



Staff Report

Agenda Item No. D-1

To: City of Imperial Planning Commission
From: Yvonne Cordero, Planner
Date: February 25, 2025
Item: Variance 25-01 Deviation from the Residential Property Development Standards for Room Additions

Applicant:	Eric Chung
Project Location:	183 Ana Street
Zoning:	R-1 Single-Family Residential
Environmental:	Categorically Exempt from CEQA per Section 15303, Class 3(e) - New Construction or Conversion of Small Structures
Recommendation:	Staff recommends Planning Commission approval of Variance 25-01.

Background

Applicant, Eric Chung, is requesting a Variance for the deviation of the City's Property Development Standards for a pre-manufactured sunroom installed in his backyard at 183 Ana Street. Due to our extreme temperatures, Mr. Chung opted for an air-conditioned sunroom designed to function as the family's gathering space to enjoy the outdoors while in air-conditioned comfort. Mr. Chung was unaware that the installation of the structure required a building permit and consequently, the structure was not constructed with the appropriate rear yard setback measurement of ten (10) feet. The City's Property

Development Standards for an accessory structure require a rear and side yard setback measurement of three (3) feet. However, because the sunroom is considered a living space, due to its accessibility to the home's main living area and has electrical wiring, it is subject to the requirements of a room addition.

Victoria Ranch's Planned Unit Development lot sizes deviate from the standard residential lot size of 6,000 square feet. Mr. Chung's property measures 3,240 square feet and has limited backyard space. Due to the reduced size of the property, Mr. Chung's sunroom was installed with a rear yard setback measuring nine feet and one inch (9'1") from the rear property line. Consequently, Mr. Chung will need to obtain a Variance approval to accommodate his sunroom.

Project Location

The project site consists of an approximate 3,240 square foot property at 183 Ana Street, within the R-1 Residential Zone and within Victoria Ranch's Planned Unit Development. The surrounding area's zoning and land uses are as follows:

DIRECTION	ZONING	LAND USE
North	A2U-General Agriculture Zone (Jurisdiction of Imperial County)	Agricultural
East	R-1 Single Family Residential	Residential
South	R-1 Single Family Residential	Residential
West	R-1 Single Family Residential	Residential

The R-1 Residential Single Family Zone is intended as an area for single-family residential development on minimum lot sizes of 6,000 square feet and maximum densities of 6 units per net acre. Additional uses are permitted that are complementary to, and can exist in harmony within a single-family residential neighborhood. Accessory uses, such as accessory structures and room additions, located on the same site are a permitted use within the R-1 zone.

Aerial Views



Western View



Required Findings for Variance 25-01:

In order to approve Variance 25-01, the Planning Commission is required to review six findings per Section 24.19.400 of the City of Imperial's Zoning Ordinance. The findings are listed below, along with the reasons why staff considers that the findings are or are not met in this case. These findings are:

- 1. There are special circumstances, such as size, shape, topography, location or surroundings applicable to the property or the intended use of the property, and because of this, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.**

The subject site is located within Victoria Ranch's Planned Unit Development (PUD). The PUD's lot sizes are significantly smaller and deviate from the standard residential parcel size of 6,000 square feet. The applicant's smaller lot size of approximately 3,240 square feet, limits the homeowner's ability to utilize the backyard area effectively for projects that are both proportionate and esthetically appropriate. This special circumstance deprives the applicant of the property privileges enjoyed by other properties in the same zoning classification.

- 2. The granting of the Variance or its modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the Variance is sought.**

Accessory structures within the vicinity and zone are allowed a three-foot rear and side yard setback, however, the City's Property Development Standards for a room additions requires a ten (10) foot setback from the rear property line, denying Mr. Chung's full enjoyment of his backyard.

- 3. That granting the Variance or 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.**

The room addition/sunroom will not be materially detrimental to public health, safety, welfare, or injurious to the property's vicinity and zone. The structure is eleven (11) inches shy of the required ten (10) foot rear yard setback.

- 4. The Variance will not constitute a privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.**

Variance approval will not constitute a privilege inconsistent with the properties in the vicinity. The project site is located within a Residential PUD Zone that allows room additions.

- 5. The granting of this Variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.**

Variance approval will not constitute a privilege inconsistent with the properties in the vicinity. The project site is located within a Residential PUD Zone that allows room additions.

- 6. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.**

The approval of Variance 25-01 or its modification will not be incompatible with any of the elements within The City of Imperial's General Plan.

CEQA Analysis:

1. No significant environmental impact-The modification of the existing accessory structure will not result in significant environmental effects. No sensitive environmental

resources, such as wetlands or endangered species habitats, are present at or near the location. The project will not significantly impact air quality, noise levels, or traffic.

2. Land Use Consistency-The existing project is located within the (R-1) Single Family Residential Zone which allows for accessory structures.

3. Adequate Infrastructure-The project will not result in an increase in population or demand for public services that would exceed the capacity of public utilities.

4. Traffic and Parking Considerations-The accessory structure of a private residence does not present a significant impact on traffic generation. Any potential traffic or parking concerns are to be addressed through compliance with local traffic ordinances and regulations.

Environmental Compliance & Noticing Requirements:

The project qualifies for an exemption under CEQA Guidelines Section 15303, Class 3(e)- New Construction or Conversion of Small Structures. The conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure. Examples of this exemption include but are not limited to (e) accessory structures including garages, carports, patios, swimming pools, and fences.

The public hearing scheduled for March 12, 2025, was duly noticed in the Holtville Tribune and Calexico Chronicle, a newspaper of general circulation on February 27, 2025. A Notice of Public Hearing was sent to all property owners within 300 feet of the property.

Staff Recommendation:

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Incorporating the recommended conditions of approval, the project as proposed is compatible with the surrounding area and consistent with the General Plan. Unless sufficient evidence to the contrary is presented at the public hearing, staff recommends that the Planning Commission **APPROVES** Variance 25-01 to allow the deviation of the required rear yard setbacks defined in the City of Imperial's Property Development Standards.

Attachments

- Attachment A – Site Plan
- Attachment B – DRAFT Resolution PC2025-03 with Conditions of Approval

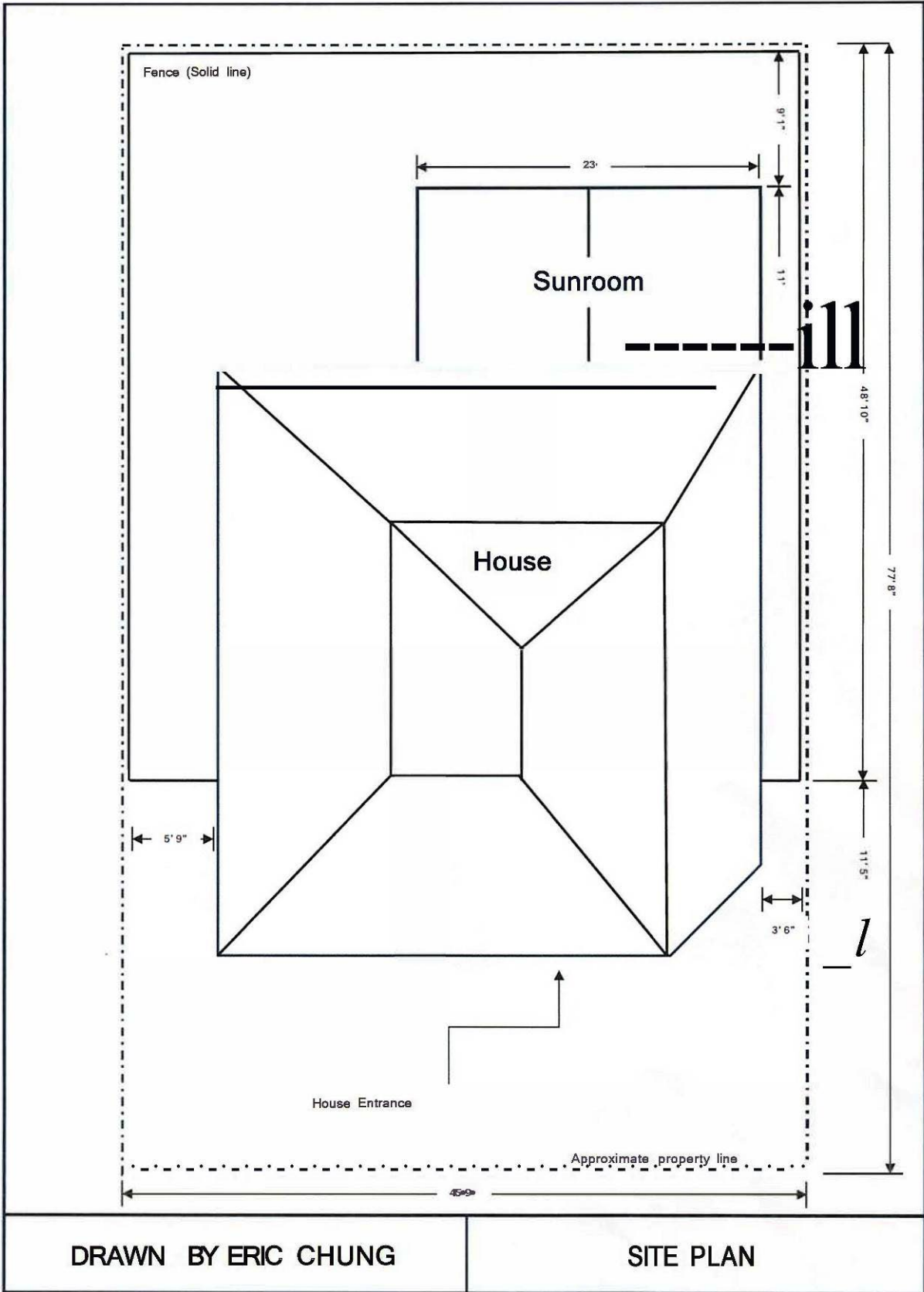
Prepared by: Yvonne Cordero, Planner

Respectfully submitted,



Othon Mora, MCM, CBO
Community Development Director

ATTACHMENT A



DRAWN BY ERIC CHUNG

SITE PLAN

ATTACHMENT B

DRAFT RESOLUTION NO. PC2025-03

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING VARIANCE 25-01 TO ALLOW THE DEVIATION OF THE RESIDENTIAL
ZONE PROPERTY DEVELOPMENT STANDARDS FOR REAR YARD SETBACK
REQUIREMENTS FOR A ROOM ADDITION LOCATED AT 183 ANA STREET
(APN 044-733-027)**

WHEREAS, Eric Chung submitted a variance approval request to allow for the deviation of the Residential Zone's Property Development standards for an accessory structure's rear yard setback requirements at 183 Ana Street; and

WHEREAS, the subject site's room addition's rear yard setback deviates from the ten (10) foot rear yard setback required in the Residential Zone's Property Development Standards, and

WHEREAS, a duly notified public hearing was held by the Planning Commission during a meeting on March 12, 2025; 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 Variance 25-01; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Imperial grants 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) That based on the evidence presented at the public hearing, the Planning Commission hereby determines that the project is Categorical Exempt under Section 15303, Class 3(e), New Construction or Conversion of Small Structures; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Variance 25-01** for Eric Chung to allow for the deviation of the Residential Zone's Property Development Standards for rear yard setback requirements, subject to the Conditions of Approval outlined in **Exhibit A** and based on the following findings:

- 1. There are special circumstances, such as size, shape, topography, location or surroundings applicable to the property or the intended use of the property, and because of this, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.**

The subject site is located within Victoria Ranch's Planned Unit Development (PUD). The PUD's lot sizes are significantly smaller and deviate from the standard residential parcel size of 6,000 square feet. The applicant's smaller lot size of approximately 3,240 square feet, limits the homeowner's ability to utilize the backyard area effectively for projects that are both proportionate and esthetically appropriate. This special circumstance deprives the applicant of the property privileges enjoyed by other properties in the same zoning classification.

- 2. The granting of the Variance or its modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the Variance is sought.**

Accessory structures within the vicinity and zone are allowed a rear and side yard setback of three (3) feet. However, the City's Property Development Standards for room additions requires a ten (10) foot setback from the rear property line, denying Mr. Chung's full enjoyment of his backyard.

- 3. That granting the Variance or 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.**

The room addition/sunroom will not be materially detrimental to public health, safety, welfare, or injurious to the property's vicinity and zone. The structure is eleven (11) inches shy of the required ten (10) foot rear yard setback.

- 4. The Variance will not constitute a privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.**

Variance approval will not constitute a privilege inconsistent with the properties in the vicinity. The project site is located within a Residential PUD Zone that allows room additions.

- 5. The granting of this Variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.**

Variance approval will not constitute a privilege inconsistent with the properties in the vicinity. The project site is located within a Residential PUD Zone that allows room additions.

6. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.

The approval of Variance 25-01 or its modification will not be incompatible with any of the elements within The City of Imperial's General Plan.

- E) The City Attorney is authorized to make minor typographical changes to this Resolution that does not change the substance of this Resolution.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 12th day of March 2025.

Ruben Rivera
Planning Commission Chairperson

ATTEST:

Kristina Shields
City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL VARIANCE 25-01 – ERIC CHUNG 183 ANA STREET (APN 044-733-027)

1. Applicant must obtain an approved building permit from the City of Imperial's Community Development Department along with any required development and/or construction plans, including payment of any related project fees.
2. Applicant shall not hold the City of Imperial or any of its employees responsible for any incidents regarding Variance 25-01.
3. The provisions of Variance 25-01 are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.
4. The Applicant shall be responsible for the removal of all graffiti from the property within seventy-two (72) hours of its appearance on the property.
5. The addition's paint colors shall be consistent with the residential structure's paint colors.
6. The Applicant shall be responsible for maintaining the property free of litter at all times.
7. Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
8. The approval of Variance 25-01 shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
9. The Applicant shall pay all applicable fees as required by the city.
10. Applicant must obtain a finalized building permit from the Community Development Department within six (6) months of approval of Variance 25-01. If the applicant does not obtain an approved building permit from the Community Development Department, Variance 25-01 shall become null and void based on the final Planning Commission's date of approval.
11. The project shall meet all applicable fire codes, NFPA standards, and all other regulations that pertain to the project.
12. If the Community Development Department finds and determines that the Applicant or successor-in-interest has not complied or cannot comply with the terms and conditions of Variance 25-01, or the Planning/Building Division determines that the

permitted activities constitute a nuisance, the City shall provide the Applicant with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Applicant fails to comply, and/or (2) Applicant cannot comply with the conditions set forth in Variance 25-01, then the matter shall be referred to the Planning Commission, or to the appropriate enforcement authority, for modification, suspension, or termination.

13. As between the City and the Applicant, any violation of Variance 25-01 approval may be a "nuisance per se". The City may enforce the terms and conditions of Variance 25-01 in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
14. Applicant shall not be permitted to maintain a "nuisance", which is anything which:
(1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project.