

Variance Overview for:

54005 Pinon Dr  
Yucca Valley, CA 92284

I, Jason Harvey, as the owner of 54005 Pinon, am presenting this application for a variance on the building setback on the Western property line. This property setback inhibits the development and usage of my property in a way that is unfair to my property specifically. The undersized nature of my property, extreme topography, and lack of available usable land, has created a scenario in which a re-zoning setback increase has unfairly influenced the use and enjoyment of my property.

In 1957, Tract 4762 of San Bernardino County was created. The original CCnR's states ; "**All Lots in said Tract shall be zoned 'R-1'**". In 1979, a single family residence was built on 54005 Pinon. The vacant parcel includes extreme topography in which a granite slope was cut into to create a flat pad for the home (**See Picture A for reference**). Furthermore, a necessary driveway, turn around area, retaining wall, and sloped concrete retaining system was installed to the North and East of the property to ensure proper retention and access. This left a small pad for the structure. (**Photos B and C**) The structure was built to code at the time (under R1 Zoning), as it lies over 5' from the western side-property boundary and leaves a 15' setback from the east side-property boundary. The brick wall that was constructed with the original property lies on the flat part of the western property boundary and therefore a portion of the immediate backyard (side yard) lies against the property line (**Photo A**). Based on the original development of the home, the extreme topography, retaining system, driveway, parking, and septic tank location left an approximate 515 sq ft of backyard. (**Photo B**). It should be noted that although hillside properties exist in the area, the extent that was put into the retention system (Block wall and gunite hillside) and proper access is far and beyond any other residence in the area. Extreme effort and money was allocated in an effort to maximize what was inevitably going to be a very small amount of usable outdoor space and this was crucial to the design and vision for the original developers.

In the 1990's (Date unknown), Tract 4762 was re-zoned to RL2.5. Which caused the structure to become partly non-conforming due to an increase in the Side-Yard setback requirements (**Photo B**). The parcel itself also was non-comforming due to minimum parcel size as RL2.5 has a minimum conforming size of 2.5 acres and my parcel is .98 acres. The new zoning also negatively affected my usage as the side yard building setback increased from 5' to 15'. This shrank my already extremely small backyard by 30% to 330 sq ft. (All yard measurements are estimations based on google earth measuring tools)

The town of Yucca Valley states that variances are considered based on "... a property that has special circumstances such as size, shape, topography, location, or surroundings that deprive the property owner of privileges enjoyed by other property owners in the vicinity under identical zoning classifications." This property does indeed suffer from lack of usage and enjoyment in relation to other properties in the area due to the extreme topography of the site

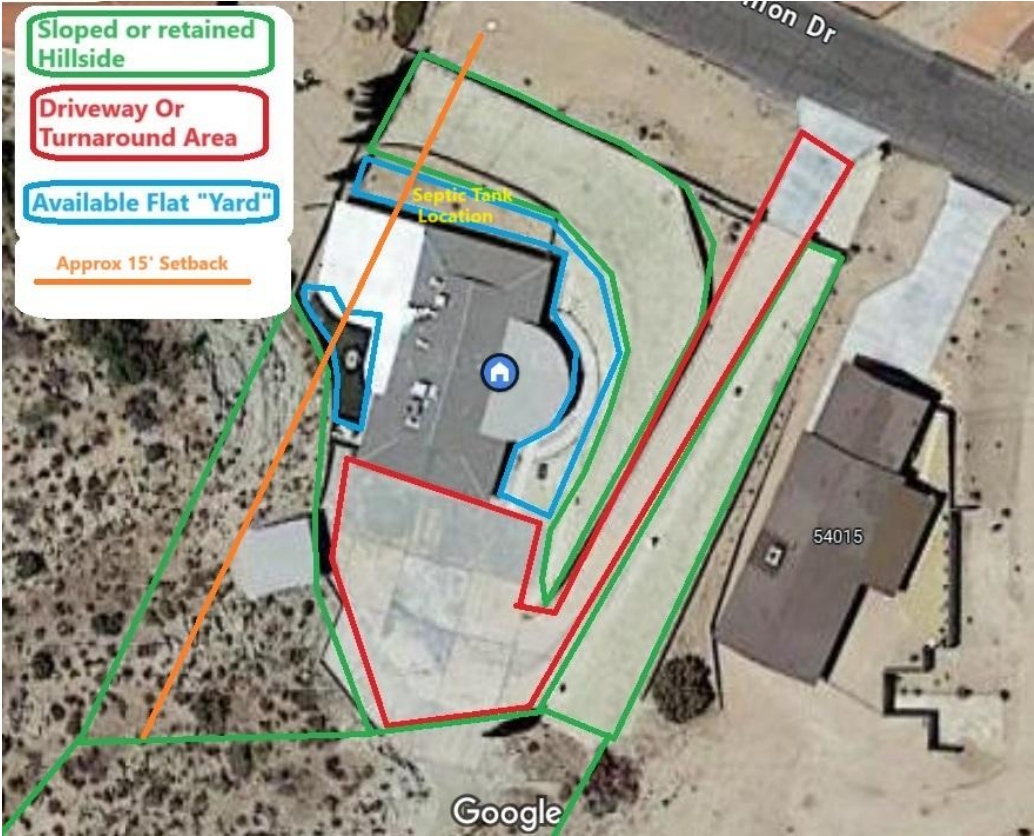
which shrinks the functional available land and is significantly undersized for the zoning designation in which it is now governed. Furthermore, it has been unfairly influenced by the zoning setback change. There exists no other property in tract 7462 in which the rezoning change of a 5' setback to a 15' setback of a side yard, encroaches on a parcels usage of their functional flat back yard. In this scenario specifically, a move from the new RL 2.5 constraints (15' setback on the western side boundary), back to the constraints that the property was designed within (5' on northern boundary), eliminates the non conforming nature of the existing structure and alleviates further restrictions set on an already extremely encumbered parcel.

Thank you  
Jason Harvey

**PHOTO A** Taken from neighboring property from the West, Showing cutaway of hillside to create flat building pad. Block wall lies on property line. Property line continues up granite slope.



**PHOTO B** Showing aerial view of necessary infrastructure to create flat building pad, with new RL2.5 Designated setback line



**PHOTO C** showing extensive topography and retaining system. Photo was taken from Pinon Drive, looking south.



