

Site Address: 66017 Acoma Drive, Desert Hot Springs, CA.

Proposal Letter: 5 feet side yard setback variance request to allow a new residential construction on the corner of Acoma Avenue & West Drive.

Planning Commission
City of Desert Hot Springs, CA

July 22, 2019

Dear Planning Commission,

This proposal letter is to request and substantiate the grant of a Variance for a 5 feet side yard setback for a proposed new residence at 66017 Acoma drive in Desert Hot Springs. The Variance requested is relatively minor, and as shown below clearly meets all of the parameters set forth in the city's municipal codes. Further, if granted, this Variance will not violate or circumvent any of the exclusionary parameters set forth in the codes.

Building side setback of 5 feet proposed on the South East Corner of the property

The petitioner requests a Variance allowing a building setback of 5 feet on the south east corner of the proposed the residential property, generally following the property line. The reason for the request is primarily to enable the construction of the proposed residence. This request is in line with the surrounding properties as the residence adjacent to the subject property enjoys a 5 feet building setback as well as all the surrounding properties. On the west side of the property, we are proposing a 15 foot building setback, in the rear, we are proposing a 10 feet setback and 20 feet setback at the front, all meeting the standard setback stipulations per the RM zoning of the property.

The petitioner's equally important need for this 5 feet setback request is to be in line with the benefits enjoyed by the existing property owners around the subject property. The neighboring properties with the same zoning located in the north, south, east and west of the subject property already enjoy the 5 feet setback being proposed. The uniformity of the neighborhood will be maintained by granting this variance.

The proposed 5 feet setback is requested in order to allow the construction of the new residence which will complement the strategic corner of West Drive and Acoma Drive where the property is located with a new residential construction. This will further improve the aesthetics of this corner hence improving the overall neighborhood and the city.

Chapter 17.140 in the city's municipal code sets conditions under which Variances such as the one proposed in this letter would be found acceptable to the Zoning Administrator / Planning Commission. The petitioner is confident that the proposed Variance fall within these guidelines, notably;

A) "...an exceptional or extraordinary circumstance..." The petitioner's desire to be a good neighbor by creating a situation where the proposed building setback is in line with its neighbors, and the neighbors' desire to have a more peaceful neighborhood are enough to justify allowing the petitioner to

achieve that goal in any circumstance. Furthermore, the fact that the property in question is a small lot, means this property is substandard with only 6820 sq.ft. which allows for some flexibility in the application of the zoning guidelines. As such, this situation is in fact somewhat an exceptional or extraordinary circumstance compared to other properties in the city of Desert Hot Springs;

B) "Literal enforcement... would result in practical difficulty or unnecessary hardship" The petitioner would experience practical difficulty in figuring out how to design a livable residence and extreme financial loss if it doesn't come to fruition due to the restraints of the standard zoning criteria on this property if this Variance were not to be granted;

C) "...necessary for the preservation of a substantial property right... possessed by other property in the same district" Most if not all of the houses on both sides of the same street (Acoma Drive) have a 5 feet side yard setback, and those property owners are enjoying the substantial right of this setback provision in the code on a daily basis;

D) "The granting of such Variance will not be materially detrimental to the public welfare..." the proposed Variance does no harm to either public or private interests, and is not injurious to any property or interest. In fact, granting the proposed Variance will serve only to create a more pleasing visual harmony, by virtue of the careful architectural design to make the street and the city look great.

E) "The granting of the Variance will not constitute a grant of special privileges..." As stated, most if not all of the houses on both sides of the same street (Acoma Drive) have a 5 feet side yard setback, and the intended setback request is specifically proposed to conform with the street and the rest of the neighborhood, and ;

F) "The granting of such Variance will be in harmony with the general purpose and intent of this Title..." The proposed set back of 5 feet will enable us to build a well-designed residence that shall be constructed in a manner that achieves harmony with the neighborhood, fosters peaceful relations with neighbors, and blends in visually in a low-key, unobtrusive manner with the surroundings. As such, it is clearly in harmony with the overall intents and purposes of the Title.

Additionally, the proposed 5 feet setback that this Variance is being requested for does not encroach or infringe on any neighboring residential properties, nor would it impose any hardship on any neighbors, nor would it serve to create a situation where any neighbor's quality of life, property value, or peaceful co-existence would be negatively affected. Quite the contrary, the proposed Variance would allow the petitioner to contribute to the direct improvement of the property, the neighborhood and the city.

Photograph in support of the requested Variance are attached hereto.

Respectfully submitted,

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