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AGENDA ITEM NO.: **8** (Action Item – Public Hearing)

**PLANNING COMMISSION
MEETING DATE:** January 28, 2026

SUBJECT: Variance #2025-05/Bradford

EXECUTIVE SUMMARY

The applicant requests approval of a Variance to allow construction of a 6-foot-high hog-wire fence within the front yard and street-side yard of a corner lot located at 2581 N. Round Valley Road. The request is intended to address Mule Deer intrusion associated with the property's location adjacent to large open DWP land and seasonal deer migration areas. The project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, Class 3.

PROJECT INFORMATION.

Supervisory District: 4

Project Applicant: Gustavo Mora Flores

Property Owner: David Bradford

Site Address: 2581 N. Round Valley Road

Community: Bishop/40 Acres

A.P.N.: 009-140-12

General Plan: Residential Rural High Density (RRH)

Zoning: Rural Residential (RR-1.0-acre minimum)

Size of Parcel: Approximately 0.89 acres or 38,593. Sq. ft.

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	SFR (Single Family Residence)	RRH (Residential Rural High Density)	RR-1.0 (Rural Residential)
North	SFR (Single Family Residence)	RRH (Residential Rural High Density)	RR-1.0 (Rural Residential)
East	DWP Land Agriculture	NR (Natural Resources)	OS-40 (Open Space)
South	SFR (Single Family Residence)	RRH (Residential Rural High Density)	RR-1.0 (Rural Residential)
West	SFR (Single Family Residence)	RRH (Residential Rural High Density)	RR-1.0 (Rural Residential)

Staff Recommended Action:

1.) Approve Variance 2025-05/Bradford with the Findings and Conditions as provided for in the staff report and certify that it is Exempt under California Environmental Quality Act (CEQA).

Alternatives:

- 1.) Deny the Variance.
- 2.) Approve the Variance with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner:

Cynthia Draper

BACKGROUND AND STAFF ANALYSIS

The applicant, Gustavo Mora Flores, submitted a request for a fence height variance on behalf of the property owner, David Bradford. The request proposes construction of a six-foot-tall hog wire fence within the front and side yards of a corner lot, where the maximum permitted fence height is 3.5 feet pursuant to Inyo County Code Section 18.78.180.

The applicant states that the property owner was not aware of the front and street-side yard fence height limitation prior to initiating site preparation for the fence because several nearby properties contain fencing exceeding the maximum permitted height.

To address the fence height limitation, the property owner submitted an application for a variance. The owner is unable to attend the Planning Commission hearing due to prior travel commitments and has authorized the contractor to act as the applicant for this request.

The subject parcel consists of approximately 0.89 acres and is located at 2581 Round Valley Road in Bishop, within the Forty Acres area. The site is developed with a single-family residence, a garage, and an accessory dwelling unit. Surrounding land uses are primarily single-family residences and agricultural land owned by the Los Angeles Department of Water and Power.

The property and surrounding area are located within a documented wildlife migration corridor and are adjacent to open land. The site includes a creek and sloped terrain along the front portion of the parcel (see attached map). The property owner reports that mule deer enter the site and have damaged trees, landscaping, and other vegetation, particularly during migration periods. The request for a taller fence is intended to help reduce wildlife intrusion and related property damage, recognizing that a six-foot fence would not completely deter deer but increasing the fence height above the standard allowed height is intended to reduce the frequency and extent of damage to the property.

Neighborhood Context

The surrounding neighborhood includes a number of properties with fencing that exceeds the standard front or street side yard height limits. While the existence of other non-conforming fences does not, by itself, justify approval of a variance, it provides context for the rural residential character of the area and the prevalence of taller fencing in response to wildlife intrusion.

Fence Placement and Setbacks

The subject parcel is a corner lot zoned Rural Residential (RR) with frontage along Round Valley Road. Required setbacks are fifty feet in the front yard, thirty feet in the rear yard, and twenty feet on each side. A six-foot fence could be constructed in compliance with the zoning ordinance if these setback requirements were met; however, existing mature trees and vegetation within the setback areas limit the ability to place the fence farther from the roadway. As a result, the applicant is requesting a variance to allow the fence height within the reduced setback area.

The proposed fence would be located approximately eighteen feet from the front property line and Round Valley Road and would be constructed along a raised slope ranging from approximately twelve to eighteen inches in height, with a creek separating the roadway from the proposed fence line. One side of the corner lot fronts Ocean View Road, where the proposed fence would be set back approximately one foot from the side property line. The opposite side of the corner lot is adjacent to a dirt driveway serving nearby residences, where the proposed fence would also be set back approximately one foot from the side property line. The distance from the corner of the proposed fence alignment to the paved portion of Round Valley Road, where vehicles execute left- and right-turning movements, is approximately eighteen feet.

Corner Lot Visibility and Public Safety

The parcel's corner lot configuration includes frontage on Round Valley Road, with one side yard fronting Ocean View Road and the opposite side yard fronting a dirt driveway that provides access to nearby residences. Photographs and site observations demonstrate that vehicles exiting the adjacent dirt driveway and vehicles approaching Round Valley Road from Ocean View Road must travel beyond the proposed fence alignment to the edge of the existing roadway or road easement in order to safely execute left or right turning movements.

As proposed, the fence would be located at the top of the existing slope and would not obstruct sight lines for motorists or pedestrians. The fence is constructed of open hog wire and is set back from the paved roadway at the corner by approximately eighteen feet. Based on these separation distances, the existing grade differences, and the fence design, staff does not identify visibility or public safety impacts associated with the proposed fence.

Previous Variance History

No prior variances have been applied for regarding this property.

Provision for Variances

The Inyo County Zoning Ordinance states that any variance to the terms of the Zoning Ordinance may be granted if such a variance would *“not be contrary to its general intent or the public interest, where due to special conditions or exceptional characteristics of the property or its location or surroundings, a literal enforcement would result in practical difficulties or unnecessary hardships”* (Section 18.81.040).

Further, the Zoning Ordinance states that the following three Findings must be affirmed in order for any variance to be granted:

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.
2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.
3. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.

In addition to the above Findings specified in the Inyo County Zoning Ordinance, California State Government Code requires the following Findings for any variance:

4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
6. The proposed variance is consistent with the General Plan
7. The requirements of the California Environmental Quality Act have been met.

Affirmative variance Findings must describe the special circumstances that act to physically differentiate the project site from its neighbors and make it unique, and thus uniquely justified for a variance; alternatively, negative findings must describe how the project's physical characteristics are not unique or exceptional and therefore do not justify a variance.

ALL seven of the Findings must be affirmed in order for a variance to be approved.

ENVIRONMENTAL REVIEW

The proposed project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, Class 3, which applies to the construction of minor accessory structures, including fences.

NOTICING REQUIREMENTS

The application for VAR 2025-05/Bradford was reviewed by the appropriate County departments. No issues have been identified by County staff.

The project was noticed for a public hearing in the Inyo Register at least ten days in advance, with publication on January 17, 2026. Notice was also mailed to all property owners within 300 feet of the subject property. As of the date of this staff report no comments have been received.

RECOMMENDATIONS

Approve Variance 2025-05/Bradford with the Findings and Conditions as provided for in this staff report and certify that it is Exempt under CEQA.

FINDINGS

Staff has reviewed this application and can find that all seven of the required Findings can be affirmed:

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.

(Affirmative- Evidence: Exceptional circumstances apply to the subject property due to the presence of mature, established trees and vegetation within the front and street-side yards. These physical site conditions limit the ability to relocate a six-foot fence farther into the parcel to fully comply with standard setback requirements. Removal of the existing mature vegetation would significantly alter the site and is not considered a reasonable alternative. In addition, the property is located within a documented wildlife migration corridor, and a taller fence would assist in protecting the existing vegetation from ongoing mule deer intrusion. As a result, strict application of the fence height and setback standards would create a practical difficulty in developing the property in a manner comparable to other parcels in the same zoning district.)

2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.

(Affirmative-Evidence: Approval of the variance would not be detrimental to the public welfare or injurious to property in the vicinity. The proposed fence would be located a minimum of approximately 18 feet from the roadway and would be situated along a raised slope ranging from approximately 12 to 18 inches, with a creek separating the fence from the road. Due to the location, design, and setbacks of the fence along the front and street-side yards, the project is not expected to create visibility, traffic safety, or circulation concerns. The surrounding area consists of similar rural residential development, and the proposed fence is consistent with the character of the neighborhood.)

3. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.

(Affirmative Evidence: The applicant proposes a six-foot fence to help deter mule deer intrusion

associated with the property's location within a documented wildlife migration corridor. Strict application of the front and street-side yard fence height standards would result in practical difficulties due to site-specific physical conditions on the parcel. Existing mature trees and established vegetation limit the ability to place the fence farther into the parcel where a taller fence would otherwise be permitted, and removal of this vegetation is not considered a reasonable alternative. The general purposes of the zoning ordinance related to neighborhood character, visibility, and public safety are adequately addressed through the proposed fence design, location, and setbacks.)

4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

(Affirmative-Evidence: Approval of the variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or zoning district. The request is based on site-specific physical conditions, including the presence of mature vegetation within the front and street-side yards that constrain fence placement. Approval of this variance does not alter the underlying zoning regulations, does not establish a general allowance for increased fence heights on corner lots, and does not preclude other property owners from seeking similar relief subject to the same findings and review process.)

5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.

(Affirmative – Evidence: The proposed variance does not authorize a use or activity that is not otherwise permitted by the zoning ordinance. Fences are an accessory structure allowed in the Rural Residential zone. The variance request is limited to fence height within the front and street-side yards and does not authorize a prohibited use or activity.)

6. The proposed variance is consistent with the Inyo County General Plan

(Affirmative – Evidence: The proposed variance is consistent with the Inyo County General Plan designation of Residential Rural High Density. The variance allows continued residential use of the property and does not increase density or intensity of development. The proposed fence is consistent with the rural residential character of the area.)

7. The requirements of the California Environmental Quality Act have been met.

(Affirmative – Evidence: The proposed project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, Class 3, which applies to the construction of minor accessory structures, including fences.)

CONDITIONS OF APPROVAL

1.) Hold Harmless: the applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action, or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning Variance #2024-02/Otremba or applicant's failure to comply with conditions of approval.

2.) The applicant/developer shall conform to all applicable provisions of Inyo County Code including the Building and Safety Code and the Health and Safety Code.

Attachments:

Vicinity Map , Project photos, Migration area Map

