



MINUTES

September 13, 2022

BOARD OF APPEALS HEARING

9:00 a.m.
City Council Chambers
311 Vernon Street
Roseville, CA

1. CALL TO ORDER

Chairperson Bruce Hagler called the meeting to order at 9:00 a.m. in the City Council Chambers.

2. ROLL CALL (SILENT)

The following Hearing Panel members were present:

Pete Constant
Bruce Hagler
Arthur Pauly, Jr.

The following Staff members were present:

My Tien Doan Deputy City Attorney
Lynda Risucci Legal Clerk

3. IDENTIFICATION OF CHAIR

Chairperson for the September 13, 2022 hearing was Bruce Hagler.

4. PLEDGE OF ALLEGIANCE

Chairperson Bruce Hagler led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

None.

6. SWEAR IN

Chairperson Bruce Hagler administered the Oath to those in attendance who would be offering testimony at the hearing.

7. MATTERS TO BE HEARD

7.1. Citation No. 20715:

Appellant: Gabriel Zimmermann

- Roseville Municipal Code Section 10.54.020(F)(4), Nuisance, Parking, Storing or Maintaining of the Following Items in Areas Zoned for Residential Uses - Refrigerator
- Roseville Municipal Code Section 10.54.020(F)(6), Nuisance, Parking, Storing or Maintaining of the Following Items in Areas Zone for Residential Uses – Four Tires in Front Porch/Two Tires on Side of House

A. Staff Report

Code Enforcement Inspector Saul Chacon offered testimony in regard to the staff materials in Exhibit A and answered panel questions

Per RMC Section 2.50.060(D), the Staff Report was submitted to the City of Roseville Attorney's Office prior to the hearing, and was provided to the Appellant and the panel members in advance of the hearing.

Exhibit A:

- Staff Report including case history and narrative

B. Appellant's Response:

Exhibit B:

(Appellant's Exhibit C was provided to the panel in advance of the hearing for review.)

- Request for Hearing form, received by the Roseville City Attorney's Office on August 12, 2022.

Appellant, Gabriel Zimmermann, presented Exhibit C, and offered testimony in support of the appeal and answered panel questions.

Exhibit C:

- Lease Termination – 60 Day Notice to Vacate to James Darnell

C. Rebuttals and Panel Questions:

Code Enforcement Inspector Saul Chacon answered panel questions.

Appellant Gabriel Zimmermann answered panel questions.

D. Panel Decision:

The panel discussed the evidence presented for Administrative Citation No. 20715.

In regard to Roseville Municipal Code Section 10.54.020(F)(4), 10.54.020(F)(4), Nuisance, Parking, Storing or Maintaining of the Following Items in Areas Zoned for Residential Uses – Refrigerator, a motion was made by Pete Constant and seconded by Arthur Pauly, Jr. to deny the appeal and uphold the citation because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Pete Constant, Bruce Hagler, Arthur Pauly, Jr.

NOES: None

In regard to Roseville Municipal Code Section 10.54.020(F)(6), Nuisance, Parking, Storing or Maintaining of the Following Items in Areas Zone for Residential Uses – Four Tires in Front Porch/Two Tires on Side of House, a motion was made by Pete Constant and seconded by Arthur Pauly, Jr. to deny the appeal and uphold the citation because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Pete Constant, Bruce Hagler, Arthur Pauly, Jr.

NOES: None

Chairperson Bruce Hagler signed the decision form, asked the Appellant to see staff for the paperwork, and informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

7.2. Citation No. 20717:

Appellant: Brian and Kristen Vidosh

- Roseville Municipal Code Section 13.28.010, Encroachment Permit Required (Basketball Hoop)

At 9:31 a.m., the Appellants, Brian and Kristen Vidosh, were not present. According to the Administrative Standards procedures, if the Appellants fail to appear for the hearing within 15 minutes after the hearing commences, the Appellants' appeal will be automatically denied.

A. Staff Report

Code Enforcement Inspector Rosa Garcia was present but did not offer testimony because the Appellants were not present.

Per RMC Section 2.50.060(D), the Staff Report was submitted to the City of Roseville Attorney's Office prior to the hearing, and was provided to the Appellants and the panel members in advance of the hearing.

Exhibit A:

- Staff Report including case history and narrative

B. Appellant's Response:

Exhibit B:

(Appellant's Exhibit C was provided to the panel in advance of the hearing for review.)

- Request for Hearing form, received by the Roseville City Attorney's Office on August 16, 2022.

C. Rebuttals and Panel Questions:

No rebuttal testimony or panel questions were presented.

D. Panel Decision:

In regard to Roseville Municipal Code Section 13.28.010, Encroachment Permit Required (Basketball Hoop), a motion was made by Pete Constant and seconded by Arthur Pauly, Jr. to deny the appeal because the appellants failed to appear.

The motion passed with the following vote:

AYES: Pete Constant, Bruce Hagler, Arthur Pauly, Jr.

NOES: None

Chairperson Bruce Hagler signed the decision form, which includes notice to the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

8. ADJOURNMENT

A motion was made by Arthur Pauly, Jr. and seconded by Pete Constant to adjourn the hearing.

AYES: Pete Constant, Bruce Hagler, Arthur Pauly, Jr.

NOES: None

Chairperson Bruce Hagler adjourned the September 13, 2022 hearing at 9:33 a.m.

Lynda Risucci
Legal Clerk