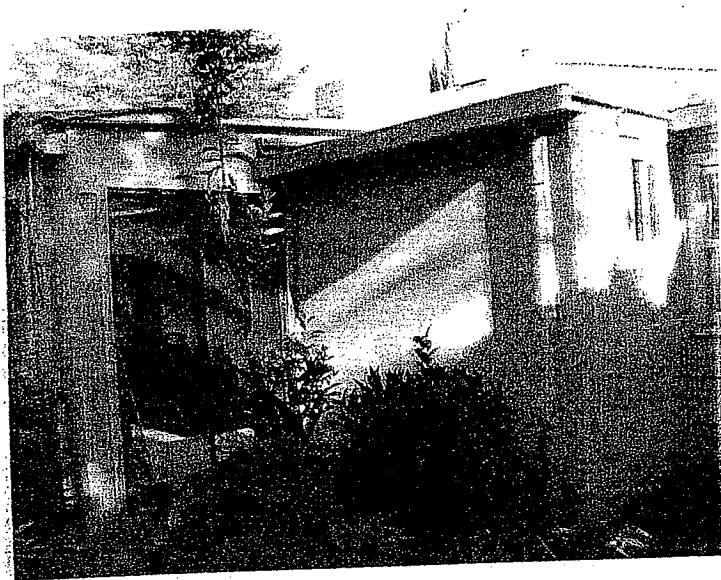
2508 Montgomery Dr 6-13-13 026.jpg  
06/13/2013 (Thu), 7:01 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



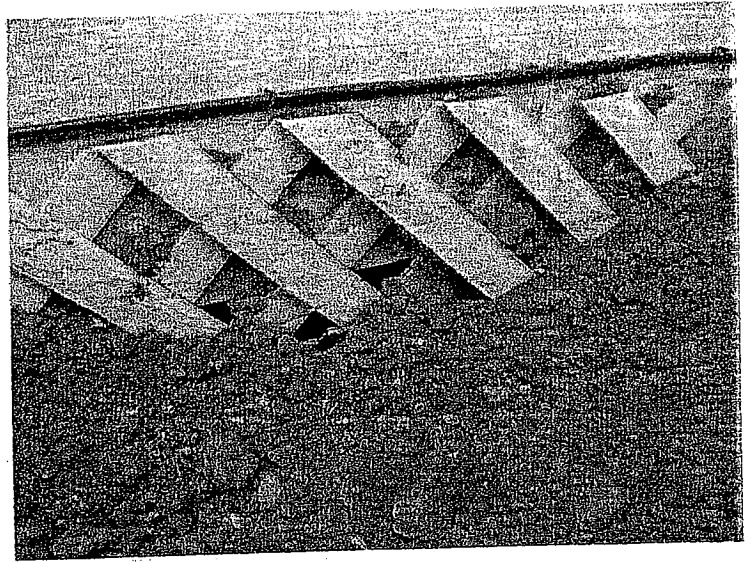
2508 Montgomery Dr 6-13-13 027.jpg  
06/13/2013 (Thu), 7:01 AM  
1/60 sec, f/2.8, 38mm (equiv.), Flash



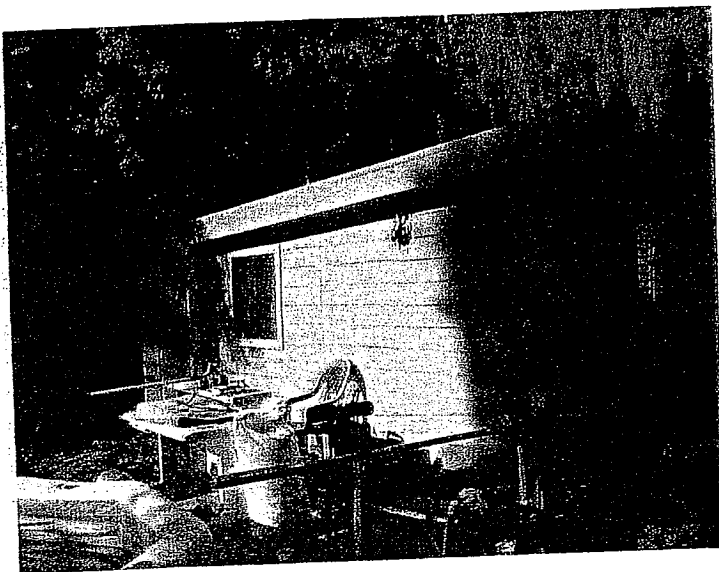
2508 Montgomery Dr 6-13-13 028.jpg  
06/13/2013 (Thu), 7:02 AM  
1/100 sec, f/4.0, 38mm (equiv.), Flash



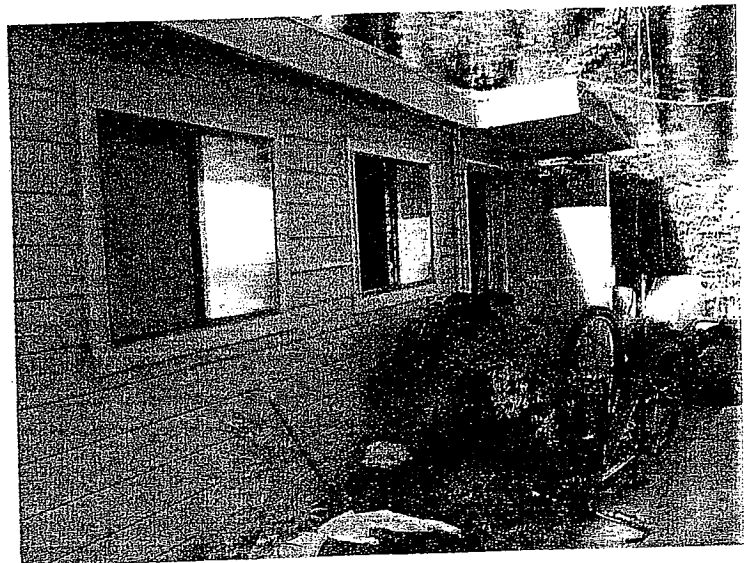
2508 Montgomery Dr 6-13-13 029.jpg  
06/13/2013 (Thu), 7:02 AM  
1/80 sec, f/4.0, 38mm (equiv.), Flash



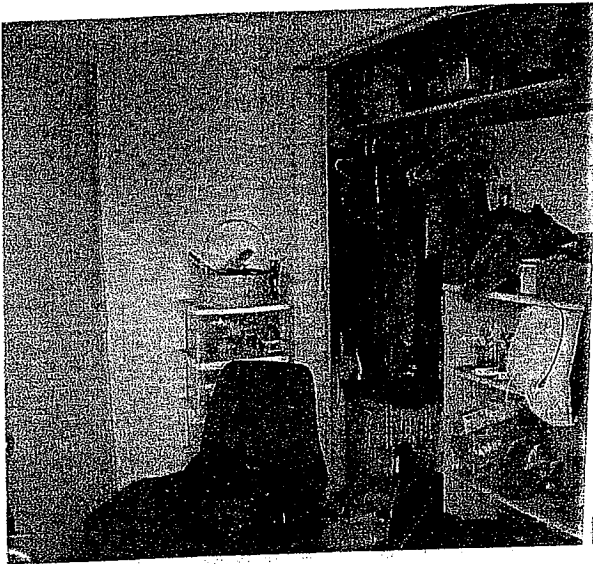
2508 Montgomery Dr 6-13-13 030.jpg  
06/13/2013 (Thu), 7:03 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



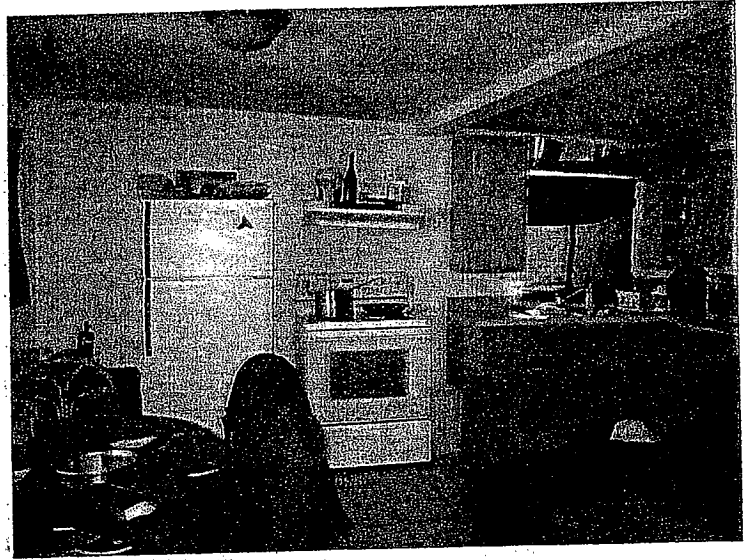
2508 Montgomery Dr 6-13-13 031.jpg  
06/13/2013 (Thu), 7:03 AM  
1/800 sec, f/4.0, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 032.jpg  
06/13/2013 (Thu), 7:03 AM  
1/100 sec, f/4.0, 38mm (equiv.), Flash



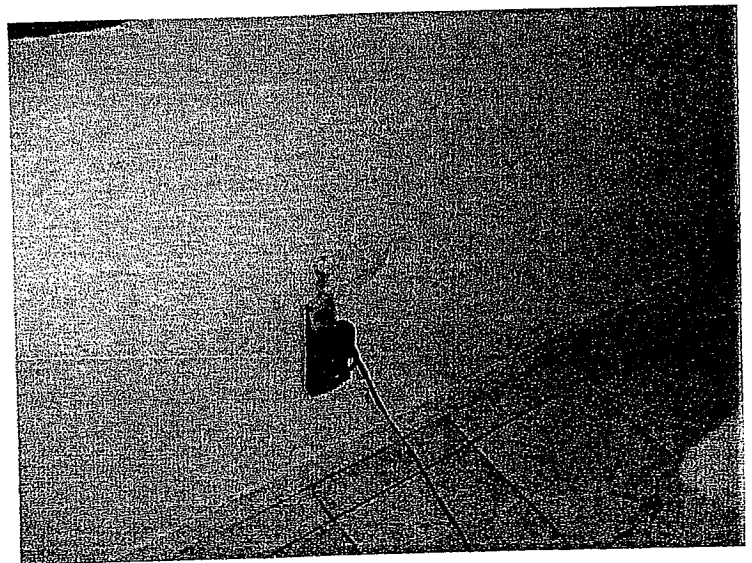
2508 Montgomery Dr 6-13-13 033.jpg  
06/13/2013 (Thu), 7:03 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



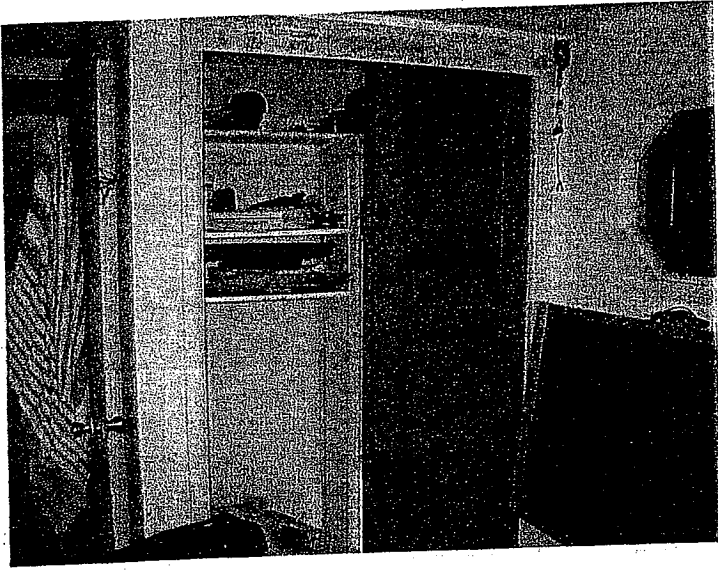
2508 Montgomery Dr 6-13-13 034.jpg  
06/13/2013 (Thu), 7:04 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



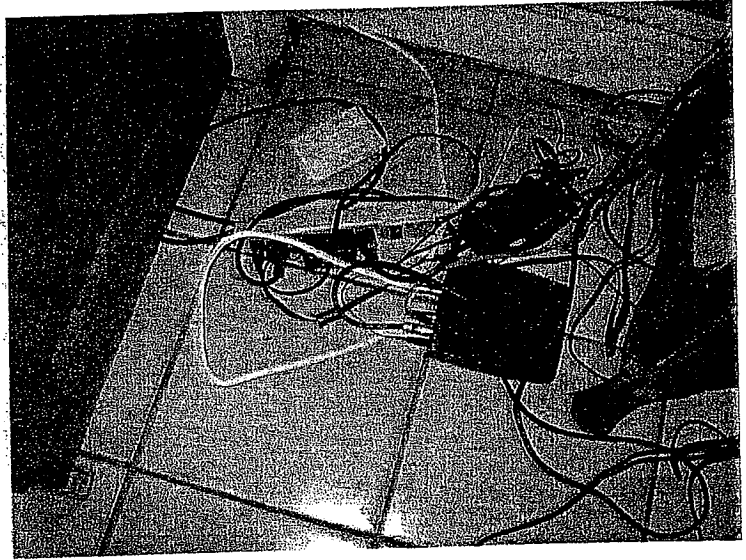
2508 Montgomery Dr 6-13-13 035.jpg  
06/13/2013 (Thu), 7:04 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



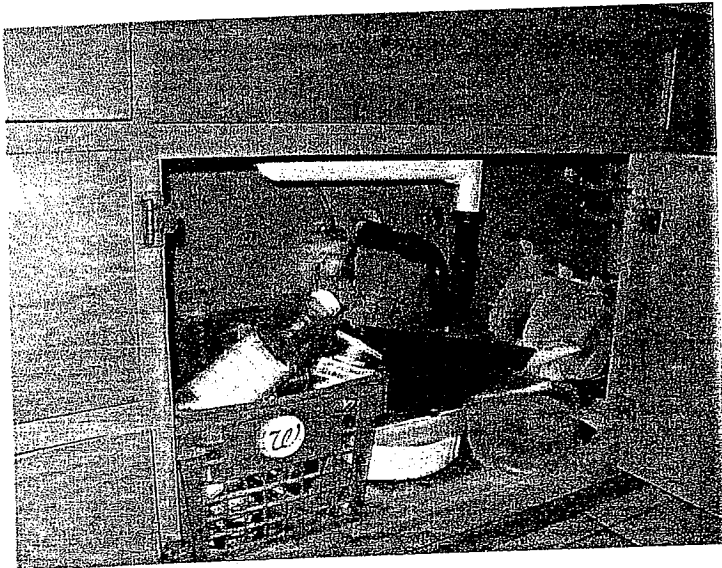
2508 Montgomery Dr 6-13-13 036.jpg  
06/13/2013 (Thu), 7:04 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 037.jpg  
06/13/2013 (Thu), 7:04 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



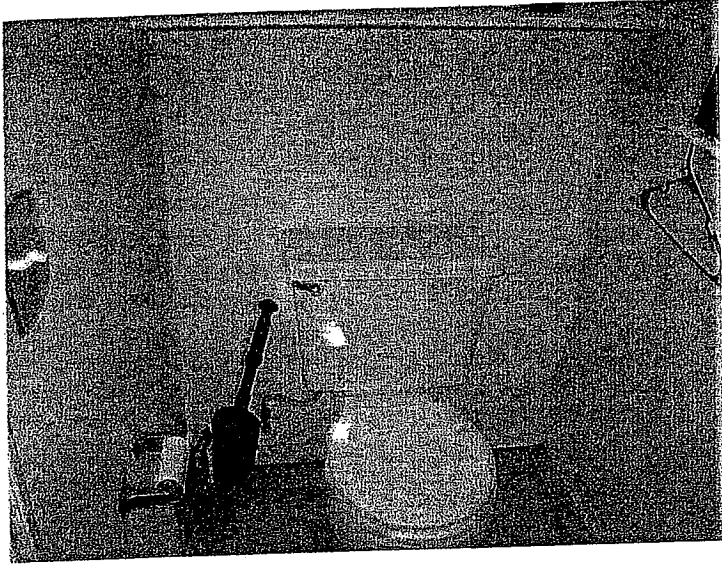
2508 Montgomery Dr 6-13-13 038.jpg  
06/13/2013 (Thu), 7:04 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



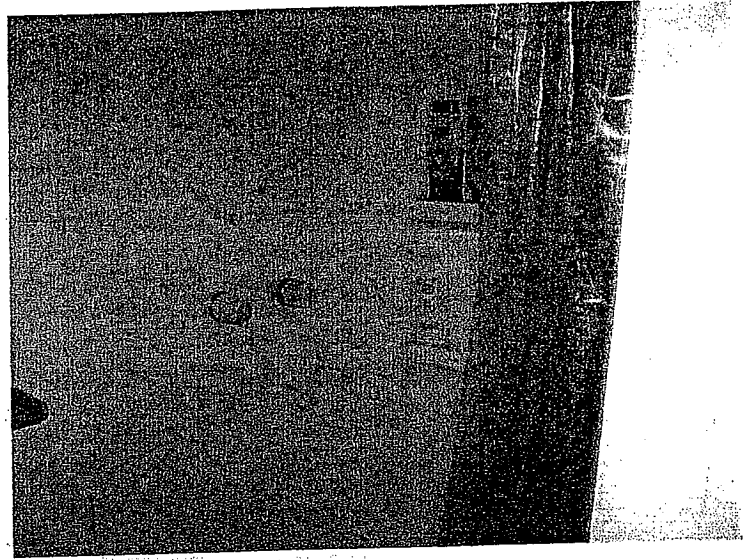
2508 Montgomery Dr 6-13-13 039.jpg  
06/13/2013 (Thu), 7:05 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



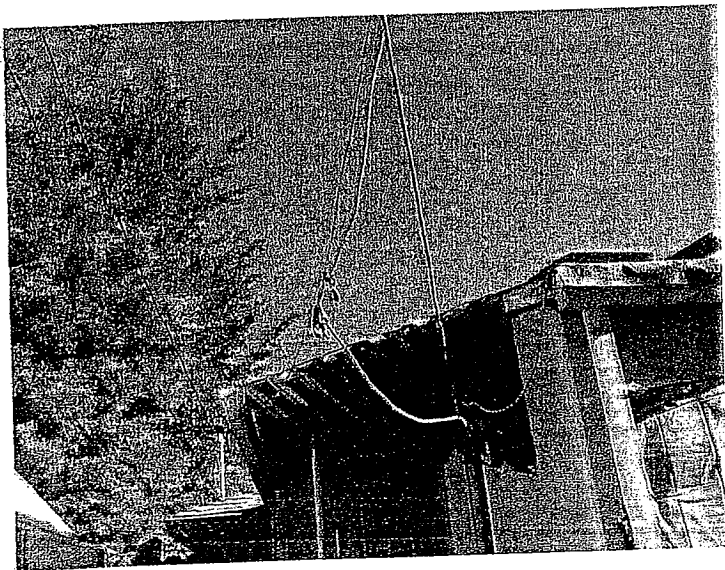
2508 Montgomery Dr 6-13-13 040.jpg  
06/13/2013 (Thu), 7:05 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



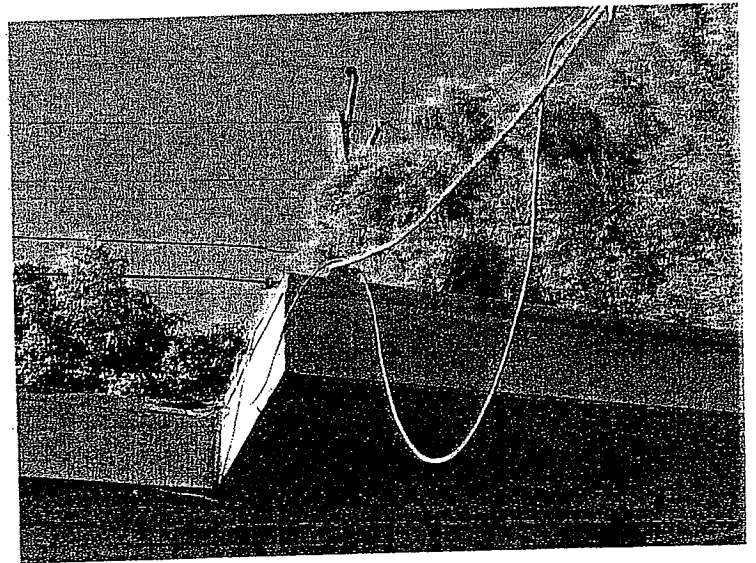
2508 Montgomery Dr 6-13-13 041.jpg  
06/13/2013 (Thu), 7:05 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 042.jpg  
06/13/2013 (Thu), 7:05 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash

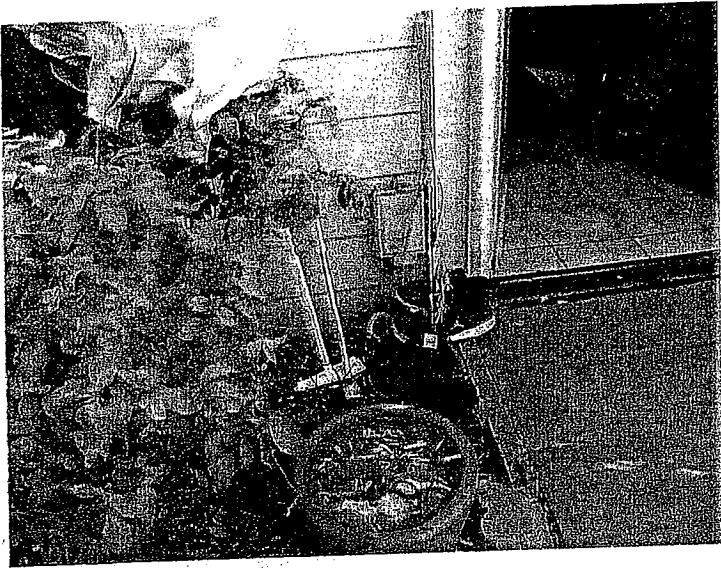


2508 Montgomery Dr 6-13-13 043.jpg  
06/13/2013 (Thu), 7:06 AM  
1/320 sec, f/4.0, 38mm (equiv.), Flash

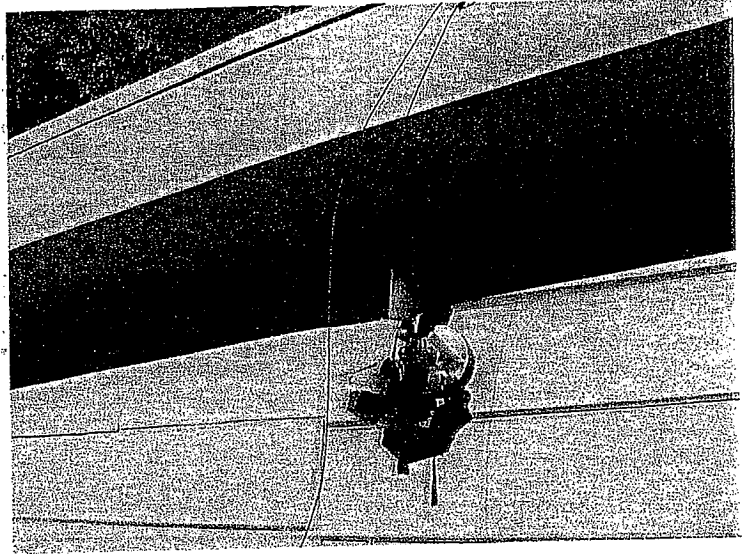


2508 Montgomery Dr 6-13-13 044.jpg  
06/13/2013 (Thu), 7:06 AM  
1/250 sec, f/4.0, 38mm (equiv.), Flash





2508 Montgomery Dr 6-13-13 045.jpg  
06/13/2013 (Thu), 7:07 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



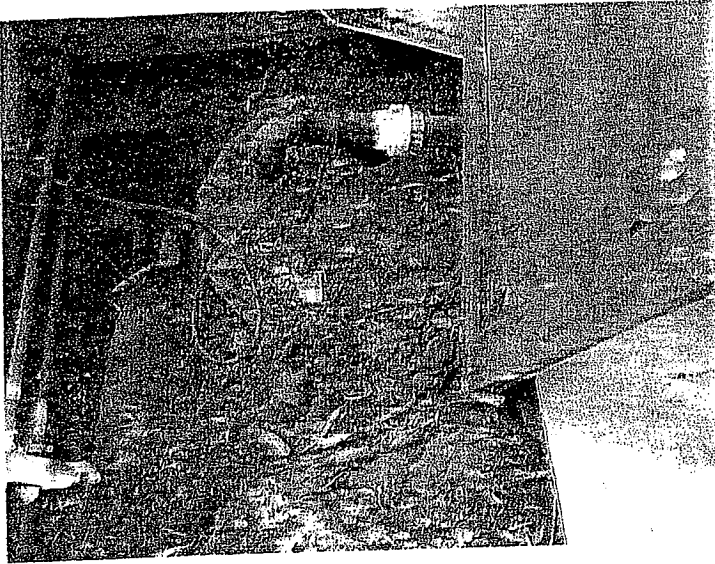
2508 Montgomery Dr 6-13-13 046.jpg  
06/13/2013 (Thu), 7:07 AM  
1/1000 sec, f/4.0, 38mm (equiv.), Flash



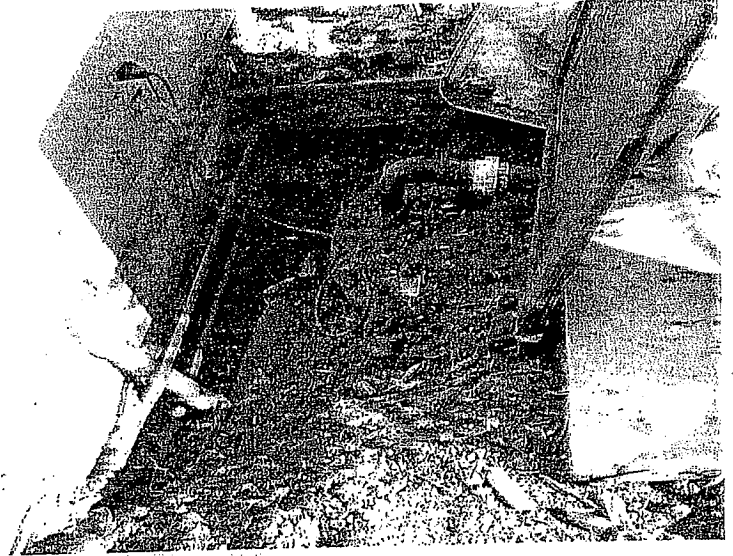
2508 Montgomery Dr 6-13-13 047.jpg  
06/13/2013 (Thu), 7:07 AM  
1/80 sec, f/4.0, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 048.jpg  
06/13/2013 (Thu), 7:07 AM  
1/640 sec, f/4.0, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 049.jpg  
06/13/2013 (Thu), 7:08 AM  
1/60 sec, f/2.8, 38mm (equiv.), Flash



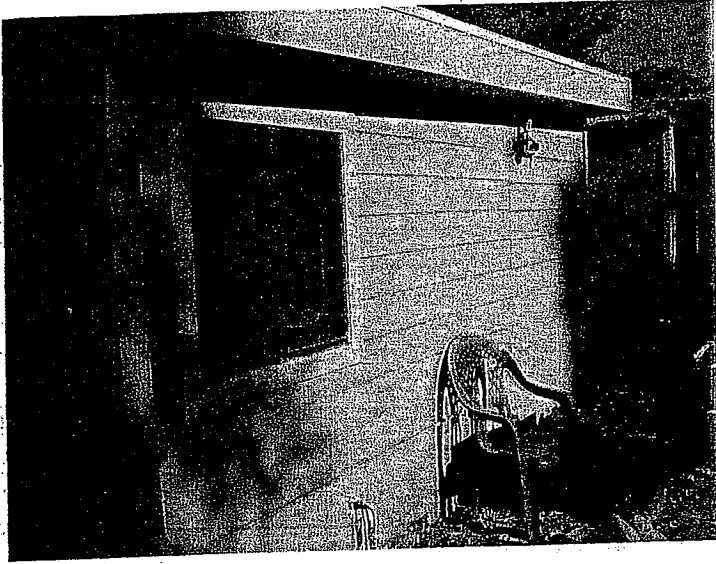
2508 Montgomery Dr 6-13-13 050.jpg  
06/13/2013 (Thu), 7:08 AM  
1/60 sec, f/3.5, 38mm (equiv.), Flash



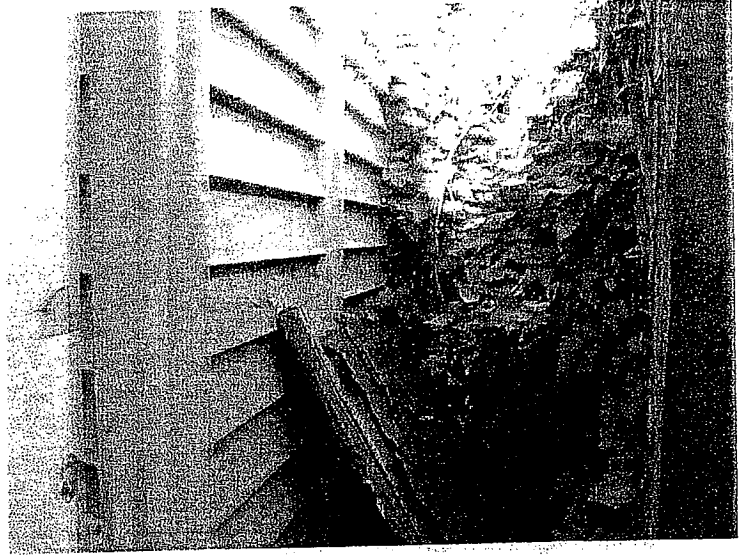
2508 Montgomery Dr 6-13-13 051.jpg  
06/13/2013 (Thu), 7:08 AM  
1/60 sec, f/2.8, 38mm (equiv.), Flash



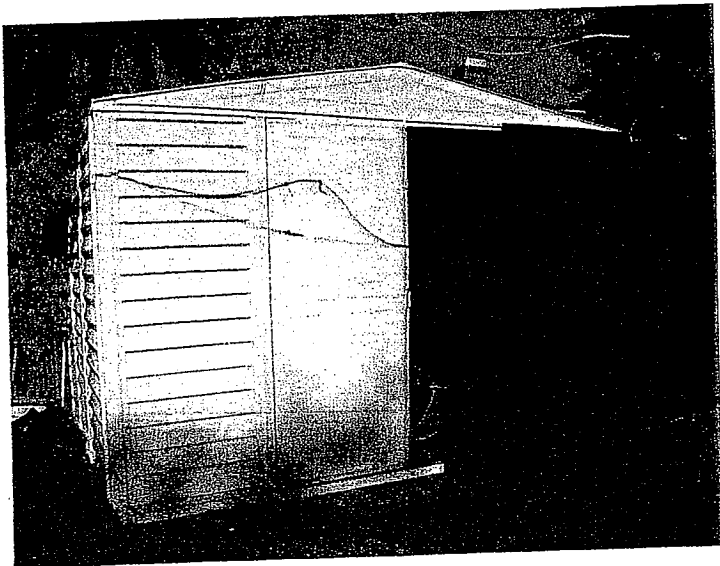
2508 Montgomery Dr 6-13-13 052.jpg  
06/13/2013 (Thu), 7:08 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 053.jpg  
06/13/2013 (Thu), 7:09 AM  
1/1000 sec, f/4.0, 38mm (equiv.), Flash



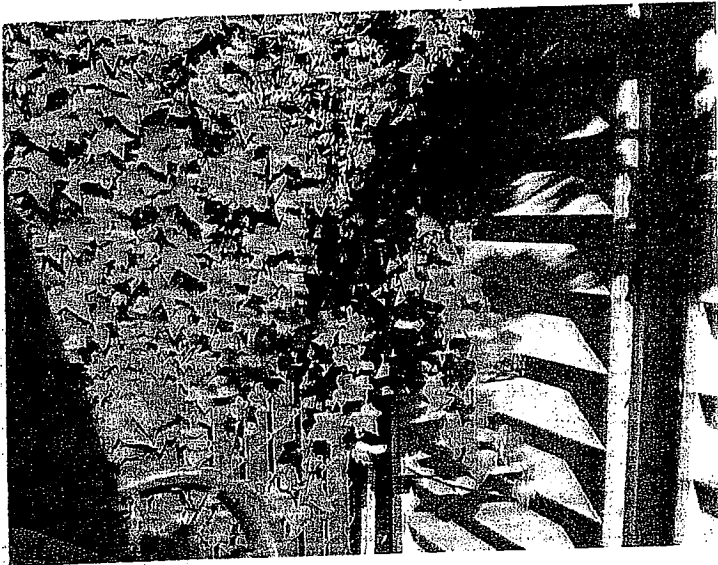
2508 Montgomery Dr 6-13-13 054.jpg  
06/13/2013 (Thu), 7:11 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



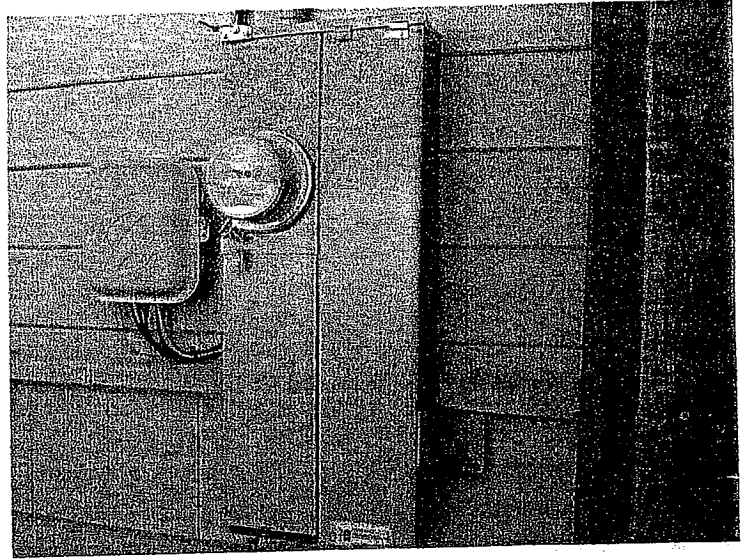
2508 Montgomery Dr 6-13-13 055.jpg  
06/13/2013 (Thu), 7:11 AM  
1/1000 sec, f/5.0, 38mm (equiv.), Flash



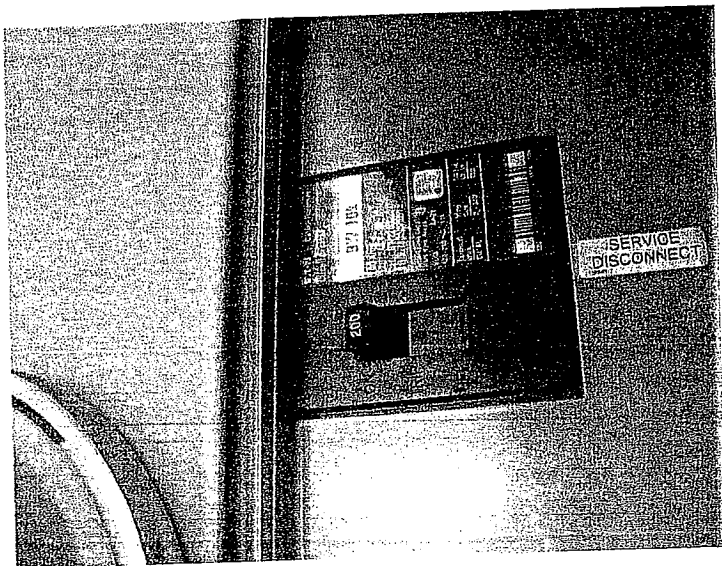
2508 Montgomery Dr 6-13-13 056.jpg  
06/13/2013 (Thu), 7:11 AM  
1/640 sec, f/4.0, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 057.jpg  
06/13/2013 (Thu), 7:11 AM  
1/250 sec, f/4.0, 38mm (equiv.), Flash



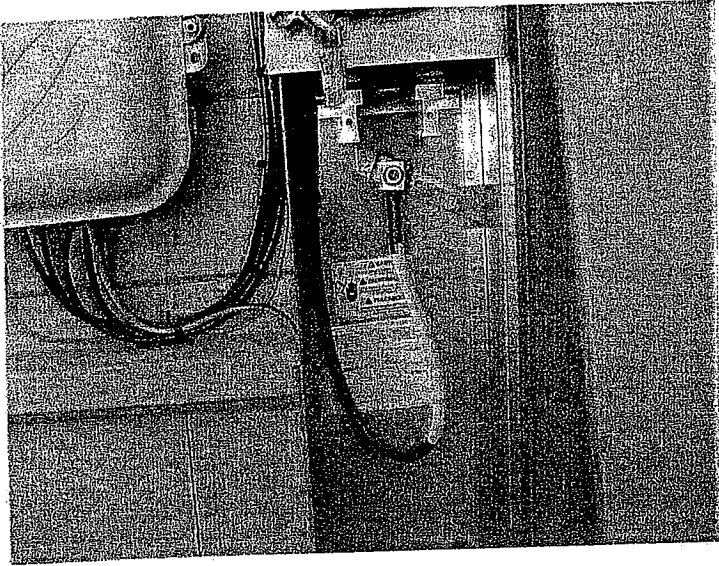
2508 Montgomery Dr 6-13-13 058.jpg  
06/13/2013 (Thu), 7:12 AM  
1/60 sec, f/3.5, 38mm (equiv.), Flash



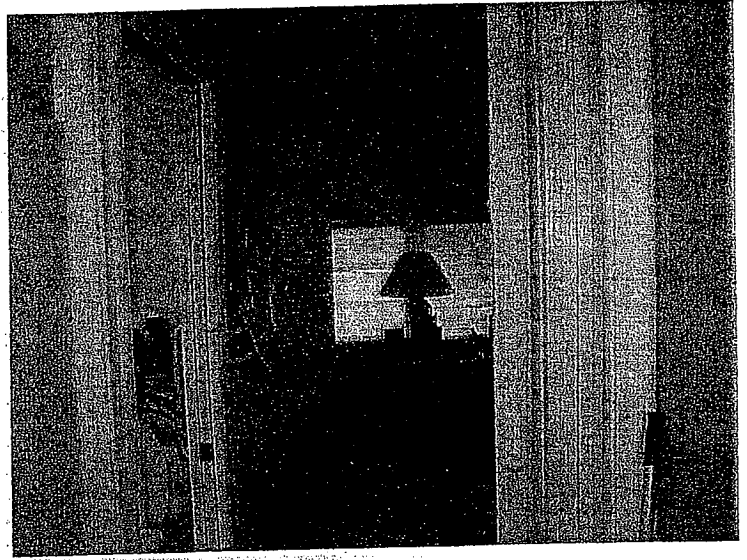
2508 Montgomery Dr 6-13-13 059.jpg  
06/13/2013 (Thu), 7:12 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



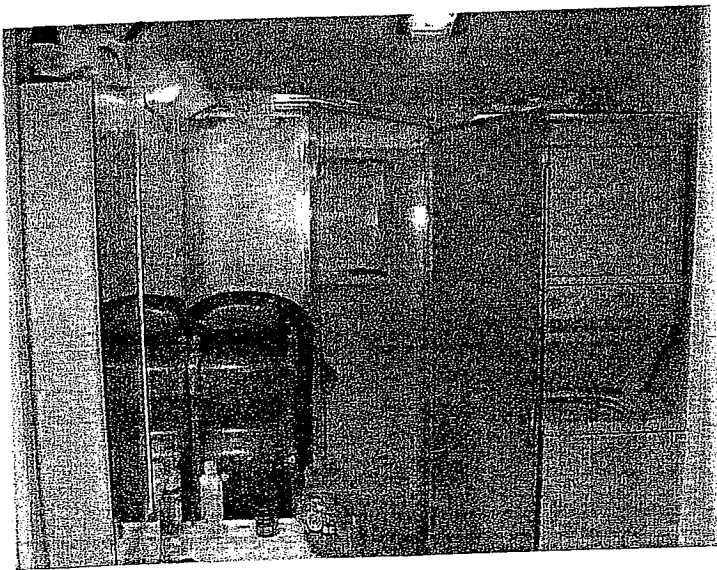
2508 Montgomery Dr 6-13-13 060.jpg  
06/13/2013 (Thu), 7:12 AM  
1/60 sec, f/3.2, 38mm (equiv.), Flash



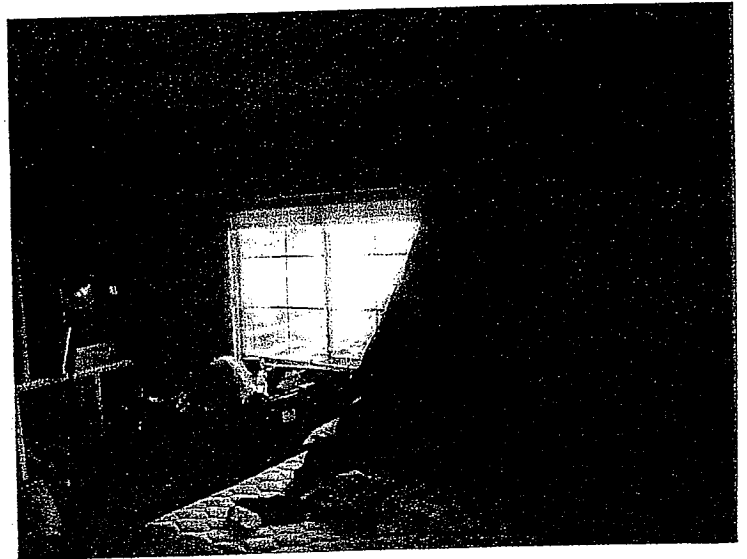
2508 Montgomery Dr 6-13-13 061.jpg  
06/13/2013 (Thu), 7:12 AM  
1/60 sec, f/2.8, 38mm (equiv.), Flash



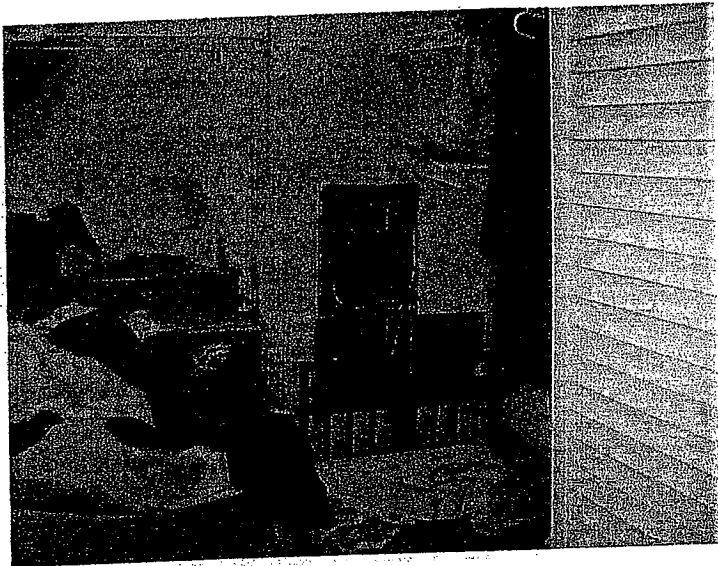
2508 Montgomery Dr 6-13-13 062.jpg  
06/13/2013 (Thu), 7:14 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



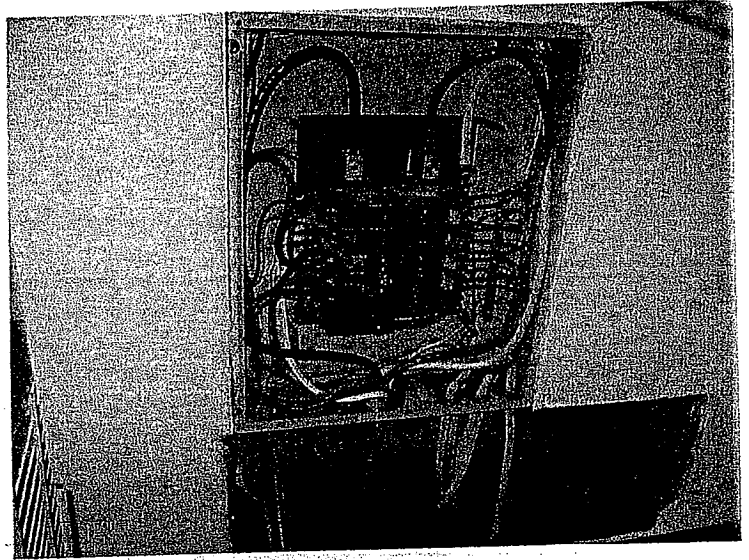
2508 Montgomery Dr 6-13-13 063.jpg  
06/13/2013 (Thu), 7:14 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



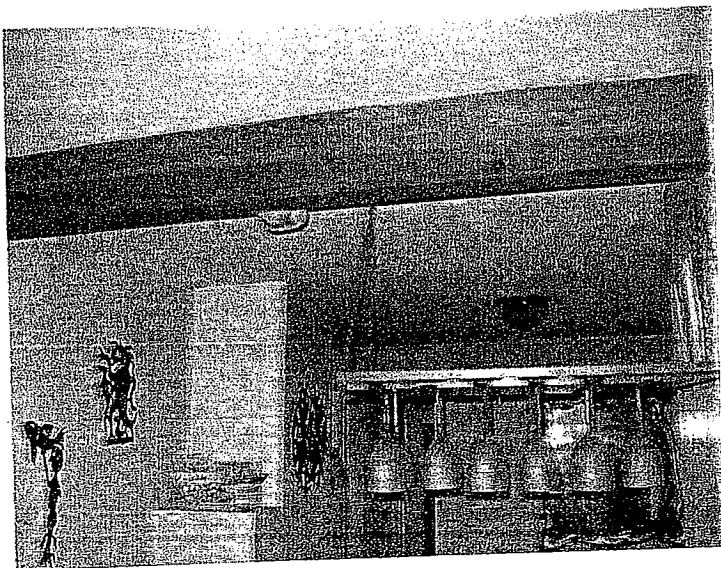
2508 Montgomery Dr 6-13-13 064.jpg  
06/13/2013 (Thu), 7:14 AM  
1/50 sec, f/2.6, 38mm (equiv.), Flash



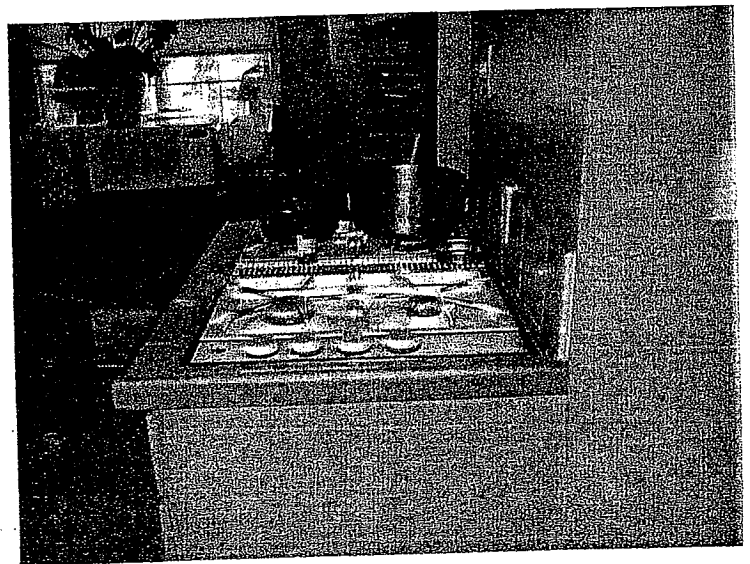
2508 Montgomery Dr 6-13-13 065.jpg  
06/13/2013 (Thu), 7:14 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



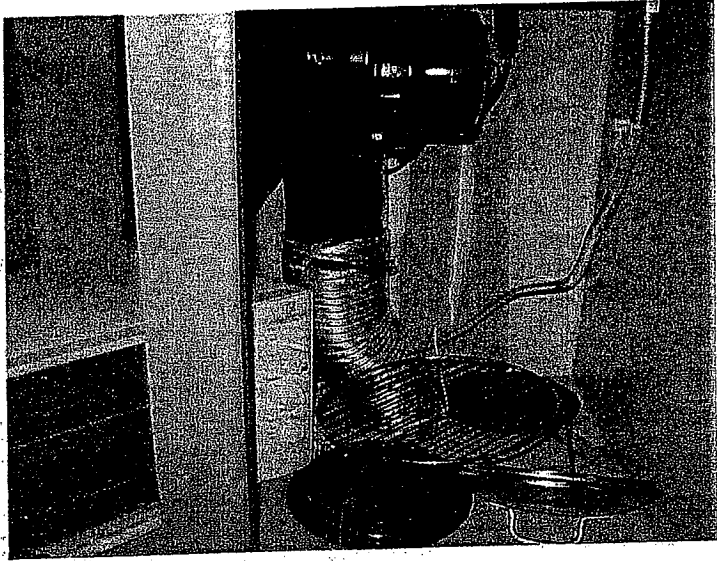
2508 Montgomery Dr 6-13-13 066.jpg  
06/13/2013 (Thu), 7:15 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 067.jpg  
06/13/2013 (Thu), 7:16 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 068.jpg  
06/13/2013 (Thu), 7:16 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash



2508 Montgomery Dr 6-13-13 069.jpg  
06/13/2013 (Thu), 7:17 AM  
1/60 sec, f/2.6, 38mm (equiv.), Flash

# Property Detail Report

For Property Located At :  
**2508 MONTGOMERY DR, SANTA ROSA, CA 95405-5031**



## Owner Information

Owner Name: MORGAN B J  
 Mailing Address: 2508 MONTGOMERY DR, SANTA ROSA CA 95405-5031 C017  
 Vesting Codes: // TR

## Location Information

Legal Description:	TRACT 103 BLK 3 LOT 2	APN:	013-051-002
County:	SONOMA, CA	Alternate APN:	
Census Tract / Block:	1518.00 / 5	Subdivision:	
Township-Range-Sect:		Map Reference:	130-A5 / 384-J5
Legal Book/Page:		Tract #:	103 B
Legal Lot:	2	School District:	SANTA ROSA CITY
Legal Block:	3	School District Name:	
Market Area:		Munic/Township:	
Neighbor Code:			

## Owner Transfer Information

Recording/Sale Date:	08/17/2006 / 07/21/2006	Deed Type:	AFFIDAVIT
Sale Price:		1st Mtg Document #:	102095
Document #:	102094		

## Last Market Sale Information

Recording/Sale Date:	05/06/1998 / 04/22/1998	1st Mtg Amount/Type:	\$166,500 / CONV
Sale Price:	\$185,000	1st Mtg Int. Rate/Type:	/ FIXED
Sale Type:	FULL	1st Mtg Document #:	
Document #:	48469	2nd Mtg Amount/Type:	/
Deed Type:	GRANT DEED	2nd Mtg Int. Rate/Type:	/
Transfer Document #:		Price Per SqFt:	\$144.98
New Construction:		Multi/Split Sale:	

Title Company: NORTH AMERICAN TITLE  
 Lender: CROSSLAND MTG CORP  
 Seller Name: COOPER LUTHER EUGENE & DEBORAH ANN

## Prior Sale Information

Prior Rec/Sale Date:	06/02/1993 /	Prior Lender:	/
Prior Sale Price:		Prior 1st Mtg Amt/Type:	/
Prior Doc Number:	68427	Prior 1st Mtg Rate/Type:	/
Prior Deed Type:	GRANT DEED		

## Property Characteristics

Gross Area:		Parking Type:	GARAGE	Construction:	WOOD FRAME/CB
Living Area:	1,276	Garage Area:	180	Heat Type:	WALL FURNACE
Tot Adj Area:		Garage Capacity:		Exterior wall:	WOOD SIDING
Above Grade:		Parking Spaces:	1	Porch Type:	
Total Rooms:	6	Basement Area:		Patio Type:	PATIO
Bedrooms:	3	Finish Bsmnt Area:		Pool:	
Bath(F/H):	2 /	Basement Type:		Air Cond:	YES
Year Built / Eff:	1951 /	Roof Type:		Style:	L-SHAPE
Fireplace:	Y / 1	Foundation:	RAISED	Quality:	AVERAGE
# of Stories:	1.00	Roof Material:	WOOD SHAKE	Condition:	AVERAGE
Other Improvements:	PATIO;OPEN DECK;FENCE				

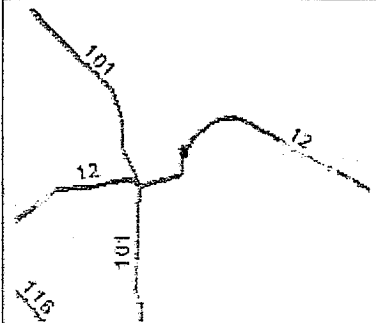
## Site Information

Zoning:	CITYSR	Acres:	0.15	County Use:	SINGLE FAM DWELLING (0010)
Lot Area:	6,534	Lot Width/Depth:	70 x 95	State Use:	
Land Use:	SFR	Res/Comm Units:	/	Water Type:	PUBLIC
Site Influence:				Sewer Type:	PUBLIC SERVICE

## Tax Information

Total Value:	\$230,000	Assessed Year:	2012	Property Tax:	\$2,656.58
Land Value:	\$80,000	Improved %:	65%	Tax Area:	004009
Improvement Value:	\$150,000	Tax Year:	2012	Tax Exemption:	
Total Taxable Value:	\$230,000				





10/29/2013

Scale 1: 897

0 Miles 0.01