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The Court of Appeal of the State of California announced its decision on Nancy and Michael Woodall's lawsuit over their denied plans to build an English-style mansion in favor of the city of Lafayette and furthermore ruled that

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Lafayette denial of big home remodel upheld in court; plaintiff to pay costs

By Pippa Fisher



The Woodalls' plans for a large two-story, Tudorstyle mansion were found to be incompatible with the character of this Hilltop Drive neighborhood in Happy Valley. Photo Pippa Fisher The court's decision, announced Oct. 26, follows several years of wrangling over the Woodalls' plans to demolish their existing single-story 4,111 square-foot ranch home and replace it with a two-story construction of a 5,595 square-foot Tudor-style country house featuring steeply pitched roof lines in the Happy Valley Dell subdivision of

the city is entitled to recover all costs.

Despite changes made to the plans when first presented in 2013, including bringing the proposed roof height down by 17 inches and an initial approval from the Design Review Commission, both the Planning Commission and the City Council agreed with the many neighbors who appealed on the grounds that the project was not compatible with the mostly smaller, single-story ranch homes in the neighborhood and would reduce

views of adjacent properties. The proposal was denied.

The Woodalls brought the lawsuit against the city of Lafayette, arguing that the council's decision was not supported by substantial evidence.

Lafayette.

The court, finding in favor of the decision made by the city, ordered the plaintiff to reimburse the city for all of its costs to defend the case, approximately \$15,000, which as Lafayette City Manager Steve Falk points out, should serve as a deterrent to others who would file frivolous lawsuits against the city.

"Those costs are substantive and, since they were funded by taxpayers, this is a win for the city and for all Lafayette residents," said Falk.

"We were very pleased with the decision," commented Lafayette City Attorney Mala Subramanian. "The city council and its commissions each take their responsibility to review and evaluate property matters, including the design of structures, seriously. The Court of Appeal decision confirms the city's due diligence in evaluating and ultimately denying the permit."

Reach the reporter at: pippa@lamorindaweekly.com

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