

ZONING HOUSING AND BUILDING CODES APPEALS BOARD

December 5, 2017 MINUTES

IN ATTENDANCE:

Board Members

Ray Bettencourt (RB), Chairperson
Tom Echavez (TE)
Capri Roth (CR)

Code Enforcement Staff

Gary Beretta (GB)
Alison Fletcher (AF)

Interested Parties

Ben Pappas re: 668 Tamalpais Avenue
Richard Spah and father re: 9 Boulevard Court
Rick & Janis Dumovchel re: 25 Boulevard Terrace
Mike McVay re: 25 Boulevard Terrace
Jim & Joan Robinson re: 25 Hillswood Drive
Michelle Derviss re: general interest

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

Action minutes, contents of statements have been paraphrased for length and clarity. (AF)

Supervising Code Enforcement Officer Gary P. Beretta (GB) introduced the hearing.

Item 1. 9 Boulevard Court, APN: 140-041-37, Case No. CE16-0235

Issue at hand: Complaint driven case on property maintenance

GB: Presented case

Richard Spah (RS): In general, explained life circumstances (i.e. disability, out of work, fixed income) impacting his ability to resolve. He is doing the best he can. Trying to take care of things but having a very hard time.

Richard Spah Senior (RSS): Feels zoning laws have become stricter over time, accumulated a lot of stuff, hard to get rid of, and reiterated what his son said about health and financial struggles (hospitalization, lack of help). Doesn't feel the pictures included with presentation are accurate or fair. If you are driving by you cannot see clutter from the front or rear of the property. Asking for time and understanding, not trying to flout the system or the city.

RB: Have you been working with the city?

RS: Yes, phones calls but doesn't have a computer or cell phone, feels like he didn't get enough direction as to how to correct the violations. Feels lack of access to resources.

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TE: How much more time do you need to clean up?

RSS: Wishes he could give exact time, but just doesn't really know. Asked for the board's confidence in his efforts to continue to make progress.

Board members and owner discussed acceptable time frames for compliance.

TE: Made motion to follow staff recommendations and grant 30 days to reach compliance.

CR: Second

RB: Agrees, so entered. Reads the right of appeal.

Item 2. 25 Boulevard Terrace, APN: 140-041-26, Case No. CE16-0136

Issue at hand: Complaint driven case on property maintenance

GB: Presented case

Trustee of property Rick & Jan Dumovchel (RD, JD) were present.

JD: She doesn't agree with the degree of repair needed on the home. It is difficult as they live out of area, thinks that the fees are too harsh. She feels singled out, that the neighbors just want to try and buy her home. She has long roots in Novato, not interested in selling. They have made progress on the yard. Tried to paint but was raining.

RD: The roof is not leaking, still has life. With the bad weather in the area this fall he has had extremely hard time finding a roofer who will even come to give a bid. Says he hasn't found anyone who could come before January. Have worked on trimming trees and branches.

RB: It looks like there is some dry rot.

RD: That is at the carport, trim can be easily replaced.

RB: Why haven't you fixed it?

JD: Life gets in the way, her husband suffered an injury. She then asked the board members how they got their positions.

RB: Volunteer board to hear both sides of the story. He was a general contractor.

CB: Affordable housing consultant.

TE: Used to build homes, engineer

RD: Again want to disagree with the characterization of the home's condition based on the photos presented by staff. There is not a tree going into the eaves, they've been taking down trees and branches, putting in some gravel. He believes that one of his neighbor's yard is more like a forest. He states a belief that one of his neighbors is actively trying to destroy the fence by pulling on it not that the trees roots are to blame.

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JD: One owner is a naturalist putting in all sorts of trees and bushes. Why isn't someone complaining about them, still feel that they are being singled out or that city staff is in collusion with neighbors. The roof doesn't leak.

GB: Disagrees with the notion that he is in collusion with the neighbors. Explains complaint based department. He doesn't want them to feel picked on.

RD: Reiterated that he couldn't get any roofer on line, has made trips to the city from San Luis Obispo but GB is not available. They are trying to get more aggressive on caretaking.

MM: (Neighbor) Takes offense that he is pulling on the fence. Believes it is roots, has offered to go in ½ for a good neighbor fence but the owners wouldn't. Doesn't believe that RD cannot find a roofer. Says other houses in the neighborhood have recently gotten roofs replaced, that he recently had his done. He thinks it's all just a lot of excuses.

RD: Interjects something.

MM: Expletive.

RB: Ends the conversation.

CR: States she is sympathetic and understanding that it can be difficult especially as they do not live locally. We see it has been a year, the city has been accommodating, but owners still need to be moving forward.

JD: Wants to know why the cosmetics of the roof are a problem if it doesn't leak.

GB: Restates the property nuisance code, honestly it doesn't look good it can lower property values. Some back and forth with owners about specific language in the code.

CR: Moves for staff to take city recommendation.

TE: Seconds.

RB: Agrees, so entered. Reads the right of appeal.

Item 3. 25 Hillswood Dr., APN: 150-223-02, Case No. CE-HI14-0724

Issue at hand: Unpermitted construction found during resale inspection.

AF: Presented power point slides.

JR: Generally doesn't believe the retaining wall was replaced, asks why they weren't told when they bought the property. Stated report was received four days after close of escrow. States that they did come to the office during counter hours, were told engineer's report for post construction required. Believes only the top board of the wall has been replaced. Showed the board and staff current photos of the retaining wall. Believes if the wall was removed/replaced the mature lemon tree would have fallen. Also believes that a permit was pulled for a retaining wall, but work was never initiated.

AF: Clarified resale program/process. Staff presents JB with a copy of a signed "Buyer" card which states that a buyer of a property has received and read a copy of the resale inspection report. JB acknowledges

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her signature, however does not remember document. GB looked at permit history, no indication of retaining wall permit in records research.

JR: Regarding the patio cover/structure, as the notice states 'patio cover', feels staff is only referring to the top of the structure (plastic). Agrees the top has been replaced but as no mention was made of the structure itself no permit is required.

TE: Recommends they search and obtain structural engineer to evaluate the retaining wall. Explained that 'patio cover' refers to the entire structure.

Further discussion of resale program and permit process.

TE: Explanation of zoning codes regarding lot coverage.

JR: Stated again the feeling a permit is not required for the 'structure'.

TE: Reiterated the term 'patio cover' does refer to the entire structure, you could not have a 'cover' without the structure. Moves for board to support staff recommendation.

Discussion regarding deadline in relationship to City Holiday closure.

GB: Agreeable to extending deadline.

TE: Moves for staff to take city recommendation but grant 30 rather than 14 days. Deadline extended to 1/5/2018.

CR: Second

RB: Agrees, so entered. Reads the right of appeal.

Item 4. 668 Tamalpais Ave., APN: 140-331-30, Case No. CE-HI15-0493

Issue at hand: Unpermitted construction found during resale inspection.

AF: Presented power point slides.

Ben Pappas (BP): Engineer representing previous owner of the property. As part of the sales transaction in 2015 the prior owner had agreed to resolve all of the permit violations and did so with the exception of the retaining wall permit requirement. Showed board members and staff engineered plot plans; explained construction of the wall and that a tree and roots were impeding progress. A contractor had spoken with staff regarding the project with an arborist's report and possible construction solutions. (Former City Planner and current City Engineer)

TE: If all of this is done then why are you here?

BP: Was just told about the board last Friday.

AF: Clarified staff recommendations.

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BP: States he is working with both the current and prior owner of the property, but is concerned that the staff recommendation requires the permit to be finalized before the project can begin due to weather and seasonal restrictions.

GB: Agreeable to staff recommendations that the permit to be finalized within 180 days of issuance.

CR: Moves for staff recommendations, permit to be finalized within 180 days of issuance

TE: Seconds

RB: Agrees, so entered. Reads the right of appeal.

Meeting adjourned at 10:40am.