



Variance Application

Date Received	<u>2/21/2024</u>
By	<u>J. Javana</u>
Fee	<u>865</u>
Case #	<u>V02-24</u>

Proj 3612

General Information

APPLICANT DANIEL HAMILTON Phone 760-228-2328
 Mailing Address P.O. Box 2002 Email SHAMEONBUSH@YAHOO.COM
 City YUCCA VALLEY State CA Zip 92286


REPRESENTATIVE _____ Phone _____
 Mailing Address _____ Email _____
 City _____ State _____ Zip _____

PROPERTY OWNER DANIEL HAMILTON Phone 760-228-2328
 Mailing Address P.O. Box 2002 Email SHAMEONBUSH@YAHOO.COM
 City YUCCA VALLEY State CA Zip 92286

Project Information

Project address or location 56363 EAGLES NEST
 Assessor Parcel Number(s) 0585-372-74-0000

Description of variance being requested SETBACK ADJUSTMENT FROM 15' TO 6'-2" AND WITH A SPAN OF APX 17' ALONG THE EAST PROPERTY LINE FOR A CORNER OF AN EXISTING GARAGE STRUCTURE THAT'S ENCRDACHING THIS SPACE DUE TO TOPOGRAPHY + FOUND TO HAVE BEEN BUILT WITHOUT PERMITS.

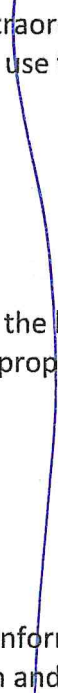
Applicant Signature _____
 Property Owner Signature 

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

VARIANCE FINDINGS

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?

The granting of such variance will not be materially detrimental to other properties or land uses in the area and will still ensure ample distance between neighbors as desired within this RL-5 zoning district. The 2.5 acre parcel (058537220000) directly east of Subject property line is vacant with significant amounts of buildable space being situated well to the north of where this variance is being sought. Therefore, this variance would not interfere with any future building or use of solar energy systems to this lot or any of the other surrounding vacant lots nor would it interfere with any future roads for utility easements as power poles already exist on the opposite sides of these 2 parcels.

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. Pursuant to Government Code section 65906, the Subject is extraordinary as it is the only property in the area with an existing primary residence (built in 1962) that is situated on a hilltop surrounded by moderate to steep topography leaving an extremely limited amount of actual usable, improvable land (see attached picture exhibits) and consists of a smaller lot size of 1.25 acre as opposed to the majority of 5 acre lots in this RL-5 zoning district. Even the rear setback for the 720sf primary residence is just over 6ft which further supports the fact that there just simply is a very limited amount of usable space for which to improve upon. The garage was built in 2011 on the absolute only spot it could have been built with significant considerations given to orientation for maximum health & safety in order to allow enough space for fire dept to be able to turn around while still achieving the least amount of area variance relief being sought. Additionally, this only available space had already existed, and was excavated back in the late 1950's to early 1960's in the same time period the primary residence was built (see attached aerial picture exhibit from 1996 showing existing cleared pad and driveway). No new excavation was done. No new alteration or disturbance to existing natural landscaping. No Joshua Trees or native plants were disturbed.

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. Pursuant to Government Code section 65906, this nominal reduction in setback distance due to terrain and topography would simply restore Subject property to the same level of lot utility as neighboring homes currently experience. The two other nearby homes on 1.25 ac lots already have garages. The majority of lots in the area are vacant but have ample room to build a home as they do not have the same severe topographic limitations inhibiting them from available lot utility within their zoning setbacks

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

VARIANCE FINDINGS (continued)

Yes. This variance would be in conformance with the town's general plan & objectives and lot coverage and gross density for this RL-5 zoning district would still be achieved as it would allow for the highest and best use of the land while still preserving the natural hillside environment and accomplish substantial justice for the owner.

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.

Signature: _____

Name: _____

Date: _____

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.

Signature:  _____

Name: DANIEL HAMILTON

Date: FEB 20, 2024

The Town of Yucca Valley is granted release to copy and reproduce electronically, in whole or in part, drawings and all other materials submitted with this development application for the Town's regulatory, administrative, and legal functions, including sharing of information with other governmental entities and for compliance with the California Public Records Act (CPRA). If any of these statements cannot be affirmatively acknowledged, please inform the planner before submitting a development application.

Signature: _____

Name: _____

Date: _____

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


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: \$ 865.00
Applicant Signature 
Applicant Name DANIEL HAMILTON
(Please print)

Remaining balance refunded to:

DANIEL HAMILTON
P.O. Box 2002
YUCCA VALLEY, CA 92286



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

I, DANIEL HAMILTON, certify that on FEB 07 2024 the attached property owners list was prepared by FIDELITY NATIONAL TITLE 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 02/2024. 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: DANIEL HAMILTON

Date: FEB 19, 2024

DANIEL HAMILTON
56363 EAGLES NEST
YUCCA VALLEY, CA 92284

APN: 0585-372-74-0000

Property Owners Mailing List

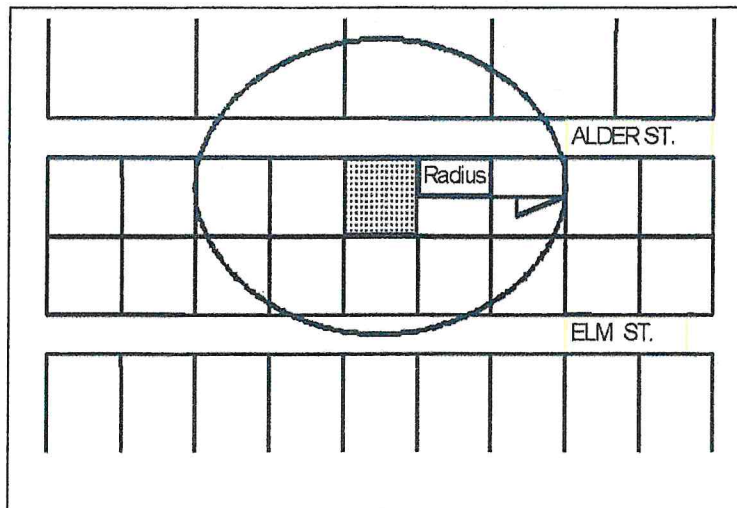
All applications that are subject to a Public Hearing require the applicant to submit a list of property owners who own property contiguous to and within **300 feet of the project site**. This process is required by Section 83.010330 of the Development Code to notify residents and property owners in 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



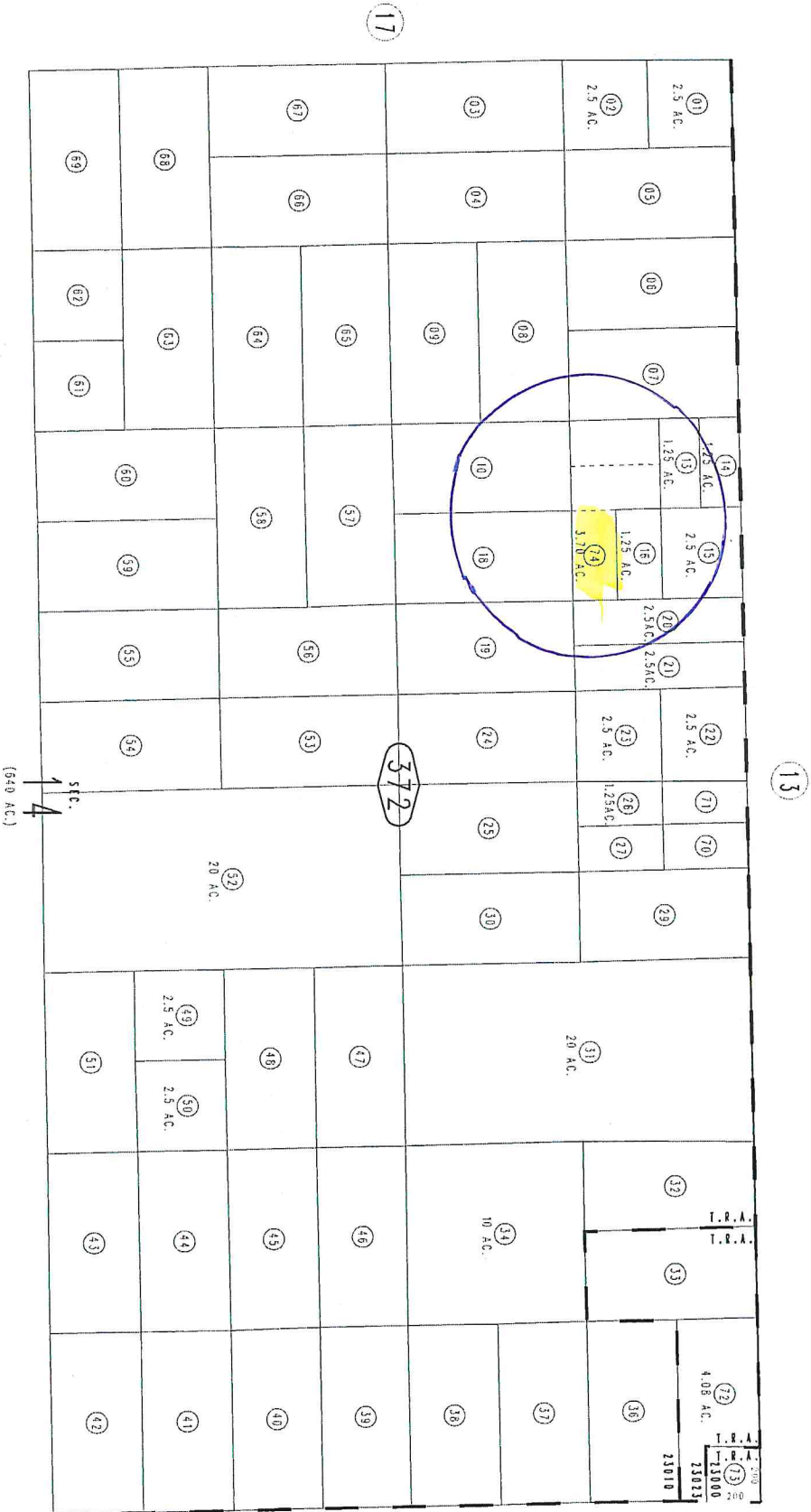
Town of Yucca Valley
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760 369-6575 Fax 760 228-0084
www.yucca-valley.org

THIS MAP IS FOR THE PURPOSE
OF AD VALOREM TAXATION ONLY.



N.1/2 Sec.14 T.1S.,R.5E., S.B.B.&M.

Town of Yucca Valley 0585-37
Tax Rate Area
23000,23010,23023



March 2005

Assessor's Map
Book 0585 Page 37
San Bernardino County

REVISED
12/17/19 KA

0585-372-07-0000
Stephinie Pointer
24301 Los Serranos Dr
Laguna Niguel, CA 92677-2143

0585-372-08-0000
Tddo Properties Llc
35 N Arroyo Pkwy 240
Pasadena, CA 91103-3902

0585-372-10-0000
Tddo Properties Llc
35 N Arroyo Pkwy 240
Pasadena, CA 91103-3902

0585-372-13-0000
Kathlyn Coffey
1074 Goldenrose St
San Pedro, CA 90731-1455

0585-372-14-0000
Of Dalchow John J-Est
4802 Lake Dawnwood Dr
Johnsburg, IL 60051-7756

0585-372-15-0000
Susan Kaku
56523 Golden Bee Dr
Yucca Valley, CA 92284-4238

0585-372-16-0000
Ricardo & Carrie Huerta
4189 Santa Ana St F
Ontario, CA 91761-1557

0585-372-18-0000
Thomas & Krista Wargo
56333 Vaduz Ave
Yucca Valley, CA 92284-4320

0585-372-19-0000
Matthew Kirchoff & Alissa Maggiacomo
Po Box 2051
Yucca Valley, CA 92286-2051

0585-372-20-0000
Arenson-Smart Family
12732 Sarah St
Studio City, CA 91604-1135

0585-372-21-0000
Lauren Arenson & Marshall Smart
12732 Sarah St
Studio City, CA 91604-1135

0585-372-74-0000
Daniel Hamilton
Po Box 2002
Yucca Valley, CA 92286-2002

0585-372-07-0000
Stephinie Pointer
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Laguna Niguel, CA 92677-2143

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12732 Sarah St
Studio City, CA 91604-1135

0585-372-74-0000
Daniel Hamilton
Po Box 2002
Yucca Valley, CA 92286-2002

~~0585-131-63-0000
Ae Group Llc
5461 W Jefferson Blvd
Los Angeles, CA 90016-3715~~

0585-372-07-0000
Stephinie Pointer
24301 Los Serranos Dr
Laguna Niguel, CA 92677-2143

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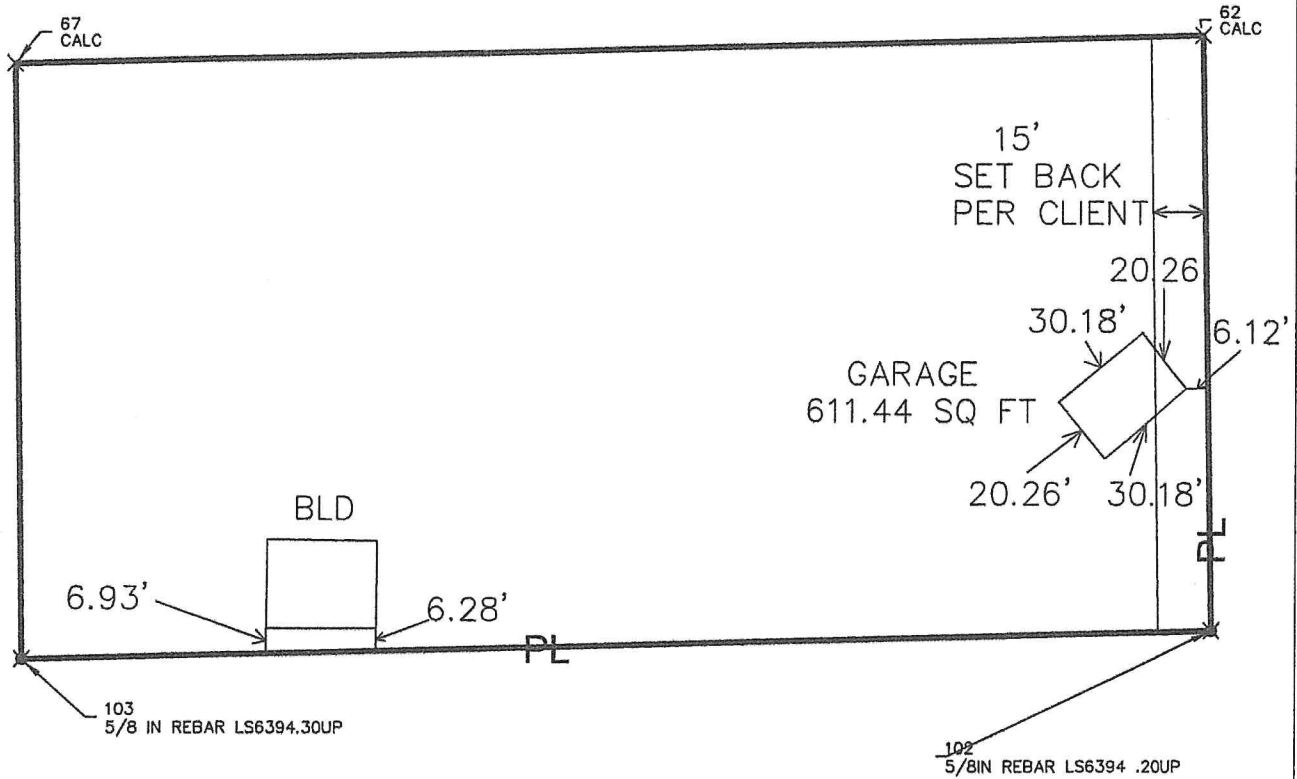
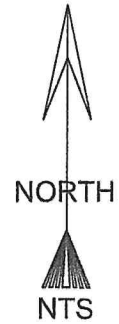
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0585-372-74-0000
Daniel Hamilton
Po Box 2002
Yucca Valley, CA 92286-2002

13 labels printed

SKETCH PLAT

APN: 0585-372-74-0000
PREPARED FOR: DANIEL HAMILTON,
56363 EAGLES NEST
YUCCA VALLEY, CA



PREPARED BY:
LSAP CONSULTANTS LLC
ADDRESS: 14997 MCGARGER ROAD,
DESERT HOT SPRINGS, CA 92240
(760) 288-2232
DATE : DECEMBER 2023

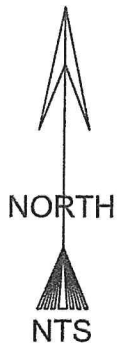
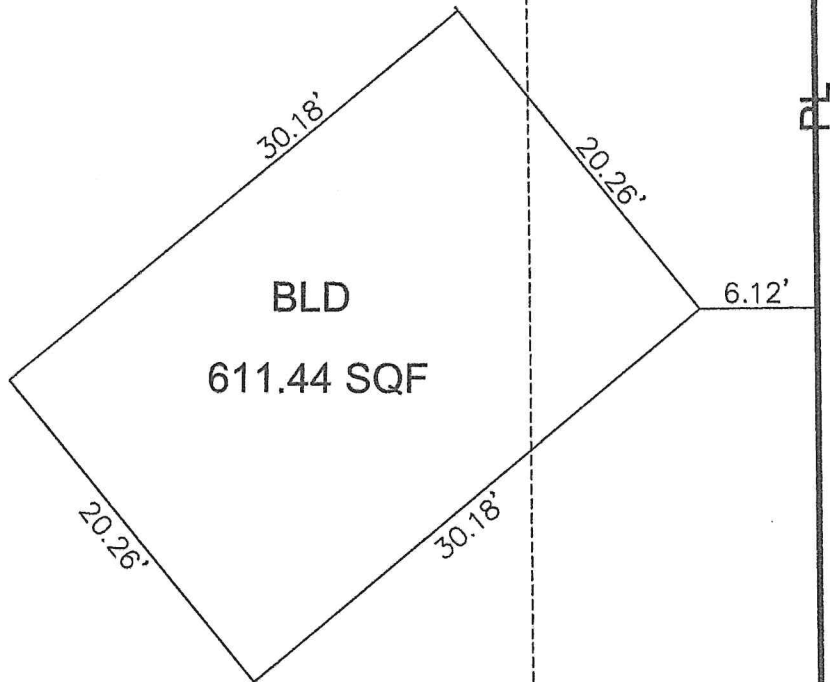


SHEET 1

OF 1

SKETCH PLAT

APN: 0585-372-74-0000
PREPARED FOR: DANIEL HAMILTON,
56363 EAGLES NEST
YUCCA VALLEY, CA



PREPARED BY:
LSAP CONSULTANTS LLC
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(760) 288-2232
SURVEY@LSAPCONSULTANTS.COM
DATE : DECEMBER 2023



SHEET 1
OF 1