

# Attachment C

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# NOTICE OF APPEAL

RECEIVED  
MONTEREY COUNTY  
2014 JUN 11 PM 4:20

Monterey County Code  
Title 19 (Subdivisions)  
Title 20 (Zoning)  
Title 21 (Zoning)

CLERK OF THE BOARD  
LS DEPUTY

No appeal will be accepted until a written decision is given. If you wish to file an appeal, you must do so on or before   \* (10 days after written notice of the decision has been mailed to the applicant).  
Date of decision   \*.

1. Please give the following information:

- a) Your name Evergreen Financial Group
- b) Address 174 Spindrift Rd City Carmel Zip 93922
- c) Phone Number 831-624-7991

2. Indicate your interest in the decision by checking the appropriate box:

- Applicant
- Neighbor
- Other (please state) \_\_\_\_\_

3. If you are not the applicant, please give the applicant's name:

\_\_\_\_\_

4. Indicate the file number of the application that is the subject of the appeal and the decision making body.

5.

File Number	Type of Application	Area
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- a) Planning Commission: \_\_\_\_\_
- b) Zoning Administrator: PHN130706 Appeal Coastal
- c) Subdivision Committee: \_\_\_\_\_
- d) Administrative Permit: \_\_\_\_\_

5. What is the nature of your appeal?

a) Are you appealing the approval  or the denial  of an application? (Check appropriate box)

b) If you are appealing one or more conditions of approval, list the condition number and state the condition(s) you are appealing. (Attach extra sheets if necessary).

See attached

6. Check the appropriate box(es) to indicate which of the following reasons form the basis for your appeal:

There was a lack of fair or impartial hearing; or

The findings or decision or conditions are not supported by the evidence; or

The decision was contrary to law.

You must next give a brief and specific statement in support of each of the bases for appeal that you have checked above. The Board of Supervisors will *not* accept an application for appeal that is stated in generalities, legal or otherwise. If you are appealing specific conditions, you must list the number of each condition and the basis for your appeal. (Attach extra sheets if necessary).

See attached

7. As part of the application approval or denial process, findings were made by the decision making body (Planning Commission, Zoning Administrator, Subdivision Committee or Director of Planning and Building Inspection). In order to file a valid appeal, you must give specific reasons why you disagree with the findings made. (Attach extra sheets if necessary).

See attached

8. You are required to submit stamped addressed envelopes for use in notifying interested persons that a public hearing has been set for the appeal. The Resource Management Agency - Planning Department will provide you with a mailing list.

9. Your appeal is accepted when the Clerk to the Board's Office accepts the appeal as complete on its face, receives the filing fee \$ \_\_\_\_\_ and stamped addressed envelopes.

APPELLANT SIGNATURE Alphonse J. Kadner DATE 7-9-114

ACCEPTED \_\_\_\_\_ DATE \_\_\_\_\_

(Clerk to the Board)

#5 a)

We believe we were not given a full hearing. After Mel Kaplan spoke, the zoning administrator called for a response from the architect, Mr. Miller, who made incorrect statements about the trees that were cut down on the property. When another person with Mr. Kaplan tried to respond, we were advised all discussion was closed.

#6) same as #5a above.

#7 Same as #5a above. Also see Evidence d below.

## FINDINGS #2

### EVIDENCE

d. Regarding aesthetics and neighborhood character.

Due to the excessive tree removal over the past year, the owners of 174 Spindrift Road, neighbors to 173 Spindrift Road, have **complete loss of ALL** of their privacy due to the removal of trees along the common area pathway leading from Spindrift to the common walkway going to the beach. There have been between an estimated 20 to 30 trees removed over the past year, unpermitted.

In addition, the new addition is encroaching closer to 174 property line and although this is allowed, where once there was visual insulation from 173, there is now full exposure. We now look directly onto the existing home and the new construction instead of the forest that was once there. This grossly impacts our peace and comfort, and eliminated our privacy, and has negatively impacted our property value.

## FINDINGS #3 HEALTH AND SAFETY (peace, morals and comfort)

Same as above in Findings #2.

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