

19

9095 BALBOA AVE  
ORD 03-0018

**COUNTY OF SONOMA**  
**PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**  
2550 VENTURA AVENUE, SANTA ROSA, CA 95403-2829  
(707) 565-1900 FAX (707) 565-1103

**Application Fees / Invoice for: ORD03-0018**

**Project Address:** 9095 BALBOA AVE JEN  
**Cross Street:** HWY 1  
  
**APN:** 099-112-012

**Status:** STARTED  
**Printed:** October 17, 2003  
**Initialized by:** SHUNSPER  
**Activity Type:** AB-ORD 301

**Description:** LEGAL NON-CONFORMING DETERMINATION

**Owner:** SUNDIN STEPHEN S TR  
462 REDWOOD DR  
PASADENA CA  
91113  
323 259 9821

**Applicant:** HOMEWORKS  
ATTN: RENE DEMONCHY  
PO BOX 840  
FORESTVILLE CA 95436  
707 823 2981

**Fees:**

Item#	Description	Account Code	Tot Fee	Prev. Pmts	Cur. Pmts
1090	ORD DETERMINATION LEV II	025015-3831	804.00	.00	.00
			\$804.00	\$0.00	

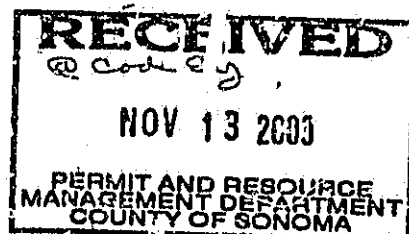
**Total Fees:** \$804.00

**Total Paid:** \$0.00

**Balance Due:** \$804.00

Refunds will not be authorized unless circumstances  
comply with established PP&M refund policy provisions.

When validated below, this is your receipt.





**COUNTY OF SONOMA**  
**PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**

2550 Ventura Avenue, Santa Rosa, CA 95403

(707) 527-1900

FAX (707) 527-1103

Field Operations • Code Enforcement • Permits • Environmental & Comprehensive Planning

ORD 03-0018

**HISTORY OF PROPERTY'S USES AND STRUCTURES**

Property Owner: STEVE LUNDIN

Telephone: 323-259-9921

Property Address: 9095 BALBOA, JENNER

Parcel No.: 099-112 012

In order to determine if the existing use and/or structures on your property are permitted as a legal non-conforming use, it is necessary that you provide a documented record of the history of the use(s) of the property.

Please check those agencies listed below that have issued permits or licenses relative to the use of the property. Attach a copy of permits or licenses.

☐ Planning Department  
☐ Public Health  
☐ Department of Motor Vehicles  
☐ Air Pollution Control District  
☐ Other: \_\_\_\_\_

☐ Regional Water Quality Control Board  
☐ Department of Alcoholic Beverage Control  
☐ Board of Equalization  
☐ Other: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

The following sections must be completed for each year that the use existed on your property beginning with the date the use was established to the present. Provide the month and year and a detailed description of the operation or use (i.e. type of business, days and hours of operation, number and kind of equipment, number and kind of animals, structures used, number of employers, etc.).

Month \_\_\_\_\_ Year 1911

Description of Use(s): RESIDENCE w/ BASEMENT CONVERTED TO SEPARATE DWELLING UNIT PRIOR TO 1962. ONLY USE BUILDING HAS EVER HAD IS RESIDENTIAL.

Month \_\_\_\_\_ Year \_\_\_\_\_

Description of Use(s): \_\_\_\_\_

**Legal non-conforming use determination**

# Planning Application

PJR-001

File#: ORD 03-0018

## Type of Application:

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Admin Cert. Compliance | <input type="checkbox"/> Design Review Comm./Ind.  | <input type="checkbox"/> Minor Subdivision                   | <input type="checkbox"/> Variance      |
| <input type="checkbox"/> Ag./Timber Preserve    | <input type="checkbox"/> Design Review Residential | <input type="checkbox"/> Mobile Home Zoning Permit           | <input type="checkbox"/> Zone Change   |
| <input type="checkbox"/> Cert. of Compliance    | <input type="checkbox"/> Design Review Signs       | <input checked="" type="checkbox"/> Ordinance Interpretation | <input type="checkbox"/> Zoning Permit |
| <input type="checkbox"/> Cert. of Modification  | <input type="checkbox"/> General Plan Amendment    | <input type="checkbox"/> Second Unit Permit                  | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Coastal Permit         | <input type="checkbox"/> Lot Line Adjustment       | <input type="checkbox"/> Specific Area Plan Amendment        |  |
| <input type="checkbox"/> Design Review Admin.   | <input type="checkbox"/> Major Subdivision         | <input type="checkbox"/> Use Permit                          |  |

## Applicant (Contact Person):

Name: HOMEWORKS / RENE DE MONCHY  
 Mailing Address: P.O. Box 840  
FORESTVILLE, CA. 95436  
 City/Town: \_\_\_\_\_ State/Zip: \_\_\_\_\_  
 Phone: 707-823-2781 Fax: 823-2101  
 Signature: [Signature] Date: 10-6-03

## Owner, if other than Applicant:

Name: STEVE SYNDIN  
 Mailing Address: 462 REDWOOD DR.  
PASADENA, CA. 91105  
 City/Town: \_\_\_\_\_ State/Zip: \_\_\_\_\_  
 Phone: 323-259-9821 Fax: \_\_\_\_\_  
 Signature: [Signature] Date: 8 Oct 2003

## Other Persons to be Notified: (Specify: Agent, Lender, Architect or Engineer)

Name: _____	Name: _____	Name: _____
Mailing Address: _____	Mailing Address: _____	Mailing Address: _____
City/Town: _____ State/Zip: _____	City/Town: _____ State/Zip: _____	City/Town: _____ State/Zip: _____
Title: _____	Title: _____	Title: _____
Phone: _____ Fax: _____	Phone: _____ Fax: _____	Phone: _____ Fax: _____

## Project Information:

Address(es): 9095 BALBOA, JENNER  
099-112-012  
 Assessor's Parcel Number(s): \_\_\_\_\_  
 Project Description: PROVE LEGAL STATUS OF LOWER LIVING UNIT

Site Served by Public Water? ☒ yes ☐ no Site Served by Public Sewer? ☐ yes ☒ no Number of new lots proposed 0

DO NOT WRITE BELOW THIS LINE - To Be Completed by PRMD Staff  
 Planning Area: 1 Supervisorial District: 5 Current Zoning: RKCLB7 General Plan Land Use: RR 20  
 Specific Plan: Local Coastal S.P. Land Use: \_\_\_\_\_ Needs CEQA Review? ☐ yes ☒ no

## Commercial/Industrial Uses: (Enter numbers where applicable)

Bldg. sq. ft. Existing: \_\_\_\_\_ Proposed: \_\_\_\_\_; Existing Employees: \_\_\_\_\_ New Employees: \_\_\_\_\_

## Residential Uses: (Enter numbers where applicable)

New Single Family Homes: 2 New Multi-Family Units: \_\_\_\_\_ New Second Units: 1  
 New Manufactured Homes: \_\_\_\_\_ New Units For Sale: \_\_\_\_\_ New Units For Rent: \_\_\_\_\_ Density Bonus Units: \_\_\_\_\_

Violation? ☒ yes ☐ no; Applicable penalty planning violation? ☒ yes ☐ no; Penalty applicable? ☐ yes ☐ no; Civil Penalty Factor: \_\_\_\_\_

Previous Files: no planning files, numerous violations from 2003  
 Application accepted by: SCOTT HUNSPERGER Date: 10/7/03

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue ♦ Santa Rosa, CA ♦ 95403-2829 ♦ (707) 565-1900 ♦ Fax (707) 565-1103

# Indemnification Agreement

PJR-011

"As part of this application, applicant agrees to defend, indemnify, release and hold harmless the County, its agents, officers, attorneys employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in conjunction with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the County. If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect."

Rina de la Hoya  
Applicant

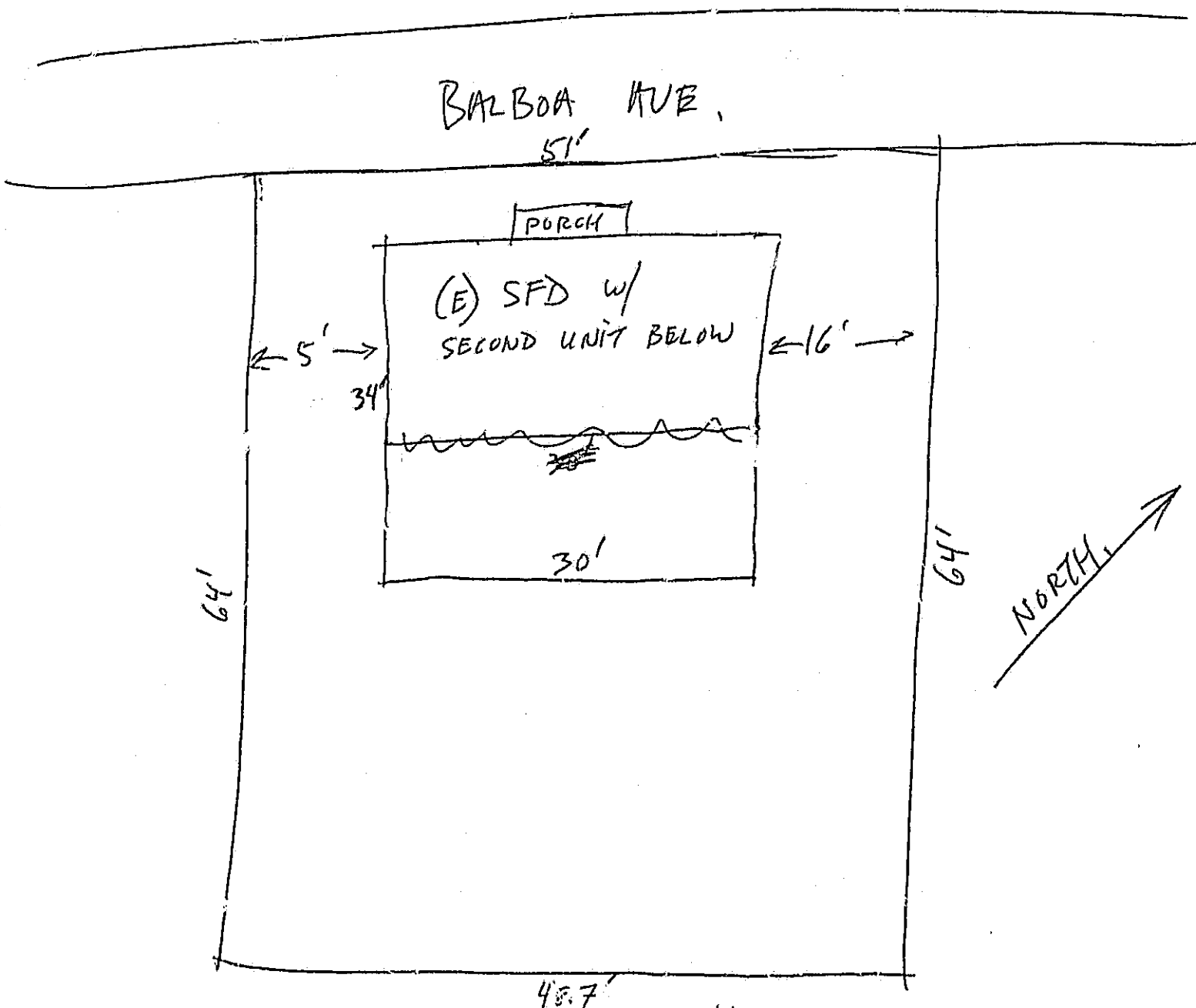
Steph S. Smith 8 Oct 2003  
Property Owner (if other than applicant)

10-6-03  
Date

0R003 --0018  
File No.

NOTE: The purpose of the Indemnification Agreement is to allow the County to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue ♦ Santa Rosa, CA ♦ 95403-2829 ♦ (707) 565-1900 ♦ Fax (707) 565-110



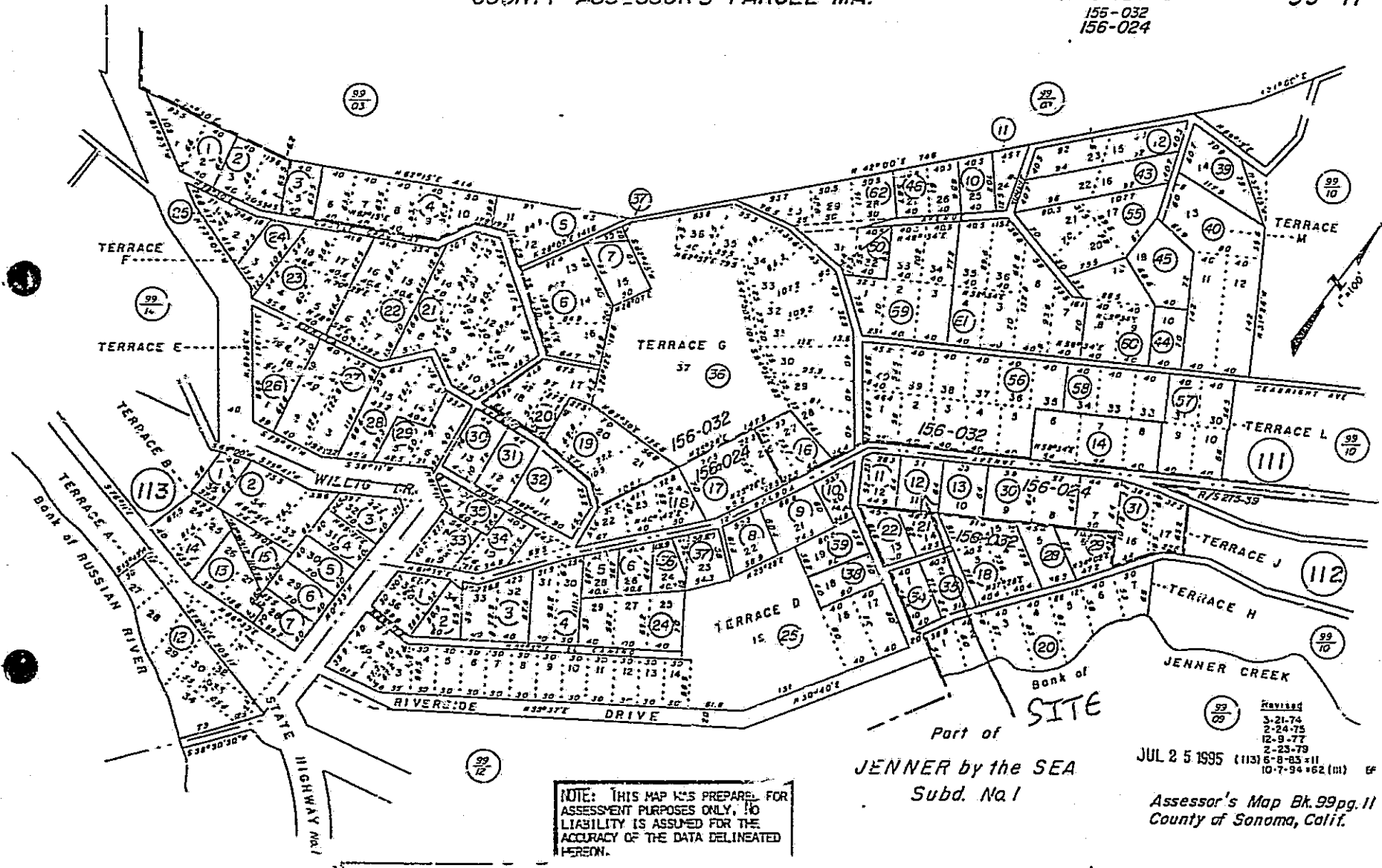
OWNER: STEVE SUNDIN  
SITE: 9095 BALBOA AVE, JENNER  
AP#: 099-112-012

DWELLING ORIGINALLY  
BUILT IN 1911, PER  
ASSESSOR.

# COUNTY ASSESSOR'S PARCEL MAP

TAX CODE AREA  
155-032  
156-024

99-11



NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREON.

Part of  
JENNER by the SEA  
Subd. No. 1

JUL 25 1995 (113) 6-8-85-11  
10-7-94-62 (m) 6F

Assessor's Map Bk. 99 pg. 11  
County of Sonoma, Calif.

Revised  
3-21-76  
2-24-75  
12-9-77  
2-23-79  
10-7-94-62 (m) 6F

# RESIDENTIAL BUILDING RECORD

SKOG, Oscar & Mildred

ADDRESS

JENNER

PARCEL 74-112-16

SHEET 2 OF 2 SHEETS

## DESCRIPTION OF BUILDING

CLASS & SHAPE	CONSTRUCTION	STRUCTURAL	EXTERIOR	ROOF	LIGHTING	AIR CONDITION	ROOM AND FINISH DETAIL							
							ROOMS	FLOORS			FLOOR FINISH		TRIM	INTERIOR FINISH
5-5-B	Light Sub-Standard	Frame 3 1/2	Stucco on	Flat 4 Pitch 5	Wiring K.T. Conduit	Heating Forced Cooling Cleaning	All	B	1	2	Material	Grade		Walls
ARCHITECTURE	Standard	Sheathing	X Siding	Hip 4	B x Cable	Gravity Humid	Ent. Hall				OP		W 2d	W 6d
Stories	Above-Standard	Concrete Block	Case R.O.I.	Shed 1/4	Fixtures	Walt Unit								
USE TYPE	Special	B&B T&G		Cut Up	Few Cheap		Living	1						
Single	FOUNDATION	Brick	Shingles	Dormers	Avg. Medium	Floor Unit	Dining							
Double	Concrete	Adobe	Shakes		Many Special	Zone Unit	Bed	2						
Duplex	Reinforced	Floor Joist	B&B T&G	Gutters		Central	Bed							
Apartment	Brick	2nd 2nd	Brick	Shingle	Poor Good	X None								
Flat	X Wood	Sub Floor	Stone	Shake		Oil Burner								
Court	X Fiers		WINDOWS	Tile	Fixtures									
			X D.H. Casement	Tile Trim	X Water Heater	M-B.T.U.								
		Insulated Ceilings	Steel Sash	Composition	X Automatic	Fireplace	Kitchen	1						
Units	Light Heavy	Insulated Walls	Screens	X Compa. Shingle	X Gas Elect.		Drain Bd.	Material	Lgth.	Fl.	Splash			

### CONSTRUCTION RECORD

Permit		Amount	Date	EFFECT. YEAR	APPR. YEAR	NORMAL % GOOD				RATING (E, G, A, F, P)				BATH DETAIL										
No.	Fee					Age	Remain. Life	Table	%	Cond.	Arch. Attr.	Func. Plan	Con-form.	Storage Space	Work-ship	Fl.	No.	FINISH		FIXTURES				SHOWER
			1924	1964	40	11	45	40	F	F	F	A	1		Floors	Walls	Wc	La	Tub	Type	Grade	St.	Gr.	Finsh
			1945	1964	40	16	50	45	A	A	A	A								Old	G			
					35	19	50	50	P	F	A	A												

### SPECIAL FEATURES

B&B Cases  
Shutters  
Built-in Beds  
Venetian Blinds

### COMPUTATION

Appraiser's Date	Unit	Area	Unit Cost	Cost	1956	Unit Cost	Cost	11-74	Unit Cost	Cost	76	Unit Cost	Cost	Unit Cost	Cost
9-4-4	944	880	3 <sup>30</sup>	3110	540	4752	650	5720							
W.P.		40	60	20											
CON PLAT	196	70	130		1 <sup>10</sup>	130									
Porches	327				327	150	490								
H. L. R. R. R.	310				50	155	186								
TOTAL			3260		5458	6376					5500				
NORMAL % GOOD			40	40%	1300	45%	2456	50%	3200		5500				
R.G.L.N.D.	75	1300	970	90%	1170	90%	2210								
AV. 500	AV.	485			AV. 500	48	660								



[illegible]

~~$$\begin{array}{r} 24 \times 30 = 720 \\ 4 \times 16 = 224 \\ \hline 944 \end{array}$$~~

W/P

~~$4 \times 10 = 40$~~

CAR PLATFORM

$12 \times 16 = 192$

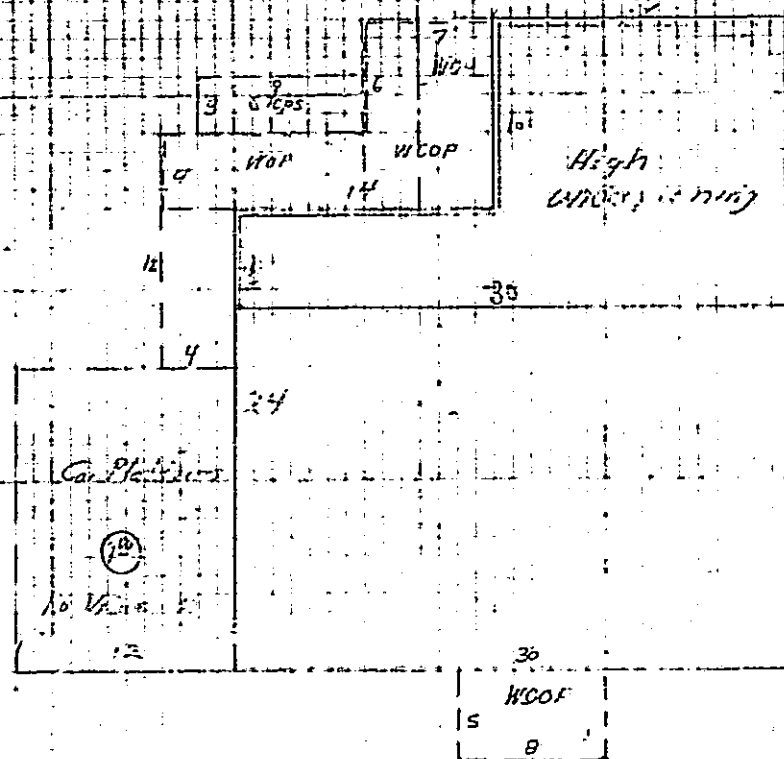
Correction

Rec:  $24 \times 30 = 720$

$16 \times 10 = 160$

~~$$\begin{array}{r} 8 \times 5 = 40 \\ 4 \times 8 = 32 \\ 18 \times 4 = 72 \\ 7 \times 6 = 42 \\ 9 \times 3 = 27 \\ 18 \times 4 = 72 \\ 7 \times 6 = 42 \\ \hline 3274 \end{array}$$~~

11-79 Foundation Camp siding around underpinning:  
 still to be done Consider vcs 90%  
 Camp; Consider when Camp New Foundation  
 adds 2000 to T.D. V76 RB  
 V76 Add 500 value to Inps for  
 completion of Foundation RB



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PH (707) 823-2881 / FAX (707) 869-0110  
P.O. BOX 840  
FORESTVILLE, CA 95436-0840

Dale Hawley  
PRMD  
2550 Ventura Av.  
Santa Rosa, CA 95403

12-1-03

**RE: ORD # 03-0018**

Dear Dale,

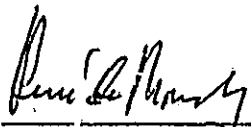
Pursuant to your 11-13-03 letter regarding legal non-conforming determination for the lower unit at 9095 Balboa Av., Jenner, enclosed please find copies of the assessor's field notes. These notes do not reflect the correct number of units in the building (2), which is the reason I did not include them in the application. When we can have an appointment at the site, you will see why the assessor may have missed the original conversion from "underpinning" to apartment access.

By seeing the property you will, I'm sure, also draw the same conclusion I did regarding the age of the unit, which I would place back to the late 50's.

The owner is currently trying to locate any adjoining property owners who may be able to testify to the age of the living unit, but, as you know, we are dealing with an event taking place over 40 years ago. It is becoming more and more difficult to find people old enough who are still around for this purpose. The time may come when the shoe will have to be put on the other foot, meaning that, at some point, the burden of proof may have to be placed on the County to prove that such a living unit was not in existence before 1962. After all, aren't we supposed to be considered innocent until proven guilty in this country?.....

In any event, I will forward to you any notarized neighbor statements, if any can be procured. In the meantime, I would appreciate a site appointment with you to show you the property.

Sincerely,

  
\_\_\_\_\_  
Rene de Monchy

CA. LIC. #374307

PLANNING & BUILDING CONSULTATION



**COUNTY OF SONOMA**  
**PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**

2550 Ventura Avenue, Santa Rosa, CA 95403-2829  
(707) 565-1900 FAX (707) 565-1103

November 13, 2003



Renee de Monchy  
Homeworks  
PO BOX 840  
Forestville CA 95436

Subject: Notice of incomplete application  
ORD # 03-0018  
9095 Balboa, Jenner  
APN: 099-112-012

Dear Mr. de Monchy:

This is to advise that the above referenced application for legal non conforming use is being held pending receipt of the following information necessary to make a determination.

1. Copies (front and back) of all pages of assessor records for the property.
2. Notarized affidavit(s) attesting to the known existence and dates of the claimed legal non conforming use.

In addition, an inspection of the exterior and interior of the subject dwelling(s) is required. Please contact me to schedule the inspection.

Sincerely,

Dale Hawley  
Senior Code Enforcement Inspector

3/3/2004  
Jenner CA  
95450

To: Dale Hawley

I have lived in Jenner for about  
30 years since 1974 and moved to  
Bodega Bay last year. I know  
Richard Euss well and spent the  
night downstairs at 9095 Balboa Ave  
a few times in 1977. At that time  
he had just done the concrete work for  
the foundation. The downstairs was a work  
in progress at that time with rough framing  
and partial insulation.

Hendrik Huhn  
707 8759104  
PO Box 74 Jenner CA  
95450

March 3, 2004  
Jenner, CA. 95450

to Dale Hawley,

I have lived continuously in Jenner since September, 1970 and knew / know Richard Enos who owned 9095 Balboa Ave since approximately 1972 and I even helped him raise that house and put a foundation under it in 1975-76. He had permits for this.

Previous to this, there was no living area below the main floor. Richard filled in the bottom floor as a place for him to live in while the upstairs was rented out to friends.

This house was in no way, shape or form a duplex prior to 1976.

Daniel W. Clark  
707 865-0530

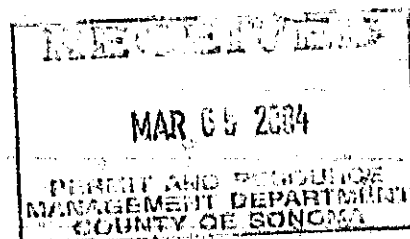
MAR 3, 1984

Wayle Hawley,

This letter is in regard to a house I owned on 12 Balboa, Jenner, Ca. First I want to apologize to you for my memory being a bit confusing. I have had Parkinsons for the past five years, which has affected my thought processes. I bought the house in 1971 or 1972. It was old and needed foundation repair. To save it I took a permit out for that work.

There was a floor in the basement which I sometimes stayed on while I worked on the house. I rented the upstairs and sometimes I lived up there. What plumbing there was was in poor shape. Sometimes I rented out the downstairs. I fixed up what I could and the place became livable. I can't verify whether the lower living space qualified as a second unit. It was okay for me to use it off and on to people.

Sincerely Richard Enos



TO DALE HAWLEY  
SO. CO. PRMD  
2550 Ventura Ave  
S.R. 95403

I HAVE LIVED NEXT DOOR TO  
9095 BALBON AVE, JENNER SINCE  
DEC. 1972 AND CAN SAY WITH  
CERTAINTY THAT NO DOWNSTAIRS  
UNIT EXISTED PRIOR TO 1975  
OR 1976. I HELPED RAISE THE  
HOUSE AND DUG OUT THE HOLE  
WHERE THE UNIT NOW IS.

Sincerely  
DAVID HAYES  
707 865 2488

March 3 2004

To Dale Haurly -

Mr. Haurly, I am the owner of 89 Ballboa Ave in Jenner, Cal. I have owned the house since 1973.

In 1973, Richard Enos owned the house at 9095 Ballboa Ave. Richard Enos raised the house at 9095 Ballboa Ave around 1975. Prior to that date 9095 had no habitable space below the main floor area. Even though there is a space there now due to the raising of the main house, it is still not habitable. Room size and health issues, most notably a smell of propane, renders the room only useable for Mr Enos original plan: a storage room.

Additional problems with 9095 being used as a duplex are due to increased traffic and most notably, a lack of parking space since the parking for 9095 is based upon it being a single residence.

Please keep 9095 Ballboa a single dwelling.

RL Porter  
(207) 865-9309  
(916) 363-5259





# COUNTY OF SONOMA

## PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

### STAFF REPORT

**Date:** May 3, 2004  
**To:** FILE # ORD03-0018  
**From:** Dale Hawley, Senior Code Enforcement Inspector *RHL*  
**Subject:** **LEGAL NON CONFORMING USE DETERMINATION -Denied**  
REGARDING AN EXISTING TWO FAMILY DWELLING UNIT (DUPLEX)  
APN:099-112-012 ADDRESS: 9095 Balboa Ave, Jenner, CA

#### **Background:**

On March 20, 2003 a complaint was received alleging substandard housing at the subject property. On April 25, 2003, Code Enforcement Inspector Lynda Worsely inspected the two unit residential building which resulted in the issuance of a Notice and Order for substandard housing conditions and a Notice of Violation for an unlawful second dwelling unit and an un-permitted septic installation. The property owner obtained a permit to legalize the septic installation and building permits to legalize the unpermitted building and substandard housing conditions.

On October 17, 2003, an application for legal non conforming use determination was submitted on the attached second dwelling unit. A notice of incomplete application submittal was issued on November 13, 2003 advising that copies of assessor records and affidavits were needed to complete the review. The owner's agent Mr Rene deMonchy with Homeworks responded by letter dated December 1, 2003, providing copies of the assessor records and but still without any signed affidavits. The letter also requested an inspection of the building. On January 16, 2004, Senior Code Enforcement Inspector Dale Hawley inspected the lower unit the subject structure with Renee deMonchy, the agent for the property owner. The inspection revealed that the lower dwelling unit had the same wood framed single paned windows as the upper unit. The deck to the unit was at least 15 years old and in need of repairs. Inside the unit there was an old style fire sprinkler system and the bathroom fixtures were of an older style. Plumbing was metal and kitchen cabinet was also an older style. The unit was studio apartment style dwelling comprised of one open room with a kitchen and one bathroom. A broken main drain pipe was observed leaking sewage onto the surface of the ground and there was a newer private electric meter for the second unit, a newer breaker panel and unprotected wiring was observed evidencing unpermitted installation. The upper main dwelling unit was not inspected as it was not necessary and the occupants were not home. There was a distinct lack of parking availability on the narrow, single lane road. The fact that the lower unit appeared to be several decades old was discussed with Mr. deMonchy.

Four unsolicited letters were subsequently received from neighbors stating that the lower dwelling unit was installed after the house was elevated in 1975. The previous owner Mr. Enos

also submitted a letter explaining that he converted the lower unit for his use while repairing the foundation on the upper unit in the '70's. He wrote that he also occasionally rented out the lower unit.

**Research and Analysis:**

**Documents:**

1. No affidavits were submitted by the current owner with the legal non conforming use application
2. All septic permit records indicate the structure as two bedroom single family dwelling. The most recent septic permit identified the lower unit a "shop" with a bathroom.
3. Letters from neighbors and a previous property owner state that the lower dwelling unit was created in the '70's.
4. There are no building or zoning permits on record for the lower second dwelling unit.

**Assessor Records:**

1. Copies of assessor's records were submitted. The records indicate that the structure was first appraised as an 880 square foot single family dwelling by the assessors office on March 26, 1953 and that the building was built around 1911. The car platform was appraised at that time as well as the covered front porch. Records indicate that on August 20, 1963 the building was re-appraised and 327 s.f. of porches and 310 s.f. of covered underpinning was added to the assessment

**Building Permits:**

	#	Issued	For
	B-029295	01/25/1978	Electrical Service
	BLD03-5950	10/17/03	Clear substandard condition vio
	BLD03-6374	11/7/04	Clear CWOP violations
Microfische	B-029295	01/25/1978	Elect- owner indicated the use of the structure as "SFD" (single family dwelling) on application
	Septic 17685	07/28/1972	Septic-Owner indicates "Existing House" as "1" unit with "2" bedroom
Permits plus Main frame	printout attached to file B-029295 only		

**Septic Permits:**

17685	01/25/1978	Septic
SEP03-0937	10/3/2003	Septic

**Zoning History:**

Current Zoning:	Ordinance #	Effective	Permitted Use	Code
RR CC B7(Rural Residential)	4225	September 10, 1990	One SFD	26C
Prior Zoning:				

Ord03-0018  
Page 3  
May 3, 2004

R-1 (Low Density Residential) 1175  
S (Study) 996  
U (Unclassified) 230

June 17, 1969	One SFD	26
September 22, 1966	One SFD	26
December 8, 1945	One SFD, Multi with Use Permit	

**Staff Determination:**

The subject parcel is 3200 square feet in size and is currently zoned **RR CC B7 (Rural Residential Coastal Zone , Frozen lot size.)**

The current two family (duplex) use of the property does not conform with current RR zoning pursuant to Section 26C-90, 26C-91, 26C-325.1 and 26C338.1 Sonoma County Coastal Zoning Code. The current use of the property for two family (duplex) dwelling was established around 1975 without a required building permit. The property was zoned **R-1** low density residential in 1975, which did not permit two family (duplex) dwellings.

**The two family use of the property was not lawfully established prior to effective date of the current zoning ordinance and therefore DOES NOT constitute a legal non conforming use pursuant to the provisions of Section 26C-359 Sonoma County Coastal Zoning Code.**



# COUNTY OF SONOMA

## PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 527-1900 FAX (707) 527-1103

Field Operations • Code Enforcement • Permits • Environmental & Comprehensive Planning

May 4, 2004

Stephen Sundin, Tr.  
462 Redwood Drive  
Pasadena CA 91105

Re: File: ORD03-0018  
APN: 099-112-012  
Site: 9095 Balboa Ave., Jenner

Dear Mr. Sundin:

The above referenced file was submitted to this Department as an application for a determination as to whether or not the current use of the property for a two family (duplex) located on the subject property constituted a *legal nonconforming use*. Based upon research of the parcel zoning history, a review of information submitted with the file, an inspection of the subject structure, a review of permit records and considerable public comment received on the matter, it has been determined that use and occupancy of the existing lower dwelling unit of the duplex on the property DOES NOT CONSTITUTE A LEGAL NON CONFORMING USE, and is not allowed to continue pursuant to the provisions of Section 26C-350 Sonoma County Coastal Zoning Code.

The subject parcel is approximately 3200 square feet in size and is currently zoned **RR CC B7 (Rural Residential, Coastal Zone , frozen lot size.)**

The current use of the property for a two family (duplex) dwelling does not conform with current RR zoning pursuant to Section 26C-90, 26C-91, 26C-325.1 and 26C-338.1 Sonoma County Coastal Zoning Code. The current use of the property for a two family (duplex) dwelling was established around 1975, by the installation of a woodstove and plumbing lines and fixtures for a bathroom and kitchen in the enclosed underfloor area of the single family dwelling without required building permits and inspection approvals in violation of Sonoma County Building Codes and the **R-1** low density residential zoning of the property in effect at that time. The R-1 zoning of the parcel in 1975 did not permit two family (duplex) dwellings as permitted uses or as conditionally permitted uses with a use permit.

**Therefore, a finding is made that the two family (duplex) use of the property was not lawfully established prior to effective date of the current zoning ordinance and therefore DOES NOT constitute a legal non conforming use pursuant to the provisions of Section 26C-350 Sonoma County Coastal Zoning Code.**

Sonoma County Code Section 1-7.3 provides for the appeal to the Hearing Officer of any determination made by this Department in connection with or related to finding of a violation of Sonoma County Code, Chapter 26. The appeal must be made in writing within twelve (12) calendar days from the date of this letter, or by May 16, 2004. The appeal fee is \$ 389. If an appeal is not received by May 16, 2004, the determination made by the Department is final.

Please contact this office if you have any questions.

Sincerely,

Dale Hawley

Senior Code Enforcement Inspector