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Receipt No.: 23243

Date Received: December 29, 2006

Amount: 100.00

APPEAL FORM

(For more information, see Section 17.22.220 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 MARION EUGENE LONG

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DAYTIME TELEPHONE 916-607-3392

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

AGENT _____

ADDRESS _____

DAYTIME TELEPHONE _____

06 DEC 29 AM 11:55
RECEIVED
PLANNING DEPARTMENT

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.)

PACIFIC House Auto Repair Nonconforming Use Determination

APN 009-140-19 Conditions of approval appeal,

See attached ATC 1 28 Dec Appeal statement to Board of

Supervisors ATch 2 Planning Commission Recommendations

of 14 Dec 06 ATch 3 Letter from Code Compliance

PLANNING Commission HEARING

DATE OF ACTION BEING APPEALED Dec 14, 2006

Signature Marion Eugene Long

Date 28 Dec 2006

28 December, 2006

To: El Dorado Board of Supervisors**Subject: Appeal of conditions of approval for Nonconforming Pacific House Auto Repair Use Determination**

Background: The Planning Commission hearing evolved from a phone based Vehicle Abatement Complaint and possibly a complaint on the 5th Wheel Trailer. The rest of the observations were derived from an inspection from Jim Wassner and Officer Cook. I know many of the observation were not in the phone complaint because they have no knowledge of the details of the business operations. In fact Officer Cook and Jim Wassner was not aware of my business license and my BAR status. They thought the bussiness in the front shop repair facility vacated by Pops Shop in late 2005 was the only license. Others, and I had licenses for the back shop repair facility.

The parking area along the frontage road in front of the property is frequently used by travels to park cars without my permission. I also used the parking area to park my operational cars that were on PNO, and some of Pop's part cars that were to be abated. In the past Officer Danielson and his successor (the prior abatement program officers) had informed to park cars to be abated in this area. I was not aware of the abatement program changes. It seem property owners are expected to know of all the county changed rules without written or phone calls notification. In addition tenant cars were parked in front of the rental cabins.

The Officer issued 33 citations just as a major snowstorm began. (3 were cars abandoned by unknown persons without my permission; 5 were currently licensed vehicles; 8 were PNO/operational personal/tenant vehicles; 1 was a personal licensed vehicle being repaired; 9 were customer vehicles; 1 was a prior renter vehicle; 3 were Pops part cars; 3 were commercial enterprise use and are not used on the road (Snow removal, tree pruning/maintenance, Generator). The unlicensed, unregistered 5th wheel and one tenant unregistered vehicle was not cited for some reason.

All of the cited vehicles were corrected to conform to the abatement rules at my expense or were moved by the customers, or tenants. One was removed by the abatement program at my expense, because I could not reach the customer and could not legally remove his vehicle.

Appeal Condition Issues: Conditions 4 and 5 should not be requirements for the use determination cited in 1. The continued use of the auto repair facility and its associated support resources (equipment/storage areas) on a yearly basis was the issue before the planning commission and that was approved in 1. I agreed to do an abbreviated site plan to document the existing facility, associated storage yard and other existing structures that has been in use since we acquired the property in 1985. I was issued a business license for auto repair in 1998, which was approved by the planning department, and fire department.

Condition 4 discussion: The items listed on the Notice to Correct dated March 17,2006 contain some items not related to the auto repair issue and are purported derived violations/observations resulting from a Vehicle Abatement Complaint. These

observations should have been limited to confirmations of items reported and documented at the time of the original phone complaint, or it violates my constitutional right of equal protection, but that is another issue. I have discussed the valid issues with Mr. Jim Wassner and they are corrected or are being corrected consistent with Code Enforcement requirements.

Reference Letter Building Code Violations: 1. The un-permitted stairs is portable (does not require a permit) and was an Aircraft Loading Stairs. The door to the stairs has been blocked from the inside; 2. The wood/log structure in front of the auto shop was the original gas station and the unsafe areas are fenced until repairs can be made in the summer; The 5th wheel trailer was parked on my property without my permission and has been removed (The person who parked it there was a guest of a tenant in Cabin 3. He was told by me to move it several times. It was not legally registered, had an expired license and was not cited by the officer during the original Vehicle Abatement complaint.); 4. The addition is a separate utility building less than 120 sq. ft. and because of the closeness to the duplex structure required sheet rock for a fire wall. (This is not associated with the auto repair zoning issue!); 5. The pickups full of garbage have been removed (They were left by the front garage tenant (POPS) when he moved in late 2005. They would have been moved quicker if I had legal title to remove his abandoned cars.); 6. The wiring in the auto shop building was extension cords left by Pops and the illegal ones have been removed. The site was inspected in 1998 and approved. The conditions are now what they were in 1998.

Reference Letter Environmental Health Violations: 1. The Septic system is not in the path of vehicle traffic and never has been to my knowledge. This was not an observation as stated in the letter, but here-say from Tony's Tow who was the county abatement provider. I told them not to remove any cars from my property unless I was there because they did not know where the septic system was! A tow vehicle can go anywhere to pull out cars! How it got into the letter I do not know.

Reference Letter Zoning Code Violations: 1. Tax returns and letters were provided to substantiate the Auto repair business and associated facilities; 2. The auto lifts are part of the non conforming use in the Planning Commission findings; 3. The auto parking yard must meet parking lot requirements in zoning code, if the business is allowed. The business usage of buildings, parking and vehicle storage facilities have not changed over the years. I do not understand what derived requirements come from this statement. The imposing of current code requirements is not consistent with grand father usage and the non-conforming use findings associated with the auto repair facility. What I am currently using is the same as when my 1998 Business License was issued , and prior licenses were issued. This was not an issue when county planning approved them before and should not be an issue now. It is the same as recommending all the buildings be updated to the current UBC code, which would not be cost effective.

Condition 5 discussion: The vehicles left by others without my permission, some of the customer cars, and the parts cars left by Pops were removed. Along with them I also removed my own cars, which were legally PNO'd with the state and which operated.

The intent of sentence 5 was probably to be consistent with the current county Vehicle Abatement laws and should be reworded to say just that. I intend to keep

customer and some private vehicles associated with the business and commercial enterprise.

I have some confusion with the vagueness of the County Vehicle Abatement Program. Some of the confusion arises from subtle differences in the meanings of the words in that program, and the meanings of similar words associated with state programs i.e. Bureau of Automotive Repair Regulations, State Vehicle Code of 2006, etc. I assume the state definitions and laws apply unless there is something in writing that changes it in the county regulations. I was told by the state BAR that auto repair includes restoration and I can invoice my own vehicles under repair. I have requested a letter restating that position. These seem to be issues relating to understanding the Abatement program, not the non-conforming use issue.

Marion Eugene Long
28 Dec 06

Pacific House Automotive Repair – As approved by the Planning Commission December 14, 2006

1. Find that the automotive repair facility is a legal non-conforming use based on the testimony and exhibits provided by the property owner and letters submitted by nearby property owners and that the lift is part of the non-conforming use.
2. Require the owner to submit a complete site plan review application ~~and pay all applicable fees~~ within 60 days of this hearing.
3. The site plan shall note location of all automotive operations, i.e. bays, storage, trash enclosures, offices, parking, and locations of residential buildings and all other structures on the site.
4. Require property owner to correct all ~~building code violations~~ items listed on the Notice to Correct dated March 17, 2006, within a timeframe consistent with Code Enforcement procedures and policies.
5. Require the removal of junk cars and buses within a timeframe that is consistent with the policies and procedures required by Vehicle Abatement.