



City of Indian Wells
Planning Commission
44-950 Eldorado Drive
Indian Wells, CA 92290

Justification Letter
RE: Variance Request for Browar Residence
74589 Palo Verde Dr
Indian Wells, CA 92290
Permit BRES-2025-0438

September 18, 2025

Planning Commission Staff,

We respectfully submit this letter in support of our variance request for the Browar residence at 74589 Palo Verde Dr., Indian Wells. The unforeseen circumstances prompting this request stem primarily from the lack of prior notification regarding changes to the side yard setback requirements. This property was developed and built in the year 1983. The original building envelope was built on a 5 foot setback, consistent with the zoning code in place at the time the home was built and originally approved. Only during our planning process, and building submittal, were we informed that the current ordinance now requires an 8-foot setback, which has resulted in unanticipated conflicts with both the existing structure and our proposed additions.

This change presents several concrete challenges. First, portions of the existing residence, shown in Exhibit A-1.10, now fall out of compliance under the new code—despite being fully compliant when constructed. Second, to conform to the 8-foot setback, our additions would require diagonal walls and awkward jogs in the building's footprint, disrupting the modern, linear architectural style and creating unusable interior spaces. These complications make it impractical to design functional additions that respect the home's original architectural integrity.

The proposed additions fully comply with all relevant California Building Code requirements. As summarized in Exhibits A-1.10 and A-1.20, the project maintains the required 10-foot fire separation for Type VB construction and ensures that all emergency egress paths exceed the minimum 36-inch width requirement. Specifically, Exhibit A-1.20 demonstrates that egress widths are ample throughout the site, further confirming that life safety standards are met.

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Our proposal preserves the architectural integrity of the existing residence, maintains compliance with all building and safety codes, and avoids any special privileges. The proposed additions and alterations will not constitute a change in the current zoning of the property nor do we wish to do so. The amount of additional area that will encroach, 13 percent of additional square footage or 1 percent of total living space, into the current setbacks set by the current zoning code is really small compared to the whole. We seek only the opportunity to create a functional, safe, and architecturally consistent space for the Browar family.

In summary, the variance is necessary due to the unforeseen impact of updated setback regulations and the resulting design constraints. The proposed additions do not compromise public safety, health, or welfare, nor do they confer special privileges or authorize any prohibited uses. We respectfully request approval of this variance so the residence can be improved without sacrificing its architectural character or code compliance.

Sincerely
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