



# Staff Report

Agenda Item No. D-2

**To:** City of Imperial Planning Commission  
**From:** Isabel Alvarez, Administrative Analyst  
**Date:** July 26, 2017  
**Subject:** Variance #V1701  
320 W. 12<sup>th</sup> Street – APN 063-214-009  
40 foot wide lot

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## Summary:

<b>Applicant:</b>	Jesus and Elcy Antonio, Owners
<b>Project Location:</b>	320 W. 12 <sup>th</sup> Street; Imperial, CA 92251
<b>Zoning:</b>	R-1 Residential Single Family Zone
<b>General Plan:</b>	Residential
<b>Environmental:</b>	Categorically Exempt
<b>Recommendation:</b>	Approve Variance

## Background

Jesus and Elcy Antonio, owners of 320 W. 12<sup>th</sup> Street, are proposing to split their lot into two parcels. Parcel 1 is 8,345 square feet and contains an existing single-family dwelling. Parcel 2 is 6,000 square feet. The applicants are requesting a variance to allow a 40 foot wide lot on Parcel 2. The subject property is zoned R-1 Residential Family Home. Per original map 1-6, original lot requires a 50 foot lot width.

Section 24.19.400 et seq. of the Imperial Zoning Ordinance allows for variances from development standards "only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification."

(An aerial photo of the project site is shown below.)



## Recommendation

Staff recommends that the Planning Commission conduct a public hearing as required by Section 24.19.425 of the Imperial Zoning Ordinance. Upon receiving testimonies for and against the project during the public hearing, Staff recommends that the Planning Commission make the following findings based on testimonies received.

- A. That granting the Variance of its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.**

By allowing a 40 square foot lot, there is plenty of room to build an additional single-family dwelling without causing any hazard.

- B. The granting of this Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.**

This Variance is not a special privilege is otherwise consistent with other provisions of the Imperial Zoning Ordinance.

- C. The granting of this Variance does not allow a use or activity which not otherwise expressly authorized by the zoning regulation governing the parcel of property.**

The proposed variance complies with all other provisions of the Imperial Zoning Ordinance.

**D. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.**

This proposed variance does not conflict with the goals, policies and objectives of the Imperial General Plan.

**RESOLUTION PC2017-09**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL  
APPROVING A VARIANCE FOR A 40 FOOT WIDE LOT AT 320 W. 12<sup>TH</sup> STREET,  
IMPERIAL, CA 92251**

**WHEREAS**, Jesus and Elcy Antonio submitted a request for a Variance for a 40 foot-wide lot at 320 W. 12<sup>th</sup> Street; and

**WHEREAS**, a duly notified public hearing was held by the Planning Commission during an adjourned meeting on July 26, 2017 and;

**WHEREAS**, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for a Variance.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Imperial as follows:

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) The project is exempt from further review under the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code; and
- D) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Variance #**V1701** for 320 W. 12<sup>th</sup> Street based on the following findings:
  - 1. That granting the Variance of its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.
  - 2. The granting of this Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
  - 3. The granting of this Variance does not allow a use or activity which not otherwise expressly authorized by the zoning regulation governing the parcel of property.

4. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this July 26, 2017.

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Planning Commission Chairman

ATTEST:

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Planning Secretary