

City of Hesperia STAFF REPORT



DATE: April 8, 2021
TO: Planning Commission
FROM: Chris Borchert, Principal Planner
BY: Edgar Gonzalez, Associate Planner
SUBJECT: Variance VAR21-00001; Applicant: Tito's Construction, LLC; APN: 0412-281-03

RECOMMENDED ACTION

It is recommended that the Planning Commission hear from any parties involved and determine whether to adopt Resolution No. PC-2021-04, approving VAR21-00001.

BACKGROUND

Proposal: A Variance to allow a proposed single-family residential home to reduce the required front yard building setback line as recorded per Tract Map No. 5373, from 50 feet to 25 feet (Attachment 1).

Location: 8345 Buckthorn Avenue

Current General Plan, Zoning and Land Uses: The site is within the R1-18000 Single-Family Residential designation. The surrounding land is all designated R1-18000 Single-Family Residential as well. The surrounding properties on all sides contain single-family residences (Attachment 2).

ISSUES/ANALYSIS

Many tract maps that were recorded back in the 50's and 60's, included a 50-foot front yard building setback line that required all single-family homes to be constructed behind this setback. These tracts were recorded prior to the incorporation of the City of Hesperia in 1988. Per the adopted City of Hesperia Municipal Code, section 16.16.120 - Development Standards, the minimum front setback for a single-family residential home within the R1-18000 zone is 25 feet. The applicant is requesting a variance to reduce the required front yard building setback line as recorded per Tract Map No. 5373, from 50 feet to 25 feet. If the variance is granted, the proposed front setback will remain in compliance with the R1-18000 Single-Family Residential requirements.

The unique circumstance limiting the property to comply with the building setback is the current drainage of the site. The natural flow of the water has been draining through his property for years, creating erosion and a steep slope, which is approximately 20 feet descending from north to south. The property to the west sits at a higher elevation than the property to the east. The subject property has additional constraints, as properties in the vicinity do not have major drainage issues. The applicant will need to conduct major grading and conduct various methods to provide proper drainage through the site (Attachments 3 & 4).

Typically, the City will issue a certificate of correction to reduce the front yard building setback when it is clear that other homes have similar setbacks. The homes that have been constructed within the vicinity have complied with the 50-foot front yard building setback line. A 25-foot front building setback means the proposed house will be constructed closer to Buckthorn Avenue than existing homes along that street, therefore making the home look out of character within the neighboring area and setting a precedent for future residential developers to apply for a variance to vary from the recorded building setback line.

Findings for a Variance: The findings for a Variance are as follows:

- A. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development code;
- B. There are exceptional or extraordinary 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 land use designation;
- C. 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;
- D. The granting of the minor exception or variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same designation;
- E. The granting of the minor exception or variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Environmental: Approval of the Variance is exempt from the requirements of the California Environmental Quality Act by Section 15303, New Construction or Conversion of Small Structures.

Conclusion: The Commission should determine if the existing property constraints outweigh the inconsistency in the neighborhood to warrant the approval of the variance. The subject property has additional drainage constraints that other properties in the vicinity do not. If the reduction of the front setback is granted, the proposed house will also be inconsistent or out of character with the existing houses on Buckthorn Avenue and within the vicinity.

ALTERNATIVE

- 1. Provide alternative direction to staff.

ATTACHMENTS

- 1. Vicinity Map
- 2. Tract Map No. 5373 (Sheet 12)
- 3. Applicant's site plan/grading plan
- 4. Photos of the site
- 5. Resolution No. PC-2021-04 approving request