



Variance Application

Date Received	<u>12/15/2021</u>
By	<u>J. Jerome</u>
Fee	<u>\$865.00</u>
Case #	<u>V 06-21</u>

General Information

APPLICANT Michael Harris Phone 6503888022 Fax _____

Mailing Address 3729 Laurel Way Email mvharris@gmail.com

City Redwood City State CA Zip 94062

REPRESENTATIVE _____ Phone _____ Fax _____

Mailing Address _____ Email _____

City _____ State _____ Zip _____

PROPERTY OWNER Michael Harris Phone 6503888022 Fax _____

Mailing Address 3729 Laurel Way Email mvharris@gmail.com

City Redwood City State CA Zip 94062

Project Information

Project address or location 56884 Tish Trail

Assessor Parcel Number(s) 059610127

Description of variance being requested Requesting western setback from Land Patent right-of-way be reduced to zero. Proposed setback would still be 50' from property line.

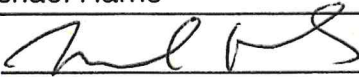
Applicant Signature [Signature]

Property Owner Signature [Signature]

Owner/Applicant Authorization

Applicant/Representative: I/We have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my/our knowledge. I/We further understand that the Town may not approve the application as submitted, and may set conditions of approval. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. Additional fees may be required depending on additional administrative costs.

Name: Michael Harris

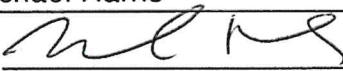
Signature: 

Date: 12/8/21

Property Owner: I/We certify that I/We are presently the legal owner(s) of the above described property (If the undersigned is different from the legal property owner, a letter of authorization must accompany the form). Further, I/We acknowledge the filing of this application and certify that all of the above information is true and accurate. I/We understand that I/We are responsible for ensuring compliance with conditions of approval. I/We hereby authorize the Town of Yucca Valley and or/its designated agent(s) to enter onto the subject property to confirm the location of existing conditions and proposed improvements including compliance with applicable Town Code Requirements. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. Additional fees may be required depending on additional administrative costs. I am hereby authorizing

_____ to act as my agent and is further authorized to sign any and all documents on my behalf.

Name: Michael Harris

Signature: 

Dated: 12/8/21

Agreement to Pay All Development Application Fees


In accordance with Town Council Resolution 04-38 the Town collects certain fees based on the actual cost of providing service. The application deposit for this project (as indicated below) may not cover the total cost of processing this application. I/We are aware that if the account has 25% or less remaining prior to completion of the project, staff will notify the undersigned in writing, of the amount of additional deposit required to complete the processing of the application, based on Staff's reasonable estimate of the hours remaining to complete this application process.

Further, I understand that if I do not submit the required additional deposit to the Town within 15 business days from the date of notification by the Town, the Town will cease processing of the application and/ or not schedule the project for action by the Planning Commission or Town Council until the fees have been paid.

Any remaining deposit will be refunded to me at time of closeout after I have submitted any required approved project plans and forms, including signed conditions of approval, or upon my written request to withdraw the application.

As the applicant, I understand that I am responsible for the cost of processing this application and I agree that the actual costs incurred processing this application will be paid to the Town of Yucca Valley.

Deposit Paid: \$ 865

Applicant's Signature 

Date: 12/8/21

Applicants Name Michael Harris
(Please print)

Remaining balance refunded to:
Michael Harris
3729 Laurel Way
Redwood City, CA 94062

Property Owners Mailing List

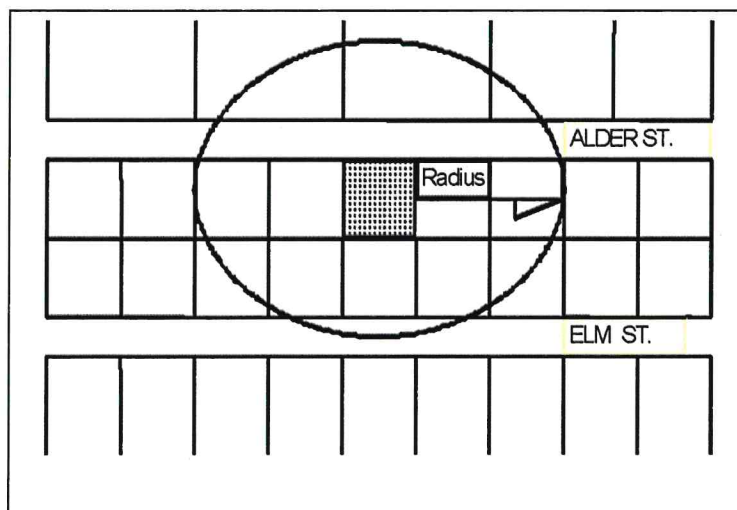
All applications that are subject to a Public Hearing require the applicant to submit a list of property owners who own property contiguous to and within 300 feet of the project site. This process is required by Section 83.010330 of the Development Code to notify residents and property owners in the immediate vicinity. Staff will send public notices to these individuals informing them of the proposed project and scheduled public hearings.

The surrounding property owner information must be obtained from the most current San Bernardino County Assessor's roll or shall be prepared and verified by a title company doing business in San Bernardino County. A County Assessor's office is located at 63665 29 Palms Hwy in Joshua Tree. The general telephone number for the Assessor's office is 760-366-1420.

MATERIALS REQUIRED:

- Two (2) sets of adhesive labels containing the mailing address of the owner(s), applicant(s) and of all surrounding property owners, including vacant properties. Mailing labels must contain: Assessor's Parcel Number, property owners name, address and zip code.
- One (1) copy of the labels sheets.
- One (1) radius map showing the subject property and all surrounding properties. The appropriate radius shall be drawn from the exterior boundaries of the subject property as shown in the sample below. The scale of the radius map shall be large enough to clearly show all surrounding properties.
- One (1) electronic copy of all submitted materials.

Sample Vicinity/Radius Map

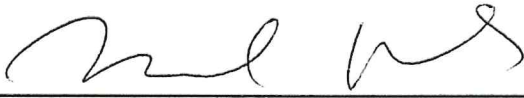


Town of Yucca Valley
Community Development Department
Planning Division
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084
www.yucca-valley.org



SURROUNDING PROPERTY OWNERS LIST CERTIFICATION
(To be submitted with application)

I, Michael Harris, certify that on _____ the attached property owners list was prepared by Michael Harris pursuant to the requirements of the Town of Yucca Valley. Said list is a complete compilation of the owner(s), applicant(s) and representative of the subject property and all owners of surrounding properties within a radius of 300 feet from all exterior boundaries of the subject property and is based on the latest equalized assessment rolls of the San Bernardino County Assessor's Office dated 11/1/2021. I further certify that the information filed is true and correct to the best of my knowledge; I understand that incorrect and erroneous information may be grounds for rejection or denial of the development application.

Signed: 

Print Name: Michael Harris Date: 12/8/21

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?

See Attached

- 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?

See Attached

- 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?

See Attached

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

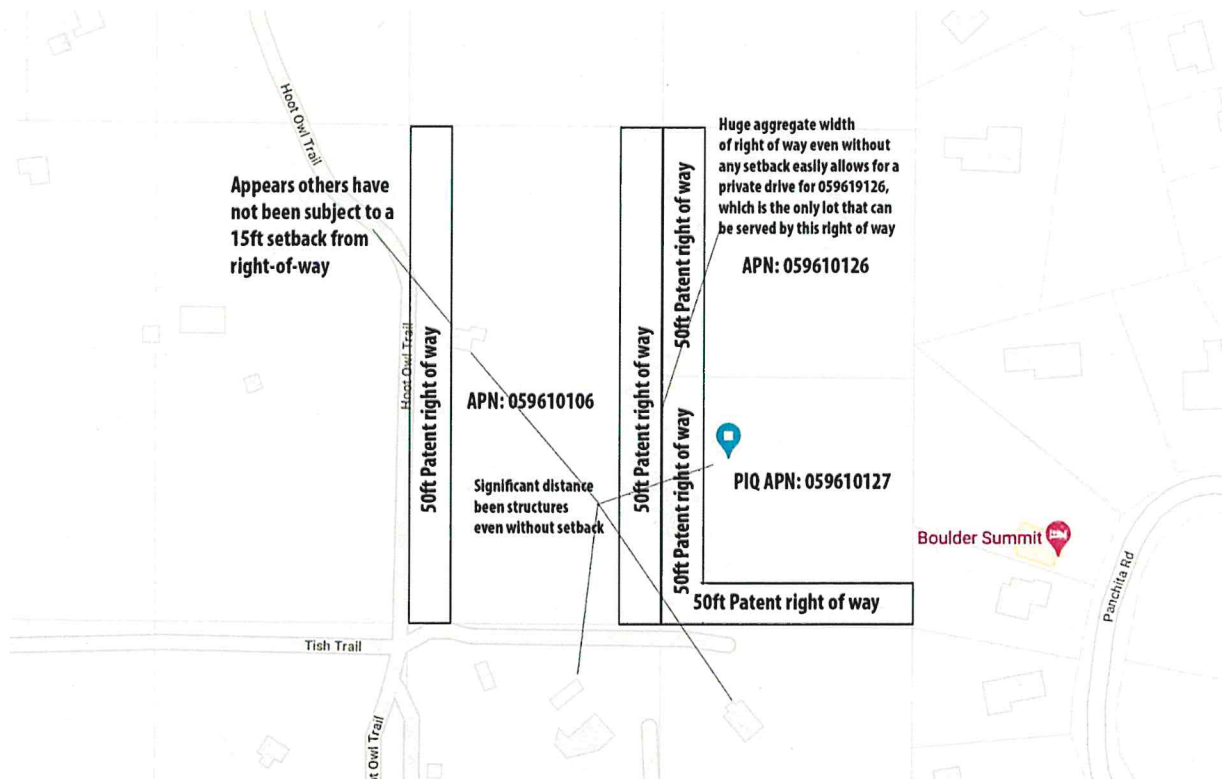
See Attached

Variance Finding:

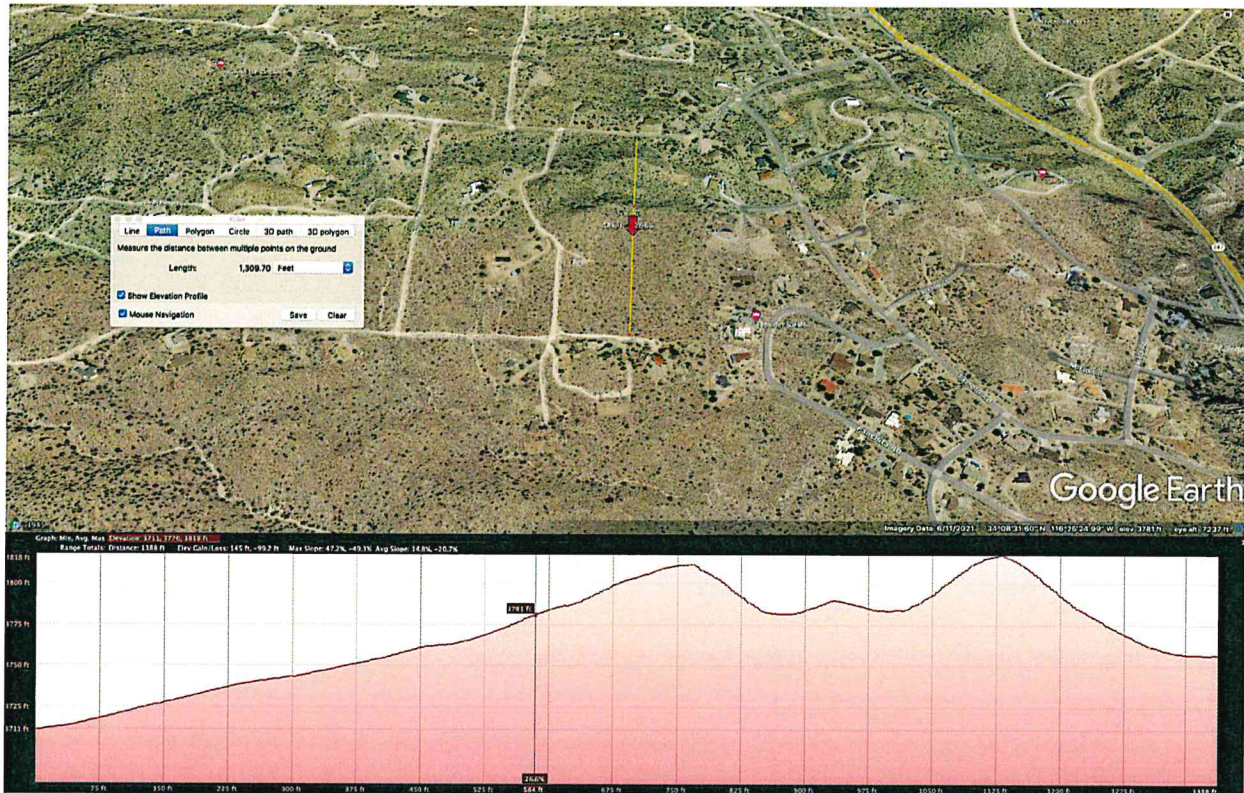
1. Will the granting of this variance be detrimental to other properties or land uses in the area or substantially interfere with the present or future ability to use solar energy systems?

No, due to the substantial size of the Land Patent reservation of 50' there will be abundant setback and spacing between the proposed residence and neighboring residences. The right-of-way is currently unused and can only serve a single undeveloped property. Due to the steeply sloping topography to the north of the property it is unlikely any public road would be built on the right-of-way as the grade exceeds 25% in multiple areas when traversing the right-of-way to the nearest public road. This lot is also the deepest lot possible to the east of the neighborhood so no additional lots beyond the one to the north could be accessed if a public road were to be built on the right-of-way. There are already established alternate routes to the neighborhood with reasonable grades over existing rights-of-way or dedications. The right-of-way will also remain intact for access to that single parcel to the north that may need to use it. Additionally the neighboring parcel to the east has a 50' right-of-way for the same use, so 100' will still be provided for access to the single parcel to the north which would allow for large actual setback from any private drive that would be built.

There will be no impact on solar energy systems.

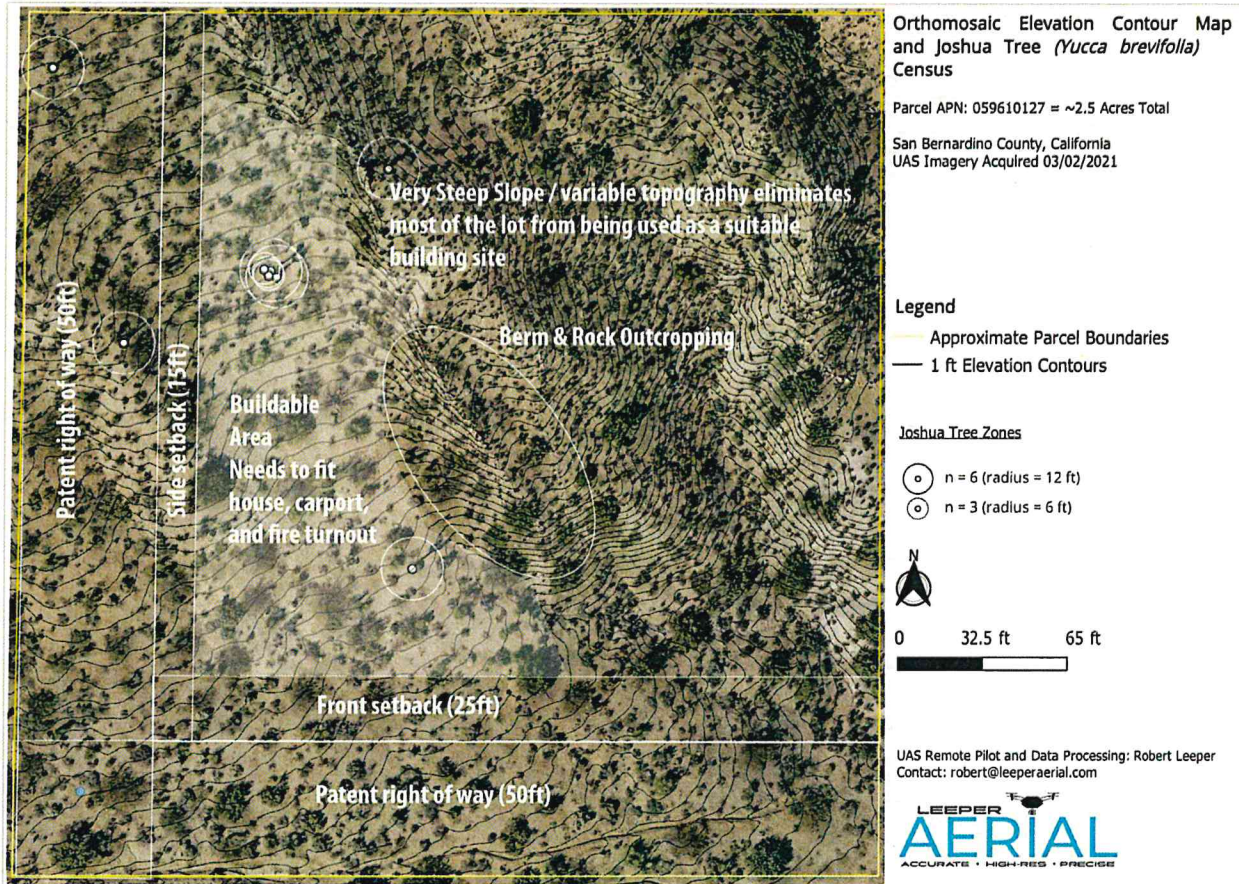


Street grade requirements if this right-of-way were to become a public road:



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. The topography of the site is relatively flat from east to west on the western half, but steeply sloped on the eastern half. This requires the house to be placed closer to the western border of the lot. Additionally the unusually wide patent right of way eliminates much of the flatter area of the lot. The slope from north to south means the house needs to be relatively shallow in that dimension to minimize grading requirements to keep the natural landscape as intact as possible. Additionally a berm exists with a rock outcropping near the center of the lot that requires the house to be significantly elevated (or the rocks removed) to clear it if the house were positioned further to the east. Therefore the best way to fit the house is using a long slender shape as proposed which would then be inside the setback from the right-of-way. The carport and fire turnout should be to the south of the house to minimize the distance to the road for fire access and minimize grading for the road. Multiple alternate positions of the structure were attempted by the architect and all resulted in more disturbance to native plants, grading requirements, and/or damage to the landscape (rock removal). Repositioning on top of the berm also requires the house be built taller, which would be detrimental to the viewshed from neighboring properties.



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. Many of the other lots in the area have fewer topographic challenges and also have smaller Land Patent right-of-way dimensions. The width of the right-of-way is unnecessary to provide access to a single as-of-yet undeveloped parcel. Additionally it appears the neighbor to the west has built directly beside their 50ft patent reservation without any side setback. There is also precedent for even greater accommodation (vacation of right-of-way and reduction of setback) for similarly challenged properties in the neighborhood (see variance case V-02-18 and street vacation case SV-01-19 for APN 0596-091-16). That variance recommendation by staff also references 4 additional prior variances approved for topographical constraints.

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

Yes. This variance request allows a design that creates maximum distance between all neighboring structures to maintain the privacy and rural intent of the RL-5 zoning. The proposed project also attempts to minimize disturbances to natural landscape by minimizing grading and rock removal requirements. The house will be built on a raised steel foundation to minimize grading. The drive / fire turnout is placed on the flattest and closest position of the lot to the road. Alternate designs without additional cut/fill result in a taller structure that would interfere with neighboring property's viewshed. The proposed design still retains a larger aggregate setback from the property line than the typical 33ft easement + 15ft setback. The proposal does not negatively affect any neighboring property.

The variance is compatible with the following policies of the General Plan. Policy LU1-5 states "encourage land use development patterns that preserve the Town's scenic resources, such as ridge lines and hillsides". Policy LU 1-12 states "preserve the desert character of existing low-density residential areas to the greatest extent possible". Policy OSC 8-2 states "protect, preserve and enhance the Town's hillsides, mountains, canyons, and natural desert terrain" and Policy OSC 8-4 states "reduce the negative impact of hillside development, including excessive cuts and fills, unattractive slope scars and erosion and drainage problems".