

RESOLUTION NO. PC 2024-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA APPROVING VARIANCE NO. 23-04, A REQUEST FOR A FOR A FIVE FOOT AND FIVE INCH SETBACK VARIANCE AND FIVE PERCENT 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 a five foot five inch rear yard setback variance and five percent lot coverage variance that allows for an accessory structure to be constructed at a four foot and seven inch rear yard setback from the rear property line and at 55% lot coverage 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, the Planning Commission on February 21, 2024 at the duly noticed public hearing motioned to continue Variance 23-04 to the planning commission hearing date of March 20, 2024 at 1515 6th Street, Coachella, California; 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 approves Variance No. 23-04 that permits a five foot five inch rear yard setback variance and five percent lot coverage variance that allows for an accessory structure to be constructed at a four foot and seven inch rear yard setback from the rear property line and at 55% lot coverage at 48440 Charlton Peak Street, 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 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 which requires a minimum rear yard to be 20 feet for the main

residence, as required by the development standards of that zone. The subject property only has a 19 foot rear yard, below the required minimum rear yard required in the zone. The existing rear yard on the property unduly constrains the dimensions and total size of accessory structures on the site. This constrained size of the rear yard results in practical difficulties and unnecessary hardships on the construction of accessory structures on the site.

2. There are 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 which is smaller than the 20 foot setback required in the S-N Suburban Neighborhood zone. The majority of homes in the vicinity have the 20 foot rear yard setback. The smaller size of the rear yard unduly constrains the extent of the size and shape of accessory structures in the yard. 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 smaller than required size of the rear yard and the east-west orientation of the lot compounds to a special circumstance in terms of location and size that is not typical for properties within that zone and vicinity.
3. The variance is 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. As mentioned in Finding 1 and 2, meeting the standards of the Coachella Municipal Code will require a smaller patio size than what is typical of the zone and the vicinity. As mentioned in Finding 1 and 2, the orientation and of the lot negatively impacts energy conservation, which is compounded by the fact that the city of Coachella faces extreme heat and weather year round. Without the variance, a smaller size patio would be required to be constructed, a smaller patio than what is typical in that zone and in the vicinity. Granting of the setback and lot coverage Variance as proposed will ensure the preservation and enjoyment of constructing an accessory structure at a size that minimizes the unnecessary hardship faced by the property owner for the smaller size rear yard east-west orientation of the lot.
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 in which the property is located. The existing patio accessory structure would not be detrimental to the public or injurious to the property or improvements in the same zone or vicinity in which the property is located. The patio structure is located in the rear yard of the subject property, only visible along an internal street within the neighborhood, and not visible from the nearest park. The patio structure is subject to the comments received by the Riverside County Fire Department and are subject to the California Building Standards that will ensure the patio would not be permitted without substantially meeting building safety standards.

5. The granting of the variance would not adversely affect any element of the General Plan, as the General Plan does not preclude accessory patio structures within a 5-foot setback or less within the Suburban Neighborhood designation. The general plan also does not preclude an accessory structure that results in a 55% lot coverage or less in the Suburban Neighborhood zone.

PASSED APPROVED and ADOPTED this 20th day of March 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 20th day of March 2024 by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gabriel Perez
Planning Commission Secretary