



## Legislation Details (With Text)

**File #:** 12-0138      **Version:** 3

**Type:** Agenda Item      **Status:** Withdrawn

**File created:** 1/19/2012      **In control:** Board of Supervisors

**On agenda:** 7/31/2012      **Final action:** 7/31/2012

**Title:** HEARING: Consider a request submitted by Dena Kohutek appealing the Development Services Department Hearing Officer’s Administrative Order rescinding the Administrative Citation issued on November 1, 2011 (C #202530/Olmstead) dated December 15, 2011 on property identified by APN 093-200-05, consisting of 0.62 acre, in the Somerset area, Supervisorial District 2. (Cont'd 5/22/12, Item 35) (Est. Time: 30 Min.)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A-Appeal Form.pdf, 2. B-Administrative Order.pdf, 3. C-Request for Administrative Hearing.pdf, 4. D-Assessor's Parcel Map.pdf, 5. E - Letter from Plng Clerk to Ms. Kohutek 12-0138.pdf, 6. F - Letter rcvd from Dena Kohutek request continuance.pdf, 7. 2A - Letter D. Kohutek 7-31-12.pdf, 8. 2B - Email from R. Trout 7-31-12.pdf

Date	Ver.	Action By	Action	Result
7/31/2012	3	Board of Supervisors	Continued	Pass
7/31/2012	3	Board of Supervisors	Withdrawn	Pass
5/22/2012	2	Board of Supervisors	Continued	Pass
2/7/2012	1	Board of Supervisors	Continued	Pass

HEARING: Consider a request submitted by Dena Kohutek appealing the Development Services Department Hearing Officer’s Administrative Order rescinding the Administrative Citation issued on November 1, 2011 (C #202530/Olmstead) dated December 15, 2011 on property identified by APN 093-200-05, consisting of 0.62 acre, in the Somerset area, Supervisorial District 2. (Cont'd 5/22/12, Item 35) (Est. Time: 30 Min.)

Background: This is a request submitted by DENA KOHUTEK appealing the Development Services Department Hearing Officer’s Administrative Order (C #202530/Olmstead) dated December 15, 2011 regarding the keeping of poultry on an Estate Residential Five-Acre (RE-5) zoned parcel comprising less than one acre on property, identified by Assessor’s Parcel Number 093-200-05, consisting of 0.62 acre, located on the west side of Old Outingdale Road, approximately 120 feet west of the intersection with Mt. Aukum Road, in the Somerset area, Supervisorial District 2.

On July 13, 2011, a compliant was received by the Code Enforcement Unit alleging that 65 chickens; including hens and roosters, were being kept on a residentially zoned property posing a nuisance from excessive noise and odor. A “Courtesy Notice” dated July 13, 2011 was sent to the property owner. The complaint/violation noted was “chickens kept on less than 1 acre in violation of the zoning ordinance” (Code Section 17.14.60). An inspection of the property was made on August 3, 2011 which confirmed the keeping of chickens on a parcel of less than one acre. A “Notice to Correct” dated August 8, 2011 was sent to the property owner requesting that the violation be abated by September 14, 2011 or be subject to an administrative citation. An Administrative Citation letter

dated November 2, 2011 was sent to the property owner in accordance with Code Section 9.02 et. seq. The letter indicated that the owner may request an administrative hearing within 10 calendar days (November 17, 2011). The property owner requested an administrative hearing on November 15, 2011. Following an administrative hearing held on December 9, 2011, an "Administrative Order" dated December 15, 2011 was issued by the Administrative Hearing Officer finding that the owner's use of the property does not violate Code Section 17.14.060. In accordance with Code Section 9.02.470; within 30 calendar days any party may appeal an administrative order or other decision of the hearing officer to the Board of Supervisors. An appeal was filed by Dena Kohutek, an adjacent property owner, on January 10, 2012.

Contact: Roger Trout (5369)/Pierre Rivas (5841)

Follow-up to COB: Send Dept copies of action letter.