

DEPARTMENT: Planning BY: Greta Hudak PHONE: 966-5151

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

Adopt a resolution approving the request by Helen and Blair Fowler finding that the approval of Variance Application No. 87-3 is still valid and exempting the Fowler's from processing a new variance application.

The justification for this recommendation is contained in the attached memorandum to the Board of Supervisors.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- (1) Take no action - Fowler's would need to apply for a new variance.
- (2) Deny the request - Fowler's would need to apply for a new variance.
- (3) Continue the matter.

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. Fowler's letter to Board of Supervisors
- 3. Planning Department letter to Fowler's
- 4. County Counsel's Reply to Planning Department
- 5. Planning Department letter to County Counsel
- 6. Fowler's letter to Planning Department

CLERK'S USE ONLY:

Res. No.: 94-379 Ord. No. \_\_\_\_\_

Vote - Ayes: 5 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  
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: [Signature]

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

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TO: ED JOHNSON, Planning & Building Director  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: Helen and Blair Fowler  
Variance Application Number 87-3  
Resolution Number 94-379

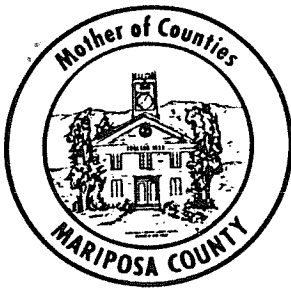
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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,  
ADOPTED THIS Order on September 6, 1994

ACTION AND VOTE:

**9:39 a.m.** Ed Johnson, Planning and Building Director;  
Request by Helen and Blair Fowler for the Board of  
Supervisors to Determine that the Approval of Variance  
Application Number 87-3 is Still Valid and Exempt from  
Processing a New Variance Application  
**BOARD ACTION:** Discussion was held with Duane Hall/Planning  
Manager. (M)Erickson, (S)Parker, Res. 94-379 adopted  
approved request/Ayes: Unanimous.

cc: File



## Mariposa County Planning and Building Department

EDWARD J. JOHNSON  
Director

August 25, 1994

5101 Jones Street  
P.O. Box 2039  
Mariposa, CA 95338  
(209) 966-5151  
FAX No. (209) 742-5024

TO: Board of Supervisors

FROM: Greta Hudak, Assistant Planner

RE: Request by Helen and Blair Fowler for the Board of Supervisors to determine that the approval of Variance Application No. 87-3 is still valid and exempt them from processing a new variance application.

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### Background

On June 12, 1987, Variance Application No. 87-3 was approved by the Planning Commission, relating to relief from a property line setback for a bedroom addition to an existing residential structure and a garage. The County Zoning Ordinance, at that time, did not specify how long a variance approval was valid. Since that time, the addition has been built but the garage has not been built, nor has a building permit been issued for the garage.

After consultation with County Counsel and review of similar situations, most relevant being the Tom Deutsch Use Permit Determination, the Planning Director determined that the variance approval remained valid up to 3 years after April 6, 1988 (date when the County Comprehensive Zoning Ordinance was adopted) and expired on April 6, 1991. Again, the Tom Deutsch Use Permit Determination approval occurred before April 6, 1988 when the County Zoning Ordinance did not specify how long a Use Permit Determination was valid.

### Recommendation

Staff recommends that the Board of Supervisors adopt a resolution approving the request by Helen and Blair Fowler finding that the approval of Variance Application No. 87-3 is still valid and exempting them from processing a new variance application.

### Discussion

In the Tom Deutsch Use Permit Determination, Tom Deutsch made a specific request to the Board to consider a waiver of the formal Use Permit Determination process. His reasoning was based on the grounds that the zoning had not changed since the approval of his use permit determination on March 11, 1988. The Board of Supervisors adopted Resolution 94-8, approving the request to extend the use permit, with staff's recommendations concerning meeting current zoning requirements and complying with environmental review. It is County Counsel's opinion that the

Aug. 25, 1994

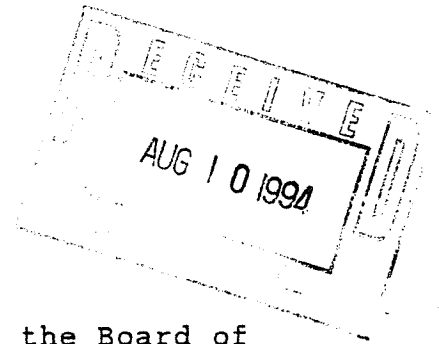
Board of Supervisors may exempt the Fowler's from processing a new variance application. But, the Board of Supervisors should base their action on this request on the fact that the application was approved under the previous Zoning Ordinance which did not specify the length of approval and whether or not the building conditions and zoning have changed since the issuance of the original variance approval in the Mariposa Town Planning Area.

At the time of the variance approval the subject property was located in a residential zone. The applicable front yard setback was a minimum of 50 feet from the centerline of 13th Street. The variance approval was for a twenty seven (27) foot setback from the centerline of 13th Street for construction of a garage and an addition to the residence and a forty-seven (47) foot setback from the centerline of Bullion Street to the exterior wall of the residence addition. Presently, the subject property is zoned Single Family Residential (9,000 Square Feet) and the applicable setback is a minimum of 50 feet from the centerline of 13th Street. It is staff's opinion that the building conditions and zoning, as they relate to the setbacks on the property, have remained the same since the issuance of the permit.

The Fowler's wish to complete the construction of the garage in the location originally approved by the variance, but would like to avoid applying for a new variance. The Fowler's have requested that the Board of Supervisors determine that their original variance approval is still valid and exempt them from processing a new variance.

P.O. Box 13  
Midpines, CA 95345  
August 8, 1994

The Honorable Arthur Baggett, Chairman  
Mariposa County Board of Supervisors  
P.O. Box 784  
Mariposa, CA 95338



Dear Mr. Baggett:

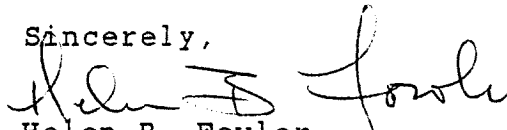
We are writing to ask that you and members of the Board of Supervisors review our request to the Planning Department that a variance approved in 1987 be reactivated. This is in regard to setback requirements on lot # 013-121-0090 at the corner of 13th and Bullion Streets. We realize that the usual time requirement for building, in this case a small garage, has been exceeded. However, as described to our letter to Mr. Hall, after constructing a large bedroom and bath it was impossible for us to complete the planned garage.

Mr. Hall has suggested that we write to you to request a waiver of the formal process. Granting this variance at the time was a reasonable decision, and it would seem that repeating the entire process is both cumbersome and time consuming to all concerned. It is our understanding that the zoning on the parcel in question remains unchanged.

Our wish is to build a garage at the 13th St. driveway in line with the existing house. While small, it would involve a building permit, as we plan to include several electrical features.

We appreciate your willingness to consider this request, and hope for a favorable outcome.

Sincerely,

  
Helen B. Fowler

  
Blair B. Fowler