

**RESOLUTION NO. PC 2024-28**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA APPROVING 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 No. 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 recommended that staff prepare a resolution to approve Variance No. 24-01; 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 approve Variance No. 24-01 that permits a five foot setback variance from the main house for an existing 263 SF patio structure constructed without a permit at 48552 Playa Del Amor, subject to the findings listed below and conditions of approval attached as Exhibit A.

**Section 1.** Incorporation of Recitals

The Planning Commission hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Planning Commission as fully set forth in this resolution.

**Section 2.** CEQA Findings

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Planning Commission, and the facts outlined below, the Planning Commission hereby finds and determines that the proposed project is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act as an “New Construction or Conversion of Small Structures” project (CEQA Guidelines, Section 15303) as the proposed project consists of the location of a small patio structure.

**FINDINGS FOR APPROVAL OF VARIANCE No. 24-01:**

1. The strict application of the chapter does create a practical difficulty or unnecessary hardship inconsistent with the general purpose and intent of the chapter of the Coachella Municipal Code. 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 site faces a practical difficulty and unnecessary hardship of being adjacent to an open space retention basin to the south of the subject property. As a result, the applicant's property faces increased pedestrian activity south of the property, which creates a hardship on the applicant to ensure that any construction in the rear yard does not create a negative aesthetic impact to the neighborhood. The intention of the 10-foot setback is to preserve safety and aesthetics. In regards to this variance, the Riverside County Fire Department provided comments that identified that the City Building Division establishes setbacks and that there were no further comments for this variance. The Building Division provided conditions of approval that require a permit and inspections which will ensure safety. The patio meets the city's aesthetic standards by providing a patio structure with roof tiles compatible with the main dwelling, as required by Chapter 17.19.020(D)(8) for accessory structures. The 5-foot setback variance requested by the applicant also visually connects the patio to the main house, which reduces the aesthetic impacts of the patio in the neighborhood. In combination, the conditions of approval and design of the patio addresses the intentions of the 10-foot setback requirement to ensure aesthetics and safety. The variance would alleviate the hardship the applicant faces to preserve aesthetics in the neighborhood. The approval of the variance will ensure the goal of neighborhood preservation, identified as policy 5.23 of the land and community character chapter of the General Plan.
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 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. The property is also adjacent to an open space retention basin area, a unique circumstance that does not generally apply to other property in the same 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 discussed in Finding 1, the applicant faces the hardship of increased responsibility to ensure that any construction in the rear yard does not create a negative aesthetic impact to the neighborhood. As discussed in Finding 2, the orientation of the lot is a special

circumstance that negatively affects energy conservation of the home, which is compounded by the fact that the city of Coachella faces extreme heat and weather year round. Without the variance, the applicant will face increased hardships to ensure construction in the neighborhood preserve aesthetics in the neighborhood, and impact the ability to ensure the negative effects of energy conservation do not impact the property. The granting of the setback variance is necessary to ensure the preservation and enjoyment of a substantial property right to construct a patio.

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, visible from the public from the adjacent open space area to the south. A property owner adjacent to the property provided comments that the patio and variance did not impact them. 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. The Building Division provided conditions of approval that ensure compliance with California Building Standards, these conditions were added as condition of approval for this project. The conditions of approval requires a building permit, inspections, and to make any necessary modifications. The Fire Department stated that the City Building Division establishes setbacks 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.
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 from the main structure within the Suburban Neighborhood designation. The approval of the variance will ensure the neighborhood preservation, policy 5.23 of the land and community character chapter of the General Plan.

**PASSED APPROVED and ADOPTED** this 6<sup>th</sup> day of November 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Jason Hernandez  
Planning Commission Chairperson

**ATTEST:**

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Gabriel Perez  
Planning Commission Secretary

**APPROVED AS TO FORM:**

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Carlos Campos  
City Attorney

