

**From:** Kevin Crawford PLN141@co.santa-cruz.ca.us  
**Subject:** RE: Application #05-0355 for parcel 041-671-06 for variance front set back distance  
**Date:** July 13, 2005 at 8:40 AM  
**To:** Dan Zulaica [REDACTED]  
**Cc:** Joseph Hanna PLN829@co.santa-cruz.ca.us

---

Mr. Zulaica, There are handouts available that describe the required contents of these reports at the Planning Dept. on Ocean St. (701 Ocean, 4th floor) or in the Aptos or Felton satellite offices. Also an overview of these reports is available on the website: <http://www.co.santa-cruz.ca.us/> Click on "Brochures" under Quick Links. Briefly, they are very different kinds of studies. The Soils Report primarily deals with design parameters needed to develop the site such that the improvements will be stable and permanent. The Geology Report investigates the suitability of the site to support development. Constraints such as landslides, fault zones or other geologic features may preclude, or severely restrict development on a particular site. Joe Hanna is the County Geologist. He may be able to provide you with a bit more detail.

-----Original Message-----

**From:** Dan Zulaica [mailto:[REDACTED]]  
**Sent:** Tuesday, July 12, 2005 11:43 PM  
**To:** Kevin Crawford  
**Subject:** Application #05-0355 for parcel 041-671-06 for variance front set back distance

Dear Mr. Crawford,

I have applied for a variance and need to know what is needed in an Engineering Geology Report that is different from the Soils/Geo-technical report that was done for the parcel. The steepness of the lot and foundation type were apparently addressed in the Geo-technical report.

Thank you,  
Dan Zulaica  
Owner

**From:** David Keyon PLN790@co.santa-cruz.ca.us  
**Subject:** RE: Application #05-0355 for parcel 041-671-06  
**Date:** July 12, 2005 at 7:10 PM  
**To:** Dan Zulaica [REDACTED]

---

Mr. Zulaica,

If you have questions about the Engineering Geology report requirement, please contact Kevin Crawford at (831) 454-3210 or pln141@co.santa-cruz.ca.us. This report is being required due to the steepness of the lot, and is not related to the drainage easement. A Geologic Hazards Report prepared for the site also mentions this requirement due to potential landsliding on site.

If you are considering changing your floor plan, then you should make sure all the project engineers and geologists are given the opportunity to update their review reports. The reason this information is being requested at the variance stage is that the recommendations of the Engineering Geologic and Geotechnical report may result in a significant change in design.

David Keyon  
Development Review

-----Original Message-----

**From:** Dan Zulaica [mailto:[REDACTED]]  
**Sent:** Tuesday, July 12, 2005 3:59 PM  
**To:** David Keyon  
**Subject:** Application #05-0355 for parcel 041-671-06

Hi Mr. Keyon,

I need more clarification on the Engineering Geology Report. The 'Soils' report is suppose to include Geo-technical information. Is it because one side is right next to the left side edge where public drainage goes.? I already want to change the floor plan since it is closer than I thought it was going to be I wanted more like 10 to 15 feet from there and already have some ideas regarding erosion on that side. Also reason for piers though I'm not sure how deep they are currently planned to go. The land there hasn't changed much for 40 years just needs some erosion reduction ideas.

Is this needed for the variance or for the actual permit when that process comes along?

**From:** Marc Ritson ritson@got.net  
**Subject:** Re: Civil Engineer  
**Date:** July 26, 2005 at 10:37 AM  
**To:** Dan Zulaica [REDACTED]

---

Hi Dan, it is all a bit confusing. the gist is apparently you need a grading and drainage plan. What sort of percentage are we talking about? My fees for a grading and drainage plan are probably about \$2400 to \$3200. The plan for a variance usually does not have to be as complete for a variance as for a building permit, so we could submit something fairly rough for 15% less. If it bounces back, then we have to fix. For a variance the plan typically need not be complete, especially as you are likley to change it all anyway there is no point in doing all the detail.

It should be understood that wether or not the variance works i still gat paid. i might want a note indicating that the property is collateral.

I can't work on the project for at least 3 weeks. Do you have current house plans electronically or is what you sent me back in january still being used?

I know some house designers but probably none are willing to work on %-basis, at this time as everyone is very busy and clients are paying a premium..

Regards, Marc

On Jul 10, 2005, at 12:32 AM, Dan Zulaica wrote:

Hi Marc,

We haven't talked in a while. I need a civil engineer to help complete the variance I put in for. They want draining, how much dirt needs to be moved, etc. I still cannot get the construction loan until I put in for a permit and am looking for alternative loans.

Also would you be willing to just charge a percent to your fee while waiting for the permit to pass, which would be after this variance process? I've put the last of my saved money into the variance deposit, about \$6300.00.

They also want some type of geotech report which I thought was included in the soils report by the geotech person, and am puzzled by that.

Oh, the variance is for street offset. The current plans are for 20 ft from the lot line at the street. There is also the 10 ft right of way buffer from the actual street for a total of 30 ft. Should be 40 ft and I still think the Mountain Rural zoning makes it only 15 ft is needed. It's Rural along with Mountain Rural for some other zoning consideration apparently.

The 20 ft. right lot line looks good for the septic and leach field so is tough to change.

A three story variance is still possible to try, and is the much more perfect size house. Though probably means making a frame structure to view. I think a different type of house design is also possible, a split level type going to the back of the lot, though who am I to know, (so if you know an architect who is willing to do the fees I suggested above let me know, I may go for a different design after/if the variance passes). Small house fourty feet back could still be possible or even 30 feet back plus the 10 foot buffer zone.

Please let me know as soon as you can.

Thanks,  
Dan Zulaica

[REDACTED]  
[REDACTED]

PS. I'm close to giving up (it's using up a lot of my vacation travel time), so if you know anyone that might be interested and wants to pay the current costs of getting the permits and stuff we could strike a deal. I truly don't have the reserves to handle what the planning department wants though still think it's do-able.



# County of Santa Cruz

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November 4, 2010

Dan Zulaica

Dear Mr. Zulaica:


In response to your question about the drainage easement on your property (APN 041-671-06), I have learned that the easement is a private drainage easement, not a County drainage easement. With respect to moving the drainage course, you would need to submit an application to the County Planning Department for a drainage easement change in order to have the question evaluated.

For future reference, the drainage easement on your parcel was established in 1960 when Tract No. 223, Rio Del Mar Estates Unit No. 2, was approved by the Board of Supervisors. However, the Board did not accept the drainage easement. If you would like to change the location of the drainage easement on your property, you may submit an application to the County Planning Department.

In summary, the drainage easement is private and the County has no plans to make any improvements since it is not in a County drainage district. The question of whether the location of the drainage easement can be altered can be evaluated by making an application for a drainage easement change with the Planning Department.

Please feel free to call on me if I can be of further assistance.

Very truly yours,

  
ELLEN PIRIE, Supervisor  
Second District

EP:pmp

1885J2

**From:** Marc Ritson ritson@got.net  
**Subject:** Re: GEOLOGIST  
**Date:** July 27, 2005 at 10:02 AM  
**To:** Dan Zulaica [REDACTED]



## YOU MIGHT TRY ROGERS JOHNSON FOR GEOLOGY

On Jul 26, 2005, at 9:18 PM, Dan Zulaica wrote:

Hi Marc,

It turns out I'm going to withdraw the variance application because of time. They also want an Engineering Geologist Report, which I have to find a geologist not just a geo-tech soils report.

I don't like where the current foundation location is anyway so will probably get a geologist report and look at foundation placement based on geologist suggestion, I guess, and civil engineer placement. Septic and leach field should fit on the right border (20 foot offset for house) unless the house is suggestion to be closer, which would be another variance.

On Tuesday, July 26, 2005, at 08:36 AM, Marc Ritson wrote:

Hi Dan, it is all a bit confusing. the gist is apparently you need a grading and drainage plan. What sort of percentage are we talking about? My fees for a grading and drainage plan are probably about \$2400 to \$3200. The plan for a variance usually does not have to be as complete for a variance as for a building permit, so we could submit something fairly rough for 15% less. If it bounces back, then we have to fix. For a variance the plan typically need not be complete, especially as you are likley to change it all anyway there is no point in doing all the detail.

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Please let me know as soon as you can.

Thanks,  
Dan Zulaica

[REDACTED]  
[REDACTED]

PS. I'm close to giving up (it's using up a lot of my vacation travel time), so if you know anyone that might be interested and wants to pay the current costs of getting the permits and stuff we could strike a deal. I truly don't have the reserves to handle what the planning department wants though still think it's do-able.

**From:** David Kesler davidkesler@yahoo.com  
**Subject:** Re: House plans  
**Date:** March 9, 2005 at 9:51 AM  
**To:** Dan Zulaica [REDACTED]

---

Hi Dan;

Whatever we need to do to get this house built, we'll do. I think its a great project and I'm sure it can survive getting slugged by the Aptos planners. At this point its my understanding we're going to wait 6 months for their variance directions- then you and I will meet again to discuss and sketch where to go.

**Dan Zulaica** <[REDACTED]> wrote:

Hi David,

I got the 10 sets plus one more and the reflective ceiling plan today, Wednesday. Will be taking them over to the county to see what they say. Definitely have to do an agriculture buffer zone variance, \$3000.00, though they say that will be fast. Also looks like a drainage 60' variance is needed for the steep area where the drainage easement is a second new one in two days. This feels more like the old speed trap scenario to get more money.

The house looks too close to the steep side area, could it be reversed with the garage on the other side if approved in any way. The total square footage still looks too large, I thought it was no more than 1400 sq.ft. This way I'll only loose the living room and kitchen if something actually happens.

Thanks,  
Dan

**David Kesler Architect**  
**Strawberry Creek Design Center**  
**1250 Addison Street, Suite #106**  
**Berkeley, California 94702**  
**www.davidkesler.com**  
**davidkesler@earthlink.net**  
**david@davidkesler.com**  
**510 540 5699 p**  
**510 710 7910 cell**  
**510 295-2532 f**

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**From:** David Kesler davidkesler@yahoo.com  
**Subject:** Re: Plans  
**Date:** June 8, 2005 at 2:26 AM  
**To:** Dan Zulaica [REDACTED]

---

Hi Dan... a clarification...10:30 Am today - the 8th...

**Dan Zulaica** <[REDACTED]> wrote:

Hi David,

I just realized that the plans did not arrive today. Did you send them?

Dan

**David Kesler Architect**  
**Strawberry Creek Design Center**  
**1250 Addison Street, Suite #106**  
**Berkeley, California 94702**  
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**davidkesler@earthlink.net**  
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**510 540 5699 p**  
**510 710 7910 cell**  
**510 295-2532 f**

---

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**From:** David Kesler davidkesler@yahoo.com  
**Subject:** Re: Plans  
**Date:** June 8, 2005 at 2:25 AM  
**To:** Dan Zulaica [REDACTED]

---

Hi Dan. You should be getting them by 10:30 AM tomorrow.

**Dan Zulaica** <[REDACTED]> wrote:

Hi David,

I just realized that the plans did not arrive today. Did you send them?

Dan

**David Kesler Architect**  
**Strawberry Creek Design Center**  
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**From:** David Kesler davidkesler@yahoo.com  
**Subject:** Re: plans  
**Date:** June 3, 2005 at 2:38 PM  
**To:** Dan Zulaica [REDACTED]



Hi Dan;

You'll get them Tuesday morning.

**Dan Zulaica** <[REDACTED]> wrote:

Hi David,

Will you be able to send the 12 sets of plans today? I guess arrival for Monday morning. I haven't been able to get the engineer's number that we talked to last time to change the schedule. Actually could be Monday, I'm still trying to find out.

Need two sets anyway for the fire department.

Hopefully nothing else changes with county restrictions and requirement. NOAA just fined the County and a contractor \$500,000.00 for a 'grout' seepage type problem where apparently a shallow aquifer was right underneath where they were putting some type of posts in the ground; the 'grout' kept sinking and they used much more than usual before anyone noticed and it killed over 100 endangered fish downstream. Sounds like the helical piers are a good solution for that type of problem.

Thanks,  
Dan

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**From:** David Kesler davidkesler@yahoo.com  
**Subject:** Re: Revised plans  
**Date:** June 1, 2005 at 7:58 AM  
**To:** Dan Zulaica [REDACTED]

---



Hi Dan..

Plans should go out in the next few days. I'm wondering if I should send you a check set though, so that we're both on the same page before I print up 12 sets?

**Dan Zulaica** <[REDACTED]> wrote:

Hi David,

Will you be able to send the revised plans this week?

Please let me know,  
Dan

**David Kesler Architect**  
**Strawberry Creek Design Center**  
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**From:** David Kesler davidkesler@yahoo.com  
**Subject:** Re: Revised plans  
**Date:** June 1, 2005 at 10:40 AM  
**To:** Dan Zulaica [REDACTED]



Hi Dan;

PDF doesn't save me time however.....I will overnight you a set and you can email either a go ahead for the twelve sets or email a set of corrections. I will send you plans tonight. Please email back the best address to send the work.

**Dan Zulaica** [REDACTED] wrote:

Hi,

Can you send a PDF file of the check set? Would save some time.

-----Original Message-----

From: David Kesler  
Sent: Jun 1, 2005 5:58 AM  
To: Dan Zulaica  
Subject: Re: Revised plans

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**From:** David Kesler davidkesler@yahoo.com  
**Subject:** Re: Revised plans  
**Date:** June 2, 2005 at 8:06 AM  
**To:** Dan Zulaica [REDACTED]



You should be getting the set this morning Dan. I look forward to your comments.

**Dan Zulaica** <[REDACTED]> wrote:

Hi David,

Did you send an overnight set? If you meant address for check set my current address would be best.

[REDACTED]  
[REDACTED]

On Wednesday, June 1, 2005, at 08:40 AM, David Kesler wrote:

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**From:** David Kesler davidkesler@yahoo.com  
**Subject:** Re: Revised plans  
**Date:** June 2, 2005 at 11:32 PM  
**To:** Dan Zulaica [REDACTED]

---

Hi Dan;

The driveway section is on one of the section sheets. We definitely addressed their concern to the best of our ability. Please send me the documents you were referring to, so that I can understand what your "elevation profile" issue is.

**Dan Zulaica** <[REDACTED]> wrote:

Hi David,

The first sheet, A0.0. The star locating the house is on the wrong side of the street.

They wanted a driveway profile, which is not shown, just an overhead view.

Also, looks like you were not able to incorporate the county's printout of entire elevation profile into the plans on the first page, A0.0. I can probably attach some copies that they gave me.

I may see if he'll postpone next week's meeting, since I still need to see about the drainage plan requirements, get more info on the septic, which is starting to look easy. And get a civil engineer, I may see how fast Mark Ritsen can get something.

I should know tomorrow, Friday morning sometime, hopefully.

Dan

On Thursday, June 2, 2005, at 06:06 AM, David Kesler wrote:

> You should be getting the set this morning Dan. I look forward to your  
> comments.

>

> Dan Zulaica wrote:

>

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>

> [REDACTED]

> [REDACTED]

>

>

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**From:** David Kesler davidkesler@yahoo.com  
**Subject:** Re: revised plans  
**Date:** May 23, 2005 at 10:57 AM  
**To:** Dan Zulaica [REDACTED]



Hi Dan;

Let me know how to get the drawings to you and how many sets. I would appreciate being paid for the printing in advance. I don't think I charged for the last sets of prints either. In total I think I'm owed around \$350 or so for travel and printing.

**Dan Zulaica** <[REDACTED]> wrote:

Hi David,

Have you been able to make the necessary changes to the plans? Please let me know if I need to do anything. I'll be getting a fire hazard review on the lot Wednesday afternoon, can do something Wednesday morning if needed. I was told the driveway insert only has to be a quick rough estimate, not exact.

Thanks,  
Dan

**David Kesler Architect**  
**Strawberry Creek Design Center**  
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**510 295-2532 f**

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From: **David Kesler** davidkesler@yahoo.com  
Subject: Re: variance additions  
Date: May 18, 2005 at 8:19 AM  
To: Dan Zulaica [REDACTED]

---

Hi Dan;

I'll get on this today. Let's stay in touch over the next week so that I can re-print and get the work off to you.

**Dan Zulaica** <[REDACTED]> wrote:

Hi David,

If they approve the variance with money left over from the \$6000.00 I can pay you the difference up to a certain amount as an extra incentive type deal to get the rest of the stuff on the plans.

I'm putting together some of the reasons for the variance application. I guess the plans would reflect some of these. Here's an initial list,

- I. Parcel zoned for a house.
- II. Terrain limits location and size of house to one corner area.
  - A. Affordability of building the house.
  - B. Other locations limited by restrictions.
    1. Current easements locations exclude house.
      - a. Drainage easements.
      - b. Fire road easement toward the back of the parcel.
    2. Driveway grade restrictions further back from the street because of terrain.
    3. Habitat restrictions for part of the parcel.
    4. Drainage patterns from street and houses across the street in open drain on part of the parcel.
- III. Other reasons for requested offset location.
  - A. Prohibitive cost of building in other locations.
  - B. More variance applications would be needed.
  - C. Building with minimal altering of terrain possible.

I think that's how the county meeting went Tuesday afternoon.

Dan

**David Kesler Architect**  
**Strawberry Creek Design Center**  
**1250 Addison Street, Suite #106**  
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Do You Yahoo!?

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**From:** David Kesler davidkesler@yahoo.com  
**Subject:** Re: Variance application  
**Date:** April 27, 2005 at 7:11 AM  
**To:** Dan Zulaica [REDACTED]

---

Hi Dan;

\$6300! That's the most I've heard for a variance on a small home. In any case, I thought I'd broach the question. I'll see you on May 17th.

**Dan Zulaica** <[REDACTED]> wrote:

I don't know about the additional service at the moment. The county will want about \$6300.00 for the variance process on May 17. I was thinking of modifying some of it, like the easement location, myself except I don't have access to a program that actually modifies the .dwg files at the moment.

Dan

On Tuesday, April 26, 2005, at 05:53 PM, David Kesler wrote:

> Hi Dan;

>

> Absolutely- I'll be there. Any chance I might be able to request a  
> little additional service from you- say \$1000? There's been so many  
> changes over the last few months and my cash flow has a hard time  
> sustaining all this work for one client....

>

> Dan Zulaica wrote:

>

> Hi David,

>

> How are things going?

>

> I talked to a building planner yesterday for an appointment to apply  
> for a variance.

>

> She said a few more things need to be added to the plans, rough  
> driveway, move the easement, and some other minor stuff.

>

> I'll have to see if I can bring them over or mail them for better  
> viewing.

>

> The appointment is May 17, at 2 PM, a Tuesday. Perhaps you can attend  
> also for any questions they might have.

>

> Dan

>

>

>

> David Kesler A r c h i t e c t  
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**From:** David Keyon PLN790@co.santa-cruz.ca.us  
**Subject:** RE: Variance application  
**Date:** August 23, 2005 at 6:59 PM  
**To:** Dan Zulaica [REDACTED]

---

Mr. Zulaica,

It will usually take a month or two for you to receive a check from fiscal for the remainder of the at-cost account.

David Keyon  
Development Review

-----Original Message-----

**From:** Dan Zulaica [mailto:[REDACTED]]  
**Sent:** Tuesday, August 23, 2005 4:53 PM  
**To:** David Keyon  
**Subject:** Variance application

Hi Mr. Keyon,

I sent a letter to cancel the variance application almost two weeks ago. Is there a usual timeline when the rest of the deposit is returned?

Thanks,  
Dan Zulaica



**From:** David Keyon PLN790@co.santa-cruz.ca.us  
**Subject:** RE: Variance application #05-0355  
**Date:** July 19, 2005 at 7:29 PM  
**To:** Dan Zulaica [REDACTED]

---

Mr. Zulaica,

You can withdraw the application at any time. However, if you are not able to get the required information by the requested deadline, you can request a an extension (usually about 1 month) and state the reasons why the information cannot be obtained. If you feel a re-design is necessary that will significantly change the plans as submitted and take a lot of additional time, then it would be wise to withdraw the application and re-apply later.

David Keyon  
Project Planner  
Development Review

-----Original Message-----

From: Dan Zulaica [mailto:[REDACTED]]  
Sent: Tuesday, July 19, 2005 4:50 PM  
To: David Keyon  
Subject: Variance application #05-0355

Mr. Keyon,

How long before the Sept. 6 deadline to submit the requested information do I have to withdraw the application. I'm trying to get the information, however at the current rate I'll have to re-apply.

Thanks,  
Dan Zulaica

**From:** David Kesler davidkesler@yahoo.com  
**Subject:** Re: Variance application meeting  
**Date:** May 17, 2005 at 9:05 AM  
**To:** Dan Zulaica [REDACTED]



Hi Dan;

I'm definately going to be there this afternoon, because my friend Gene grillo has another project down there that I need to look at. See you at 2pm.

**Dan Zulaica** <[REDACTED]> wrote:

Hi David,

Glad you'll be in Santa Cruz at 2 PM. The county main planning office where variance applications and permits are submitted is

701 Ocean Street

Directions: Take Highway 17 right into Santa Cruz, it ends on Ocean Street. County office is a few blocks on the right. A four or five story building behind a big parking lot.

As far as your request how about \$500.00 for this trip. I've already got a hefty amount to pay the county and I really don't have a money tree. This is all taking money away from amount to build the home. I hope the county doesn't spend it all.

Dan

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**From:** David Kesler davidkesler@yahoo.com  
**Subject:** Re: Variance application meeting  
**Date:** May 17, 2005 at 8:36 AM  
**To:** Dan Zulaica [REDACTED]

---

Hi Dan;

I asked for \$1000, not \$500, by the way, and it's certainly not for just this trip. I will charge you travel time for this trip and a charge for meeting with the county. The total will probably be a few hundred dollars, which is a part of my reimbursible expenses. If you have an issue paying this small amount then I probably shouldn't go today.

The \$1000, on the other hand, is a legitimate request for additional services in response to the counties arcane and confusing zonings laws and regulations which is a part of working in Santa Cruz, but is also a part of what I face in many jurisdictions in California.

I've put in a ton of hours changing the design to respond to site restrictions which were not fully revealed to us until we were well into the project. We needed the help of consultants to discover these issues, which is all part of the process.

I guess I'll leave it at that. See you in Santa Cruz today at 2pm, unless I hear from you again that I shouldn't go.

**Dan Zulaica** <[REDACTED]> wrote:

Hi David,

Glad you'll be in Santa Cruz at 2 PM. The county main planning office where variance applications and permits are submitted is

701 Ocean Street

Directions: Take Highway 17 right into Santa Cruz, it ends on Ocean Street. County office is a few blocks on the right. A four or five story building behind a big parking lot.

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Dan

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Do you Yahoo!?  
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**From:** David Kesler davidkesler@yahoo.com  
**Subject:** Re: Variance application  
**Date:** April 26, 2005 at 7:53 PM  
**To:** Dan Zulaica [REDACTED]



Hi Dan;

Absolutely- I'll be there. Any chance I might be able to request a little additional service from you- say \$1000? There's been so many changes over the last few months and my cash flow has a hard time sustaining all this work for one client....

**Dan Zulaica** <[REDACTED]> wrote:

Hi David,

How are things going?

I talked to a building planner yesterday for an appointment to apply for a variance.

She said a few more things need to be added to the plans, rough driveway, move the easement, and some other minor stuff.

I'll have to see if I can bring them over or mail them for better viewing.

The appointment is May 17, at 2 PM, a Tuesday. Perhaps you can attend also for any questions they might have.

Dan

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**From:** David Kesler davidkesler@yahoo.com  
**Subject:** Re: variance requirements  
**Date:** July 10, 2005 at 8:59 AM  
**To:** Dan Zulaica [REDACTED]

---

I would agree that its a geotech report. I would call Jay Nelson and ask what the story is.

**Dan Zulaica** <[REDACTED]> wrote:

Hi David,

The county wants a geotech report, not just a soils report, though I thought the soils report we got included a geotech report.

Dan

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**From:** David Kesler davidkesler@yahoo.com  
**Subject:** Re: Variance  
**Date:** June 8, 2005 at 10:40 PM  
**To:** Dan Zulaica [REDACTED]

---

Thanks for the info Dan...sounds exciting....please keep me informed!

**Dan Zulaica** <[REDACTED]> wrote:

Hi David,

David Keyon accepted the plans and geo-tech report for the variance. I'll find something out in about a month whether they need anything else.

Next question would be drainage, and distance from drainage area, which the other plan reviewers thought would not be a problem. The Ag setup is not a problem. Last is if a public hearing is needed and that would be if the heads of the county will approve.

They may send you information on what they've done, as well as me, not sure if you'll need any of that.

Dan

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