



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222



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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: SARAH WILLIAMS, Interim Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: Appeal No., 99-9, Denial of a Building Permit for Conversion of Not Habitable Space to Habitable Space; Res. 00-14

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on January 4, 2000

ACTION AND VOTE:

2:10 p.m. Sarah Williams, Interim Planning Director;

A) PUBLIC HEARING to Consider Appeal of Interim Planning Director's Denial of a Building Permit for the Conversion of Not Habitable Space to Habitable Space, Steve and Helen Yates, Appellants A.P.N. 006-100-058 (7403 Yosemite Park Way, Yosemite West)

BOARD ACTION: Sarah Williams reviewed the Board's previous action restricting the issuance of building permits for property within the Yosemite West Maintenance District, and their subsequent processing of permits in the community. Skip Strathearn, Assistant Planner, presented the staff report, and he reviewed the details of this appeal and staff's recommendation for denial.

Public portion of the hearing was opened and input was provided by the following:

Steve and Helen Yates, appellants/applicants, referred to their written information presented to the Board. They stated that they feel that the addition of this office space will not result in any additional flow into the sewer system, and they noted there is no plumbing requested for the space. The space would only be used for an office. They advised that their guest bedroom (which is currently being used for the office space) was originally permitted by the County as a bedroom, and they do use it occasionally as a guest bedroom. They do not feel that the letters that the Board received objecting to this application have any relevance to their request since plumbing is not involved and they do not feel they are increasing the bedroom capacity of their home. The proposed office space is separate from the house. They feel their request falls under the category of permits to be reviewed on a case-by-case basis under the current restrictions. They further advised that they want to follow the correct procedures.

Dave Deto, neighboring property owner, stated the Yates have been good neighbors and they are an asset to the community and to the County. He stated he does not feel that the expansion for office space

will be used as a bedroom, or that the expansion will impact the sewer system. He urged the Board to support their request.

Chairman Parker advised that all of the written correspondence has been entered into the record.

Rebuttal: none. Public portion of the hearing was closed and the Board commenced with deliberations. Sarah Williams stated they appreciate the appellants and those in the community that do things the right way and get permits; however, staff is concerned about the potential for future use of the space. Supervisor Pickard stated he would like to have information from John Davis, Building Director, relative to the interpretation of the Uniform Building Code and whether there is flexibility for making a decision in this matter. Staff responded to questions from the Board relative to the existing size of the house and the number of bedrooms, relative to the request for adding office space, what an internal remodel would consist of, and relative to heating and ventilation requirements. Mike Edwards, Public Works Director, responded to questions from the Board relative to the Cease and Desist Order issued by the State and whether there would be any complications from the State if this application is approved.

(M)Stewart, (S)Balmain, Res. 00-14 adopted upholding the appeal of the Interim Planning Director's denial of a building permit for the conversion of not-habitable space to habitable space for Steve and Helen Yates (APN 006-100-058) based on the finding that it will have no adverse impact on the flow of sewer and no impact on the existing restriction of the issuance of building and other permits for property within the Yosemite West Maintenance District; and the Board directed that the appellants/applicants be allowed to proceed with a building permit for the 200 square foot office space above the garage, based on the unique circumstances that are related to the lay-out of this particular structure as the garage is detached from the house/Ayes: Balmain, Stewart, Parker, Pickard; Excused: Reilly.

cc: John Davis, Building Director
Mike Edwards, Public Works Director
Jeff Green, County Counsel
File

DEPARTMENT: Planning

By: Skip Strathearn
Assistant Planner

Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: Policy Item: Yes _____ No X

Staff recommends that the Board of Supervisors deny Appeal 99-9, based upon Mariposa County Ordinance No. 934 (moratorium ordinance for Yosemite West).

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On June 23, 1998, the Board adopted Mariposa County Ordinance No. 934, an ordinance restricting the issuance of building and other permits for any property within the Yosemite West Maintenance District.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: Grant appeal and allow the issuance of the building permit for the conversion of not habitable space to habitable space.

NEGATIVE ACTION: (denying the appeal) would mean that the building permit will not be issued and the conversion will not occur.

COSTS: (X) Not Applicable	
A. Budgeted Current FY	\$ _____
B. Total anticipated Costs	\$ _____
C. Required additional funding	\$ _____
D. Internal transfers	\$ _____
COSTS: () 4/5th Vote Required	
A. Unanticipated revenues	\$ _____
B. Reserve for Contingencies	\$ _____
C. Source Description	\$ _____
Balance in Reserve Contingencies, If Approved:	
\$ _____	

SPECIAL INSTRUCTIONS
List the attachments and number the pages consecutively:

Memorandum to Board with Attachments
Attachment 1 Vicinity Map
Attachment 2 Notice of Appeal
Attachment 3 11/4/99 letter from Interim Planning Director denying request for permit
Attachment 4 Ordinance No. 934
Attachment 5 Letters from Public Works, Health Depts.
Attachment 6 Conversion request letter from appellants

CLERK'S USE ONLY
Res. No.: 00-14 Ord. No.: _____
Vote - Ayes: _____ Noes: _____
Absent: _____ Abstained: _____
 Approved Denied
 Minute Order Attached No Action Necessary
The foregoing instrument is a correct copy of the original on file in this office.
Date: _____
ATTEST: _____
MARGIE WILLIAMS, Clerk of the Board

By: _____
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

 Recommended
 Not Recommended
 For Policy Determination
 Submitted for Comment
 Returned for Further Action
 Comment: _____

 A.O. Initials: Jh