



MINUTES

October 28, 2021

BOARD OF APPEALS HEARING

3:00 p.m.
City Council Chambers
311 Vernon Street
Roseville, CA

1. CALL TO ORDER

Chairperson Drew Haydu called the meeting to order at 03:01 p.m. in the City Council Chambers.

2. ROLL CALL (SILENT)

The following Hearing Panel members were present:

Bruce Hagler
Drew Haydu
Andrea Seminer

The following Staff members were present:

Joseph Speaker	Assistant City Attorney
Lynda Risucci	Legal Clerk
Kelly Aye	Legal Clerk

3. IDENTIFICATION OF CHAIR

Chairperson for the October 28, 2021 hearing was Drew Haydu.

4. PLEDGE OF ALLEGIANCE

Chairperson Drew Haydu led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

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

7. MATTERS TO BE HEARD

7.1. Citation No. 20472:

Appellant: Kristan Haight

- Roseville Municipal Code Section 7.12.010, Animal at Large, Two Counts
- Roseville Municipal Code Section 7.20.010, Kennels – License Required

A. Staff Report:

Animal Control Officer Gabriel Sorenson 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.

Complainant's Statement:

Complainant, Brian Fogel offered testimony in support of the complaint and answered panel questions.

B. Appellant's Response:

Exhibit B:

(Appellant's Exhibit B 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 April 05, 2021.

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

Exhibit C:

- Five photographs
- April 11, 2021 Statement of Kristan Haight

- October 19, 2021 Statement of Elizabeth Marsh
- October 21, 2021 Email of Kristan Haight
- October 21, 2021 Kristan Haight's Letter to Board of Appeals
- October 21, 2021 Statement of Micky Burcham
- October 21, 2021 Statement of Beverly Ann Newberry
- October 22, 2021 Email of Kristan Haight

C. Rebuttals and Panel Questions:

Appellant Brian Fogel offered rebuttal testimony and answered panel questions.

Appellant Kristan Haight offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 20472.

In regard to Roseville Municipal Code Section 7.12.010, a motion was made by Andrea Seminer and seconded by Bruce Hagler to deny the appeal and uphold the charge because the City/Complainant 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: Bruce Hagler, Drew Haydu, Andrea Seminer

NOES: None

In regard to Roseville Municipal Code Section 7.20.010, a motion was made by Andrea Seminer and seconded by Bruce Hagler to deny the appeal and uphold the charge because the City/Complainant 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: Bruce Hagler, Drew Haydu, Andrea Seminer

NOES: None

E. Panel Decision:

The panel decided to deny the appeal of Administration Citation No. 20472 and uphold the charge of Roseville Municipal Code Section 7.12.010, because the City/Complainant proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

Regarding Roseville Municipal Code Section 7.20.010, the panel decided to deny the appeal and uphold the charge of Roseville because the City/Complainant proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

Chairperson Drew Haydu 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.: 20344

Appellant: Anita Singh

- Roseville Municipal Code Section 7.16.010, Failure to License
- Roseville Municipal Code Section 7.25.010, Animal Noise

A. Staff Report:

Animal Control Officer Gabriel Sorenson was present but did not offer testimony because the Appellant was 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 Appellant and the panel members in advance of the hearing.

Exhibit A:

- Staff Report including case history and narrative.

Complainant's Statement:

Complainant, Kiel Atkinson, was present but did not offer testimony because the Appellant was not present.

B. Appellant's Response:

Exhibit B:

(Appellant's Exhibit B 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 June 15, 2020.

Appellant, Anita Singh, was not present for the October 28, 2021 hearing.

C. Rebuttals and Panel Questions:

No rebuttal testimony was offered.

D. Panel Discussion:

At 3:15 p.m., the Appellant was not present. According to the Administrative Standards, if the responsible party fails to appear for the hearing within 15 minutes after the hearing commences, the responsible party's appeal will be automatically denied.

In regard to the violations of Roseville Municipal Code Sections 7.12.010 and 7.25.010, a motion was made by Bruce Hagler to deny the appeal of Administrative Citation No.: 20344 and uphold the charges because the Appellant failed to appear.

The motion passed with the following vote:

AYES: Bruce Hagler, Drew Haydu, Andrea Seminer

NOES: None

E. Panel Decision

Regarding the appeal of Administrative Citation No. 20344, the panel decided to deny the appeal and uphold the charges of violating Roseville Municipal Code Section 7.16.010, Failure to License, and Roseville Municipal Code Section 7.25.010, Animal Noise, because the Appellant failed to appear.

Chairperson Drew Haydu signed the decision form.

7.3. Citation No.: 20526

Appellant: Paul and Barbara Craig

- Roseville Municipal Code Section 19.10.030(F), Residential Zone Development Standards – Landscaping Requirements in Setback Areas, Second Offense

A. Staff Report:

Code Enforcement Officer Ranjit Dosanjh 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.

Code Enforcement Officer Ranjit Dosanjh answered panel questions.

Assistant City Attorney, Joseph Speaker, provided the legal interpretation of Roseville Municipal Code Section 19.10.030(F).

B. Appellant's Response:

Exhibit B:

(Appellant's Exhibit B 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 June 02, 2021.

Appellant Barbara Craig offered testimony in support of the appeal and answered panel questions.

Andrea Seminer and Bruce Hagler requested additional clarification of Roseville Municipal Code section 19.10.030(F) from Assistant City Attorney, Joseph Speaker.

Ranjit Dosanjh offered additional testimony regarding the number of potted plants present at the residence.

C. Rebuttals and Panel Questions:

No rebuttal testimony was offered by the Appellant.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 20526.

In regard to Roseville Municipal Code Section 19.10.030(F), a motion was made by Andrea Seminer to deny the appeal and uphold the charge.

Bruce Hagler then suggested the Board make a motion to uphold the citation, but waive the fine in the interest of justice.

Drew Haydu suggested the Board make a motion to uphold the charge, but in the interest of justice, reduce the fine. Assistant City Attorney, Joe Speaker, advised the Board they do not have the ability to reduce the dollar amount of the fine.

After further discussion amongst the Board, a motion was made by Bruce Hagler and seconded by Andrea Seminer to uphold the citation, but waive the fine in the interest of justice. The motion passed with the following vote:

AYES: Bruce Hagler, Drew Haydu, Andrea Seminer

NOES: None

E. Panel Decision:

The panel decided to uphold Administration Citation No. 20526, but waive the fine in the interest of justice.

Chairperson Drew Haydu 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.

8. ADJOURNMENT

A motion was made by Andrea Seminer and seconded by Bruce Hagler to adjourn the hearing.

AYES: Bruce Hagler, Drew Haydu, Andrea Seminer

NOES: None

Chairperson Drew Haydu adjourned the October 28, 2021 hearing at 4:09 p.m.

Lynda Risucci
Legal Clerk