



Legislation Details (With Text)

File #: 08-1509 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 9/24/2008 **In control:** Board Of Supervisors

On agenda: 10/14/2008 **Final action:** 10/14/2008

Title: Hearing to consider appeal of the approval of a Temporary Mobile Home Application (TMA 08-0007-A) which overturned a stop work order issued by Planning Services, noting said stop work order rendered both TMA 08-0007 and the associated building permit 187911 null and void on property identified as APN 078-200-60 consisting of 6.8 acres, in the Placerville area; Appellant: Gordon and Sandra Prow. (District II)

Sponsors:

Indexes:

Code sections:

Attachments: 1. TMA08-0007 Appeal Form.pdf, 2. TMA08-0007 Attachment 1-Conditions.pdf, 3. TMA08-0007 Staff Report.pdf, 4. TMA08-0007 Public Comments.pdf, 5. Letter from Gordon and Sandra Prow att'd 10-9-08.pdf, 6. TMA08-0007 Hasal Letter att'd 10-10-08, 7. Info submitted by C. Story 10-14-08.pdf, 8. Letter from G. Neal att'd 10-21-08.pdf, 9. From the Minutes P. Rivas att'd 10-21-08.pdf, 10. Letter from C. Story att'd 10-21-08.pdf

Date	Ver.	Action By	Action	Result
10/14/2008	1	Board Of Supervisors	Approved	Pass

Hearing to consider appeal of the approval of a Temporary Mobile Home Application (TMA 08-0007-A) which overturned a stop work order issued by Planning Services, noting said stop work order rendered both TMA 08-0007 and the associated building permit 187911 null and void on property identified as APN 078-200-60 consisting of 6.8 acres, in the Placerville area; Appellant: Gordon and Sandra Prow. (District II)

RECOMMENDED ACTION: Planning Services recommends the Board deny the appeal, thereby supporting the action of the Planning Commission and overturning Deputy Director Appel's original decision to stop work on TMA 08-0007 and Building permit #187911, based on the revised findings and conditions prepared at the Commission's hearing dated September 11, 2008 (Attachment 1).

Background: The original Temporary Mobile Home permit, TMA 08-0007, was approved by planning staff on March 26, 2008. After a code compliance complaint alleged that the permanent residence was not owner occupied, and after discovering this to be fact, Deputy Director Appel issued a stop work order on July 28, 2008. The applicant then submitted an appeal of Deputy Director Appel's decision to the Planning Commission on August 5, 2008. TMA 08-0007-A was approved by the El Dorado County Planning Commission on September 11, 2008, allowing the continued use of a temporary mobile home on a parcel, despite the absence of owner occupancy. To facilitate the continued use of the mobile home as a "temporary hardship," staff was directed by the Commission to draft new Conditions of Approval which exclude the owner occupancy requirement. Following the Planning Commission's decision to overturn the stop work order, an appeal to the Board of Supervisors was filed by neighbors to the subject parcel, Gordon and Sandra Prow, on September 18, 2008.

Appeal Discussion: The reason for appeal by the applicant is as follows:

1. Temporary mobile home Condition of Approval 3.g. specifically requires the owner to occupy the residence, in which case a family member with a hardship may occupy the temporary structure. The subject permanent residence is a rental property. As such, the Planning Commission's decision to allow the temporary mobile home is erroneous and contrary to adopted policy.

Discussion: On March 3, 2008, the TMA applicants, Cherylyn Story (50% ownership) and Joellen Hasal, Trustee of the J.R. Hasal Revocable Living Trust (50% ownership), appeared before Valeina Rose Martello, a California notary public, and signed both an Affidavit Supporting Application and a Notice of Restriction and Removal Agreement, the latter of which was recorded by the County Recorder's office on April 1, 2008 as 2008-0015014-00 (Exhibit A). This Notice of Restriction states that "The Permit for the mobile home, park trailer or recreational vehicle shall be null and void if any of the conditions of approval are violated. Conditions of approval are on file with the El Dorado County Planning Department." Condition #3 states in part that, "This temporary mobile home permit (excluding those in commercial and industrial zones or those used for public, school or church purposes), shall be null and void if any of the following occur: [...] g. The property owner no longer resides on the property" (Exhibit B). Ms. Story admits to not reviewing the documents in their entirety prior to signing them before a notary public; however, the act of signature prescribes both an authorized capacity for said signature, and the execution of the document being signed, pursuant to the California All Purpose Acknowledgement (Exhibit C). As such, the applicant is responsible for compliance with any and all provisions contained therein.

Contact: Lawrence W. Appel (7698)/Pierre Rivas (5841)