



MARIPOSA BUILDING APPEALS PROCEDURE & FORM

Information Sheet

What is an Appeal?

An appeal is a request for the Building Advisory and Appeals Board to review decisions of a Building Official in which it's believed the conclusion reached was inappropriate. Findings, decisions, or determinations of the Building Director or Building Official, and interpretations of County Code or County policy made by a County official or department head can be appealed.

What Issues Can Be Considered in an Appeal?

An application for appeal is based on a claim that the true intent of the California Building Code or the rules legally adopted thereunder have been incorrectly interpreted, the provision of the California Building Code does not fully apply or an equally good or better form of construction is proposed.

Who Can Appeal a Decision or Determination?

Any involved person may appeal a finding, decision, or determination made by a County body or official including the applicant of the finding, decision, or determination.

When Does an Appeal Need to be Filed?

Appeals of all types of building determinations or actions must be filed within twenty (20) calendar days upon receipt of the letter specifying the finding, decision, or determination.

All appeals to the Building Advisory and Appeals Board must be filed with the Building Department prior to the end of the appeal period. All appeals to the Board of Supervisors must be filed with the Clerk of the Board prior to the end of the appeal period.

How Much Does It Cost to File an Appeal?

The cost for filing an appeal with the Building Advisory and Appeals Board is \$1,164.00. The cost for filing an appeal with the Board of Supervisors after the Advisory and Appeals Board is \$1,164.00.

What Types of Appeals Does the Building Advisory and Appeals Board Consider?

The Building Advisory and Appeals Board may consider appeals of any building-related finding, decision or determination made by the Building Director or Building Official. The Building Advisory and Appeals Board decisions and determinations may also be appealed to the Board of Supervisors.

What is Required to File an Appeal?

All appeals to the Board of Supervisors or Building Advisory and Appeals Board must be filed on an official Notice of Appeal form. If an appeal is not filed on the Notice of Appeal form, the appeal will not be accepted by the County for processing and any appeal rights may be lost. These forms are available at the Building Department and the Board of Supervisors office. The Notice of Appeal form require the names and addresses of the appellants; the name, address, and telephone number of a contact person for a group of appellants; the property site address and Assessors Parcel Number (APN); permit number; and information on the finding, decision, or determination being appealed. ***The form must clearly state those issues or portions of the finding, decision, or determination being appealed, since the Building Advisory and Appeals Board will consider only those issues or portions of the decision or determination which were raised in the appeal form.*** If the written material attached to the Notice of Appeal exceeds ten (10) pages in length, the appellant will be required to submit seven (7) copies of that material. If any materials attached to the Notice of Appeal exceed 11" in width or 17" in length, the appellant will be required to submit seven (7) copies of the oversized material. All pages shall be three (3) hole punched and numbered consecutively. The appellant may elect to submit one copy of the written material attached to the Notice of Appeal and bear the copying costs of processing the appeal.

If the form does not include sufficient itemization of the issues of the finding, decision, or determination being appealed, the appeal will not be accepted as complete, and the appellant will have seven (7) calendar days to provide additional information which sufficiently itemizes the issues of the finding, decision or determination being appealed. If the additional information is not provided within seven (7) calendar days, the appeal will not be accepted by the County for processing and the person filing the appeal will lose their appeal rights. Once an appeal is accepted for filing, the appellant can raise additional issues on the appeal limited to issues which were raised during the review period or to new information up to twenty-five (25) calendar days prior to the appeal hearing. Additional issues cannot be raised after this time or at the hearing.

What is a "A Statement of Grounds?"

The Notice of Appeal form also includes a section entitled "A Statement of Grounds". The statement of grounds is the appellant's opportunity to state the reasons why the decision or determination is being appealed and why the appellant believes that the decision or determination of the County official was inappropriately decided. The statement of grounds is also the appropriate section of the appeal form to provide any information or documentation which supports the appeal. The statement of grounds must be included with the Notice of Appeal form and all supporting information and documentation must be filed at least 25 days prior to the appeal hearing.

What Happens After an Appeal is Filed?

Once a complete appeal is accepted for filing, a hearing is scheduled. In all cases the hearing shall be set not less than thirty (30) days from the date the APPEAL is accepted for processing. In no event shall a hearing be set for a time later than ninety (90) days from the date the APPEAL is accepted for processing except under the following circumstances. The hearing date may be set or re-set later than ninety (90) days from the date the APPEAL is accepted for processing with the consent of the permit applicant or property owner whose property, development project, or business is impacted by the discretionary action which has been appealed. In the event the hearing date is after ninety (90) days from the date the appeal is accepted as complete, the date for submission of any amendments or supplements to materials of these procedures shall adjust in a similar time period with the hearing date or reset hearing date. At least five (5) days prior to the hearing, a staff report will be submitted to the Building Advisory and Appeals Board and shall be available to all interested parties from the Building Department Staff. The staff report provides information on the appeal and the decision or determination being appealed and may include a recommended action. The hearing on the appeal is then held.

What Happens During the Appeal Hearing?

The appellant, may submit written materials on the appeal during the period for input, but may not raise issues not previously raised in the appeal. The Building Advisory and Appeals Board or Building Director may ask questions of staff, appellant, or other persons providing input at the appropriate time in the hearing process. Once the deliberation phase begins, the Board or Director can take action to uphold the appeal thereby modifying or overturning the previous decision or determination, to deny the appeal, or to continue the hearing for further deliberation or information. When the Board acts to uphold or deny the appeal, the appeal process is finished. However, any decision by the Building Advisory and Appeals Board, including a decision on an appeal, may be appealed to the Board of Supervisors.

Further Information

The official appeals form is attached. The procedure adopted by the Board of Supervisors is contained in County Resolution No. 92-525, as amended. This resolution may be obtained from the Mariposa County Board of Supervisors Office, 5100 Bullion, P.O. Box 784, Mariposa CA 95338 [Telephone (209) 966-3222] or the Mariposa County Building Department, 5100 Bullion, P.O. Box 2039, Mariposa CA 95338 [Telephone (209) 966-3934].

If you have any questions regarding the appeals procedure or appealing a County decision or determination, please contact the County Counsel office (966-3222) or the County department or office which made the decision or determination.



MARIPOSA COUNTY BUILDING DEPARTMENT

NOTICE OF APPEAL

APPELLANT / CONTACT PERSON

NAME _____

MAILING ADDRESS _____

SITE ADDRESS _____

ASSESSOR'S PARCEL NUMBER (APN) _____

DAY TELEPHONE NUMBER _____

- Check this box if appellant is appealing a finding or decision which does not have an application or permit.
- Check this box if appellant is the application or permit applicant for the finding or decision being appealed.

APPEAL BODY

Decision, finding, or determination is being appealed to:

- ADVISORY AND APPEALS BOARD (Submit appeal form to Building Department)
- BOARD OF SUPERVISORS (Submit appeal form to Clerk of the Board of Supervisors)

DECISION BODY

Decision, finding, or determination being appealed was made by

- BUILDING DIRECTOR _____
- BUILDING OFFICIAL _____

Date of Decision _____

DECISION, FINDING, OR DETERMINATION BEING APPEALED

APPLICATION NUMBER OR DETERMINATION _____

OTHER (Specify) _____

SPECIFIC CONDITIONS, FINDINGS, AND/OR PORTIONS OF DECISION OR DETERMINATION BEING APPEALED

STATEMENT OF GROUNDS OF APPEAL

(If additional space is needed, attach additional sheets to Notice of Appeal form. The grounds of appeal must clearly state those issues or portions of the finding, decision, or determination being appealed. The Board of Supervisors or Building Advisory and Appeals Board will consider only those issues which are raised in the appeal form.)

C Check this box if you request the right to submit additional reasons for appeal and amendments or supplements to the appeal. This additional information must be submitted no later than twenty five (25) calendar days prior to the hearing date of the appeal.

SIGNATURE OF APPELLANT

DATE