



Legislation Details (With Text)

File #: 07-1762 **Version:** 1

Type: Agenda Item **Status:** Failed

File created: 10/29/2007 **In control:** Board Of Supervisors

On agenda: 11/6/2007 **Final action:** 11/6/2007

Title: Hearing to consider an appeal on approval of Tentative Parcel Map P07-0011 to create two (2) parcels ranging in size from 5.0 to 5.78 acres on a 10.78 acre site (APN 102-231-66) with a design waiver to allow a driveway to access Parcel 2 from Starbuck Road only, in the Rescue area; Appellant: Erika Tschudin and Keith Shea. Applicant: Gregory and Tammy Garrett.

Sponsors:

Indexes:

Code sections:

Attachments: 1. P07-0011A Attachment 1.pdf, 2. P07-0011A Attachment 2.pdf, 3. P07-0011A Attachment 3.pdf, 4. P07-0011A Attachment 4.pdf, 5. P07-0011A Attachment 5.pdf, 6. P07-0011A Attachment 6.pdf, 7. P07-0011A Staff Report Garrett.pdf

Date	Ver.	Action By	Action	Result
11/6/2007	1	Board Of Supervisors	Denied	Pass

Hearing to consider an appeal on approval of Tentative Parcel Map P07-0011 to create two (2) parcels ranging in size from 5.0 to 5.78 acres on a 10.78 acre site (APN 102-231-66) with a design waiver to allow a driveway to access Parcel 2 from Starbuck Road only, in the Rescue area; Appellant: Erika Tschudin and Keith Shea. Applicant: Gregory and Tammy Garrett.

RECOMMENDED ACTION: Planning staff recommends the Board deny the appeal, thereby upholding the action of the Zoning Administrator to conditionally approve P07-0011, based on the findings listed on Attachment 2, subject to the conditions listed on Attachment 3.

Background: There are two existing road and public utility easements to the subject parcel from Farview Drive. The applicants at one time owned that parcel. The approval for the creation of two parcels included that access to Parcel 2 shall be from Starbuck Road alone. The appellants are of the opinion that this approval effectively permits three accesses to Parcel 2, and they object to these three access points.

The County does not have the option to require that the applicants remove those easements. It was recommended to the applicant by Planning staff and the Zoning Administrator that the easements could be abandoned voluntarily or a vehicular access restriction could be placed on both easements that would prevent both of those easements from being used as a primary access road but could still potentially be used intermittently for random deliveries of hay to the barn, for example.

The parcel map project was considered and approved by the Zoning Administrator on October 3, 2007. The appellants were present at the hearing and raised concerns about the potential for three access roads to Parcel 2. The applicants and appellants were advised that their issues were of a civil matter, and the County was not in a position to force a resolution on either party. Therefore, because the complaint is a civil matter, there is no basis to grant an appeal of P07-0011.

Contact: Gregory L. Fuz (5445)/Lawrence W. Appel (7698)/Pierre Rivas (5841)

ATTACHMENTS

Attachment 1 - Appeal Form and appellant's submitted supporting documents, (16 pages).

Attachment 2 - Findings for Approval

Attachment 3 - Conditions of Approval

Attachment 4 - Vicinity map

Attachment 5 - Approved Tentative Parcel Map

Attachment 6 - Aerial photo