



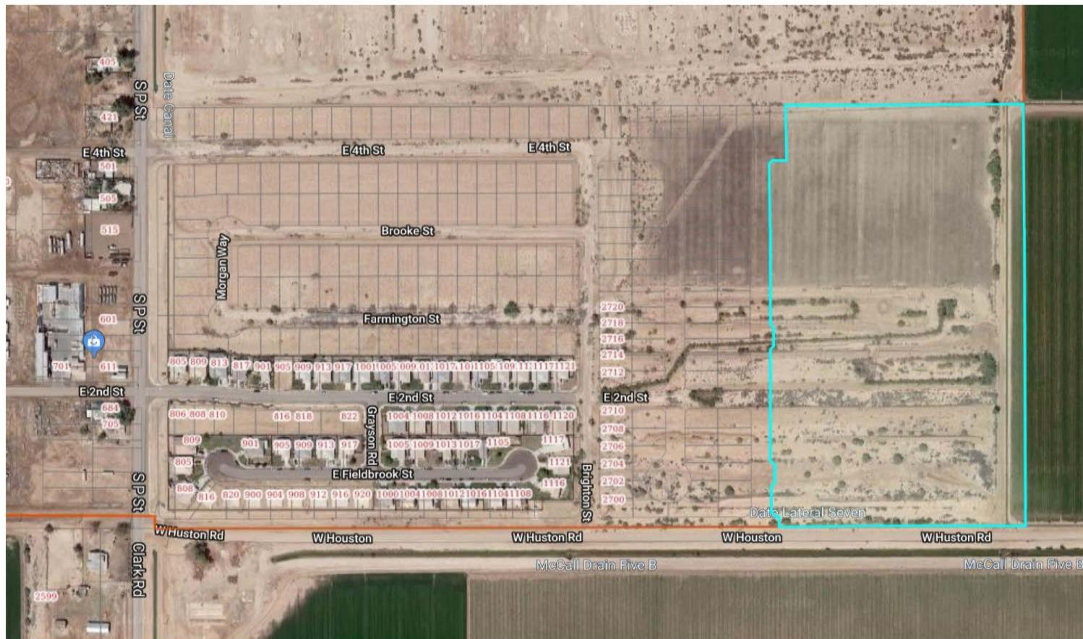
# Staff Report

Agenda Item No. D-3

**To:** City of Imperial Planning Commission  
**From:** Lisa Tylanda, Planner  
**Date:** December 11, 2019  
**Item:** Variance-VAR (19-05)  
 Deviation from ordained “Side and Rear-Yard Setback”  
 Development Standards.

<b>Applicant:</b>	Michael Pursglove
<b>Project Location:</b>	APN#: 044-200-099; Imperial, CA 92251
<b>Zoning:</b>	R-1 (Residential Single Family)
<b>Recommendation:</b>	Planning Commission to review Variance request.

Mayfield Unit 3C Variance Permit Request



1" = 376 ft	City of Imperial	12/05/2019		
<small>This map may represents a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up to date information.</small>				

## **Background**

The applicant is requesting a Variance Permit to allow for deviation from the City of Imperials' "Property Development Standards" Section 24.03.120 of the zoning code regarding "setback requirements" for the side and rear yards of the property from the ordained 5 feet to 0 feet to allow the development of single-story homes. The Mayfield Subdivision Unit 3C Planned Unit Development parcels are too small to fit floor plans on currently. Without the variance permit, the developer will not be able to move forward with the project as it will not be feasible for the development. The California Building Code allows Single Family Residential to be constructed at less than 5' feet from the property line. As long as exterior walls have a 1 hour fire-resistance as specified on the California Building Code Table 602.

Section 24.19.400 et seq. of the Imperial Zoning Ordinance allows for variances from development standards "only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification."

## **Required Findings:**

For the Planning Commission to approve a variance, all of these findings must be made:

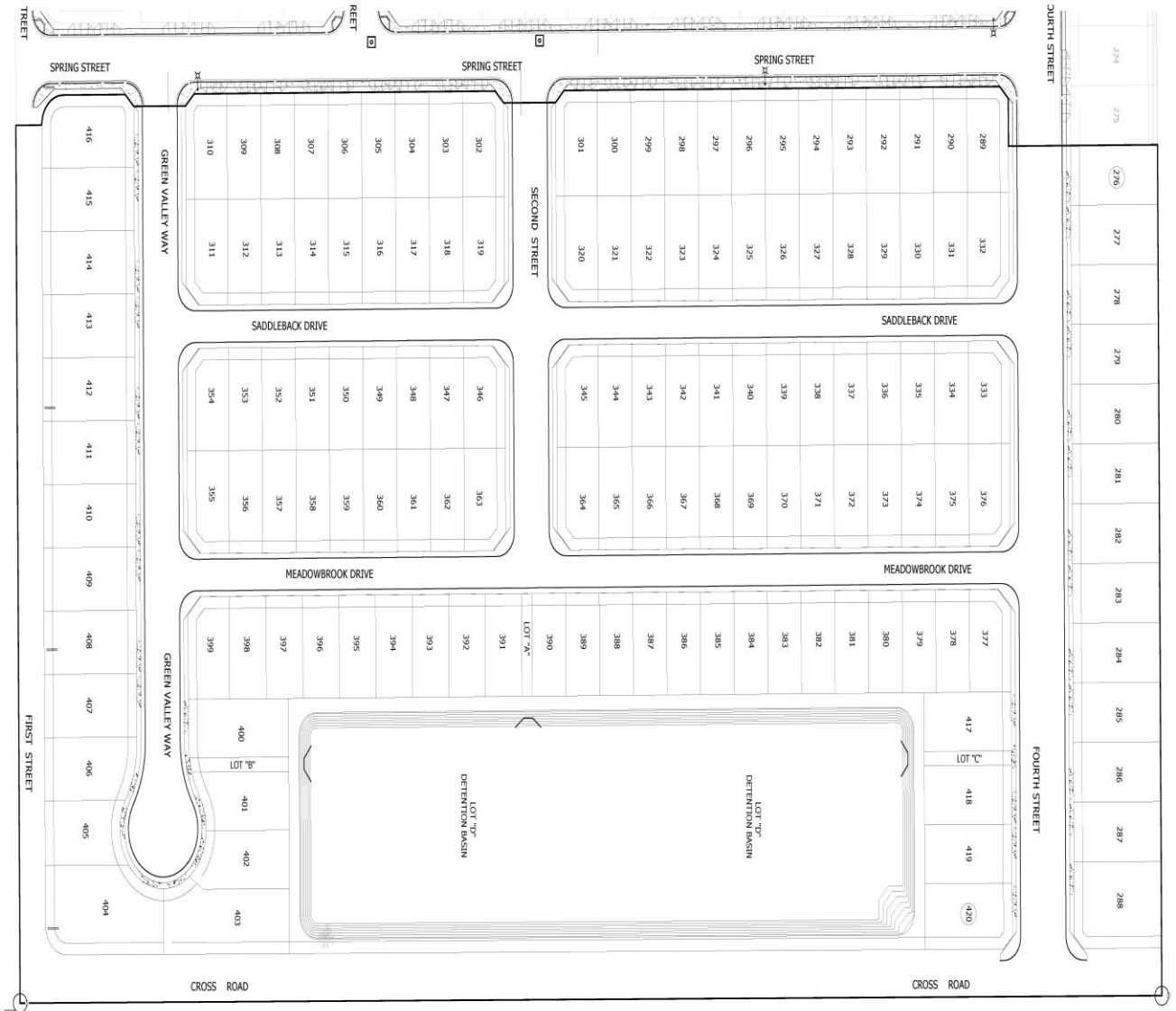
1. Special circumstances apply to the property. These can be it's size, shape, topography, location, or surrounding structures. You must explain how these circumstances deprive your property of the privileges enjoyed by other property in the neighborhood which is zoned the same, and;
2. The variance will meet the intent of the zoning on the parcel, and will not be detrimental to public health, safety, and welfare, and not be detrimental to other property in the neighborhood; and,
3. The variance will not be a grant of special privilege in the neighborhood, and will not allow you to build in a way that would not be allowed for someone else.
4. The granting of the Variance or its modifications will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and
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.
6. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.

**The applicant has provided justification for the required findings. Please see below:**

Marty Coyne, Principle  
Morningside Ventures LLC  
2351 South 4th Street  
El Centro, CA 92243  
(760) 353-2110 o  
[martycoyne@hotmail.com](mailto:martycoyne@hotmail.com)

1. As to Mayfield Ranch Unit #3\_3C (heretofore referred to as The Project). There are exceptional or extraordinary circumstances applying to the property (size, shape, topography, location or surroundings) 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. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property. Further exceptional complications is The Project was isolated by both location and the economic destruction caused by the 2007-2008 downturn.
2. The Project will conform as a positive for the neighborhood. That granting the variance or its modifications will not be materially detrimental to the public health, safety of welfare or injurious to the property of improvement in such vicinity and zone in which the property is located; and the inception of this Project will be an economic boon to an otherwise already challenged municipal location.
3. The granting of this variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and infusing a minor healthy code variance will allow this area and The Project to capitalize on a burgeoning and developing neighborhood.
4. 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. The variance will have only positive impacts allowing affordable housing to flourish.
5. That granting the variance or its modification will not be incompatible with the City of Imperial General Plan. The entire SFD units zoning will remain unchanged.
6. Yes, granting approval of this variance is consistent and supports the state of California and City of Imperial's housing element that is a requirement by law. Upon examining all aspects of this variance The Project will only produce healthy home purchasing in vibrant communities.

# Proposed Layout for Mayfield Unit 3C Single-Story Homes:



**Environmental:**

The project is Categorical Exempt from the California Environmental Quality Act via the following categorical exemptions: 15301(e.) and 15303(a.).

**Recommendation:**

Staff recommends that the Planning Commission conduct a public hearing as required by Section 24.19.425 of the Imperial Zoning Ordinance.

**RESOLUTION PC2019-19**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A VARIANCE PERMIT (19\_05) FOR MICHAEL PURSGLOVE AND MARTIN D. COYNE ALLOWING THE DEVIATION OF THE ORDAINED 5 FOOT SIDE-YARD AND REAR-YARD SETBACK REQUIREMENTS TO ALLOW A 0 FOOT SIDE-YARD AND REAR-YARD SETBACKS FOR THE DEVELOPMENT OF SINGLE STORY HOMES WITHIN THE MAYFIELD SUBDIVISION UNIT 3C, LEGALLY KNOWN AS ASSESSOR PARCEL NUMBER: 044-200-099; IMPERIAL, CA 92251; AND ADOPTION OF CEQA CATEGORICAL EXEMPTION 15301 (E) AND 15305 (A).**

**WHEREAS**, Michael Pursglove and Martin D. Coyne submitted a request for a Variance for the deviation of the ordained development standards regarding side-yard and rear-yard setback requirements; and

**WHEREAS**, a duly notified public hearing was held by the Planning Commission during an adjourned meeting on December 11, 2019 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 a Variance.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Imperial 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) Installation and alteration of the property and deviation from the setback requirements are ministerial and therefore exempt from the California Environmental Quality Act via the following categorical exemptions: 15301(e.) and 15303(a.).
- D) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Variance-**VAR 19-05** for Michael Pursglove and Martin D. Coyne for the deviation of the “rear and side -yard setback” requirements from 5 feet to 0 feet, to allow the development of the Mayfield Subdivision Unit 3C following findings:

1. That there are exceptional or extraordinary circumstances applying to the property (size, shape, topography, location or surroundings) 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; and
2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
3. That granting the variance or its modifications will not be materially detrimental to the public health, safety of welfare or injurious to the property of improvement in such vicinity and zone in which the property is located; and
4. The granting of this variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated; and
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.
6. That granting the variance or its modification will not be incompatible with the City of Imperial General Plan.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this December 11, 2019.

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Planning Commission Chairman

ATTEST:

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Planning Secretary

**RESOLUTION PC 2019-19  
CONDITIONS OF APPROVAL**

**For**

**Variance Permit #VAR 19-05  
Michael Pursglove and Martin D. Coyne  
APN#: 044-200-099  
Imperial, CA 92251**

1. A building permit from the City of Imperials' Community Development Department must be obtained after variance approval along with any required development and/or construction plans required and payment of processing fees as well.
2. Applicant shall not hold the City of Imperial or any of its employees responsible for any incidents regarding this Variance Permit.
3. The provisions of this Variance Permit 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 proprietor/owner shall be responsible for the removal of all graffiti from the property within 72 hours of its appearance on the property.
5. The proprietor/owner shall be responsible for maintaining the locations where the expansion is located and adjacent areas free of litter at all times.
6. 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.
7. The conditional approval of the Variance Permit 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.
8. The Applicant shall pay all impact and capacity fees as required by the city.
9. Applicant must obtain an approved Building Permit from the Community Development Department within 6 month of approval of the Variance Permit. If the applicant does not obtain and approved Building Permit from the Community Development Department, the Variance Permit becomes null and void based on the final date of approval of the Variance Permit.
10. If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the Variance, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the



order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the Variance, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.

11. As between the City and the Permittee, any violation of this permit may be a "nuisance per se". The City may enforce the terms and conditions of this permit 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.
12. Permittee 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.



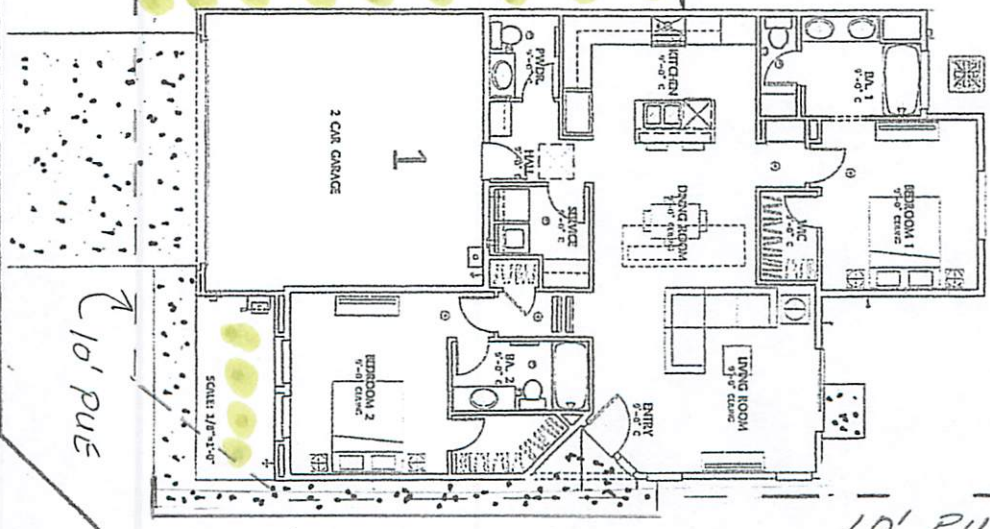
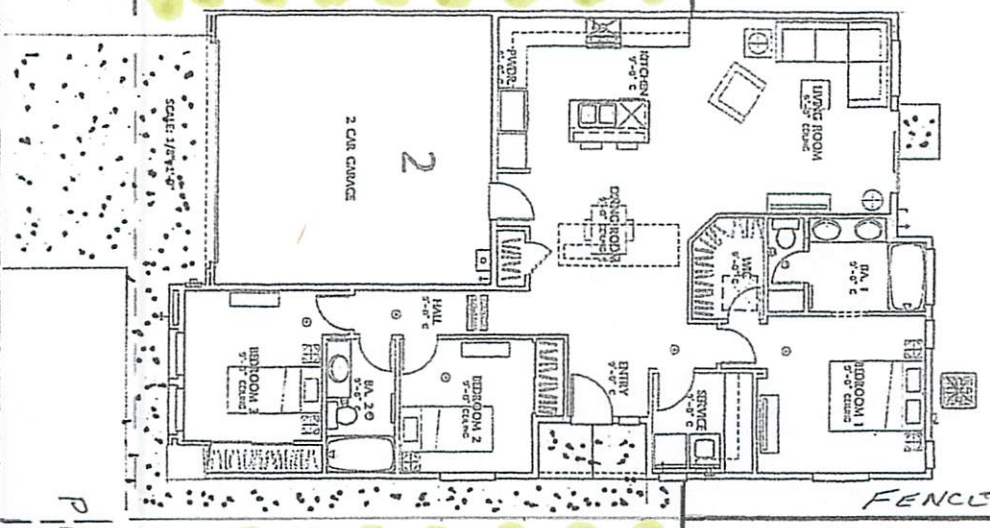
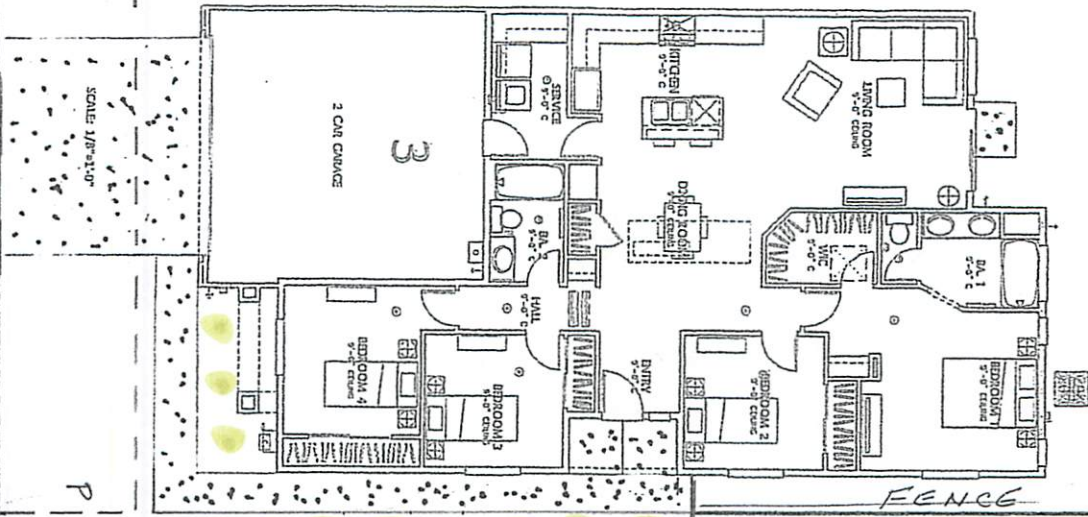
86.00'

P.L. FENCE

39.00'  
P.L. FENCE

39.00'

48.00'



71.00'

PROPERTY LINE

PROPERTY LINE

STREET C.L.

10' PUE

10' PUE

SCALE 1/8"=1'-0"

SCALE 1/8"=1'-0"

SCALE 1/8"=1'-0"



Plan 1A



ELEVATION

Plan 1B



FLOOR PLAN



Plan 2A



Plan 2B

ELEVATION



FLOOR PLAN



Plan 3B

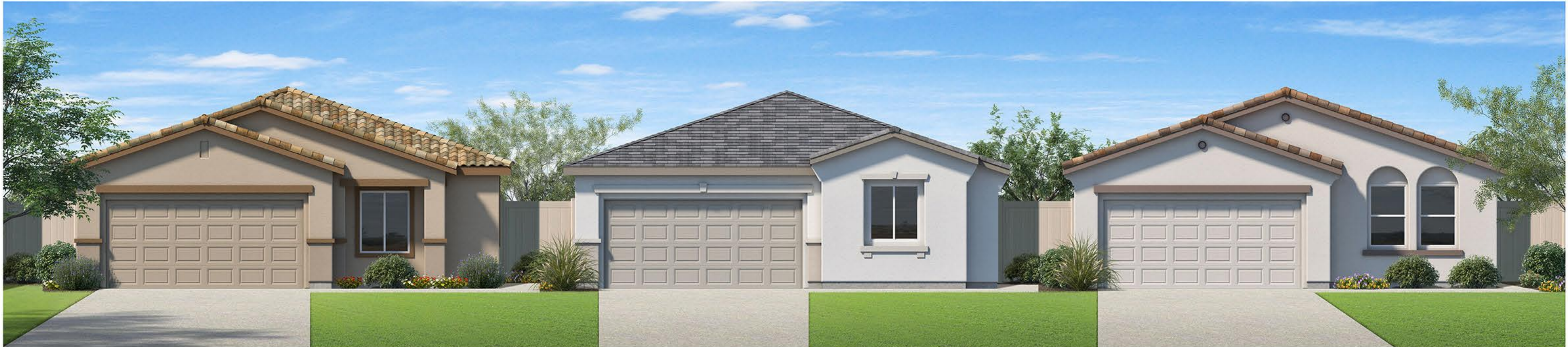


Plan 3C

ELEVATION



FLOOR PLAN



3B

2B

1A

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Street view

The Residences at  
**Mayfield Ranch**  
Imperial, CA. 92251

**derra**  
495 E. Rincon Street, Suite 204

SCHEME 1



**BASE COLOR 1**  
SW 7002 - Downy

**BASE COLOR 2**  
SW 7036 - Accessible Beige

**FASCIA/TRIM**  
SW 7508 - Tavern Taupe

**ACCENT**  
SW 6223 - Still Water

**GARAGE**  
SW 7002 - Downy

**CONCRETE ROOF TILE**  
BARCELONA Red Castle  
1BCCS 7970

SCHEME 2



**BASE COLOR 1**  
SW 7526 - Maison Blanche

**BASE COLOR 2**  
SW 7527 - Nantucket Dune

**FASCIA/TRIM**  
SW 7040 - Smokehouse

**ACCENT**  
SW 2838 - Polished Mahogany

**GARAGE**  
SW 7526 - Maison Blanche

**CONCRETE ROOF TILE**  
BARCELONA Buckskin  
1BCCS 0141

SCHEME 3



**BASE COLOR 1**  
SW 6142 - Macadamia

**BASE COLOR 2**  
SW 7534 - Outerbanks


**FASCIA/TRIM**  
SW 6124 - Cardboard

**ACCENT**  
SW 7062 - Rock Bottom

**GARAGE**  
SW 6142 - Macadamia

**CONCRETE ROOF TILE**  
BARCELONA Cliffside  
1BCCS 3940

SCHEME 4



**BASE COLOR 1**  
SW 7529 - Sand Beach

**FASCIA**  
SW 7731 - San Antonio Sage

**TRIM**  
SW 7571 - Casa Blanca

**ACCENT**  
SW 6200 - Link Gray

**GARAGE**  
SW 7529 - Sand Beach

**CONCRETE ROOF TILE**  
SHAKE Charcoal Brown Blend  
1FBCJ 1132

**STONE**  
CLIFFSTONE  
Mesquite

SCHEME 5



**BASE COLOR 1**  
SW 7005 - Pure White

**FASCIA**  
SW 7048 - Felted Wool

**TRIM**  
SW 7049 - Nuance


**ACCENT**  
SW 6327 - Bold Brick

**GARAGE**  
SW 7050 - Useful Gray

**CONCRETE ROOF TILE**  
SHAKE Charcoal Blend  
1FBCJ 1430

**STONE**  
OLD COUNTRY FIELDSTONE  
Echo Ridge

SCHEME 6



**BASE COLOR 1**  
SW 7544 - Fenland

**FASCIA**  
SW 6090 - Java

**TRIM**  
SW 6140 - Moderate White

**ACCENT**  
SW 6006 - Black Bean

**GARAGE**  
SW 7544 - Fenland

**CONCRETE ROOF TILE**  
SHAKE Foerst Green  
1FBCJ 4598

**STONE**  
CLIFFSTONE  
Lantana





Plan 1A



Plan 1B



Plan 2A



Plan 2B



Plan 3B



Plan 3C

