

# Memorandum

**Date:** August 30, 2012  
**To:** Board of Supervisors  
**From:** Scott McGolpin  
Public Works Department Director



**Subject:** Report of Compliance on Violations of Chapter 23, Article III of the County Code Located at 925 Ballard Canyon Road (continuation of August 14 Departmental Item #5)

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On August 14, 2012, your Board heard the appeal of J. T. Humen arising from a decision issued by the Deputy Director of the Public Works Department involving three vehicles located on 925 Ballard Canyon Road.

After considering all of the testimony and written evidence presented, your Board asked the appellant, J. T. Humen, to provide for a site visit with County staff to demonstrate the operability of the vehicles on August 21, 2012.

When County staff arrived at the property on August 21<sup>st</sup>, Mr. Humen refused their entry onto his property. However, Mr. Humen simultaneously requested the opportunity to start two of the three vehicles to demonstrate their operability. County staff was permitted to view this demonstration while standing on the public roadway outside the gate to the Humen property.

Mr. Humen was able to start up and move two of the three vehicles, which satisfied the requirements of Article III of Chapter 23 of the County Code. Mr. Humen admitted that the third vehicle (AVA-003-2012), the silver delivery van, was still not operable. However, he was able to screen that vehicle by placing it behind one of the operable vehicles so it was no longer visible from the public roadway.

Chapter 23 of the County Code provides that an inoperable vehicle must not be visible from public roadways or adjoining private property. County staff was not able to determine if the third vehicle is still visible from adjoining private property. However, unless the County receives a complaint from the adjoining property owner, we assume that Mr. Humen has substantially complied with Chapter 23, Article III. (Attachment 1 is a photo taken on August 21<sup>st</sup> showing the two operable vehicles and that the third vehicle is screened from the public roadway.)

Based on the operability of the two vehicles visible from the public roadway and the shielding of the third vehicle, the Department believes the property owner is

in substantial compliance with Chapter 23, Article III although this may change if complaints of visibility are received from adjoining property owners or the inoperable vehicle is no longer screened.

Mr. Humen's compliance resolves the violations identified in the Notices of Intention to Abate issued on March 1, 2012 and renders the appeal filed by Mr. Humen moot. The Department therefore requests that your Board continue this matter to October 2, 2012, to allow sufficient time to provide written notice to Mr. Humen documenting his substantial compliance with Chapter 23, Article III and the resolution of his pending appeal.