



County of El Dorado

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Legislation Text

File #: 08-1480, **Version:** 1

Hearing to consider an appeal of the denial of Special Use Permit (S07-0021) to allow a landscaping business to operate as an expanded home occupation on property identified as APN 102-540-09 consisting of 5 acres, in the Rescue area; Appellant: Guy and Cynthia Cozzi. (District IV)

RECOMMENDED ACTION: Planning Services recommends the Board deny the appeal, thereby upholding the action of the Planning Commission to deny Special Use Permit S07-0021, based on the findings listed on Attachment 1.

Background: Special Use Permit S07-0021 was denied by the El Dorado County Planning Commission on September 11, 2008, denying continued operation of an illegal home occupation. The landscaping business sought to operate as an expanded home occupation with ten employees and associated equipment. An appeal was filed on September 16, 2008.

Appeal Discussion: The reasons for appeal by the applicant are as follows:

1. Decision of Planning Commission is arbitrary and capricious.
2. Findings are not substantiated or supported by the evidence in the record.

Discussion: S07-0021 was unanimously denied by the Planning Commission and findings for denial were adopted. It was found that the proposed landscape business would be a commercial use and would not be permitted by Special Use Permit in the RE-5 Zone District and therefore, there is no authority to approve such a permit. Further, it was found that the use would be inconsistent with the General Plan and have a potential to be detrimental to the public health, safety, and welfare, or injurious to the neighborhood.

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