

ATTACHMENT 5

RESOLUTION NO. PC-2021-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING VARIANCE VAR21-00001 TO ALLOW FOR A REDUCTION IN THE REQUIRED FRONT YARD BUILDING SETBACK LINE AS RECORDED PER TRACT MAP NO. 5373, FROM 50 FEET TO 25 FEET WITHIN THE R1-18000 SINGLE-FAMILY RESIDENTIAL ZONE LOCATED 8345 BUCKTHORN AVENUE (VAR21-00001)

WHEREAS, Tito's Construction, LLC have filed an application requesting approval of VAR21-00001 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 0.50 acre lot located at 8345 Buckthorn Avenue and consists of Assessor's Parcel Number 0412-281-03; and

WHEREAS, the Application, as contemplated, proposes to reduce the front yard building setback line of 50 feet to 25 feet; and

WHEREAS, the subject property as well as the surrounding properties are within the R1-18000 Single-Family Residential zone. The subject property is currently vacant, most of the surrounding properties have existing residences except for some parcels spread out throughout the vicinity, which remain vacant; and

WHEREAS, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 15303, New Construction of Small Structures; and

WHEREAS, on April 8, 2021, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced April 8, 2021 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same designation. As most of the surrounding properties do not have drainage constraints, the applicant does not have the same privileges enjoyed by other owners, due to the natural flow of the water that drains through his property; and
- (b) There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone. The subject site has a steep downward slope, approximately 20 feet descending

from the front of the property to the rear of the property and contains an upward slope on the southwest corner of the site. The proposed variance would allow for a 25 foot reduction from the recorded front yard building setback line, which will allow the applicant to develop the site with less site constraints. As such, there are exceptional circumstances as it relates to the drainage of the property that prevents the applicant from developing the site that do not apply generally to other properties in the vicinity; and

- (c) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges that could be enjoyed by the owners of other properties in the same designation in the future. As properties in the vicinity do not have major drainage constraints, the recorded 50-foot front yard building setback line deprives the applicant from enjoying the same privileges as other property owners. The applicant will need to conduct major grading to the site and conduct various methods to provide proper drainage to the site before the property could be developed; and
- (d) The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same designation. As stated above, the subject property has drainage constraints that other properties in the vicinity do not. Additionally, the reduction of the front yard setback from 50 feet to 25 feet, will remain in compliance with Section 16.16.120 of the Hesperia Municipal Code, as the minimum required front yard setback within the R1-18000 Single-Family Residential zone is 25 feet; and
- (e) The granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The reviewing authority believes that approval of the Variance will not have an adverse effect on abutting properties, as the proposed development will consist of a single-family residential home which will be consistent with single-family development within the R1-18000 Single-Family Residential zone. Furthermore, the proposed development complies with the development standards of the R1-18000 zone.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR21-00001.

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 8th day of April 2021.

Cody Leis, Chair, Planning Commission

ATTEST:

Maricruz Montes, Secretary, Planning Commission