

**From:** [Blythe Ousterman](#)  
**To:** [CDD Comments](#)  
**Subject:** Ammended Letter from Swall Landowner about the Sherer Accessory Unit  
**Date:** Wednesday, February 15, 2023 9:43:51 AM

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**[EXTERNAL EMAIL]**

Dear Mono County Planning Commission,

I am writing to strongly object to and to protest, the huge metal commercial structure, being constructed by the Sherers at 1273 Swall Meadows Road. My lot #21 is down slope from the structure, which sits only 12 feet from the property line. At a height of almost 35 feet, it towers over my lot, dramatically blocking (obliterating) the view of Wheeler Crest. And it's in the view line of most of the rest of the neighborhood. This commercial structure, starkly contravenes the stipulations that the Mono County General Plan put forth for Swall Meadows :

1. "The main concern in the Wheeler Crest area is preserving the aesthetic beauty and tranquility of the area while still allowing for development of the many privately owned parcels. The focus of development is to be **single-family residential development.**"

2. B. Accessory buildings in any residential designation shall be limited to a maximum height of 20 feet except as may be permitted by the Director.

1. Accessory uses over 20 feet in height shall be architecturally compatible with and be subordinate to the primary residence. Additional design requirements, such as color, building material, landscaping, building articulating and location, may be required to minimize off-site visual impacts and respect neighborhood characteristics.

3. LAND USE ELEMENT II-355 Land Use Element – 2021 C. **The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located;** D. The proposed use is consistent with the map and text of this General Plan and any applicable area plan;

This is an industrial structure, like one would find in a commercially zoned area, for the purpose of repairing heavy equipment. It shares no features with the main house, the roof slope and shape, siding, roofing, color, siding material, every component is totally different. It sits in front of the house, and it is higher, with no elements of subordination. It sits on a lot that is less than an acre in size.

In addition, it is almost double the recommended maximum height of 20 feet for an accessory building, at 35 feet off grade. It substantially out scales the buildings in its surroundings, creating an eyesore.

Thirdly, residents of tranquil Swall Meadows should not have to suffer the noise created by heavy equipment repair nor have to witness the constant coming and going of heavy equipment, as it enters and exits the enormous garage. As noted above, this area is zoned for "single family residential. This home occupation permit should not be allowed. Allowing heavy equipment repair is in violation of the general plan and entirely unsuitable for a property less than an acre in size. Why should I have to have a huge metal, industrial garage with heavy equipment going in and out, 12 feet from my property line so that the owner's business can save some money by doing repairs at home? Why not locate this industrial garage in an appropriately zoned commercial area of Bishop? *Property owners have payed top dollar to purchase land or homes in this uniquely pristine mountain neighborhood with world class, astonishing views of the Sierras. And they bought into this neighborhood knowing that there was a county General Plan that was designed to maintain its singular beauty in perpetuity.* My mountain property will be severely devalued by the presence of this industrial metal hangar and the noise from the repairs will destroy its peaceful ambiance, which is a huge part of the attraction of being there.

Many of us in Swall Meadows would love the opportunity to create businesses on our land, to execute our professions from home. I am an art teacher. Should I be able to build an art school on my lot? Perhaps there's a great cook in the neighborhood who would like to start a restaurant. Would that fly with the Planning Commission? I would guess not.

And finally, after speaking with several real estate attorneys I learned that the Planning Commission's only legal authority is to implement that which is in the General Plan. With very rare exceptions, they have no authority beyond this. Furthermore, California law clearly states that the remedy for a wrongly issued permit is to remove the permit and remove structures related to it so that that they don't become the precedent for future development:

The California Court of Appeals determined “...we do not see any basis in law, fact, or fairness to allow the City or [homeowner] to keep the improperly issued permits in place so that they become the foundation for decisions that will thereafter have to be made.”

(124 Cal.App.4<sup>th</sup> 1344 at pp. 1355-1356; accord, *Summit Media LLC v. City of Los Angeles* (2012) 211 Cal.App.4<sup>th</sup> 921, 940-941 [writ of mandate lies to compel city to revoke permits issued in violation of local law; “permits issued in contravention of municipal ordinances are invalid” and “the city does not and did not have the discretion to issue permits that contravened existing municipal ordinances”].) In other words, even though the jurisdiction approved the building permit in error, the Appeals Court required the permit to be revoked.

In sum, it's neither fair nor just that one private party in Swall Meadows be granted a building permit that not only conflicts with the General Plan in almost every possible way, but that also will substantially diminish both the aesthetic beauty and the property values of adjacent lots and the neighborhood in general. Residents move to Swall Meadows for its gorgeous, unsullied beauty (and, until this point, it's tranquility). Swall Meadows is a residential neighborhood. The outsized commercial structure built by the Sherers and the industrial activities they propose to do within should be relocated to an appropriate commercial zone somewhere else.

Sincerely,  
Blythe Ousterman

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Memorandum Opposing UP23-001/Sherer, Application for an Expanded Home Occupation Permit

**I. Introduction.**

We live at 788 Mountain View Dr. in Swall Meadows. We object to UP23-001/Sherer, Application for an Expanded Home Occupation permit (the “Application”) because it does not comply with the Wheeler Crest Area Plan (the “Area Plan”).

The Area Plan must be considered in the evaluation of the Application. We are very concerned that if the Application is approved a precedent will be set that the Area Plan can be disregarded when an Expanded Home Occupation permit is requested in Swall Meadows. If the Area Plan does not require rejection of the Application an explanation should be given.

In this memorandum the first section summarizes the points we are making. Then there are two sections that support specific points.

**II. Summary**

-- Neither the Application nor any Mono County planning document associated with the Application mentions the Area Plan. Area Plan requirements are completely omitted from discussion of the Application.

-- The Area Plan is part of the Mono County General Plan (the “General Plan”). The Area Plan explicitly prohibits commercial uses within the residential area of Swall Meadows. The Application is for activities associated with a business, therefore it is for a commercial use. (See Section III below.)

-- Home occupations, even if they are for commercial uses, are permitted in all county designations as long as they comply with the home-occupation standards at all times. However, the Application is for an Expanded Home Occupation permit; such permits allow activities that do not meet the home-occupation standards. The proposed use for an Expanded Home Occupation permit is required to be consistent with the applicable area plan. (See Section IV below.)

-- Because the use proposed by the Application is commercial, it is not consistent with the Area Plan, and the Application must be rejected.

-- If the Application is approved it will set a precedent: permitting commercial uses that are prohibited by the Area Plan. What will be the criteria for future commercial uses that are prohibited by the Area Plan?

-- In the documents for the Application, the Planning Division of the Mono County Community Development Department, which is processing and evaluating the Application, includes a document that we assume it has written titled “Conditions of Approval Use Permit 23-001/Sherer.” The ninth condition of approval states “9) Future development shall meet

requirements of the Mono County General Plan, Mono County Code, and project conditions.” (Emphasis added.) There is no definition or description of “future developments.” What does it mean?

-- The ninth condition of approval, allowing “future developments,” is completely open-ended as long as the “future developments” comply with the General Plan, Mono County Code, and project conditions. These are requirements that should be applied to all applications for expanded home occupation permits. If “future developments” have to comply with the General Plan, why doesn’t the Application have to comply? The Area Plan is part of the General Plan; why isn’t it applied to the Application?

-- Our conclusion is that the Application violates the Area Plan because it proposes a commercial use of Swall Meadows property that the Area Plan prohibits. This commercial use is not otherwise permitted under the General Plan. Therefore, the Application must be rejected.

### **III. The Area Plan is part of the General Plan, and it prohibits commercial uses of property within the residential area of Swall Meadows.**

-- The Area Plan is found in the General Plan under Section 11, Land Use Element; Chapter III, Policies; Planning Area Land Use Policies, Wheeler Crest.

-- The primary objective of the Area Plan is stated in its introduction, Goal 24: **“Retain, as nearly as possible, the character and quality of life presently enjoyed in the community.”**

-- According to Action 24.A.3.b of the Area Plan: “General commercial uses are not desired within the residential area, and shall be prohibited. Bed-and-breakfast establishments shall be exempt from this provision, as detailed in Action 3.1.” (Emphasis added.)

### **IV. The Area Plan applies to this Application.**

-- According to Section 04.290 of the General Plan Land Use Element, “Home occupations are permitted in all residential designations, subject to obtaining a business license and compliance with the following home-occupation standards.” There are 11 standards; they significantly restrict use of the home occupation permit. Thus, it is possible to have a home occupation permit in Mono County without having to comply with local restrictions as long as all of the home-occupation standards are observed.

-- In order to modify any of the home-occupation restrictions, an Expanded Home Occupation permit is required.

-- The Application is for an Expanded Home Occupation permit.

-- Mono County’s business license application package includes the Mono County Community Development Department Compliance Division Review of Mono County Business License Application for compliance with Mono County General Plan Land Use Element. This memorandum includes Section 04.290, then provides:

“Please note the following:

“Expanded Home Occupation permit may be granted by the Planning Commission when all of the following findings can be made in the affirmative: (Emphasis added.)

“1. That the proposed use is consistent with this General Plan and any applicable area plans or specific plans; (Emphasis added.)

“2. That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation;

“3. That the use is capable of meeting the standards and requirements of that designation; and

“4. That the use will be similar to and not be more obnoxious to the general welfare (e.g., health, safety, noise, traffic generation) than the uses within the designation.”

Pete Peterson and Amy Motroni  
788 Mountain View Dr.  
Swall Meadows

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**From:** anasazih@aol.com <anasazih@aol.com>

**Sent:** Wednesday, February 15, 2023 1:41 PM

**To:** Wendy Sugimura <wsugimura@mono.ca.gov>; Michael Draper <mdraper@mono.ca.gov>

**Subject:** UP23-001/sherer application

You don't often get email from [anasazih@aol.com](mailto:anasazih@aol.com). [Learn why this is important](#)

**[EXTERNAL EMAIL]**

Members of Mono County Planning Commission:

I am a landowner within 300' of the Proposed Building to permit a use not currently allowable within the Swall meadows neighborhood. Firstly, this building does not blend in with the neighboring residential buildings. The building which should have never been allowed to begin construction without careful review, clearly appears to be a commercial building in every sense of the word. Not to mention the excessive height. Secondly, I'm afraid if you approve this exception to the zoning for any reason, this will open the floodgates for any exception. I would surely use this exception, if approved, as an example to sway a decision for my own application for variance in zoning, should I have one. How could the planning commission deny any other application without admitting favoritism in some way?

I appreciate your consideration of my comments and move to DISALLOW this exception in our zoning of our neighborhood.

Sincerely,  
Heidi N. Rose

Dear Commissioners,

Thank you for the opportunity to address you regarding 1273 Swall Meadows Rd. I live nearby at 35 Meadow Rd. I have had property in Swall Meadows since 2005, I worked in Bishop in the 90s, and my husband lived and work in Mammoth in the 90s. We are not new to the area. The values that draw us to this ideal place are at stake with this permit.

I hope that you will recognizes that there are the two separate action items for 1273 Swall Meadows Rd., an Expanded Home Occupation Permit, and a Use Permit. You cannot have one without the other, but they are separate items. I suggest agendizing the Home Occupation first, as if it is not approved, the Use Permit cannot be approved.

There was a mistake made in permitting this structure at the wrong height and the applicants misrepresented their intended use to the county. This was all discovered and this process was proposed to clean up the mistakes. It is imperative that you make your decisions based upon this as a new application and a new permit, and that you are not biased towards approving this home occupation and use application as a way to reverse the mistakes made by the Planning Staff, at the expense of the community. The Planning staff report reads quite biased towards approval, I have included the correction of many mistakes below this letter, and it is your duty as commissioners to read the general plans sections that address our neighborhood, and the allowed heights and uses, and that you render your own judgment based on facts.

### **Expanded Home Occupation Permit**

The home occupation being applied for is listed as one of the allowed uses in the Industrial Zoning in the General Plan, "Heavy-vehicle storage and maintenance", which is an exact description of the applicants intended use. Using an expanded home occupation permit to allow an industrial use in a residential neighborhood is a gross misapplication of our plan and its intent. This is, in fact, a request to re-zone this parcel. There is no justification for a commercial structure exceeding 20 feet in the residential neighborhood. This is a residential property less than an acre in size, .94 acres, not a huge parcel of land. The proposed structure and it's proposed use is 12 feet from the property line. If the property were .06 of an acre larger, there would be a 30 foot setback required.

All of the proposed equipment operates as dBA higher than what is allowed and higher than what is listed on the conditions of approval, so this cannot be approved or you have violated the conditionals of approval. Most of these pieces of equipment are in the 80 or higher dBA, and these recorded readings are typically 50-350 feet away. This is 12 feet from a property line. The applicants had heavy equipment on their property from 2017-2020. In fact, you can view one of their semi-trucks and various large trailers on the Mono Co. GIS site and in the meeting notice included in the planning package. The noise of a D6 and backhoe being wrenched on was present often during those 3 years until finally someone filed a code compliance request and thankfully they disappeared. We don't need them to come back.

There is nothing quiet about heavy equipment mechanics. To understand the noise level, go stand right outside of a tire shop, where pneumatic tools are being used and things are being hit with hammers. The delivery of the equipment is only one component. 50% of heavy equipment repairs require the machine to be running, at least part of the time. Different parts of the machines can only be accessed



with blades/buckets lifted. The tools used to work on the equipment are louder than the daytime and nighttime dBA permitted. An impact gun is needed to torque bolts, a crimper to put fittings on hoses, all of these require a highly pressurized air compressor. Just to reach all of the grease points, the machine has to be on to move parts so grease joints can be exposed. Electric grease gun are particularly loud. To repair certain metal parts, they must be heated and hit with metal mallets. Just about everything you do to heavy equipment is loud.

It makes no sense to truck heavy equipment up from an Industrial Yard in Bishop to a residential neighborhood for the convenience of one individual at the expense of the community. This application is not for equipment being used in Swall Meadows, such as a snowplow for a company that contracts to clear driveways for the public, or for personal equipment on a large acreage parcel used in maintaining one's own land in a non-commercial purpose, it is commercial business equipment not otherwise located or used in the neighborhood.

There is no way to police a time limitation on when this property could be used to repair heavy equipment. The applicant states in 2022 it would have been 15 trips. What if in 2024 it is 40 trips? 15 trips is 30 times that a semi drives past ones property. 40 trips is 80 times. It is not fair to put the burden of policing this upon the community. Each trip could be an unspecified number of days that equipment is being repaired. If it takes 5 days, then at 15 days, you have 75 days of loud heavy equipment repairs, and it could be much more than this.

The applicants propose to weld and to work on hydraulics. Hydraulic oil is flammable. Working on hydraulic hoses is messy and there are no fire mitigation features proposed. There is no water tank, no fire sprinklers, no fire coating on the steel.

The application states that the owners business contracts with Cal Fire, Cal Trans, and USFS. They allude to being available to provide services to the community in case of a fire. During the height of fire season, both the equipment and the owner operator are likely to be on a fire elsewhere. The chances that they are home with the proper equipment to help, at the moment of a fire, is a needle in a haystack. Even the neighbor who wrote in favor of this project stated that during fire season the owner is gone for weeks at a time. Equipment can be trucked up to fight a fire from a properly zoned parcel. To give special circumstance to this permit approval because the applicant is in the business of fighting fires, would be akin to allowing all firefighters in our neighborhood to build in setbacks, at taller than allowed heights, and to have any business they want at their home. Yet, our firemen are not requesting special treatment at the expense of the community.

From the Mono Co. General Plan:

**04.290 Home occupation.**

*D. The business shall produce no evidence of its existence in the external appearance of the dwelling or premises, or in the creating of noise, odors, smoke or other nuisances to a greater degree than that normal for the neighborhood (i.e., no delivery trucks);this produces noise, exhaust, oils...*

*G. The business shall involve no equipment other than that customarily used in dwellings; no other D6's used in dwelling in Swall*

*Expanded Home Occupation permit may be granted by the Planning Commission only when all of the following findings can be made in the affirmative:*

- 1. That the proposed use is consistent with this General Plan and any applicable area plans or specific plans; This project is not consistent with any of the above*
- 2. That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation; From the GP 1. The main concern in the Wheeler Crest area is preserving the aesthetic beauty and tranquility of the area while still allowing for development of the many privately owned parcels. The focus of development is to be single-family residential development.*
- 3. That the use is capable of meeting the standards and requirements of that designation; and see above and GP, this does not meet the requirements.*
- 4. That the use will be similar to and not be more obnoxious to the general welfare (e.g., health, safety, noise, traffic generation) than the uses listed within the designation. heavy equipment mechanics is certainly more obnoxious to the general welfare*

Retain, as nearly as possible, the character and quality of life presently enjoyed in the community.

Prevent incompatible or conflicting uses within the Wheeler Crest community

In order to better preserve continuous open areas for deer and wildlife use, and to facilitate maintenance of a residential structure's defensible space for wildland fire protection purposes,

encourage Accessory Dwelling Units be attached to the primary dwelling.

Action 24.A.3.a. Permit only single-family residential and related accessory structures

Action 24.A.3.b. General commercial uses are not desired within the residential area, and shall be prohibited.

### **Use Permit**

*32.010 Required findings. Use permits may be granted by the Planning Commission only when all of the following findings can be made in the affirmative: A. All applicable provisions of the Land Use Designations and Land Development Regulations are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features. B. The site for the proposed use relates to streets and highways adequate in width and type to carry the quantity and kind of traffic generated by the proposed use. C. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. D. The proposed use is consistent with the map and text of this General Plan and any applicable area plan.*

This use permit for increased height cannot be approved without approving of the expanded home occupation, which certainly should not be approved. Without the expanded home occupation, there is no use to base a use permit on. A use permit is meant to authorize a certain use on a property and exceptions to normal property height and setbacks to allow this use. It is not meant to grant an individual privilege to one person, with no grounds for this privilege, at the expense of the community. This application does not meet any of the criteria listed for a use permit above. It does not follow Land

Use Designations or Land Development Regulations. It puts undue wear and tear on county roads and it could block EMS vehicles on Lower Rock Creek Rd. It is detrimental to the public welfare. It is not consistent with the GP and the Area Plan.

While this structure is on a down sloping lot, contrary to what planning staff states, this does not mitigate the height because it is built on a large pad. This pad touches the property line to the east. The pad along with the side of the building create a massive wall just 12 feet from the property line. Many people have lost views. We have lost part of our view. Why should I lose my view for a structure that is not permitted by our GP? Do they have more rights than I do?

The heights outlined by Mr. Draper are from plans and not reflective of what is actually on the ground. The building inspector measured the height off the slab, not off the pad or grade. The surveyor has not been to the building site since Dec. 3, of 2021. The surveyor said that they staked the building out prior to the pad being made, the staking was buried and the building was put wherever the applicant chose. The surveyor stated that he did not put in any permanent markers such as corner pins, so once the excavation work of the pad creation was commenced, any surveyed markings were gone. The toe of the building pad is on the property line. The pad is visually obvious to be significantly higher than what is on the plans. To say that this pad is really only 5 feet off the ground is like saying the earth is flat. It is simply not true. This is an owner builder permit with a 30+ foot adversary fence encroachment to the east, see the full site plan in the package. It benefits the applicants to be as high as possible so that there is less dip off the road when unloading equipment. **The elevation and the location of the building pad on the lot line need to be verified/certified by a surveyor. This is required for every building in many other counties to protect both the surrounding homeowners, and to protect the county by taking the liability of the measurement off of them, since they do not have to tools (surveying equipment) or training to verify these.** There have been a lot of mistakes. Its time to have measurements verified. It's time to have firm facts.

The planning staff has miscalculated the height of the structure multiple times on their report to you, Commissioners. The elevation of the lowest point is 976.5, exactly halfway between two contours, but staff is using 977 to favor the applicant and their mistake. Staff reports that the finished foundation of 982.2' less 977 is 4'3". It is 5'3" (math error). Using the correct contour, it is 5'9". The county applies allowances for additional height when the setbacks are more than the minimum required. This is clearly listed in the GP for residential structures, not accessory buildings, see page 223.





MCGP 04.110

*Accessory uses over 20 feet in height shall be architecturally compatible with and be subordinate to the primary residence. Additional design requirements, such as color, building material, landscaping, building articulating and location, may be required to minimize off-site visual impacts and respect neighborhood characteristics.*

The garage is not architecturally compatible with nor subordinate to the primary residence. There is not one item in common between these buildings, such as color, building material, or building articulation. The main house is much lower in height as well as it is built into the hillside, not on a raised pad. The garage might be on a downslope lot, but the raised pad negates the downslope. The structure does not meet the requirements of Section 4.110(B)(1) because it clearly exceeds 35 feet and does not conform to a residential layout since the structure is made of metal, exceeds the height of the primary residence and is not made of the same building material of the house. It is not the same color. It is made of metal and clearly dominates the property. It imposes a substantial off-site visual burden and does not comport with neighborhood characteristics or design. It is an eye sore and stands out a big metal structure.

Financial hardship for either the applicant or the county for the mistakes made should not be taken into account in your decision-making process. The loss of land value and quiet peace and enjoyment of the rest of the people in the neighborhood far outweighs the losses of the applicant and the county. We should not suffer any losses by mistakes made by the local government that we pay to protect us and

uphold our general plan. If these permits are approved, you may as well shred the general plan as none of it is being followed.

In case you prefer case law as to why this building needs to be removed, here is information from your planning staff that you may find helpful. *The California Court of Appeals determined "...we do not see any basis in law, fact, or fairness to allow the City or [homeowner] to keep the improperly issued permits in place so that they become the foundation for decisions that will thereafter have to be made."* (124 Cal.App.4th 1344 at pp. 1355-1356; accord, *Summit Media LLC v. City of Los Angeles* (2012) 211 Cal.App.4th 921, 940-941 [writ of mandate lies to compel city to revoke permits issued in violation of local law; "permits issued in contravention of municipal ordinances are invalid" and "the city does not and did not have the discretion to issue permits that contravened existing municipal ordinances"].) In other words, even though the jurisdiction approved the building permit in error, the Appeals Court required the permit to be revoked.

It is obvious that the commercial structure will have a significant off-site impact on the entire neighborhood, both visually and noise wise, disrupting the entire neighborhood. The structure clearly exceeds the height and scale of the house. The usage of the structure would impose substantial detrimental effects on the quiet use and enjoyment of my property and the surrounding residential neighborhood, which is only zoned for residential use. For these reasons, I opposes the applications. The structure clearly does not comport with the General Plan and residential zoning requirements. As such, the County should not approve the Application and the building should be dismantled and moved to an appropriately zoned parcel of land.

Sincerely,

Alisa Adriani

530-412-3070

[alisa@tahoedreamteam.com](mailto:alisa@tahoedreamteam.com)

Notes/Corrections on Planning Commission Package

*1. All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*

The MCGP allows for accessory structures to exceed 20' in height **only with a use permit**. All residential structures are limited to a maximum height of 35' unless setbacks are increased, in which case one additional foot of height may be added for each foot the setback is increased. **See page 223 MCGP. Allowing increased height for larger setbacks is clearly listed only under residential and not allowed for accessory structures.** The proposed structure is approximately 35'9" tall as measured from natural grade and the minimum setback of 10' has been increased to 12', allowing an additional 2' of height to a maximum of 37'. The proposed structure complies with height standards. **No it does not that's why there is a planning commission meeting.** All other applicable development standards of the ER designation are complied with. **No they are not see comments in the letter above.** The building permit application was reviewed and approved by the

Wheeler Crest Design Review Committee on March 19, 2021. **The general plan requirements for the aesthetics of an accessory structure were not followed. GP supercedes WCDR.** The accessory structure, a garage, is incidental to the main use of the property as a residential property. The proposed garage is ancillary to the primary dwelling. **This is not necessary, it is desired.**

*2. The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

Swall Meadow Road is adequate to accommodate the proposed expanded height of the garage. The parcel is down-sloping from the road, which mitigates the additional height and reduces the visual impact from the road. **This does not mitigate the height and is a misleading comment. The building is setback 50 feet from the road and it is only 6-8 feet below the elevation of the road, making it appear looming off the large dirt pad.**

*3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area on which the property is located because:*

The height of the garage will not be detrimental to the public welfare or injurious to property or improvements in the area. **My view would not be blocked if this structure was built to the allowed height. This is a massive 35-40 foot wall of dirt and metal 10-12 feet from the donhill lot to the east, obliterating the views from that parcel. It is an eyesore from many homes in the neighborhood.** The garage will be similar to a barn, but less than the maximum 40' height of a barn, which is permissible without a planning permit. **Irrelevant and clearly biased statement. It is not a barn.** The topography of the area is down-sloping from street level, and therefore the garage is set lower than the street, mitigating the height. **False, see above**

*4. The proposed use is consistent with the map and text of the Mono County General Plan because:*

The height of an accessory structure in a residential designation may exceed 20' when permitted by a Use permit. **There is no use permit at this time.** The proposed height of the accessory structure, 35'9", will be less than the maximum height allowed for residential development **false, it is over 35 feet and the side yard increase allowances are for residential structures only MCGP pg. 223(35', to a maximum of 45' provided that required side and rear yards are increase one foot in 48 width for each foot of height over 35').** The property contains a primary use consistent with the designation. **This use permit is not for the primary use, its for the commercial heavy equipment mechanics and storage, not consistent with the designation.**

An Expanded Home Occupation permit may be granted by the Planning Commission only when all of the following findings can be made in the affirmative:

*1. That the proposed use is consistent with this General Plan and any applicable area plans or specific plans;*

The proposed use is permissible by the General Plan, per Section 04.290, Home

Occupation regulations. The proposed expanded home occupation is incidental to the main residential use and therefore not considered a general commercial use. **The plan is clearly stating that the proposed use of the home occupation permit must be consistent with the general plan, not the main residential use.**

The project meets the Wheeler Crest Policy Objective 24.D. “ensure adequate public services (e.g., fire protection) and infrastructure (e.g., water supply, sewage treatment, utilities) for the area” by providing a fire protection business to retain equipment in the vicinity. **The equipment and operator will not be here during fire season. This is subjective and misleading. There are no fire mitigation measures at this property, no water tank, no sprinklers, no fire retardant treatments on metal.**

*2. That the proposed use is compatible with the intent of the land use designation and is applicable*

*throughout the county in that designation;*

The proposed use is permissible by the General Plan, per Section 04.290, Home Occupation regulations. The intent of the ER land use designation is *to permit large-lot, single-family dwelling units with ancillary rural uses in areas adjacent to developed communities. Small-scale agriculture is permitted.* Limited maintenance of heavy equipment is an ancillary rural use and, in particular, this operation supports fire mitigation efforts. **Completely false and misleading, the owner is gone during fire season and there is no contractor to guarantee equipment or operator.** Many areas of the county have properties that store or use large vehicles up to loaders for various uses onsite. **This application is not to store and work on equipment being used onsite, but to bring commercial equipment from a private business located in Inyo county onto a residential property in Mono Co.**

*3. That the use is capable of meeting the standards and requirements of that designation; and*

The proposed Expanded Home Occupation is capable of meeting standards and requirements of the ER designation. The property contains a primary use (single-family residence), and the proposal is ancillary to the residential use of the property. Development standards including height, setbacks and lot coverage are met. **See above, this does not meet the standards and requirements. The standards state residential an no commercial.**

*4. That the use will be similar to and not be more obnoxious to the general welfare (e.g., health, safety, noise, traffic generation) than the uses listed within the designation.*

The use will be entirely indoors with the exception of transporting heavy equipment via a semi-truck and lowboy trailer. **An uninsulated metal building will not keep the dBA under the allowed amount while this equipment is being repaired; it is not just the delivery making noise as suggested by this planner, it is the continuous mechanics. Unless an air system is instaklled, the 22 foot metal door will be open or the heat and fumes would be unbearable.** The use is conditioned such that impacts of noise are mitigate to protect the general welfare of the community. **???**The use is not more obnoxious than uses listed within the designation, such as clearing of snow with a large loader for a single-family residence (an outright permitted use) **this is life in the snow country for all residents and not one commercial enterprise for one resident.** or large recreational vehicles (RVs) that may be using a mobile home park (subject to use permit).



**From:** [A Curtright](#)  
**To:** [CDD Comments](#); [Emily Fox](#)  
**Subject:** Sherer Use Permit Opposition  
**Date:** Wednesday, February 15, 2023 12:53:43 PM

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**[EXTERNAL EMAIL]**

Dear Planning Commission – I'd like to offer a statement on the Sherer Use Permit, for the hearing record. I have a home up the hill from the Sherers, perhaps 400 ft away. Our family is among the first to live in the area, having purchased the property in the 1960s. We are there for the peace, beauty, and serenity of the area, and have enjoyed and respected that environment for all these years. One thing we know is that sound travels easily up there. We even speak quietly when we are outside, out of consideration for our neighbors. We believe in leaving a small footprint in every way.

We certainly never expected that a loud commercial business would ever be approved anywhere in the area. The noise already endured from the property is very disruptive of the quiet environment we all expect in Swall Meadows. I don't own a home in Swall to hear machine shop noise, or loud trucks, or even back-up beeping (however short) for hours. I prefer the rustling leaves and chirping birds.

Although they say all work will be done within the building, I cannot believe that the doors will always be kept shut. And if they are shut, I have to question whether operating pneumatic tools inside that cavernous structure can be very quiet, not to mention simply running diesel machines, air compressors, power washers, or whatever else this business entails.

This is not a small footprint. The noise is unacceptable, let alone the jarring appearance of the large building. This is simply not the place for this kind of business, which the codes clearly state for our protection. If all this is allowed to go forward, I worry that it will set a terrible precedent for the future of this unique community.

Sincerely,

Anne Curtright and the Curtright Family  
[acurtright@sbcglobal.net](mailto:acurtright@sbcglobal.net)

**From:** [Annie Barrett](#)  
**To:** [CDD Comments](#)  
**Subject:** Use permit 23-001/Sherer  
**Date:** Wednesday, February 15, 2023 8:09:57 AM

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[EXTERNAL EMAIL]

Dear Mono County planning Commission and others,

As a resident of Swall Meadows since 2005, I have become part of this community. We have gone through quite a bit between the Round Fire, rebuilding, several snow storms, and easier days of mountain life. After reviewing the documents of the Sherer permit, I see no reason to object to the building and honor that the Sherer has gone through the appropriate steps with obtaining the building permit, and even talking openly with immediate neighbors to consider least impact.

The Sherer building houses heavy equipment which is much needed in case of fire or fire prevention and snow removal - the very two largest topics of community well being.

I am disappointed by the complaint/s regarding the Sherer project. It is clear to me that this project has been well thought out and already approved.

Several new buildings have been built before and after the Round Fire in Swall Meadows. Neighbors have had to adapt to new buildings in their views. While 'change' is not always easy, it is the right of property owners to follow dreams, plan, and go through the planning process with Mono County.

In this case, I would ask that this complaint against use permit 23-001/Sherer be dropped. I would encourage neighbors to 'live and let be' as we work together to continue to build community.

Thank you,  
Annie Barrett

Sent from iPhone. Annie

**From:** [spottab@aol.com](mailto:spottab@aol.com)  
**To:** [CDD Comments](#)  
**Subject:** Use Permit 23-001/Sherer  
**Date:** Wednesday, February 15, 2023 10:32:31 AM

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**[EXTERNAL EMAIL]**

TO: Mono County Planning Commission

RE: Use Permit 23-001/Sherer

I am writing to express my full support for Lindsey and Chris Sherer's applications for a Use Permit to allow for a >20-foot height of their new garage, and an Expanded Home Occupation Permit for the use of the building.

Regarding the building height, I see no actual conflict here with the Swall Meadows Area Plan. There are many buildings here – both residences and outbuildings – that are as tall or taller, and do not spoil the overall ambiance of the community. The two neighbors with the most to lose in terms of their view-scape (Terry Lee and Karen Marshall) have both written in strong support of the project. Visual impacts to other residences seem minor at worst. I find it unfortunate that the Building Department issued a permit for the building, only to later inform the owners a Use Permit is required. I strongly urge the Commission to expedite the approval of the permit at this time.

As for the Expanded Home Occupation permit, I will first express my agreement with Mr. Draper's analysis that proposed use is an accessory use, ancillary to the primary use of the property as a residence, and is consistent with both the General and Area plans. But I reject the notion that the proposed use will generate and any noise or nuisance that exceeds current background levels of the same.

With a likely annual total of 10 to 20 equipment transfers to and from the building, I am struggling to understand why anyone believes these would even be noticeable to the community. We already have: semi-weekly trash pickups; frequent deliveries of propane, building materials, and other goods; frequent home construction vehicle traffic, including transport of heavy equipment; and (this year especially) a seasonal but frequent presence of all kinds of snow-removal equipment. The noise, exhaust fumes, or other perceived nuisances from this traffic will dwarf any produced by the Sherers' occasional use of our roads for moving their equipment.

As for the actual use of the building for equipment repair, I would note that there are many two- and three-bay garage/shops in this community where similar activities occur. Potential sources of noise are the same in all instances: compressors, air wrenches, welding equipment, grinders, etc. The only difference is the other facilities are dominantly used by hobbyists, whereas the Sherers wish to use theirs in support of their small business. I see no valid reason to not allow them to do so.

Last, I would note there are members of this community who seem inclined to always expect the worst of their neighbors. I do not. The Sherers are good, conscientious, and responsive neighbors. If there are, for example, any noise issues, I would expect them to fully mitigate the problem. If not, the extended use permit can always be rescinded based on actual evidence of persistent problems.

Dave Parker  
264 Mountain View Drive  
Swall Meadows

**From:** [Bob Draney](#)  
**To:** [CDD Comments](#)  
**Subject:** use permit 23-001/Sherer  
**Date:** Wednesday, February 15, 2023 8:53:21 AM

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**[EXTERNAL EMAIL]**

Good day.

I am writing with regard to the barn being built in Swall Meadows at 1273 Swall Meadows Road. I live full time in Swall Meadows and also own property that adjoins the Sherer's property just to the south of their lot.

I am in favor of the Sherer's being allowed to complete building the barn.

Mono County issued a building permit and allowed the project to commence. Because Mono County allowed the project to substantially begin, it should allow the project to be completed. If Mono County made a mistake during the permitting process, it should not penalize the applicants, who in good faith proceeded to build and invest substantial time, effort and money in the project.

Regardless of Mono County's mistake, as a resident of Swall Meadows and landowner of an adjoining property, I am in favor of the project being allowed to be completed. The final barn appears to be similar to many other barns in Swall Meadows, some of which appear to be larger than the Sherer's barn will be.

I am not opposed to equipment occasionally being moved to and from the location for maintenance or repair.

Thank you for considering my comments.

Bob Draney

1097 Swall Meadows Road  
Swall Meadows, CA. 93514  
&  
65 Meadow Road  
Swall Meadows, Ca. 93514

**From:** [Greta Mettauer](#)  
**To:** [CDD Comments](#)  
**Subject:** Use Permit 23-001/Sherer  
**Date:** Wednesday, February 15, 2023 3:40:53 PM

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**[EXTERNAL EMAIL]**

Mono County  
Secretary of the Planning Commission  
PO Box 347  
Mammoth Lakes, CA 93546

To Whom It May Concern:

I am writing in support of the project located at 1273 Swall Meadows Road in Swall Meadows. To date, I have heard what I summarize as three arguments against the project completion:

1. Complaint One: The project will bring increased heavy commercial traffic to the neighborhood and open up the community to widespread commercial development.

As a community, we rely on heavy/commercial traffic to provide services such as dropping off deliveries, constructing our homes, picking up our garbage and working on our power and communication lines. It is highly unlikely that this project will significantly change our local traffic patterns. Based on the structure size, it is not large enough to house multiple pieces of heavy equipment and from what I read in the proposal, the owners are not requesting the ability to house their equipment on-site long-term, instead they are requesting temporary use as needed. The owners do not run their business from the Swall location, they are simply requesting the ability to bring and maintain their equipment at their home, which can be especially useful when working on local fire clearance projects, such as with the upcoming Mountain View/Sky Meadows fuel break project Eastside Iron has been contracted to complete in the upcoming year. In addition, from what I have read and heard at the community meeting on January 18<sup>th</sup>, the structure has been planned and constructed with the necessary county and community oversight, permits and approvals, so the concern about this project being the catalyst for other businesses popping up unregulated is without merit.

2. Complaint Two: The height and appearance of the structure are not in keeping with our residential neighborhood and will block other homeowner's views.

From my eye, the new structure appears no larger than other buildings in the community and based on the product photo provided it will fit in with the other existing barns, two-story homes and structures in the neighborhood. I walk by the project several times a week and I am struck how the visibility of the actual structure is actually blocked on the east side by the trees along the property on the border of 1207 Swall Meadows Rd, and the same is true on the west by the trees along 35 Meadow Rd. In fact, when walking east, you almost cannot even see the structure until you are standing directly in front of 1273 Swall Meadow Rd. as it is behind the main dwelling. From Mountain View Rd the view is almost completely obscured by the pine trees behind the homes on Swall Meadows Rd. I cannot speak of the views from the home, but Mountain View sits higher in elevation so the actual structure is lower in the view. The structure has a relatively small footprint and is actually smaller than some of the other barns and structures in the neighborhood. Quite frankly, there is nothing offensive about the structure and the owners have been honest and forthright with their intent. We are blessed enough to live in a beautiful neighborhood with expansive views and one structure alone will not wipe out any one's views.

3. Complaint Three – Having the heavy equipment and performing maintenance of vehicles in the new structure will cause an uncontrollable fire hazard for the neighborhood.

As a rural community, this hazard is already present. We rely upon private owners' availability and use of heavy equipment to clear snow and to manage our properties year-round, which of course means the necessity to perform on-going equipment maintenance. In addition, we have several homeowners that regularly perform automobile and small equipment maintenance in their garages which seems to carry the same risks of flammable liquid exposure, so where do we draw the line?

As this last winter has proven, if we did not have private operators in the community with available, maintained equipment, several of the older folks in the community would have been stranded on their properties for days on end.

On a closing note, we have owned the property at 65 Meadow Road, which is next to 1273 Swall Meadows Road for over 16 years and the owners of 1273 Swall have done a remarkable job of revitalizing the existing home, rehabbing their portion of the orchard and keeping the property clear. Given our history of fires in the neighborhood, I am grateful to have another firefighting professional, especially one with such extensive clearance background here in Swall Meadows.

Thank you for your time and consideration.

Best Regards,

Greta Mettauer  
1097 Swall Meadows Rd.  
Swall Meadows, CA 93514