

Board of Supervisors
County of Santa Barbara

Re: Rose Petition to Terminate a Nonconforming Use

Dear Members of the Board of Supervisors:

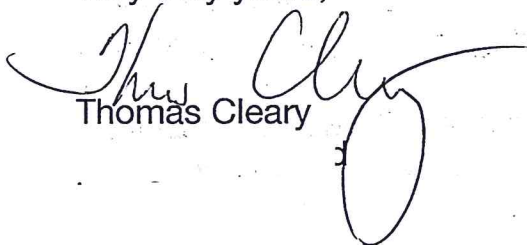
I previously submitted a Declaration in support of Mr. Rose's Petition to the Board. To the very best of my knowledge prior to July 2010, the structure in question (referred to as "the Old Farm Office/Guest House") was unoccupied during substantially all of the time I lived next door to the property. I so stated in my Declaration.

The County's Land Use and Development Code Section on Nonconforming Uses, Structure and Lots is very clear regarding the rules on termination. The rule regarding Termination for Abandonment (Section 35.101.020 D) is set forth in clear, concise and unambiguous language that makes enforcement mandatory. This Section uses the term "shall" when it refers to what constitutes abandonment and the resulting remedy for such abandonment. Planning and Development has elected to apply its own tortured interpretation of this simple and straightforward rule rather than following the rule as written.

I am asking the Board of Supervisors to intercede on behalf of the neighbors living adjacent to the Grove property and determine that the current nonconforming use had been abandoned in prior years and that the Groves should be required to obtain an appropriate Use Permit under the current County Land Use and Development Code Rules. I am also asking the Board of Supervisors to send a clear and unambiguous message to Planning and Development that it needs to follow the County Rules as they are written. In this way, the rights of current property owners, future buyers, future sellers and neighbors will be protected from personal bias and the rules will be applied consistently and in a transparent fashion.

Thank you for your consideration of my request.

Very truly yours,


Thomas Cleary

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COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS