

File Number: ADM 17-0077A

Receipt No.: 30696

Date Received: 12/22/17

Amount: \$239

APPEAL FORM

(For more information, see Section 130.52.090 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Roland & Penny Brecek

ADDRESS 81 Guadalupe Drive, El Dorado Hills, CA 95762

DAYTIME TELEPHONE 916-752-7369

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT David Temblador - Harrison Temblador Hungerford & Johnson, LLP

ADDRESS 2801 T Street, Sacramento, CA 95816

DAYTIME TELEPHONE 916-706-2639

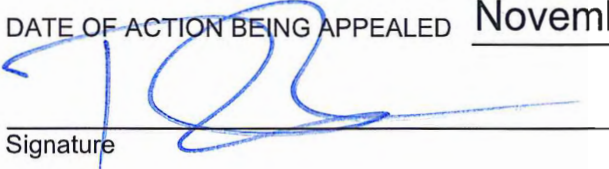
APPEAL BEING MADE TO: Board of Supervisors Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

On November 14, 2017, the Director of the Planning and Building Department approved Administrative PERmit Application No. ADM17-0077 authorizing relief from applicable County Code standards for residential development. Appellants timely appealed the approval on November 16, 2017 (see attached) alleging that the approval was granted in error and without the consent of all adjoining property owners as required by County Code Section 130.30.050. Appellants were erroneously advised by staff that they could not appeal the approval. Appellants November 16, 2017 appeal, however, is authorized by County Code Section 130.52.090 and must be set for hearing accordingly.

DATE OF ACTION BEING APPEALED November 14, 2017

Signature



Date

12/18/2017

2017 DEC 21 PM 5:16
RECEIVED
PLANNING DEPARTMENT

12/7/2017

Edcgov.us Mail - Letter in Opposition to Admin Permit 17-0077



Aaron Mount <aaron.mount@edcgov.us>
To: Roland Email <rbrecek@aol.com>

Thu, Nov 16, 2017 at 12:34 PM

Roland

Attached is the signed letter completing the review of ADM17-0077.

Roger Trout, Director of Planning and Building Department, can be reached at:

Trout, Roger Development Services	roger.trout@edcgov.us	621-5369
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Aaron Mount
Associate Planner

County of El Dorado
Planning and Building Department
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5355 / FAX (530) 642-0508
aaron.mount@edcgov.us

[Quoted text hidden]

 **ADM17-0077 Review Signed.pdf**
1803K

rbrecek@aol.com <rbrecek@aol.com>
To: aaron.mount@edcgov.us, roger.trout@edcgov.us

Thu, Nov 16, 2017 at 1:44 PM

Mr Trout & Mr Mount,
In your letter below, reference is made to notarized signatures of property owners located to the south of the Beland's property. I talked to those neighbors (Rick & Cheree Dunbar at 121 Giotto Way, El Dorado Hills), and they told me that they never signed a notarized form as referenced in your letter. There are only 3 property owners surrounding the Beland property, and two of us have not provided the notarized paperwork as referenced.
Sincerely,
Roland Brecek

-----Original Message-----
From: Aaron Mount <aaron.mount@edcgov.us>
To: Roland Email <rbrecek@aol.com>
[Quoted text hidden]

Aaron Mount <aaron.mount@edcgov.us>

Thu, Nov 16, 2017 at 2:14 PM

<https://mail.google.com/mail/u/0/?ui=2&ik=61a4576e24&jsver=vPUI2w7Prus.en.&view=pt&q=beland&q=true&search=query&th=15fc6e76072bf273&s...> 4/5

12/7/2017

Edcgov.us Mail - Letter in Opposition to Admin Permit 17-0077

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rbrecek@aol.com <rbrecek@aol.com>
To: aaron.mount@edcgov.us

Thu, Nov 16, 2017 at 10:57 AM

Aaron,

Please provide me with the name and contact information for the Director that is making the decision on the Beland property. I do not agree with his determination and would like to talk to him.

Thanks,

Roland Brecek
rbrecek@aol.com
916-752-7369

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[Quoted text hidden]

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Aaron Mount <aaron.mount@edcgov.us>
To: Roland Email <rbrecek@aol.com>

Thu, Nov 16, 2017 at 10:59 AM

Roland,

Here are the applicable Zoning Ordinance sections and the definition of adjacent:

130.30.050

C. Side and Rear Yards. In all zones, fences, walls, cut retaining walls, or fences and walls that are erected within five feet of a retaining wall shall be allowed within required side and rear yard setbacks to a maximum cumulative height of seven feet. Fences, walls, or fences and walls that are erected within five feet of a retaining wall such that the cumulative height exceeds seven feet, but does not exceed ten feet in cumulative height, may be allowed subject to the following:

1. Where the height of the fence or fence and wall is more than seven feet above the natural or finished grade of the adjacent property, a signed and notarized statement from the adjacent property owners that the proposed fence or wall, as described or shown in an attached exhibit, will not impact their view nor will it restrict light or movement of air and, therefore, they have no objection to the construction of the fence or wall;
2. Director review of the notarized statement(s) to determine if it adequately represents the adjacent affected property. If such determination is made by the Director, the proposed fence or wall shall be approved through the Administrative Permit process (Section 130.52.010, Administrative Permit, Relief, or Waiver). The Director may require additional notarized statements from neighboring properties if, in his/her opinion, they may be impacted by the fence or wall; and
3. Issuance of a building permit where required by the applicable Building Code (Title 110 – Building and Construction, of the County Code of Ordinances).

130.80.020 Definitions of Specialized Terms and Phrases

Adjacent. Physically touching or bordering upon; sharing a common property line. (General Plan Glossary)

Aaron Mount
Associate Planner

County of El Dorado
Planning and Building Department
2850 Fairlane Court
Placerville, CA 95667

<https://mail.google.com/mail/u/0/?ui=2&ik=61a4576e24&jsver=vPUI2w7Prus.en.&view=pt&q=beland&qs=true&search=query&th=15fc6e76072bf273&s...> 2/5

12/7/2017

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To: Roland Email <rbrecek@aol.com>

Mr. Brecek,


Retaining walls more than seven feet in height within the side and rear setback are adjacent to the properties to the south and the west. As you will see in the attached map these parcels are owned by the Nelson's and the United States Bureau of Reclamation and we received letters from both property owners. I have also attached a scan of the file for your review.


Aaron Mount
Associate Planner

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(530) 621-5355 / FAX (530) 642-0508
aaron.mount@edcgov.us

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2 attachments

 **ADM17-0077 Parcels.pdf**
82K

 **Application Packet_ADM17-0077.pdf**
3911K

Aaron Mount <aaron.mount@edcgov.us>
To: "roger.trout" <roger.trout@edcgov.us>

Thu, Nov 16, 2017 at 2:16 PM

Roger

I thought I hit reply all but obviously I didn't. Here is the response to Brecek's last email.


Aaron Mount
Associate Planner


County of El Dorado
Planning and Building Department
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5355 / FAX (530) 642-0508
aaron.mount@edcgov.us

----- Forwarded message -----

From: **Aaron Mount** <aaron.mount@edcgov.us>
Date: Thu, Nov 16, 2017 at 2:14 PM
Subject: Re: Letter in Opposition to Admin Permit 17-0077
[Quoted text hidden]

2 attachments

 **ADM17-0077 Parcels.pdf**
82K

 **Application Packet_ADM17-0077.pdf**
3911K

Roland & Penny Brecek
81 Guadalupe Drive
El Dorado Hills, CA 95762
916-752-7369
rbrecek@aol.com

December 14, 2017

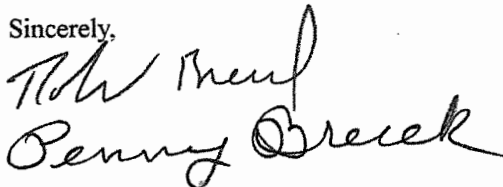
County of El Dorado
Planning Services
2850 Fairlane Court
Placerville, CA 95667

Re: Letter of Agency – Appeal of Administrative Permit No. ADM17-0077

Dear Sir/Madam:

By this letter, we hereby authorize Harrison, Temblador, Hungerford and Johnson, LLP,
to act as our agent with respect to the above referenced appeal.

Sincerely,

Handwritten signature of Penny Brecek in cursive script.

Roland and Penny Brecek

cc: David Temblador, Esq.