

**TOWN OF SAN ANSELMO
RESOLUTION NO. 3410**

**A RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL
DECLARING THE HOME BUSINESS, UNITED SINGERS
INTERNATIONAL, AT 13 SHEILA COURT, OWNED AND
OPERATED BY JOHN NEAL AND DONALD GOODING
(PROPERTY OWNER) UNLAWFUL AND A PUBLIC NUISANCE
AND SAID BUSINESS SHALL CEASE OPERATION ON OR
BEFORE JANUARY 31, 1998.**

BE IT RESOLVED by the San Anselmo Town Council as follows:

WHEREAS, the Town allows home businesses to operate in residential areas when in compliance with the following regulations (SAMC §10-3.1701):

10-3.1701 Home Business

- 1. Not more than one person who is not a principal resident of the residential unit shall be employed;**
2. Is to be conducted wholly within the main residence, and not conducted within a garage, carport or accessory structure;
- 3. Shall not increase vehicular traffic on the street on which the residential unit is located by more than four (4) individual visits per day, and which does not increase the parking demands on the street on which the residential unit is located;**
4. Shall not include outdoor display or storage or signage; and
5. Shall not create noise levels exceeding levels permitted by SAMC Chapter 7 of Title 4 and which does not create dust, vibration, odor, smoke, fumes, glare, electrical interference, fire hazards, nuisances or disturbances;

WHEREAS, Town Council adopted Resolution 3392 declaring the business owned and operated by John Neal at 13 Sheila Court, to be a Public Nuisance, on June 24, 1997;

WHEREAS, the following events have been documented by Staff since this Resolution was adopted:

- June 24, 1997 – Town Council adopts Resolution No. 3392 declaring the business at 13 Sheila Court, a Public Nuisance. Neal is given 30 days to comply.

- June 25, 1997 – Site investigation, Neal plus two employees present, two cars in driveway. Another lady loads objects into minivan parked out front, not sure if this is business related. Neal states his intent to comply with the regulations by reducing staff and adding one employee as a principle resident of the house. Neal states she is in the process of moving in
- July 16, 1997 – Neighbor on the court phones for status of business. Staff informs of Neal's intent to comply.
- July 24, 1997 – 30 day period over, business must be in compliance.
- July 25, 1997 – Site inspection (photos). Neal and one employee are present; other resident is not there. It appears that a workstation has been removed, seems to be in compliance.
- August 7, 1997 – 1) Neighbor on the court calls in a complaint, counts three deliveries (RPS, UPS & FedEx) and two employees.
- August 20, 1997 – Site investigation (2:50 to 3:55 p.m., photos). Three cars in driveway, two other business related trips. Observation only, did not approach or converse to anyone.
- September 16, 1997 – Neighbor on court call in a complaint. States that 2 cars in driveway, others park on Butterfield and walk through the path between Butterfield and Angela, and delivery vehicles. Also states that another neighbor was irritated and made a visit to Neal, he counted three people in addition to Neal.
- September 17, 1997 – Site investigation (2:00 –3:00 p.m.) Three cars in driveway, one other in street and a UPS delivery are observed. The other car, a teal 4-door Chevrolet, is later identified to be associated with the business.
- October 1, 1997 – Neighbor on court complains that nothing has changed.
- October 21, 1997 – Notice of violation sent to Neal (attached).
- October 22, 1997 – Site investigation (10:50 a.m. to 12:05 p.m. and 1:30 to 2:45 p.m., photos) Seven trips are observed including two deliveries. One of these deliveries was a large diesel tractor/single trailer rig that could not negotiate the court.

Site inspection - (AM) five people present in business area, Neal is not there. Alleged other principle resident states she does not have permanent residence at 13 Sheila Court. (PM) Six people present including Neal. Neal is warned of violations (employees, trips) and that a hearing is to occur.

Neal's attorney, Steve Keston, calls to discuss site inspection.

- October 24, 1997 – Neighbor on court call to complain, reports employees are using carpooling.
- October 29, 1997 – Neighbor on court complains of trips and employees.
- October 30, 1997 – Neighbor on court reports 2 couriers and 4 employees.
- November 4, 1997 – Site posted with Notice of Public Nuisance Hearing.

WHEREAS, Donald Gooding is the property owner of record;

WHEREAS, John Neal continues to employ more than one person who is not a principle resident of the 13 Sheila Court;

WHEREAS, the subject business continues to generate more than four trips per day;

WHEREAS, SAMC §10-3.2603 states that any person violating any provision of Chapter 10-3 shall be guilty of a misdemeanor;

WHEREAS, SAMC §10-3.2604 states that any use of property contrary to Chapter 10-3 shall be unlawful and a public nuisance;

WHEREAS, SAMC §1-2.05 allows the Council to direct the owner of the property at 13 Sheila to abate said business by removal within a reasonable period of time;

WHEREAS, Steven Keston, Attorney for John Neal submitted a letter (Exhibit A) on November 10, 1997, consenting to total removal of said business at 13 Sheila Court to a date no later than January 31, 1998;

WHEREAS, John Neal, through his attorney, has agreed to provide bi-weekly status reports on relocation efforts except for the period of December 20, 1997 and January 15, 1998;

* * * *

NOW, THEREFORE BE IT RESOLVED that the Town Council of San Anselmo declares the business conducted at 13 Sheila Court a public nuisance and hereby directs the business owners, John Neal and Donald Gooding, to abate by removal of, including but not limited to, all associated equipment, products and employees, and to enjoin from activities related to the business, from the prescribed premises which are not permitted by SAMC 10-3.1701. Business shall only re-establish itself within a properly zoned parcel of land if located in San Anselmo, compliance at this site is no longer an option.

That the property owner shall abate the described business on or before January 31, 1998, pursuant to the provisions of the letter submitted November 10, 1997 by Attorney Keston (Exhibit A).

If said abatement has not been completed within the time prescribed above, the Town Council hereby authorizes the Town Attorney to begin legal action to cause abatement, following verification of the Planning Director that the violation(s) and public nuisance still exists.

The property owner or any other person wishing to contest the validity of these proceedings in a court of law must do so within thirty (30) days of after adoption of this Resolution or all objections shall be deemed waived and all legal action thereafter shall be barred.

PASSED AND ADOPTED by the San Anselmo Town Council at a regularly scheduled meeting held on the 12th day of November, 1997, by the following vote:


AYES: Kroot, Chignell, Hodgens, Breen

NOES: none

ABSTAIN: none

ABSENT: Overberger

* * * *



Jeff Kroot, Mayor

ATTEST:



Debbie Stutsman, Town Clerk