



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: April 9, 2026

AGENDA ITEM 4

PROJECT DESCRIPTION

APN: 0333-252-09
Appellant: Fennemore LLP on behalf of Jackson and Ruby Eisenpresser
Applicant: Bryant Bergeson
Community: Lake Arrowhead/3rd Supervisorial District
Location: 27891 West Shore Rd.
 Lake Arrowhead, CA 92352
Project No: PAPL-2025-00004/ PVAR-2024-00075
Staff: Aldo Perez, Contract Planner

Proposal: An Appeal (PAPL-2025-00004) of the Director's decision to approve Variance (PVAR-2024-00075) to allow a three-story, 4,141 sq. ft. single-family residence, 754 sq. ft. garage and a 2,365 sq. ft. exterior deck to encroach up to six (6) feet into the required fifteen (15)-ft. interior side yard setbacks, on an existing 0.262-acre parcel.



43 Mail and 11 Email Public Hearing Notices Sent on: December 05, 2025

Report Prepared By: Aldo Perez, Contract Planner

SITE INFORMATION

Parcel Size: Approximately 0.26 gross acres
Vegetation: Vacant and undeveloped – covered by natural vegetation

TABLE 1: SITE AND SURROUNDING LAND USES AND ZONING

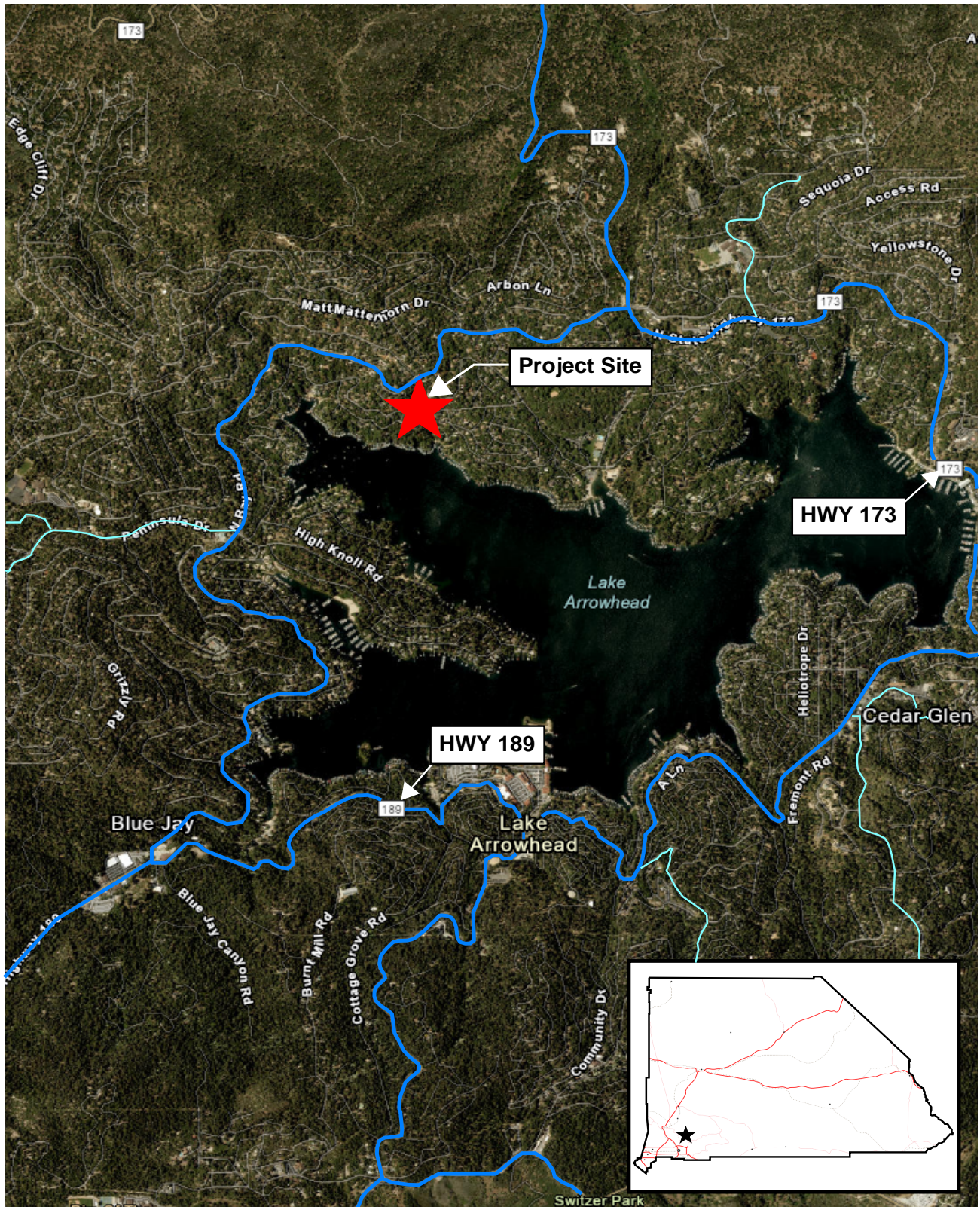
AREA	EXISTING LAND USE	LAND USE CATEGORY	LAND USE ZONING DISTRICT
SITE	Vacant Property	Low Density Residential (LDR)	Lake Arrowhead/Single Residential 14,000 sq. ft. minimum (LA/RS-14M)
North	Single-Family Residences	Low Density Residential (LDR)	Lake Arrowhead/Single Residential 14,000 sq. ft. minimum (LA/RS-14M)
South	Single-Family Residences	Low Density Residential (LDR)	Lake Arrowhead/Single Residential 14,000 sq. ft. minimum (LA/RS-14M)
East	Single-Family Residences	Low Density Residential (LDR)	Lake Arrowhead/Single Residential 14,000 sq. ft. minimum (LA/RS-14M)
West	Single-Family Residences	Low Density Residential (LDR)	Lake Arrowhead/Single Residential 14,000 sq. ft. minimum (LA/RS-14M)

	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	N/A	N/A
Water Service:	Lake Arrowhead Community Services District	Will Serve
Sewer Service:	Lake Arrowhead Community Services District	Will Serve

STAFF RECOMMENDATION

That the Planning Commission deny the appeal and uphold the Planning Director's decision by taking the following actions: 1) **FIND** that the Variance is exempt from the California Environmental Quality Act pursuant to Section 15303 of the California Environmental Act Guidelines; 2) **ADOPT** the Findings in support of a Variance (EXHIBIT A); 3) **APPROVE** the Variance to allow a three-story, 4,141 sq. ft. single-family residence, 754 sq. ft. garage and a 2,365 sq. ft. exterior deck to encroach up to six 6 feet into the required 15-ft. interior side yard, subject to the Conditions of Approval (EXHIBIT B); and 4) **DIRECT** the Land Use Services Department, Planning Division to file a Notice of Exemption in accordance with the California Environmental Quality Act.

FIGURE 1: REGIONAL MAP



-  N
 -  Project site
 -  Mountain Major Highway
 -  Mountain Secondary Highway
- Not to scale

FIGURE 2: LOCAL VICINITY MAP



N
↑
Not to scale



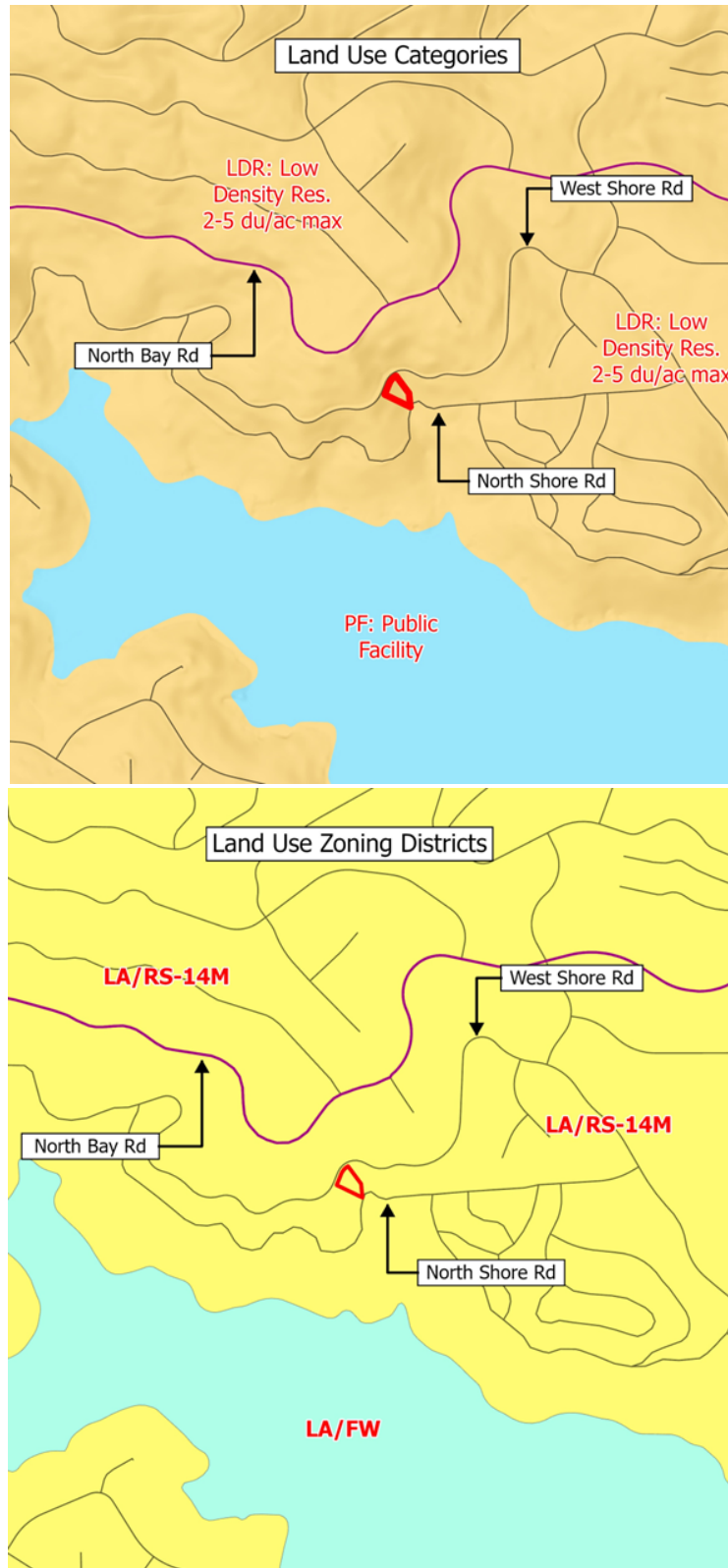
 Project Site
 Mountain Major Highway

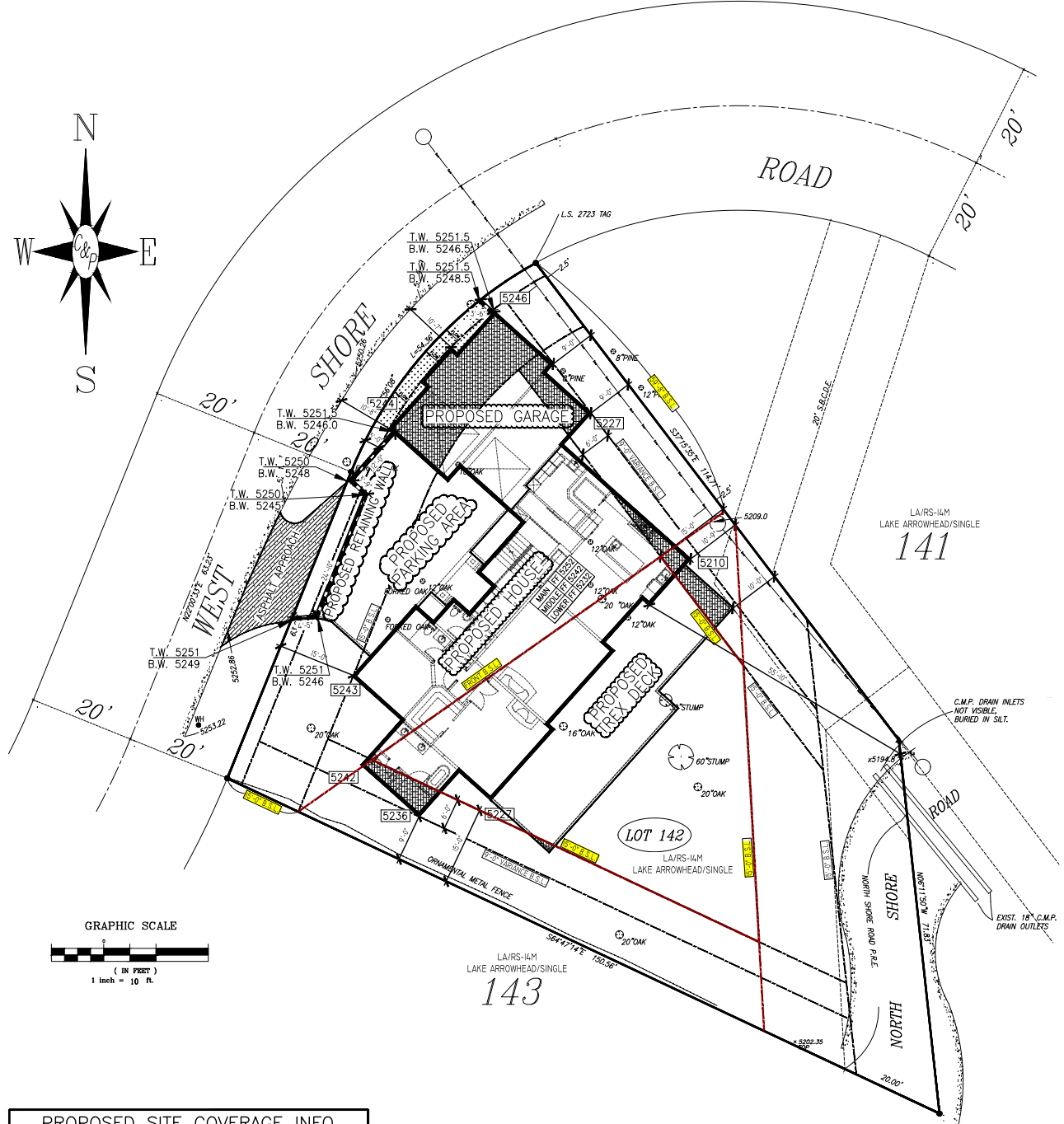
FIGURE 3: LAND USE CATEGORY/ ZONING DISTRICT MAP



N
▲
Not to scale

Project Site

FIGURE 5: CONCEPTUAL SITE PLAN



PROPOSED SITE COVERAGE INFO.	
FOOTPRINT AREA:	2,777 SQ.FT.
DRIVEWAY AREA:	926 SQ.FT.
DECK/PATIO AREA:	865 SQ.FT.
TOTAL OF ALL AREAS:	4,568 SQ.FT.
TOTAL LOT SIZE:	11,420 SQ.FT.
PERCENTAGE OF COVERAGE:	40%
COUNTY MAX. LOT COVERAGE:	40%

RESIDENCE AREA SUMMARY	
MAIN FLOOR LIVING AREA	2,023 SQ.FT.
MIDDLE FLOOR LIVING AREA	1,625 SQ.FT.
LOWER FLOOR LIVING AREA	493 SQ.FT.
TOTAL LIVING AREA	4,141 SQ.FT.
TOTAL GARAGE AREA	754 SQ.FT.
DRIVEWAY PARKING AREA	926 SQ.FT.
MAIN DECK AREA	865 SQ.FT.
MIDDLE DECK AREA	882 SQ.FT.
LOWER DECK AREA	618 SQ.FT.
TOTAL DECK AREA	2,365 SQ.FT.
BUILDING HEIGHT: 34'-6" MAX. OF 3 STORIES FROM GRADE PLANE	

BACKGROUND AND PROJECT DESCRIPTION

Variance Application and Property History

On September 18, 2024, Bryant Bergeson (Applicant) submitted a Major Variance application (PVAR-2024-00075) with the San Bernardino County (SBC) Land Use Services Department. Due to irregular property lines and topographical constraints, the Applicant required a variance to allow a three-story, 4,141 sq. ft. residence, 754 sq. ft. garage and a 2,365 sq. ft. exterior deck to encroach up to six-feet into the required 15-ft. interior side yard setbacks and to exceed the required maximum 40% lot coverage by one (1) percent, on a 0.262-acre parcel and located at 27891 West Shore Road, Lake Arrowhead, CA 92352.

On October 27, 2025, the Director of the SBC Land Use Services Department, Planning Division (County Planning) approved Major Variance (PVAR-2024-00075) after making the findings outlined in SBC Development Code § 85.17.060 Findings and Decision. The Director's approval of the Major Variance was a planning approval for the residence, garage and exterior deck to encroach up to six-feet into both the required 15-ft. interior side setbacks and granted the conceptual development to exceed the maximum 40 percent lot coverage by one percent. However, the Director's approval did not authorize the construction of the proposed on-site development and all on-site development would be subject to separate permitting requirements and conditions including but not limited to building, grading, drainage and tree removal permits.

County Staff uploaded the approval package onto the record and sent Notice of Decision Letters via electronic mail to all interest parties who commented during the Project's noticing period. The Notice of Decision outlined that the approval would become effective on November 6, 2025 at 4:30PM.

Updated Variance Request, Project Description, and Property Conditions

Following the appeal, the applicant submitted an updated project design that 1) shows a reduction of 171 sq. ft from the driveway; and 2) results in a reduction of lot coverage from 41 percent to 40 percent (refer to **Figure 5: Conceptual Site Plan**). Therefore, the need for a variance to exceed the maximum 40 percent lot coverage of the RS Zoning District is eliminated. Accordingly, the requested variance at issue for this appeal is limited for residence, garage, and deck to encroach up to six feet into the required 15-foot interior side yard setbacks. Due to the elimination of the max coverage exceedance, the variance for the setbacks has transitioned this variance from a Major to a Minor variance. Lastly, modified findings have been included in the Staff Report as **Exhibit A: Findings for a Variance** that reflect the proposed Project.

The Project site has a steep slope with an elevation change of approximately fifty-five (55) feet from the northwestern corner to the southeast corner; refer to **Figure 4: Existing Site Plan**. As shown in **Figure 5: Conceptual Site Plan**, the single-family home would be developed at three (3) stories and includes 2,063 sq. ft of main floor living area, 1,625 sq. ft. of living area, and 493 sq. ft of lower floor living area – for a total 4,141 sq. ft of living area. The residence would have a code compliant maximum building height at approximately 34 feet. The home will have an attached 2,365 sq. ft. exterior deck that includes 865 sq. ft. of main deck area, 882 sq. ft. of middle deck area, and 618 sq. ft. of lower deck area. The Project site would also include a 754 sq. ft. attached garage, and a 926 sq. ft. of driveway. As noted above, the actual development on the site is subject to separate permitting requirements and conditions including but not limited to building, grading, drainage and tree removal permits and compliance with all relevant SBC Municipal/Development Code standards.

San Bernardino County Development Code RS Zoning District Compliance

Excluding the proposed encroachment into the interior side yard setbacks, the Project is consistent with all other RS Zoning District development standards as shown in **Table 1: RS Development Code Compliance** below:

Table 1: RS Development Code Compliance

Standard (RS) for Mountain Region	Required	Proposed	Compliant?
Maximum Lot Coverage	40 percent	40 percent	Yes
Minimum Front Setback	15 feet	House: 15 Feet Garage: 3 Feet ¹	Yes
Maximum Interior Side Setback (north)	15 feet	9 feet	No
Maximum Interior Side Setback (south)	15 feet	9 feet	No
Maximum Rear Setback	15 feet	200 feet	Yes
Max Height	35 feet	34 feet	Yes
Parking	Two (2), one shall be covered on the same site with the primary structure	1 covered, two spaces	Yes

DISCUSSION

Variances – Chapter 85.17

A variance (either Major or Minor) provides a process for County consideration of requests to modify certain standards of this Development Code when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same land use zoning district.

§ 85.17.060 Findings and Decision.

(a) General Findings. The review authority may approve a Variance (Major or Minor) only after first finding all of the following:

- (1) The granting of the Variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems;
- (2) There are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use that do not apply to other properties in the same vicinity and land use zoning district;

¹ Pursuant to SBC Development Code 83.02.080, garages and carports, in the mountain region, are allowed to encroach within the Front Yard Setback but must maintain a 3 ft. setback from road right-of-way. 10 ft. minimum from existing edge of roadway pavement. Other structures not allowed. The proposed garage meets this criterion.

- (3) The strict application of the land use zoning district deprives the subject property of privileges enjoyed by other properties in the vicinity or in the same land use zoning district; and
- (4) The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan.

As shown in **Exhibits A and D**, Variance (PVAR-2025-00075) meets the criteria for approval.

The Appeal Request

On November 6, 2025, Fennemore LLP (The Appellant), representing Jackson and Ruby Eisenpresser, filed an Appeal application (PAPL-2025-00004) to the Planning Commission, challenging the Director's approval of PVAR-2024-00075, pursuant to SBC Section 86.08.010. The Applicant provided a letter for the Planning Commission's consideration outlining the reasons for requesting denial of the approval. The Appellant's appeal application and materials in support of the appeal are included in this Staff Report as **Exhibit C: Appellant Justification in Bracketed Form**.

In accordance with SBC Development Code Section 86.08.040, County Planning Staff sent out a Notice of Hearing on December 5, 2025 for this item to be heard during the April 9, 2026 Planning Commission hearing, 30 days upon the acceptance of the appeal application. County Planning Staff has provided responses to the comments made in the Appellant's letter and are included in this Staff Report as **Exhibit D: Land Use Services Department, Planning Division, Response to Letter**.

Appeal Summary

A summary of the Appellant's arguments and a response from County Planning are provided as follows:

Special Circumstances

- The Appellant contends no unique special circumstances exist because slope and constraints are typical along West Shore Road and neighbors built appropriately sized homes under similar conditions.

Staff Response: *The Project site's steep slope, irregular wedge shape, and dual frontages create a unique hardship. Less than 40 percent of the 11,420-square-foot site contains slopes of 25 percent or greater and topography adjacent to N. Shore Road limits the building to northern half of the lot. Additionally, nearby homes were built under historic R-1-T standards with lesser interior side setbacks versus the present-day RS zone's greater setbacks. Therefore, a comparison is not feasible.*

- The Appellant claims nearby homes ranging 1,500–3,700 sq. ft., averaging 2,800 sq. ft., asserting the 4,141 sq. ft. proposal is 1.5 times the average and size drives the variance.

Staff Response: *Comparing the Project with nearby homes addresses compatibility, not unique constraints. The variance relates to dimensional requirements and is not tied directly to size. Additionally, there is no maximum house size in the RS zone.*

- The Appellant argues the County analyzed the site in isolation and that conditions are typical, not exceptional.

Staff Response: *The findings consider the surrounding area, highlight unique combined constraints, and include comparative evidence supporting the findings for approval of the variance.*

Deprivation of Privilege

- The Appellant argues denial of the variance would not deprive privileges since others in the vicinity comply within code limits.

Staff Response: *Nearby homes were built under historic R 1 T standards with lesser interior side setbacks versus the present-day RS zone's greater setbacks. Therefore, a comparison is not feasible.*

- The Appellant reiterates neighborhood sizes and claim the variance creates imbalance in privileges.

Staff Response: *Recent variance requests approving setback encroachments in the LA/RS 14M zone, including the immediately adjacent parcel (APN 0333-252-10), establish that this variance is consistent with prior action and satisfies the criteria required by the SBC Development Code.*

Special Privilege

- The Appellant argues that granting the variance confers a special privilege for an oversized, out-of-character home without protective conditions.

Staff Response: *The variance is limited to side setback encroachments and is not a license or approval for increased occupancy, density or size requirements. The residential structure will comply with all other RS Zoning District development standards. The residential structure complies with height requirements. County Planning has identified multiple nearby residences up to 5,192 sq. ft.*

Findings

- The Appellant claims the County's "no detriment" finding ignored the home's full height, massing, and orientation.

Staff Response: *Findings were updated to identify the components subject to the variance.*

- The Appellant alleges south-facing decks will intrude on privacy and that the three-story, concrete-intensive design raises environmental and safety concerns.

Staff Response: *The Project is less than the height requirement of the 35-foot RS zone and does not constitute material detriment. Orientation is a function of topography, and the massing is congruent with other properties residences up to 5,192 sq. ft.*

- The Appellant cites a natural drainage swale and risk of diverted stormwater and erosion due to hardscape and decks.

Staff Response: *Required erosion control plans will be required to include permeable surfaces, area drains, and on-site flow to prevent adverse runoff. Additionally, no evidence has been provided that supports their claims.*

- The Appellant argues incompatibility with the General Plan, citing Policies LU-2.1 and LU-2.4 due to oversized massing, intrusive decks, and out-of-scale three-story design.

Staff Response: *The variance is for setbacks, and not to design and size rather than the approved setback and past coverage relief, and notes updated plans remove coverage exceedance. Plans have been revised to meet the 40% lot coverage. Additionally, the findings identify multiple nearby residences up to 5,192 sq. ft. and conclude that the conceptual development is compatible with surrounding uses and density, consistent with Policies LU 2.1 and LU 2.4.*

CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

Pursuant to the requirements of the California Environmental Quality Act (CEQA) and CEQA Guidelines, the County Planning Division conducted an environmental evaluation of proposed Project and concluded that the proposed Project is categorically exempt from the provisions of CEQA under CEQA Guidelines Section 15303 (New construction or Conversion of Small Structures).

PROJECT NOTICE

On September 19, 2025, the Project Notice was sent out to the 43 surrounding property owners, and five emails of opposition were received. Those comments are included in this staff report as **Exhibit E: Public Comments Received during PVAR-2024-00075 Noticing Period.**

NOTICE OF HEARING

On December 05, 2025, a Public Hearing Notice was sent to the 43 surrounding property owners within 300 feet of the Project site and 11 interested parties, as required by Section 86.08.040 of the SBC Development Code. Additionally, the Public Hearing Notice was sent to the San Bernardino Sun for newspaper posting on March 24, 2026. No public comments were received.

RECOMMENDATION

That the Planning Commission deny the appeal and uphold the Director's decision by taking the following actions:

- 1) **FIND** that the Variance is exempt from the California Environmental Quality Act pursuant to Section 15303 of the California Environmental Quality Act Guidelines.
- 2) **ADOPT** the Findings in support of the Variance (EXHIBIT A).
- 3) **APPROVE** the Variance to allow a three-story, 4,141 sq. ft. single-family residence, 754 sq. ft. garage, and a 2,365 sq. ft. exterior deck to encroach up to six (6) feet into the required fifteen (15)-ft. interior side yard setbacks.
- 4) **DIRECT** the Land Use Services Department, Planning Division to file a Notice of Exemption in accordance with the California Environmental Quality Act.

ATTACHMENTS:

EXHIBIT A: Findings for a Variance
EXHIBIT B: Conditions of Approval
EXHIBIT C: Appellant Justification in Bracketed Form
EXHIBIT D: Land Use Services Department, Planning Division, Response to Letter
EXHIBIT E: Public Comments Received during PVAR-2024-00075 Noticing Period

FINDINGS: VARIANCE

Variance (PVAR-2024-00075) to allow a three-story, 4,141 sq. ft. single-family residence, 754 sq. ft. garage and a 2,365 sq. ft. exterior deck to encroach up to six (6) feet into the required fifteen (15)-ft. interior side yard setbacks, on an existing 0.262-acre parcel. The following are the required finding per the San Bernardino County Development Code Section 82.14.060 and supporting facts made for approval of the Variance:

1. **THE GRANTING OF THE VARIANCE WILL NOT BE MATERIALLY DETRIMENTAL TO OTHER PROPERTIES OR LAND USES IN THE AREA AND WILL NOT SUBSTANTIALLY INTERFERE WITH THE PRESENT OR FUTURE ABILITY TO USE SOLAR ENERGY SYSTEMS:**

The proposed encroachment of the residence, garage, and deck of up to six feet into the 15-foot interior side setbacks will not be materially detrimental to the surrounding properties, nor would it substantially interfere with the Project site or neighboring properties' present or future ability to utilize solar energy systems. The proposed encroachment into the interior side yard setbacks results in a remaining setback of approximately nine (9) feet which will provide adequate spatial separation between structures and will be compliant with the Fire Safety Overlay setback requirements. The structures will comply with height standards in the RS Zoning District and will maintain an appropriate distance from property boundaries consistent with the historical permitting of the neighborhood and vicinity. Future construction of the structures will require compliance with all applicable development standards to ensure the use will not be detrimental to other properties in the area.

2. **THERE ARE EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES OR CONDITIONS APPLICABLE TO THE SUBJECT PROPERTY OR TO THE INTENDED USE THAT DO NOT APPLY TO OTHER PROPERTIES IN THE SAME VICINITY AND LAND USE ZONING DISTRICT:**

The Project site is subject to exceptional and extraordinary circumstances due to:

- Irregular lot configuration;
- Steep topography and grade differentials; and
- The encroachment of North Shore Road along the southern boundary, including portions affecting the rear setback area.

significantly reduce the practical buildable area of the parcel to approximately 5,338 square feet—less than half of the total lot area. The steep terrain limits feasible building pad locations and increases the need for functional design flexibility. (see enclosed **Figure A1: Vicinity Map – Estimated Buildable Area**). The site's slope and natural grade changes constrain feasible placement of the proposed residence, necessitating a minor encroachment into the side setbacks. These site-specific topographic challenges are not shared by all parcels in the vicinity or within the same zoning district. In addition, developable space is further reduced by the portion of North Shore Road that traverses the property within the rear setback area. Unlike typical parcels within the LA/RS-14M zoning district,

these combined constraints are not uniformly present on neighboring properties. Therefore, these unique site conditions apply to this parcel and not to all other parcels within the LA/RS-14M zoning district, satisfying the criteria for this finding.

3. THE STRICT APPLICATION OF THE LAND USE DISTRICT STANDARDS DEPRIVES SUCH PROPERTY OF PRIVILEGES ENJOYED BY OTHER PROPERTIES IN THE VICINITY OR IN THE SAME LAND USE DISTRICT:

As previously mentioned, the Project site is experiencing exceptional/extraordinary circumstances due to the irregular property line boundaries, steep topographical conditions, and alignment of North Shore Road. Due to the established development patterns in the Community of Lake Arrowhead, many nearby homes, particularly on similar sloped lots, feature side yard setback encroachments that may have been approved under historical regulations or granted through similar variances. Review of the County's Parcel & Permit database shows that parcels located within 500 feet of the Project site contain single-family homes that were constructed approximately in 1960s/1970s and were subject to less constrictive development standards under the historic R-1-T Zoning District. Pursuant to the 1974 Historic Zoning Code, interior side setbacks were 10 percent of the lot width, provided that each lot be less than three (3) feet and need not exceed five (5) feet in width – thereby setting a 5-foot interior side setback. San Bernardino County Development Code § 82.04.060, Table 82-9B, interior setbacks for the RS zone is 20 percent of lot width, need not exceed 15 feet. Additionally, as shown in Exhibit D of the Staff Report, recent variance requests approving setback encroachments in the LA/RS 14M zone, including the immediately adjacent parcel (APN 0333-252-10), establish that this variance is consistent with prior action and satisfies the criteria required by the Code.

Therefore, strict adherence to the current setback standards would unreasonably constrain development on this property in a way that does not affect adjacent or comparable lots that have already been improved. The granting of the requested variance restores a level of development that is generally enjoyed by others in the vicinity and in the same land use zoning district, ensuring that the property owner is not unfairly burdened by conditions that are either unique to the site or have been reduced through prior approvals within the community and zoning district. the Project meets the thresholds for this finding.

4. THE GRANTING OF THE VARIANCE IS COMPATIBLE WITH THE MAPS, OBJECTIVES, POLICIES, PROGRAMS, AND GENERAL LAND USES SPECIFIED IN THE COUNTYWIDE PLAN AND APPLICABLE SPECIFIC PLAN:

The Project is consistent with the following San Bernardino County General Plan (Countywide Plan) Goals and Policies:

- a) LU 2.1 Compatibility with existing uses: We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

- b) Policy LU-2.4 Land Use Map consistency: We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

As detailed in the staff report and supporting documents, the proposed encroachment associated with the on-site residential development would not introduce incompatible land uses within the surrounding area. As discussed above, houses that were constructed under 1974 Historic Zoning Code were subject to a 5-foot interior side yard setback maximum. The proposed encroachment would allow the house, garage, and deck to encroach up to six feet into the current 15-foot interior side setback maximum.

Therefore, granting the requested variance will authorize the development will maintain reasonable consistency in location, scale, buffer and design of a residential home within the neighborhood. Moreover, the development of the residential dwelling is an allowed use within the existing RS Land Use Zoning District.

THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The requested variance will authorize proposed three-story 4,161 sq. ft. primary single residential, 754 sq. ft. garage and 2,365 sq. ft. exterior deck on a vacant lot in an established residential neighborhood (See, Figure 5 of Staff Report). The review authority finds that the variance authorizing the development of the single-family residence and the accessory structures are exempt from the California Environmental Quality Act pursuant to a Class 3 categorical exemption (14 CCR § 15303). The review authority further finds that no unusual circumstances related to the Project Site or proposed development create a reasonable possibility that the activity associated with development of the project would have a significant effect on the environment.

END OF FINDINGS

Enclosed:

Figure A1: Vicinity Map – Estimated Buildable Area

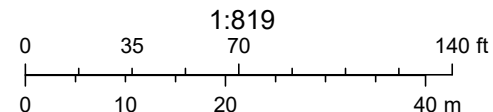
Parcel Map



10/9/2025, 11:21:12 AM

- Parcels
- San Bernardino County Boundary
- Assessor Page Map
- Regions
- Zoning for San Bernardino County
- LA/RS-14M: Lake Arrowhead/Single Residential-14,000 sf min

- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations



Esri, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, County of San Bernardino, Maxar, Microsoft

Every reasonable effort has been made to ensure the accuracy of this data. San

San Bernardino County shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused. San Bernardino County shall assume no liability for any decisions made or actions taken or not taken by the data furnished.



Conditions of Approval

Record:	PVAR-2024-00075	System Date:	04/01/2026
Record Type:	Variance	Primary APN:	0333252090000
Record Status:	Appealed	Application Name:	MAJOR VARIANCE
Effective Date:		Expiration Date:	

Description: MAJOR VARIANCE TO ALLOW A THREE-STORY, 4,141 SQ. FT. SINGLE-FAMILY RESIDENCE, 754 SQ. FT. GARAGE AND A 2,365 SQ. FT. EXTERIOR DECK TO ENCROACH UP TO SIX (6) FEET INTO THE REQUIRED FIFTEEN (15)-FT. INTERIOR SIDE YARD SETBACKS, ON AN EXISTING 0.262-ACRE PARCEL. THE SUBJECT SITE IS LOCATED AT 27891 WEST SHORE ROAD, IN THE COMMUNITY OF LAKE ARROWHEAD CA 92352. THE SITE IS IN THE LOW DENSITY RESIDENTIAL (LDR) LAND USE CATEGORY AND LAKE ARROWHEAD/SINGLE RESIDENTIAL-14,000 SQ. FT. MINIMUM LOT SIZE (LA/RS-14M) ZONING DISTRICT; 3RD SUPERVISORIAL DISTRICT; APN: 0333-252-09; PVAR-2024-00075

NOTE: After the Appeal was filed, the project site design was updated to show a reduction of lot coverage from 41% lot to 40%. Although a Major Variance was filed, the removal of the lot coverage exceedance qualifies this variance as a "Minor Variance".

This document does not signify project approval.

If the project has been approved, then an effective date and an expiration date for these conditions can be found below. This content reflects County records as at the System Date and time below.

The following conditions of approval have been imposed for the project identified below. The applicant/developer shall complete all conditions of approval stipulated in the approval letter.

Conditions of Approval are organized by project phase, then by status, and finally by department imposing the condition.

On-going conditions must be complied with at all times. For assistance interpreting the content of this document, please contact the Land Use Services Department Planning Division.

Contact information is provided at the end of this document for follow-up on individual conditions.

ON-GOING

Land Use Services - Planning

- 1 **Revisions** - Status: Outstanding
Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.
- 2 **Indemnification** - Status: Outstanding
In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning

Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval. Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

3 **Expiration** - Status: Outstanding

This project permit approval shall expire and become void if it is not "exercised" within three years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either: (a.) The permittee has commenced actual construction or alteration under a validly issued building permit, or (b.) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060) (c.) Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs: - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved. - The land use is determined by the County to be abandoned or non-conforming. - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination. PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

4 **Extension of Time** - Status: Outstanding

Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)

5 **On-going Condition** - Status: Outstanding

Prior to subsequent permit approval, Planning Division staff shall review all submitted site plans associated with this property.

If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for reference. Department contact information has been provided below.

Department/Agency	Office/Division	Phone Number
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
Web Site	https://lus.sbcounty.gov/	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	https://www.sbcounty.gov/	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Web Site	https://dpw.sbcounty.gov/	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	https://ehs.sbcounty.gov	
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	http://www.sbclafco.org/	
	Water and Sanitation	(760) 955-9885
	Administration,	
	Park and Recreation,	
Special Districts	Roads, Streetlights,	(909) 386-8800
	Television Districts, and Other	
<i>External Agencies (Caltrans, U.S. Army, etc.)</i>		<i>See condition text for contact information...</i>



Land Use Development Services Department
Planning Division
Affidavit - Applicant/Representative Accepting all
the Conditions of Approval

I received, read, understand, and accept ALL the conditions of approval for Planning Project Case No. **PVAR-2024-00075** for **27891 WEST SHORE RD LAKE ARROWHEAD, CA 92352; APN: 0333-252-09**

Bryant Bergeson

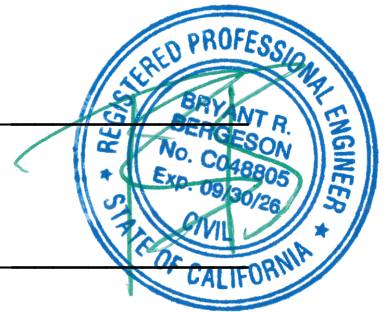
APPLICANT/REPRESENTATIVE NAME (PLEASE PRINT)

A handwritten signature in blue ink, appearing to read "Bryant Bergeson".

APPLICANT/REPRESENTATIVE SIGNATURE

3/19/2026

DATE



November 5, 2025

VIA EZOP ONLINE SUBMISSION

San Bernardino County Land Use Services Department
Planning Commission
Attn: Gian Gibson-Williams – Planning Manager
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415

Dear Planning Commissioners:

This office represents Jackson and Ruby Eisenpresser, owners of the property located at 27907 N. Shore Road, Lake Arrowhead, California 92352 (the “Appellants”), which shares a boundary with the property at 27891 West Shore Road, Lake Arrowhead, California 92352 (the “Subject Property”). On October 27, 2025, the San Bernardino County Land Use Services Director approved project number PVAR-2024-00075, which granted the owner of the Subject Property (the “Owner”) a major variance authorizing construction of a three-story, 4,161 sq. ft. single-family residence with a 754 sq. ft. garage and 2,365 sq. ft. exterior deck on a 0.26-acre parcel (the “Variance”). The Variance allows six-foot encroachments into both northern and southern interior side setbacks and authorizes lot coverage exceeding the 40% maximum by 1%.

A-1

Pursuant to San Bernardino County Development Code § 86.08.010, 86.08.020, and 86.08.030, the Appellants respectfully appeal the County’s approval of the Variance. As explained below, the County’s findings lack substantial evidentiary support and fail to satisfy both state and local variance standards under Development Code § 85.17.060 and California Government Code § 65906. Additionally, the size and design of the proposed residential structure is inconsistent with the character of the surrounding Lake Arrowhead Community and its development will have a detrimental effect on neighborhood residents.

A-2

a. The Variance Does Not Satisfy State Law Requirements under Gov. Code. § 65906.

Under California Government Code § 65906, a variance may be granted only when, because of special circumstances applicable to the property, strict application of zoning standards would deprive the property of privileges enjoyed by other properties under identical zoning classification, and only when the variance would not constitute a special privilege. In *Miller v. Board of Supervisors*, the court distilled three conjunctive requirements of § 65906: “(1) there must be special circumstances applicable to the property; (2) by reason of which the strict application of the zoning ordinance would deprive such property of privileges enjoyed by other

A-3

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San Bernardino County Land Use Services Department
Attn: Gian Gibson-Williams – Planning Manager
November 5, 2025
Page 2

property in the vicinity under identical zoning classification; and (3) any variance granted shall be subject to such conditions as will assure that the adjustment is not a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone”¹

A-3
Cont.

The County’s approval satisfies none of these elements.

1. *No Special Circumstances Unique to the Property.*

The County’s findings approving the Variance rely heavily on the Subject Property’s slope and natural grade. Specifically, County has found that the irregular property boundaries, steep topographical conditions, and alignment of North Shore Road along the southern property boundary, “constrain feasible placement of the proposed residence, necessitating a minor encroachment into the side setbacks.”² The County has argued that these site-specific topographic challenges are not shared by all parcels in the vicinity.³ This is untrue. The topographic conditions and property constraints on the Subject Property are typical of nearly every parcel along West Shore Road. Each property in this area sits on a similar incline, and several properties are constrained by North Shore Road along the southern boundary. The surrounding neighbors have been able to construct appropriately-sized homes on their properties under similar conditions.

A-4

To illustrate, properties in the immediate vicinity range from approximately 1,500 sq. ft. to 3,700 sq. ft., averaging roughly 2,800 sq. ft., all on similarly sloped lots:

Address	Location Relative to Subject Property	Area (sf)
27905 W Shore Rd.	East	2,400
27913 W Shore Rd.	East	1,512
27921 W Shore Rd.	East	2,380
27896 W Shore Rd.	North	2,872
27906 W Shore Rd.	North	3,716
27914 W Shore Rd.	Northeast	3,364
27882 W Shore Rd.	Northwest	2,946
27888 W Shore Rd.	Northwest	1,580
27787 W Shore Rd.	Southwest	2,518
27879 W Shore Rd.	Southwest	2,678
27869 W Shore Rd.	Southwest	3,012

A-5

¹ *Miller v. Board of Supervisors* (1981) 122 Cal.App.3d 539, 544–545.)

² County Findings, PVAR-2024-00075, page 1.

³ *Id.*

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Attn: Gian Gibson-Williams – Planning Manager
November 5, 2025
Page 3

By contrast, the proposed 4,161 sq. ft. structure would be approximately one-and-a-half times larger than the neighborhood average, demonstrating that the proposed home’s size, not the site’s slope, drives the need for relief.

The California Supreme Court emphasized in *Topanga Ass’n for a Scenic Community* that an applicant must show a disparate impact of the zoning on their property, in contrast with other similarly situated property.⁴ The Court in *Topanga* further emphasized that a variance cannot rest solely on general site conditions. “Knowledge that the property has rugged features tells us nothing about whether the owner faced difficulties different from those confronted on neighboring land.”⁵

Here, the County’s findings suffer from the same flaw condemned in *Topanga*: they analyze the subject property in isolation, without comparative evidence showing unique hardship. The slope, size, and configuration of this parcel are typical of the neighborhood, not exceptional.

2. *No Deprivation of Privilege.*

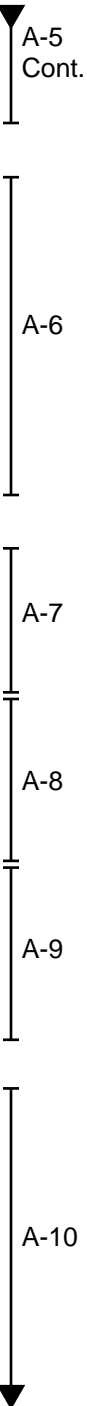
Denying the variance will not deprive the property owner of privileges enjoyed by others; it simply requires compliance with the same development standards that apply to every neighboring parcel. Each surrounding home achieves full residential use within the code’s existing limits. In *Miller v. Board of supervisors*, the court upheld a variance only because substantial evidence showed that comparable properties in the same zone had already received similar entitlements, and the variance merely restored parity rather than granting a new advantage. Unlike *Miller*, where the variance equalized conditions between comparable hotels, the home authorized under the Variance is significantly larger than any of the neighboring homes in the area. As shown in the table above, the homes in the immediate vicinity of the Subject Property range from approximately 1,500 sq. ft. to 3,700 sq. ft., averaging roughly 2,800 sq. ft.. The home authorized under the Variance is significantly larger than any of the neighboring homes in the area. Thus, the Variance is creating, rather than correcting, an imbalance in development privileges.

3. *Grant of Special Privilege.*

Because the Subject Property is not uniquely constrained, approving this variance would confer a special privilege. The Variance grants permission to construct an outsized three-story home exceeding both setback and coverage limits, which is more than one-and-a-half times larger than the neighborhood average. The proposed home is significantly out of character for the neighborhood. As the *Miller* court explained, variances must include “conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity.” (122 Cal.App.3d at 545.) The County

⁴ *Topanga Ass’n for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 520

⁵ *Id.* at 520-521.



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Page 4

has not issued any such conditions in the Variance. Allowing this home would establish precisely such a privilege, undermining the uniform application of zoning and encouraging further oversized, non-conforming construction.

A-10
Cont.

b. The Variance Fails to Meet County Development Code § 85.17.060 Findings.

1. *Finding 1 – The Variance Will be Materially Detrimental to Surrounding Properties.*

The County’s finding of “no detriment” narrowly considered only the garage’s placement and failed to evaluate the home’s full height, massing, and orientation. The proposed three-story structure and its expansive south-facing decks will directly overlook the appellant’s property, located immediately to the south of the subject parcel. From these elevated decks, occupants would have a clear, unobstructed line of sight into the appellant’s rear yard, patio, and main living-area windows. This elevated vantage point effectively eliminates the privacy and sense of seclusion that existing vegetation currently provide. Unlike typical two-story residences in the area, the proposed third-story decks project outward toward the property line, creating continuous viewing platforms that allow residents to look straight into the interior of the appellant’s home. Such intrusion into private living space constitutes a material and substantial detriment to adjoining property, well beyond the ordinary impacts anticipated in a single-family residential zone. Further, the proposed three-story, concrete-intensive design also presents environmental and safety concerns inconsistent with the variance standard. The Subject Property includes a natural drainage swale that flows onto our client’s property, covering it with hardscape and decks risks diverting stormwater and increasing erosion on this steep slope. Such conditions pose dangers to both slope stability and downstream properties.

A-11
A-12
A-13

2. *Finding 2 – There are No Exceptional or Extraordinary Circumstances to Justify the Variance.*

There are no exceptional or extraordinary circumstances to justify the variance. The County found that the steep topography of the Subject Property would limit the owner’s development capabilities. However, as discussed above, comparable slope conditions exist throughout the area. The 1 percent lot-coverage exceedance is a design choice, not a hardship. As held in *Stolman v. City of Los Angeles* (2003) 114 Cal.App.4th 916, 925, “aesthetic preferences or convenience do not create hardship.”⁶

A-14

⁶ *Stolman v. City of Los Angeles* (2003) 114 Cal.App.4th 916, 925

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3. *Finding 3 – The Adjacent Property Owner Will Not Be Deprived of Privileges if the Variance is Not Granted.*

As discussed above, strict application of the zoning ordinance would not deprive the property of any reasonable use. Denying the variance enforces parity among properties; approving it would grant superior rights to one owner, which is an outcome *Topanga* and *Miller* explicitly prohibit.

A-15

4. *Finding 4 – The Variance is Incompatible with the General Plan.*

Contrary to the County’s findings, the Variance is incompatible with the General Plan and Community Plan.

- **Policy LU-2.1 (Compatibility with Existing Uses)** – This policy requires new development to be located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.⁷ This policy is violated by the oversized massing of the proposed home and its intrusive decks. The decks intrude into the existing setbacks which are established in part to ensure the privacy of neighbors.
- **Policy LU-2.4 (Land Use Map Consistency)** – This policy requires that the proposed development be generally compatible and consistent with the surrounding land uses and community’s identity. The proposed three-story, 4,161 sq. ft. structure with expansive decks and retaining walls is grossly out of scale with the surrounding residences, which average approximately 2,800 sq. ft. and are predominantly one- or two-story dwellings. While a few older homes in the area include three stories, those are integrated into the hillside, with smaller footprints and decks proportionate to the site. The proposed structure’s massive decks and elevated height are visually dominant and out of character with the community’s mountain architecture.

A-16

Regardless of whether the variance is appropriate, the size of the proposed home is out of character with the Lake Arrowhead community. For comparison, many of the homes surrounding the Subject Property are significantly smaller than the proposed home. Allowing the proposed home would physically and visually overshadow the surrounding properties, disrupt the rhythm of scale and spacing along West Shore Road, and erode the cohesive architectural identity that defines the Lake Arrowhead community. Over time, this would establish a precedent for overdevelopment in the area which would fundamentally alter the community’s established character.

A-17

⁷ County General Plan, Policy LU 2.1.

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c. Conclusion

Each required finding under Government Code § 65906 and Development Code § 85.17.060 fails for lack of substantial evidence. The property exhibits no unique hardship, the proposed structure is inconsistent with neighboring development, and granting the variance would confer a special privilege while endangering privacy, drainage stability, and emergency access.

As such, the Appellants respectfully request that the County revoke or deny the variance and require any redesign to conform fully with applicable zoning and community standards.

A-18

Sincerely,

FENNEMORE LLP

Donovan C. Collier

DCOL/csua

County of San Bernardino Land Use Services Department – Planning Division	
PAPL-2025-00004	
Fennemore Appeal Letter Comments and Responses	
Comment	Response
<p>Comment A-1: This office represents Jackson and Ruby Eisenpresser, owners of the property located at 27907 N. Shore Road, Lake Arrowhead, California 92352 (the “Appellants”), which shares a boundary with the property at 27891 West Shore Road, Lake Arrowhead, California 92352 (the “Subject Property”). On October 27, 2025, the San Bernardino County Land Use Services Director approved project number PVAR-2024-00075, which granted the owner of the Subject Property (the “Owner”) a major variance authorizing construction of a three-story, 4,161 sq. ft. single family residence with a 754 sq. ft. garage and 2,365 sq. ft. exterior deck on a 0.26-acre parcel (the “Variance”). The Variance allows six-foot encroachments into both northern and southern interior side setbacks and authorizes lot coverage exceeding the 40% maximum by 1%.</p>	<p>Fennemore LLC’s (herein referred to as the Appellant)’s description PVAR-2024-00075 has been noted for the record.</p> <p>Following the filing of the appeal, the applicant submitted an updated project design that 1) shows a reduction of 171 sq. ft from the driveway; and 2) results in a reduction of lot coverage from 41 percent to 40 percent. Therefore, the need for a variance to exceed the maximum 40 percent lot coverage of the RS Zoning District is eliminated. Accordingly, the requested variance at issue for this appeal is limited for residence, garage, and deck to encroach up to six feet into the required 15-foot interior side yard setbacks.</p>
<p>Comment A-2: Pursuant to San Bernardino County Development Code § 86.08.010, 86.08.020, and 86.08.030, the Appellants respectfully appeal the County’s approval of the Variance. As explained below, the County’s findings lack substantial evidentiary support and fail to satisfy both state and local variance standards under Development Code § 85.17.060 and California Government Code § 65906. Additionally, the size and design of the proposed residential structure is inconsistent with the character of the surrounding Lake Arrowhead Community and its development will have a</p>	<p>The San Bernardino County Land Use Services Department Planning Division Staff (County Planning Staff) acknowledges the Appellants Justification letter. Responses have been prepared in comments presented in this letter. Refer to the following Responses to Comments A-3 through A-17 for more information.</p>

<p>detrimental effect on neighborhood residents.</p>	
<p>Comment A-3: <u>a. <i>The Variance Does Not Satisfy State Law Requirements under Gov. Code. § 65906.</i></u></p> <p>Under California Government Code § 65906, a variance may be granted only when, because of special circumstances applicable to the property, strict application of zoning standards would deprive the property of privileges enjoyed by other properties under identical zoning classification, and only when the variance would not constitute a special privilege. In <i>Miller v. Board of Supervisors</i>, the court distilled three conjunctive requirements of § 65906: “(1) there must be special circumstances applicable to the property; (2) by reason of which the strict application of the zoning ordinance would deprive such property of privileges enjoyed by other property in the vicinity under identical zoning classification; and (3) any variance granted shall be subject to such conditions as will assure that the adjustment is not a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone”¹</p> <p>The County’s approval satisfies none of these elements.</p> <p>¹ <i>Miller v. Board of Supervisors</i> (1981) 122 Cal.App.3d 539, 544–545.)</p>	<p>Comment noted. County Planning Staff has provided responses to the Appellant’s comments that this variance satisfies the approval criteria under California Government Code § 65906 and is consistent with the requirements set by the <i>Miller v. Board of Supervisors</i> ruling. In addition to the subsequent responses to comments, the original findings have been supplemented and re included as part of the staff report as Exhibit A for reference.</p>
<p>Comment A-4: <u>1. <i>No Special Circumstances Unique to the Property.</i></u></p> <p>The County’s findings approving the Variance rely heavily on the Subject Property’s slope and natural grade. Specifically, County has found that the irregular property boundaries, steep</p>	<p>The Appellant has not provided supplemental data that shows that all parcels in the vicinity experience similar typical topographic conditions and property constraints as the subject site. The subject property’s combination of steep slope, irregular wedge-shaped geometry, and dual street frontages (North Shore and West Shore Roads) constitutes a genuine hardship not typical of all nearby parcels in the vicinity. County topographic data show that less than</p>

topographical conditions, and alignment of North Shore Road along the southern property boundary, “constrain feasible placement of the proposed residence, necessitating a minor encroachment into the side setbacks.”² The County has argued that these site-specific topographic challenges are not shared by all parcels in the vicinity.³ This is untrue. The topographic conditions and property constraints on the Subject Property are typical of nearly every parcel along West Shore Road. Each property in this area sits on a similar incline, and several properties are constrained by North Shore Road along the southern boundary. The surrounding neighbors have been able to construct appropriately-sized homes on their properties under similar conditions.

² County Findings, PVAR-2024-00075, page 1.

³ County Findings, PVAR-2024-00075, page 1.

40 percent of the 11,420-square-foot site contains slopes of 25 percent or greater. Additionally, the topography adjacent to N. Shore Road further constrains building options, compelling the residence to shift northward. Therefore, there are special circumstances unique to the subject site, contrary to the Appellants statement.

Lastly, the Appellant alludes to surrounding neighbors being able to construct homes under similar conditions. However, review of the County’s Parcel & Permit database shows that adjacent parcels located in the surrounding area contain single-family homes that were constructed approximately 1960s/1970s that were subject to less constrictive development standards under the historic R-1-T Zoning District. Pursuant to the 1974 Historic Zoning Code, interior side setbacks were 10 percent of the lot width, provided that each lot be less than three (3) feet and need not exceed five (5) feet in width – thereby setting a 5-foot interior side setback. San Bernardino County Development Code § 82.04.060, Table 82-9B, interior side yard setbacks for the RS zone are 20 percent of lot width, need not exceed 15 ft. Therefore, the comparison the Appellant makes for alleged similar property in the vicinity and under identical zoning classification is not feasible when taking the current code requirements into consideration.

<p>Comment A-5: To illustrate, properties in the immediate vicinity range from approximately 1,500 sq. ft. to 3,700 sq. ft., averaging roughly 2,800 sq. ft., all on similarly sloped lots.¹</p> <p>By contrast, the proposed 4,161 sq. ft. structure would be approximately one-and-a-half times larger than the neighborhood average, demonstrating that the proposed home’s size, not the site’s slope, drives the need for relief.</p>	<p>The data presented in the table (refer to Exhibit C, Page 2), does not support the Appellant’s previous argument that topographical conditions and property constraints are typically shared by all parcels in the vicinity. The presented data is specific to the square footage of the surrounding houses which is more relevant to potential compatibility issues and further discussed in Response to Comments A-10 and A-16. Please note that proposed house, in combination with the other proposed development components, originally resulted in the exceedance of lot coverage. However, the square footage of the driveway has been reduced and the proposed development no longer exceeds the 40 percent maximum lot coverage percentage of the RS zone. Therefore, the request variance is limited to setback encroachment and would be designed in conformance with the San Bernardino County Development Code lot coverage standards. Please note that there are no maximum house size standards for the RS zone.</p>
<p>Comment A-6: The California Supreme Court emphasized in <i>Topanga Ass’n for a Scenic Community</i> that an applicant must show a disparate impact of the zoning on their property, in contrast with other similarly situated property.⁴ The Court in <i>Topanga</i> further emphasized that a variance cannot rest solely on general site conditions. “Knowledge that the property has rugged features tells us nothing about whether the owner faced difficulties different from those confronted on neighboring land.”⁵</p> <p>Here, the County’s findings suffer from the same flaw condemned in <i>Topanga</i>: they analyze the subject property in isolation, without comparative evidence showing unique</p>	<p>Contrary to the Appellant’s statement, the findings were made in consideration of the project site and the surrounding area. As stated in Response to Comment A-5 above, the property’s combination of steep slope, irregular wedge-shaped geometry, and dual street frontages is a special circumstance pursuant to California Government Code § 65906 that warrants approval of the requested variance. The Appellant does not present factual evidence that proves their statement that these constraints are experienced by all parcels in this vicinity, and therefore, the Appellant’s argument is based on unsupported generalities that do not constitute as substantial evidence. The information and exhibits provided in the findings and within this staff report constitutes substantial evidence</p>

¹ Refer to table in Exhibit C, p. 2

<p>hardship. The slope, size, and configuration of this parcel are typical of the neighborhood, not exceptional.</p> <p>⁴ Topanga Ass'n for a Scenic Community v. County of Los Angeles (1974) 11 Cal.3d 506, 520 ⁵ Id. at 520-521.</p>	<p>supporting the variance consistent with <i>Topanga Ass'n for a Scenic Community</i> (1974) 11 Cal.3d 506, 520.</p>
<p>Comment A-7: <i>2. No Deprivation of Privilege.</i></p> <p>Denying the variance will not deprive the property owner of privileges enjoyed by others; it simply requires compliance with the same development standards that apply to every neighboring parcel. Each surrounding home achieves full residential use within the code's existing limits.</p>	<p>Comment noted. Please refer to Response to Comments A-8 and A-9.</p>
<p>Comment A-8: In <i>Miller v. Board of Supervisors</i>, the court upheld a variance only because substantial evidence showed that comparable properties in the same zone had already received similar entitlements, and the variance merely restored parity rather than granting a new advantage. Unlike <i>Miller</i>, where the variance equalized conditions between comparable hotels, the home authorized under the Variance is significantly larger than any of the neighboring homes in the area.</p>	<p>As stated above, the square footage of the house is not a component necessitating a variance. The requested variance is for dimensional accommodations to allow a portion of a proposed garage, house, and deck to encroach up to six feet into the 15-foot interior side setbacks. Appellant improperly conflates square footage of the structure with structural dimension and provides no evidence supporting the claim that a reduction in the square footage eliminates the encroachment into the setback. As indicated in Response to Comment A-4, current development regulations related to setbacks necessitate the requested variance in order to equalize the distance and placement of the structure at a distance and lot location comparable to properties in the vicinity. The approval is not a license for increased occupancy, density, or size. Refer to Response to Comment A-9.</p> <p>In <i>Miller v. Board of Supervisors</i> (1981) 122 Cal.App.3d 539, variances were upheld where modest relief was necessary to achieve functional equivalence with neighboring properties. The</p>

	<p>same rationale applies here: absent relief, the owner would be denied reasonable residential development consistent with surrounding use and zoning.</p>
<p>Comment A-9: As shown in the table above, the homes in the immediate vicinity of the Subject Property range from approximately 1,500 sq. ft. to 3,700 sq. ft., averaging roughly 2,800 sq. ft. The home authorized under the Variance is significantly larger than any of the neighboring homes in the area. Thus, the Variance is creating, rather than correcting, an imbalance in development privileges.</p>	<p>The presented data is specific to the square footage of the surrounding houses which is more relevant to potential compatibility issues and further discussed in Response to Comment A-16.</p> <p>Accordingly, there is recently established precedent of variances being approved for setback encroachment in the LA/RS-14M zone within the Community of Lake Arrowhead. This includes, but is not limited to, Project Nos. PVAR-2024-00084, PVAR-2024-00088, PVAR-2024-00046, and PVAR-2024-00052, which all approved the encroachment of structures into their respective setbacks. Relevant to this subject site, Assessor Parcel Number 0333-252-20, located adjacently north, was granted approval of a variance (Project No. 302000213E) for a detached garage to encroach into the front yard setbacks. A list of approved variances and their brief description have been provided in Exhibit D1 below.</p> <p>Refer to Response to Comments A-5, A-10, and A-16 for more information.</p>
<p>Comment A-10: 3. Grant of Special Privilege.</p> <p>Because the Subject Property is not uniquely constrained, approving this variance would confer a special privilege. The Variance grants permission to construct an outsized three-story home exceeding both setback and coverage limits, which is more than one-and-a-half times larger than the neighborhood average. The proposed home is significantly out</p>	<p>The approval of PVAR-2024-00075 is strictly for dimensional accommodations to allow a portion of a proposed garage, house, and deck to encroach up to six feet into the 15-foot interior side setbacks. The approval is not a license for increased occupancy, density or size.</p> <p>The Appellant is incorrect that the proposed residential development is out of character for the neighborhood. As shown in Figure D1: Residential Square Footage Aerial Map, APNs: 0333-253-26, 0333-</p>

<p>of character for the neighborhood. As the <i>Miller</i> court explained, variances must include “conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity.” (122 Cal.App.3d at 545.) The County has not issued any such conditions in the Variance. Allowing this home would establish precisely such a privilege, undermining the uniform application of zoning and encouraging further oversized, non-conforming construction.</p>	<p>242-17, 0329-091-55, 0329-091-54, 0333-243-23, and 0333-252-02, located within the vicinity of the Project site, all contain single-family residences developed up to 5,192 sq. ft..</p>
<p>Comment A-11:</p> <p>b. <i>The Variance Fails to Meet County Development Code § 85.17.060 Findings.</i></p> <p>1. <i>Finding 1 – The Variance Will be Materially Detrimental to Surrounding Properties.</i></p> <p>The County’s finding of “no detriment” narrowly considered only the garage’s placement and failed to evaluate the home’s full height, massing, and orientation.</p>	<p>The findings included as Exhibit A of the Staff Report have been updated to correctly identify the components subject to the approved variance. Refer to Exhibit A of the Staff Report. Furthermore, PVAR-2024-00075 only granted dimensional accommodation pertaining to the setbacks. Actual development on the site is subject to additional permits, including but not limited to, building, erosion control, and occupancy permits. Pursuant to Exhibit B; Conditions of Approval, additional land use applications (e.g. Revision to an Approved Action) will be submitted to County Land Use Services for review and approval in the event the project is modified in accordance with San Bernardino County Development Code Chapter 85.12: Revisions To An Approved Action.</p>
<p>Comment A-12: The proposed three-story structure and its expansive south-facing decks will directly overlook the appellant’s property, located immediately to the south of the subject parcel. From these elevated decks, occupants would have a clear, unobstructed line of sight into the appellant’s rear yard, patio, and main living-area windows. This elevated vantage point effectively eliminates the privacy and sense of seclusion that existing vegetation currently provide. Unlike typical two-story residences in the area, the proposed third-story decks project outward toward the property line, creating</p>	<p>The residential home would be subject to San Bernardino County Development Code height maximum of 35 ft. As shown in Figure 4 of the Staff Report, the maximum height of the residence would be approximately 34 ft, and therefore, the proposed height would be consistent with height development standards of the RS zone. Accordingly, the proposed height of the building does not constitute a material and substantial detriment to adjoining property, well beyond the ordinary impacts anticipated in a single-family residential zone as the proposed height does not exceed height standards,</p>

<p>continuous viewing platforms that allow residents to look straight into the interior of the appellant’s home. Such intrusion into private living space constitutes a material and substantial detriment to adjoining property, well beyond the ordinary impacts anticipated in a single-family residential zone.</p> <p>Further, the proposed three-story, concrete-intensive design also presents environmental and safety concerns inconsistent with the variance standard.</p>	<p>warranting a variance. Furthermore, there is no a maximum house size standard for the RS zone.</p> <p>The Appellant also does not provide any factual evidence to support their claim that the subject site would result in environmental and safety concerns, but this comment has been noted for the record.</p>
<p>Comment A-13: The Subject Property includes a natural drainage swale that flows onto our client’s property, covering it with hardscape and decks risks diverting stormwater and increasing erosion on this steep slope. Such conditions pose dangers to both slope stability and downstream properties.</p>	<p>As stated in previous responses, the approval of PVAR-2024-00075 granted dimensional accommodations to allow a portion of a proposed garage, house, and deck to encroach up to six feet into the required 15-foot interior side yard setbacks. Regarding drainage, the erosion control plans required for this development will incorporate storm-water control through retention and deterrent devices—including permeable deck surfaces, area drains, and on-site flow—ensuring no adverse off-site runoff or erosion per County standards. The Appellant does not provide any factual evidence that supports this comment. Additionally, the Project was determined to be exempt from further environmental analysis pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures).</p>
<p>Comment A-14:</p> <p><i>2. Finding 2 – There are No Exceptional or Extraordinary Circumstances to Justify the Variance.</i></p> <p>There are no exceptional or extraordinary circumstances to justify the variance. The County found that the steep topography of the Subject Property would limit the owner’s</p>	<p>Refer to Response to Comment A-14 concerning exceptional or extraordinary circumstances. Moreover, the square footage of the deck has been reduced, and the proposed development no longer exceeds the 40 percent maximum lot coverage percentage of the RS Zoning. Therefore, the variance is limited to the setback requirements as summarized in the Staff Report.</p>

<p>development capabilities. However, as discussed above, comparable slope conditions exist throughout the area.</p> <p>The 1 percent lot-coverage exceedance is a design choice, not a hardship. As held in <i>Stolman v. City of Los Angeles</i> (2003) 114 Cal.App.4th 916, 925, “aesthetic preferences or convenience do not create hardship.</p>	
<p>Comment A-15: <i>3. Finding 3 – The Adjacent Property Owner Will Not Be Deprived of Privileges if the Variance is Not Granted.</i></p> <p>As discussed above, strict application of the zoning ordinance would not deprive the property of any reasonable use. Denying the variance enforces parity among properties; approving it would grant superior rights to one owner, which is an outcome <i>Topanga</i> and <i>Miller</i> explicitly prohibit.</p>	<p>Refer to Responses to Comments A-4, A-6 and A-9.</p>
<p>Comment A-16: <i>4. Finding 4 – The Variance is Incompatible with the General Plan.</i></p> <p>Contrary to the County’s findings, the Variance is incompatible with the General Plan and Community Plan.</p> <p><input type="checkbox"/> Policy LU-2.1 (Compatibility with Existing Uses) – This policy requires new development to be located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.⁷ This policy is violated by the oversized massing of the proposed home and its intrusive decks. The decks intrude into the existing setbacks which are established in part to ensure the privacy of neighbors.</p> <p><input type="checkbox"/> Policy LU-2.4 (Land Use Map Consistency) – This policy requires that the proposed development be generally compatible and consistent with the surrounding land uses and</p>	<p>The Appellant is incorrectly tying their interpretation of inconsistencies with Countywide Policies LU-2.1 and L.U-2.4 to the design and size of the conceptual development, rather than the actual approval which is the encroachment of up to six-feet into the required 15-foot interior side yard setbacks. Please also note that the site plan has been updated which shows the reduction lot coverage to 40 percent and therefore, the proposed development no longer exceeds the maximum lot coverage.</p> <p>Furthermore, as stated in Response to Comment A-10 and shown in Figure D1, there are multiple parcels within the surrounding area that contain residences up to 5,192 sq. ft. Therefore, the size of the house is compatible with the surrounding area. Due to the conceptual development’s consistency with applicable design and development standards, the proposed development would be</p>

<p>community's identity. The proposed three-story, 4,161 sq. ft. structure with expansive decks and retaining walls is grossly out of scale with the surrounding residences, which average approximately 2,800 sq. ft. and are predominantly one- or two-story dwellings. While a few older homes in the area include three stories, those are integrated into the hillside, with smaller footprints and decks proportionate to the site. The proposed structure's massive decks and elevated height are visually dominant and out of character with the community's mountain architecture.</p>	<p>compatible and consistent with the surrounding land uses and density, pursuant to Policies LU-2.1 and 2.4.</p>
<p>Comment A-17: Regardless of whether the variance is appropriate, the size of the proposed home is out of character with the Lake Arrowhead community. For comparison, many of the homes surrounding the Subject Property are significantly smaller than the proposed home. Allowing the proposed home would physically and visually overshadow the surrounding properties, disrupt the rhythm of scale and spacing along West Shore Road, and erode the cohesive architectural identity that defines the Lake Arrowhead community. Over time, this would establish a precedent for overdevelopment in the area which would fundamentally alter the community's established character.</p>	<p>The Appellant's reasoning to deny PVAR-2024-00075 is not whether the variance is appropriate, but based on sizing and design of the house has been noted for the record. County Planning Staff's responses to the comments, along with the supplemental information provided in this staff report, sufficiently demonstrate that the required findings for approval of a variance have been made. Collectively, the analysis and supporting documentation establish that the appeal is not justified and that the development would be consistent with applicable development standards and approval criteria.</p>
<p>Comment A-18: c. Conclusion Each required finding under Government Code § 65906 and Development Code § 85.17.060 fails for lack of substantial evidence. The property exhibits no unique hardship, the proposed structure is inconsistent with neighboring development, and granting the variance would confer a special privilege while endangering privacy, drainage stability, and emergency access.</p>	<p>The Appellant's conclusionary statements have been noted for the record.</p>

As such, the Appellants respectfully request that the County revoke or deny the variance and require any redesign to conform fully with applicable zoning and community standards.	
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Attachments:

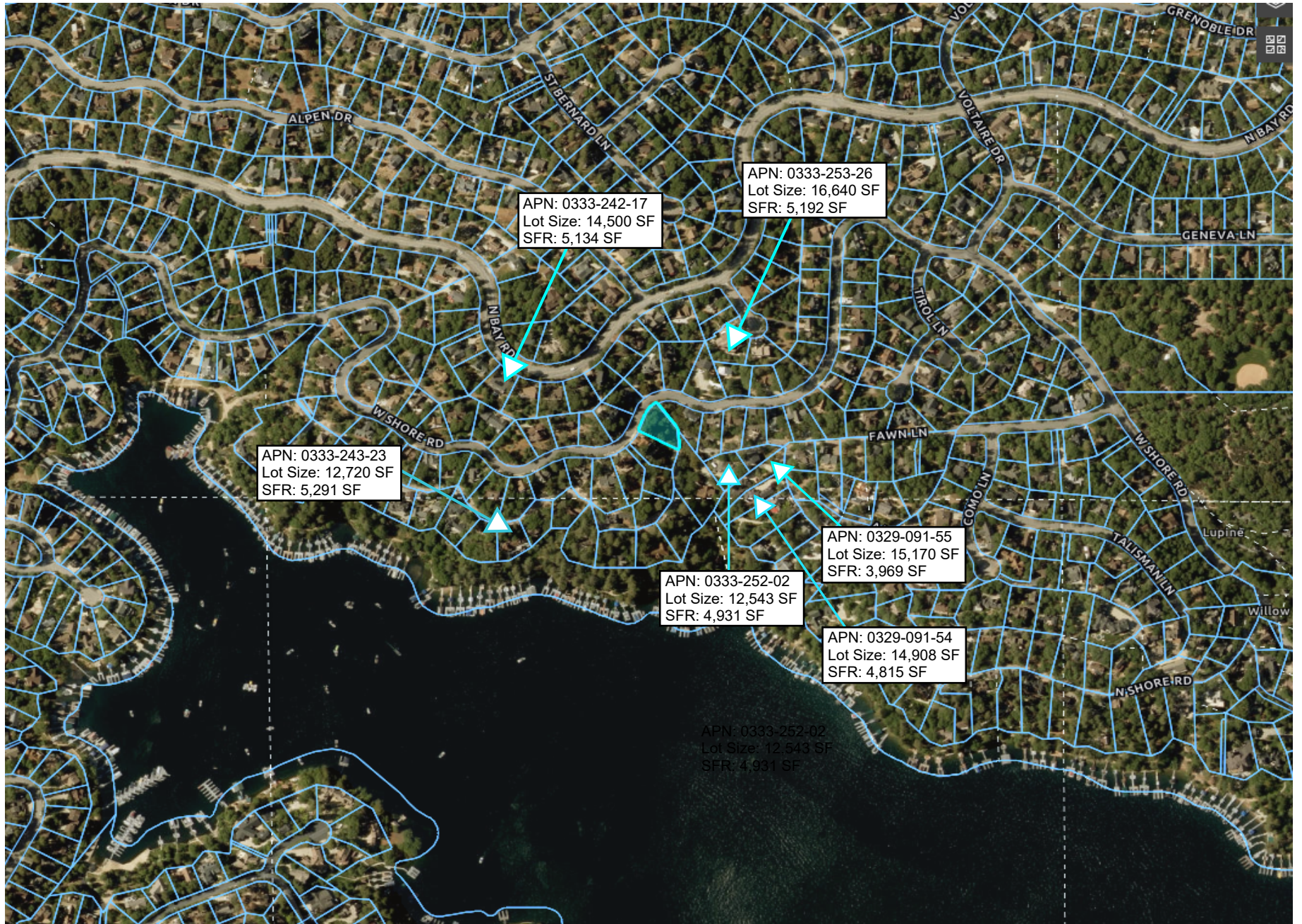
Exhibit D1: List of Similarly Approved Variances

Figure D1: Residential Square Footage Aerial Map

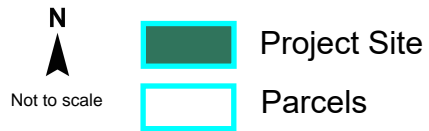
Exhibit D1: List of Similarly Approved Variances

Project No.	Description
PVAR-2024-00084	PVAR-2024-00084 was approved for an 200 sq. ft. carport to encroach 5.4 ft. into the 11.4 ft. side setback and new basement expansion to encroach 3.4 ft into northeast side setback, on a 0.18-acre parcel, located at 27861 Rainbow Dr. Lake Arrowhead CA 92352, in the Low Density Residential (LDR) land use category and Lake Arrowhead/Single Residential-14,000 sq. ft. minimum (LA/RS-14M) zoning district; 3rd supervisorial district; APN: 0335-132-11
PVAR-2024-00088	PVAR-2024-00088 was approved for a new 2-story addition to encroach 5 ft. into the 10 ft. west side setback and to increase the maximum lot coverage of 40% to 49% ,on a 0.25-acre parcel, located at 27449 Bay Shore Dr., Lake Arrowhead CA 92352, Low Density Residential (LDR) land use category and Lake Arrowhead/Single Residential-14,000 sq. ft. minimum (LA/RS-14M) zoning district; 3rd supervisorial district; APN: 0333-032-18
PVAR-2024-00046	PVAR-2024-00046 was approved for a new primary residence to encroach 7.5 feet into the 15-foot north interior side yard setback on a 0.24-acre parcel, located at 26743 Modoc, Lake Arrowhead, CA 92352, Low Density Residential (LDR) land use category and Lake Arrowhead/Single Residential-14,000 sq. ft. minimum (LA/RS-14M) zoning district; 3rd supervisorial district; APN: 0345-463-06
PVAR-2024-00052	PVAR-2024-00052 was approved for a proposed 1-story garage addition with large 3' roof eave extension to encroach 5'-4" into the 15-foot north interior side yard setback on a 0.22-acre parcel, located at 28710 Shenandoah Dr, Lake Arrowhead, CA 92352, in the Low Density Residential (LDR) land use category and Lake Arrowhead/Single Residential-14,000 sq. ft. minimum (LA/RS-14M) zoning district; 3rd supervisorial district; APN: 0331-341-03;

Figure D1: Residential Square Footage Aerial Map



Source: San Bernardino County - Survey Document Research GIS Data; modPims



From: [Robin Kirby](#)
To: [Perez, Aldo](#)
Subject: Opposition - Variance Application PVAR-2024-00075
Date: Saturday, September 27, 2025 10:26:21 AM

You don't often get email from robinjoankirby@gmail.com. [Learn why this is important](#)

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Dear Mr. Perez,

My name is Robin, and I reside at 27919 North Shore Road, directly next to the property under review for Variance Application PVAR-2024-00075. I am sending this letter to state my extreme concern and to request that this matter be set for a public hearing.

I was not made aware of this application, even though my home is immediately adjacent and will be directly impacted. A project of this scale—seeking reduced side setbacks, expanded lot coverage, and permission to build a three-story residence with oversized decks—raises numerous issues that cannot be ignored.

Some of my concerns include:

- The size and bulk of the proposed house will tower over neighboring properties, stripping away privacy and obstructing long-established views.
- The reduced setbacks and lot coverage exceedances contradict the intent of our zoning, which is meant to preserve spacing, open space, and neighborhood character.
- The massing and design are not in keeping with the scale of nearby homes and would set a troubling precedent for future development.
- Fire safety is a serious concern in this area. Eliminating setbacks reduces defensible space and places surrounding homes at greater risk.
- Additional grading, tree removal, and hardscaping will destabilize slopes, create drainage problems, and alter the natural landscape that defines this community.
- A project of this magnitude will also create long-term construction impacts: noise, dust, heavy equipment, blocked access on our narrow road, and safety hazards for residents.
- Larger homes bring increased vehicle traffic and utility demand, further straining infrastructure.

Given these issues, I believe it would be a mistake for the County to grant these variances. At a minimum, a public hearing is absolutely necessary so that directly affected neighbors can present their concerns on the record.

Please confirm that my objection and request for a public hearing have been added to the project file, and that I will be notified of the date, time, and location of any hearing scheduled.

Sincerely,
Robin
27919 North Shore Road
Lake Arrowhead, CA 92352
Cell: 805 712-1807

Sent from my iPad

From: [Perez, Aldo](#)
To: ["Jackson Eisenpresser"](#)
Cc: [RJ ME](#)
Subject: RE: Application PVAR-2024-00075
Date: Monday, September 29, 2025 10:16:00 AM

Good morning,

Thank you for providing your comment. It shall be noted for the record and you shall be notified of any determination going forward.

Have a good day.

Thank you,
Aldo

From: Jackson Eisenpresser <jackson.eisenpresser@jcaeholdings.com>
Sent: Saturday, September 27, 2025 10:02 AM
To: Perez, Aldo <Aldo.Perez@lus.sbcounty.gov>
Cc: RJ ME <rjme2016la@gmail.com>
Subject: Application PVAR-2024-00075

You don't often get email from jackson.eisenpresser@jcaeholdings.com. [Learn why this is important](#)

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Dear Mr. Perez,

I am the owner of 27907 N. Shore Road, which directly backs onto the subject parcel at 27891 West Shore Road. I am submitting this letter to formally request a Public Hearing regarding Variance Application PVAR-2024-00075.

I strongly object to the proposed variance for the following reasons:

1. **Setback Reductions:** Reducing both side setbacks by six feet would push the structure closer to neighboring properties than zoning intends, eliminating essential open space and buffer zones.

2. Excessive Lot Coverage: Exceeding the 40 percent maximum lot coverage undermines the purpose of the LA/RS-14M zoning standards, which are designed to preserve spacing, views, and neighborhood character.

3. Privacy Intrusion: A three-story residence with expansive decks will overlook my property and significantly diminish the privacy and quiet enjoyment of my home.

4. View Impacts: The size and massing of the proposed structure will obstruct views that define the character and value of properties in this neighborhood.

5. Neighborhood Character: Oversized construction on a small parcel is inconsistent with the scale of nearby homes and would set a harmful precedent for future development.

6. Fire Safety: Larger homes with reduced setbacks create greater fire risk in a high-fire area by reducing defensible space and crowding structures closer together.

7. Traffic and Access: A home of this size could increase vehicle use and parking demand on West Shore Road, which is narrow and already strained.

8. Drainage and Runoff: Increasing lot coverage and hardscaping reduces natural drainage, potentially creating runoff and erosion issues for adjacent properties, including mine.

9. Environmental Concerns: Additional grading and tree removal required for this scale of construction could negatively affect soil stability and the wooded environment that is a defining feature of Lake Arrowhead.

Given these significant concerns, I respectfully request that this application be denied. At a minimum, it is essential that a public hearing be held so that the community may fully present these issues on the record.

Please record my objection and request for a public hearing in the project file, and confirm that I will be notified of the date and time of any hearing scheduled.

Thank you.

Best regards,
Jackson Eisenpresser

Jackson Eisenpresser
Managing Partner
JCAE Holdings

A: 725 Fifth Avenue, 24th Floor, New York, NY 10022

M: +1 917 544 7030

E: Jackson.Eisenpresser@JCAEHoldings.com

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From: [Perez, Aldo](#)
To: ["Ali Haghjoo"](#)
Cc: [Gail Haghjoo](#)
Subject: RE: Official Comment on PVAR-2024-00075 (APN 0333-252-09-0000)
Date: Monday, September 29, 2025 10:21:00 AM

Hello Ali,

No worries if it comes after the deadline. It shall be noted for the record regardless. The variance is for part of a proposed house, garage, and deck to encroach 6-feet into both the northern and southern 15-ft side setbacks, not to exceed the 5 foot setback set by the Fire Safety Overlay.

Once I compile all the requested documents, it shall show what the variance is for visually. I will send the determination package for your information once that is done too.

Thank you,
Aldo

From: Ali Haghjoo <haghjoo.ali@gmail.com>
Sent: Thursday, September 25, 2025 11:54 AM
To: Perez, Aldo <Aldo.Perez@lus.sbcounty.gov>
Cc: Gail Haghjoo <gail.haghjoo@gmail.com>
Subject: Re: Official Comment on PVAR-2024-00075 (APN 0333-252-09-0000)

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Hello Aldo,

Thank you for your reply, much appreciated.

Regarding our feedback, please see the attached pdf, which is based on what I had already sent you, but more to the point and cleaned up. For your information, I just mailed a hard copy of the attachment via Priority Mail to the San Bernardino address at the bottom of the notice. They should receive it in a couple of days, but since the notice mentions September 26 as a deadline, I am sending it to you via this email.

Now, to be honest, not having seen what the encroachment application is all about - like is it a wall? or some sort of a structure? or something else? - our response of opposing this variance is our default position and it is based on fairness, logic of requiring the setbacks in the first place, and the potential impact of granting the variance application.

Do you have any information as to why the owners are asking to encroach?

Thanks and regards,
Ali

Ali Haghjoo

On Thu, Sep 25, 2025 at 8:41 AM Perez, Aldo <Aldo.Perez@lus.sbcounty.gov> wrote:

Good morning,

Apologies I was out of office, but yes confirming receipt of your comment for the record and you shall be notified of any further noticing for this record. In regards to your public record request, I am going to forward it to our team that usually handles these requests.

Thank you,
Aldo

From: Ali Haghjoo <haghjoo.ali@gmail.com>
Sent: Wednesday, September 24, 2025 8:32 AM
To: Perez, Aldo <Aldo.Perez@lus.sbcounty.gov>
Cc: Gail Haghjoo <gail.haghjoo@gmail.com>
Subject: Re: Official Comment on PVAR-2024-00075 (APN 0333-252-09-0000)

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Good morning Mr Perez.

I am just following up to make sure that you received my email regarding my feedback

to your comment request vis a vis the encroachment application and my request for some information in the project itself.

Please kindly let me know.

Many thanks,
Ali and Gail Haghjoo

Ali Haghjoo

On Tue, Sep 23, 2025 at 10:57 AM Ali Haghjoo <haghjoo.ali@gmail.com> wrote:

Official Comment on PVAR-2024-00075 & Request for Project Records

Dear Mr. Perez,

My wife and I recently (as of the end of July 2025) purchased **27888 W Shore Rd, Lake Arrowhead, CA 92352**, which is **directly across the street** from the proposed project referenced in the attached notice. A neighbor shared the attached “Project Notice – Variance” mailer with us; we did not receive it by mail and were previously unaware of the application.

Project: PVAR-2024-00075

APN: 0333-252-09-0000

Address of Proposed Project: 27891 W Shore Rd, Lake Arrowhead, CA 92352

I am writing to (1) request records and (2) submit an official comment on the variance request.

1) Records Request

Please provide any **available information and documents** for PVAR-2024-00075, including but not limited to:

- Site plans, elevations, and grading/driveway layouts
- Staff reports (draft or final), analyses, and recommendations
- Prior or current notices sent, mailing lists used, and proof of mailing
- Hearing schedules/agendas (Zoning Administrator/Planning Commission) and any associated conditions of approval

Also, please add us to **all future notices and mailings** regarding this project:

Ali & Gail Haghjoo
2041 Swan Dr
Costa Mesa, CA 92626

2) Official Comment on Setback Encroachment

We are **strongly opposed** to any variance that would **encroach into the required 15-foot side setbacks**. These setbacks exist for sound reasons—safety, neighborhood character, drainage/snow storage, emergency access, and equitable use of right-of-way—and should not be waived.

By way of experience: we previously owned a home in **Arrowhead Villas**. Our lot had a setback from the street that adjacent properties lacked. After snow events, the plows routinely piled snow into our setback area, creating a **large snow berm in front of our home** while neighboring properties without setback depth were less affected. Access after plowing often required **hours of shoveling** just to reach our entry.

Allowing such encroachments reduces the area available for **snow storage and even distribution**, effectively **shifting burdens onto neighbors**. In this case, as the owner directly across the street with a wide driveway at **27888 W Shore Rd**, an encroachment would increase the likelihood that **more snow and debris are pushed toward our frontage**, impairing access and creating disproportionate impacts on our property and safety.

Accordingly, **please accept this email as our official comment** opposing any **variance to encroach into the 15-foot side setbacks** for **PVAR-2024-00075 (APN 0333-252-09-0000)**, and include it in the administrative record.

Thank you for your time and assistance. Please confirm receipt of this email and let us know how to obtain the requested documents. We appreciate being kept informed of any hearings or decisions.

Sincerely,

Ali & Gail Haghjoo
Property Owners, 27888 W Shore Rd, Lake Arrowhead, CA 92352
Mailing: 2041 Swan Dr, Costa Mesa, CA 92626

Ali Haghjoo



From: [Perez, Aldo](#)
To: ["don fisher"](#)
Subject: RE: Variance Application PVAR-2024-00075 – Lack of Notice and Request for Public Hearing
Date: Monday, September 29, 2025 10:32:00 AM
Attachments: [SPO LABELS AT 300 FEET PVAR 2024 00075.docx](#)

Good morning,

Thank you for your comments. They have been noted for the record and shall be taken in consideration by our director prior to making a determination.

Please note that noticing was sent to the following address:

33325202/PVAR202400075ap
FISHER, DON LIVING TRUST 10/1/20
P O BOX 2415
BLUE JAY CA 92317

I shall address the noticing issue with my supervisor to see how to proceed.

Thank you,
Aldo

From: don fisher <don.fisher88@gmail.com>
Sent: Saturday, September 27, 2025 10:15 AM
To: Perez, Aldo <Aldo.Perez@lus.sbcounty.gov>
Subject: Variance Application PVAR-2024-00075 – Lack of Notice and Request for Public Hearing

You don't often get email from don.fisher88@gmail.com. [Learn why this is important](#)

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Dear Mr. Perez,

My name is Don Fisher, and I reside at 27919 North Shore Road, immediately adjacent to the subject property for Variance Application PVAR-2024-00075.

I am writing to make clear that I did not receive any notice of this application, despite being a directly affected neighbor. Only through word of mouth did I become aware of this filing. As such, I object to the project proceeding without proper notification to all impacted property owners.

In addition, I strongly oppose the variances being requested for the following reasons:

1. Setback reductions and excessive lot coverage ignore the purpose of the LA/RS-14M zoning standards and would result in a structure that is far too large for this parcel.
2. The three-story height, combined with oversized decks, will create serious privacy and view intrusions for surrounding properties, including mine.
3. The massing and design are inconsistent with the neighborhood's character and would set a dangerous precedent for overbuilding in our area.
4. Reduced setbacks compromise fire safety by eliminating defensible space, which is critical in a high-fire zone like Lake Arrowhead.
5. The slope and grading required for this project raise concerns about soil stability, runoff, and drainage, which could affect both my property and the roadway.
6. Construction of this magnitude will cause prolonged noise, dust, heavy equipment use, and traffic blockages on an already narrow road, impacting neighbors' safety and quality of life.
7. Utility demand from a house of this scale may strain local infrastructure, including water and sewer capacity.
8. Granting this variance would erode confidence in the County's zoning protections and encourage further oversized, incompatible development in our neighborhood.

Because of these serious concerns—and because directly impacted neighbors like myself were not properly noticed—I respectfully insist that this matter be scheduled for a public hearing. This is the only fair way to ensure that affected property owners can voice their objections on the record.

Please confirm that my objection has been added to the project file and that I will be notified of the date, time, and location of any public hearing on this application.

Sincerely,
Don Fisher
27919 North Shore Road
Lake Arrowhead, CA 92352
don.fisher88@gmail.com

Cell: 714 749-6565

Don

From: [Perez, Aldo](#)
To: [RJ ME](#)
Cc: [Jackson Eisenpresser](#)
Subject: RE: Variance Application PVAR-2024-00075
Date: Monday, September 29, 2025 8:54:00 AM

Good morning,

Thank you for providing your comment. It shall be noted for the record and you shall be notified of any determination going forward.

Have a good day.

Thank you,
Aldo

From: RJ ME <rjme2016la@gmail.com>
Sent: Saturday, September 27, 2025 9:52 AM
To: Perez, Aldo <Aldo.Perez@lus.sbcounty.gov>
Cc: Jackson Eisenpresser <jackson.eisenpresser@jcaeholdings.com>
Subject: Variance Application PVAR-2024-00075

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Dear Mr. Perez,

I am the owner of 27907 N. Shore Road, which directly backs onto the subject parcel for Variance Application PVAR-2024-00075. I am writing to state my strong objection to this variance request.

The applicant is seeking significant deviations from the Lake Arrowhead Single Residential zoning requirements, including encroaching six feet into both side setbacks and exceeding maximum lot coverage to construct a three-story, 4,161 sq. ft. residence with a large exterior deck. This proposal raises several serious concerns:

1. Privacy Intrusion: A three-story structure with an expansive deck overlooking my property will materially diminish my family's privacy.
2. View and Character Impact: Allowing this oversized development will block existing views and alter

the established character of our neighborhood, which is defined by open space, setbacks, and appropriately scaled homes.

3. Precedent: Granting such a variance undermines the intent of the LA/RS-14M zoning standards. If approved, it would set a precedent for similar oversized, non-conforming development in the area.

4. Excessive Massing: The combined requests to both reduce setbacks and increase lot coverage go beyond what should reasonably be considered a “variance” and would result in a structure out of proportion with the surrounding community.

For these reasons, I respectfully request that the variance be denied. At a minimum, this application warrants a public hearing so that impacted neighbors can be properly heard.

Please record my objection in the project file and notify me of all future actions regarding this application.

Ruby Eisenpresser
310 531 3093