

January 23, 2026

Jo and Eddie Falzon
2553 N. Round Valley Road
Bishop, CA 93514
760-608-1321 eddie@runyard.org

Inyo County Planning Commission
168 North Edwards Street, P.O. Drawer L
Independence, CA 93526

RE: Opposition to Variance #2025-05 / Bradford
Property Address: 2581 N. Round Valley Road, APN 009-140-12

Dear Planning Commission Members,

We are the adjoining property owners immediately south of the Bradford property. We respectfully oppose Variance #2025-05 because the application and staff report fail to support the required findings for approval. The claimed hardship is self-created, code-compliant alternatives exist, and the proposed fence raises serious public safety concerns at a corner lot.

INTRODUCTION

We have lived in the 40 Acres community for 28 years and value its open views, rural character, and safety. My background is in construction and electrical work; I am a retired licensed contractor and former officer and director of the 40 Acres Fire Safe Council. I have extensive experience with fencing and mature trees on rural parcels similar to the subject property.

We acknowledge that Mr. Bradford has constructed a beautiful home. Prior to recent landscaping, the property was largely open and historically used low fencing within setback areas.

MATERIAL ERRORS AND OMISSIONS IN THE STAFF REPORT

Before addressing the required findings, several factual inaccuracies and omissions in the staff report must be noted. These errors undermine the report's conclusions and recommendation.

1. Public opposition was received but not disclosed

The staff report states that no public comments were received. This is incorrect. On December 30, 2025, we left a detailed voicemail with the Planning Department expressing opposition and outlining safety concerns. Planner Cynthia Draper acknowledged receipt of that voicemail during

a phone call on January 22, 2026. Despite having received detailed opposition more than three weeks before the hearing, the staff report was published stating no comments had been received. Phone logs are attached.

2. Incorrect premise regarding tree interference

The report claims that mature trees and vegetation within setback areas limit fence placement. Trees and vegetation within setbacks are irrelevant, as 6-foot fencing is not permitted in those areas regardless. Our site review confirms that mature trees do not prevent installation of a code-compliant 6-foot fence outside required setbacks. The claimed hardship does not exist.

3. Failure to disclose self-created landscaping issue

The vegetation cited as needing protection consists of recently planted, non-native shrubs installed in November 2025—immediately before deer migration season and shortly before filing this variance. This timing reflects a self-created condition, not a longstanding site constraint.

Additionally, the applicant's **November 30, 2025 email** confirms that landscaping was completed immediately prior to deer activity and that a six-foot fence was already planned in response to the newly planted vegetation. This demonstrates the claimed hardship is self-created. Email is attached.

4. Misleading use of the term “relocate”

The report suggests that an existing 6-foot fence is being “relocated.” In fact, there is no such fence on the front or street-side yards. This is a request to construct a new 6-foot fence where only 3.5-foot fencing is permitted.

5. Mischaracterization of a street as a driveway

The south side of the property is described as adjacent to a “dirt driveway.” This is incorrect. The 24-foot-wide access serving multiple homes meets the definition of a “street” under Inyo County Ordinance 1007 §4. This mischaracterization minimizes legitimate street-side setback and sight-distance concerns.

6. Incorrect portrayal of neighborhood context

The staff report suggests a prevalence of non-conforming fences. Our survey of 52 parcels in the 40 Acres community shows fewer than 12% have 6-foot fences in front or side setbacks. Over 88% comply with code despite similar wildlife conditions. Non-conforming fences are exceptions, not the neighborhood norm.

7. Unclear and potentially incorrect fence location

The report states the fence would be “approximately eighteen feet from the front property line and Round Valley Road,” conflating two different measurements. The front property line is marked by a long-established survey pin, not at the pavement edge. Without an accurate property line location, the Commission cannot properly evaluate setbacks or sight distance. Photographs and documentation are attached.

These issues are not minor. They form the factual basis for the staff recommendation and must be corrected before any findings can be made.

REQUIRED FINDINGS CANNOT BE SUPPORTED

Finding 1: No exceptional circumstances exist

The staff report cites mature vegetation and wildlife presence as exceptional circumstances. These conditions are common throughout the 40 Acres community and are not unique to this parcel.

Mature trees do not prevent installation of a 6-foot fence outside required setbacks. The plants cited as needing protection were installed only weeks before the variance application. A hardship created by recent landscaping decisions does not qualify as an exceptional circumstance.

The report also references neighborhood non-conforming fences. A small number of violations does not establish neighborhood character or justify further deviation from the code.

This finding cannot be made.

Finding 2: The variance would be detrimental to public safety

The subject property is a corner lot bounded by:

- N. Round Valley Road (posted 40 mph; observed speeds often exceed 50 mph)
- Oceanview Avenue
- A private street legally classified as a “street,” serving six dwellings

The staff report concludes that the fence will not impact safety but provides no supporting analysis. No traffic study, sight-distance evaluation, or engineering review was conducted.

Key safety concerns include:

- **Sight distance:** At 50 mph, stopping sight distance exceeds 400 feet; at 40 mph, approximately 300 feet. The Bradford frontage is only 208 feet. Chart attached.
- **Fence height:** The fence would sit on elevated grade, increasing its effective height to approximately 7–7.5 feet above the adjacent private street. Photographs attached.
- **Materials:** Railroad tie posts and heavy hog wire reduce transparency, particularly at oblique angles and at night.
- **Corner lot conditions:** Parked vehicles/trucks and high speeds already create danger. Drivers, pedestrians, cyclists and especially children all rely on clear sight lines at corner intersections.
- **Wildlife crossings:** Mule deer frequently use the private street to access DWP lands across Round Valley Road, creating an ongoing collision risk.
- **Ever-present danger:** Southbound traffic on Round Valley Road is already a significant threat to users of our private street. A tall fence would worsen the danger and cause heightened concern for us.

Front and street-side setback height limits exist specifically to protect visibility at corner lots. The staff report offers no technical justification for waiving these protections.

As grandparents of 8- and 10-year-olds who regularly use this area, visibility is a daily safety concern. By nature, young children sometimes forget the dangers of street crossings and the need to look both ways. Reduced sight distance increases the risk of accidents involving children, pedestrians, pets, or wildlife.

This finding cannot be affirmed without proper engineering analysis.

Finding 3: No practical difficulty or unnecessary hardship exists

The claimed difficulty arises from recent landscaping choices, not from physical conditions of the land. Prior to November 2025, the property contained minimal vegetation and ample space for compliant fencing.

Code-compliant alternatives exist, including:

- Installing 6-foot fencing outside the 50-foot front and 20-foot side setbacks
- Using 3.5-foot fencing within setbacks
- Selecting native or deer-resistant landscaping
- Adjusting planting locations rather than fencing standards

The staff report acknowledges that 6-foot fencing does not reliably deter deer, further undermining the stated purpose of the variance.

Strict application of the code does not deprive the property of reasonable use. It simply requires compliance with established setback standards.

This finding cannot be made.

Finding 4: The variance would grant a special privilege

Approval would grant a privilege not available to similarly zoned properties and would undermine the purpose of corner-lot setback regulations. Many property owners experience the same wildlife conditions and comply with the code. Granting this variance here would set an adverse precedent.

This finding cannot be affirmed.

CONCLUSION

Variance #2025-05 fails to satisfy Findings 1, 2, 3, and 4. The hardship is self-created, code-compliant alternatives exist, and the proposal raises legitimate public safety concerns. Approval would erode setback protections relied upon by the community.

We respectfully request denial of this variance. If the Commission considers approval, we request a site visit and documented sight-distance analysis by the Road Department.

We will attend the hearing and are available to answer questions.

Sincerely,



Jo and Eddie Falzon

CC: Cynthia Draper, Project Planner
Jennifer Roeser, County Supervisor

Attachments:

- Phone logs documenting December 30, 2025 voicemail and January 22, 2026 phone call
- Photographs of surveyor pin and concrete fence post footing marking the front property line
- Stopping sight distance charts for 40 mph and 50 mph
- Photographs showing grade differential between the property and adjacent private street
- Photographs showing applicant property site conditions in September 2025
- Email from applicant dated November 30, 2025 regarding recent landscaping and planned six-foot fencing

10:21 2 2



County Planning

(760) 878-0263

Yesterday



2:47 PM

Cell Phone Calls from Ed Falzon to Cynthia Draper
1/22/26 & 12/30/25

We left a detailed opposition message on Cynthia Draper's voicemail on 12/30/2025

Outgoing call, 16 mins 33 sec



2:07 PM

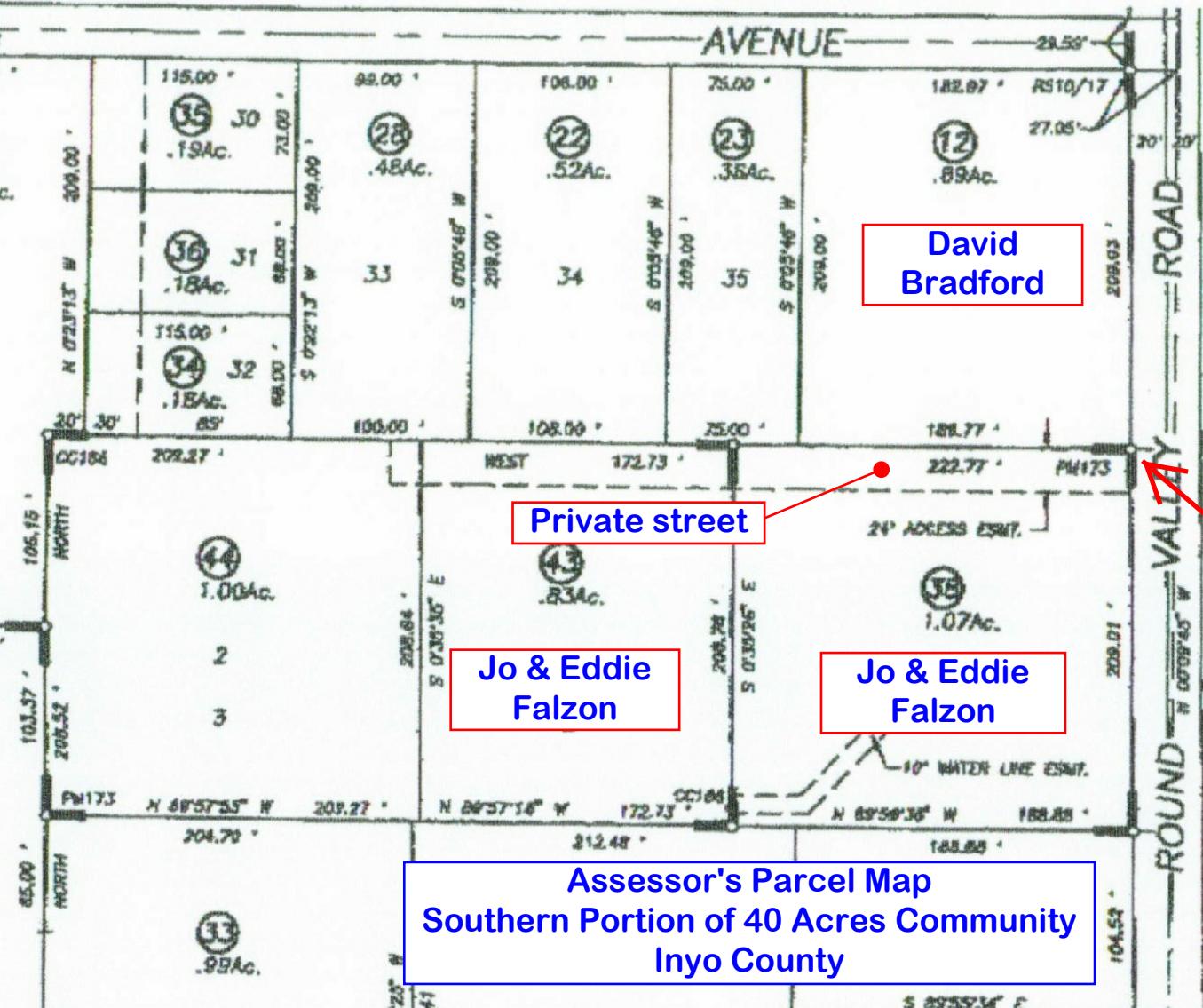
Outgoing call, 12 mins 53 sec

Tuesday, December 30, 2025



8:49 AM

Outgoing call, 5 mins 24 sec





LEANN RASMUSON
& ASSOCIATES, INC.

370 W LINE ST.
BISHOP, CA 93515
BUS. (760) 873-4264
FAX (760) 873-4875
lrasmussen@coldwellbanker.com

(260) 873-6308 S.C.E

February 24, 1998

Mr. & Mrs. Ed Falzon
6792 Crista Palma
Huntington Beach, CA 92647

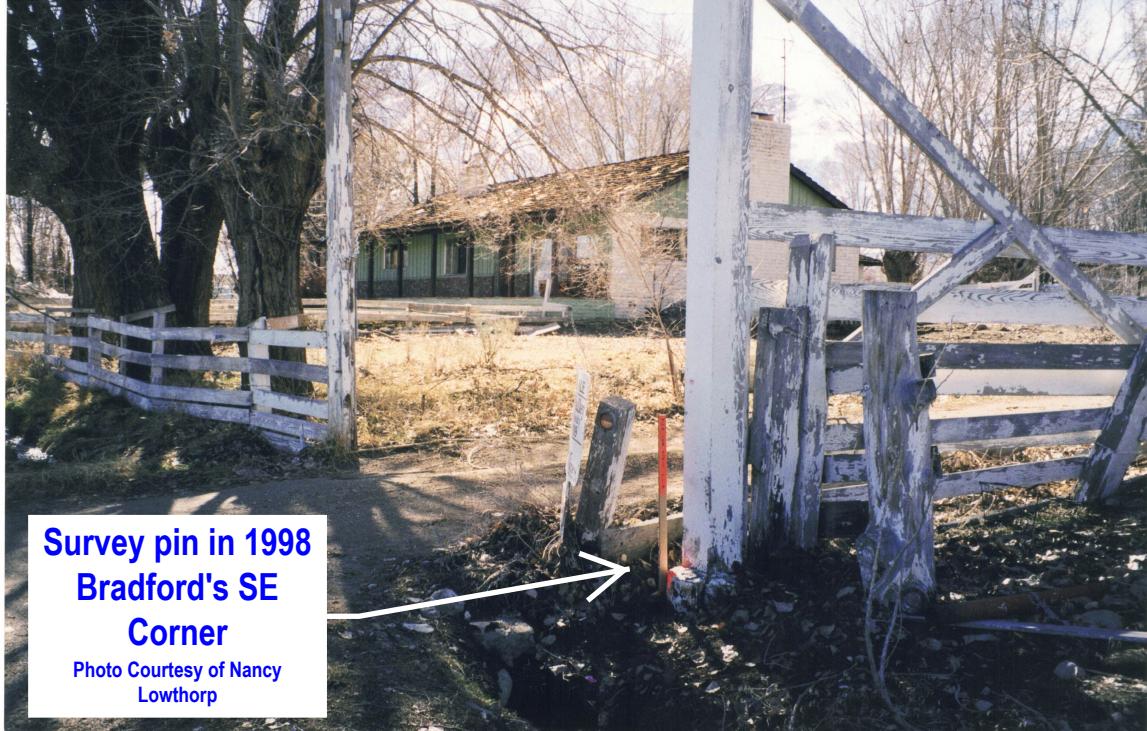
Dear Ed & Jo,

Please find enclosed pictures of where the property lines are for your property as well as the adjoining property. If you should have any questions, please call me.

We are scheduled to close next week.

Sincerely your Realtor,

Nancy Lowthorp
Sales Executive
Coldwell Banker LeeAnn Rasmussen



**Survey pin in 1998
Bradford's SE
Corner**

Photo Courtesy of Nancy
Lowthorp



**Property
corner survey
pin in 1953**

Photo courtesy of Stan
Voget

brake reaction times used for level roadways.

Table 1 U.S. Customary Stopping Sight Distance on Level Roadways

Design Speed (mph)	Brake Reaction Distance (ft)	Braking Distance on Level (ft)	Stopping Sight Distance	
			Calculated (ft)	Design (ft)
15	55.1	21.6	76.7	80
20	73.5	38.4	111.9	115
25	91.9	60.0	151.9	155
30	110.3	86.4	196.7	200
35	128.6	117.6	246.2	250
40	147.0	153.6	300.6	305
45	165.4	194.4	359.8	360
50	183.8	240.0	423.8	425
55	202.1	290.3	492.4	495
60	220.5	345.5	566.0	570
65	238.9	405.5	644.4	645
70	257.3	470.3	727.6	730
75	275.6	539.9	815.5	820
80	294.0	614.3	908.3	910
85	313.5	693.5	1007.0	1010

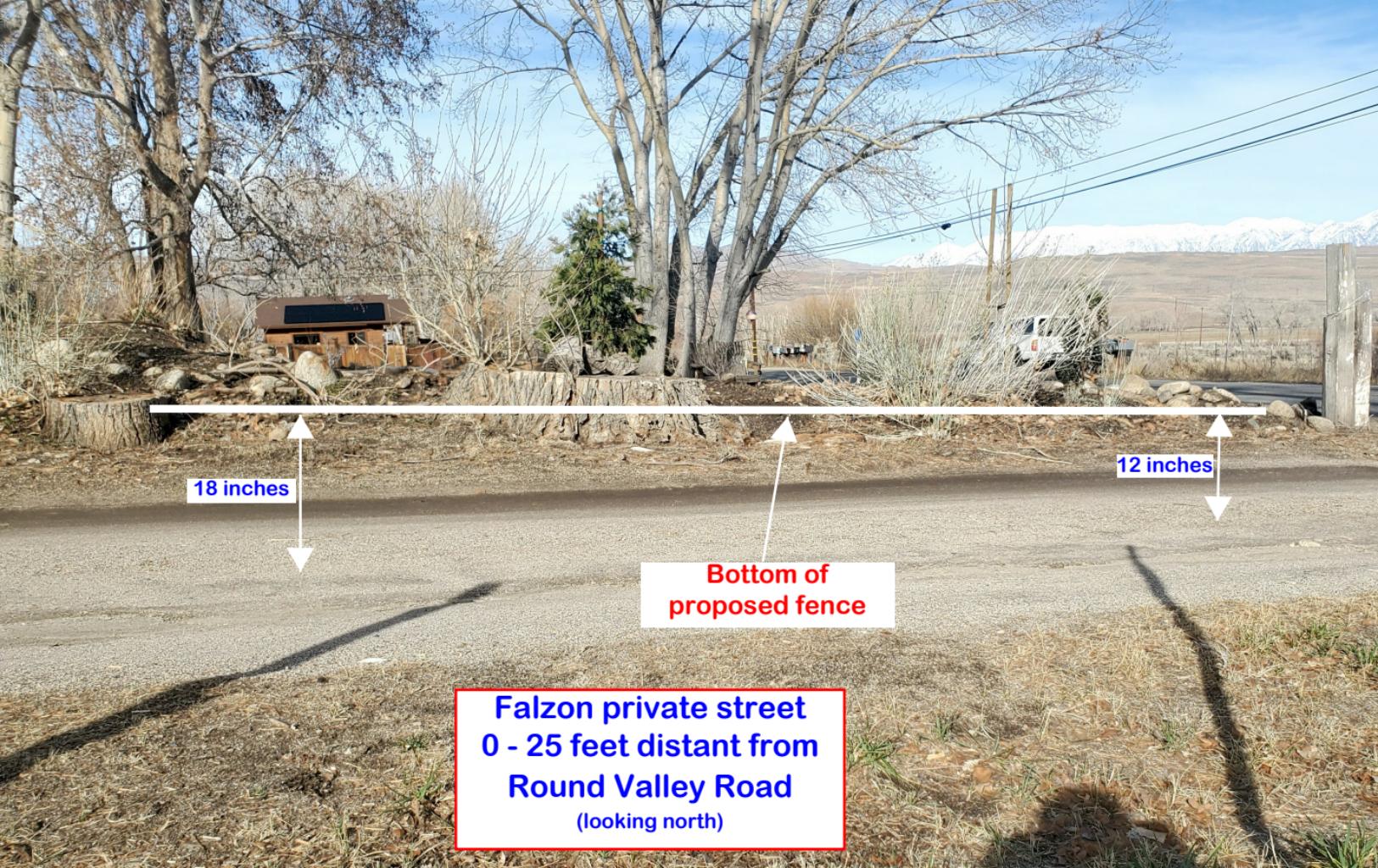
Courtesy of
ENGINEERSEDGE.com

Table 2 Metric Stopping Sight Distance on Level Roadways

④ Brake

B ⌂

Stopping





18 inches

Bottom of proposed
fencing

18 inches

Falzon Private Street
25-50 feet distant from
Round Valley Road
(looking north)

Bishop, California

Google Street View

Sep 2025



**Bradford Property
Site Conditions
Sept. 2025**

Photo courtesy of Google Maps

Subject: New fencing

From: David Bradford <dabradford8@gmail.com>

Date: 11/30/2025, 6:25 PM

To: Ed Falzon <zipeddie@gmail.com>

Hi Ed,

I hope you are well and that Thanksgiving was excellent.

We are finally nearing the end of our landscaping project and almost all the planting is done. In no time the deer noticed and have started feeding. I've sprayed some deer repellent that seems to work, but it is a temporary solution so we are going to start on a new fence next week. It will be made from black hog wire, 6' tall, wood posts and stringers to support the hog wire. I was hoping it would be ok with you if we accessed the section between our properties from your road. It looks like they will be digging the holes by hand. How does that all sound?

Best,
David

Email from David
Bradford 11/30/2025

Subject: RE: New fencing
From: Ed Falzon <zipeddie@gmail.com>
Date: 11/30/2025, 6:54 PM
To: David Bradford <dabradford8@gmail.com>
BCC: zipeddie@gmail.com

Hello David,

My Thanksgiving was excellent with my daughter and 2 grandsons visiting. Thanks for asking. I hope yours was good also.

Yeah no problem with using my road for access. Once your finished, can I transfer the skunks to your side?

I'm sure you know that the deer and bears will easily scale a 6ft fence? I have some wire cages over here that i used to protect my pear trees. You're welcome to borrow them.

Cheerios,
Ed

Sent from my Galaxy

**My response to
David's email
11/30/2025**

----- Original message -----

From: David Bradford <dabradford8@gmail.com>
Date: 11/30/25 6:26 PM (GMT-08:00)
To: Ed Falzon <zipeddie@gmail.com>
Subject: New fencing

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