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## Staff Report to the Zoning Administrator

Application Number: **03-0310**

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**Applicant:** Dallas Kachan

**Owner:** Dallas Kachan

**APN:** 093-102-22 (formerly 093-102-03)

**Agenda Date:** July 7, 2006

**Agenda Item #:** 9

**Time:** After 1:00 p.m.

**Project Description:** Proposal to reduce the width of a 40 foot right of way to about 25 feet in order to obtain permits to recognize a room addition to an existing single family dwelling and to reduce the 20-foot front yard setback to 3.49 feet and to reduce the required side setback from 10 feet to 7 feet.

**Location:** The property is located on the south side of Oak Drive, (18492 Main Blvd.), southeast of the intersection with Main Blvd, in the Glenwood area.

**Supervisory District:** First District (District Supervisor: Beautz)

**Permits Required:** Zoning Administrator's Sign-off for a less than 40 foot Right-of-way and Variances to the Front and Side Yard Setbacks.

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 03-0310, based on the attached findings and conditions.

### Exhibits

- |    |                                            |    |                             |
|----|--------------------------------------------|----|-----------------------------|
| A. | Project plans                              | E. | Assessor's Parcel Map       |
| B. | Findings                                   | F. | Zoning and General Plan Map |
| C. | Conditions                                 | G. | Comments & Correspondence   |
| D. | Categorical Exemption (CEQA determination) |    |                             |

### Parcel Information

Parcel Size:	37,540.2 square feet (Assessor)
Existing Land Use - Parcel:	Single family residential
Existing Land Use - Surrounding:	Single family residential
Project Access:	Oak Drive
Planning Area:	Skyline
Land Use Designation:	R.M (Mountain Residential)

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County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

Zone District: R-1-15 (Single Family Residential, 15,000 square foot lot size)  
Coastal Zone: — Inside XX Outside

### Environmental Information

Geologic Hazards: Mapped (Cooper-Clark) landslide  
Soils: Soils Engineering completed  
Fire Hazard: Not a mapped constraint  
Slopes: Approximately >25% to 50%  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: No grading proposed  
Tree Removal: As built, no trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line: — Inside XX Outside  
Water Supply: Well  
Sewage Disposal: Septic  
Fire District: Scotts Valley Fire  
Drainage District: None

### History

The site originally contained 130 square foot house to which several additions were made over the course of several years. This resulted in a 1,094 square foot, 3-story, single family dwelling. The previous owners applied in 1995 to obtain permits for these additions through the Planning Department's "Construction Legalization Program" (CLP). The CLP was an amnesty program where owners could submit for permits for unpermitted construction and be subject to the code requirements in effect at the time the construction occurred. During the initial evaluation process, it was determined that the structure did not conform to the front yard setback. A Level 4 Residential Development Permit was applied for under 95-0520 to reduce the front yard setback from 20 feet to about 10 feet under the regulations of the Construction Legalization Program. This permit was issued in 1998. The owners had soils engineering work completed and recorded the required declarations on the property deeds pursuant to the conditions of 95-0520. On January 30, 2001, the property owners applied for a CLP building permit (39497G). On March 31, 2001, the property was sold to the current owner, and the Building Permit (132368) was issued on August 13, 2002. As part of the inspections, a survey was requested. The survey determined, that not only did the additions not meet the 10-foot front yard setback approved under 95-0920, but the additions as well as a portion of the original structure were located within the Oak Drive (aka Main Boulevard) right-of-way. In addition, the actual property lines are located further east of the fence line that was thought to delineate the western side yard property line. Consequently, the house is located 7 feet from this property line at the closest point, rather than the 21.5 feet originally shown. In the intervening time,

the property owner has sought to obtain title to the portion of right-of-way that the house sits upon. The property owner was granted quiet title to a 732 square foot portion of the Oak Drive right-of-way by the Superior Court on March 20,2006. The new property description and deed has been recorded, and a new Assessor's Parcel Number issued.

### Analysis

The project is located in the Big Redwood Park #1 Subdivision recorded in 1926. This subdivision is located on a steeply sloping site above Glenwood Drive. The road system within this subdivision is not publicly maintained. The subject parcel also slopes steeply down from Oak Drive with a less steeply sloped building site near the road.

The widest portion of right-of-way granted to the subject property is approximately 18 feet. Therefore, the right-of-way has been reduced in this section from a width of 40 feet to about 25 feet. This reduction requires a Zoning Administrator's Sign-off to use a less than 40-foot right-of-way. The 20-foot wide right-of-way, which has resulted from the grant of quiet title, will continue to provide access to the existing homes on this segment of Oak Drive (aka Main Boulevard), which is both adequate and safe access for the single-family dwellings and accessory uses. The change does not affect the location nor width of the existing road as traveled and most of the parcels beyond the subject parcel also have access from other streets.

The subject property is a 37,540.2 square foot lot (after addition of the former right-of-way area), located in the R-1-15 (Single Family Residential, 15,000 square foot lot size) zone district, a designation, which allows residential uses. The proposed single family residence is a principal permitted use within the zone district and the project is consistent with the site's (R-M) Mountain Residential General Plan designation. The project as it relates to the required setbacks for the R-1-15 zone district is the following:

SETBACK	REQUIRED	PROPOSED
Front yard	20 feet	3.49 feet
Side yard (west)	10 feet	7 feet
Side yard (east)	10 feet	> 80 feet
Rear yard	15 feet	> 120 feet

The Big Redwood Park #1 Subdivision currently contains a number of parcels that are nonconforming lots with respect to the R-1-15 zone district standards. The larger conforming parcels were created by merging several of the original lots (three lots were merged to create the subject parcel) to create building sites or more readily developable lots. The majority of the residences in the area were built prior to building permit requirements and several of these are likely nonconforming with respect to property line setbacks since surveys were not required.

Due to the steepness of the lot, relocating the residence to meet the required 20-foot front yard setback is not feasible as the change in elevation is over 10 feet and the slopes well in excess of 30%.

Increasing the side yard setback from 7 feet to the required 10 feet would require substantial re-engineering of the overall structure and would move the dwelling to a steeper area. Thus, special circumstances exist in that the property lines were not accurately determined when the original house was built, and the structure was actually located within the right-of-way and significantly closer to

the western property line than originally believed. In addition, the subject parcel is extremely steep and the most feasible building site is the location of the original dwelling and the additions. Relocating the structure is not feasible due to the changes in the steepness of the slopes at the site. Moreover, numerous structures in **this** subdivision pre-date the building permit requirements and several have proven over the years to be located closer to property lines (**as** well as within setbacks) than previously thought. For a majority of the parcels, slope steepness and stability are the determining factors in selecting home sites rather than property line setbacks. The structure is consistent with the general pattern of development within this neighborhood. The granting of the side yard variance will not adversely affect the neighboring property as the 7 foot setback will allow for adequate separation between structures to allow light and air.

### **Conclusion**

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### **Staff Recommendation**

- Certification that the proposal is categorically exempt **from** further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **03-0310**, based on the attached findings and conditions.

**Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.**

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

Report Prepared By: Cathleen Carr  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3225  
E-mail: [cathleen.carr@co.santa-cruz.ca.us](mailto:cathleen.carr@co.santa-cruz.ca.us)

## Development Permit Findings

- 1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.**

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints that preclude development. Construction will comply with the geotechnical report for foundation design. The building is being recognized under a special amnesty program (Construction Legalization Program) and will conform to the Uniform Building Code and the County Building ordinance in effect at the time of construction. Although variances to the front and one side yard setback are required, the additions to the existing single family residence will not deprive adjacent properties or the neighborhood of light, air, or open space, as adequate separation is provided

The use of the less than 40-foot right-of-way and the conditions under which it would be operated or maintained will not be detrimental to the health, safety or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties in that the existing access road will not change and that adequate and safe access will be provided.

- 2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.**

The location of the additions to the existing single family residence are located within the front and one side yard setback proscribed by the parcel's R-1-15 (Single Family Residential, 15,000 square foot lot size) zoning for which variances are sought. The findings for these variances can be made. The single family dwelling and the less than 40-foot right-of-way and the conditions under which they would be operated and maintained will be consistent with all other pertinent County ordinances and zone district standards. The project is consistent with the purpose of the R-1-15 (Single Family Residential, 15,000 square foot lot size) zone district, in that the primary use of the property will be one single family residence.

- 3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.**

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Mountain Residential (R-M) land use designation in the County General Plan. The use of the less than 40-foot right-of-way is consistent with all elements of the General Plan in that safe and adequate access is being provided as outlined in Section 6.5 of the General Plan.

The recognition of additions to an existing single family residence does not result an improperly proportioned structure with respect to the parcel size or the character of the neighborhood as

specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed single family residence will comply with the site standards for the R-1-15 zone district for lot coverage, floor area ratio and height, resulting in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

A specific plan has not been adopted for this portion of the County.

**4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.**

This finding can be made, in that a single family residence exists and additions to this structure will be recognized. The project will not increase beyond the expected level of traffic generated by a single family dwelling of one peak trip per day. This level of traffic will not adversely impact existing roads and intersections in the surrounding area.

The use of the less than 40-foot wide right-of-way for residential use only will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

**5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.**

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed single family residence is consistent with the land use intensity and density of the neighborhood.

## Variance Findings

**1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.**

The original single family dwelling (cabin) was constructed circa 1953 with subsequent additions in the 1970's and 1980's. The original structure was constructed partially within the access road right-of-way. The developable area of the parcel is highly constrained by extremely steep topography. After building permits were issued to recognize the additions, it was determined that the additions did not meet the front and western side yard setbacks. Due to the location of the existing, legal structure, the steep slopes on the property behind and to the east of the dwelling, the strict application of the zoning ordinance would create a hardship to move the dwelling to meet setbacks. Specifically, an engineered foundation would be required, and the home substantially modified and re-engineered to meet the steeper slopes located east and south of the existing site. Forcing the structure to be located on substantially steeper slopes (> 30%) could subject the residences to greater risk of slope

instability and erosion. The majority of the residences in the area were built prior to building permit requirements and several of these are likely nonconforming with respect to property line setbacks since surveys were not required. In addition, the potential building sites for many of the vacant parcels in this subdivision are in close proximity to the road rights-of-way where the slopes are not as steep as the surrounding property. Thus, the granting of the variance to reduce the west side yard from 10 feet to 7 feet and the front yard setback from 20 feet to 3.49 feet is compatible with the development pattern of the neighborhood and is consistent with the privileges enjoyed by other properties in the vicinity within the **R-1-15** zone district under similar circumstances of an existing legal structure built within the right-of-way on an extremely steep lot. The strict application of the zoning regulations to the subject parcel and other parcels with very similar topography and geometry would likely preclude development or at a minimum require extraordinary engineering to develop a residence on an existing lot of record.

- 2. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.**

The granting of the variance is in harmony with the general intent and purpose of zoning objectives of maintaining adequate separation between structures and property lines along side yards in that the proposed side yard is over 7 feet while 5 feet is the smallest side yard setback allowed in the R-1 zone district. The variance to reduce the 10-foot side yard setback to 7 feet will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity in that the minimum 10-foot separation between structures will be maintained. The granting of the variance of the front yard setback from 20 feet to 3.49 feet will not be detrimental to public health, safety and welfare and not be injurious to property or improvements in the **area**, in that the reduced setback will not adversely affect the traveled road and access, does not create line of sight problems for vehicular traffic. The access road is not a through road and therefore only services traffic servicing the residences located on the road.

- 3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.**

The granting of the front yard and side yard setback variance would not constitute a special privilege as the majority of dwellings in this neighborhood were constructed prior to zoning laws and building permit requirements, as was the original structure on the subject parcel, and a number of structures appear to be nonconforming with required front yard and possibly side yard setbacks. For a majority of the parcels in this subdivision, slope steepness and stability are the determining factors in selecting home sites rather than property line setbacks. The granting of the variance to reduce the west side yard to 7 feet and the front yard setback to 3.49 feet is consistent with the limitations of the subject parcel and similar parcels that have extremely steep slopes, less steeply sloped building sites near the road and where the original legal structure is located near or within the 40 foot right-of-way, but setback from the road as traveled. This development is consistent with the pattern of the neighborhood on the steeper sloped areas with building sites near the road and is consistent with the privileges enjoyed by other properties in the vicinity within the R-1-15 zone district under similar circumstances as discussed in this finding and Variance Finding #1.

Application#: 03-0310  
APN: 093-102-22 (formerly 093-102-03)  
Owner: Dallas Kachan

## Conditions of Approval

Exhibit A: Survey by Dunbar and Craig, dated May 2, 2005

- I. This permit authorizes the applicant to utilize a less than 40 foot right-of-way as a principal means of access and recognizes additions to an existing nonconforming single family residence by reducing the required front yard setback to 3.49 inches and the western required side yard to 7 feet . Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- II. Prior to inspection of Building Permit 132368, the applicant/owner shall:
  - A. Submit a Change Order to the Building Counter with a revised plot plan showing the new parcel configuration and the setbacks approved by this permit. All applicable fees shall be paid prior to issuance of the Change Order.
  - B. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
  - C. Submit two copies of the approved Discretionary Permit with the Conditions of Approval attached.
- III. All construction shall be performed according to the approved plans for the Building Permit. 132368. Prior to final building inspection, the applicant/owner must meet the following conditions:
  - A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - C. The project must comply with all recommendations of the approved soils reports.
  - D. Applicant shall obtain an inspection on Building Permit 132368 prior to the expiration date of 11/22/06.
- IV. Operational Conditions
  - A. Future additions to the residence shall the front and side yard setbacks set forth for the zone district in effect at the time unless an Amendment to this permit is obtained.
  - B. This permit request for a reduced right-of-way did not evaluate commercial uses and activities of any kind, and the standards applied within these conditions may not be

adequate for a commercial activity.

- C. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval (“Development Approval Holder”), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys’ fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
  - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
    - 1. COUNTY bears its own attorneys fees and costs; and
    - 2. COUNTY defends the action in good faith.
  - C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
  - D. Successors Bound. “Development Approval Holder” shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**PLEASE NOTE: THIS PERMIT EXPIRES ONE YEAR FROM THE APPROVAL DATE LISTED BELOW UNLESS YOU OBTAIN AND FINAL ANY REQUIRED BUILDING**

Application #: 03-0310  
APN: 093-102-22 (formerly 093-102-03)  
Owner: Dallas Kachan

**PERMITS.**

**Approval Date:** \_\_\_\_\_

**Effective Date:** \_\_\_\_\_

**Expiration Date:** \_\_\_\_\_

\_\_\_\_\_  
**Don Bussey**  
**Deputy Zoning Administrator**

\_\_\_\_\_  
**Cathleen Carr**  
**Project Planner**

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**Appeals:** Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT  
NOTICE OF EXEMPTION**

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document

Application Number: 03-0310  
Assessor Parcel Number: 093-102-22 (formerly 093-102-03)  
Project Location: 18492 Main Boulevard

Project Description: Proposal to reduce the width of a **40** foot right of way to about **25** feet in order to obtain permits to recognize a room addition to **an** existing single family dwelling and to reduce the 20-foot front yard setback to **3.49** feet and to reduce the required side setback from 10 feet to **7** feet. Requires Variances and Zoning Administrator's Signoff on a less than **40** foot right-of-way.

Person or Agency Proposing Project: Dallas Kachan

Contact Phone Number: **(408) 353-9509**

- A.  The proposed activity is not a project under CEQA Guidelines Section 15378.
- B.  The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060(c).
- C.  Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
- D.  Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

- E.  Categorical Exemption

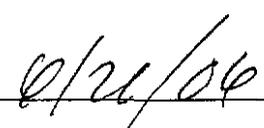
Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

Residential development on a residentially zoned parcel

In addition, none of the conditions described in Section 15300.2 apply to this project.

  
Cathleen Carr, Project Planner

Date: 

FOR TAX PURPOSES ONLY  
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
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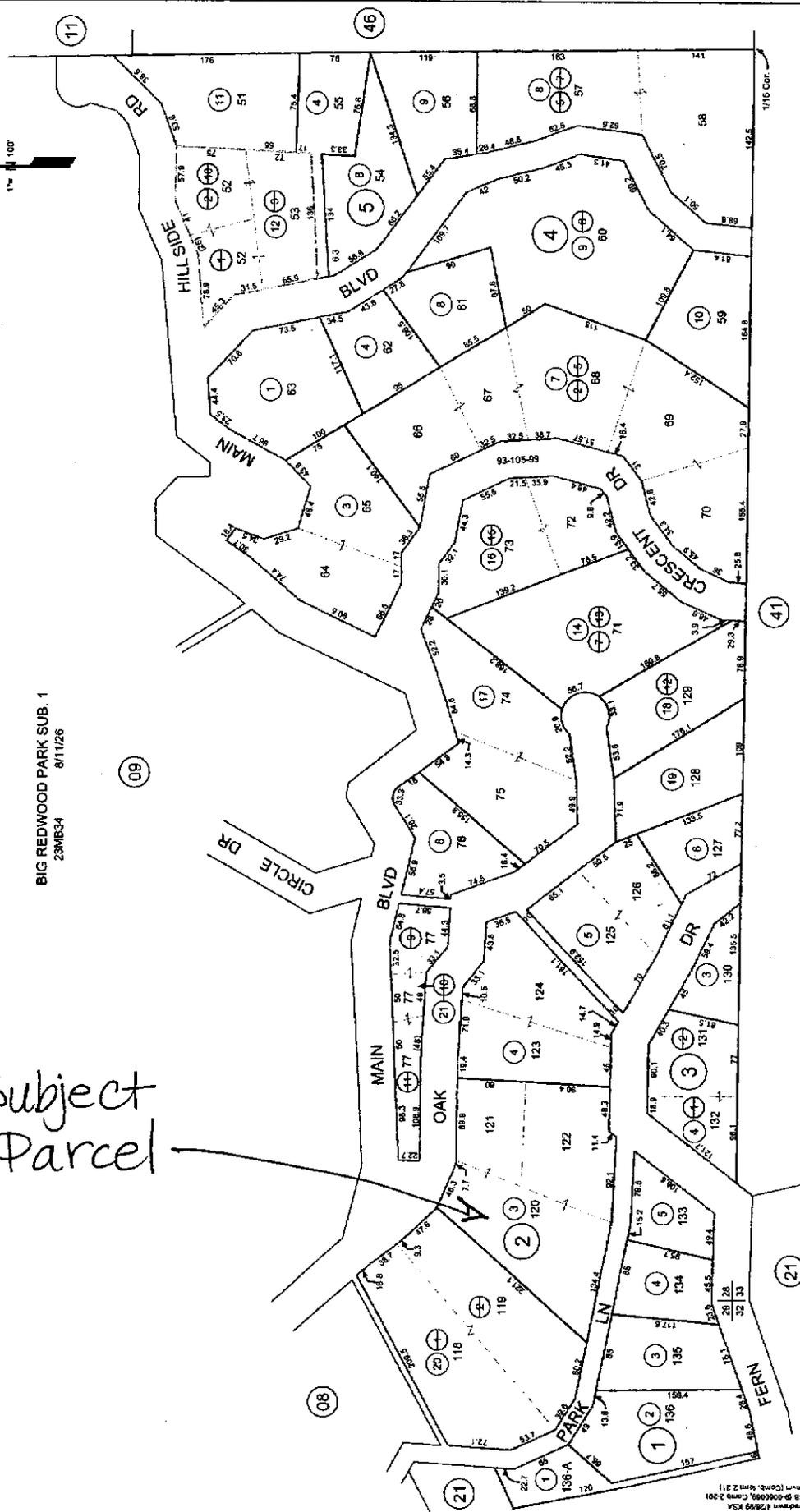
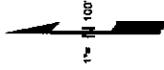
POR. SECS. 28, 29, & 32, T.9S., R.1W., M.D.B. & M.

Tax Area Code  
94-066

93-10

Subject Parcel

BIG REDWOOD PARK SUB. 1  
23MB34  
8/11/26



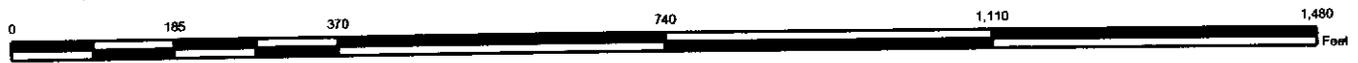
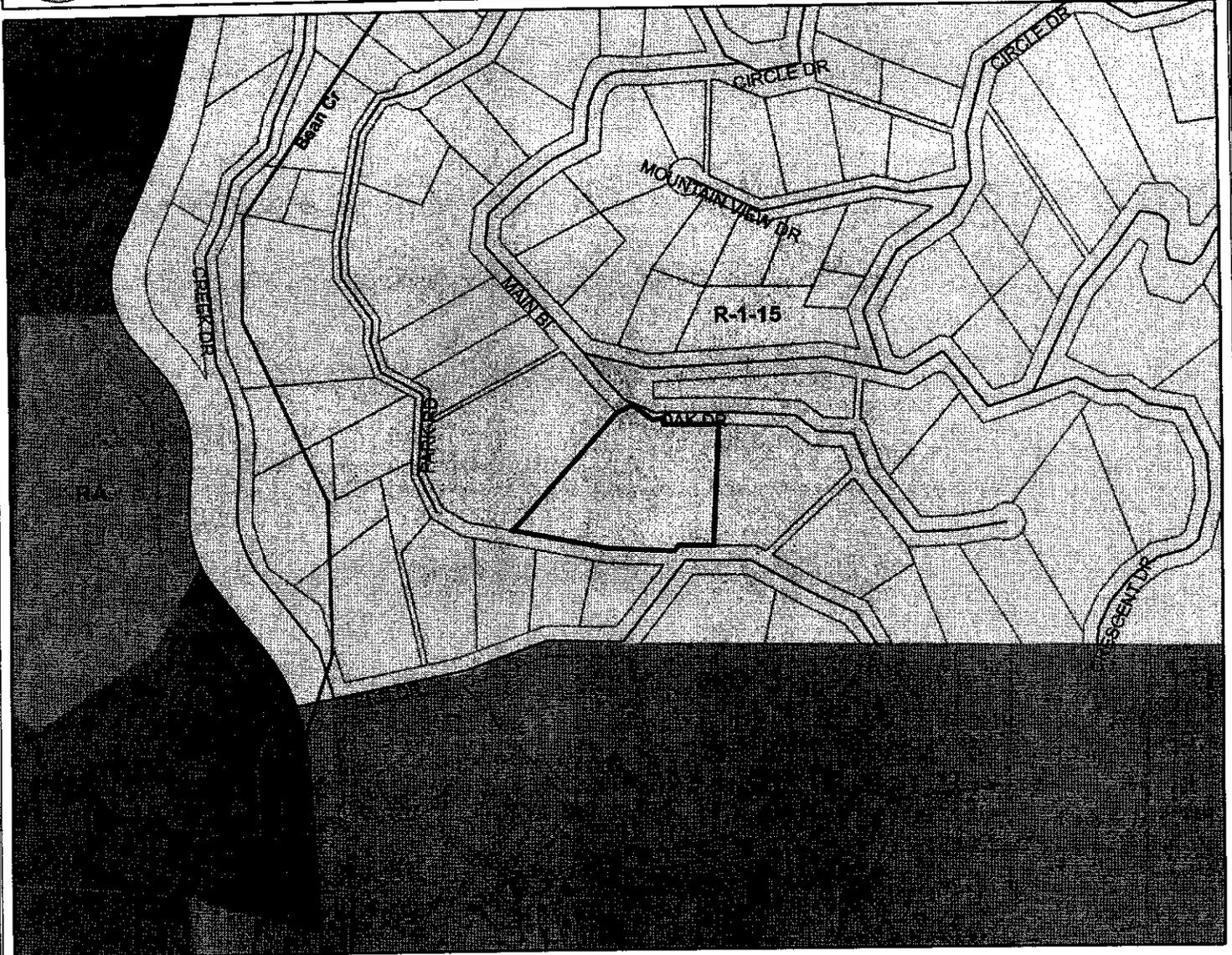
Assessor's Map No. 93-10  
County of Santa Cruz, Calif.  
April 1999

Note - Assessor's Parcel & Block  
Numbers Shown in Circles.

Sanitary redwood 42829 CSA  
Pine 12893 CB 9-0906095, Camp 2-201  
Pine 18504 Hawth (Camp, 50m2, 211)

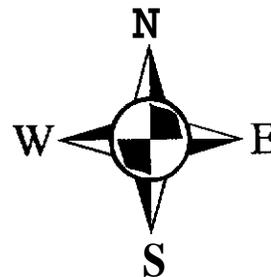


# Zoning Map



## Legend

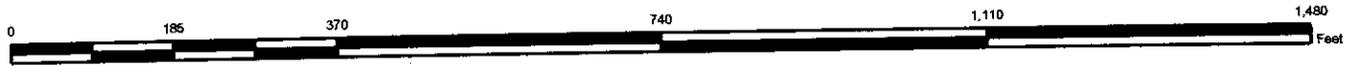
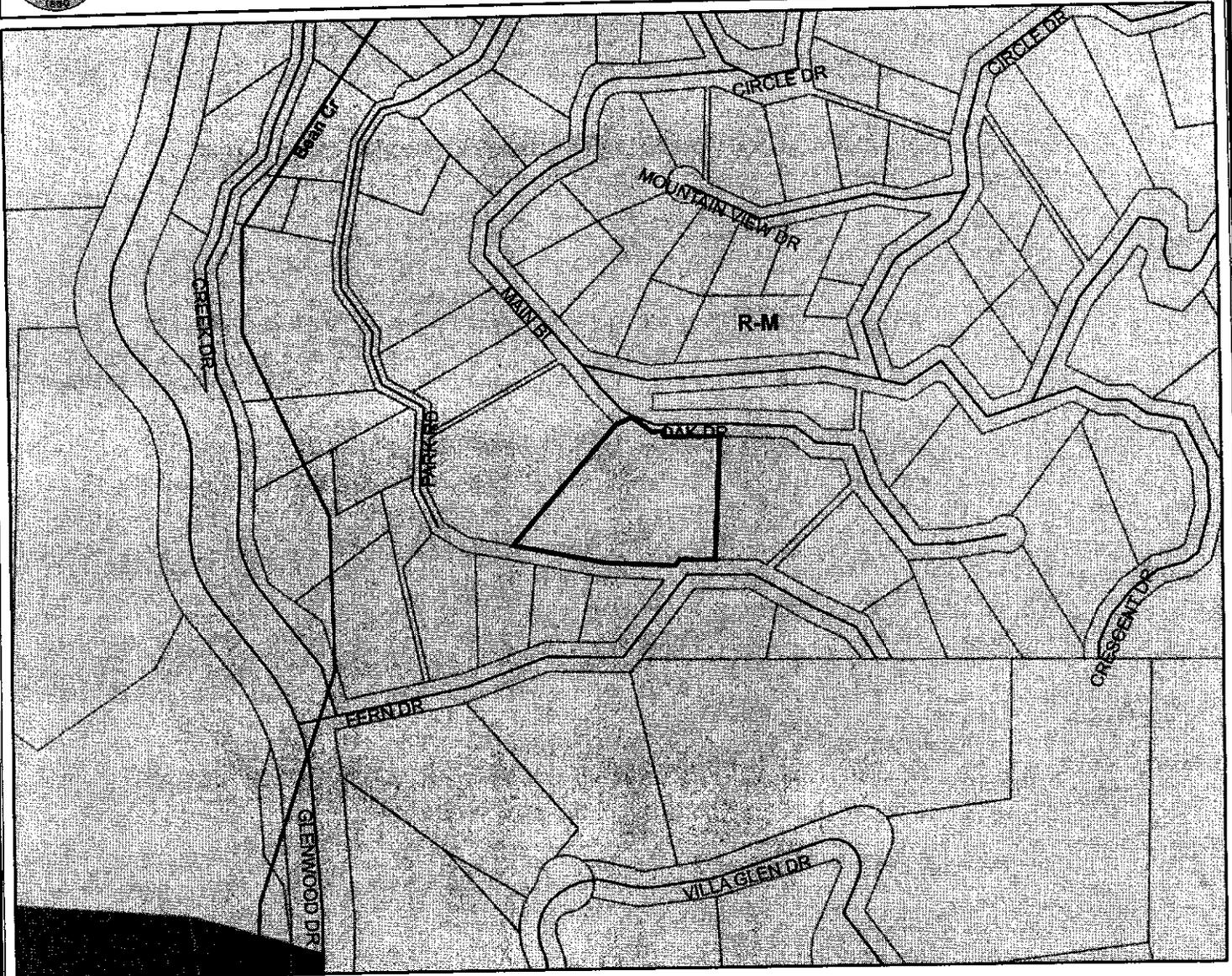
-  APN 093-102-22
-  Assessors Parcels
-  Streets
-  PERENNIAL STREAM
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  AGRICULTURE RESIDENTIAL (RA)
-  SPECIAL USE (SU)



Map Created by  
 County of Santa Cruz  
 Planning Department  
 June 2006

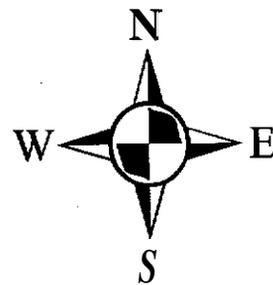


# General Plan Designation Map



## Legend

-  APN 093-102-22
-  Assessors Parcels
-  Streets
-  PERENNIAL STREAM
-  Residential-Mountain (R-M)
-  Residential-Rural (R-R)

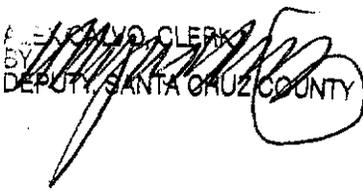


Map Created by  
 County of Santa Cruz  
 Planning Department  
 June 2006

1 Charlene B. Atack SBN 068692  
BOSSO WILLIAMS  
2 A Professional Corporation  
133 Mission Street, Suite 280  
3 P.O. Box 1822  
Santa Cruz, California 95061-1822  
4 Telephone: (83 1)426-8484

**FILED**

**MAR 20 2006**

FILED AND CLERK  
BY   
DEPUTY SANTA CRUZ COUNTY

5 Attorneys for Plaintiff  
6  
7

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ  
9

10 DALLAS A. KACHAN,

No. CV 151304

11 Plaintiff,

JUDGMENT TO QUIET TITLE

12 vs.

13 PAMELA M. BEZLEY, all persons  
unknown, claiming any legal or equitable  
14 right, title, estate, lien or interest in the  
property described in the complaint  
15 adverse to plaintiffs title, or any cloud on  
plaintiffs title thereto, and DOES 1 to  
16 100, inclusive,

17 Defendants.  
18

19 The above-entitled matter came on regularly for hearing 1 March 20,2006 in  
20 Department 9 of the above-referenced court, Judge James B. Jennings presiding. Attorney  
21 Charlene B. Atack appeared on behalf of Plaintiff. Plaintiff Dallas A. Kachan appeared.  
22 No appearance was made by any defendant.

23 Evidence, oral and documentary, was presented, and the matter was submitted.

24 The defendants named as all persons unknown, claiming any legal or equitable right,  
25 title, estate, lien or interest in the property described in the complaint adverse to plaintiffs  
26 title, or any cloud on plaintiffs title thereto, having been served and having failed to appear  
27 and answer said complaint within the time allowed by law, and the default of said defendants  
28 having been duly entered, and defendant Pamela Bezley having filed a Disclaimer of Interest,

1 upon application of plaintiff to the Court, and after having considered the evidence, pursuant  
2 to the testimony presented and the declarations on file herein, the Court orders the following  
3 judgment:

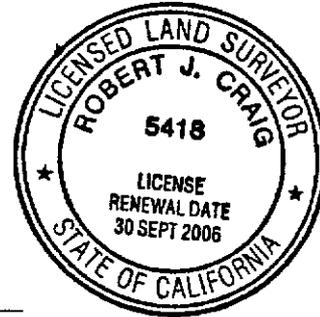
4 IT IS HEREBY ORDERED AND ADJUDGED that as of April 11, 2005, the filing  
5 date of this complaint, Dallas A. Kachan holds title as owner in fee simple of that certain real  
6 property specifically described in Exhibit "A" attached hereto (hereinafter "Subject  
7 Property"), and that defendants named as all persons unknown, claiming any legal or  
8 equitable right, title, estate, lien or interest in the property described in the complaint adverse  
9 to plaintiff's title, or any cloud on plaintiff's title thereto own no right, title, or interest,  
10 including but not limited to any easements or other adverse claims in the Subject Property in  
11 that said easements or claims have been extinguished and terminated.

12 Dated: March 20, 20

  
JUDGE OF THE SUPERIOR COURT

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21  
22  
23 J:\wpdata\KJ\QUIET\Kachan.Judgment

EXHIBIT 'A'



*[Handwritten Signature]* 12.14.04  
ROBERT J. CRAIG, LS 5418, EXPIRES 9-30-06

DESCRIPTION OF PROPOSED PORTION OF OAK DRIVE TO BECOME APPURTENANT TO SANTA CRUZ COUNTY APN 093-102-03 BY QUIET TITLE SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND

BEING A PORTION OF OAK DRIVE AS SAID OAK DRIVE IS SHOWN AND DESIGNATED ON THAT CERTAIN MAP ENTITLED 'BIG REDWOOD PARK SUBDMISION ONE, A SUBDMISION OF A PORTION OF SECTIONS 28 AND 32, T. 9 S., R. 1 W., M.D.M., SANTA CRUZ COUNTY, CALIFORNIA', FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER ON AUGUST 11, 1926 IN BOOK 23, PAGE 34, SANTA CRUZ COUNTY RECORDS, SAID PORTION BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE COMMON CORNER OF LOTS 119 AND 120 ON THE SOUTHWESTERNLINE OF SAID OAK DRIVE AS SAID LOTS ARE SHOWN AND DESIGNATED ON SAID MAP; THENCE LEAVING SAID SOUTHWESTERNLINE

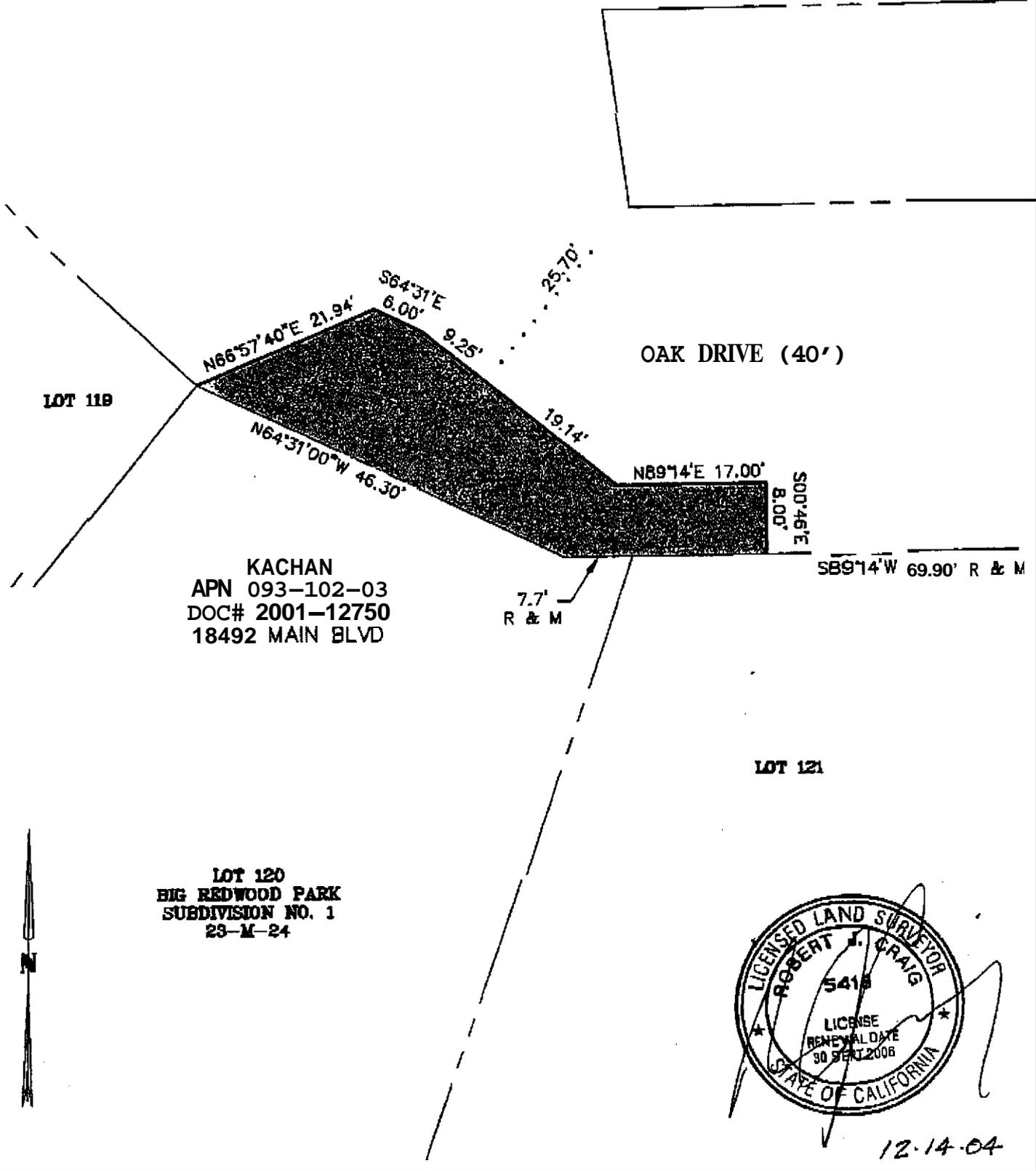
- 1) NORTH 66° 57' 40" EAST 21.94 FEET; THENCE
- 2) SOUTH 64° 31' EAST 6.00 FEET; THENCE
- 3) SOUTH 51° 02' 50" EAST 28.39 FEET; THENCE
- 4) NORTH 89° 14' EAST 17.00 FEET; THENCE
- 5) SOUTH 0° 46' EAST 8.00 FEET TO THE NORTHERN BOUNDARY OF LOT 121 AS SHOWN AND DESIGNATED ON SAID MAP; THENCE ALONG THE NORTHERN BOUNDARY OF SAID LOTS 121 AND 120
- 6) SOUTH 89° 14' WEST 23.00 FEET TO AN ANGLE POINT IN THE NORTHERN BOUNDARY OF SAID LOT 120; THENCE
- 7) NORTH 64° 31' WEST 46.30 FEET TO THE POINT OF BEGINNING.

CONTAINING 732 SQUARE FEET, MORE OR LESS.

END OF DESCRIPTION

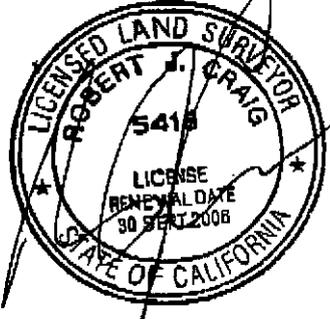
COMPILED BY DUNBAR AND CRAIGLAND SURVEYS, INC., DEC. 2004  
FILE NO. 02433

EXHIBIT G



**KACHAN**  
 APN 093-102-03  
 DOC# 2001-12750  
 18492 MAIN BLVD

**LOT 120**  
 BIG REDWOOD PARK  
 SUBDIVISION NO. 1  
 23-M-24



12-14-04

**DUNBAR & CRAIG**  
 LICENSED LAND SURVEYORS  
 236 N. SANTA CRUZ A.M. SUITE 104  
 LOS GATOS, CALIFORNIA 95030  
 (408) 395-6929

APN: 093-102-03	
SCALE 1"=16'	JOB NO. Q2433
DATE DECEMBER. 2004	INDEX SANTA CRUZ
DRAWN RJC	BASE MAP

K:\D&C\02-100\02433a.dwg. 12/14/2004 02:26:26 PM

Re: Side and front yard setback variance application, 18492 Main Boulevard,  
APN 093-102-03

April 27<sup>th</sup>, 2005

### Owner Statement

I would like to be considered for a front yard and side yard setback variance for the existing single family home on my property described above. The original structure dates back to the 1930s, and I have been attempting to legalize the home under the terms of the legacy Construction Legalization Program (CLP) which my product had been grandfathered into since I bought it five years ago. I have undertaken no construction or expansion since I bought the property and am simply trying to legalize it as it was constructed by previous owners.

Special circumstances apply regarding the nature of the property, The property is on a steep grade, and the existing structure, which dates back to the 1930s, was built on the only reasonably buildable portion of the property. A large redwood tree, which the previous owners/builders chose to preserve and build around rather than remove, also has dictated where the house was able to expand. A site visit will illustrate this.

Another consideration is that my house dates back to the 1930s, when the lots were subdivided by means of a low-tech, drag-a-chain-through-the-woods survey. As a result, my house—and virtually all others in my area—is not precisely where builders necessarily intended them to be. Modern surveys with latest technology in our area are turning up many similar problems.

My situation **is** not unique, and does not reflect a request for special consideration. Surveys done in the area by Dunbar & Craig and other licensed surveyors will show that no other homeowner in the 70+ house community in which I live (“Big Redwood Park”) has found their house to be precisely where they thought it was with respect to their property lines.

Without these variances, my property is deprived of a final legalized building permit ... for which all (substantial) fees have already been paid by me to the county, and inspections and requirements met—a final building permit under the terms of the CLP is a privilege entitled to others in the county who are zoned the same and have met the requirements of the spirit of the CLP.

I believe granting this variance would still be consistent with the intent of the zoning in this area, which is to provide for separation between structures, preserve a parkland feel yet still allow for daily use of roadways and access by emergency vehicles. The variances I'm requesting are consistent with these and similar objectives, and would not impinge upon anyone's sight lines, ability to access roadways or other factors.



Dallas Kacban  
Homeowner  
18492 Main Boulevard  
APN 093-102-03