

RESOLUTION NO. PC 2024-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA DENYING VARIANCE NO. 24-01, A REQUEST FOR A FOR A FIVE FOOT SETBACK VARIANCE FOR AN EXISTING 263 SF PATIO STRUCTURE CONSTRUCTED WITHOUT A PERMIT AT 48552 PLAYA DEL AMOR. JESUS CAMPOS, APPLICANT.

WHEREAS, Jesus Campos filed an application for Variance 24-01, a request for a five foot setback variance for an existing 263 square foot patio structure constructed without a permit at 48552 Playa Del Amor; Assessor's Parcel No. 612-542-004 ("Project"); and,

WHEREAS, the proposed project is exempt from the California Environmental Quality Act, as amended; and,

WHEREAS, the Project is permitted pursuant to Chapter 17.76 of the Coachella Municipal Code, subject to supported written findings of determination; and,

WHEREAS, the Planning Commission conducted a duly noticed public hearing on Variance 24-01 on November 6, 2024 at 1515 6th Street, Coachella, California regarding the proposed Project; and,

WHEREAS, at the Planning Commission hearing, the Applicant and members of the public were present and were afforded an opportunity to testify regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Coachella, California does hereby deny Variance No. 24-01, subject to the findings listed below.

FINDINGS FOR DENIAL OF VARIANCE No. 23-04:

1. The strict application of the chapter does not create a practical difficulty or unnecessary hardship. The code requires that the wall planes or sides of an accessory structure must be a minimum of (10) feet from the sides or wall planes of any other structure, measured at right angles from the wall plane or sides of the accessory structure. The strict application of the code would not result in practical difficulties or unnecessary hardships as the size and shape of the lot is typical for the neighborhood and within the S-N Suburban Neighborhood zone. The subject property is on a rectangular 6,534 SF lot where the average minimum required lot size is 5,000 SF in the zone. The lot width of the property is 63 feet in width and 110 feet in depth, where the minimum required lot width is 50 feet and minimum lot depth is 80 feet in the zone. The subject property has a rear yard sufficient in size at a 31-foot setback, where only a 20-foot rear yard setback is required in the zone. As detailed above, the residential lot complies with the development standards of the S-N zone and there is not a unique hardship due to the size or shape of the lot. The property rear yard provides sufficient space for the construction of a patio in compliance with the standards of the S-N zone and does not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the chapter of the Coachella Municipal Code.

2. The subject property is oriented in an east-west orientation which is not at the recommended orientation for energy conservation per policy 5.10 of the Land Use and Community Charter of the General Plan which recommends lots at a north-west orientation. The east-west orientation of the lot creates a special circumstance that does not apply to all other properties in the same zone and vicinity.
3. The variance is not necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity as there are no practical difficulties or unnecessary hardship due to the size and shape of the lot. As discussed in Finding 1, there are no practical difficulties or unnecessary hardships in the strict application of the municipal code. The strict application of the municipal code would not prevent the applicant from the enjoyment of a substantial property right, the construction of a patio that meets municipal code requirements. As discussed in Finding 2, the orientation of the lot is a special circumstance that negatively impacts energy conservation of the home, which is compounded by the fact that the city of Coachella faces extreme heat and weather year round. However, as discussed in Finding 1, a patio constructed within the strict application of the municipal code may have similarly reduced the negative impacts of energy conservation.
4. The granting of the proposed variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity. The patio structure is located in the rear yard of the subject property, only visible from the public from the adjacent open space area to the south. The design of the patio structure provides a tile roof design and color palette that is compatible to the main residence and the surrounding neighborhood. The reduced setback visually connects the patio to the main house which reduces the aesthetic impact to the surrounding area. Together, the reduced setback and design of the patio is aesthetically compatible with the surrounding area. The variance will not be materially detrimental to the property in question in regards to sufficient open space, as the code requires a maximum of 50% of the required rear yard to be covered by structures. This requirement protects open space in the rear yard. If the variance were to be approved by the planning commission, the variance approval would be subject to the conditions required by the Building Division. The Building Division requires as a condition of approval that the patio meet California Building Standards by requiring a building permit and to make any necessary modifications. The Fire Department stated that setbacks are established by the City Building Division and had no further comments on the variance. The conditions of approval provided by the Building Division will ensure the variance is not materially detrimental to the public welfare or injurious to the property or improvements in the same zone.

PASSED APPROVED and ADOPTED this 6th day of November 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jason Hernandez
Planning Commission Chairperson

ATTEST:

Gabriel Perez
Planning Commission Secretary

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. PC2024-24 was duly adopted by the Planning Commission of the City of Coachella at a regular meeting thereof, held on this 6th day of November 2024 by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gabriel Perez
Planning Commission Secretary