

FROM THE MINUTES OF SEPTEMBER 11, 2008

7. APPEAL

Request by CHERYLYN STORY appealing the issuance of a Stop Work Order and the subsequent finding of TMA08-0007 and Building Permit #187911 as null and void. The Temporary Mobile Home Application permit and building permit would allow the placement of a temporary mobile home on the parcel. The property, identified by Assessor's Parcel Number 078-200-60, consisting of 6 acres, is located on the south side of Kasey Road, approximately 500 feet south of the intersection with Sly Park Road, in the Placerville area, Supervisorial District II.

Thomas Lloyd presented this appeal to the Commission with a recommendation for denial.

Pierre Rivas stated that staff had been unaware that the property was a rental and that the applicant did not live on the property.

There was discussion on what is exactly in the application packet that would ensure an applicant was aware of the requirements prior to applying.

Commissioner Machado confirmed with staff that in this instance, the two owners of the property (with 50/50 ownership at the time of the application) do not live on the property, as the rules for this type of application states is required. He also clarified that condition 3.g stated clearly about the property owner living on the property.

Cherylyn Story, applicant, stated that her family has owned the property for over 40 years and that she is trying to help out her son. Ms. Story said that she had informed staff that the house was a rental and that she didn't live on the property and had been inquiring if she could place a trailer on the property. She was told that it would be allowed since it was a hardship. Ms. Story questioned that if it wasn't a hardship, then why was she given an application for a Temporary Mobile Home application? Ms. Story also said that she had put her correct address on the application and did admit that she did not read the document prior to signing it and did not know that she was supposed to live on the property. Ms. Story felt that this was a chain of events that fell through the cracks and that they are the victims. When they received the Stop Work Order, and after reading the conditions, her son was placed on the deed as an owner and they felt that they now conformed to the requirements. She was informed by staff that they still did not meet the requirements because the property owner should live in the main house and the displaced family member or caretaker would live in the 2nd dwelling as a hardship. Ms. Story stated that she could not find this requirement in her documents.

Ms. Story requested a compromise to the situation. She requested that her appeal be approved for a maximum of 2 years to allow her son to get financially stable and to provide them time to possibly change the 2nd dwelling into a granny flat, which will cost an additional \$20,000.

Sandra Prow informed the Commission that she had filed the Code Compliance complaint in June 2008 and although she sympathizes with the amount of money Ms. Story has spent on this, she still feels that the request does not meet the hardship requirement.

Submitted by Pierre Rivas
Ping
at Board Hearing of 10-14-08
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Joellen Hasal, Ms. Story's mother, stated that the property was originally set aside for her children and that her daughter is just trying to help out her son.

Godfrey Hasal, Ms. Story's father, indicated that he was upset with the time period of events and that it wasn't until 5-6 months after they received the permit that a Stop Work Order was issued. By then, they had already spent a considerable amount of time and money on the project.

Paula Frantz informed the Commission that by placing the son on the title of the property it did not change the situation because it still does not meet the TMA requirement. In Zoning Ordinance section 17.52, the temporary hardship interpretation is that both units are occupied by family members or a caretaker of the other family member.

Chair Tolhurt suggested that the address wording on the TMA applications be revised to identify "primary address" instead of "mailing address" as this is a key component for this type of application.

There was no further input.

MOTION: COMMISSIONER MACCREADY, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO APPROVE THE APPEAL AND DIRECT STAFF TO MODIFY THE STANDARD CONDITIONS OF APPROVAL FOR THIS PROPERTY ONLY BY REMOVING CONDITION 3.G. AND MODIFY THE PERMIT THAT TWO (2) YEARS FROM DATE OF ISSUANCE IT IS ALLOWED WITHOUT A PROPERTY OWNER LIVING IN THE OTHER UNIT BUT AT TIME OF RENEWAL IT WOULD NEED TO MEET THE STANDARD CONDITIONS OF HAVING A PROPERTY OWNER IN ONE UNIT AND A FAMILY MEMBER IN THE OTHER UNIT.

This action can be appealed to the Board of Supervisors within ten working days.