



AGENDA

December 12, 2023

BOARD OF APPEALS HEARING

9:00 a.m.

City Council Chambers

311 Vernon Street

Roseville, CA 95678

www.roseville.ca.us

THE CITY OF ROSEVILLE WELCOMES YOUR PARTICIPATION

If an agenda item is open to public comment, such public comment shall be addressed to the chair of the meeting.

Public Comment - Speakers have three minutes under Public Comment to speak on issues that are not listed on the agenda and are within the City's jurisdiction. The Brown Act does not permit any action or discussion on items not listed on the agenda.

Consent Calendar - If applicable, the Consent Calendar consists of routine items that may be approved by one motion. Any person can remove an item from the Consent Calendar to be discussed separately.

Agenda Items - Speakers have five minutes to address items that are listed on the agenda.

Americans with Disabilities Act - Notify the City Clerk or Secretary at least 72 hours in advance if special assistance is required to participate in a meeting including the need of auxiliary aids or services.

Audio/Visual Presentations - If making a presentation regarding an agenda item, audio/visual materials must be submitted to the City Clerk or Secretary at least 72 hours in advance.

Roseville City Clerk 311 Vernon Street, Roseville, CA 916-774-5200 TDD 916-774-5220

1. **CALL TO ORDER**
2. **ROLL CALL (SILENT)**
3. **IDENTIFICATION OF CHAIR**
4. **PLEDGE OF ALLEGIANCE**
5. **PUBLIC COMMENTS**
6. **SWEAR IN**
7. **MATTERS TO BE HEARD**

7.1. Administrative Citation Appeal Hearing - Ivan Derkach - Citation No.: 21157
(Case No.: 12192)

Appellant: Ivan Derkach, 1496 Arrow Wood Ln.

Complainant: Myrna Green, 1513 Barnwood Ln.

Roseville Municipal Code Sections:

7.36.070, Bees -Hive Limitations, second offense

7.36.080, Bees - Distance from Building, second offense

A. Staff Report

B. Complainant's Statement

C. Appellant's Response

D. Rebuttals and Panel Questions

E. Panel Discussion

F. Panel Decision

7.2. Administrative Citation Appeal Hearing - Rick Lopes - Citation No.: 20848
(Case No.: 12173)

Appellant: Rick Lopes, 2613 Roxby Way

Roseville Municipal Code Section:

19.22.030(C)(3)(b), Accessory Structures - Unauthorized Accessory Structure

A. Staff Report

B. Appellant's Response

C. Rebuttals and Panel Questions

D. Panel Discussion

E. Panel Decision

7.3. Administrative Citation Appeal Hearing - Ryley Hoffman - Citation No.: 20897
(Case No.: 12247)

Appellant: Ryley Hoffman, 1968 Saint Basil Circle

Roseville Municipal Code Sections:

4.25.080, Short Term Rental - No Permit

6.04.040, No Valid Business License

A. Staff Report

B. Appellant's Response

C. Rebuttals and Panel Questions

D. Panel Discussion

E. Panel Decision

8. ADJOURNMENT



BOARD OF APPEALS COMMUNICATION

Title: Administrative Citation Appeal Hearing - Ivan Derkach - Citation No.: 21157 (Case No.: 12192)
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 12/12/2023
Item #: 5.1.

RECOMMENDATION

Consider the appeal by Ivan Derkach for the following violations:

Violation: RMC 7.36.070 Bees- Hive Limitations (1 count), second offense

Total Fine Amount: \$100

"Except upon property zoned for agricultural purposes pursuant to the zoning code, no person shall keep more than two hives of bees."

Violation: RMC 7.36.080 Bees- Distance from Building (1 Count), second offense

Total Fine Amount: \$100

"Bees, whether kept pursuant to Section 7.36.070 or upon agriculturally zoned premises, shall be kept at least 500 feet from any building or structure in which persons or animals normally live or are kept."

BACKGROUND

Narrative:

August 4, 2023 @approximately 1:51 PM

The following narrative is specifically regarding the Animal Control matter that is involved with this citation.

Roseville Police dispatch received a call from reporting party, Myrna Green, the complainant in this matter, residing at 1513 Barnwood Ln. to make a complaint about her neighbors residing at 1496 Arrow Wood Ln owning bees. Myrna stated to the dispatcher that she was having an ongoing issue with her neighbor having bees.

At approximately 3:31 PM Roseville Police Animal Control Officer Sammons contacted Myrna. Myrna stated her neighbor, Ivan Derkach, the appellant in this matter still had bees/boxes. Myrna stated that she is unable to use her backyard without being swarmed by bees or removing dead bees from her pool prior to use. Myrna stated that she can hear Ivan in his backyard tending to the bees/boxes. Myrna requested Ivan be fined for the violations of keeping bees.

Animal Control Officer Sammons completed citation #21157 on behalf of Myrna against Ivan for Bees-Hive Limitations and Bees-Distance from Building. The violations of sections 7.36.070 and 7.36.080 are based on the statements of the complainant and appellant and other evidence provided and were not directly witnessed by Animal Control Officer Sammons.

Prior complaints:

May 18, 2023 @ 08:43 AM

Myrna called in to report her neighbor behind her residence, Ivan Derkach, was keeping bees and she was getting swarmed. Myrna requested a citation be issued against Ivan for keeping bees. Animal Control Officer Cooper issued citation #21137 on behalf of Myrna against Ivan for violations of 7.36.070 and 7.36.080. Animal Control Officer Cooper also mailed Ivan a Notice to Comply to remove the bees from his property.

July 15, 2020 @ approximately 08:05 AM

Roseville Police Animal Control dispatch received a complaint from Myrna stating that Ivan was still in possession of beehives in his backyard. Myrna stated to dispatch that her fence repair company was refusing to fix the fence due to the bees. Myrna requested Ivan be cited for the keeping of bees. Animal Control Officer Cooper issued citation #20454 on behalf of Myrna against Ivan for violations of 7.36.070 and 7.36.080.

September 8, 2018 @ approximately 11:25 AM

Roseville Police Animal Control dispatch received a complaint from Myrna stated that her neighbors to the rear of her residence have a beehive in their backyard. Animal Control Officer Cooper responded to Ivan's residence and was unable to verify there was beehive from the front yard of the residence. Animal Control Officer Cooper left a door card at the residence for Ivan and Nadia Derkach advising there was a complaint received regarding beehives and that the hives need to be removed.

Respectfully Submitted,

Nicole Sammons, Badge #3075

Animal Control Officer

ATTACHMENTS:

Description

Citation

7.36.070

7.36.080

Appeal

CITY OF ROSEVILLE
NOTICE OF CITATION

21157

Date 8/4/2023	Time 1516hrs	Day of Week Friday
Name (First, Middle, Last) Ivan Derkach		
Residence Address 1496 Arrow wood Ln. Roseville, CA 95747		
Business Address /		

Description of Animal (If Applicable)		
Breed: Bees	Color:	Age:
Vehicle Make	License #:	Sex:
Model:		
Color:	Year:	
Location of Violation 1496 Arrow wood Ln		
Date / Time of Violation 08/4/23 1351hrs		
Code / Ordinance	Description of Violation	
RMC 7.36.070	Bee-Hive Limitations	
RMC 7.36.080	Bees-Distance from Building	
☒ VIOLATIONS NOT COMMITTED IN MY PRESENCE, CERTIFIED ON INFORMATION AND BELIEF.		
I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA, THAT THE FOREGOING IS TRUE AND CORRECT.		
Date: 8/4/23	Issuing Officer: Badge No. N. Sammons 3075	
COMPLAINING PARTY		
X Signature: Complaint		
I HEREBY ACKNOWLEDGE RECEIPT OF THIS CITATION.		
X Signature: Complaint		
YOU DO NOT NEED TO DO ANYTHING AT THIS TIME. YOU WILL RECEIVE NOTICE BY MAIL WITHIN 14 DAYS. CITY ATTORNEY'S OFFICE (916) 774-5325		
1 - City Attorney Copy 2 - Defendant Copy 3 - Issue Dept Copy		

7.36.070 Bees—Hive limitations.

Except upon property zoned for agricultural purposes pursuant to the zoning code, no person shall keep more than two hives of bees.
(Ord. 6268 § 1, 2020.)

Contact:

City Clerk: 916-774-5263

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7.36.080 Bees—Distance from building.

Bees, whether kept pursuant to Section [7.36.070](#) or upon agriculturally zoned premises, shall be kept at least 500 feet from any building or structure in which persons or animals normally live or are kept. (Ord. 6268 § 1, 2020.)

Contact:

City Clerk: 916-774-5263

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REQUEST FOR HEARING

Appeal of Administrative Citation

RECEIVED

Name:

Ivan Derkach

SEP 11 2023

Address:

1496 Arrowwood Ln
Roseville, CA 95747

ROSEVILLE
CITY ATTORNEY

Mailing Address:

☒ Same as above

Phone Number:

Email:

Citation Number:

21157

Date of Citation:

08-04-23

Reason for Appeal:

(Include all information and evidence to support your appeal here. Attach additional pages if necessary.)

Dear City of Roseville!

I am Ivan Derkach WAS not expecting to receive a
family of bees during the season. Since my first notice
I have been working on removing the bees from my home
and finding a safe environment for them. It is a slow and
difficult process to removing them. It will be done as soon as possible.

Signature of Appellant:

Date:

09-05-23

**Please return this form along with a copy of the citation
no later than 30 days after the date of your citation notification letter to:**

City of Roseville
City Attorney's Office
311 Vernon Street
Roseville, CA 95678
(916) 774-5325 • FAX (916) 773-7348



BOARD OF APPEALS COMMUNICATION

Title: Administrative Citation Appeal Hearing - Rick Lopes - Citation No.: 20848 (Case No.: 12173)
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 12/12/2023
Item #: 5.2.

RECOMMENDATION

Consider the appeal by Rick Lopes for the following violation:

19.22.030 (C)(3)(b), Accessory Structures - Unauthorized Accessory Structure

Total Amount Due: \$100

19.22.030 Accessory structures.

- 3. Enclosed structures** are subject to the following requirements:
 - b. Greater than seven feet in height:
 - ii. The minimum setback is 5 feet from the rear and side property lines;

BACKGROUND

Case Summary:

Code Enforcement Staff has been communicating with Rick Lopes regarding code violations at 2613 Roxby Way since August 2021. Code Enforcement Officers have conducted numerous inspections of the property during the past 2 years. On August 26, 2021, Code Enforcement Officer Alan Rogers inspected the property initially and observed a shed over 7 feet in height directly adjacent to the shared fence at the side of the property. This is a violation of RMC Section 19.22.030. As a result, I issued a courtesy notice on September 1, 2021, and then an administrative citation warning on September 16, 2021 due to continued non-compliance.

Despite repeated warnings to fix the issue and repeated statements that he would comply, Mr. Lopes did not do so and did not contact planning to initiate the process to obtain the necessary special administrative permit as he also previously indicated he would do. As a result, I issued a citation for violation of RMC Section 19.22.030(C)(3)(b) on September 23, 2021.

That citation was appealed by Mr. Lopes to the Board of Appeals and the appeal was denied. Mr. Lopes then appealed the citation to the Placer County Superior Court, and such appeal was also denied.

On July 17, 2023, after numerous additional inspections, delays, and agreements to comply by Mr. Lopes, Code Enforcement Officer Rogers reinspected the property and verified the violation still existed, had not been corrected, and that the planning department had still not had any contact from Mr. Lopes to secure an administrative permit. As a result, Code Enforcement Officer Rogers issued a second citation for violation of RMC Section 19.22.030(C)(3)(b) on July 18, 2023.

For reference RMC Section 19.22.030 provides as follows:

19.22.030 Accessory structures.

3. Enclosed structures are subject to the following requirements:
 - b. Greater than seven feet in height:
 - i. The maximum height is 15 feet and one story;
 - ii. The minimum setback is 5 feet from the rear and side property lines;
 - iii. The minimum setback is 12.5 feet from the back of sidewalk or edge of right-of-way on corner lots; and
 - iv. For each foot in height above 10 feet, the required setback, except for the front yard setback, shall be increased by one foot.”

The full chronological history is provided below if needed for reference.

Full Case Chronological History:

08/26/2021 Received Complaint.

08/26/2021 Verified violation and attempted to contact resident due to unauthorized accessory structure per RMC. The structure is over seven feet in height and is inside the required five foot setback area.

08/30/2021 Established contact with resident/property owner Rick Lopes who agreed to arrange for a contractor to modify or remove the structure. I agreed to allow 2-3 weeks extension due to lack of contractor availability.

09/01/2021 Prepared and mailed courtesy notice for unauthorized accessory structure.
(See Exhibit #1)

09/13/2021 Re-inspection reveals no change.

09/16/2021 Prepared and mailed administrative citation warning outlining the unauthorized accessory structure per RMC.
(See Exhibit #2)

10/18/2021 Followed up with Mr. Lopes once again. No action has been taken. He agrees once more to push forward and hire a contractor to modify the structure and bring the structure into compliance. He also agrees to provide evidence of contract asap. I allowed one final extension to give time for completion.

11/16/2021 Re-inspection reveals no change and no proof of contract for the work has been

provided.

11/23/2021 Completed 1st citation (#20771) due to continuing violation for the following:

19.22.030 Accessory structures.

3. Enclosed structures are subject to the following requirements:

- b. Greater than seven feet in height:
 - i. The maximum height is 15 feet and one story;
 - ii. The minimum setback is 5 feet from the rear and side property lines;
 - iii. The minimum setback is 12.5 feet from the back of sidewalk or edge of right-of-way on corner lots; and
 - iv. For each foot in height above 10 feet, the required setback, except for the front yard setback, shall be increased by one foot.

04/04/2022 Re-inspection reveals no change and no sign of work being done to move or modify the structure.

04/19/2022 Case placed on hold due to District Court Appeal.

Due to District Court appeal dismissal, inspections begin again.

10/21/2022 Re-inspection reveals no change. The accessory structure remains in violation.

10/25/2022 Issued 2nd administrative citation warning for unauthorized accessory structure. (See Exhibit #3)

12/20/2022 Mr. Lopes requests an extension due to personal matters. Extension granted until
02/03/2023.

02/01/2023 Mr. Lopes phones and requests an additional extension due to inclement weather. Extension granted.

03/09/2023 Re-inspection reveals no change. Structure remains in violation. Placed a phone call to Mr. Lopes but was only able to leave a message.

03/10/2023 Mr. Lopes phones and states that he will partner with Derek in planning to pursue a special administrative permit.

04/12/2023 Additional extension is granted due to mitigating factors affecting the property owner.

05/02/2023 Spoke Mr. Lopes who stated that he planned to contact planning to move forward soon.

05/16/2023 Spoke with Mr. Lopes who, once again, stated that he would contact planning to move forward soon.

06/05/2023 Spoke with Derek in planning who stated that he had received no contact from Mr. Lopes

06/14/2023 Phoned Mr. Lopes but was only able to leave a message. (Call not returned)

06/21/2023 Re-inspection reveals no change. Accessory structure remains in violation.
Phoned Mr. Lopes but was only able to leave a message stating that it was imperative that I speak
with him asap.
(Call not returned)

06/29/2023 Verified that there has been no contact from Mr. Lopes with planning. Property
remains in violation.

06/30/2023 Phoned Mr. Lopes to discuss the case but could only leave a message.
(No Return Call)

07/17/2023 Verified that there has been no contact from Mr. Lopes with planning. Property
remains in violation.

07/18/2023 Completed 2nd citation (#20848) due to continuing violation for the following:

19.22.030 Accessory structures.

3. Enclosed structures are subject to the following requirements:

- b. Greater than seven feet in height:
 - i. The maximum height is 15 feet and one story;
 - ii. The minimum setback is 5 feet from the rear and side property lines;
 - iii. The minimum setback is 12.5 feet from the back of sidewalk or edge of right-of-way on
corner lots; and
 - iv. For each foot in height above 10 feet, the required setback, except for the front yard
setback, shall be increased by one foot.

Respectfully Submitted,

Alan Rogers

Code Enforcement Officer

ATTACHMENTS:

Description

Exhibit 1

Exhibit 2

Exhibit 3

Citation

19.22.030 Accessory Structure

Appeal Form



**Public Works
Building Inspection**

311 Vernon Street
Roseville, California 95678-2649
916.774.5332 fax 916.774.5394

CODE ENFORCEMENT COURTESY NOTICE

Date: 9/1/2021 Re-inspection Date: 9/13/2021

The property at 2613 Roxby Wy Roseville CA
was inspected today because of concerns expressed to this office.
During today's inspection, I noted the following violations of the Roseville Municipal Code(s):

☐ Business license	Roseville Municipal Code	Title 06
☐ Health and safety	Roseville Municipal Code	Title 09
☒ Public peace, morals and welfare	Roseville Municipal Code	Title 10
☐ Streets and sidewalks	Roseville Municipal Code	Title 13
☐ Buildings and construction	Roseville Municipal Code	Title 16
☐ Signs	Roseville Municipal Code	Title 17
☐ Zoning	Roseville Municipal Code	Title 19

(The Roseville Municipal Code Ordinance regulations can be obtained from the Permit Center at 311 Vernon Street, or from the City's web site at www.roseville.ca.us).

- ☐ Attached brochure(s) will give you more code information.
☐ Other (RMC Section _____)

Upon inspection, there is an accessory structure which is more than seven feet in height that is within the five foot minimum setback space outlined in the Roseville city code.

Please move or modify the structure to be either less than seven feet in height or a minimum of five feet from any fence.

Please remove the above checked items prior to the re-inspection date.

It is our intent to work with property owners to keep their properties up to code. Your cooperation in correcting the violation(s) is greatly appreciated. If you have any questions, please contact the Code Enforcement Inspector at 916.759-2246

Issued by: Alan Rogers

Case #: CE21-0770

Code Enforcement Inspector 1



Administrative Citation Warning

File No. CE21-0770 / Permit No. N/A

Owner: Rick Lopes II

Mailing Address: 2613 Roxby Wy. Roseville CA. 95747

Inspection Date: 9/13/2021

Occupant (if different)

Violation Address: 2613 Roxby Wy. Roseville CA. 95747

AN INSPECTION OF THE PROPERTY FOR WHICH YOU ARE RESPONSIBLE HAS IDENTIFIED THE FOLLOWING VIOLATION(S) OF THE ROSEVILLE MUNICIPAL CODE:

<u>RMC CODE SECTION</u>	<u>VIOLATION AND DESCRIPTION</u>	<u>PENALTY</u>
<u>16.04.100(A)(2) RMC</u>	<u>Illegal Accessory Structure</u>	<u>\$100.00</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Based on the observations made during this inspection, the following is a summary of the conditions and violations noted during the inspection.

- In August of 2021 you were informed that there is one or more sheds located on your property that are over 7 feet in height and are located within the 5 foot setback for the fence, in violation of Roseville city code.

CORRECTIONS REQUIRED:

- Please alter, re-position, reconfigure, or remove the structures to bring your property into compliance with Roseville city code.

WARNING

THIS IS A WARNING: IF THE ABOVE VIOLATIONS ARE NOT CORRECTED BEFORE 10/04/2021, AN ADMINISTRATIVE CITATION PENALTY OF \$100.00 FOR EACH VIOLATION WILL BE ISSUED. ADDITIONAL CITATIONS MAY BE ISSUED FOR EACH DAY THE VIOLATION EXISTS.

Please call me at (916) 774-**5332** if you have any questions regarding enforcement in this matter.

SIGNED: _____

DATE: 9/16/2021

Alan Rogers
Code Enforcement Inspector I

cc: Attorney



Administrative Citation Warning

File No. CE21-0770 / Permit No. N/A

Owner: Rick Lopes II

Mailing Address: 2613 Roxby Wy. Roseville CA. 95747

Inspection Date: 10/21/2022

Occupant (if different)

Violation Address: 2613 Roxby Wy. Roseville CA. 95747

AN INSPECTION OF THE PROPERTY FOR WHICH YOU ARE RESPONSIBLE HAS IDENTIFIED THE FOLLOWING VIOLATION(S) OF THE ROSEVILLE MUNICIPAL CODE:

<u>RMC CODE SECTION</u>	<u>VIOLATION AND DESCRIPTION</u>	<u>PENALTY</u>
<u>19.22.030rdt3 RMC</u>	<u>Illegal Accessory Structure</u>	<u>\$200.00</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Based on the observations made during this inspection, the following is a summary of the conditions and violations noted during the inspection.

- In August of 2021 you were informed multiple times that there is one or more sheds located on your property that are over 7 feet in height and are located within the 5 foot setback for the fence, in violation of Roseville city code.

CORRECTIONS REQUIRED:

- Please alter, re-position, reconfigure, or remove the structures to bring your property into compliance with Roseville city code.

WARNING

THIS IS A WARNING: IF THE ABOVE VIOLATIONS ARE NOT CORRECTED BEFORE 11/15/2021, AN ADMINISTRATIVE CITATION PENALTY OF \$200.00 FOR EACH VIOLATION WILL BE ISSUED. ADDITIONAL CITATIONS MAY BE ISSUED FOR EACH DAY THE VIOLATION EXISTS.

Please call me at (916) 774-**5332** if you have any questions regarding enforcement in this matter.

SIGNED: _____

DATE: 10/25/2021

Alan Rogers
Code Enforcement Inspector I

cc: Attorney

CITY OF ROSEVILLE
NOTICE OF CITATION

20848

Date	7-18-2023	Time	7:15 AM	Day of Week	Tuesday
Name (First, Middle, Last) Rick Lopes					
Residence Address 2613 Roxby Wy Roseville CA 95747					
Business Address					
Driver's Lic. No.			State	Class	Date of Birth
Sex M F	Hair	Eyes	Height	Weight	Decent Age
Description of Animal (If Applicable) Breed: Color: Age: Sex:					
Vehicle Make			License #:		
Model:			Year:		
Location of Violation 2613 Roxby Wy Roseville CA. 95747					
Date / Time of Violation July 17, 2023 8:26 AM					
Code / Ordinance			Description of Violation 19.22.030 Unauthorized Accessory Structure		
☐ VIOLATIONS NOT COMMITTED IN MY PRESENCE, CERTIFIED ON INFORMATION AND BELIEF.					
I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA, THAT THE FOREGOING IS TRUE AND CORRECT.					
Date: 7-18-2023		Issuing Officer: Badge No.		22514	
COMPLAINING PARTY					
X Signature: 					
I HEREBY ACKNOWLEDGE RECEIPT OF THIS CITATION.					
X Signature:					
YOU DO NOT NEED TO DO ANYTHING AT THIS TIME. YOU WILL RECEIVE NOTICE BY MAIL WITHIN 14 DAYS. CITY ATTORNEY'S OFFICE (916) 774-5325					
1 - City Attorney Copy 2 - Defendant Copy 3 - Issue Dept Copy					

Title 19. Zoning

Article III. General Development Regulations Chapter 19.20

Chapter 19.22. ACCESSORY USES AND STRUCTURES

§ 19.22.030. Accessory structures.

19.22.030 Accessory structures.

3. **Enclosed structures** are subject to the following requirements:

b. Greater than seven feet in height:

- i. The maximum height is 15 feet and one story;
- ii. The minimum setback is 5 feet from the rear and side property lines;
- iii. The minimum setback is 12.5 feet from the back of sidewalk or edge of right-of-way on corner lots; and
- iv. For each foot in height above 10 feet, the required setback, except for the front yard setback, shall be increased by one foot."



REQUEST FOR HEARING

Appeal of Administrative Citation

Name: Rick Lopes

Address: 2613 Roxby Way
Roseville, CA 95747

RECEIVED
AUG 18 2023
ROSEVILLE
CITY ATTORNEY

Mailing Address: ☒ Same as above

Phone Number: _____

Email: _____

Citation Number: 12173 Date of Citation: 7-21-2023

Reason for Appeal:

(Include all information and evidence to support your appeal here. Attach additional pages if necessary.)

After review of the code, it does not specify which side of the fence to measure.

On a similar section, it states you must measure from the higher of the two sides,

which the officer did not do. Me neighbors lot is higher and I am within the 7 feet

from their side of the fence.

Signature of Appellant: _____

Date: 8-17-23

**Please return this form along with a copy of the citation
no later than 30 days after the date of your citation notification letter to:**

City of Roseville
City Attorney's Office
311 Vernon Street
Roseville, CA 95678
(916) 774-5325 • FAX (916) 773-7348



BOARD OF APPEALS COMMUNICATION

Title: Administrative Citation Appeal Hearing - Ryley Hoffman - Citation No.: 20897 (Case No.: 12247)
Contact: Kelly Aye 916-774-5325 kaye@roseville.ca.us

Meeting Date: 12/12/2023
Item #: 5.3.

RECOMMENDATION

Consider the appeal by Ryley Hoffman for the following violations:

4.25.080, Short Term Rental - No Permit

Total Fine Amount: \$100

§ 4.25.080. Performance standards.

A short-term rental shall be subject to the following conditions and criteria:

- A. No permittee shall, for compensation, provide lodging for more than six people at any time in a short-term rental.
- B. No permittee may rent an accessory dwelling unit or junior accessory dwelling unit on a short-term basis.
- C. All eligible short-term rentals shall be located on a parcel developed with the permittee's primary residence and shall not be rented for more than 182 days per year as a short-term rental.
- D. Prior to issuance of a short-term rental permit, the permittee shall notify all owners of property, as shown on the most recent secured assessor's roll, within 200 feet of the permitted short-term rental involved in the application. The notice shall be in writing and contain the location of the short-term rental and the contact information for the permittee and the permittee's designated secondary contact.
- E. The permittee or designated secondary contact must be able to be onsite and respond to any complaints within 30 minutes of notification, regardless of time of day.
- F. All parking associated with the operation of the short-term rental shall be onsite or located in front of the subject parcel.
- G. A permittee shall post a copy of the short-term rental permit in a conspicuous place in each room in which a lodger is expected to sleep.

H. All persons operating a short-term rental shall identify the city short-term rental permit number in any advertisement for that rental.

I. No permittee shall allow any conferences, weddings, fundraisers, or similar gatherings at the short-term rental. Additionally, no permittee shall allow any special event that would otherwise require a city permit.

J. No permittee shall post on the exterior of the short-term rental or the parcel where the short-term rental exists, any sign or writing visible from the exterior of the short-term rental indicating that the dwelling is available for rent.

K. All short-term rentals shall comply with any and all federal, state, and/or local laws, including, without limitation, all zoning requirements and the California Building Standards Code and Fire Code, as adopted by the City of Roseville.

L. No permittee shall rent a short-term rental to anyone under the age of 18 years old. It shall be the responsibility of the permittee to verify the age of the person renting the short-term rental.

(Ord. 6029 § 1, 2018; Ord. 6245 § 3, 2020)

6.04.040, No Valid Business License

Total Fine Amount: \$100

§ 6.04.040. License and tax payment required.

There are imposed upon the businesses, trades, professions, callings and occupations specified in this chapter, license taxes in the amounts hereinafter prescribed. It is unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the city without first having procured a license from said city so to do and paying the tax hereinafter prescribed or without complying with any and all applicable provisions of this chapter.

This section shall not be construed to require any person to obtain a license prior to doing business within the city if such requirement conflicts with the constitutions or statutes of the United States or the State of California. Persons not so required to obtain a license prior to doing business within the city nevertheless shall be liable for payment of the tax imposed by this chapter.

(Prior code § 14.4; Ord. 1275 § 1, 1974)

BACKGROUND

On 07/14/2023, HDL mailed out Notice of Noncompliance asking the property owner to apply for and complete a Short-Term Rental application within 30 days. **This is shown in Exhibit A.** On August 14, 2023, the City of Roseville Code Enforcement received a complaint from HDL for property listing on Airbnb operating without proper permits. I was able to research the property being listed for up to 10 people in which City of Roseville does not allow. I performed a site inspection and upon arrival, a male adult was walking out the front door when I approached him and asked if this property is an Airbnb rental. He responded yes, so I mailed out a courtesy notice to the property owners to contact HDL and obtain valid permits. **This can be seen in Exhibit B.**

After the courtesy notice was issued, we received a second complaint about this property for violating Airbnb guidelines. On September 15, 2023, I verified that no valid permits were on file and the listing was still up and running, so I mailed out an administrative Citation Warning to Ryley Hoffman stating, "must cease operate business until all permits are updated and in order."

On October 05, 2023, I verified the property was still in not in compliance, so I issued first citation 20897 for no valid short-term rental permits and having an active listing on Airbnb. After 10 weeks of non-compliance, I received an email from Ryley stating he changed the Airbnb listing to monthly only. I verified and closed the short-term rental case against the property on October 26, 2023. Citation No. 20897 is under appeal.

Respectfully Submitted,

Saul Chacon

Code Enforcement Inspector II

ATTACHMENTS:

Description

Exhibit A

Exhibit B

Citation

4.25.080

6.04.040

Appeal

EXHIBIT A

RYLEY HOFFMAN

108 CHESTERFIELD WAY

FOLSOM, CA 95630-5500

July 14, 2023

Dear Lodging Provider,

The City of Roseville recently contracted with HdL Lodging Tax to administer Transient Occupancy Tax (TOT) in the city, including Short-Term Rental (STR) compliance. As part of the STR compliance effort, the City has become aware that you may be leasing, renting, or advertising your property at 1968 SAINT BASIL CIR ROSEVILLE, CA 95747-4846, on a short-term basis as a vacation rental or similar activity. As a lodging provider, property owners are required to follow local laws regarding this activity as well as collect the City's TOT from guests.

City records indicate you are not currently registered and reporting Transient Occupancy Taxes to the City in accordance with the City's Ordinance. Although property owners are liable to pay back, the City is currently offering a conditional amnesty to those who register and begin filing within the grace period.

You must respond to this Notice of Non-compliance within **30 days** of the date of this letter **regardless of whether or not you would like to continue to operate your business**. Once your response is reviewed, you will receive information and instructions on next steps to either remit tax or close your business. To access and respond to this notice, please follow the steps below:

1. Visit <https://roseville.hdlgov.com> to get started.
2. Under "TOT Portal," select "Go to TOT Portal."
3. On the main page, select "Respond to a Notice of Non-compliance."
4. You will be prompted to enter your account information found below: Account: 00848691
PIN: 265628
5. To complete the application, you must fill in all required fields and click "Submit."

Please read the Frequently Asked Questions document provided on the website linked above as it will provide basic understanding of how to collect, file, and remit your tax payments.

For questions or assistance, please contact us by email at rosevilleTOT@hdlgov.com or by phone at (916) 226-5207 Monday - Friday from 8:00am to 5:00pm.

EXHIBIT B

Roseville Resort w/ Salt Water Pool & Spa

★ 5.0 · 3 reviews · Roseville, California, United States

Share Save



Entire home hosted by Jeffery

10 guests · 5 bedrooms · 6 beds · 3 baths



\$620 night

★ 5.0 · 3 reviews

CHECK-IN
10/10/2023

CHECKOUT
10/15/2023

Dedicated workspace



Hosted by Jeffery

Joined in February 2018

★ 754 Reviews Identity verified

Jeffery & his wife Danielle love to create fresh and comfy spaces for travelers to enjoy when away from home. A comfy bed, large screen smart TV and plenty of coffee is a must in every space!

Co-Hosts



Sejin

During your stay

Around to help if needed.

Language: English

Response rate: 100%

Response time: within an hour

Contact Host

To protect your payment, never transfer money or communicate outside of the Airbnb website or app.

Things to know

House rules

Check-in after 3:00 PM

Checkout before 11:00 AM

10 guests maximum

Show more >

Safety & property

Carbon monoxide alarm

Smoke alarm

Show more >

Cancellation policy

Free cancellation before Sep 10.

Review the Host's full cancellation policy which applies even if you cancel for illness or disruptions caused by COVID-19.

Show more >

CITY OF ROSEVILLE
NOTICE OF CITATION

20897

Date	10/06/2023	Time	8:00AM	Day of	Friday
Name (First, Middle, Last)					
Ryley Hoffman					
Residence Address					
108 Chestertonfield way Folsom, CA 95630					
Business Address					
Driver's Lic. No.			State	Class	Date of Birth
Sex M F	Hair	Eyes	Height	Weight	Decent
Age					
Description of Animal (If Applicable)					
Breed:		Color:	Age:	Sex:	
Vehicle Make			License #:		
Model:			Year:		
Location of Violation					
1968 Saint Basil cir Roseville, CA 95747					
Date / Time of Violation					
10/05/2023 3:00PM					
Code / Ordinance			Description of Violation		
4.25.080 RMC					
NO short-term Rental Permits					
6.04.040 RMC					
NO valid Business License					
☐ VIOLATIONS NOT COMMITTED IN MY PRESENCE, CERTIFIED ON INFORMATION AND BELIEF.					
I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA, THAT THE FOREGOING IS TRUE AND CORRECT.					
Date:		Issuing Officer:		Badge No.	
10/06/2023				22502	
COMPLAINING PARTY					
X Signature: 					
I HEREBY ACKNOWLEDGE RECEIPT OF THIS CITATION.					
X Signature:					
YOU DO NOT NEED TO DO ANYTHING AT THIS TIME. YOU WILL RECEIVE NOTICE BY MAIL WITHIN 14 DAYS. CITY ATTORNEY'S OFFICE (916) 774-5325					
1 - City Attorney Copy 2 - Defendant Copy 3 - Issue Dept Copy					

Title 4. Revenue and Finance

Chapter 4.25. SHORT-TERM RENTALS

§ 4.25.080. Performance standards.

A short-term rental shall be subject to the following conditions and criteria:

- A. No permittee shall, for compensation, provide lodging for more than six people at any time in a short-term rental.
- B. No permittee may rent an accessory dwelling unit or junior accessory dwelling unit on a short-term basis.
- C. All eligible short-term rentals shall be located on a parcel developed with the permittee's primary residence and shall not be rented for more than 182 days per year as a short-term rental.
- D. Prior to issuance of a short-term rental permit, the permittee shall notify all owners of property, as shown on the most recent secured assessor's roll, within 200 feet of the permitted short-term rental involved in the application. The notice shall be in writing and contain the location of the short-term rental and the contact information for the permittee and the permittee's designated secondary contact.
- E. The permittee or designated secondary contact must be able to be onsite and respond to any complaints within 30 minutes of notification, regardless of time of day.
- F. All parking associated with the operation of the short-term rental shall be onsite or located in front of the subject parcel.
- G. A permittee shall post a copy of the short-term rental permit in a conspicuous place in each room in which a lodger is expected to sleep.
- H. All persons operating a short-term rental shall identify the city short-term rental permit number in any advertisement for that rental.
- I. No permittee shall allow any conferences, weddings, fundraisers, or similar gatherings at the short-term rental. Additionally, no permittee shall allow any special event that would otherwise require a city permit.
- J. No permittee shall post on the exterior of the short-term rental or the parcel where the short-term rental exists, any sign or writing visible from the exterior of the short-term rental indicating that the dwelling is available for rent.
- K. All short-term rentals shall comply with any and all federal, state, and/or local laws, including, without limitation, all zoning requirements and the California Building Standards Code and Fire Code, as adopted by the City of Roseville.
- L. No permittee shall rent a short-term rental to anyone under the age of 18 years old. It shall be the responsibility of the permittee to verify the age of the person renting the short-term rental.

(Ord. 6029 § 1, 2018; Ord. 6245 § 3, 2020)

Title 6. Business Licenses

Chapter 6.04. BUSINESS LICENSES

§ 6.04.040. License and tax payment required.

There are imposed upon the businesses, trades, professions, callings and occupations specified in this chapter, license taxes in the amounts hereinafter prescribed. It is unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the city without first having procured a license from said city so to do and paying the tax hereinafter prescribed or without complying with any and all applicable provisions of this chapter.

This section shall not be construed to require any person to obtain a license prior to doing business within the city if such requirement conflicts with the constitutions or statutes of the United States or the State of California. Persons not so required to obtain a license prior to doing business within the city nevertheless shall be liable for payment of the tax imposed by this chapter.

(Prior code § 14.4; Ord. 1275 § 1, 1974)

View

[Edit](#)

Administrative Citation Appeal – Request For Hearing 2023-10-27 06:03 PM(PST)

Completely fill out all required information prior to submitting. The City Attorney's office will contact you once a hearing date has been set.

Submissions received later than 30 days after the date of the citation notification letter will not be accepted pursuant to Roseville Municipal Code § 2.50.060.

***Name:**

***Citation Number:**

***Home Address:**

***City**

***Zip**

Mailing Address (if different from above):

***Phone Number:**

***Email:**

We have a valid business license: Account # 00850195
We are not operating a short-term rental, we only accept stays over 31
days, see ad: [https://www.airbnb.com/rooms/892264210950560770?](https://www.airbnb.com/rooms/892264210950560770?source_impression_id=p3_1698454858_1VaxyCzCzT0DdKT8)
source_impression_id=p3_1698454858_1VaxyCzCzT0DdKT8

***Reason
for
Appeal:**

- ☒ By checking this box, I certify that I am the individual named on the citation and am appealing the administrative citation issued to me.
- ☒ I certify under penalty of perjury that the information above is true and correct to the best of my knowledge.

Submit

Cancel