



CALAVERAS COUNTY PLANNING DEPARTMENT

891 Mountain Ranch Road,
San Andreas, California 95249
(209) 754-6394

Planning Commission Staff Report

Hearing Date	August 24, 2023
Project Number/Name	2023-048 Appeal of Staff's decision to not provide zoning clearance to build two movable storage sheds on a vacant, undeveloped, 19.98-acre, RR-zoned parcel without first establishing the main residential use per Section 17.22.010 of the Calaveras County Municipal Code.
Supervisory District Number	District 2
Assessor's Parcel Number(s)	054-004-041
Planner	Gabriel Elliott, Director of Planning

Date: August 9, 2023

PROJECT DESCRIPTION: Mary Helen Day and Tyrone Barber are appealing Planning Staff's decision to deny zoning clearance for a building permit application for two movable storage sheds on a vacant, undeveloped, 19.98-acre RR-zoned parcel without first establishing the main residential use required per Section 17.06.0080 of the Calaveras County Code (CCC). Per Section 17.98.020 of the CCC, a decision of any staff member may be appealed to the Planning Commission by following the appeal procedures in Section 17.98.070 of the CCC, and submitting a written request, accompanied by the appropriate fee within 15 calendar days from the date of the staff decision.

The application was denied on July 14, 2023, and the appeal was received by the Planning Department on July 21, 2023. The appeal letter, dated July 20, 2023, is attached as Exhibit 3.

APPELLANT/LANDOWNER: Mary Helen and Tyrone Barber
16331 Lawrence Rd.
Escalon, CA, 95320

PROJECT LOCATION: The property is a 19.98-acre parcel zoned Rural Residential (RR) with a Working Lands General Plan designation, is located at 3559 Stagecoach Road, Copperopolis, CA, and is a portion of Section 5, T01N, R12E, MDM.

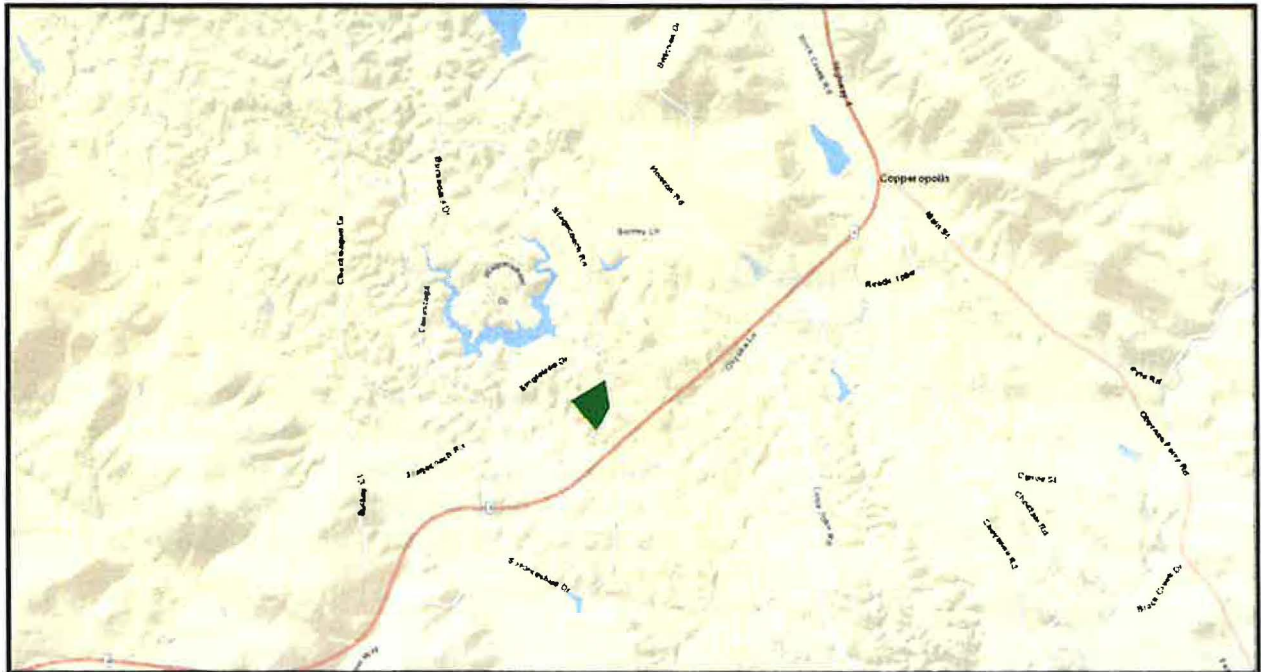


Figure 1: Location Map



Figure 2: Aerial Map

BACKGROUND:

On July 11, 2023, Barber Construction submitted a building permit application for a 20' x 40' shed (800 square feet), a 20' x 20' structure (400 square foot storage unit), a 10' x 16.5' (165 square foot storage unit) and a 40' x 29' 11" (approximately 1,200 square-foot motorhome/deck), indicated in Figure 3:Submitted Plans. The elevations for the

motorhome storage unit and deck and the storage units are identified in Figure 4: Elevations.

On July 14, 2023, the Planning Department denied zoning clearance for all structures applied for, and on August 14, 2023, Mr. Barber and Ms. Day submitted an appeal of the denial of only two of the four building permit applications, the ones for the 20' x 40' shed and the one for the 2'0 x 20' storage unit.

ANALYSIS:

As part of the permitting process, the Planning Department reviewed the building permit application submitted by Barber Construction on July 14, 2023, and determined that pursuant to Section 17.06.0080(B) of the CCC, the 400 square-foot structure and the 800 square-foot structure cannot be permitted until the main residential structure has been constructed. Both structures are considered accessory structures/uses to the main structure.

An accessory structure is defined in Section 17.06.0080(B) of the CCC as a usual and customary building normally associated with permitted or conditional use. Although per CCC Section 17.22.020(A)(2), incidental and accessory structures are permitted uses in the RR zone, Section 17.06.008(A) of the CCC defines an accessory use as a land use that is associated with an existing permitted or conditional use within a zoning district.

Chapter 17.06.0080(A) of the CCC states that “An accessory use shall not be permitted until the permitted or conditional use is established.” Also, pursuant to Section 17.22.010, **the RR zone is intended to provide lands for personal ranches in which residential use is the primary land use**. Section 17.22.010 of the CCC goes on to say that the RR zone is established to permit small-scale farming primarily for personal use and not as the primary use of the property. While these sections do not automatically preclude a non-residential use from being established in RR, they do suggest that small-scale ranching in particular, while a permitted use, cannot be established as a *primary* use. Making sure that a primary use has been established before allowing accessory uses or structures on the property is one way of ensuring that incompatible uses are not impermissibly established in the RR zone. The Planning Department has therefore long interpreted the combined zoning ordinances cited in this staff report as prohibiting the construction of accessory structures prior to the construction of the primary use.

More recently, the Planning Department developed a policy of interpreting these ordinances more flexibly, allowing applicants who had made substantial progress towards the completion of their primary structure to allow one (1) accessory structure to be built to help facilitate that construction (e.g., secure tool and materials storage). Applicants in this situation must demonstrate that a main structure has been permitted but not constructed, or is permitted and under construction, and/or that other verifiable substantial efforts have been made to construct a primary structure. This applicant, however, wants to put *two* accessory structures on the parcel—one for tools and equipment and one to support cattle ranching--*without* having yet obtained a building permit for the primary residence.

The stated intention of using one of the structures as a hay barn to support an agricultural operation also means that this structure is not just an “accessory structure” but an “agricultural accessory structure”, defined separately in County Code under 17.06.0125 and a conditional use in the RR zone. This definition says, “*Agricultural accessory structure’ means a structure for uses in agricultural operations such as sheltering animals, for agricultural equipment, hay, feed, etc. Examples of these structures include barns or storage buildings, noncommercial greenhouses, coops, corrals, and pens. May also include the storage of petroleum products for an on-site agricultural use allowed by the applicable zone. Does not include fencing, which requires no county approval when in compliance with Section 17.16.050 of this title (fences, walls, and screening).*” The structure intended for use to support their cattle operation cannot therefore be built at all via a ministerial building permit; it needs an administrative use permit.

Therefore, based on the definitions in Section 17.06.008(A&B) of the CCC, 17.06.0125 of the CCC, and the limitations of the RR zoning district identified in Section 17.22.010 of the CCC, Planning staff denied the request for zoning clearance for building permits to establish the two accessory structures on the subject RR-zoned property. There is no evidence of a building permit application being filed for the main residence nor plans submitted for the installation of septic system(s) for the main residential structure in the immediate future.

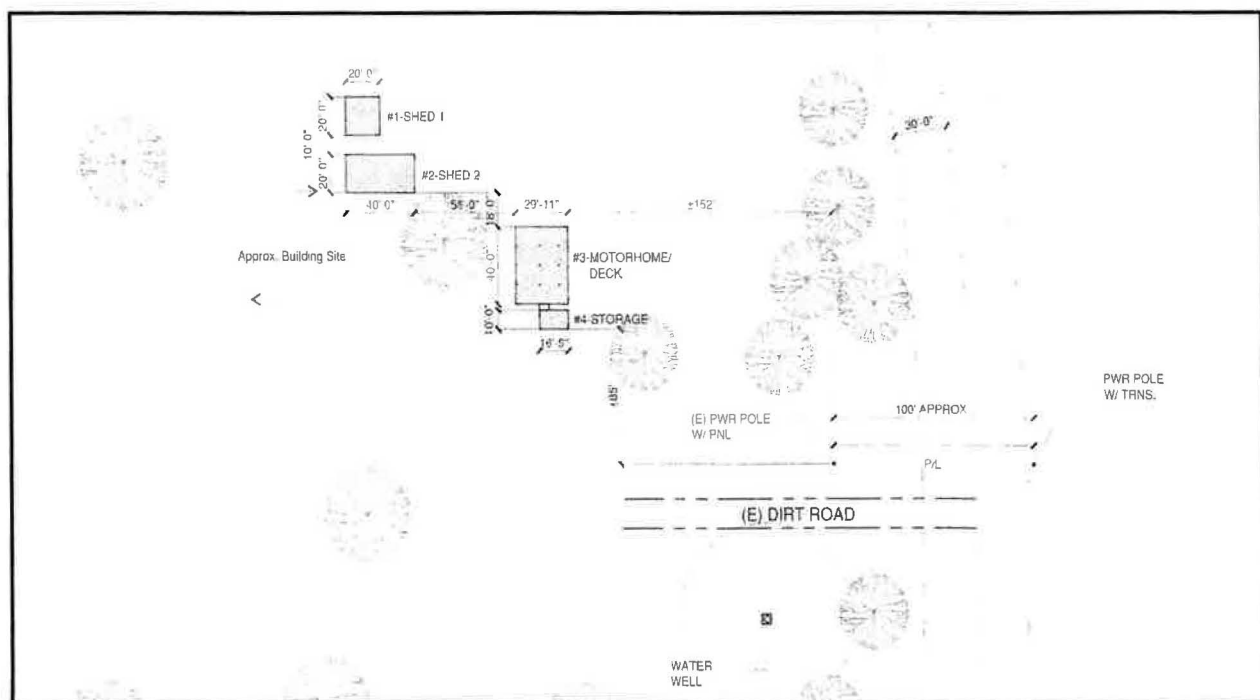


Figure 3: Submitted Plans

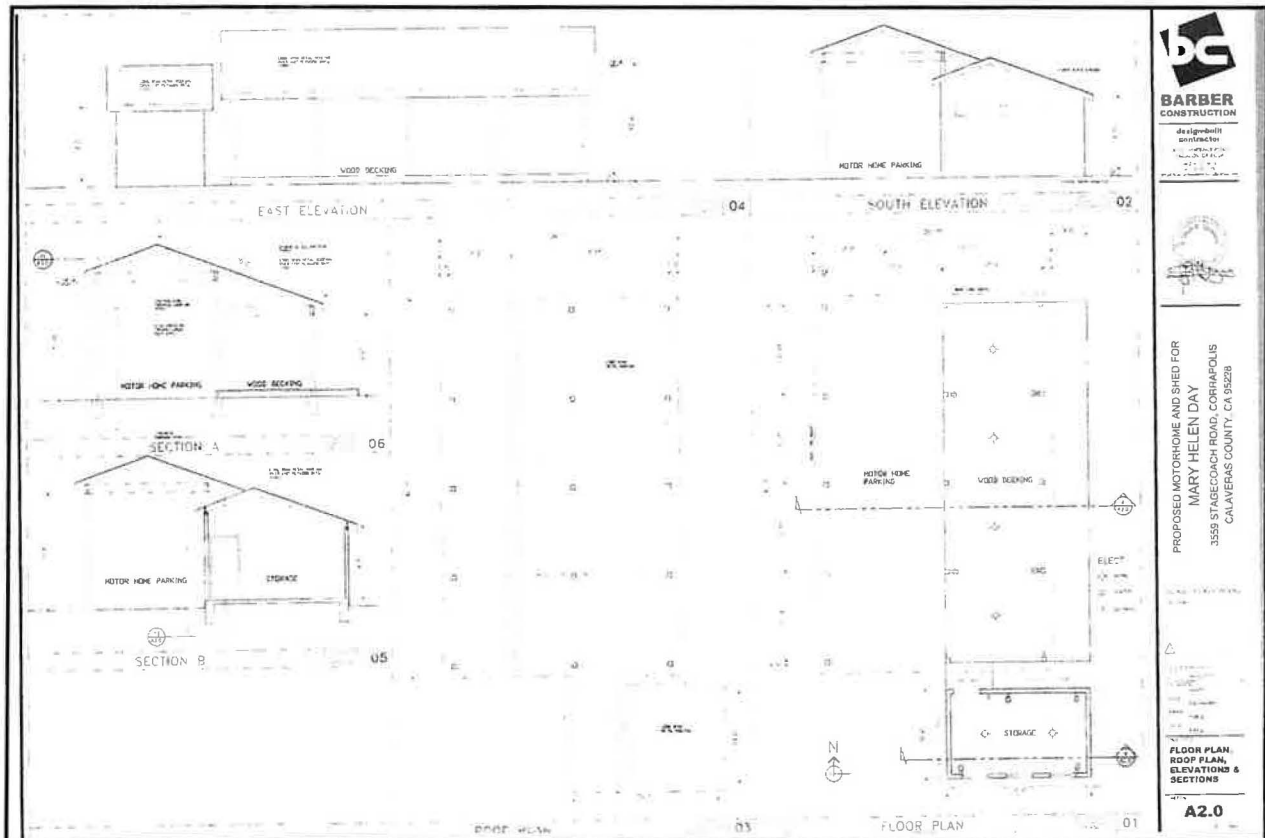


Figure 4: Elevations

Appeal

On August 20, 2023, Mary Helen Day and Tyrone Barber filed an appeal of Planning staff's decision pursuant to CCC Chapter 17.98.020 which states that a decision of any Planning Staff may be appealed to the Planning Commission by following the appeal procedures in Section 17.98.070, and submitting a written request, accompanied by the appropriate fee, within 15 calendar days from the date of the staff decision. The Planning Department received the appeal application within the required 15 calendar days of the decision and with the appropriate filing fee.

In their appeal letter, Mr. Barber indicated that he and his wife recently purchased the property as their retirement home and that it would take his architect some time to draw up plans for the main residence with the accompanying engineering calculations. While they await the completion of drawings for their new home and subsequent plan submittal, the Barbers would like to move a 400 square-foot shed and an 800 square-foot shed onto the property. The smaller shed (400 square feet) would allow them to move hay for his long horn cows and keep them from getting wet during unpredictable rainy weather, and the bigger shed (800 square feet) would allow them to move construction equipment and materials on the site and shield them from outside elements. The letter did not address the other structures identified in the submitted plans, which are the motorhome shed and storage unit.

While it is true that agricultural operations are also a permitted use in RR zone, CCC Section 17.22.010 says that small-scale farming cannot be a *primary* use, and the appellants themselves are saying that they intend the primary use of the property to be residential. They have been clear that they fully intend to build a home on the property because the property is their retirement property. The appeal letter stated that they had already paid ½ (one half) of the permit fees for the proposed structures including a \$500.00 encroachment permit

While Planning Staff recognizes the Barbers' position and can empathize, the current code does not allow staff the flexibility to allow the structures as proposed. While not at issue in this appeal, it also appears from the submitted plans that the motorhome may be intended as a temporary residence while residential plans are being drawn and are going through the review and approval process. Per Section 17.22.040(B), the temporary use of a mobile home in conformance with CCC Section 17.04.130, is permitted in the RR zoning designation.

The Planning Department would like the appellants to be aware that Section 17.04.130(A) of the CCC allows for *the temporary use of a single-wide mobile home, recreation vehicle or travel trailer with a current, valid registration and license as a residence while building a permanent residence.*

ENVIRONMENTAL REVIEW: This project is categorically exempt from the CEQA pursuant to CEQA guidelines section 15268, which exempts ministerial projects from the CEQA. A Notice of Exemption will be filed if Planning Staff's decision is upheld. The staff decision being appealed is a ministerial denial of zoning clearance by the Planning Department as part of a ministerial building permit application.

RECOMMENDATION: Staff recommends the Planning Commission adopt resolution 2023-011, denying 2023-048 Appeal and upholding the Planning Staff's denial of two movable storage sheds on a vacant, undeveloped, 19.98-acre RR-zoned property.

ATTACHMENTS:

1. Resolution 2023-011
2. Staff correspondence with Mr. Barber
3. Appeal Letter dated 07-20-23
4. Receipt of payment and payment confirmation

**COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION**

RESOLUTION NO. 2023-011

>>A RESOLUTION DENYING APPEAL 2023-048 AND UPHOLDING PLANNING STAFF'S DENIAL OF ZONING CLEARANCE FOR TWO MOVABLE STORAGE SHEDS ON A VACANT, UNDEVELOPED, 19.98-ACRE, RR-ZONED PROPERTY AT 3559 STAGECOACH ROAD, COPPEROPOLIS

WHEREAS, On July 11, 2023, Barber Construction submitted a building permit application for a 20' x 40' shed (800 square feet), a 20' x 20' structure (400 square feet storage unit), a 10' x 16.5' (165 square feet storage unit) and a 40' x 29' 11" (approximately 1,200 square-foot motorhome/deck); and

WHEREAS, the accessory structures are proposed on real property in the unincorporated portions of the County of Calaveras, more particularly described as APN: 054-004-041 and located at 3559 Stagecoach Road, a portion of Section 5, T01N, R12E, MDM; and

WHEREAS, on July 14, 2023, Planning Staff determined that the construction of the movable storage sheds as proposed would not be consistent with the Calaveras County Zoning Code, and denied zoning clearance for the temporary structures pursuant to Calaveras County Code (CCC) Section 17.06.0080(B); and

WHEREAS, on July 20, 2023, Appeal 2023-048 was filed by Mary Helen and Tyrone Barber pursuant to Calaveras County Code Section 17.98.020 challenging Planning Staff's determination; and

WHEREAS, during a noticed public hearing on September 14, 2023, the Planning Commission considered all of the information presented to it, including a staff report, information presented by the project proponent, and information presented at the meeting; therefore

BE IT RESOLVED that the Planning Commission denies Appeal 2023-048 and upholds Planning Staff's denial of two movable storage sheds.

1. The construction of the two movable storage sheds as proposed on the property prior to the construction of the primary residence intended on the site is inconsistent with the Calaveras County Zoning Code.

EVIDENCE: The applicants intend to use their RR-zoned property primarily as a residence, with cattle ranching as an accessory use. They have not yet received a building permit to begin construction of their residence but are seeking building permits for two mobile sheds, one to keep hay for their cattle and another to keep tools and equipment. CCC 17.06.008(A) defines an "accessory use" as "a land use

that is associated with an existing permitted or conditional use within a zoning district.” It also says, “An accessory use shall not be permitted until the permitted or conditional use is established.” While it is true that agricultural operations are permitted uses in the RR zone, CCC 17.22.010 prohibits “small-scale farming” of this nature as a *primary* permitted use. Allowing the construction of a hay barn to support cattle ranching prior to the construction of the primary residence would violate the zoning code because it would allow a ranching operation to exist on the property before the *primary* permitted use—the residential use of the property—is established. Also, because one of the sheds is intended to be used to store hay to support cows on the property, it is an “agricultural accessory structure” under CCC 17.06.0125. Unlike “residential accessory structures”, agricultural accessory structures are conditional uses in the RR zone and cannot be approved without an administrative use permit (CCC 17.22.030(B)(1)(a)), which the appellants have not applied for.

While CCC 17.06.0080 defines “accessory use” and “accessory structure” differently, the Planning Department has long interpreted the Zoning Code as prohibiting *both* the construction of an accessory structure and the establishment of an accessory use before the primary use is established, as the construction of an accessory structure supports the premature establishment of an accessory use. More recently, the Planning Department has begun to recognize the need for people to construct an accessory structure to a residential use (e.g., to securely store tools and equipment needed to construct the primary residence) and has begun providing zoning clearances to allow people to build a single accessory structure if they have already received a building permit for and are making substantial progress toward the construction of the primary structure. The Director interprets this level of progress as having “established” the primary use on the property adequately to allow one accessory structure prior to its completion. The appellants, however, have not received a building permit or otherwise made substantial progress on the construction of their residential structure. Therefore, allowing the appellants to proceed with constructing either of the two sheds they seek a permit for would violate the zoning code.

Approved by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on September 14, 2023, on a motion by Commissioner _____ and seconded by Commissioner _____.

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair, Planning Commission

ATTEST:

Gabriel Elliott,
Director of Planning

The project files are available for public review in the Planning Department, County of Calaveras, Government Center, 891 Mountain Ranch Road, San Andreas, CA. 95249, between the hours of 8:00 a.m. and 4:00 p.m.

Aerial Map



Calaveras County Planning Department
891 Mt. Ranch Rd.
San Andreas CA 95249
(209)754-2853

From: Tyrone Barber <tybarberconstruction@yahoo.com>
Sent: Friday, July 14, 2023 2:43 PM
To: 'mhday2003@yahoo.com' <mhday2003@yahoo.com>; Gina Kathan <GKathan@co.calaveras.ca.us>
Subject: Re: Building permits for Storage Sheds, deck and RV Shed

CAUTION: This email comes from outside the County. Do not click on links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, use the Phish Alert button.

Good Afternoon Gina,

I am the GC & partner ownership for this property. We are going to be submitting a permit for a residential.

The reason why we want the permit for the shed is so I have somewhere to park and put all my equipment and materials inside, out of view so it does not get stolen.

The shed for my RV is also for protection when I park my RV. I will use this RV when I pull a permit for the residential house construction.

It doesn't make sense on why I can't have anything (sheds etc) on this property so I can prepare for my construction. I am also bringing in my cows to the property. The smaller shed is for all my hay for the cows.

The 2 sheds that I am putting in are not the permeant sheds. They will set on top of the dirt. I am trying to do the right thing by submitting permits but yet I am being denied? This property is meant for my wife and I retirement home.

I went there 2 times to get information on what needs to be done and I was never told any of this information. Please call me directly if you have any further questions at 510.714.2228.

Regards,
Ty Barber

On Friday, July 14, 2023 at 02:25:46 PM PDT, Gina Kathan <gkathan@co.calaveras.ca.us> wrote:

Mary Helen Day,

This email is to notify you that your applications for building permits, B23-1281, 1280, 1279, 1278, to construct 3 storage sheds, 1 deck and a RV shed have been denied and cannot be issued. The subject parcel is zoned Rural Residential (RR-15). The RR zone is intended to provide lands for personal ranches in which residential use is the primary land use. Records indicate this parcel is unimproved land. The proposed structures are residential accessory structures. County code defines Accessory uses, structure as follows:

17.06.0080 - Accessory use, structure.

A. "Accessory use" means a land use that is associated with an existing permitted or conditional use within a zoning district. An accessory use shall not be permitted until the permitted or conditional use is established.

B. "Accessory structure" means a usual and customary building normally associated with a permitted or conditional use.

These structures can only be permitted once a single family residence has been established as the primary use of the property. If your intention is the reside in the recreational vehicle, you can do so with approval of a Temporary Use Permit upon issuance of a building permit for the construction of a single family residence and the on-site wastewater system has been permitted and installed. If you have any questions, please feel free to contact me.

Gina Kathan

Planner III

Calaveras County Planning Department

891 Mt. Ranch Rd.

San Andreas CA 95249

(209)754-2853

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This electronic mail message and any attachments are intended only for the use of the addressee(s) named above and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient, or the employee or agent responsible for delivering this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail message in error, please immediately notify the sender by replying to this message or by telephone. Thank you.

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Disclaimer

This electronic mail message and any attachments are intended only for the use of the addressee(s) named above and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an

Thank you for the added information Ty. If not before, we will discuss during our staff meeting on Wednesday and get back with you.

Gina Kathan
Planner III
Calaveras County Planning Department
891 Mt. Ranch Rd.
San Andreas CA 95249
(209)754-2853

From: Tyrone Barber <tybarberconstruction@yahoo.com>
Sent: Monday, July 17, 2023 10:19 AM
To: 'mhday2003@yahoo.com' <mhday2003@yahoo.com>; Gina Kathan <GKathan@co.calaveras.ca.us>
Cc: Planning Email Group <PlanningDept@co.calaveras.ca.us>
Subject: Re: Building permits for Storage Sheds, deck and RV Shed

CAUTION: This email comes from outside the County. Do not click on links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, use the Phish Alert button.

Hi Gina,

The previous owner had a plan to build a house where I am building the two sheds. However we are building the house in a different higher elevation. Once the Architect establish the size of the house and the exact location, I will get someone out their to do the engineering and provide the new location of the septic tank. There is already a new well pump and new electrical meter. This was done by the previous owner.

I am willing to pay any fees or deposit to show my good faith that I will be building a house. The only thing that I am requesting is a permit for my 2 sheds for now. This will help secure my equipment & hay for my cows.

Regards,
Ty Barber

On Monday, July 17, 2023 at 10:06:56 AM PDT, Gina Kathan <gkathan@co.calaveras.ca.us> wrote:

Good Morning Ty,
Past exemptions have only included the issuance of 1 permit for an Accessory Structure prior to the establishment of a residence in residential zones, and they've only been approved when there is, undoubtably, intent to construct a residence on the property in the near future. What is the time frame for installation of the on-site waste water system? I see there is approval of a 2-bedroom system. Ultimately, construction of an accessory structure as the first permit must be approved by the Planning Director. He will want to see sufficient evidence supporting the construction of a residence in order to approve this request.

Gina Kathan
Planner III
Calaveras County Planning Department
891 Mt. Ranch Rd.

San Andreas CA 95249
(209)754-2853

From: Tyrone Barber <tybarberconstruction@yahoo.com>
Sent: Monday, July 17, 2023 9:20 AM
To: 'mhday2003@yahoo.com' <mhday2003@yahoo.com>; Gina Kathan <GKathan@co.calaveras.ca.us>
Cc: Planning Web Account <PlanningWeb@co.calaveras.ca.us>
Subject: Re: Building permits for Storage Sheds, deck and RV Shed

CAUTION: This email comes from outside the County. Do not click on links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, use the Phish Alert button.

Good Morning Gina,

Thank you so much for getting back to me. As you know we just purchased this property roughly 2 months ago.

We are going to hire an Architect to start designing the house. According to the Architect it will take between 6-8 months to do his design, all engineering and prepare plans for submittal.

I understand if I have to pull the deck & RV storage permit later on.

The first thing that I need is the permit for the 20 x 20 shed which will store the hay for my cows. The 20 x 40 shed will store all of my equipment (tractor, 4 x4, trailer etc). If I can get these 2 permits, It would help me alot so my hay & equipment will not be exposed to the weather and my hay won't be subject to mildew if they get wet.

I completely understand what you are saying but if I can get at least these two permits I would really appreciate it. The other permits I can pull later once we submit for the home.

Please let me know if you'd like to discuss further and for your understanding.

Regards,
Ty Barber

On Friday, July 14, 2023 at 03:38:38 PM PDT, Gina Kathan <gkathan@co.calaveras.ca.us> wrote:

Ty,

The Building Department doesn't regulate zoning; however, I would hope that a conversation regarding all these permits in a residential zone would be reason enough for them to send you to Planning for further discussion. I apologize that County staff didn't take that extra step. We want to work with you, but have to do so within the limits of code. I cannot give you all these permits initially, so let's try to figure out if there is a way that I can at least give you one. It is reasonable to need a structure to store tools and equipment during construction. When do you plan on submitting plans for your residence and installing the septic system? And, if we were to issue you one permit for a storage shed, which one would you want prior to the residence? The RV storage and deck permit can only be issued once the permit is issued for the residence. You can then temporarily reside in the RV initially for 6 months with a possible extension of an additional 6 months if the residence is not completed. Zoning regulates all structures, even those that don't require a building permit. With that being said, all the proposed structures are "accessory" to a single family residence. Please provide me with a time line for construction of all the future development of this property. I'm preparing to leave the office for the day, but will be happy to discuss this matter further next week.

Gina Kathan
Planner III

Gina Kathan

Planner III

Calaveras County Planning Department

891 Mt. Ranch Rd.

San Andreas CA 95249

(209)754-2853

From: Tyrone Barber <tybarberconstruction@yahoo.com>

Sent: Wednesday, July 19, 2023 2:07 PM

To: 'mhday2003@yahoo.com' <mhday2003@yahoo.com>; Gina Kathan <GKathan@co.calaveras.ca.us>

Subject: Re: Building permits for Storage Sheds, deck and RV Shed

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Wow! This is upsetting news and I don't think it's fair. There are a lot of people in that area that has no permit's for a lot of things.

As I mentioned to you in previous emails, it will take my Architect sometime to draw up the plans for the residence and do engineering.

We just recently purchased this property roughly 2 months ago. How can I come up with a house plan right away? All I needed was to get approval for the 2 sheds so I can keep my cows & equipment safe from all the elements.

I have full intentions to build a home on the property because this is our retirement property. I offered to pay for a fee to show my good faith that a home will be on site.

I even paid 1/2 of all of the permits applied for these structures. I paid \$500+ for an encroachment permit. I am trying to go about this the correct way but I feel like I'm being restricted on doing the necessary steps to achieve these goals. It takes a lot of planning.

I have been approached by many asking me why am I needing to pull a permit for the 2 sheds which only sits on the ground, they are not permeant but moveable.

Is there a way to appeal the decision?

Regards,

Ty Barber

On Wednesday, July 19, 2023 at 01:53:22 PM PDT, Gina Kathan <gkathan@co.calaveras.ca.us> wrote:

Ty,

The consensus of the Planning Department is that the evidence presented does not establish the intent to construct a residence (the primary land use in the RR zone) in the immediate future. Until a permit application for the residence has been submitted to the County Building Department, we are unable to permit any of the proposed accessory structures as all proposed in Building Permit Applications B23-1278 through B23-1281.

Gina Kathan
Planner III
Calaveras County Planning Department
891 Mt. Ranch Rd.
San Andreas CA 95249
(209)754-2853

From: Tyrone Barber <tybarberconstruction@yahoo.com>
Sent: Wednesday, July 19, 2023 9:16 AM
To: 'mhday2003@yahoo.com' <mhday2003@yahoo.com>; Gina Kathan <GKathan@co.calaveras.ca.us>
Cc: Planning Email Group <PlanningDept@co.calaveras.ca.us>
Subject: Re: Building permits for Storage Sheds, deck and RV Shed

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Good Morning Gina,

I just wanted to follow up to see if you have any update on the permits for the 2 sheds? Any updates would be appreciated.

Regards,
Ty Barber

On Monday, July 17, 2023 at 12:36:37 PM PDT, Gina Kathan <gkathan@co.calaveras.ca.us> wrote:

From: [Gina Kathan](#)
To: ["Tyrone Barber"; "mhday2003@yahoo.com"](#)
Cc: [Planning Email Group](#)
Subject: RE: Building permits for Storage Sheds, deck and RV Shed
Date: Tuesday, August 1, 2023 12:49:52 PM

Hello Ty,

Pursuant to Chapter 17.98.070.D. - Upon determination that the application of appeal is complete, with the exception of appeals to a court of competent jurisdiction, the secretary or clerk to the appellate body shall schedule an appeal hearing within forty-five days of the date of acceptance of the appeal application. Your application for appeal was received by the Planning Dept. on July 21st. The application was not assigned to me, so I cannot speak to the intended date for the Planning Commission (PC) hearing. The PC meets every 2nd and 4th Thursday of each month. Tomorrow we have a staff meeting for which I will bring up your question of process timing. I'm sure someone will be contacting you soon.

Gina Kathan
Planner III
Calaveras County Planning Department
891 Mt. Ranch Rd.
San Andreas CA 95249
(209)754-2853

From: Tyrone Barber <tybarberconstruction@yahoo.com>
Sent: Tuesday, August 1, 2023 12:13 PM
To: 'mhday2003@yahoo.com' <mhday2003@yahoo.com>; Gina Kathan <GKathan@co.calaveras.ca.us>
Cc: Planning Email Group <PlanningDept@co.calaveras.ca.us>
Subject: Re: Building permits for Storage Sheds, deck and RV Shed

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Good Afternoon Gina,

I applied for an appeal of the decision and I was wondering usually how long does the process take? Will I get an email or letter sent to me in the mail?

I appreciate any information on this.

Regards,
Ty Barber

On Wednesday, July 19, 2023 at 02:20:11 PM PDT, Gina Kathan <gkathan@co.calaveras.ca.us> wrote:

Ty,

I'm sorry, but the purpose of the RR zone is clear. All of the improvements done thus far are not for loss as you will need them to construct the home. It is unfortunate that there was not a better understanding of the property's zoning prior to submittal of the building permits or even purchase of the land. Pursuant to County Code Chapter 17.98.020, **A decision of any planning staff member may be appealed to the planning commission by following the appeal procedures in [Section 17.98.070](#), and submitting a written request, accompanied by the appropriate fee, within fifteen calendar days from the date of the staff decision. The fee for filing an appeal is \$500.00.**

- **17.98.070 - Procedures.**

A. Standing for Filing an Appeal. Any project proponent or aggrieved party may file an appeal as specified in this chapter, provided that the appellant has participated in the administrative process prior to filing an appeal.

B. No issue which was not addressed during the hearing upon which the appeal is based shall be part of the appeal hearing. All relevant and known facts must be presented to planning department staff and the planning commission. In the event that new information is presented on appeal, the board of supervisors shall have discretion to remand the project to the planning commission for consideration of new facts or issues.

C. To file an appeal, the appellant shall submit an application of appeal as follows, along with the appropriate fee:

1. Decisions of staff or development review committees: The application of appeal is submitted to the chairman of the planning commission;

2. Decisions of the planning commission: The application of appeal is submitted to the clerk of the board of supervisors.

D. Upon determination that the application of appeal is complete, with the exception of appeals to a court of competent jurisdiction, the secretary or clerk to the appellate body shall schedule an appeal hearing within forty-five days of the date of acceptance of the appeal application.

E. Prior to ten days before the appeal hearing, the clerk of the appeals body shall publish a notice in a newspaper of general circulation in the county, and shall place into the United States mail, with first class postage prepaid, a notice to all property owners to whom notices were sent for the original hearing. The notice shall indicate the name of the appellant, the project file number and project title, the issues being appealed, the date, time and location of the hearing, and before which body the appeal is to be held. Information as to the availability and location of project files is to be included.

(Ord. 2289 § 3(part), 1992: Ord. 1812 § 1(part), 1986).



16333 Lawrence Rd., Escalon, CA 95320
Phone No. (209) 221-6623
Fax No. (209) 838-7738

Email: tybarberconstruction@yahoo.com
Website: www.tybarberconstruction.com

Appeal Letter

07/20/23

To: Calaveras County Planning Department

From: Mary Helen Day & Tyrone Barber

Re: Appeal Letter
3559 Stagecoach Rd
Copperopolis, CA 95228

Dear Calaveras County Planning Department,

I, Tyrone Barber co-owner and General Contractor for the property located at 3559 Stagecoach Rd in Copperopolis request for a reconsideration of the decision made on 7/19/23 by submitting this appeal letter. After a few days of back and forth emails from Gina Kathan, a planner with the Calaveras County Planning Department. a decision was made to not allow permits for my two moveable sheds until a building permit is submitted for a new residential plan.

I had explained to Mrs. Kathan that my wife and I just recently purchased this property as our retirement home roughly 2 months ago and it would take my Architect sometime to draw up plans for the residence and do engineering. In the interest of time while I wait for the submittal drawings of the intended future home, I wanted to move my 20 x 20 shed & 20 x 40 shed onto the property. The smaller shed will allow me to move the hay for my long horn cows and keep them from getting wet during unpredictable rainy weather and the bigger shed will allow me to move my equipment and materials on site and shield them from outside elements.

I have full intentions to build a home on the property because this is our retirement property. I offered to pay for a fee to show my good faith that a home will be on site. I already paid 1/2 of all of the permits applied for these structures & \$500+ for an encroachment permit. As a general contractor who specializes in medical & dental Tenant Improvement projects, I respect the codes and am trying to go about these things the correct way but I feel like I'm being restricted on doing the necessary steps to achieve these goals. It takes a lot of planning.

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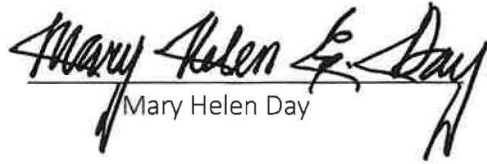
JUL 21 2023

**Calaveras County
Planning Department**

Thank you for your consideration and if there are any questions, I can be contacted directly at (510) 714-2228.

Regards,


Tyrone Barber


Mary Helen Day

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JUL 21 2023

**Calaveras County
Planning Department**



**CALAVERAS COUNTY
PLANNING DEPARTMENT**

GOVERNMENT CENTER
891 MOUNTAIN RANCH RD
SAN ANDREAS, CA 95249
Phone (209)754-6394 / Fax (209)754-6540
email: planningweb@co.calaveras.ca.us

APPEAL FORM

Appellant(s):

Name Mary Helen Day & Tyrone Barber

Mailing Address 16333 Lawrence Rd Escalon, CA 95320

Phone (Business) 209-221-6623 (Home) 510-714-2228 - cell

Email Address tybarberconstruction@yahoo.com

Agent:

Name _____

Mailing Address _____

Phone (Business) _____ (Home) _____

Email Address _____

Project or Action Being Appealed two moveable storage shed's.

Please attach written description or reason(s) for appeal.

FOR OFFICIAL USE ONLY

Date Stamp

Receipt Number

PLNG 412

Application Number

2023-048

Method of Payment,

[] Cash [] Check # CC

Amount

\$ 500.00

Ref # 39248630

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JUL 21 2023

Calaveras County
Planning Department
Revised 5-8-23