



County of Lassen  
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

November 30, 2018

Maurice L. Anderson, Director  
707 Nevada Street, Suite 5  
Susanville, CA 96130-3912  
Phone: 530 251-8269  
Fax: 530 251-8373  
email: landuse@co.lassen.ca.us  
website: www.co.lassen.ca.us

TO: Board of Supervisors  
Agenda Date: December 11, 2018

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director,  
Acting Building Official

*M L Anderson*

SUBJECT: Appeal, filed by Kira Esparza, of a \$3,167.75 penalty for initiating construction of an accessory structure prior to securing the required building permit. Located at 708-620 Pine Street, Janesville, CA 96114; Assessor Parcel Number 129-060-26.

ACTION REQUESTED:

1. Consider the appeal; and
2. Approve or deny the appeal.

SUMMARY:

An appeal (attached) of a penalty assigned pursuant to section 12.24.070 of the Lassen County Code (attached) has been filed in accordance with said section. The penalty was applicable because the property owner initiated construction of an accessory structure prior to securing the required building permit. Specifically, a foundation and framing for the accessory structure had been constructed without a permit (see attached photographs). Lassen County Code Section 12.24.070 states that for structures built without permits in excess of one thousand square feet, the fee specified in Lassen County Code Section 3.18.090 shall be six times the normal fee. The accessory structure is 1,008 square feet. Consequentially, the penalty assigned was \$3,167.75, and, in accordance with subsection "c" of the above section, an appeal may be filed "...in accordance with Chapter 12.22 of the Lassen County Code."

Chapter 12.22 authorizes the filing of an appeal within ten days of "...an order, decision or determination..." being made by the building official. However, as detailed in the attached letter from the Department dated November 15, 2018, the applicant was not informed of this ten-day appeal period when the above penalty was paid (for BP2018-097). As such, said letter provided ten days to file an appeal. In turn, an appeal was properly filed on November 19, 2018.

The Board of Supervisors has established a Board of Appeals (at Chapter 12.22 of County Code) to consider appeals such as this one. However, recruitment for members of the Board of Appeals has recently resulted in no applicants. Therefore, in accordance with section 1.8.8.1 of the California Building Code (Title 24 of the California Code of Regulations Part 2, Volume 1) the governing body is required to serve as the Board of Appeals.

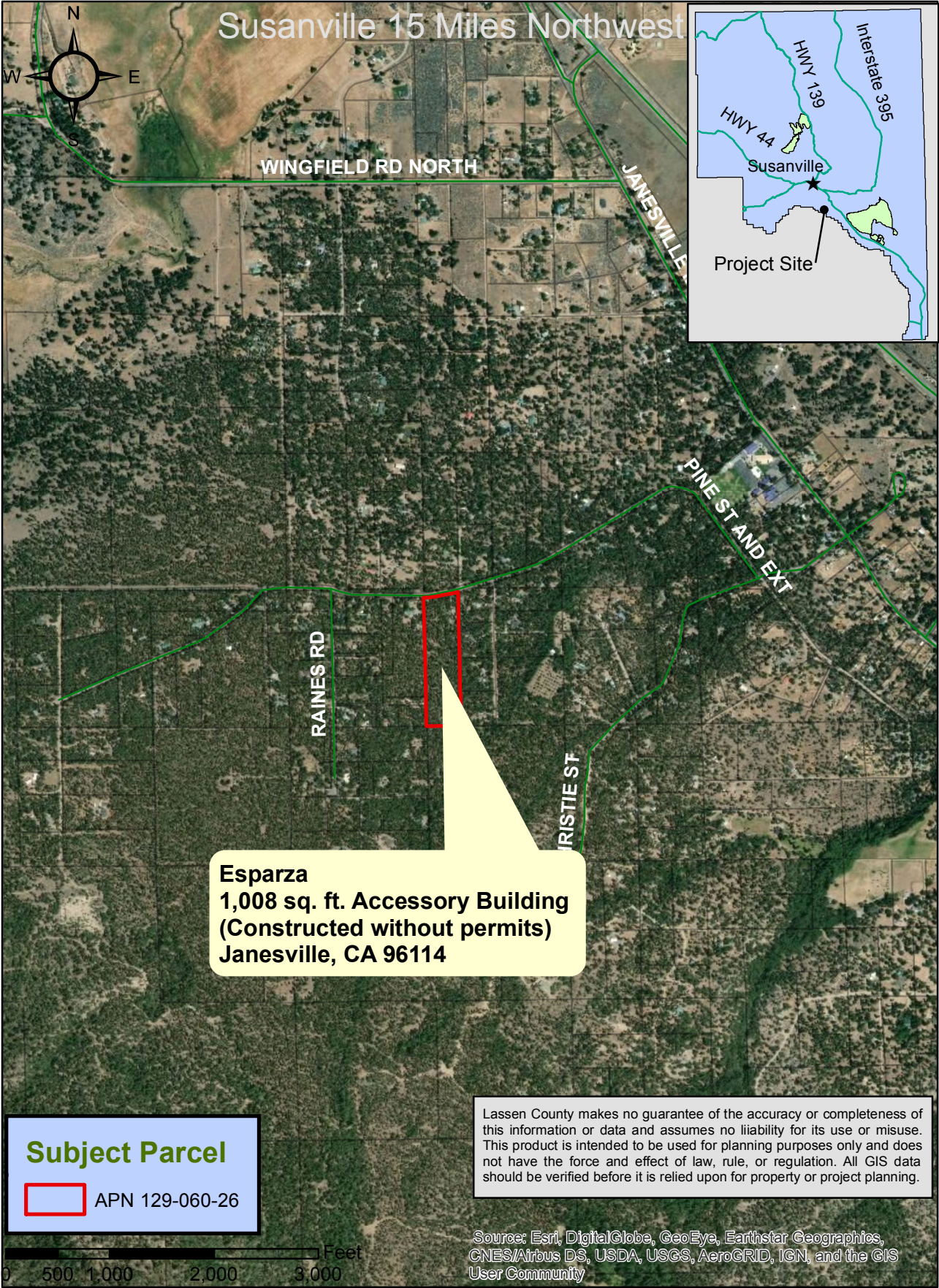
As stated above, the penalty was assigned as a result of the initiation of construction of an accessory structure without a building permit. The following is a summary of some of the pertinent dates for this project:

- The property owner was provided notice to stop work on the accessory structure on September 11, 2018 (see attached letter).
- On October 11, 2018, the applicant submitted a building permit (attached) and design review application.
- On October 16, 2018, the Architectural Review Committee approved the design of the accessory structure.
- On November 8, 2018, the building permit was issued (it was at this point that the penalty was collected).
- On November 15, 2018, the applicant was informed of their right to file an appeal within 10 days of said letter.
- An appeal was filed on November 19, 2018. In said appeal letter, the appellant provides their justification for waiving the penalty (see attached appeal letter).

MLA:gfn  
Enclosure

Pla/admin/files/1400/01/2018/BP2018-097 Esparza/ Board letter

# Appeal Fine for Construction Without Permits, Esparza



November 19, 2018

To whom it may concern,

I am writing this letter regarding the fine that I have received for the accessory building on our property. I am appealing this fine and asking that the amount of \$3,167.75 be waived.

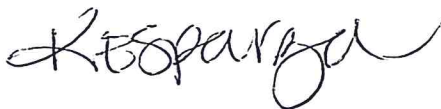
I understand that we began to build an accessory building on our property without following the proper steps to obtaining a permit. I had asked around to a few people that I had met that had built buildings on their property. I was under the impression that with a slab of concrete and pier walls that a permit was not needed. With the slope of the land and the location of the building, it was difficult to do the pier walls. As soon as I received the red tag on my building, I stopped work and called the number on the tag to cooperate with everything needed to be done. I have had a building plan drawn and submitted, I have had trusses contracted to be built and have paid all fees associated with this project.

If I may explain a little about myself and my family. I am a 25-year long resident of Lassen county. I have gone to elementary school, high school and college here. Growing up I was a part of 4-H, I raised and sold pigs for the junior livestock auction for many years. I work at our local hospital. My husband has been employed with our locally owned grocery store for well over a decade. We own multiple properties in the area and maintain the areas with pride for our town and county. We have 2 kids, one of which has autism and struggles daily. I hope to raise my children in Lassen county the way I was raised. My father in law sold his house in the bay area and used the money to help us to buy this beautiful property that we now live on.

I sincerely apologize for any inconveniences I know I have caused with my neglect to follow the appropriate steps. However, I do feel that the amount applied for the penalty is excessive. I once again ask that you reconsider the high amount that I have been fined. I understand that this high amount was newly implemented, and I have been told that I am the first person to receive this fine. This high amount is unjust and leaves a large financial burden on finishing this project.

Thank you for your time.

Sincerely,



Kira Esparza  
708-620 Pine St.  
Janesville, Ca 96114  
Permit number BP2018-097

RECEIVED

NOV 19 2018

Lassen County Department of  
Planning and Building Services

RECEIVED

NOV 19 2018

Lassen County Department of  
Planning and Building Services

Lassen County Code							
<a href="#">Up</a>	<a href="#">Previous</a>	<a href="#">Next</a>	<a href="#">Main</a>		<a href="#">Search</a>	<a href="#">Print</a>	<a href="#">No Frames</a>

[Title 12 BUILDINGS AND CONSTRUCTION](#)

[Article I. Building Code](#)

[Chapter 12.24 BUILDINGS PERMITS](#)

### **12.24.070 Work commenced without permit.**

(a) When work that requires a building permit pursuant to this article or the California Building Standards Code (Title 24 of the California Code of Regulations) is initiated prior to securing the required building permit, the fee specified at Lassen County Code Section 3.18.090 shall be two times the normal fee. If the work that requires a building permit includes construction of a structure of any type, the fee specified at Section 3.18.090 shall remain two times the normal fee for structures between one hundred twenty and two hundred square feet. For structures between two hundred and one thousand square feet, the fee shall be four times the normal fee, and for structures over one thousand square feet, the fee specified in Section 3.18.090 shall be six times the normal fee.

(b) Work performed without a permit by or under the control of a prior owner is not subject to the penalty described herein but any subsequent owner is required to secure a permit for any unpermitted work in a timely manner when ordered to do so by the building official.

(c) The determination regarding the request to waive or reduce the penalty may be appealed in accordance with Chapter 12.22 of the Lassen County Code. (Ord. 2018-006 § 2; Ord. 427 § 6(G), 1977; Ord. 416 § 6(G), 1974; Ord. 369 § 6(G), 1965).

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View the [mobile version](#).

Lassen County Code							
<a href="#">Up</a>	<a href="#">Previous</a>	<a href="#">Next</a>	<a href="#">Main</a>	<a href="#">Collapse</a>	<a href="#">Search</a>	<a href="#">Print</a>	<a href="#">No Frames</a>
<a href="#">Title 12 BUILDINGS AND CONSTRUCTION</a>							
<a href="#">Article I. Building Code</a>							

## Chapter 12.22 BOARD OF APPEALS

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### **12.22.010 Establishment.**

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A board of appeals is hereby established pursuant to Section 113.3 and Section 1.8.8 of the California Building Code, with additions and modifications as set forth in this chapter. The board shall be appointed by the board of supervisors and meet on an as-needed basis, to serve for the duration of the appeal under consideration. Each board member shall be paid a stipend set by the board of supervisors. (Ord. 2017-007 § 2).

### **12.22.020 Board composition.**

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The board of appeals shall consist of three members who shall be knowledgeable in the applicable building codes, regulations and ordinances, such as a civil engineer, general contractor, plumbing contractor, electrical contractor, disabled person and a lay person, as determined by the board of supervisors. Appeal board members shall not be employees of Lassen County.

The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. (Ord. 2017-007 § 2).

### **12.22.030 Duties.**

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The duties of the board of appeals shall be to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the uniform codes. (Ord. 2017-007 § 2).

### **12.22.040 Procedure for appeal.**

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Any person wishing to appeal an order, decision or determination made by the building official may file with the secretary of the board of appeals within ten days of such order, decision or determination, a written appeal specifically setting forth the grounds for appeal. The secretary of the board of appeals shall set a hearing date and convene the board of appeals within thirty days of receiving an appeal request. The secretary of the board of appeals shall give notice to the appellant at least ten days prior to the hearing. Said board shall render its decision and a copy of the decision shall be mailed to the appellant within thirty days after the hearing is closed. The board of appeal decision is final. (Ord. 2017-007 § 2).

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View the [mobile version](#).



# County of Lassen

## Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

November 15, 2018

Maurice L. Anderson, *Director*

707 Nevada Street, Suite 5

Susanville, CA 96130-3912

Phone: 530 251-8269

Fax: 530 251-8373

email: landuse@co.lassen.ca.us

website: www.co.lassen.ca.us

Andrew Esparza  
708-620 Pine Street  
Janesville, CA 96114

Zoning & Building

Inspection Requests

Phone: 530 257-5263

Re: Penalty for BP2018-097;  
Assessor Parcel Number 129-060-26;  
708-620 Pine Street  
Janesville, CA 96114

Dear Mr. Esparza:

This letter is in regard to the above referenced building permit, for construction of an accessory structure. Construction was initiated prior to securing a building permit. Section 12.24.070 of Lassen County Code establishes a penalty because said work was initiated prior to securing a building permit. In accordance with said section, a \$3,167.75 penalty was assigned and has been paid by you with your submittal of BP2018-097.

### APPEAL RIGHTS:

Subsection "c" of Lassen County Code section 12.24.070 states: "The determination regarding the request to waive or reduce the penalty may be appealed in accordance with Chapter 12.22 of Lassen County Code." Lassen County Code section 12.22.040 states in part: "Any person wishing to appeal an order, decision or determination made by the building official may file with the secretary of the board of appeals within ten days of such order, decision or determination, a written appeal specifically setting forth the grounds for appeal."

You have until November 26, 2018, to file an appeal of the penalty assigned for BP2018-097. Section 12.22.040 requires submittal of a written appeal to the Building Official specifically setting forth the grounds for the appeal. Said appeal must be filed with the Secretary of the Board of Appeals (e.g. the Building Official) in this Office. Our Office hours are 7:00 a.m. through noon and 1:00 p.m. through 4:00 p.m. Monday through Friday (excluding County holidays), and our address is indicated on this letterhead. Lassen County Code Section 12.24.070 and Chapter 12.22 are attached for reference.

Please contact Assistant Director Gaylon Norwood at (530) 251-8269 if you have any questions.

Sincerely,

Maurice L. Anderson, Director

✓ Acting Building Official

MLA:gfn  
Enclosure

s/pla/admin/files/1400/01/2018/129-060-26 Esparza 11-15-18

# LASSEN COUNTY DEPARTMENT OF PLANNING AND BUILDING SERVICES

707 Nevada Street, Suite 5 Susanville, CA 96130  
(530) 251-8269 - www.co.lassen.ca.us

PERMIT No.: BP2018-097

**INSPECTION REQUESTS:**  
(530) 257-LAND (257-5263)

**APPLICANT COMPLETES**

ASSESSOR PARCEL NUMBER: 129-060-26-11	OLD ASSESSOR PARCEL NUMBER:	PARCEL SIZE: 9.00
JOB ADDRESS: 708-620 PINE ST, JANESVILLE		
OWNER: ESPARZA, ANDREW JR &	TELEPHONE No: 250-7164	
MAILING ADDRESS: 708-620 PINE ST JANESVILLE, CA 96114		
CONTRACTOR: OWNER / BUILDER	LICENSE No: OWNER/BUILDER	
MAILING ADDRESS: See Owner's address, X CA 00000	TELEPHONE No: 530-310-5559	

DEED REFERENCE: BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_ YEAR: 2016 DOC #: 01623 INIT: PH

ZONING: A-2-B-4 FLOOD ZONE "X" 06035C2225D

SETBACKS: FRONT: 30 REAR: 30 SIDE: 30 INIT: \_\_\_\_\_

TYPE OF WORK: (County Use Only)  
(Specify Building, if necessary) ACCESSORY STRUCTURE

SPECIAL REQUIREMENTS:

	TOTAL	SITE BUILT	MANUFACTURED	TAX RATE #
EXISTING HOMES	2	1	1	062006

ATTACH COPY OF	DATE RECEIVED	FILE NUMBER	N/A	INITIALS
OTHER				

EXPLAIN: 11/8/2018 Signature: Kelly Mummel

OTHER APPROVALS	REQUIRED	DATE RECEIVED	N/A	INITIALS
BUILDING DEPARTMENT	X	10/30/2018		KH
PLANNING DEPARTMENT	X	10/17/2018		KM

ANTENNA RECEPTION

☐ Yes ☐ No ☐ Unknown

SUPERVISORIAL DIST. No. 3

PLAN CHECK DEPOSIT: \$411.87 RECEIPT NO.: BU18-00554

AMOUNT DUE: \$0.00 DATE PAID: 11/08/2018 DATE ISSUED: 11/08/2018

PAYMENT TYPE: CHECK REF. NUMBER: 1494 RECEIPT NUMBER: BU18-00614

Staff Signature: Kelly Mummel

OCCUPANCY	SQ. FEET	BUILDING VALUE
U VB UTILITY, MISCELLANEOUS	1008.00	\$48,182.40

TOTAL VALUATION \$48,182.40

Document Scanning Fee \$25.00

SMIP Residential \$6.26

CASp Fee \$4.00

CA Building Standards Fee \$2.00

Building Permit Fee \$3,801.90

Plan Check Fee \$411.87

**TOTAL BUILDING FEES \$4,251.03**

PLUMBING	#	FEE	TOTAL FEE(s)
Plumbing Permit Fee			\$41.00
<b>TOTAL PLUMBING PERMIT FEES \$41.00</b>			

ELECTRICAL	FEE	TOTAL FEE(s)
Electrical Fee Based on SQFT		\$72.40
<b>TOTAL ELECTRICAL PERMIT FEES \$72.40</b>		

MECHANICAL	FEE	TOTAL FEE(s)
<b>TOTAL MECHANICAL PERMIT FEES</b>		

**MANUFACTURED HOMES**

MANUFACTURER: \_\_\_\_\_ MODEL: \_\_\_\_\_

YEAR: \_\_\_\_\_ SIZE: \_\_\_\_\_ SNOW LOAD: \_\_\_\_\_

VALUE: \_\_\_\_\_ ☐ WUI

**MANUFACTURED HOME PERMIT FEE**

**HCD 433A FILING FEE**

**TOTAL PERMIT FEES \$4,364.43**

**NOTICE**

**EXPIRATION:** Every permit issued by the Building Official, under the provisions of the Code, shall expire by limitation and become null and void if the building work authorized by such permit is not commenced within one year from the date of such permit, or at any time said building or work is suspended or abandoned for a period of one year. Work shall be considered "abandoned" or "not commenced" if the project has not had and passed one of the inspections required in the most current edition of the California Codes (Title 24). Before such work can be recommenced, a permit renewal shall first be obtained to do so. The fee therefor shall be one-half of the amount required for a new building permit for such work, provided no changes have been made or will be made in the original plans and specification for such work; and provided further that such suspension or abandonment has not exceeded two years and the property is under the same ownership as when the permit was issued. In order to renew a permit which has been expired two years or more, the permittee shall pay a new full permit fee (LCC 12.24.075 [c]). And see LASSEN COUNTY PERMIT RENEWAL POLICY.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence or continue work within the one year period. The Building Official may extend the time for action by the permittee for a period not exceeding one year, on written request by applicant made prior to the expiration of the permit. No permit shall be extended more than once (LCC 12.24.075 [e]).

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with, whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other State or Local Law or Code regulating construction or the performance of construction.

I/We agree to save, indemnify, and keep harmless the County of Lassen against liabilities, judgments, costs, and expenses which may in any way accrue against said County in consequence of the granting of this permit.

Signature of Applicant: Andrew Espinoza Date: 11-8-18

**LICENSED CONTRACTOR DECLARATION**

☐ I am a California State Licensed Contractor, Lic. nr. OWNER/BUILDER Lic. class OWNER/BUILDER Initials: \_\_\_\_\_

**OWNER-BUILDER DECLARATION**

☒ I hereby affirm that I am exempt from the Contractors Licensing Law for the following reasons:

☒ I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (B&P Code 7044).

☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project.

Andrew Espinoza 11-8-18  
Owner, Contractor, or Authorized Agent Date

**IN COMPLIANCE WITH SECTION 3900, LABOR LAW, STATE OF CALIFORNIA**

☒ "I certify under penalty that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workman's Compensation Laws of the State of California."

☐ "I am herewith filing a Certificate of Workman's Compensation Insurance, issued by an admitted insurer, or a Certificate of Consent to Self-Insure, issued by the Director of Public Relations."

**WORKMAN'S COMPENSATION POLICY / SELF-INSURER CERTIFICATE**

Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

I hereby make application for permit to execute the work as outlined hereon, and described in the accompanying plans, drawings, and specifications which are made a part thereof, it is understood that this application is also made subject to all provisions of Federal, State, and County Ordinances applicable thereto.

Signature of Owner or Authorized Agent: Andrew Espinoza Date: 11-8-18



County of Lassen  
Department of Planning and Building Services

• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

NOTICE OF POSTING "STOP WORK"

CERTIFIED MAIL/RETURN RECEIPT  
7017 1070 0000 7544 8047

September 11, 2018

Maurice L. Anderson, Director  
707 Nevada Street, Suite 5  
Susanville, CA 96130-3912  
Phone: 530 251-8269  
Fax: 530 251-8373  
email: landuse@co.lassen.ca.us  
website: www.co.lassen.ca.us

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

Andrew Esparza Jr and Kira et al  
708-620 Pine Street  
Janesville, CA 96114

RE: Stop Work (red tag)  
708-620 Pine Street  
Janesville, CA 96114  
Assessor Parcel Number 129-060-26

This letter is in regard to the above referenced property which is currently in violation of Lassen County Code and the California Building Code. The above mentioned property is zoned A-2-B-4 (Agricultural Residential, 4 acre Building Site Combining District). On September 5, 2018, it was observed that a you have initiated construction of a garage prior to the issuance of the required building permit. Be advised, California Building Code §105 and Lassen County Code §12.24.010 require that a building permit be secured prior to commencement of such work.

Consequently, on September 5, 2018, a "STOP WORK NOTICE" was duly posted onsite ordering the halt of said construction and directing you to obtain the appropriate permit. You must stop work immediately and remedy this violation by securing the proper permits from this Department. You must secure said building permit within 30 days of this letter.

If you fail to act, code enforcement actions will be initiated.

If you have any questions regarding the application for a building permit, please contact Kelley Hinman at (530) 251-8269.

Sincerely,

Maurice L. Anderson, Director,  
Acting Building Official

MLA:gfn

s/pla/building/code/Red Tag/001 RED TAG LETTERS/129-060-26 stop work September 11-2018





**Property Detail**

Lassen, CA DAN SCHLUETER, ASSESSOR

Parcel # (APN): **129-060-26-11**Use Description: **RESID. MULTIPLE FAMILY**Parcel Status: **ACTIVE**Owner Name: **ESPARZA ANDREW JR &  
KIRA ETAL**Mailing Address: **708620 PINE ST JANESVILLE CA 96114**Situs Address: **708620 PINE ST JANESVILLE CA 96114-9638 H064**

Legal

Description:

**ASSESSMENT**Total Value: **\$244,494**Use Code: **N2XX**

Zoning:

Land Value: **\$93,636**Tax Rate Area: **062006**Census Tract: **405.00/3**Impr Value: **\$150,858**Year Assd: **2018**

Improve Type:

Other Value:

Property Tax:

Price/SqFt:

% Improved **61%**

Delinquent Yr

Exempt Amt: **\$7,000**HO Exempt?: **Y****SALES HISTORY**

	<u>Sale 1</u>	<u>Sale 2</u>	<u>Sale 3</u>	<u>Transfer</u>
Recording Date:	<b>04/13/2016</b>	<b>08/20/2009</b>	<b>02/06/1997</b>	<b>04/13/2016</b>
Recorded Doc #:	<b>2016-01623</b>	<b>2009-04762</b>	<b>0660-337</b>	<b>2016-01623</b>
Recorded Doc Type:				
Transfer Amount:				
Sale 1 Seller (Grantor):				
1st Trst Dd Amt:	Code1:	2nd Trst Dd Amt:	Code2:	

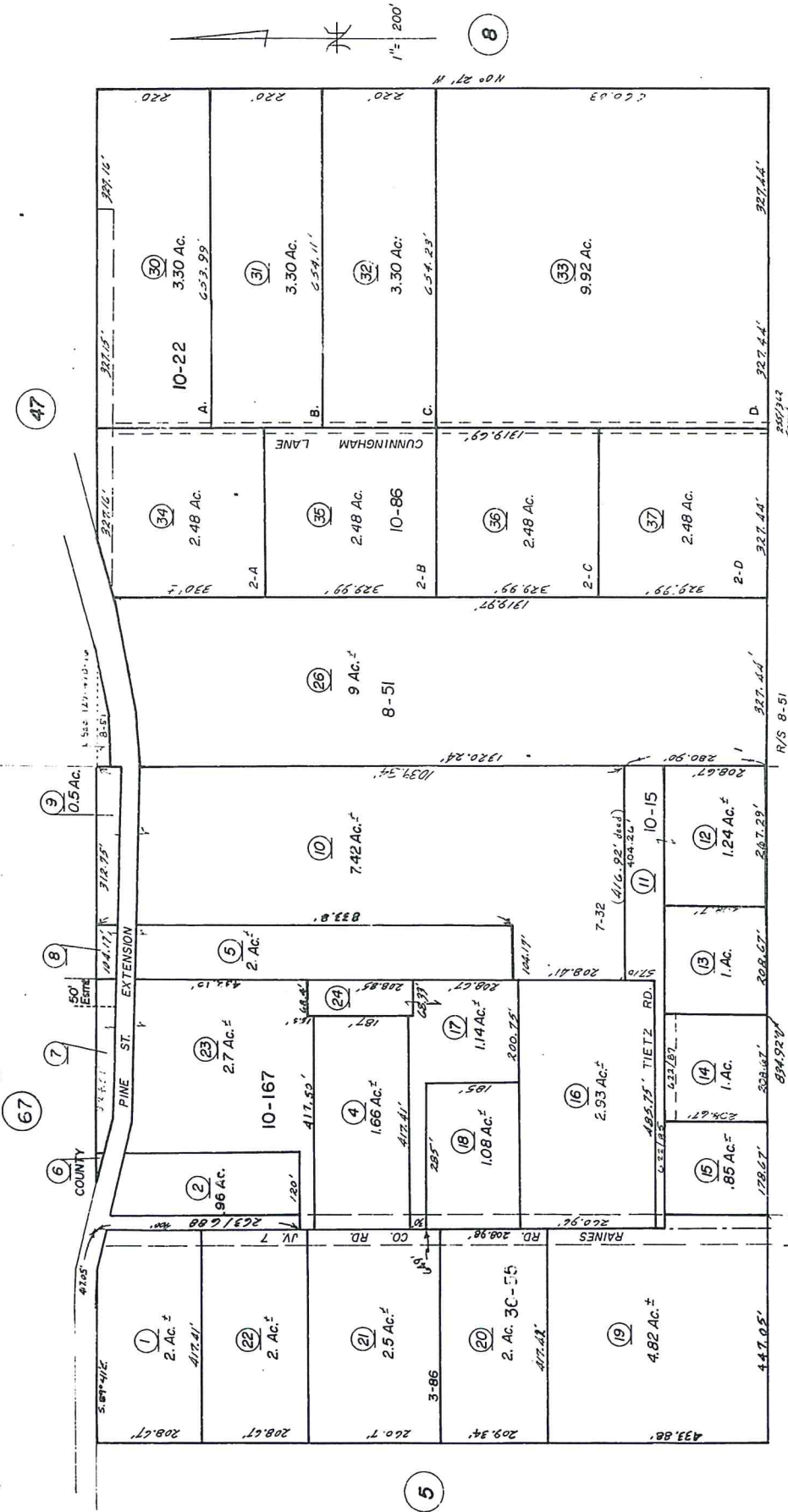
**PROPERTY CHARACTERISTICS**

Lot Acres: <b>9.000</b>	Year Built: <b>2007</b>	Fireplace:
Lot SqFt: <b>392,040</b>	Effective Yr: <b>1989</b>	A/C:
Bldg/Liv Area: <b>2,488</b>		Heating:
Units: <b>2</b>	Total Rooms:	Pool:
Buildings:	Bedrooms: <b>6</b>	
Stories: <b>1.0</b>	Baths (Full): <b>4</b>	Park Type:
Style:	Baths (Half):	Spaces: <b>2</b>
Construct:		Site Inflnce:
Quality:	Garage SqFt:	
Building Class: <b>M</b>		Timber Preserve:
Condition:		Ag Preserve:
Other Rooms:		

\*\*\* The information provided here is deemed reliable, but is not guaranteed.

N<sub>1</sub>/<sub>2</sub> of SW<sub>1</sub>/<sub>4</sub> of SEC 8 T. 28 N. R. 13 E. MDB & M

129-06



Map	Blk	Pg	NAME
RS	3	86	HUSKEY & GROOMS
RS	3	87	MAPLES
RS	8	51	BECKETT, D.
RS	10	15	TIEZ
RS	10	21	JONES, T. out of 8-51
RS	10	82	MACCANN, ETAL (1-24)
RS	10	85	STEVEN
RS	10	86	
RS	10	87	
RS	10	88	
RS	10	89	
RS	10	90	
RS	10	91	
RS	10	92	
RS	10	93	
RS	10	94	
RS	10	95	
RS	10	96	
RS	10	97	
RS	10	98	
RS	10	99	
RS	10	100	

Assessors Map Bk. 129 Pg. 06  
County of Lassen, Calif.

ASSESSORS PARCEL NUMBERS SHOWN IN CIRCLES