

HEAP OF TROUBLES



Bill Lovejoy/Sentinel

Brian Thomas is moving Computer Jones, which offers used computer parts and software, to smaller quarters.

Zoning-code violations force Computer Jones to move

By STEVE PEREZ
Sentinel staff writer

Business-c

SOQUEL — "See all this?" Brian Thomas, owner of Computer Jones, waved a hand at the stacks of used computer parts, accessories and software piled high in his warehouse at 3022 Winkle Ave.

"I have to walk away from it. I don't have the trucks, I don't have the storage. I don't have a good back."

And he doesn't have a choice, he said.

Thomas, 54, blames his impending Aug. 15 move to

smaller quarters in Santa Cruz on a zoning problem with the county and his landlord's failure to tell him the property wasn't properly zoned for his business.

An attorney for landlord Bei-Scott and Co. says there's a matter of more than \$17,000 in unpaid rent.

The county says Thomas didn't apply in time for the proper use permit and that neighbors complained about various problems, including the outdoor storage of computer parts.

For whatever reason, Thomas, a dealer here since 1993 in the castoffs and leftovers of this county's love-

hate relationship with the personal computer, is re-booting.

His new location at 1329 Mission St. is half the size of his current 3,200-square-foot home. That means less room for the hundreds of used monitors, computer cables, CD-ROMs and computer books.

Thomas said his business probably saves "a mountain" of used computer equipment from the landfill every few months.

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Computer Jones

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He said he regularly contributes software to local schools. "I give them so much; They say, 's top.'"

The "buy, sell, trade" bazaar at Winkle Avenue regularly draws bargain hunters like Mark Zeller, 39, of Santa Cruz.

"I've been here before," Zeller said.

Wednesday, the owner of a used 486 PC was holding late-model versions of two accounting software packages.

"It's a good way to get to know how stuff works, and spending only 10 bucks. And if it turns out that it's not exactly what I want, that's perfectly fine with me."

But that open-bazaar atmosphere didn't thrill Thomas' neighbors, according to First District Supervisor Jan Beautz.

They complained to the county about the traffic, the piles of stuff in the parking lot, the signs advertising his sales of "\$1 for all you can carry" days.

Code enforcement officers from the county inspected. Thomas learned the zoning for his area had been downgraded during a general plan revision in 1994. They said he would never be able to obtain the proper permit.

Code enforcement and repeated warnings resulted and eventually, the business was deemed out of compliance.

Thomas insists he was assured his use was legal when he signed an agreement with Bei-Scott to lease the property. He says that zoning problem cost him a chance to sell a percentage of the business. It also forced him to stop paying rent last November and eventually into bankruptcy.

He filed a Superior Court lawsuit over the matter. A routine case management conference is set Aug. 14.

His attorney, Donald Charles Schwartz of Aptos, said the eviction was retaliation for that suit.

Bei-Scott's attorney, Reid Schantz, says he doesn't have much sympathy for Thomas' plight, calling him a "professional victim."

"When he moved here, it was obvious by terms of the lease that he had to get a permit for his operation," Schantz said. Had Thomas followed through within a year after moving in, Schantz said, his use would probably have been "grandfathered" in.

Humble beginnings

By STEVE PEREZ

Sentinel staff writer

SOQUEL — Eleven years ago, Brian Thomas was homeless, he says, living in a van with his pregnant wife.

The owner of Computer Jones says he was reduced to digging through Dumpsters for anything he could sell at the flea market to make ends meet.

On a particularly cold night, things looked especially bleak. He shivered, he says, looked to the heavens, extended his arms and asked: "Please God, I'm begging you. Please help me."

The next day, Thomas said he came across a Dumpster behind Borland International, a Scotts Valley software company.

It was filled to the brim with discarded software programs, personal information managers like Sidekick and programming tools like Turbo Pascal.

They sold like hotcakes for \$2 to \$8 a pop, he recalls.

A passer-by told him the software was worth more than that. One thing led to another, and a space opened up at a computer trade show in San Francisco.

Thomas says he eventually made enough cash on the discarded software to open his first Computer Jones store at Soquel Drive and 41st Avenue.

His attorney, Donald Charles Schwartz of Aptos, says software companies at first hated the idea, concerned about the theft of the discarded intellectual property.

At least one firm actually had people follow its trucks to ensure they made it to the county dump, Schwartz says. Another was ready to sue Thomas over the subterranean market that had developed.

Eventually, though, he said, the company relented, realizing that it was "free marketing."

"They realized that people were becoming literate on software that, otherwise, they would have no access to," he says, "and that once they were trained on it, they were more likely to want to upgrade to a newer product."

Thomas himself said he is not the most literate bear in the computer woods.

"I don't even run a computer to this day," he said. "... I don't know anything about this stuff."

A clause in the lease agreement on file in Santa Cruz County Municipal Court in Bei-Scott's eviction action against him states Thomas was supposed to obtain the proper clearance.

"He never did," Schantz said. "And now the property is zoned C-1."

Beautz said the C-1 zoning covers small scale businesses designed to appeal to residents in the neighborhood, uses that draw minimal traffic and noise. The prior zoning, C-4, covered larger size businesses, with a regional clientele, she said.

Beautz and Schantz said the zoning issue isn't what drew the attention of the county in the first place.

"It was all the piles of junk he had lying around drawing complaints from neighbors," Schantz said.

"We don't look for these," Beautz said. "But when we get complaints we have to act."

The Aug. 15 deadline, according to Schantz, is part of an agreement worked out with Thomas and his attorney in the eviction proceedings. According to Schantz, Bei-Scott will still give him until the end of the month to get the rest of his stuff out.

"Bei-Scott gave him a break to be where he was and he knew what the score was going in," Schantz said. "It's unfortunate, but then he turned around and actually bit the hand that was taking care of him. We really tried to work with the guy."

Thomas' attorney, Schwartz, said the real issue is that the property owners knew of the pending zoning downgrade before Thomas moved in.

"There was no disclosure to Brian about the pending zoning change before he signed the lease," Schwartz said. "Public hearings were ongoing for six to eight months prior to him signing the lease."