

Variance Permit Answers

2. A Variance Permit is subject to approval by the Planning Commission; the Commission may approve an application if all of the following findings can be made. Please provide written answers to the below five findings:

- a. That there are special circumstances applicable to the property which do not generally apply to other properties in the same zoning district (i.e., size, shape, topography, location or surroundings), such that the strict application of this chapter denies the property owner privileges enjoyed by other property owners in the vicinity and in identical zoning districts;

Prior to the slope failure, the original slope was unique in its steepness at 1.5:1. The heavy rains in a short period of time coupled with the steepness of the slope caused the failure. Without repairing the slope with the proposed retaining wall, the strict application of this chapter denies the property owner privileges enjoyed by other property owners in the vicinity and in identical zoning districts.

- b. That granting the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought;

The proposed retaining wall is essential to eliminating the safety hazard to the adjacent properties. As such, the proposed retaining wall will re-establish the stability of the adjacent property owners yards and preserve their safety. Thus by granting the variance to construct the proposed retaining wall for slope stabilization is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district.

- c. That granting the variance would not constitute the granting of a special privilege inconsistent with the limitations of other properties in the same zoning district.

Granting the variance will allow the property owner to stabilize the existing slope which has failed whereby doing so would not constitute the granting of a special privilege inconsistent with the limitations of other properties in the same zoning district.

- d. That granting the variance will not be detrimental to the public health, safety or welfare, or injurious to property or improvements in the vicinity and zoning district in which the property is located; and

The proposed retaining wall is most visible to the two adjacent properties. Both of the adjacent property owners have provided written consent to approve the proposed retaining wall. Further, the proposed retaining wall has no visibility from any public

road and low visibility from the rear of other adjacent properties which written approval has been provided. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to property or improvements in the vicinity and zoning district in which the property is located

- e. That granting the variance is consistent with the General Plan and any applicable specific plan.

The granting of the variance is consistent with the hazard reduction and accident prevention elements of the General Plan. The proposed retaining wall is essential to eliminating the safety hazard to the adjacent properties.