

**ZONING HOUSING AND BUILDING CODES APPEALS BOARD
MINUTES – APRIL 26, 2022**

IN ATTENDANCE:

Board Members

Blake Schatz (BS)
Neil Rabitoy (NR)
Ed Schulze (ES)
Vacant Seat

Not Present

Dale Faust (DF)

Building Division

Chief Building Official, Jay Bradford (JB)

Code Enforcement Staff

Supervising Code Enforcement Officer, Gary Beretta (GB)
Alison Fletcher
Alex Nichelini
Denise Stoneham

Interested Parties

7 Hune: Kim Galatolo
1846 Center: Cathy Mullineaux and Rueben Borg
9 Boulevard Ct: Richard Spah (Jr.?)

Meeting called to order at 9:00a.m.

- A.** BS called the meeting to order; Pledge of Allegiance; Roll call

- B.** Approval of Final Agenda
 - ES Motioned to approve
 - NR Seconded
 - All YEA
 - Motion carried

- C.** Public Comment: None

- D.** Consent Item:
 - D.1. Approve meetings from March 17, 2022**
 - ES Motioned to approve
 - NR Seconded
 - All AYE's
 - Motion carried

- E.** Unfinished and other business: None

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F. PUBLIC HEARINGS ON A DETERMINATION OF A PUBLIC NUISANCE Conduct public hearings and make determinations as to whether a public nuisance exists and is to be abated at the properties listed below:

F.1. 7 Hune Ct. APN 132-132-34 Case CE-C19-0017

GB presented, summarized the staff report

ES: Asked if it looked like some of the fence was in compliance.

GB: Clarified violations and that it is not.

KG: Doesn't understand why the alteration she has made didn't cure abatement.

GB: Does not. Attempted to clarify for owner what defines the front vs. back yard.

BS: Asks for clarification whether the work she has done fixed the problem.

KG: Explained why a new fence was built; still not understanding what the problem is.

BS: Question for GB about line of sight. Short back and forth using photos to illustrate.

GB: Home is on a cul-de-sac.

ES: Concerned that owner ignored 7 citations.

KG: Refers to life events that impacted her ability to deal with the citations.

BS: Not sure if there is a safety issue, is the strict NMC applicable.

All board members asked homeowner about why she didn't respond to the notices.

KG: She is overwhelmed and confused. States she did speak to two people at the city and was under the impression it wasn't a big deal.

ES: Can someone from the city meet with her on site?

GB: Yes.

All board members discussing solutions and possible motions.

Neil Rabitoy Moved to Staff Recommendations but fine reduced to \$3,000.00 plus the board fee of \$1,548.00

Ed Schulze Seconded

Ayes: Neil Rabitoy, Blake Schatz, and Ed Schulze

Nays: None

Abstain: None

Motion Passed 3-0-0

BS: Blake read: Any person having any record or legal interest in the property may appeal the finding(s) of the Appeals Board to the Novato City Council, provided the

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appeal is made in writing, together with the established fee and filed with the City Clerk within ten (10) days from the date of this hearing.

F.2. 1846 Center Rd. APN 140-091-20 Case CE-C21-100

GB presented, summarized the staff report

CM: Gave her side; the contractor John Perry (JP) who was told be the city to cease work continued to finish the fence without her approval. He doesn't have a contractor's license.

RB: Is helping the owner to correct the violations and navigate their complaint to the Contractor's State Licensing Board. (CSLB) Has spoken to two planners trying to find solutions.

CM: There are many homes on Center that do not comply and brought photos. Her primary concern was for safety, there are kids and transients trespassing on her property. She had medical problems, was not trying to ignore the city.

BS: Asked why don't we allow the variance?

RB: They are willing to put the fence down, but the have reported JP to the board who investigating the matter. They have been told they are not allowed to alter the fence until the listening board completes their investigation.

Back and forth with CM and GB about whether or not the city was made aware of this, CM adamant that she had notified GB.

BS: Suggested she takes it to design review.

ES: Thinks it could be sellable to design review, asks about fines.

GB: Confirmation that fines can be waived.

BS: States that he believes because design review costs \$2500.00 it seems reasonable to waive fines.

CM & RB: Clarified their conversations with CSLB.

Back and forth with Board and GB and CM about chronologies.

NR: Talks about options for motions.

Neil Rabitoy Moved to require owner to apply for Design Review, removed fine; board fee of \$1,548.00 to be paid within 30 days

Ed Schulze Seconded

Ayes: Neil Rabitoy, Blake Schatz, and Ed Schulze

Nays: None

Abstain: None

Motion Passed 3-0-0

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F.3. 9 Boulevard Ct APN 140-041-37 Case CE-C21-0152

GB presented, summarized the staff report and noted previous cases on the property including same issue in 2016; presented board with email from complainant

Mr. Spah presented his side. Placed the screen to help hide vehicles in rear. He stated he is ok with removing the screen.

Mr. Spah stated there are a total of 10 vehicles parked outside

Board discussed the vehicle issues, clarification of code and amount of time to bring property into compliance

BS: asked Mr. Spah how long. 4 months? 6 months?

Mr. Spah stated 6 months would be good

GB: staff would be ok with two months

Mr. Spah stated several times he needs more time due to health issues and condition of some of the vehicles

ES: feels 30 days is best

NR: 30 days tops

Mr. Spah stated he would not be able to comply

Ed Schulze Moved to Staff Recommendations but fine reduced in half if compliance within 30 days plus the board fee of \$1,548.00; full fine due if compliance not reached in 30 days

Neil Rabitoy Seconded

Ayes: Neil Rabitoy, Blake Schatz, and Ed Schulze

Nays: None

Abstain: None

Motion Passed 3-0-0

BS: Blake read: Any person having any record or legal Interest in the property may appeal the finding(s) of the Appeals Board to the Novato City Council, provided the appeal is made in writing, together with the established fee and filed with the City Clerk within ten (10) days from the date of this hearing.

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F.4. 99 Country Club Dr. APN 160-422-05 Case CE-P21-0020

GB presented, summarized the staff report

JB: Chief Building Official discussed and clarified retaining wall code and possibility of revising at the next code cycle (2022, to begin 1/2023)

No one present for/from the property

Neil Rabitoy Moved to Uphold Fine/Staff Recommendations

Ed Schulze Seconded

Ayes: Neil Rabitoy, Blake Schatz, and Ed Schulze

Nays: None

Abstain: None

Motion Passed 3-0-0

BS: Blake read: Any person having any record or legal interest in the property may appeal the finding(s) of the Appeals Board to the Novato City Council, provided the appeal is made in writing, together with the established fee and filed with the City Clerk within ten (10) days from the date of this hearing.

G. GENERAL BUSINESS

**G.1 Presentation and Discussion on Brown Act Procedures and Requirements
Applicable to Board Meetings and Members**

Cancelled due to health issue

H. COMMITTEE AND LIAISON REPORTS

None

Meeting adjourned at 11:50am.