

**Affordable
Resort Community Housing, LLC (ARCH)
3-D Housing Development, LLC
jrhead27@gmail.com**

October 15, 2018

Mono County Land Development Technical Advisory Committee
Via email: glefrancois@mono.ca.gov

Re: Variance Request TTM 18-001, Head

Pursuant to the required findings under 33.010 the applicant requests a variance for encroachment within the 30' setback from an existing drainage ditch running through the applicants property.

The set back requirement should not apply for the following reasons:

- Special circumstance exist in regards to set back's associated with this specific drainage ditch. Contiguous properties that were recently built were not required to include the set back and were given a variance. US Army Corps and California Dept. of Fish & Wildlife will NOT require any jurisdictional permits as the project avoids all sensitive stream bed and riparian concerns. Based on the elevated building foot prints and the construction methods proposed no negative impacts will occur to this stream bed and no removal of existing plant material will be disturbed within the stream bed course.

California Dept. of Fish and Wildlife, Nick Buckmaster and US Army Corps, Jerry Hidalgo found that this local drainage course will not require a special permits under Fish & Game Code section 1600 or any jurisdictional requirements per the applicant requested TTM.

The Statutory justification for a variance would be that the property owner would suffer unique hardship under the general land use regulations because such a set back would greatly reduce the use of the property as a "taking" and it would be inconsistent with other contiguous properties that were given a variance adjacent to the same water course. The proposed land use is consistent with the established regulations and would have less impact to the stream bed than other projects that were issued a variance.

The variance would qualify for a Class 3 Categorical Exemption CEQA Guidelines 15303(a) for "New Construction of Small Structures.

- The granting of a variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the land use designation in which the property is situated.

The variance permit provides the public the opportunity to comment on the proposed project including the subject set backs. The owner has communicated with the direct neighbors and has not received any opposition comments.

The grant of variance will not be in conflict with established map and text of the general and specific plans and policies of the County.

June Lake Area Plan; 1) Land Use, Objective C. Policy 13.C.1. states: Encouraged compatible development in existing and adjacent neighborhood areas. The project is a permitted use for the MFR-H land use designation and will be compatible with the surrounding uses that are also designated MFR-H.

- The request will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the land use designation in which the property is situated in.
- The grant of variance will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is situated.

The property is located in a multi-family residential area and the proposed project would be consistent with the adjoining residential developments. The variance permit process provides the public the opportunity to make comments on the proposed setback request and all indications are that the neighbors have indicated that there is no issue with the owners request.

Therefore the Applicant would like to request a variance and would like the support of the Mono County Planning Department as indicated on the submitted TTM site plan for the development of 5 individual workforce housing units.

Sincerely,

Jon R. Head / ARCH, LLC & 3-D Housing Development, LLC