



NOTICE OF APPEAL

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

RECEIVED
MONTEREY COUNTY

2017 MAY -8 AM 11:27

CLERK OF THE BOARD

(Signature)

DEPUTY

Received by RMA-Planning
on May 8, 2017.

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 May 8, 2017 (10 days after written notice of the decision has been mailed to the applicant). Date of decision April 27, 2017.

1. Please give the following information:

- a) Your name Courtney Meyer
- b) Phone Number 801-910-9699
- c) Address 2854 Pradera Road City Carmel Zip 93923
- d) Appellant's name (if different) _____

2. Indicate the appellant's 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:

BLACK CROW LLC

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

- | | File Number | Type of Application | Area |
|---------------------------|------------------------------------------------------------------------|---------------------|------|
| a) Planning Commission: | _____ | | |
| b) Zoning Administrator: | <u>PLN160348 * demolition/construction * Carmel Area Land Use Plan</u> | | |
| c) Subdivision Committee: | _____ | | |
| d) Administrative Permit: | _____ | | |

5. What is the nature of the appeal?

a) Is the appellant appealing the approval ☒ or the denial ☐ of an application? (Check appropriate box)

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

See attached.

6. Check the appropriate box(es) to indicate which of the following reasons form the basis for the 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 the appellant is appealing specific conditions, you must list the number of each condition and the basis for the appeal. (Attach extra sheets if necessary).

The LUAC was improperly noticed (Noticed on Friday for a Monday hearing).

Development was improperly staked

LUAC suggestions and concerns were not included prior to the ZA hearing. They were heard for the first time at the hearing. See attached for specific conditions.

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). In order to file a valid appeal, you must give specific reasons why the appellant disagrees with the findings made. (Attach extra sheets if necessary).

See attached for specific concerns regarding the process, the staking, notice and a fair hearing. LUAC suggestions 1 and 2 were addressed, and applicant ignored the third.

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 will provide you with a mailing list.

9. Your appeal is accepted when the Clerk of the Board's Office accepts the appeal as complete on its face, receives the filing fee (Refer to the most current adopted Monterey County Land Use Fees document posted on the RMA Planning website at http://www.co.monterey.ca.us/planning/fees/fee_plan.htm) and stamped addressed envelopes

APPELLANT SIGNATURE

DATE

5/5/2017

ACCEPTED

DATE

(Clerk to the Board)

Attachments

Item 5b:

1g. Proposed attached stairwell to deck is not staked or flagged and is potentially in the 5 foot side setback.

Finding 1l. Field staking and flagging is inaccurate. Front south corner of building goes all the way to edge of property and is incorrect (see attached photo). Also, exterior attached stairway to access roof top deck not staked.

Finding 1q. LUAC not listed in reviewing agencies, and should have been included.

Finding 1u. LUAC concerns recommended with a 3-0 vote to approve with the following recommendation - 1) length of the eave (addressed) ;2) drainage (addressed) and 3) railing (should be transparent). LUAC's lte LUACm 3 recommendation wa not addressed at all and completely ignored as stated in 1u.

Items 6:

We were notices on Friday for a Monday hearing. LUAC's suggestions were not given to the ZA prior to the hearing, and were heard for the first time that day. LUAC had three recommendations, and the third recommendation was completely ignored.

Item 7:

I have concerns with the findings due to the following:

Proposed attached stairwell to deck is not staked or flagged and is potentially in the 5 foot side setback. Field staking and flagging is inaccurate. Front south corner of building goes all the way to edge of property and is incorrect (see attached photo) . Also, exterior attached stairway to access roof top deck not staked.

LUAC concerns recommended with a 3-0 vote to approve with the following recommendation - 1) length of the eave (addressed) ,2) drainage (addressed) and 3) railing (should be transparent). LUAC's recommendation was not addressed at all and completely ignored, and furthermore, was not listed in reviewing agencies in section 1q.

No staking
of stairwell

Staking to
corner of
1st

