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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, Tudor-style mansion were found to be incompatible with the character of this Hilltop Drive neighborhood in Happy Valley. Photo Pippa Fisher

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 the city is entitled to recover all costs.

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 Lafayette.

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.

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."

Lafayette school district seeks to quickly rectify parcel tax error

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Photo Pippa Fisher

This calculates out to about \$26 per year, per taxpayer."

The errors came to light when a resident new to the area was examining his annual tax bill and brought questions to the school district.

Zinn says they are very grateful that the resident brought it to their attention so that they can rectify the problem as fast as possible.

"The refunds will come from the general fund or reserves, or some combination of the two," said Zinn. Taxpayers will be receiving a letter when the district has worked out the mechanics of refunding the money, including a process for "opting out" as a choice. The district is now working with SCI Con-

sulting Group as they straighten out the problem.

Zinn says the reaction she has received so far has been overwhelmingly positive with many people suggesting they would rather the district keep the money.

Zinn, who says that no programs will need to be cut as they issue refunds, points out that the district really needed the parcel tax to support programs in the face of inadequate state funding.

"I am so grateful to the community for even passing a parcel tax to enable us to provide such a high quality education. We really regret that this happened and want to get it taken care of as quickly as possible."



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