

DEPARTMENT: Planning

By: Jean Clark, Assistant Planner

Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

Staff recommends that the Board grant the appeal and grant a 6 month time extension (until January 16, 1997) for the applicants to comply with all parking requirements or obtain a variance to the parking standards.

Recommended action is based on specific extension allowance language in County Code, and the possibility that proposed amendments to the parking standards of the Specific Plan (which will be considered by the Board in August) may give the appellant more options for code compliance.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: 1) Grant the appeal and extend the deadline for a period not to exceed 18 months as provided for in Section 17.144.040.C, Mariposa County Code. 2) Deny the appeal, and direct staff to proceed with zoning and building violation enforcement actions.

NEGATIVE ACTION (or Alternative No. 2 listed above) would mean that continued operation of business is illegal and could force business to close until this issue is resolved.

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:

1. Appellants' Notice of Appeal

2. Notice of Violation (5/2/96)

3. Section 17.144, County Code (Zoning Violations)

CLERK'S USE ONLY

Res. No.: 96-315 Ord. No.: _____

Vote - Ayes: 4
Absent: _____
Noes: 1
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: MC

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning and Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: RESOLUTION NUMBER 96-315

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on July 16, 1996

ACTION AND VOTE:

10:26 a.m. Ed Johnson, Planning and Building Director;

A) PUBLIC HEARING to Consider an Appeal of Violation/Enforcement Section 17.144.040A.2. of Mariposa County Code Regarding Time for Complainant to Conform to County Code; Request for Additional Time to Comply; Fourth Street Tea Room & Antique Store, 4993 4th Street/Hignite; Applicant and Appellant

BOARD ACTION: Ed Johnson advised that this is a request for an extension of time for the applicants to comply with the parking requirements or obtain a variance. Jean Clark/Assistant Planner, presented staff report. Jean Clark and Ed Johnson responded to questions from the Board relative to a possible variance and consideration of changes to the Mariposa Specific Plan which may reduce the parking requirements; whether any other permits were required for this business and their status; whether this matter was heard by the Planning Commission; allowances for a business to operate without following all regulations; existing number of parking spaces and whether street spaces could be used toward meeting the requirements; whether the required number of spaces could be obtained on the lot where the business is located; and the affect any action today would have on the building permit. Public portion of the hearing was opened. Input was received from the following: Mike Hignite, applicant, stated he knows that he needs to increase the size of the parking lot for his business and plans to do that when financially able to do so and feels he can obtain the necessary spaces on his lot; currently as many as eight vehicles have been parked on the lot without any problem; however, he objects to paying a variance permit fee when he feels other businesses have not had to pay a fee to operate. Mr. Hignite responded to questions from the Board clarifying his objection to applying for a variance; and relative to continuing with his business operations in the interim of being able to comply with the parking standards. There was no other public input in support or in opposition to this matter. Public portion of the hearing was closed. Staff responded to the input received and to questions from the Board as to whether a variance would be required if the parking standards change and lessen the requirements within the Town Planning Area. Board commenced with deliberations. Staff responded to additional questions as to whether there were any problems with safety at this point and as to how long the business has been in operation and the proposed timeframes for considering changes to the Mariposa Specific Plan. (M)Reilly, (S)Parker, Res. 96-315 adopted granting a four month extension for compliance with all parking requirements or to obtain a variance if necessary/Ayes: Reilly, Balmain, Stewart, Parker; Noes: Taber. Hearing was closed.

cc: File