



Legislation Text

File #: 07-931, **Version:** 2

Hearing to consider an appeal of Conditions 5 through 15 imposed on Certificate of Compliance COC06-0054 requiring road improvements on property consisting of 1.9 acres identified as APN 317-040-01 in the Gold Hill area; Appellant: Thomas Mant (District IV). (Cont'd 6/5/07, Item 57)

RECOMMENDED ACTION: Planning staff recommends the Board deny the appeal, thereby upholding the action of the Zoning Administrator to conditionally approve COC06-0054.

Background: On May 2, 2007, the Zoning Administrator conditionally approved COC06-0054. The action included the denial of two design waivers. The waivers included the waiving of the improvement of the encroachment of Gold Strike Drive onto Gold Hill Road and a modification of the road improvement requirements for the off-site roads.

The applicant requested the Design Waivers for the following reasons:

1. The improvements would necessitate excessive grading, removal of fences, removal of trees and the relocation of telephone poles; and,
2. The improvements would be a financial burden.

Planning Services and the Department of Transportation did not support the requested Design Waivers as they would not be consistent with the requirements of the Design Standards Manual. The El Dorado County Fire Protection District supported the application with conditions.

Thomas Mant, owner of the parcel, submitted an appeal form on May 11, 2007, appealing the decision to deny the design waivers.

In summary, the appeal states that the required road improvements would be financially unfeasible and would prevent the development of the parcel.

The required road improvements are consistent with the requirements of the El Dorado County Subdivisions Ordinance and the Design and Improvement Standards Manual. Section 16.76.050 of the Subdivisions Ordinance establishes that conditions of approval may be applied to Certificates of Compliance that would have been applicable to the land division at the time the owner acquired interest in a parcel. The applicant acquired interest in the parcel in November 2003. Therefore, the required road improvements would be consistent with required conditions of approval at that time.

The Zoning Administrator determined that the required design waiver findings could not be made and followed the staff recommendation to deny the design waivers.

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ATTACHMENTS

Appeal Form

Letter from Thomas Mant to Zoning Administrator (with attachments)

Attachment 1 - Findings/Conditions of Approval

Staff Report