

**CITY OF NOVATO
ZONING HOUSING AND BUILDING CODES
APPEALS BOARD**

April 26, 2022

PUBLIC NUISANCE

Item F1

7 Hune Ct., APN 132-132-34



2014

Issue: Public Nuisance

Property of Galatolo Michael D /Tr/ & Galatolo Kim D /Tr/

History: *On January 22, 2019, Code Enforcement received a complaint regarding the property located at 7 Hune Ct. of possible construction of a building in the rear without a permit.*

On January 24, 2019, staff performed a site inspection finding the fence violation and of bushes partially blocking the sidewalk. Due to height of fence, staff was unable to confirm the structure in rear. Staff attempted to speak with a resident, but no one answered the door. Business card left.

On January 28, 2019, staff mailed an Administrative Order first and certified to the listed owner.

On February 5, 2019, Owner made contact with staff to discuss order, advised to schedule an inspection with the officer who signed order. Advised permit required to keep 7'h+ fence.

On February 11, 2019, staff corresponded with the owner, agreeing to meet at the property.

On February 14, 2019, staff met with the owner at the property, finding structure in back is on wheels (tiny home type). Along with the bushes and wood chips partially blocking sidewalk, regulations regarding fence and process to abate the violation were discussed.

On March 13, 2019, site visit and email to owner reminding her of bushes/wood chips on sidewalk still need to be corrected.

On March 27, 2019, email exchange with owner regarding 'tiny home', reminder of fence violation.

On May 7, 2019, reminder to owner regarding fence violation.

On May 20, 2019, owner emailed staff stating she would be in the following Wednesday to apply for a permit.

On May 22, 2019: owner met with Chief Building Official at the City offices to discuss fence, also spoke with a planner. Asked what would happen if she fails to comply. Advised non-compliance will result in fees and possible board action.

On May 28, 2019, email to owner, fence code section regulations. Cannot raise existing grade to meet code.

On July 3, 2019, first Administrative Citation mailed due to noncompliance.

On August 1, 2019, second Administrative Citation mailed due to noncompliance.

On September 25, 2019, third Administrative Citation mailed due to noncompliance. Certified was returned 10/2/2019, signed on 9/27/19.

On December 11, 2019, fourth Administrative Citation mailed due to noncompliance.

On January 15, 2020, site visit confirmed no change to fence.

On January 15, 2020, fifth Administrative Citation mailed due to noncompliance. Certified was returned 2/22/2020, UNCLAIMED.

On July 9, 2020, site visit confirmed no change to fence.

On July 9, 2020, sixth Administrative Citation mailed due to noncompliance. Certified was returned, signed 7/11/2020.

On July 13, 2020, staff Recorded a Notice of Noncompliance on the property deed/title for failure to comply and pay outstanding fees/fines (\$2,200.00 on filing). Owner was mailed a copy of the recordation the same day. Unsigned certified was returned on 8/26/2020.

On September 8, 2021, site visit confirmed no change in fence.

On April 14, 2022, site visit confirmed no change in fence. Seventh Administrative Citation and Notice of Hearing posted at property and mailed.

Property History:

Home built in 1967

Pool built in 1974

2015 staff was alerted to work being performed at the property. Inspection confirmed a pool demolition was occurring without a permit. Permit obtained and final approval gained.

Current: No change.

Violation: **105.1 California Building Code:**

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

Fence over 7' in height

Novato Municipal Code Sections

19.20.040 - Fences, Walls, and Hedges. B. Height Limitations.

Within front yard setback 3 ft. within 15 ft. of the back of sidewalk, or the back of curb, if there is no sidewalk, or the edge of the improved roadway if there is no sidewalk or curb; 6 ft. elsewhere within front setback. **Fence too tall in required setbacks.**

1-7 - Administrative Citation and Penalty

1-7.10 *Failure to Pay Penalty.*

Staff Recommendation:

(1) Find the property located at **7 Hune Ct. APN 132-132-34** a Public Nuisance under Novato Municipal Code 1-6.2.

Within thirty (30) days of the date of this hearing.

- a. Full amount of fine/cost recovery to be paid
- b. Lower fence to meet current code
- c. Pay board fee of \$1,548.00 (Total due \$14,518.00)

Inspection to be performed no later than forty-five (45) days from the date of this hearing to verify compliance.

Release of Noncompliance Letter will be issued once abatement is confirmed and payment of fines/fees has been received.

Board Action: The Board may:

1. Proceed with Staff recommendation to deem **7 Hune Ct. APN 132-132-34** a Public Nuisance as outlined in **Section 1-6.2** of the Novato Municipal Code.
2. Impose any additional conditions on the property, as the Board finds just and proper.

Failure to correct the violation within the time specified by the Board will result in the city attorney seeking enforcement of the Board decision in Superior Court to have violations corrected. Per City of Novato Administrative Policy 2.3, all costs including attorney fees associated with the abatement of the property to be charged to the property owner(s), **Galatolo Michael D /Tr/ & Galatolo Kim D /Tr/**. Failure of the owners to pay assessed fees will result in a special assessment being recorded against the property.

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.

Attachments to email 'packet':

1. Administrative Orders, Administrative Citations, Notice of Hearing
2. Original Complaint(s)
3. Notice of Non-Compliance
4. Miscellaneous emails from and to owner
5. Photos
6. Case Details Report
7. Miscellaneous correspondence

**CITY OF NOVATO
ZONING HOUSING AND BUILDING CODES
APPEALS BOARD**

April 26, 2022

PUBLIC NUISANCE

Item F2 1846 Center Rd., APN 140-091-20



Property is Zoned R1-
7.5 Approx. .25 acres

Issue: Public Nuisance

Property of Idell, Ira P.
Residence of Cathy Mullineaux

History: *On April 19, 2021, Code Enforcement received a complaint regarding the property located at 1846 Center Rd. of a fence being constructed in the front yard, possibly causing an issue with sight visibility at a corner.*

On April 19, 2021, staff performed a site inspection finding a fence still in construction, in the front yard. Staff spoke with the contractor and with the resident, explained if the fence is finished in its existing location for the height, it will be in violation. Suggestions were given to keep the fence and be in compliance with zoning code(s). An Administrative Order was mailed out the same day.

On April 21, 2021, a Code Officer spoke with the contractor, John Perry, advising front fence not to go over three foot in height. Mr. Perry stated to the Supervising Code Officer he “will put it at three feet”.

On April 21, 2021, staff met with the owner and contractor at the property to explain the codes.

On April 27, 2021, staff performed a site visit, finding the fence had been completed in violation of the zoning code. The same day staff attempted to speak with Mr. Perry. Voice message left.

On April 28, 2021, staff spoke with Ms. Mullineaux. Explained she has three options.

1. cut down both the side and front fence
2. cut front fence to meet code, obtain permit for side fence
3. apply for Design Review and obtain permit for both

Reiterated easiest less expensive solution would be to cut down both the side and front fence to meet code. Explained Design Review is not a guarantee of approval and there is a deposit fee.

On May 4, 2021, staff mailed all the forms required for Design Review, permits, instructions, fee schedule and miscellaneous information. Certified card received on 5/10/2021.

On May 19, 2021, staff corresponded with Ms. Mullineaux regarding the timeline of events, an email she had sent to Mr. Perry and code explanation. An extension was granted for compliance to June 10, 2021.

On May 26, 2021, planning staff emailed Ms. Mullineaux Design Review process and forms.

On June 3 to 7, 2021, email conversations held between Ms. Mullineaux and staff regarding possible extension of deadline. Staff had met with a Reuben Borg who was/is assisting Ms. Mullineaux through the Design Review process.

On June 9, 2021, staff corresponded with Ms. Mullineaux. An extension was granted for compliance to June 17, 2021.

On June 15, 2021, staff corresponded with Ms. Mullineaux. A requested 30-day extension was denied. Deadline for compliance still June 17, 2021.

On August 5, 2021, first Administrative Citation mailed and emailed due to noncompliance.

On August 11, 2021, staff responded to Ms. Mullineaux’s inquiry of a Hardship Waiver via email. Forms and process if she wishes to file an appeal.

On August 25, 2021, site visit and spoke with complainant regarding sight visibility issue.

On August 31, 2021, second Administrative Citation posted at the property.

On September 2, 2021, staff Recorded a Notice of Noncompliance on the property deed/title for failure to comply and pay outstanding fees/fines. Owner and resident were mailed a copy of the recordation the same day. Unsigned certified was returned on 10/14/2021.

On November 9, 2021, third Administrative Citation mailed and posted at the property 12/6/2021. Certified returned ‘ATTEMPTED UNKNOWN’ on 12/31/2021

On January 4, 2022, staff meet with a representative from the California Contractors State Licensing Board (CSLB) regarding Mr. Perry and avenues for compliance.

On April 14, fifth Administrative Citation mailed and posted at the property due to noncompliance. Same day, Notice of Hearing mailed and posted at the property.

Property History:

Home built in 1948
Fire repair 2010
No previous code complaints

Current: No change.

Violation: 105.1 California Building Code:

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

Fence over 7' in height

Novato Municipal Code Sections

19.20.040 - Fences, Walls, and Hedges. B. Height Limitations.

Within front yard setback 3 ft. within 15 ft. of the back of sidewalk, or the back of curb, if there is no sidewalk, or the edge of the improved roadway if there is no sidewalk or curb; 6 ft. elsewhere within front setback. **Fence too tall in required setbacks, front and side.**

1-7 - Administrative Citation and Penalty

1-7.10 *Failure to Pay Penalty.*

Staff Recommendation:

- (1) Find the property located at **1846 Center Rd. APN 140-091-20** a Public Nuisance under Novato Municipal Code 1-6.2.
Within thirty (30) days of the date of this hearing.
 - a. Full amount of fine/cost recovery to be paid
 - b. Lower fences to meet current code
 - c. Pay board fee of \$1,548.00 (Total due \$6,218.00)

Inspection to be performed no later than forty-five (45) days from the date of this hearing to verify compliance.

Release of Noncompliance Letter will be issued once abatement is confirmed and payment of fines/fees has been received.

Board Action: The Board may:

1. Proceed with Staff recommendation to deem **1846 Center Rd. APN 140-091-20** a Public Nuisance as outlined in **Section 1-6.2** of the Novato Municipal Code.
2. Impose any additional conditions on the property, as the Board finds just and proper.

Failure to correct the violation within the time specified by the Board will result in the city attorney seeking enforcement of the Board decision in Superior Court to have violations corrected. Per City of Novato Administrative Policy 2.3, all costs including attorney fees associated with the abatement of the property to be charged to the property owner(s), **Idell Ira P.** and/or those in possession/control of the property at the time of filing. Failure of the owners to pay assessed fees will result in a special assessment being recorded against the property.

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.

Attachments to email 'packet':

1. Administrative Orders, Administrative Citations, Notice of Hearing
2. Original Complaint(s)
3. Notice of Non-Compliance
4. Miscellaneous emails from and to owner
5. Photos
6. Case Details Report
7. Miscellaneous correspondence

CITY OF NOVATO ZONING HOUSING AND BUILDING CODES APPEALS BOARD

April 26, 2022

PUBLIC NUISANCE

Item F3 9 Boulevard Ct., APN 140-041-37



Property is Zoned R1-
7.5 Approx. .17 acres

2014

Issue: Public Nuisance

Property of Richard and Linda Spah ETAL

History: *On June 2, 2021, Code Enforcement received a complaint regarding the property located at 9 Boulevard Ct. of a parking exceeding maximum allowed and possible fence addition too tall at property line.*

On June 2, 2021, staff performed a site inspection finding the violation does exist.

On June 17, 2021, an Administrative Order was mailed to the owner and resident.

On August 23, 2021, first Administrative Citation mailed due to noncompliance.

On September 7, 2021, staff returned voice message left by owner, leaving their own voice message.

On September 16, 2021, second Administrative Citation mailed due to noncompliance.

On September 27, 2021, staff spoke with the resident. Explaining code section and corrective action to clear the violation. Two-week extension granted for compliance.

On November 11, 2021, staff performed an inspection noting no corrective action had occurred.

On January 10, 2022, staff performed an inspection noting no corrective action had occurred.

On January 11, 2022, third Administrative Citation mailed due to noncompliance.

On February 9, 2022, third Administrative Citation mailed due to noncompliance.

On April 14, 2022, fourth Administrative Citation mailed and posted at the property due to noncompliance.

On April 14, 2022, a Notice of Noncompliance was recorded on the property title. Copy of notice was mailed to the owner and resident.

On April 14, 2022, Notice of Hearing was posted at the property and mailed to the owner.

Property History:

Home built in 1950

Addition 1956

In 2016 property was brought before the board for same issue

In 2011, a case involving parking on unimproved surface

In 2010, property was brought before the board for work without permit

Current: No change.

Violation: 105.1 California Building Code:

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

Fence over 7' in height

Novato Municipal Code Sections

19.34.170 Vehicle Parking and Storage in Residential Zones.

B. *Outdoors.* A maximum of four vehicles including all types of operable or inoperable motor or recreational vehicles, motorcycles, campers, snowmobiles, jet skis, off-road vehicles, boats, and trailers may be parked or stored outdoors only under the following conditions:

1. Only operable vehicles may be parked in the front yard area. The parking area shall be on a paved driveway in compliance with Division 19.30.070 (Parking Design Standards), Section 19.20.100E (Limitations on the Use of Setbacks), and where adequate sight distance is maintained in compliance with Section 19.20.070 D (Sight Visibility Area Required).

2. Inoperable vehicles shall not be stored or parked within the required parking areas, front yard or street side yard areas. A person may park or store inoperable or non-operable vehicles only if completely confined within a building, garage or accessory structure; or, in a rear or side yard area where the vehicles are screened from view from adjacent streets and properties.

19.20.040 - Fences, Walls, and Hedges. B. Height Limitations.

Within front yard setback 3 ft. within 15 ft. of the back of sidewalk, or the back of curb, if there is no sidewalk, or the edge of the improved roadway if there is no sidewalk or curb; 6 ft. elsewhere within front setback. **Fence too tall in required setbacks, side.**

1-7 - Administrative Citation and Penalty

1-7.10 *Failure to Pay Penalty.*

Staff Recommendation:

- (1) Find the property located at **9 Boulevard Ct. APN 140-041-37** a Public Nuisance under Novato Municipal Code 1-6.2.
Within fourteen (14) days of the date of this hearing.
 - a. Full amount of fine/cost recovery to be paid
 - b. Remove or Lower fences to meet current code
 - c. Remove vehicles to maximum allowed per code
 - d. Pay board fee of \$1,548.00 (Total due \$5,918.00)

Inspection to be performed no later than thirty (30) days from the date of this hearing to verify compliance.

Release of Noncompliance Letter will be issued once abatement is confirmed and payment of fines/fees has been received.

Board Action: The Board may:

1. Proceed with Staff recommendation to deem **9 Boulevard Ct. APN 140-041-37** a Public Nuisance as outlined in **Section 1-6.2** of the Novato Municipal Code.
2. Impose any additional conditions on the property, as the Board finds just and proper.

Failure to correct the violation within the time specified by the Board will result in the city attorney seeking enforcement of the Board decision in Superior Court to have violations corrected. Per City of Novato Administrative Policy 2.3, all costs including attorney fees associated with the abatement of the property to be charged to the property owner(s), **Richard and Linda Spah ETAL**, and/or those in possession/control of the property at the time of filing. Failure of the owners to pay assessed fees will result in a special assessment being recorded against the property.

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.

Attachments to email 'packet':

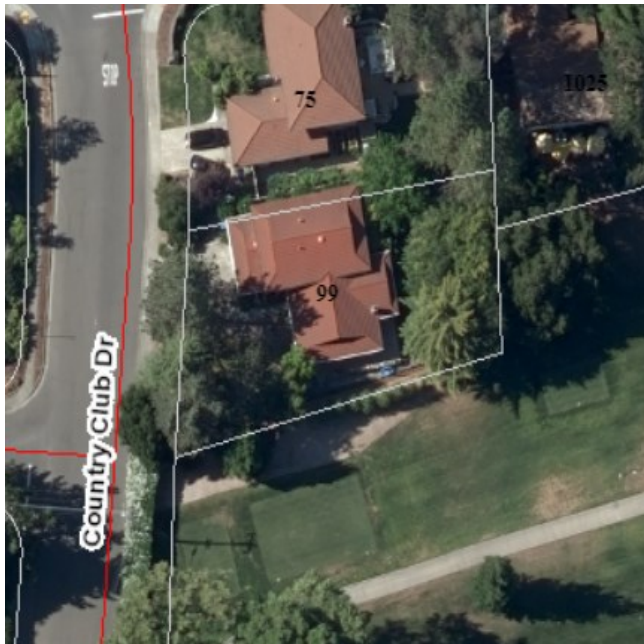
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2. Original Complaint(s)
3. Notice of Non-Compliance
4. Miscellaneous emails from and to owner
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**CITY OF NOVATO
ZONING HOUSING AND BUILDING CODES
APPEALS BOARD**

April 26, 2022

PUBLIC NUISANCE

Item F4 99 Country Club Dr., APN 160-422-05



Property is Zoned PD
R1 Approx. .23 acres

2014

Issue: Public Nuisance
Property of Izah Singerman

History: *On March 2, 2021, Code Enforcement discovered work was being performed in the front yard of the property located at 99 Country Club Dr. without the benefit of a permit and/or planning approval. Work included excavation/demolition; a heritage tree was removed without a permit. Property was posted with a STOP WORK order. Staff spoke with the owners, explained reason for STOP WORK order, remedies to bring the property into compliance.*

On March 4, 2021, owner met with planning to discuss options. Information was provided via email to the owner regarding compliance with samples of plans.

On May 17, 2021, staff performed a site inspection finding work had progressed. Retaining wall had been constructed and front excavated area had been prepped for concrete pour. If concreted,

area would exceed maximum allowed hardscape (50%) within front yard setback. Staff explained this to the owners, posted a second STOP WORK order. Administrative Citation was posted for continued work without a permit and/or planning approval.

On May 19, 2021, staff performed a site inspection finding work had progressed. Finding the owners continued work, poured concrete against the STOP WORK order. Second Citation issued.

On May 20, 2021, Administrative Citation mailed to owners explaining the citation and STOP WORK order.

On June 23, 2021, third Administrative Citation posted at property and mailed. Work has continued in violation of the STOP WORK order. Certified returned UNCLAIMED 7/29/2021.

On July 12, 2021, staff received copy of June 23 citation, with handwritten note that the owner wanted to appeal.

On July 13, 2021, owner met with staff including the planning division to discuss his options, zoning codes and avenue for correction. Design Review is required to keep as is.

On July 13, 2021, staff mailed a response to the owners wish to appeal. Staff recounted events up to this point, what a person can appeal, and process. Appeal came too late for the citation dated May 20, 2021. (\$2,600.00). Staff gave owner option to file an appeal and/or if the owner applies for Design Review by August 5, 2021 and the owner follows through with both Design Review and permit process, the remaining fine of \$2,400.00 would be waived.

On August 11, 2021, owner emailed planning stating an architect had been hired for the yard project and to remodel the kitchen.

On April 14, 2022, Administrative Citation mailed and posted at the property due to noncompliance.

On April 14, 2022, a Notice of Noncompliance was recorded on the property title. Copy of notice was mailed to the owner.

On April 14, 2022, Notice of Hearing was posted at the property and mailed to the owner.

Property History:

Home built in 1972

Case CE-C21-0171: Staff received several calls and two official complaints regarding the property alleging the owner is selling vehicles at the property.

Current: No change.

Violation: 105.1 California Building Code:

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

1) Excavation/demolition; 2) Retaining walls; 3) electrical work; 4) entry stairs

Novato Municipal Code Sections

19.20.100 - Setback Requirements and Exceptions.

E. *Limitations on the Use of Setbacks*. Required setback areas shall only be used in compliance with the following requirements, and as provided by [Section 19.34.130](#) (Outdoor Dining Display and Sales):

4. *Pavement*. Within a residential zoning district, pavement within a front yard setback shall be limited to no more than 50 percent of the area of the required setback, unless a greater percentage of paved area is approved through Design Review.

Pavement covering excess of 50% of front yard set back

17-1.3 Alteration or Removal of Heritage Trees Prohibited Without a Permit. It shall be unlawful for any person or group of persons to alter or remove or cause to be altered or removed, one or more heritage trees on any parcel in the city without a permit. These provisions do not apply to trees which are dead or fallen or to activities undertaken or authorized by local, state and federal agencies to control sudden death oak syndrome or other similar vectors.

Large pine tree removed from front yard

1-7 - Administrative Citation and Penalty

1-7.10 *Failure to Pay Penalty*.

Novato Municipal Code 19.59.040D and 105.1 California Building Code 115.3: Stop Work Order.

Continuation of work after posting/order. (Considered a misdemeanor)

Staff Recommendation:

- (1) Find the property located at **99 Country Club Dr.** APN **160-422-05** a Public Nuisance under Novato Municipal Code 1-6.2.
Within thirty (30) days of the date of this hearing.
 - a. Full amount of fine/cost recovery to be paid
 - b. Obtain permits for all items noted
 - c. Remove pavement in front yard to meet current code
 - d. Pay board fee of \$1,548.00 (Total due \$24,818.00)

Inspection to be performed no later than forty-five (45) days from the date of this hearing to verify compliance.

Release of Noncompliance Letter will be issued once abatement is confirmed and payment of fines/fees has been received.

Board Action: The Board may:

1. Proceed with Staff recommendation to deem **99 Country Club Dr.** APN **160-422-05** a Public Nuisance as outlined in **Section 1-6.2** of the Novato Municipal Code.
2. Impose any additional conditions on the property, as the Board finds just and proper.

Failure to correct the violation within the time specified by the Board will result in the city attorney seeking enforcement of the Board decision in Superior Court to have violations corrected. Per City of Novato Administrative Policy 2.3, all costs including attorney fees associated with the abatement of the property to be charged to the property owner(s), **Izah Singerman** and/or those in possession/control of the property at the time of filing. Failure of the owners to pay assessed fees will result in a special assessment being recorded against the property.

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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