

V 05-21

VARIANCE FINDINGS

Please respond to each question in as much detail as you possibly can.
(Attach additional pages if necessary)

- 1) Will the granting of this variance be detrimental to other properties or land uses in the area or substantially interfere with the present or future ability to use solar energy systems?

No. The granting of this Variance from a 50' County imposed front yard 'setback', to the 25' front yard setback which is 'standard' for RS5 zoning throughout the community of Yucca Valley, will not impact or be detrimental to any other properties in the area, nor will it interfere with anyone's solar. I am told by Planning & Zoning, this arbitrary 50' setback was instituted by San Bernardino County, thirty-plus years before the town of Yucca Valley was incorporated. Its purpose is long forgotten.

In fact, the granting of my Variance will be a benefit to, and enhance all, of the properties similar to my own to the west of my property on the south side of paved Navajo Trail, because they are all hampered in development by the same County imposed 50' setback, due to topography of these lots down slopping from street level.

- 2) Are there exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply to other properties in the same district or vicinity?

Yes. Directly across the street, on the north side of Navajo Trail, the setback is 25'. Furthermore, to the east of my property, the topography changes so that lots #58, 57, and so on to the east, are on land at street level or above, and so are not adversely effected by a large front yard requirement. The problem is, that when land drops downward at the edge of the street 'right-of-way' (effectively the front 'property line'), then the larger the setback, the taller supporting columns need to be from caissons at grade level, which must go down to bedrock. Because this is the economic scale of the 'high desert', and not Beverly Hills, every dollar of construction costs are precious, and so if the foundation needs to begin 50' out from the front property line, the cost of construction becomes exorbitant and economically unfeasible.

- 3) Will the strict application of the land use district regulations deprive such property of privileges enjoyed by other properties in the vicinity or in the same land use district?

Yes. Navajo Trail, located 1/8 of a mile south of Hwy 62 (29 Palms Highway) is not a 'Fire Road'. So there are no perceived benefits for a setback of 50' on the south side of paved Navajo Trail, of which the entire length is merely less than one eighth of a mile in either direction, going east or west from Pinon Dr.

In this RS5 zoning, most properties are comfortably developed with a 25' front setback, but in the instance of lots down slopping from the edge of the street, every horizontal foot equates to a foot vertically downward, and so at fifty feet horizontally from the street property line, the beginning foundation is already 50' below a garage at street level.

- 4) Is the variance request in conformance with the objectives, policies, and programs specified in the General Plan and any applicable plan?

Yes. The town of Yucca Valley General Plan is designed to enhance reasonable and economical development for the benefit of the community at large, and for those wishing to make Yucca Valley their future home. Removing an antiquated 50' setback requirement, imposed upon land made useless by that County imposition (which has no apparent purpose), and substituting it with a 25' setback, similar to 87% of the town's residential requirement, will therefore be in conformity with the town General Plan, which is the objective here.

Charles A. Gabriels

Application modified 10-05-2016

11/18/2021