



Variance Application

Date Received	3/26/25
By	Even
Fee	\$1505.00
Case #	V 01-25

General Information

APPLICANT Charles A. Gabriels Phone (626) 533-8878
 Mailing Address 1020 S. Mountain Ave #16 Email chuck@gammausa.com
 City Monrovia State CA Zip 91016
REPRESENTATIVE Charles A. Gabriels Phone (626) 533-8878
 Mailing Address 1020 S. Mountain Ave #16 Email chuck@gammausa.com
 City Monrovia State CA Zip 91016
PROPERTY OWNER Charles A. Gabriels Phone (626) 533-8878
 Mailing Address 1020 S. Mountain Ave #16 Email chuck@gammausa.com
 City Monrovia State CA Zip 91016

Project Information

Project address or location 57461 Bandera Rd, Yucca Valley, CA 92284
 Assessor Parcel Number(s) 0596-451-26-0000

Description of variance being requested 2.5 foot (two and one-half foot) front setback reduction, from the standard (25 feet minus 10% = 22.5 feet) Yucca Valley Development Code. Or a 60% front setback reduction in the 50 foot recorded Tract Map. In either case, reducing setback to 20 feet. 60% is the percentage this Planning Commission previous granted to 'front yard setback' Variance Applicant - V 04-21.

Applicant Signature [Signature]
 Property Owner Signature [Signature] 3/26/25

Submittal Requirements

The following information shall be submitted along with the completed application form:

Property Owners List-A list of all property owners and mailing addresses within 300 feet of the exterior boundaries of the property in question. This list will be used for public notification. This information shall be provided on mailing labels. Provide two sets of adhesive labels, one photocopy of labels, and one radius map.

Five (5) copies of a site plan of the property, showing all improvements on the property. At a minimum, a site plan shall include the following information:

- Scale, north arrow, and vicinity map.
- Location and size of existing and proposed buildings.
- Number of parking and loading spaces required and provided.
- Footprint of all existing and proposed structures on the site and within twenty-five feet (25') of the boundaries of the site.
- Required setbacks and distances between buildings and/or structures.
- Location and heights of all walls or fences with details, materials, construction, and height differentials from abutting property if fence/wall is located on a property line.
- Utility locations including easement dimensions and drainage courses.
- Septic location.

Building elevations, if required for height deviations.

Variance findings, required per state law.

Preliminary Title Report, prepared within 60 days of application submittal

Electronic copy of all material

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?

Please see Addendum

- 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?

Please see Addendum

- 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?

Please see Addendum

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

Please see Addendum

ADDENDUM TO 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?

NO:

Firstly, as my proposed three (3) story house will be constructed two stories below Bandera street level, its profile/elevation will extend less than one story above the street level, and therefore not obstruct or interfere with neighbors current or future view or line of sight.

Secondly, as of January '20, all CA single family residential construction must incorporate enough solar to serve its annual needs. My down sloping lot faces due south. Calculations show that in this Yucca Valley 'Climate Zone 14', I will need approximately eight (8) 3.5'X5.5' ground mounted solar panels. This amount of solar capacity will be well within my Property-Line boundaries, and therefore not interfere with neighboring solar.

- 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:

#1: Merely the second property east, on my same side of the street, the front yard setback is 25 feet. The address, the front yard, and the front of the house at 57505 Bandera Rd., all face onto Bandera, and all possess that 25 foot front yard setback!

#2: One of the tenets; one of the principles — governing/determining the granting of a Variance is 'Topography'.

'Topography' is the sole reason for my herein Variance Application.

Due to down slope hillside Topography, my residence needs to be constructed below Bandera street level. At the toe of the slope (my bottom P/L), that dirt road is merely an easement.

Many homes constructed within a short distance of my lot, have the privilege of being built on flat pads, or they are uphill lots, not downslope as mine is. Consequently, in near future, when the Bandera Rd. mandated sewer line is installed, 'as per the High Desert Water District', all of my sewage and waste water will need to be 'pumped' uphill. Consequently, the closer my home is sited to Bandera Rd, the less vertical pumping distance will be required. Plus, if my construction is sited too far down the slope, my driveway will be too steep to allow car access. So I herein am requesting a total of 38 feet. The existing 18 feet from 'edge-of-pavement' to my Property Line, plus a reduction in front setback to 20 feet (18' + 20' = 38'). That 30' reduction (60%) is the percentage this Planning Commission granted to V 04-21.

- 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?

NO and YES.

NO:

My Variance Application is NOT requesting a modification to the Yucca Valley 'Land Use District Regulations', as noted above.

Rather, my Variance is requesting a 30 foot (60%) reduction in a County recorded Tract Map.

Per the Yucca Valley Development Code, the front setback is 25 feet. My property and the properties immediately adjacent, have recorded 50' setbacks, from a 1965 Tract Map. That recorded 50 foot setback exceeds the Yucca Valley Development Code by 25 feet, or 100%; essentially doubling what the setback would be without the Tract Map.

So, who is in charge here? The County, or the Town?

Must I apply to San Bernardino County, for modification to their 60 year old 'recorded' Tract Map? The current Yucca Valley Land Use District Regulations specify a 25 foot front yard setback (actually 22.5 feet) in the R-L2.5 zoning where my property is located, APN 0596-451-26.

What I am requesting is a reduction in the 50 foot recorded setback I am encumbered with, that the County of San Bernardino arbitrarily recorded by Tract Map #7590, 60 years ago, long before (26 yrs before) Yucca Valley became incorporated in 1991.

Today, Yucca Valley is its own Town, no longer under the thumb of San Bernardino County.

So, the pertinent question remains: which takes precedence — an archaic non-conforming County imposed Tract Map, or the Town's 'Development Code'. If one chooses the County, then the Yucca Valley Development Code is meaningless and its terms unenforceable.

Furthermore, I am in total harmony with Deputy Town Manager Shane Stueckle, that 50 foot front yard setbacks contribute to the 'country character' that Yucca Valley's leaders wish to project, but that ambiance only applies to the plentiful Yucca Valley 'flat lots'. It has no logic when applied to down slope lots like my own, where every foot of horizontal front yard setback, equates to a negative downward distance. During Planning Commission's hearing of 9/28/2021, regarding down sloping hillside lots, Deputy Town Manager Stueckle stated, "*You can engineer almost anything*".

That is a true statement! If enough money is thrown at it. But engineering '*almost anything*', applies to communities like Beverly Hills, or Bel Air, where the construction budget is a 'blank check'.

As Planning Commissioner Chair 'Thomas' noted: "*This isn't Beverly Hills. This is Yucca Valley*".

And unfortunately, Yucca Valley does not provide the Beverly Hills ROI (Return on Investment).

The days of building for \$120 per square foot are gone forever, and \$300 and \$400 per square foot are now heard in today's construction world.

On difficult Yucca Valley down sloping sites, one's construction budget dictates that, '*anything*' cannot be 'engineered and built' here.

YES:

Deputy Town Manager Stueckle stated: "*under CA Law, Public Hearing rules are very, very specific, and those privileges you provide to one, you provide to all.*" So in that spirit, my Variance hereby requests a 60% reduction in the recorded Tract Map #7590 on my property. 60% was granted to a previous front yard setback applicant: Applicant V 04-21. That original Variance Application requested an 80% front setback reduction. But Yucca Valley's Planning Commission unanimous granted them 60%.

60% of my 50 foot setback = 30 feet. 50 feet minus 30 feet = 20 feet.

Therefore, my total setback would equate to 38 feet, because my Property Line is 18 feet from the edge-of-pavement.

In essence, my Variance Application for a 20 foot front setback, is equivalent to a mere 2.5 foot reduction, by the allowed 25 foot minus 10% = 22.5 feet, in Table #2 of the Yucca Valley 'Development Code', Section 9.07.130.

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

YES:

Table #2 of the Yucca Valley Development Code, within the Yucca Valley General Plan, specifies a 25' -10% =22.5' front yard setback, in my R-L2.5 zoning.

Furthermore, under rules of CEQA, my proposed single family residence and this Variance are exempt:

1. Pursuant to CEQA section 15305, Class 5, as the proposed Variance for a 20 foot setback 'would not result in changes in land use or density'.

2. Section 15332 of the CEQA handbook, Class 32, 'in-fill development projects', of which mine is. My proposed Single Family Residence is consistent with the Yucca Valley applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designations and regulations. My proposed new construction will occur within town limits on a site of less than 1/2 acre, surrounded by urban uses. My project has no value as habitat for endangered, rare, or threatened

species.

As per attached 'Arborist Report', there are NO Joshua Trees (Western or otherwise) on my 1/2 acre 'subject site'.

Approval of my project would not result in any significant effects relating to traffic, air quality, or water quality. My site has an in-place paid-for functioning water meter, and can be adequately served by all required current and future utilities and public services on Bandera Rd.

On three (3) separate occasions, during just one Planning Commission hearing, Associate Planner Jared Jerome testified that 25 foot front setbacks are consistent with Yucca Valley's single family zonings:

- Jared Jerome, "*The 25 foot setback is consistent with most single family zoning. It's one of the most common Yucca Valley single family residential zoning in front setbacks.*"
- Jared Jerome, "*It's usually 25 feet unless there's a recorded Tract Map that has 50 feet. The typical town setback is 25 feet for the front setback.*"
- Jared Jerome, "*With the standard 25 foot front setback*"

March 26, 2025

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: Charles H. Gabriels

Date: March 26, 2025

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: Charles H. Gabriels

Date: March 26, 2025

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: Charles H. Gabriels

Date: March 26, 2025


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: \$ 1,505
Applicant Signature 
Applicant Name Charles A. Gabriels 3/26/25
(Please print)

Remaining balance refunded to:

Property Owners Mailing List

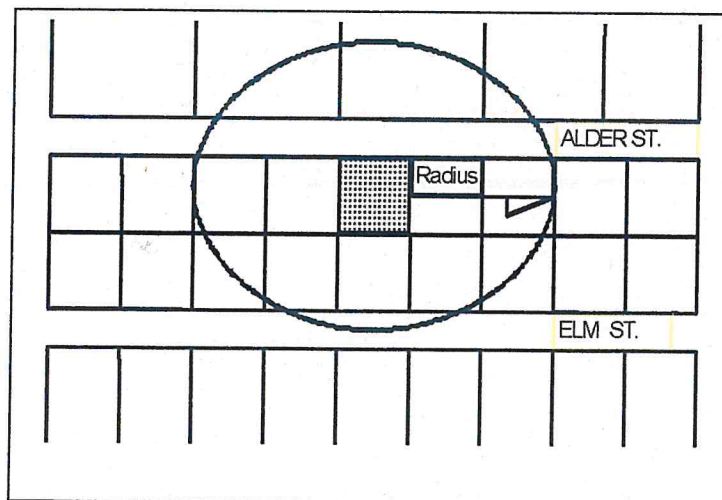
All applications that are subject to a Public Hearing require the applicant to submit a list of property owners who own property contiguous to and within 300 feet of the project site. This process is required by Section 83.010330 of the Development Code to notify residents and property owners in the 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 Twentynine Palms Highway 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 owner's name, address, and zip code.
- One (1) copy of the label 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

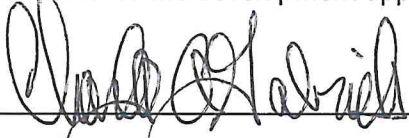


Town of Yucca Valley
Community Development Department
Planning Division
58928 Business Center Drive
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084
www.yucca-valley.org



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

I, Charles A. Gabriels, certify that on January 30, 2025 the attached property owners list was prepared by Ann Murillo, SB Assessor's Office 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 January 30, 2025. 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: Charles A. Gabriels Date: March 26, 2025

Please see 'attached,' from Assistant III - Ann Murillo, of San Bernardino County Assessors Office