

94-131

MARIPOSA COUNTY  
BOARD OF SUPERVISORS

AGENDA  
ACTION FORM

DATE: April 19, 1994  
AGENDA ITEM NO.: 9

DEPARTMENT: Planning

BY: Duane Hall

PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes\_\_\_ No\_X\_)

Resolution denying the appeal and upholding the Acting Director's determination regarding the number and types of residential uses permitted in the Central Commercial and Light Commercial districts of the Coulterville TPA.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board adopted the Coulterville TPA Specific Plan on November 12, 1980. Upon the Board's adoption of the comprehensive Zoning Ordinance in March 1988, the Specific Plan became the zoning regulations for the Coulterville TPA.

On April 27, 1993, the Board considered an appeal by the appellant on a similar issue on the subject parcel.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: (1) Continue hearing; (2) Uphold appeal and overturn or modify the Acting Director's determination.

NEGATIVE ACTION from the recommended action would result in the appeal being upheld and the Director's determination being overturned or modified.

COSTS: (X) Not Applicable

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

B. Total anticipated costs \$ \_\_\_\_\_

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

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

SOURCE: ( ) 4/5ths Vote Required

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

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

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

Balance in Reserve for Contingencies, if approved: \$ \_\_\_\_\_

SPECIAL INSTRUCTIONS:  
List the attachments and number the pages consecutively:

1. Memo to Board \_\_\_\_\_
2. Vicinity Map \_\_\_\_\_
3. Appellant's Notice of Appeal \_\_\_\_\_
4. Director's written determination \_\_\_\_\_
5. Letter from appellant requesting determination \_\_\_\_\_

CLERK'S USE ONLY:

Res. No.: 94-131 Ord. No. \_\_\_\_\_

Vote - Ayes: 5 Noes: \_\_\_\_\_

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

Approved: \_\_\_\_\_ ( ) Denied \_\_\_\_\_

(X) 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  
County of Mariposa, State of California

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

ADMINISTRATIVE OFFICER'S RECOMMENDATION:  
This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

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

A.O. Initials:

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

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TO: DUANE HALL, Planning Division Manager  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: Appeal Re James Upperman, Sr., For  
Number and Types of Residential Uses Permitted  
In The Central Commercial And Light Commercial  
Districts  
Resolution Number 94-131

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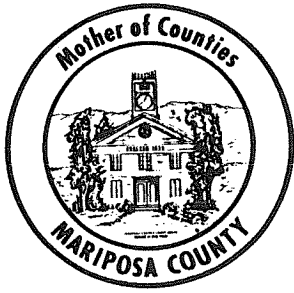
THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 19, 1994

ACTION AND VOTE:

**11:01 a.m.** Duane Hall, Planning Division Manager;  
PUBLIC HEARING to Consider an Appeal of a Determination of  
the Acting Planning Division Director Regarding the Number  
and Types of Residential Uses Permitted in the Central  
Commercial and Light Commercial Districts of the  
Coulterville Town Planning Advisory Specific Plan, James M.  
Upperman, Sr., Appellant  
**BOARD ACTION:** Duane Hall presented staff report and  
responded to questions from the Board. Public portion of  
the hearing was opened. Jim Upperman/appellant, stated his  
proposal is for transient occupancy versus permanent, he  
could split his parcel and increase the number of residences  
- but he just wants to add one house, advised that he is  
allowed a double-wide mobile home duplex which has been  
approved by the State, feels he has been denied the "density  
bonus" allowed by Title 17, and stated he does not feel he  
should have to write a letter that the latest building will  
be used for storage only. Mr. Upperman responded to  
questions from the Board relative to dividing the parcel,  
and his proposal to move a house to the parcel. Duane Hall  
responded to questions from the Board relative to converting  
the house for use as a duplex. Karl Harla questioned which  
way the house will face on the parcel. There being no  
further input from the public, the public portion was  
closed, and the Board commenced with deliberation.  
(M)Balmain, (S)Erickson, Res. 94-131 adopted denying the  
appeal/Ayes: Unanimous. Hearing was closed.

cc: File



# Mariposa County Planning and Building Department

DUANE HALL  
Acting Planning Division Director

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FAX No. (209) 966-5147

## MEMORANDUM

April 13, 1994

TO: Mariposa County Board of Supervisors

FROM: Duane Hall, Acting Planning Division Director *DH*

SUBJECT: Appeal of Acting Planning Director's Determination (James M. Upperman, appellant)

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### Recommendation

Staff recommends the Board of Supervisors adopt a resolution denying the appeal and upholding the determination of the Acting Planning Director regarding the number and types of residential uses permitted on the appellant's parcel.

### Background

On March 8, 1994 the appellant submitted a letter to the Planning and Building Department requesting information on whether he could place an additional house on his parcel in the Coulterville TPA. After determining the existing uses on the parcel and the residential uses permitted on the parcel by the Coulterville TPA Specific Plan, the Acting Planning Director formally determined and responded to the appellant that an additional house was not permitted on the parcel. The Director's formal determination is attached for the Board's information and was based on the following:

- The subject parcel is located in the Central Commercial and Light Commercial land use districts which allow dwellings and dwelling groups as permitted in the Medium Density Residential district. The permitted residential uses on the subject parcel are: one single family residence per parcel, one guest house per parcel, and one duplex per parcel.
- A single family house and a mobile home are presently located on the subject parcel, and these constitute the single family residence and guest house permitted on the parcel. The only other type of residential use which may be allowed on the parcel is a duplex.
- The proposed house is not a duplex and therefore is not permitted on the parcel.

Mr. Upperman is appealing the Director's determination that only one single family residence, one guest house, and one duplex are permitted on the parcel and a third house is not permitted.

The basis of the appellant's appeal is unclear to staff, and the Board is referred to the Notice of Appeal form for the information provided by the appellant.

### **Discussion**

The Central Commercial and Light Commercial districts of the Coulterville TPA Specific Plan allow dwellings and dwelling groups as permitted in the Medium Density Residential district. Consequently, the residential use standards of the Central Commercial and Light Commercial districts allow one (1) single family residence per parcel, one (1) guest house per parcel., and one (1) duplex per parcel. As you can see, this standards permit certain types and numbers of residential districts and do not establish residential density standards. Therefore, only those types and numbers of residential structures specifically allowed by the land use district may be permitted on the parcel, and different types of residential structures (e.g. four-unit apartment building for the four residential units or two mobile homes for a duplex) cannot be substituted for the permitted residential structures under the present Specific Plan standards.

The appellant presently has a single family house and a mobile home on his parcel, and these constitute the one (1) single family residence and one (1) guest house permitted on the parcel. The only other type of residential structure permitted on the parcel is a duplex. Since the proposed house is not a duplex, it is not permitted on the parcel. This issue of the types and number of residential uses permitted on the subject parcel was addressed by the Board of Supervisors at the appeal hearing for Mr. Upperman regarding the definition of a duplex. In addition, the Planning Department has consulted with County Counsel in determining the types and numbers of residential uses in the Central Commercial and Light Commercial districts. This information was also considered by the Acting Director in his determination.