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Case Number: VIO2007-00028 **Status:** Cancelled

Name:	ROB CAREY
Application Date:	02/08/2007
Address:	1050 ACACIA ST
Description:	Violation complaints alledging non-compliance of ongoing building construction (of residence) with R-1/S-17/DR zoning regulations regarding: 1) unapproved grading (fill), & 2) building's ridge height exceeding R-1/S-17 28' maximum height limit.

Activities

Type	Requested	Scheduled	Completed	Status	Done By
Complaint Received			2/7/2007	DONE	DJH
<i>Rob Carey (neighbor to rear of subject property) submitted 2 complaints at counter, regarding 1) unapproved grading (fill) not shown on previous plans, & 2) the topmost ridge height of house exceeds the R-1/S-17's 28' maximum height limit. 1) The grading complaint states that grading that occurred was in violation of R-1/S-17 Sec. 6300.2.6 (Building Height) which states: "Finished grade, measured at the outside face of exterior perimeter walls, shall not significantly deviate from the natural grade, to the satisfaction of the Planning Director." 2) The height complaint claims that the approved & actual height is greater than the allowable 28' limit, being between 29.5' & 31.5', due to the grading that adjusted the natural grade from which height is measured.</i>					
Case Opened			2/8/2007	DONE	DJH
<i>These complaints are zoning issues similar to those raised by the same complainant, Rob Carey, soon after the house was started (approved under PLN2005-00418 & issued under BLD2006-00059). Since those issues were previously addressed in Lisa Grote's 12/15/06 letter, Code Compliance will not be sent out to review; Planning will review.</i>					
Additional Research			2/8/2007	DONE	DJH
<i>Lisa Grote (Community Development Director), in her 12/15/06 letter to Mr. Carey (the complainant then & now) concluded: 1) that the fill brought in & placed around the sides and rear of the house did not significantly deviate, under the circumstances, from the natural grade, & 2) the building's approved & finished height increased a few inches based on some revised topo data but does not exceed the 28' height limit, based on height confirmation & additionally submitted survey data. Based on this, it will be determined if the complaint is rendered invalid & the case deemed CLOSED.</i>					
Case Closed			2/27/2007	DONE	DJH
<i>2/26/07 DJH - I asked Farhad to discuss these issues with Lisa Grote, who reiterated that her 12/15/06 decision letter has resolved all issues around building height & grading; she chose to take no further action on this, thus the case is considered CLOSED. 2/13/07 DJH - Will review to see if case should be CLOSED, based on reasons stated in "Additional Research" activity.</i>					
Correspondence Received			2/26/2007	LOOK	DJH
<i>Rec'd typed copy of violation complaint regarding project's non-compliance with Grading Regulations from Mr. Carey. It included a copy of the GRD regs, where Mr. Carey cited Section 8603.7 as the Exemption category he believes did NOT qualify in this case. This complaint is similar to the handwritten complaint Mr. Carey submitted regarding grading on 2/7/07. However, his citation is erroneous; this project was exempt from requiring a GRD permit per Section 8603.1, which allows a quantity of grading when done under a building permit (this is the exemption by which most such projects are exempt from these requirements). Per the previous information supplied to us by the project owner's (Ron Nelson) engineer, Lisa Grote indicated in her 12/15/06 letter that the grading that occurred qualified under this exemption category. With that, Mr. Carey's reference to Section 8607.1 is moot, since no Grading permit is required; once considered exempt, no other provisions of the Grading Regs apply.</i>					
Meeting			4/19/2007	LOOK	DJH
<i>Rob Carey came to counter to reiterate his objections to this VIO case having been closed, citing: 1) staff's allegedly erroneous reference that the grading (particularly the fill involved) does not qualify as exempt under Grading Regs Sec 8603.1, & 2) the elevation labeled "191.69" on the survey is erroneous, & based on that error, the house is clearly 2-3' higher than indicated & exceeds the maximum height limit allowed in the S-17 district. He indicated that both issues contradict the County's 12/15/06 letter that previously closed this case. He indicated that he's submitted his supporting data to the Deputy County Manager. He added that these violations should have been separated out as two distinct violation cases instead of combined into one.</i>					

Fees

Item	Fee Amount	Fee Remaining
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Conditions

Title	Id	Tag	Status
There are no conditions attached to this case			

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