



# RESOLUTION No. 20-042

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### **RESOLUTION MAKING FINDINGS, ACCEPTING THE APPEAL FILED BY LARRY AND CHERYL ANDRESEN TO A DECISION OF THE DEPARTMENT OF PUBLIC WORKS' ISSUANCE OF A NOTICE OF ENCROACHMENT PERMIT VIOLATION REGARDING UNPERMITTED WORK THAT OCCURRED IN THE COUNTY RIGHT OF WAY ON FLORISTON AVENUE, AND SCHEDULING A PUBLIC HEARING**

WHEREAS, on December 20, 2019, Nevada County Department of Public Works issued a Notice of Encroachment Permit Violation to Larry Andresen to cease and desist for unpermitted work in the County right of way on Floriston Avenue; and

WHEREAS, the Notice of Encroachment Permit Violation included a fine for a total cost of \$1,070.02 that may be appealed to the Board of Supervisors by filing a statement of appeal with the Clerk of the Board within 30 days of the date of the letter; and

WHEREAS, the Notice of Encroachment Permit Violation included revisions to the encroachment permit application; and

WHEREAS, Section G-IV 4.A.15.1 of the General Code provides any decision denying the issuance of an encroachment permit or any decision to revise, suspend or to revoke a permit is appealable to the Board of Supervisors and shall be scheduled and decided in accordance to Section L-II 5.12 of the Land Use and Development Code, and

WHEREAS, Section G-IV 4.A.43 of the General Code provides for an appeal for Cost of Enforcement; and

WHEREAS, on January 17, 2020, Appellants Larry and Cheryl Andresen filed a timely appeal of the Department of Public Work's decision.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada that:

1. Appellants are interested parties who have standing to appeal the Department of Public Works' Notice of Encroachment Permit Violation and associated fine thereof; and
2. Appellants' appeal of the Department of Public Works' Notice of Encroachment Permit Violation was timely filed within 30 days of the date of the Notice pursuant to Section G-IV 4.A.43 of the General Code, and satisfies the minimum requirements set forth in Section L-II 5.12.F of the Nevada County Land Use and Development Code; and

3. Appellants' appeal of the Department of Public Works' Notice of Encroachment Permit Violation and associated fine for unpermitted work in the County right of way on Floriston Avenue is accepted and the Clerk of the Board is directed to schedule a Public Hearing on this appeal to be determined at a later date at the Nevada County Board Chambers at 950 Maidu Avenue, Nevada City, CA 95959.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 11th day of February, 2020, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller and Susan K. Hoek.

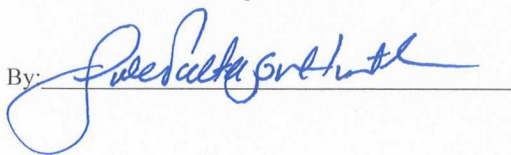
Noes: None.


Absent: None.

Abstain: Richard Anderson.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By:   
\_\_\_\_\_

  
\_\_\_\_\_  
Heidi Hall, Chair

2/11/2020 cc: COB  
DPW\*  
Appellants