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Kurt Ellison

Viviano Mansion is a brooding, and empty, presence on hill above San Andreas Road.

Mansion dispute returns to court

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Another round in the long-standing dispute over construction of the Peter Viviano Mansion near La Selva Beach will be waged in court Monday when Santa Cruz County attorneys challenge questions posed to county supervisors.

The county is asking that the court limit questioning of board members by attorneys for Jack and Caroline Eitzen, who built the 13,264-square-foot home on a ridge overlooking San Andreas Road. Peter Viviano, who owns the home, is a cousin of Caroline Eitzen.

In 1988, supervisors ordered demolition of a large part of the home, saying it was not part of the 6,000 square feet authorized

in the original building permit.

The Eitzens contend that county inspectors, who made a number of inspections of the home during its construction, were well aware that the home was much larger than 6,000 square feet. The home, which is near completion, has sat idle since county inspectors issued a stop-work order in 1986.

The county went to court to get the demolition order enforced, and the Eitzens filed a counter suit. There have been a number of motions on those suits since they were filed in 1988, but no substantial action.

Two men who were county supervisors when the demolition decision was made, Dan Forbus and Joe Cucchiara, appeared for depositions last week but

wouldn't answer questions posed by Paul Lamphere, the Eitzens' attorney.

Samuel Torres, an assistant county counsel, objected to questions from Lamphere to Forbus "to get him to explain what his mental or physical process" was when decisions were made about the mansion, a transcript of the deposition said.

Among the questions posed to Forbus was, "Wasn't it your intent at the public hearing on Jan. 26, 1988, to tell the public at large that you felt it was unfair to single out certain county citizens for punitive treatment (when) there were open and notorious examples of other county citizens who were getting away without any — with-

out any penalty whatsoever?"

Forbus and Sherry Mehl voted against the demolition order; Cucchiara, Gary Patton and Robley Levy voted for it. Mehl, Patton and Levy are still on the board.

Another question posed to Forbus was, "Isn't it true that in 1987 Mr. (Lou) Batigalupi (then head of county building inspections) came before you as a supervisor and told you there was no framing inspection and that's the reason why he didn't catch the so-called illegal building?"

The county is also asking the court for permission to allow some inspections and tests of the property.

The hearing is set for 8 a.m. before Superior Court Judge Tom Black.