

APPEAL LETTER

December 11, 2008

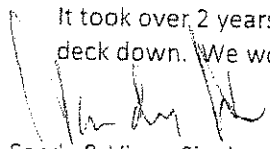
Board Of Supervisors, Contra costa county
Appeals
Applications and Permit Center
651 Pine Street, 2nd Floor
Martinez.

Re: Filing an Appeal against the decision of Planning committee for Deck at 101 Wild Oak ct

We would like to file an appeal against the decision taken by the Planning committee for our Deck at 101 Wild oak ct, Danville, CA. The Planning commission has passed a decision to deny the approval of deck because the initial drawing submitted to the planning depart incorrectly showed the deck inside our lot line but actually the deck is sitting on an easement granted to us by Blackhawk HOA.

Although the initial drawing submitted by the contractor to the planning department was wrong because he did not have proper means to identify the lot line from the grant deed, he did submit the detail survey to the planning department thru the Building /Code enforcement officers indicating the location of the Deck. This information was conveyed to the Planning department by the building Inspection/Code enforcement staff. The denial of our petition for the deck will very adversely effect us financially since we have invested considerable amount of money and time building the deck. We would request the Board of supervisors to reconsider the decision in light of the following facts

- The deck as it stands now, is build on an easement granted to us by Blackhawk HOA. A small part of the deck is overhanging in the open Space but 99% of the deck is on the Easement that was granted buy HOA to us.
- The easement had a Clause that ..No structure can be build on it unless the Blackhawk HOA approved it.
- The Blackhawk HOA had approved construction of deck in that area
- We were unaware that the land on which the deck is build is an easement because it was inside our fence line. Blackhawk HOA had the original document of easement. We got to know about it only after the survey
- The building inspector/Code enforcement Staff who was incharge of monitoring /inceptions of the construction of Deck actual authorized the contractor to complete the deck after all the facts about the location of deck/survey were given to him. He checked with the planning department and gave the contractor an OK to build the deck
- Although there were mistakes made in the paperwork submitted to planning , it was done because of lack of knowledge of the Lotline etc. Both the county and HOA had that information and gave their nod to complete the deck
- We are willing to pay fines/filing fee to keep our deck because we have invested over \$100,000 in building the Deck. It took over 2 years to build it . It would cause us considerable financial/emotional harm if we are ordered to take the deck down. We would humbly request the board of Supervisors to re-consider it.



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