

# Angels Camp business denied permit to host events

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Niemuth Manor was denied a permit to host special events at a Calaveras County Planning Commission meeting on March 23. *Courtesy photo/Niemuth Manor*

Niemuth Manor, an event venue about a mile up Dogtown Road just outside of Angels Camp, has earned a 5-star rating on the popular wedding website, [theknot.com](https://www.theknot.com). Described as a “serene rural setting far from the hustle and bustle of daily life,” the reviews gush about beautiful views and excellent, attentive service by the venue’s owners, Jonathan and Allyson Niemuth.

The couple’s own wedding took place on the 24-acre property in July 2021. Featured on [realweddingsmag.com](https://www.realweddingsmag.com), photos show a smiling bride set against golden hills dotted with oak trees, and feature a horse-drawn carriage whisking the couple off to a vineyard in the distance.

With a private lake and room to roam, it might seem like the ideal place to say “I do” to couples looking for a relaxing, rural environment for their wedding.

But the events at Niemuth Manor have had negative impacts for surrounding neighbors, who moved to the area looking for the same quiet, country locale that is so appealing to prospective brides and grooms.

At a March 23 hearing, the Planning Commission denied an appeal for a permit to allow the Niemuths to hold weddings and other large events on their property, which is located in a rural residential zone.

The Planning Commission maintains that the property is not zoned for the types of events that have already taken place at Niemuth Manor. One event, a wedding, had been scheduled to take place just two days after the hearing.

A tearful young bride-to-be named Kelly Bamford approached the lectern during the public comment period of the hearing.

“The months of planning that have gone into my wedding have been completely unraveled within a week’s time,” Bamford said, pleading with the commission to allow her wedding to take place.

Around 40 members of the public attended the hearing to both show support for and opposition to the appeal. Most of those who spoke in favor of granting the appeal were connected to the wedding industry, while those who spoke in opposition were surrounding neighbors.

Stuart Raggio, one of the venue’s neighbors, said that he attended the meeting to support Planning Director Gabriel Elliott’s denial of the permit application for “this full-blown, commercial business in a rural residential-zoned neighborhood.”

“Over the past year, the Niemuths have operated this commercial business without permits and without regard for our neighborhood,” Raggio said. “The events with live bands have been loud, disruptive, intrusive and dangerous.”

Several mentioned the loud parties that interrupted their peace on weekends and prevented them from gathering on the patio with friends.

Lewis Bielanowski, one of the neighbors who opposed the appeal, told the Enterprise that noise from the events has been so loud it has rattled his home’s windows. The noise, he said, played a role in him losing a prospective buyer for his home, and has made it difficult to find a tenant for the rental unit on his property.

“Most of the people supporting Niemuth — they all have their fingers in the pie; they’re all making money off it,” Bielanowski said, gesturing towards those who spoke in support of granting the appeal. “Those of us living next to them — we’re losing money. Our property values are plummeting.”

## Background

In December 2022, the Niemuths, who obtained a business license for their venue in February 2021, applied for a special event administrative use permit (AUP) with the county, believing that it would allow them to use their land for hosting large events, such as weddings.

Following the submission of the application, neighbors within a 300-foot radius of Niemuth Manor were contacted by the Planning Department, which received letters of opposition from eight of the 10 neighbors.

According to the staff report, “The comments received covered nine specific impact areas: noise, road impacts, impacts to pets and livestock, tent (not permitted or soundproofed), property values, character of the neighborhood, use not permitted in the zone, safety, and alleged use of someone else’s easement.”

The city of Angels Camp also submitted a letter to the commission, outlining concerns about added stress to rural county roads and “undue burdens on city resources” such as police and fire departments.

“The events are noisy and generate a lot of traffic on Dogtown Road, which is not built for large crowds and has extremely poor ingress and egress access onto Highway 49,” the county’s staff report said. “Dogtown Road T’s on to Highway 49 right before the Highway 4/Highway 49 intersection, which is one of the most congested areas of the city. According to the city of Angels Camp, this is why Caltrans is focusing on an operational project to change the circulation to a roundabout and restrict access onto Highway 49 from Dogtown Road to limit drivers to only a right turn. This means only a right turn on to Dogtown Road as well. Until this project, scheduled to begin in 2026, occurs, any increase in traffic flow on Dogtown Road is extremely dangerous.”

The request for a permit was denied on Feb. 7. In a letter, Elliott cited several reasons for the permit denial, such as the condition in the county code that properties in the rural residential zone should be primarily used as a residence and that any commercial use “would need to be consistent with other permitted or conditionally permitted uses in the RR zone.”

“The use of an RR-zoned property as a commercial wedding venue is not similar to any use permitted either by right or conditionally in the RR zone,” the letter stated.

The letter also contended that weddings do not qualify as special events, stating, “The term ‘special events’ is defined in CCMC 17.06.1807 to mean ‘an organized activity, assembly or event to which the public is invited to watch, listen or participate. ... With the potential exception of the fireman’s ball, this application proposes a series of ‘private’ weddings that would not be open to the public at large.”

Although the property has an on-site vineyard, the weddings wouldn't qualify as agritourism activities either, according to the letter, since the events would not be incidental to the vineyard operation. Finally, the events, which could have up to 300 guests and parking for over 170 vehicles with up to five hours of music, according to the application, "would place undue burden on the health, safety, and general welfare of the neighboring residences and personal ranches," Elliott said.

Per Chapter 17.83 of the Calaveras County Code, the planning director may deny an AUP application if they find the proposed use "has the potential to be detrimental to the public health, safety and welfare."

The Niemuths' property lies in a rural residential zone, which is designated in county code as "intended to provide lands for personal ranches in which residential use is the primary land use." While special events are listed as permissible activities in this zone, they are subject to ordinances in chapter 17.87, and are defined in zoning ordinance chapter 17.06 as "an organized activity, assembly or event to which the public is invited to watch, listen or participate."

Based on the definition, Elliott and the commission argued events such as weddings or other private parties that would not typically be open to the public can't be considered under the current ordinances for a special event permit.

A 61-page Planning Commission staff report, available on the county's [website](#), details the department's findings.

The findings outlined in the report state that the permit "must be denied" because the proposed use or activity is "not consistent with county zoning ordinance 17.93.020.A," and that "the proposed activity or use must be denied pursuant to Section 17.87.090 because, even if the events did constitute 'special events' for the purpose of Chapter 17.87, three circumstances supporting denial under Section 17.87.090 are present."

Following the denial of the application, the Niemuths appealed to the Planning Commission, sending a return letter dated Feb. 21.

In the letter, the Niemuths questioned whether the Board of Supervisors "intentionally prohibited wedding venues in the RR zone," asserting that eight other properties in rural residential zones also hold weddings.

The Niemuths' letter requested the approval of four weddings and an additional "Firemen's Fundraiser Ball" that had already been planned to be held on-site this year.

### **The hearing**

During the two-hour-long hearing, the Niemuths' lawyer, Diane Kindermann, argued their case before the commission.

Kindermann asked the commission to overturn the planning director's determination and to "proceed to make a recommendation to the Board of Supervisors to amend municipal code to recognize weddings and other similar events as special events under the code.

"And the reason is this: The way it's currently articulated in the code, it leaves the planning director to have to make determinations on a case by case basis — which is not efficient — for the county, and this particular determination effectively bans all weddings and other special events in the unincorporated county," said Kindermann.

Kindermann asked the commission to consider approving an administrative use permit for only one remaining event, the March 25 wedding, contingent on a list of "25 conditions."

Some of the conditions were intended to mitigate the neighbors' concerns, such as monitoring the volume of amplified sound and minimizing disturbance to neighbors by directing speakers away from other residences and ending music at 9 p.m. Other conditions outlined compliance with safety measures, such as fire safety plans and requiring permits for food handlers and alcohol sales.

"We are here today serving a judicial function," District 2 Commissioner Tim Laddish said. "Our duty today is to apply the law the way it is now. ... We cannot grant a special event permit for something that is not a special event."

In a unanimous vote, the Planning Commission passed a resolution to deny the appeal and uphold the decision of the planning director.

### **Appeal to the Board of Supervisors**

The Niemuths have the right to appeal the decision to the Board of Supervisors. Brian Holloway, of the Holloway Land Company, a development and entitlement consulting firm out of Sacramento, is helping the Niemuths with their case. According to Holloway, the Niemuths are "very likely" to appeal to the Board of Supervisors. If they decide to appeal, they will ask the board "to interpret that weddings would fall under special events."

Holloway said: "It seemed to be that the terminology was maybe too strictly applied, and that would be that it wasn't available to the general public. I got the impression that the Planning Commission didn't really want to interpret, they just wanted to apply the laws before them."

Holloway believes the Board of Supervisors would have the authority to make those interpretations that could qualify events at Niemuth Manor and other wedding venues in rural residential zones for special event administrative permits.

As for the other rural wedding venues in the county, "Everybody's at risk now," according to Holloway.

“What was troublesome was that, basically, the Planning Commission said we are a complaint-driven county, which basically means that those other venues, should they get a complaint to the county from a neighbor, a vendor, an unhappy customer, then they’ll have to be cited by the county. They’ll have to apply for an administrative permit, and they’ll be denied at the Planning Commission just like we were,” said Holloway.

Also troubling to the Niemuths was the fact that the Calaveras Visitors Bureau even promotes their venue on its website, [gocalaveras.com](http://gocalaveras.com), where it lists Niemuth Manor and 31 other wedding venues from throughout the county.

The solution for the county, Holloway says, is simple: “Say weddings are special events, and then you would go through an evaluation process and allow weddings with a use permit or administrative permit under the zoning code. You know, let’s legitimize the businesses that they’re promoting and advertising.”



During the two-hour-long hearing, the Niemuths’ lawyer, Diane Kindermann, argued for the appeal. Jonathan and Allyson Niemuth are sitting to the left. Marie-Elena Schembri/Calaveras Enterprise