

DEPARTMENT: Planning

By: Jean Clark, Assistant Planner

Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes\_\_ No X)

Deny Appeal No. 99-8, based upon provisions in County Code establishing the appeal period as 20 days from the date of action. The appellant's notice of appeal was received by the County after the end of the 20-day appeal period. The determination letter and Appeals Information package (included with the determination letter) is clear relative to the appeal time period.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board has not taken any action on this application.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: 1) Grant appeal and allow appellant to appeal the denial by the Interim Planning Director that the permit for a smaller house in Yosemite West be exchanged for a permit for a larger house with ultra low-flow fixtures. Findings would have to be made that our notification of appeal rights was unclear or confusing.

NEGATIVE ACTION (denying the appeal) would mean that the appellant cannot appeal the denial by the Interim Planning Director that the permit for a smaller house in Yosemite West be exchanged for a permit for a larger house with ultra low-flow fixtures.

COSTS: ( X ) Not Applicable

A. Budgeted current FY \$ \_\_\_\_\_

B. Total anticipated Costs \$ \_\_\_\_\_

C. Required additional funding \$ \_\_\_\_\_

D. Internal transfers \$ \_\_\_\_\_

COSTS: ( ) 4/5th Vote Required

A. Unanticipated revenues \$ \_\_\_\_\_

B. Reserve for contingencies \$ \_\_\_\_\_

C. Source description: \_\_\_\_\_

Balance in Reserve Contingencies, If Approved:  
\$ \_\_\_\_\_

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

Memorandum to Board with Attachments:

A. Notice of Appeal

B. 11/9/99 determination letter of Interim Planning Director

C. Notice of Appeal received 11/3/99

D. 10/12/99 determination letter of Interim Planning Director

E. Appeal Procedures

F. Section 17.136.020 (Appeals) of the Zoning Ordinance

CLERK'S USE ONLY

Res. No.: 00-31 Ord. No.: \_\_\_\_\_

Vote - Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_

Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_

Approved  Denied

Minute Order Attached  No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_

MARGIE WILLIAMS, Clerk of the Board

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

Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

\_\_\_\_\_ Recommended

\_\_\_\_\_ Not Recommended

\_\_\_\_\_ For Policy Determination

\_\_\_\_\_ Submitted for Comment

\_\_\_\_\_ Returned for Further Action

Comment: \_\_\_\_\_

\_\_\_\_\_

A.O. Initials: JH



# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

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DISTRICT V



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: SARAH WILLIAMS, Interim Planning Director  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: Appeal No. 99-8; Appeal of Interim Planning Director's Determination that an Earlier Appeal of the Interim Planning Director's Denial of a Building Permit for a 4-Bedroom Home was Received After the End of the Appeal Period; Res. 00-31

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on January 18, 2000

#### ACTION AND VOTE:

**2:43 p.m.** Sarah Williams, Interim Planning Director;

**PUBLIC HEARING** to Consider Appeal of Interim Planning Director's Determination that an Earlier Appeal of the Interim Planning Director's Denial of a Building Permit for a Four-Bedroom Home was Received After the End of the Appeal Period, Appeal No. 99-8, Jeffrey Hornacek, Appellant

**BOARD ACTION:** Sarah Williams presented the staff report and advised that the appeal is about the County's appeal procedures. She reviewed the appeal procedures and how they are implemented in the Planning Department.

Public portion of the hearing was opened and input was provided by the following:

Jeff Hornacek, appellant, provided input relative to his appeal and the information he received from the Planning Department, and he advised that he did not realize the appeal days were calendar days versus business days when he initially reviewed the appeal process. He noted that the package he received from Planning was quite large and he did not read it in its entirety. The back half of the appeal form itself was missing. He advised that he wants an opportunity to present his study on water conservation issues to the community and the Board; and he urged the Board to grant him leniency for the two days the appeal was submitted past the deadline.

Don Pitts stated he feels that the two days in question is not a big issue. He stated he feels the appellant should file his application again to see if someone could build the type of structure he is proposing – he feels the Board has the option of hearing this matter now or later.

Jeff Hornacek further commented on the confusion on his part relative to the appeal process.

Public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to questions from the Board relative to the contents of the package that was sent to the applicant/appellant

and relative to what portion(s) of the package was missing. (M)Pickard, (S)Stewart, Res. 00-31 adopted denying the appeal and upholding the Interim Planning Director's determination that an earlier appeal was received after the end of the appeal period. Further deliberation was held. Supervisor Reilly suggested that the twenty calendar days be clarified in future letters. Ayes: Balmain, Stewart, Parker, Pickard; Noes: Reilly. Further discussion was held relative to the process for resubmitting an application that is denied. Sarah Williams suggested that the appeal deadline could also be included in future letters of decisions. Jeff Hornacek asked for clarification of what determines the resubmission of an application. Hearing was closed.

cc: File