

***DRAFT* RESOLUTION NO. PC2025-15**

A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL, APPROVING CONDITIONAL USE PERMIT 25-06 AND VARIANCE 25-03 FOR STEVE COCHRAN TO ALLOW THE DEVIATION OF THE RESIDENTIAL ZONE PROPERTY DEVELOPMENT STANDARDS FOR MAXIMUM HEIGHT, SIDE YARD AND FRONT YARD SETBACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE LOCATED AT 221 WEST 12TH STREET (APN 063-215-006)

WHEREAS, Steve Cochran submitted a Variance request for the deviation of the Residential Zone's Property Development side yard and front yard setback standards and a Conditional Use Permit request for exceeding the maximum height limitations on an accessory structure located at 221 West 12th Street; and

WHEREAS, the subject site is located within a Residential Single Family Zone, and accessory structures over twelve feet in height are conditionally allowed uses within that zone; and

WHEREAS, the subject site's accessory structure deviates from the side yard and front yard setback property development standard requirement; and

WHEREAS, a duly notified public hearing was held by the Planning Commission during a meeting on October 22, 2025; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff, and considering any written comments received, the Planning Commission considered all facts relating to the request for Conditional Use Permit 25-06 and Variance 25-03.

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) Installation and alteration of the property and deviation from the Residential Zone's Property Development Standards are therefore categorically exempt from the California Environmental Quality Act per 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 determines that the project is Categorical Exempt under Section 15303, Class 3(e), New Construction or Conversion of Small Structures; and

E) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Variance 25-03 and Conditional Use Permit 25-06** for Steve Cochran to allow for the deviation of the Residential Zone's Property Development Standards for side yard and front yard setback requirements and height limitations, subject to the Conditions of Approval outlined in **Exhibit A** and based on the following Variance findings:

- 1. There are special circumstances, such as size 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.**

A special circumstance applies to the subject property due to its unique dimensions and configuration, which deviate from standard lot sizes as defined by local zoning codes. The property is situated at the northeast corner of 12th Street and G Street, with dimensions of 50 by 145 feet, whereas the typical lot size in this area is 60 by 100 feet. Many residences in Old Imperial, including this one, feature non-conforming attributes, such as irregular lot dimensions or building placements, that are recognized as legal non-conforming uses under current zoning regulations.

The layout of the home was constructed to maximize lot utilization, positioning the primary structure facing 12th Street, which is consistent with site planning that considers setbacks, easements, and buildable area. Mr. Cochran's property is designated as having special circumstances because the side yard facing G Street is narrower than standard, and the front yard along 12th Street exceeds typical lot length restrictions. These elements may qualify the property for Variances, subject to review to accommodate existing conditions while maintaining zoning compliance.

- 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.**

The granting of the Variance and the Conditional Use Permit is necessary for Mr. Cochran's right to enjoy the functions of the proposed accessory structure for the storage of his vehicles and recreational vehicle, a property right possessed by other property owners in the same vicinity and zone.

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 in the vicinity and zone in which the property is located.

The applicant has submitted building plans that confirm the accessory structure will be structurally sound and will not be materially detrimental to public health, safety, or welfare. Additionally, if approved, the project will be further reviewed by our Building Division to ensure the structure will not be injurious to the applicant's property and the surrounding properties. The Imperial County Fire Department and the Imperial Police Department have reviewed the project and have determined that the project will not obstruct traffic.

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 grant a privilege that conflicts with nearby properties. This process is governed by local zoning laws and regulations, which aim to maintain the character, safety, and compatibility of the community. Many existing homes in Old Imperial, including four accessory structures in the applicant's neighborhood on G Street, as well as surrounding properties to the East and West, have accessory structures that do not meet the current standards outlined in the Residential Zone's Property Development Standards. These standards typically specify criteria such as setback requirements, height restrictions, lot coverage limits, and design consistency to ensure that new developments are harmonious with existing structures and community layouts. Variance approval thus involves a meticulous review process where the Planning Department evaluates whether the requested deviation from standard codes is justified based on reasons such as unique site conditions or hardship, while ensuring that such deviations will not adversely affect neighboring properties or violate the intent of the zoning regulations.

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.

The subject property is zoned Residential Single Family (R-1), where accessory structures are a permitted use, and those exceeding twelve (12) feet in height are conditionally permitted. The approval of Variance 25-03 allows only deviations from front and side yard setback standards and does not authorize any use not otherwise permitted by the R-1 Zone or the City's Zoning Ordinance.

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

The approval of Variance 25-03 or its modification will not be incompatible with the strategic objectives and land use policies outlined in The City of Imperial's General Plan.

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

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 22nd day of October 2025.

Ruben Rivera
Planning Commission Chairperson

ATTEST:

Kristina Shields
City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL CUP 25-06 Steve & Teana Cochran 221 W. 12th Street (APN 063-215-006)

1. The 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.
2. The Applicant shall pay all applicable permit fees.
3. The Conditional Use 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.
4. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the Conditional Use Permit. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the Conditional Use Permit, including any claim for private attorney general fees claimed by, or awarded to any party from the City.
5. The provisions of the conditional use 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.
6. 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 conditional use permit, 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 conditional use permit, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.
7. 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.
8. 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 re-located business.