
CLERK OF THE
BOARD OF SUPERVISORS



COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

701 OCEAN STREET - Room 500
SANTA CRUZ, CALIFORNIA 95060
(408) 454-2323

Agenda: March 21, 2000

March 9, 2000

Board of Supervisors
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Re: Scheduling jurisdictional hearing regarding Application No. 97-0352; APN: 041-I 81-20;
Owners/applicants: Namvar and Shirin Dinyari

Members of the Board:

Pursuant to Section 18.10.340(c) of the Santa Cruz County Code, Attorney Richard Klein, on behalf of Namvar and Shirin Dinyari, has filed an appeal of the Planning Commission's decision regarding Application No. 97-0352. This application is a proposal to construct a two-story, single-family dwelling with an attached carport. Requires a Riparian Exception and a Variance to reduce the required 20-foot front yard to about 3-feet from the edge of the right-of-way along Polo Drive to the dwelling and about 16-inches to the roof overhang, and to reduce the required 8-foot north side yard to about 5-feet. The property is located at 3345 Polo Drive in Aptos.

IT IS THEREFORE RECOMMENDED that a jurisdictional hearing be scheduled for Tuesday, April 11, 2000 at 9:00 a.m. or thereafter for your Board to consider this matter.

Sincerely,

Susan M. Rozarii
Chief Deputy Clerk

RECOMMENDED:

Susan A. Mauriello
County Administrative Officer

cc: Planning Department
Attorney Richard A. Klein

LAW OFFICE OF
RICHARD A. KLEIN
9053 SOQUEL DRIVE, SUITE B
APTOS, CALIFORNIA 95003
(831) 688-1736
FAX (831) 688-1695

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March 8, 2000

Santa Cruz Co. Board of Supervisors
Attn: Clerk of the Board
701 Ocean Street, Fifth Floor
Santa Cruz CA 95060

Re: Application No. 97-0352
Applicant – Namvar and Shirin Dinyari
Project Planner – Dave Johnston
APN 041-181-20
Project location – 3345 Polo Drive, Aptos
Second Supervisorial District

Dear Clerk:

On behalf of the above-named Applicants, Mr. and Mrs. Dinyari, I am writing to appeal the decision of the Planning Commission of February 23, 2000, in regards to the above application/project. At said February 23rd hearing, the Commission voted to deny Staffs recommended approval of the Dinyari application and granted the appeal of the Zoning Administrator's prior approval of the single-family residence project.

You will find a check in the amount of \$2,274, made payable to the County for the appeal fee. Said appeal is based, in part, on the inadequacy of the findings of the Planning Commission in support of its decision to deny the application, and in part, because the denial is without proper grounds, is unfair and improper and represents a denial of the Dinyaris' property rights to develop a single-family residence on a buildable legal residential lot.

The Planning Commission's action was improper under the applicable laws and statutes and failed to take into account the facts and circumstances surrounding this application. The Commission's denial

Mr. Namvar Dinyari
March 8, 2000

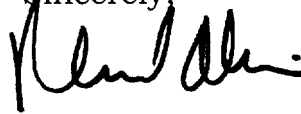
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discriminates against the Dinyaris and denies them the same opportunity and land use as their neighbors on Polo Drive and as the adjoining and surrounding properties. In essence, the Planning Commission's denial is a taking of the Dinyari property. Either the Board must compensate the Dinyaris for the County's improper taking or grant the application.

For all the above reasons, Applicants Namvar and Shirin Dinyari respectfully request that the Honorable Board of Supervisors of Santa Cruz County grant this appeal, set aside the Planning Commission's denial of the Dinyari application, and confirm Planning Staffs recommendation of the approval of the above Dinyari application.

Sincerely,



Richard A. Klein

RAK/brs

Enclosure (check)

cc: Honorable Jeffrey Almquist
Honorable Jan Beautz
Honorable Tony Campos
Honorable Walt Symons
Honorable Mardi Wormhoudt
Mr. and Mrs. Namvar Dinyari