

RESOLUTION NO. PC 2024-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA DENYING VARIANCE NO. 23-04, A REQUEST FOR A FOR A SETBACK AND LOT COVERAGE VARIANCE FOR AN EXISTING 644 SF PATIO STRUCTURE CONSTRUCTED WITHOUT A PERMIT AT 48440 CHARLTON PEAK STREET. RAMON ROCHIN, APPLICANT.

WHEREAS, Ramon Rochin filed an application for Variance 23-04, a request for a setback and lot coverage variance for an existing 644 square foot patio structure constructed without a permit at 48440 Charlton Peak Street; Assessor's Parcel No. 612-573-009 ("Project"); and,

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

WHEREAS, the proposed patio construction is inconsistent with the residential development standards of the Zoning Ordinance and can only be permitted with approval of a variance pursuant to Chapter 17.76 Variances 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 23-04 on February 21, 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. 23-04, subject to the findings listed below.

FINDINGS FOR DENIAL OF VARIANCE No. 23-04:

1. That the strict application of the provisions of this chapter would not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the chapter the Coachella Municipal Code. The lot is within the S-N Suburban Neighborhood zone and accessory structures are subject to the Development Standards of the Coachella Municipal Code. The required minimum (10) foot setback and maximum 50% rear yard coverage for accessory structures are required for all accessory structures in the S-N Suburban Neighborhood zone. The existing patio structure on the lot never received a permit with the city. The strict application of the code does not result in practical difficulties or unnecessary hardships as the size and shape of the lot is typical for the neighborhood. Similarly, any accessory structure in the S-N Suburban Neighborhood zone is required to receive a permit from the city that meets the minimum setback and maximum rear yard coverage requirements prior to construction. The applicant may modify the unpermitted structure to meet the

Coachella Municipal Code requirements and may receive a permit similar to the right any other property in the neighborhood and zone has.

2. There are no special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity. The rear yard on this lot provides a 19 foot setback, near the 20 foot required in the zone, and the size, shape topography, location of the rear yard is typical for the neighborhood. The size of the lot is one foot less than what is required in the Suburban Neighborhood zone, however the lot which provides one foot less than the minimum required does not substantially justify over a 5 foot setback variance for this accessory structure. For the above reasons, there are no special circumstances applicable to the subject property that do not apply generally to other property in the same zone or vicinity, and therefore does not justify the over 5 foot setback variance requested for this accessory structure.
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, but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question. The applicant maintains the right to modify the unpermitted structure to meet the Coachella Municipal Code requirements and may receive a permit similar to the right any other property in the neighborhood and Suburban Neighborhood (S-N) zone has. As stated in the above findings, there are no special circumstances, practical difficulties, or unnecessary hardships that apply to the subject property. For these reasons, the variance is not necessary for the preservation and enjoyment of a substantial property right.

PASSED APPROVED and ADOPTED this 21st day of February 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ruben Gonzalez
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. PC2024-02 was duly adopted by the Planning Commission of the City of Coachella at a regular meeting thereof, held on this 21st day of February 2024 by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gabriel Perez
Planning Commission Secretary