



Staff Report to the Zoning Administrator

Application Number: **10-0115**

Applicant: Frauke Zajak
Owner: Michael Watson
APN: 075-124-21

Agenda Date: July 16, 2010
Agenda Item #: 1
Time: After 10:00 a.m.

Project Description: Proposal to recognize the remodel and re-framed roof of an existing single-family dwelling and to raise the height of an attic at an existing single-family dwelling. Requires a Residential Development Permit with Design Review to increase the maximum 28-foot limitation to 33 feet.

Location: Project located on the west side of Lake Blvd about 600 feet southwest of the intersection with Carrol Avenue (11607 Lake Blvd.)

Supervisory District: 5th District (District Supervisor: Mark Stone)

Permits Required: Residential Development Permit
Technical Reviews: Design Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 10-0115, based on the attached findings and conditions.

Exhibits

- | | |
|---|---|
| A. Project plans | E. Assessor's, Location, Zoning and General Plan Maps |
| B. Findings | F. Comments & Correspondence |
| C. Conditions | G. Appeal Letter Dated 1/28/10 |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

| | |
|----------------------------------|--------------------|
| Parcel Size: | 14,284 square feet |
| Existing Land Use - Parcel: | Residential |
| Existing Land Use - Surrounding: | Residential |
| Project Access: | Lake Ave. |
| Planning Area: | San Lorenzo Valley |

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Land Use Designation: R-R (Rural Residential)
Zone District: R-1-15 (Single Family Residential - 15,000 square foot minimum net site area)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☐ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Lompico-Felton complex, 30 to 50 percent
Fire Hazard: Not a mapped constraint
Slopes: 35-45%
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: 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 ☒ Outside
Water Supply: Lompico County Water District
Sewage Disposal: Private Septic System
Fire District: Zayante Fire Protection District
Drainage District: Zone 8

History

The existing single-family dwelling on this parcel was constructed in the late 1940s. In 1980, building permits were issued for a remodel and an electrical upgrade, but subsequently went void before being finalized. A code violation was recorded on the property in 2004 for the reconstruction of attic area to create a third floor that includes walls, and roof rafters, conversion of lower floor area to an apartment unit and for a fence exceeding 3 feet within the front yard setback. An application (64947G) was made in December 2007 to resolve the violation, however during the course of the zoning review the structure was found to exceed the 28-foot height limit. The property owner appealed the zoning comments regarding the building height (Exhibit G) to the Building and Fire Code Board of Appeals, however the appeal was subsequently withdrawn.

The applicant is requesting recognition of the overheight residence with approval by the Urban Designer, pursuant to Section 13.10.323(e)5(B) of the County Code. Approval of the increased height will allow the building permit to be issued and the code violation to be resolved.

Project Setting

The subject parcel is approximately 14,284 acres (EMIS estimate) in area and is located within the San Lorenzo Valley Planning Area. The subject parcel fronts Lake Blvd., which is not a County-maintained road. Approximately 90-95% of the parcel is characterized by steep slopes; from 35-45%. The eastern portion of the parcel, fronting Lake Blvd., is relatively flat and developed with the existing dwelling. The dwelling is nonconforming, encroaching approximately 4 feet into the required 20-foot front yard setback. Existing decks also encroach into the front yard setback, but are less than 18 inches above grade and are not required to conform to setbacks. The property is also developed with 5-6 foot tall redwood fencing along the roadway and within the front yard setback. The fencing has existed on the site since the 1940s, although portions have been replaced over the years.

The property is nonconforming with respect to parking and does not provide the three spaces required by the County Code. The proposal does not result in a change in the number of bedrooms, nor does it remove any existing parking spaces. Therefore, per Section 13.10.552 of the County Code, the proposal does not provide a basis for requiring additional parking or a variance to the parking standards.

Because of the location of the dwelling relative to the property lines, the overheight addition cannot be accommodated by increasing setbacks.

The current use of the subject parcel is single-family residential. Surrounding development consists of residential uses, developed to a similar density as the subject property. The proposed development will not impact surrounding residences due to the topography of the site and distance from structures in the vicinity. The entrance to the structure is approximately 5-8 feet below the grade of the street.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 14,284 square feet, located in the R-1-15 (Single Family Residential - 15,000 square foot minimum net site area) zone district, a designation which allows residential uses. The proposed single-family residence is a principal permitted use within the zone district and the zoning is consistent with the site's (R-R) Rural Residential General Plan designation.

Building application 64947G has been reviewed and approved by all agencies, with the exception of the zoning review. Therefore, issues relating to drainage, compliance with fire and building code regulations, sewage disposal, and environmental planning regulations have been evaluated and the plans approved for the subject proposal.

Design Review

Section 13.10.323(e)5(B) allows building heights up to a maximum of thirty-three feet without increased yards or variance approval, subject to review and recommendation by the Urban Designer. Following his review of the subject application, County Urban Designer Larry Kasparowitz recommended to the Zoning Administrator that the residence be allowed to exceed

the 28-foot maximum height due to the topography of the site downward and away from the street and the heavily wooded environment. Mr. Kasparowitz further found that the additional height occurs at the ridge rather than at the edges of the structure and therefore will be less visually impactful to neighboring properties. The design of the roof is also consistent with the rest of the residence and is therefore not obtrusive or otherwise visually distracting. The elevation of the structure relative to the higher grade of the roadway reduces the impact from the street and the wooded environment further screens the overheight portions of the structure from the surrounding neighborhood.

The structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain largely two-story single-family dwellings of similar bulk and mass. The styles of surrounding dwellings reflect the rural, wooded environment and the design of the subject dwelling utilizes similar wood siding and a rustic, cabin-like architectural style.

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 exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **10-0115**, 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

Report Prepared By: Robin Bolster-Grant
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-5357
E-mail: robin.bolster@co.santa-cruz.ca.us

From: Michael Watson <calvin111111@gmail.com>

Subject: **Fwd: North side cut out**

Date: February 22, 2010 11:20:04 PM PST

To: Frauke Zajac <frauke@cruzio.com>

1 Attachment, 25.3 KB

----- Forwarded message -----

From: <8312462114@vzwpx.com>

Date: Mon, Dec 14, 2009 at 4:38 PM

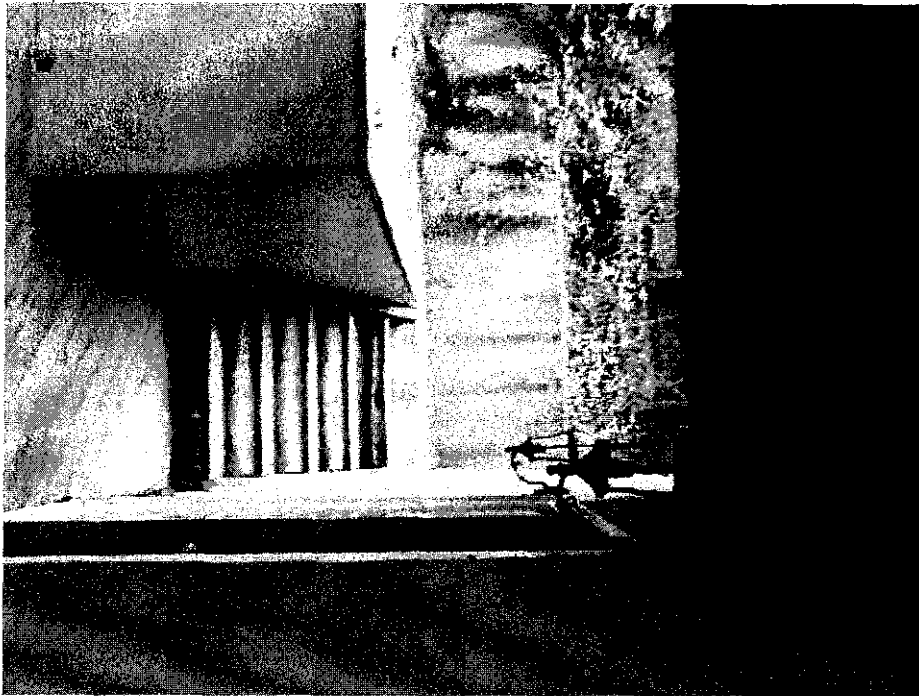
Subject:

To: calvin111111@gmail.com

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Note: To play video messages sent to email, QuickTime® 6.5 or higher is required.



A

From: Michael Watson <calvin111111@gmail.com>
Subject: **Fwd: South side cut-out**
Date: February 22, 2010 11:21:09 PM PST
To: Frauke Zajac <frauke@cruzio.com>
1 Attachment, 32.4 KB

----- Forwarded message -----

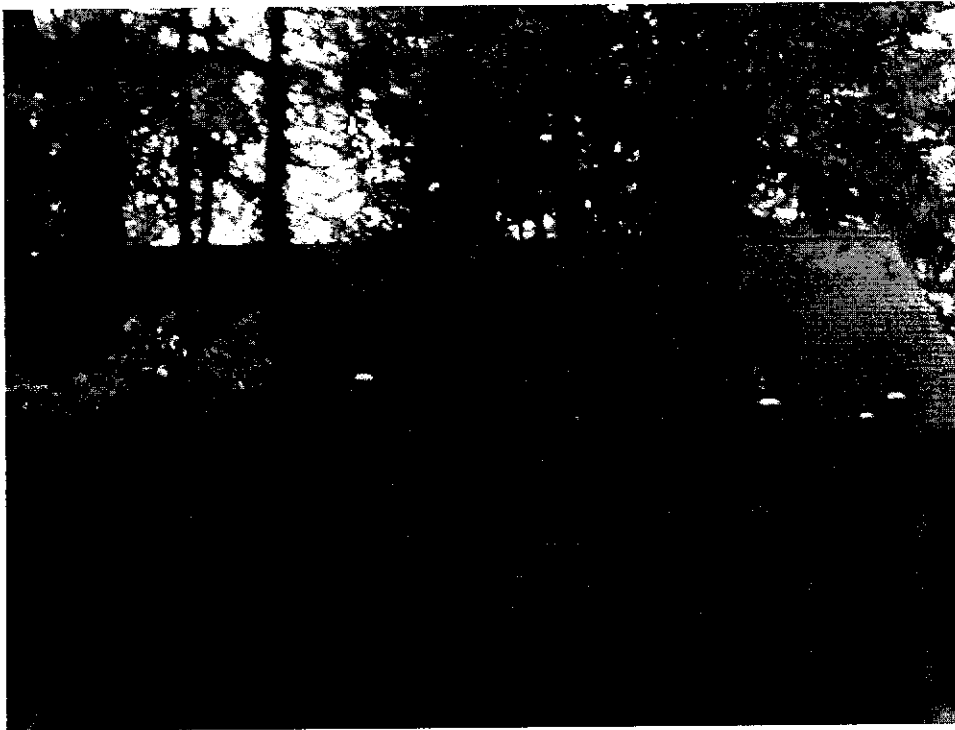
From: <8312462114@vzwpx.com>
Date: Mon, Dec 14, 2009 at 4:40 PM
Subject:
To: calvin111111@gmail.com

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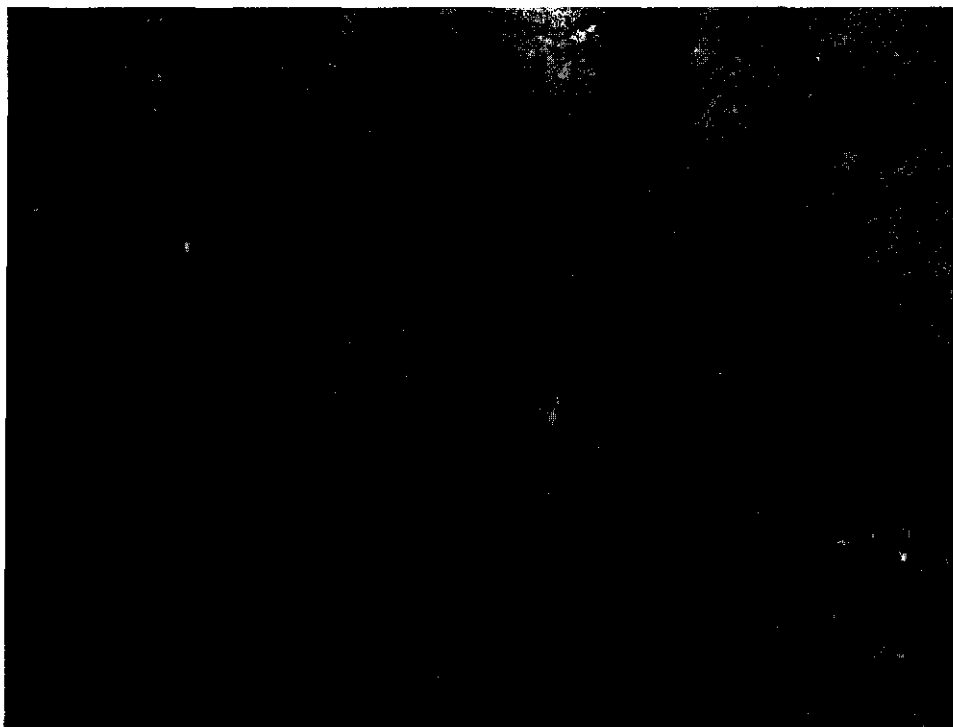
Note: To play video messages sent to email, Quicktime@ 6.5 or higher is required.





(C)

LOOKING WEST FROM
STREET TO HOUSE



(D)

LOOKING DOWN TO WEST -
NO NEIGHBOR



LOOKING TO NORTH -
NO NEIGBOR VIEW



F

LOOKING UP TO EAST NEIGHBOR



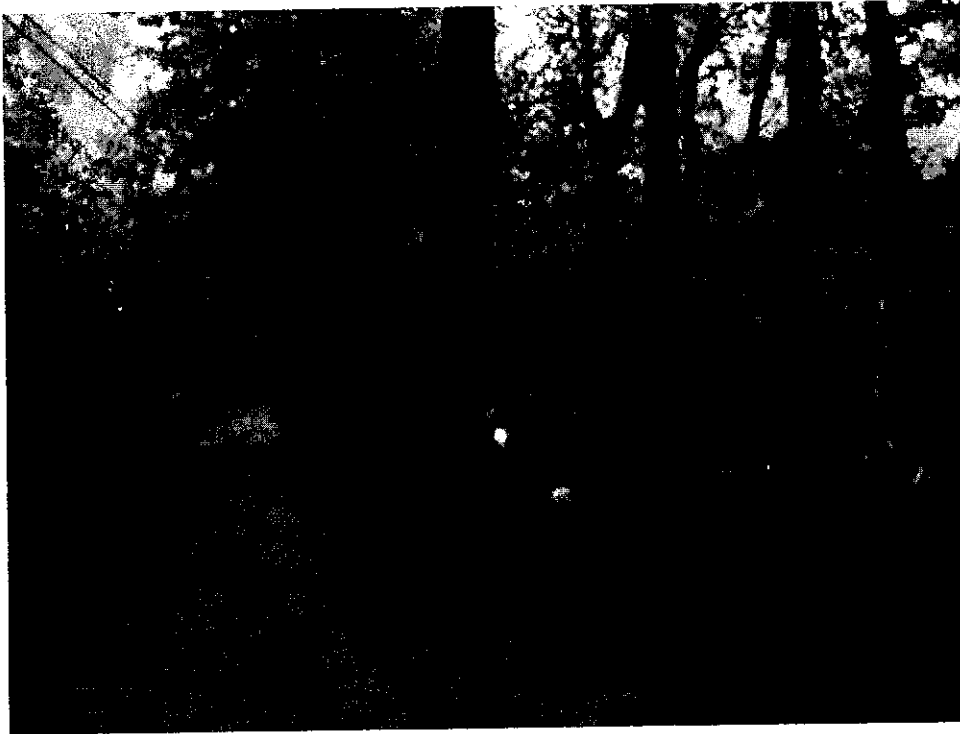
(G)

LOOKING AT HOUSE FROM
SOUTH NEIGHBOR



(H)

STREET VIEW OF HOUSE FROM
SOUTH



I

LOOKING UP TO SOUTH
NEIGHBOR



J

STREET VIEW OF EAST
NEIGHBOR

Residential 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 to development. Construction will be inspected to ensure compliance with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The addition and remodel to the single-family residence will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the additional square footage proposed to be recognized meets all current setbacks that ensure access to light, air, and open space in the neighborhood. Built to approximately 31'-6" in height, the structure exceeds the 28-foot height limit for the R-1-15 zone district, however the topography and wooded environment will mitigate any visual impacts due to the addition 3-4 feet in height. Specifically, the structure is located 5-8 feet below the grade of the roadway and screened by the existing 5-6 foot redwood fence and will not be imposing when viewed from Lake Blvd.

The surrounding redwood forest provides visual screening from surrounding properties. The additional structural height occurs at the ridges of the dwelling rather than the edges and the design of the roof is consistent with the rest of the residence. Therefore, the portion of the structure that exceeds 28 feet will not be obtrusive to neighboring residences.

The plans have been reviewed and approved by the County Urban Designer in conformance with Section 13.10.323(e)5(B) of the County Code.

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.

This finding can be made, in that the proposed location of the improvements to the existing single-family residence and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-15 (Single Family Residential - 15,000 square foot minimum net site area) zone district in that the primary use of the property will continue to be one single-family residence that meets all current site standards for the zone district, with the exception of height. The height of the structure will exceed the 28-foot limit, however the dwelling is located 5-8 feet below the grade of the road and will not have a negative impact on public or private views. The surrounding forest, steep topography and existing redwood fencing all provide extensive screening of the structure from surrounding properties.

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 Rural Residential (R-R) land use designation in the County General Plan.

The proposed single-family residence will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the single-family residence and the improvements being recognized will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed single-family residence will not be improperly proportioned 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 majority of the required site standards for the R-1-15 zone district (including setbacks, lot coverage, floor area ratio, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

The structure exceeds the 28-foot height limit by approximately 3'-6" however the dwelling is located more than 30 feet from the nearest residence. Additionally the redwood forest and existing redwood fencing screens the subject dwelling from the view of surrounding properties. Therefore, the added height will not adversely impact the neighborhood.

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 the proposed single-family residence is to be constructed on an existing lot developed with a single-family dwelling. The expected level of traffic generated by the proposed project will not change as a result of this proposal in that no additional bedrooms are proposed. Similarly, the proposal will not result in any increase in the use of utilities.

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 rural, wooded neighborhood containing rustic, cabin-like architectural styles, and the proposed single-family residence utilizes similar wood siding and extensive use of natural materials such as redwood decking and stone veneer. The residential remodel and resulting dwelling is consistent with the land use intensity and density of the neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed single-family residence will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The neighborhood is located within a mountainous rural environmental, characterized by a relatively dense redwood forest. The surrounding houses are generally two-story, boxy, and are typical mountain cabins that utilize natural materials such as wood and stone. The subject dwelling is similarly rustic in appearance, with wood siding and decks and stone veneer along the exterior.

Conditions of Approval

Exhibit A: Project Plans, (11 Sheets) prepared by Michael Watson, dated 12/12/07, revised on 6/15/09.

- I. This permit authorizes the recognition of the re-framing of a roof to create a 595 square foot non-habitable attic over an existing two story single-family residence with a habitable accessory structure below and the remodel to convert a bedroom to a living room at the main floor. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. 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.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure. Maximum height is 33 feet.

2. Details showing compliance with fire department requirements. The proposed structure(s) are located within the State Responsibility Area (SRA) and the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
 - C. Meet all requirements of and pay Zone 8 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
 - E. Meet all requirements and pay any applicable plan check fee of the Zayante Fire Protection District.
 - F. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
 - G. Complete and record a Declaration of Restriction to maintain a non-habitable attic. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- III. All construction shall be performed according to the approved plans for the Building Permit. 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. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

- A. 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 attorney's 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.

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.

Application #: 10-0115
APN: 075-124-21
Owner: Michael Watson

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Steven Guiney
Deputy Zoning Administrator

Robin Bolster-Grant
Project Planner

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: 10-0115

Assessor Parcel Number: 075-124-21

Project Location: 11607 Lake Blvd.

Project Description: residential remodel

Person or Agency Proposing Project: Frauke Zajak

Contact Phone Number: (831) 426-4941

- 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 1 - Existing Facilities (Section 15301)

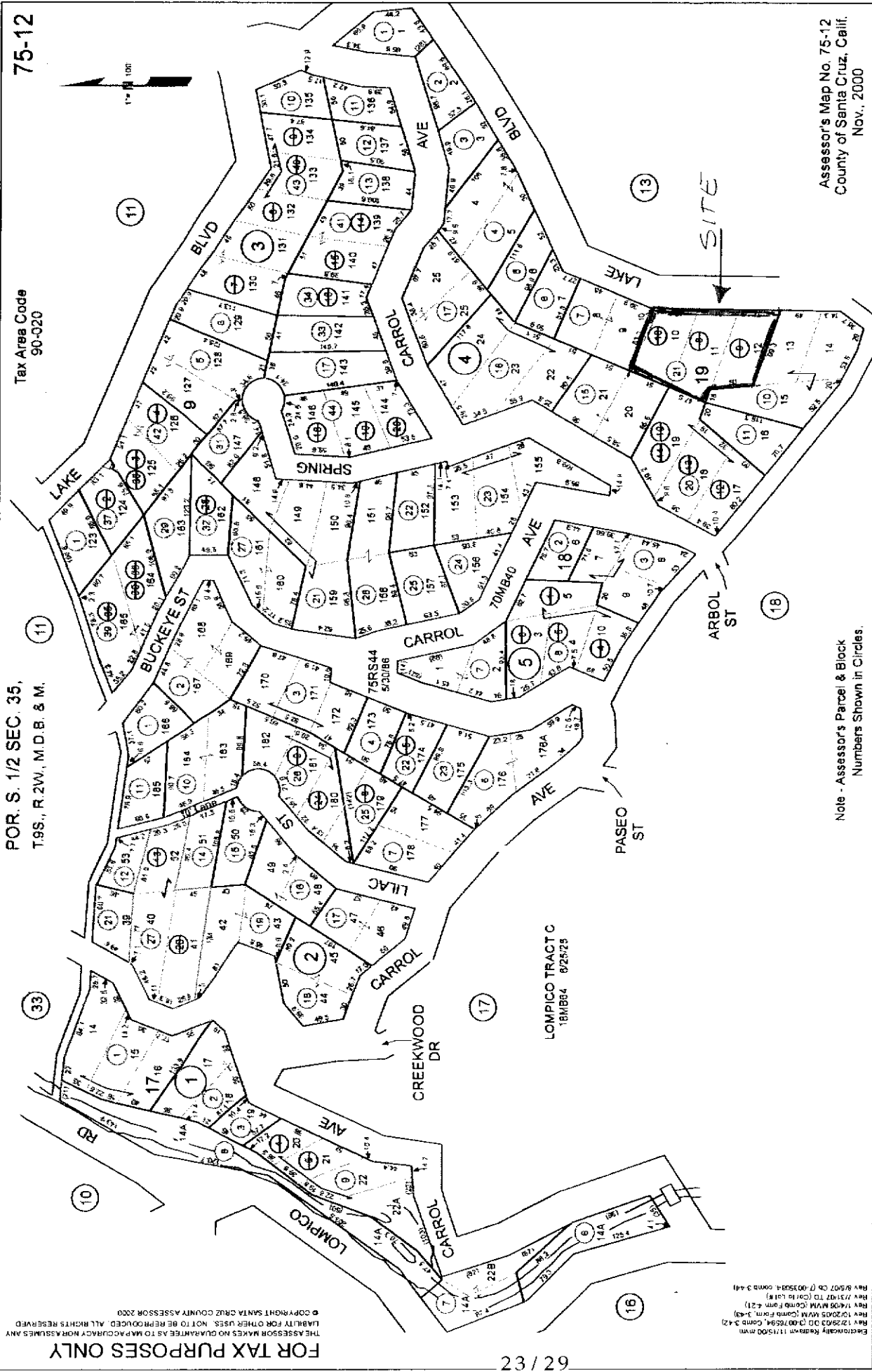
F. **Reasons why the project is exempt:**

single-family residence

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

Robin Bolster-Grant, Project Planner

Date: _____

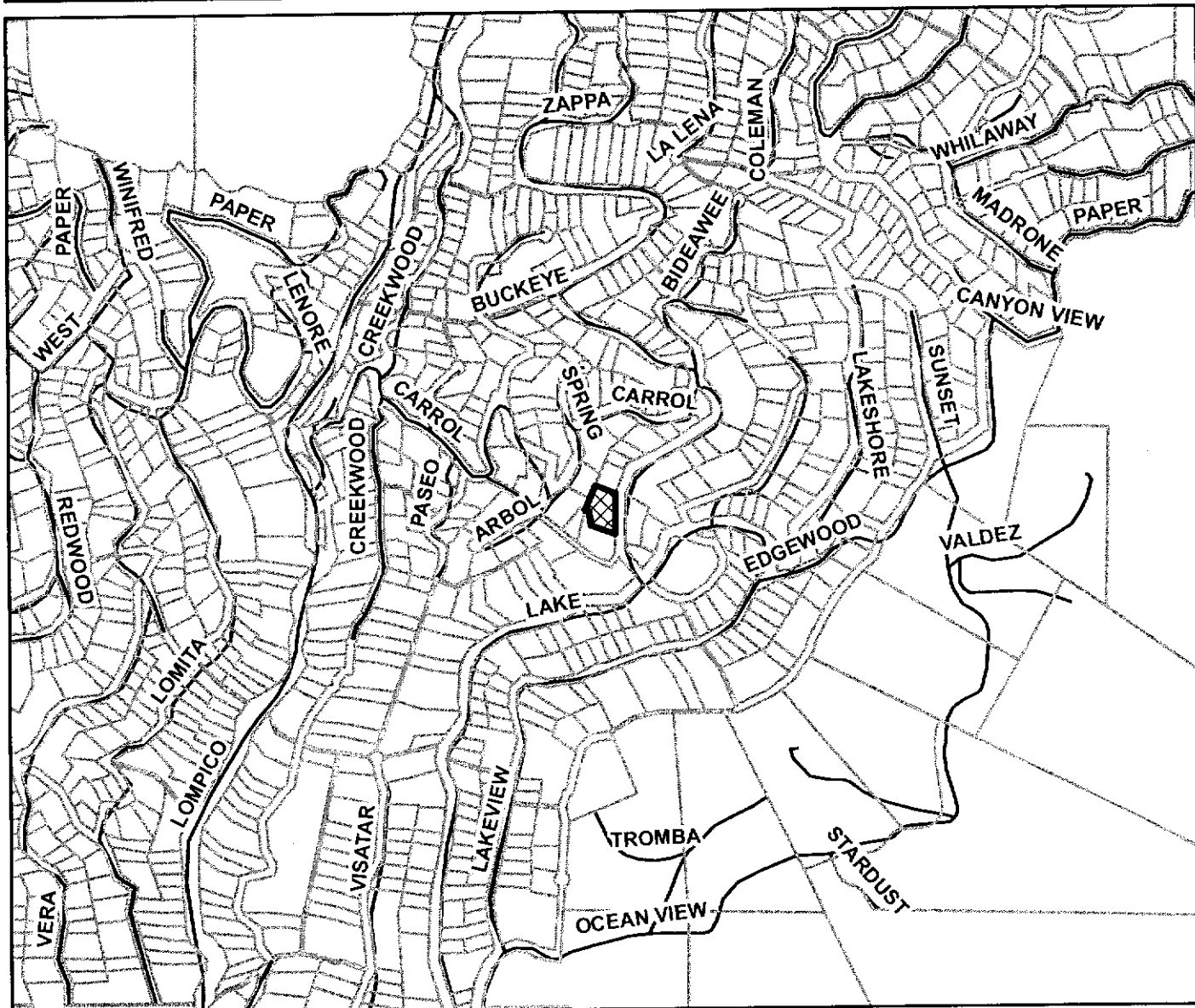


Note - Assessor's Parcel & Block
Numbers Shown in Circles.




Electronically Reissued 11/15/00 m.m.
Rev 12/29/03 JD (340076594, Comb 3.42)
Rev 10/20/05 MVM (Comb Form, 3.43)
Rev 10/20/05 MVM (Comb Form, 4.21)
Rev 10/20/05 MVM (Comb Form, 4.21)
Rev 10/20/05 MVM (Comb Form, 4.21)
Rev 10/20/05 MVM (Comb Form, 4.21)

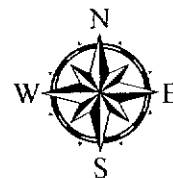


Location Map



LEGEND

-  APN: 075-124-21
-  Assessors Parcels
-  Streets

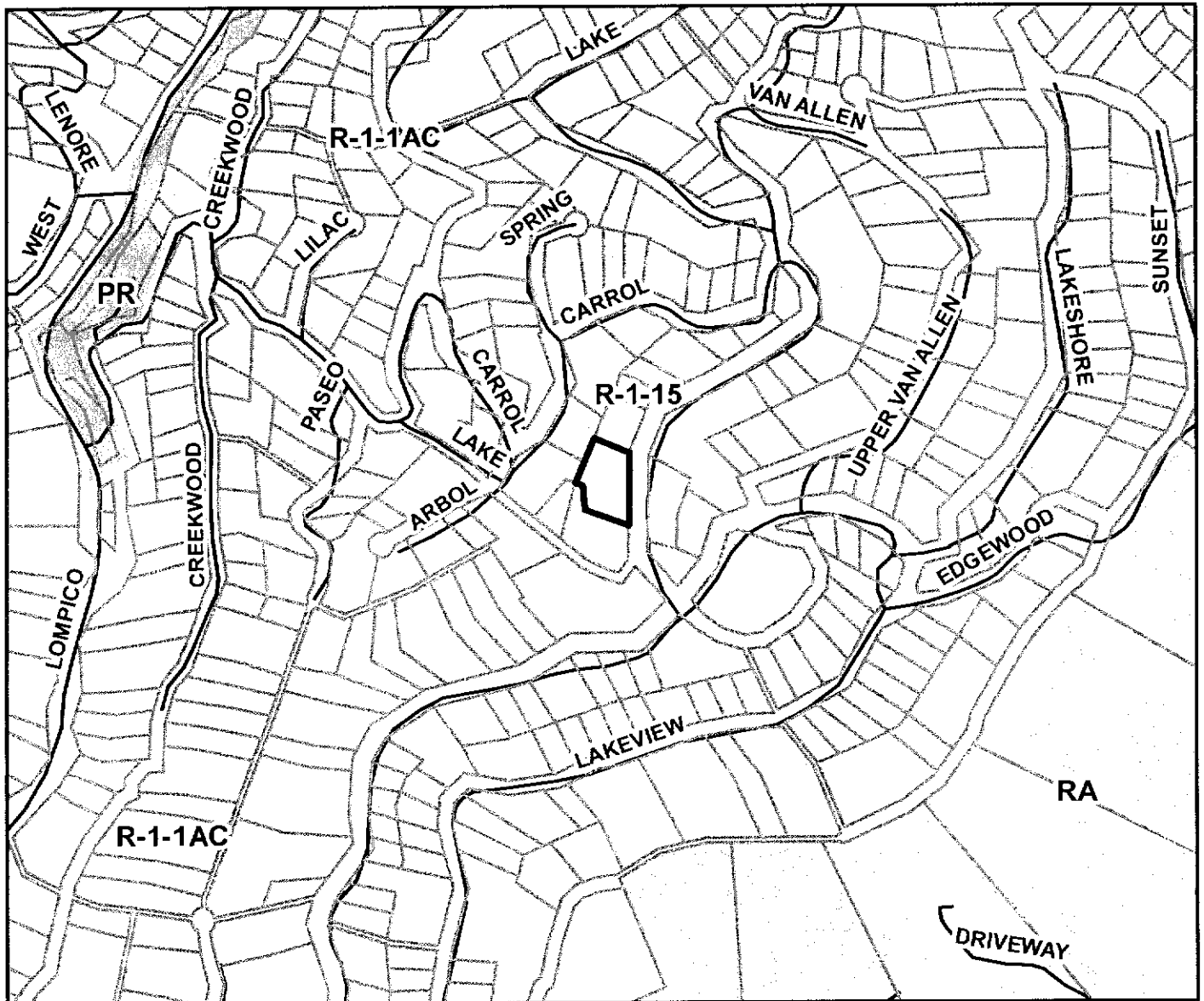


Map Created by
County of Santa Cruz
Planning Department
April 2010

EXHIBIT E

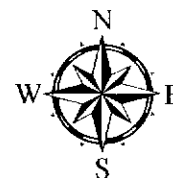


Zoning Map



LEGEND

- APN: 075-124-21
- Assessors Parcels
- Streets
- RESIDENTIAL-SINGLE FAMILY
- AGRICULTURE RESIDENTIAL
- PARK

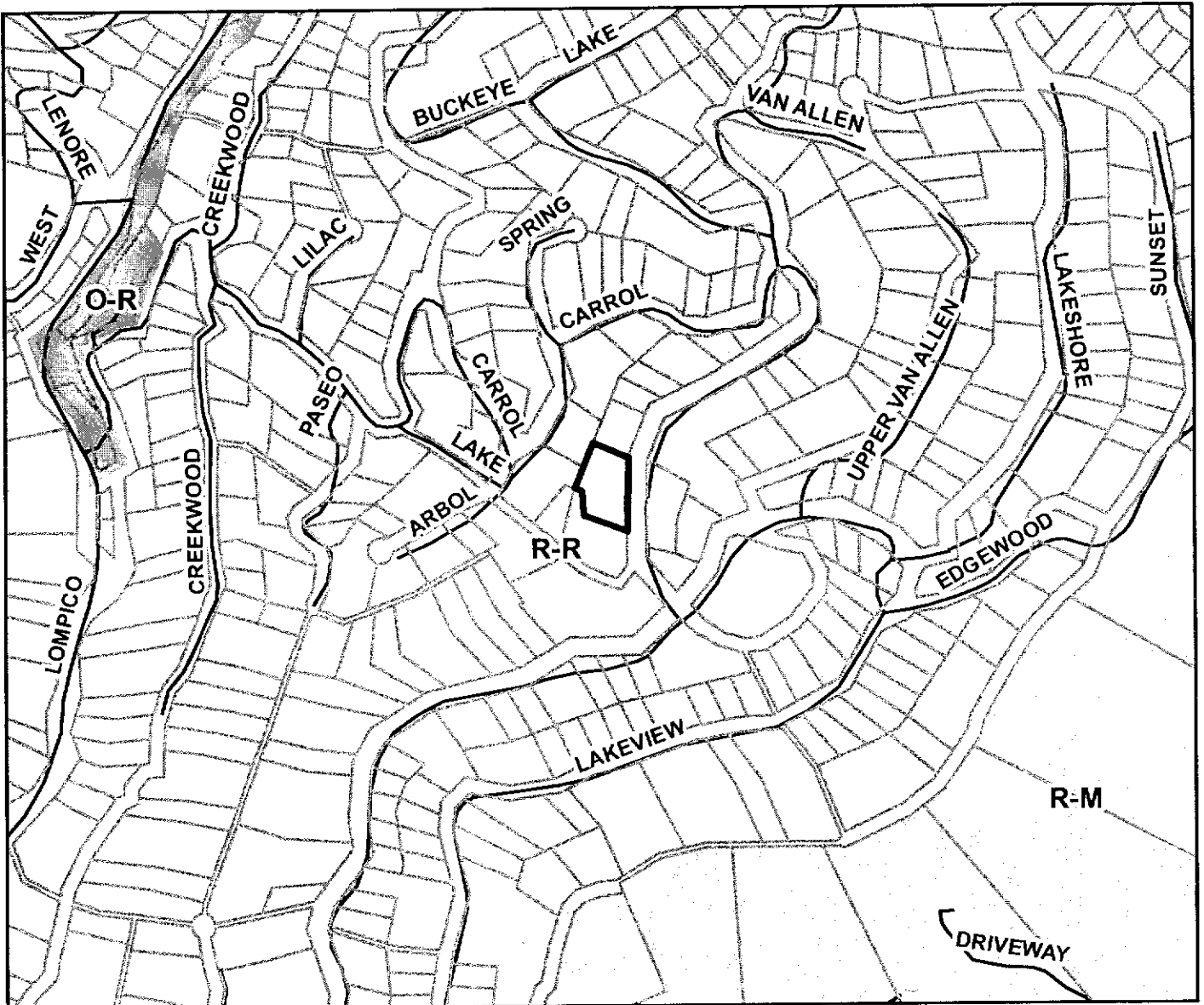


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Planning Department
April 2010

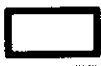





EXHIBIT E

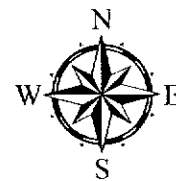


General Plan Designation Map



LEGEND

-  APN: 075-124-21
-  Assessors Parcels
-  Streets
-  Residential-Rural
-  Residential-Mountain
-  Parks and Recreation



Map Created by
County of Santa Cruz
Planning Department
April 2010

EXHIBIT E

INTEROFFICE MEMO

APPLICATION NO: 10-0115

Date: May 5, 2010
From: Larry Kasparowitz, Urban Designer
To: Robin Bolster-Grant, Project Planner
Re: 11607 Lake Boulevard, Felton

The applicant is requesting recognition of an overheight residence with Design Review. The County of Santa Cruz Code allows the Urban Designer to recommend up to 33 ft. with a Level V review.

I recommend to the Zoning Administrator that this residence be allowed to exceed the 28 ft. maximum height up to 33 ft. for the following reasons:

1. *The site is moderately sloped downward from the street.*
2. *The area is wooded and this structure will not overpower any neighbor.*
3. *The additional height occurs at the ridge not at the edges of the structure.*
4. *The design of the roof is consistent with the rest of the residence.*

January 28, 2010

Applicant Name: Michael Watson

Consultant: Frauke Zajac

APN: 075-124-21 Building Permit Application: 64947G

APPEAL TO THE BUILDING AND FIRE CODE BOARD OF APPEALS:

Building Permit application review by County staff person Jerry Busch on 1/15/10.

I, Michael Watson, hereby appeal the Zoning review comments made on 1/15/10.

The comments state that the height of my home at 11607 Lake Blvd. is "over height". However, the dwelling is within the 28 foot height limit when measured from the existing grade to the top of the roof.

In two small areas soil has been removed from the sides of the house to allow access to the basement on one side, a water heater on the other side and to keep the soil from touching the walls and causing dry rot.

Only if the height restrictions are applied strictly technically and without regard to the topology of the site at my residence can the dwelling be considered "over height".

Further, my home is downhill from the road and is downhill from all visible neighbors. The dwelling presents no possible obstruction of view to any of my neighbors who can only see the roof of my home; and that only "through the trees".

Therefore the intent of the ordinance to protect neighborhoods from towering buildings is not being violated.

Even though staff has reviewed and supported my view point, it has been suggested that I pay \$6500.00 for a Residential Development Permit.

I would like to object to this process given that the current application is simply to recognize the structure "as built".

All other issues on this application have been resolved and I am hoping that this last point can be interpreted and brought to closure in a reasonable and less costly way.

I hereby request a review of my application by the
Building and Fire Code Board of Appeals.

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