



# Staff Report

Agenda Item No. D-2

**To:** City of Imperial Planning Commission

**From:** Isabel Alvarez, Administrative Analyst

**Date:** December 14, 2016

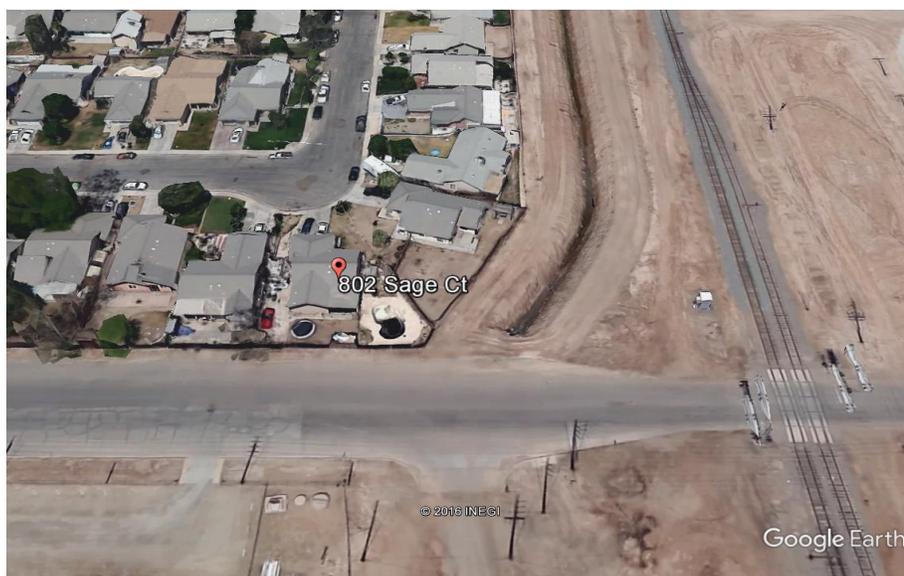
**Subject: Variance #V2016-02  
802 Sage Court  
Imperial, CA 92251  
Side Yard Setback Requirement**

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## Background

Carl Meyer of 802 Sage Court is proposing to construct a patio cover. The subject property is located in the Sunset Ranch Subdivision and is zoned R-1 which requires a minimum side yard setback of 5'.

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."



## 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.**

One of the purposes of a side yard setback is to allow sufficient room for vehicles to see around corners. Since the area in question is placed within the middle of a street it does not cause any blockage of view thus negating any possibility of 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.

Respectfully Submitted,

Jorge Galvan, AICP  
Interim City Manager

**RESOLUTION PC2016-09**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL  
APPROVING A VARIANCE FROM SIDE YARD SETBACK TO ALLOW PATIO COVER AT  
802 SAGE COURT, IMPERIAL, CA 92251**

**WHEREAS**, Carl Meyer submitted a request for a Variance from side yard setback to allow for a patio cover at 802 Sage Court; and

**WHEREAS**, a duly notified public hearing was held by the Planning Commission during an adjourned meeting on December 14, 2016; 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 **#V2016-02** for 802 Sage Court, subject to the conditions of approval outlined in Exhibit A and 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 December 14, 2016.

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Planning Commission Chairman

ATTEST:

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Planning Secretary