



Staff Report

Agenda Item No. D-1

To: City of Imperial Planning Commission

From: Yvonne Cordero, Planner

Date: February 18, 2025

Item: Variance 24-03 and Conditional Use Permit 24-09
Deviation from the Residential Property Development Standards for
Accessory Structures

Applicant:	Mark Gaddis
Project Location:	121 N. F 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 24-03 and Conditional Use Permit 24-09.

Background

On June 26, 2024, the City of Imperial Planning Commission conducted a public hearing for Mr. Gaddis' previous request for approval of a Conditional Use Permit (CUP) 23-07 to allow his accessory structure to exceed height limitations and Variance 23-04 to allow the deviation of the City's required side yard and rear yard setbacks. The Planning Commission denied his requests due to the accessory structure's IID violations. Mr. Gaddis'

accessory structure was constructed on an IID easement and within IID’s distribution line corridor. IID provided their Distribution Line Clearance Specifications detailing the area distances to be clear of buildings/structures for 15KV power poles/lines (Attachment A) and Regulation No. 23-Clearance Requirements for Power Line Corridors (Attachment B) confirming the accessory structure’s violations.

Mr. Gaddis has been working with City and IID staff and has submitted a revised site plan (Attachment C) to modify his structure. He is again seeking a CUP and Variance approval for his accessory structure to comply with the City’s and IID’s specifications. The City of Imperial’s Residential Property Development Standards for accessory structures require a setback measurement of three feet and a maximum height of twelve feet for accessory structures. The accessory structure’s height remains at thirteen feet and six inches, for which he is requesting a Conditional Use Permit. He proposes to shorten the width of the structure to allow a side yard setback of seven feet, nine inches. The proposed modified structure will eliminate IID’s infractions and meet the City’s Property Development Standards except for the zero rear yard setback, which he is seeking a Variance approval for.

Land Use Analysis

The project site consists of an approximate 9,074 square foot property at 121 North F Street, within the R-1 Residential Zone. The surrounding area’s zoning and land uses are as follows:

DIRECTION	ZONING	LAND USE
North	R-1 Single Family Residential	Residential
East	R-1 Single Family Residential	Residential
South	R-1 Single Family Residential	Residential
West	R-1 Single Family Residential	Public Facility/Imperial High School

Project Location

The R-1 Residential Single Family Zone is intended as an area for single-family residential development on minimum lot sizes of 6,500 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, located on the same site are a permitted use within the R-1 zone.

Project Location Photos



Required Findings for Variance 24-03:

In order to approve Variance 23-03, 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 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.**

There are no special circumstances that apply to this property regarding its size, shape, or topography that deprive the property of the privileges enjoyed by other properties within the Residential Zone.

- 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, in its original or modified form, is necessary for Mr. Gaddis' right to preserve and enjoy the functions of the existing accessory structure for the storage of his work fleet vehicles and recreational vehicle.

- 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 accessory structure will be modified to no longer obstruct IID's power poles and distribution lines therefore the structure no longer presents to be a fire hazard or a detriment to the public health, safety or welfare in the vicinity and zone in which the property is located.

- 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 what is considered Old Imperial, where many of the existing homes with non-conforming uses or structures that deviate or fail to meet the established, current day specifications detailed in the Residential Zone's Property Development Standards.

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 approval of Variance 24-03 to allow the deviation of the required three feet rear yard setback does not allow a use or activity that is not authorized by the zoning regulation for this parcel. Deviating from setback requirements is allowed by obtaining a Variance approval.

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

The approval of Variance 24-03 or its modification will not be incompatible with any of the elements within The City of Imperial's General Plan.

Required Findings for Conditional Use Permit 24-09:

The Zoning Ordinance provides flexibility in the regulation of uses to ensure that unusual characteristics of certain uses are properly addressed in furtherance of the Imperial Zoning Ordinance. Section 24.19.340 of the City of Imperial Zoning Ordinance requires that the Commission make specific findings be made when reviewing a Conditional Use Permit. The required findings are listed below in ***bold italics***, followed by an evaluation:

- a) ***That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the Purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.***

The subject site is located within the R-1 Residential Single-Family Zone, which is intended as an area for single-family residential development. Additional uses, such as the accessory structure, that are complementary to and exist in harmony with a single-family residential neighborhood are permitted.

- b) ***That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources with consideration given to those items listed in Section 24.19.340.B of the Imperial Zoning Ordinance.***

The proposed accessory structure's location, size, and design are compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, structures, or natural resources. The operating characteristics of work fleet and RV storage

will not be a detriment nor adversely affect his residence, or the adjacent residential uses.

- c) That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.**

With the established and agreed upon Conditions of Approval, the proposed project will not be detrimental to public health, safety or welfare of those within the vicinity of the project site. The applicant has submitted the project's engineered plans to the City of Imperial's Building Division to ensure his project is structurally safe and abides by the California Building Codes adopted by the City.

- d) That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for any approved Variance.**

The proposed accessory structure complies with all provisions of the City of Imperial's Zoning Ordinance. A Variance is being requested in conjunction with a Conditional Use Permit to allow the deviation of the rear yard setback requirement.

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 February 26, 2025, was duly noticed in the Holtville Tribune and Calexico Chronicle, a newspaper of general circulation on February 13, 2025. A Notice of Public Hearing was sent to all property owners within 300 feet of the property.

Staff Recommendation:

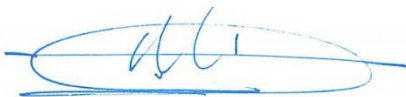
Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Incorporating the recommended conditions of approval, the project as proposed is compatible with the surrounding area and consistent with the General Plan. Unless sufficient evidence to the contrary is presented at the public hearing, staff recommends that the Planning Commission **APPROVES** Variance 24-03 to allow the deviation of the required rear yard setbacks defined in the City of Imperial's Property Development Standards and Conditional Use Permit 24-09 to allow the existing accessory structure with a height that exceeds the City of Imperial's Property Development Standards.

Attachments

- Attachment A - IID Distribution Line Clearance Guidelines
- Attachment B - IID Regulation No. 23
- Attachment C - Site Plan
- Attachment D - DRAFT Resolution PC2025-02 with Conditions of Approval
- Attachment E - DRAFT Resolution PC2025-04 with Conditions of Approval

Prepared by: Yvonne Cordero, Planner

Respectfully submitted,

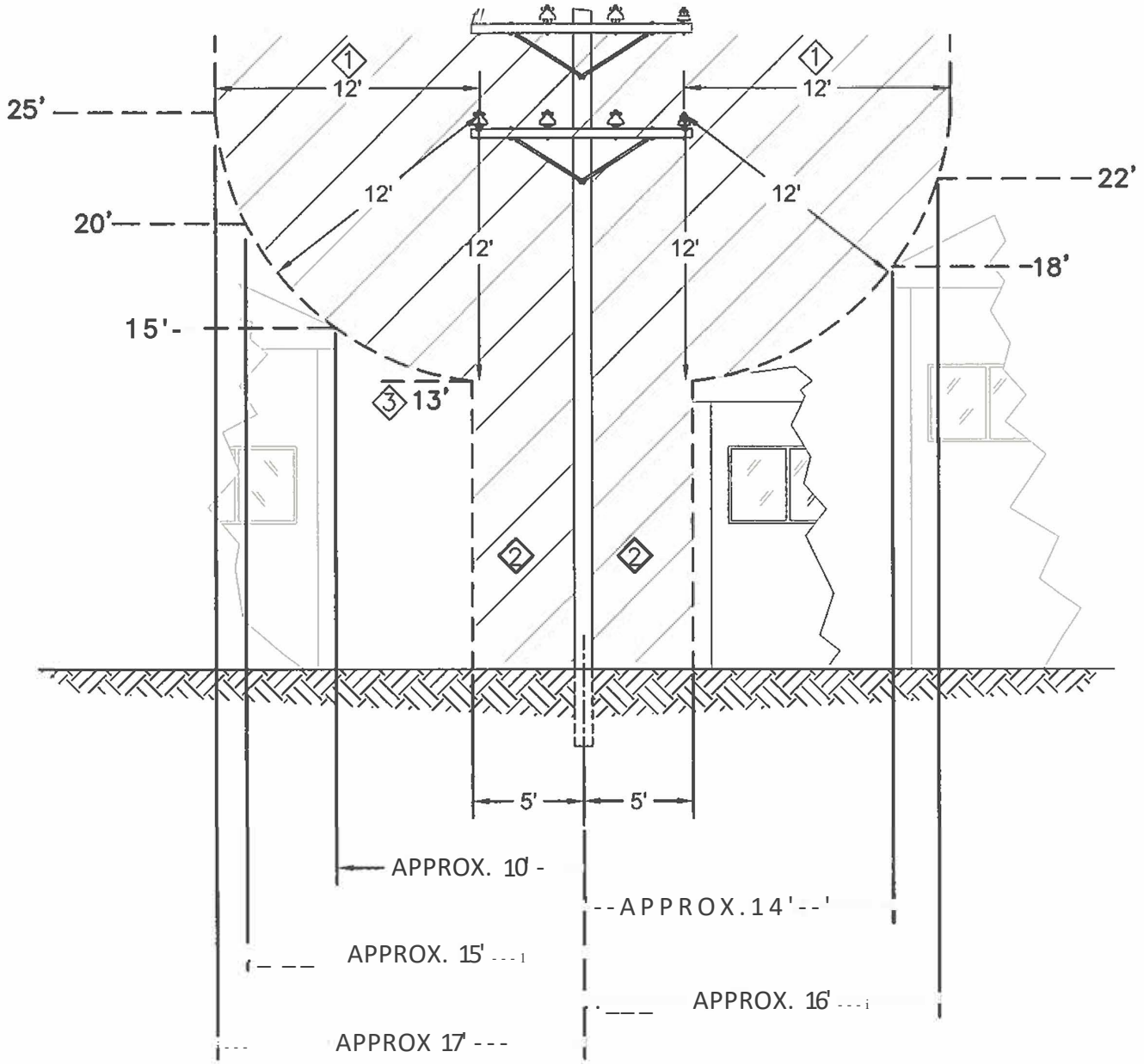


Othon Mora, MCM, CBO
Community Development Director

ATTACHMENT A

6.20

AREA TO BE CLEAR OF BUILDINGS



NOTES:

(V BUILDING STRUCTURES TO CONDUCTOR, CLEARANCE TO BE 12 FT. MIN RADIAL FOR 15KV CIRCUITS.

q>CLEARANCE TO BE 5 FT. RADIAL FROM CENTERLINE OF POWER POLE, 11D RIGHT OF WAY.

NO STRUCTURES ALLOWED IN 11D RIGHT OF WAY.

q)BUILDING STRUCTURE TO BE A MAXIMUM HEIGHT OF 13 FT. IF DIRECTLY OUTSIDE OF 11D RIGHT OF WAY.

4. CLEARANCES SHOWN ARE FOR DOUBLE CIRCUITS ONLY, FOR SINGLE CIRCUIT CLEARANCES NOTE <D> APPLIES.

IMPERIAL IRRIGATION DISTRICT

DRAWN BY	
REVIEWED	<i>ku</i>
APPROVED	<i>MB</i>
REVISION	REV 01
DATE	2-11-2013



EXISTING **AND** NEW LINE CONDITIONS
15KV DISTRIBUTION
BUILDING CLEARANCES

202.17

ATTACHMENT B

REGULATION NO. 23

CLEARANCE REQUIREMENTS FOR POWER LINE CORRIDORS

A. GENERAL PROHIBITION

No person shall cause interference with or pose a threat to the reliability of the District's transmission or distribution lines or create a safety hazard to the public by encroaching upon the District's rights-of-way in violation of the standards set forth herein.

B. PROHIBITED ACTIONS IN DISTRICT RIGHTS-OF-WAY

Within District power line rights-of-way, persons may not:

- (1) Build or expand a structure.
- (2) Modify power line ground clearance by adding material, storing material, equipment, crops, haystacks or other means, resulting in ground clearance non-conformance to California Public Utilities Commission General Order 95 requirements as set forth in Exhibit A.
(Reference CPUC, General Order No. 95, Rule 37, Minimum Clearances of Wires above Railroads, Thoroughfares, Buildings, Case No. 4).
- (3) Dig, or otherwise undermine power line structures.
- (4) Modify drainage or protection berms.
- (5) Store or stack wood, earth, waste, debris, materials, crops, machinery, equipment, supplies, haystacks, or similar personalty.
- (6) Plant trees, palms or other vegetation with the ability to grow closer than the minimum clearances set forth in Exhibit B.
- (7) Ignite fires, burn debris, materials, crops, haystacks.
(Reference California Public Resources Code Section 4293, Mountainous, Forest-Brush- and Grass-Covered Lands).

C. PERSONNEL SAFETY CLEARANCES

- (1) No person, firm, corporation, or agent of same, shall require or permit an employee to perform any function in proximity to energized high-voltage lines, to enter upon any land, building, or other premises, and there engage in any excavation, repair, or other operation; or to erect, install, operate, or store, in or upon premises, any tools, machinery, equipment, materials, or structures unless or until danger from accidental contact with said high-voltage lines has been effectively guarded against.
- (2) Persons other than qualified line-clearance tree trimmers and trainees shall not approach energized high-voltage power lines closer than as set forth in Exhibit C.
(Reference California Code of Regulations, Title 8, Section 2950, Table 1 Operations).

(3) The execution, operation or dismantling of any boom-type lifting or hoisting equipment, or any part thereof, closer than the minimum clearances set forth in Exhibit D, below, shall be prohibited.

(Reference California Title 8, Section 2946, Provisions for Preventing Accidents Due to Proximity to Overhead Lines).

(4) The storage of tools, machinery, equipment, supplies, materials, or apparatus, under, over, or adjacent to energized overhead high-voltage lines, is hereby expressly prohibited, if at any time during the handling or other manipulation it is possible to bring such tools, machinery, equipment, supplies, materials, or apparatus, or any part thereof, closer than the minimum clearances from such lines as set forth in Exhibit D, below.

(Reference California Title 8, Section 2946, Provisions for Preventing Accidents Due to Proximity to Overhead Lines).

D. HAZARDS

Hazards that may fall onto overhead high-voltage lines shall be removed.

(Reference CPUC, General Order No. 95, Section III Requirements for All Lines, Rule 35, Vegetation Management).

E. ENFORCEMENT

The District is hereby authorized to enforce the provisions hereof by all legal and equitable remedies including the discontinuance or refusal of electrical service to the subject property and when deemed necessary and appropriate in order to protect the health and safety of the community or reliability of the energy system, remove the encroachment or obstruction; the cost of such removal to be charged to the property owner. The District shall provide notice to the property owner of intended enforcement actions except where there is an imminent threat to the health or safety of the community or to the reliability of the District's energy systems.

Exhibit A

California Public Utilities Commission, Rules for Overhead Electric Line Construction, General Order No. 95, Section III, Requirements for All Lines, Rule 37 Minimum Clearances of Wires above Railroads, Thoroughfares, Buildings, Etc., Case No. 4 (*excerpt, see Order for additional details*)

Case No.	Nature of Clearance	Span Wires (Other than Trolley Span Wires) Overhead Guys and Messengers	Communication Conductors (Including Open Wire, Cables and Service Drops), Supply Service Drops of 0 - 750 Volts	Supply Conductors of 0 - 750 Volts and Supply Cables Treated as in Rule 57.8	Supply Conductors and Supply Cables, 750 - 22,500 Volts	Supply Conductors and Supply Cables, 22,500 - 300,000 Volts
4	Above Ground along thoroughfares in rural districts or across other areas capable of being traversed by vehicles or agricultural equipment	15 Feet	15 Feet	19 Feet	25 Feet	30 Feet

Exhibit B

California Public Resources Code, Division 4, Part 2, Chapter 3 Mountainous, Forest-, Brush- and Grass-Covered Lands, Section 4293 (*excerpt, see Code for additional details*)

Clearance in All Directions Between All Vegetation and All Energized Conductors Which Are Carrying Electric Current	
Operating Voltage	Clearance Distance
2,400 or more Volts, but less than 72,000 Volts	4 FT
72,000 or more Volts, but less than 110,000 Volts	6 FT
110,000 or more Volts	10 FT

Exhibit C

California Title 8, Group 2, Article 38, Section 2950, Table 1 (*excerpt, see Code for additional details*)

Minimum Approach Distances to Energized Conductors for Persons Other Than Qualified Line Clearance Tree Trimmers and Trainees.	
Nominal Voltage (phase to phase)	Clearance Distance
0 to 1,000	10 FT 0 in.
1,100 to 15,000	10 FT 0 in.
15,100 to 36,000	10 FT 0 in.
72,600 to 121,000	12 FT 4 in.
161,000 to 169,000	14 FT 0 in.
230,000 to 242,000	16 FT 5 in.

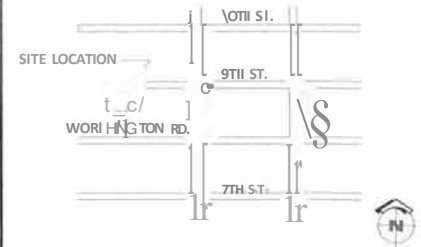
Exhibit D

California Title 8, Subchapter 5, Group 2, Article 37, Section 2946, Provisions for Preventing Accidents Due to Proximity to Overhead Lines (*excerpt, see Code for additional details*)

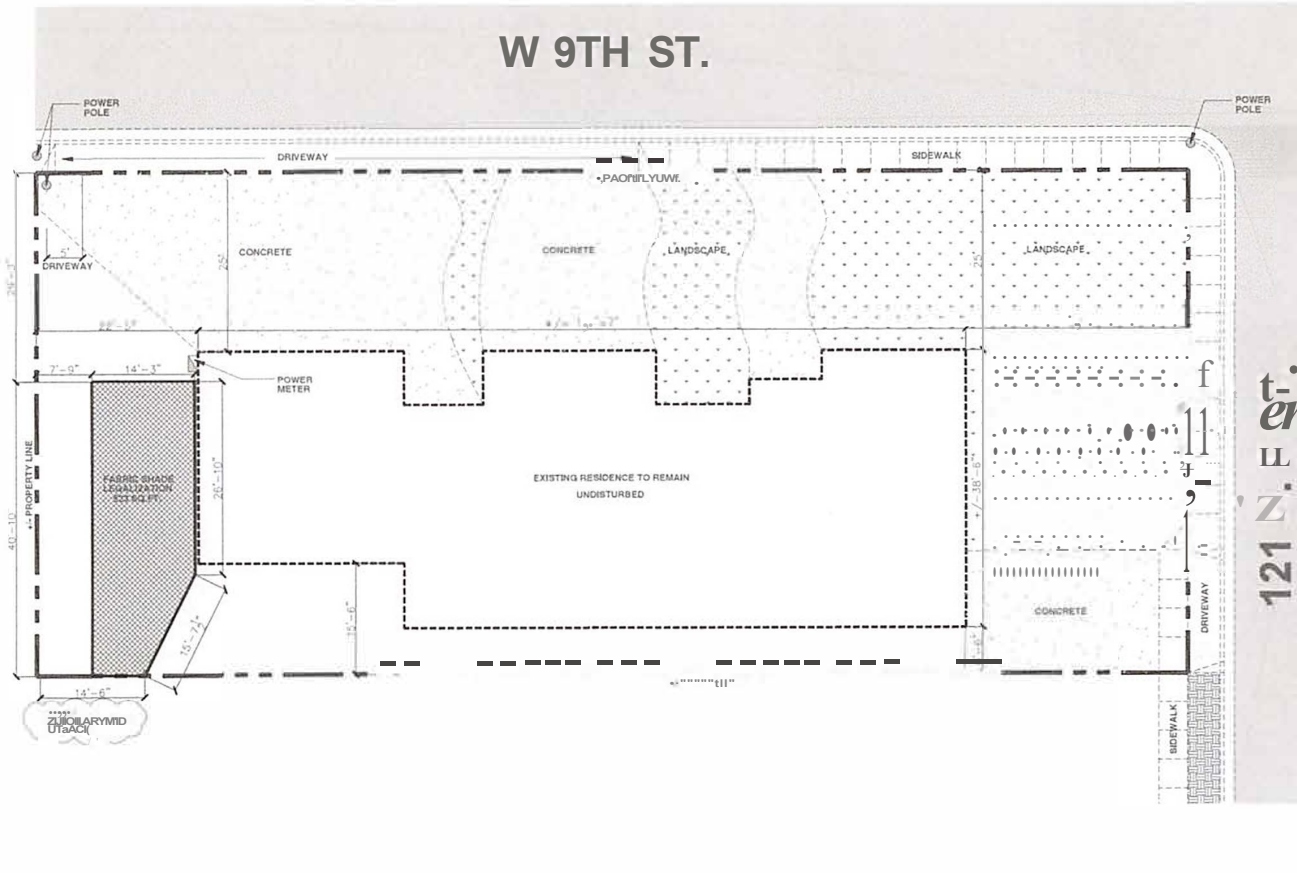
Material Storage and Boom-Type Lifting or Hoisting Equipment Required Clearances Required From Energized Overhead High-Voltage Lines	
Nominal Voltage (phase to phase)	Clearance Distance
600 to 50,000	10 FT
Over 75,000 to 125,000	13 FT
Over 125,000 to 175,000	15 FT
Over 175,000 to 250,000	17 FT

ATTACHMENT C - SITE PLAN

MARK GADDIS 121 N. F ST. FABRIC SHADE LEGALIZATION APN: 064-042-001



VICINITY MAP



SITE DATA	DRAWING INDEX
PROPERTY OWNER: MARK GADDIS AOCILU/SLIN.fcj IM/KIM. (Atrn) APN: 064-042-001 L/RAI: f.3.CIPE-W I017&N;>Ort ... tOItII.OCIC;	SITE PLAN LAIC IL OI
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REQUIRED SPECIAL INSPECTIONS	DEFERRED SUBMITTAL
NA	NA

PROPERTY OWNER: MARK GADDIS

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IM/KIM. (Atrn)
APN: 064-042-001
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BUILDING DATA

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GOVERNING CODES

2022 CALIFORNIA BUILDINGS CODE

DRAWING INDEX

SITE PLAN

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BUILDING DATA

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TRICTYM6
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IGT

SCOPE OF WORK

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REQUIRED SPECIAL INSPECTIONS

NA

DEFERRED SUBMITTAL

NA

SITE PLAN

SCALE: 1/8" = 1'-0"

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VCU OK 422-4133
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REVISIONS	No.	DESCRIPTION

Op,cmI-1101;
SITE PLAN
121 N. F ST., MFPERAL, CA 95051
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ATTACHMENT D

DRAFT RESOLUTION NO. PC2025-02

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING VARIANCE 24-03 FOR MARK GADDIS TO ALLOW THE DEVIATION OF THE
RESIDENTIAL ZONE PROPERTY DEVELOPMENT STANDARDS FOR REAR YARD
SETBACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE
LOCATED AT 121 NORTH F STREET (APN 064-042-001)**

WHEREAS, Mark Gaddis submitted a Variance request for the deviation of the Residential Zone's Property Development Standards rear yard setback requirement for an accessory structure located at 121 North F Street; and

WHEREAS, the subject site accessory structure's rear yard setback deviates from the three feet 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 February 26, 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 24-03.

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) There are no sensitive resources located within the area of the project or adjacent to the location 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 determines that the project is Categorical Exempt under Section 15303, Class 3(e), New Construction or Conversion of Small Structures; and
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Variance 24-03** for Mark Gaddis 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 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.**

There are no special circumstances that apply to this property regarding its size, shape, or topography that deprive the property of the privileges enjoyed by other properties within the Residential Zone.

- 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, in its original or modified form, is necessary for Mr. Gaddis' right to preserve and enjoy the functions of the existing accessory structure for the storage of his work fleet vehicles and recreational vehicle.

- 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 accessory structure will be modified to no longer obstruct IID's power poles and distribution lines therefore the structure no longer presents to be a fire hazard or a detriment to the public health, safety or welfare in the vicinity and zone in which the property is located.

- 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 what is considered Old Imperial, where many of the existing homes with non-conforming uses or structures that deviate or fail to meet the established, current day specifications detailed in the Residential Zone's Property Development Standards.

- 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 approval of Variance 24-03 to allow the deviation of the required three feet rear yard setback does not allow a use or activity that is not authorized by the zoning regulation for this parcel. Deviating from setback requirements is allowed by obtaining a Variance approval.

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

The approval of Variance 24-03 or its modification will not be incompatible with any of the elements within The City of Imperial's General Plan.

- G) 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 26th day of February 2025.

Ruben Rivera
Planning Commission Chairperson

ATTEST:

Kristina Shields,
City Clerk

EXHIBIT A

**CONDITIONS OF APPROVAL
VARIANCE 24-03/CONDITIONAL USE PERMIT 24-09
Mark Gaddis
121 N. F Street (APN 064-042-001)**

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 24-03 and Conditional Use Permit 24-09.
3. The provisions of Variance 24-03 and Conditional Use Permit 24-09 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 Applicant shall be responsible for maintaining the property 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 approval of Variance 24-03 and Conditional Use Permit 24-09 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 applicable fees as required by the city.
9. Applicant must obtain an approved building permit from the Community Development Department within six (6) months of approval of Variance 24-03 and Conditional Use Permit 24-09. If the applicant does not obtain an approved building permit from the Community Development Department, Variance 24-03 and/or Conditional Use Permit 24-09 become null and void based on the final Planning Commission's date of approval.
10. 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 24-03 and Conditional Use Permit 24-09, 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 24-03 or Conditional Use Permit 24-09, then the matter shall be referred to the Planning Commission, or to the appropriate enforcement authority, for modification, suspension, or termination.

11. As between the City and the Applicant, any violation of Variance 24-03 and Conditional Use Permit 24-09 approval may be a "nuisance per se". The City may enforce the terms and conditions of Variance 24-03 and Conditional Use Permit 24-09 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. 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.

ATTACHMENT E

***DRAFT* RESOLUTION NO. PC2025-04**

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING CONDITIONAL USE PERMIT 24-09 FOR A THIRTEEN-FOOT, SIX-INCH
(13' 6") ACCESSORY STRUCTURE WITHIN A RESIDENTIAL ZONE LOCATED AT
121 NORTH F STREET (APN 064-042-001)**

WHEREAS, Mark Gaddis applied to a 523 square-foot accessory structure measuring thirteen feet, six inches (13'6") in height within a Residential Zone, located at 121 North F 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, a duly notified public hearing was held by the Planning Commission during a meeting on February 26, 2025; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff, and considering any written and oral comments received, the Planning Commission considered all facts relating to the request for Conditional Use Permit 24-09.

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) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Conditional Use Permit 24-09** subject to the Conditions of Approval outlined in **Exhibit A** and based on the following findings:
 - 1. 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.
 - 2. The initial environmental assessment shows that there is no substantial evidence that the proposed land use will have a significant impact on the environment.
 - 3. The project meets all the requirements per section 24.19.340 of the Imperial Zoning Ordinance for granting said Conditional Use Permit as follows:

- a) That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the Purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.**

The subject site is located within the R-1 Residential Single-Family Zone, which is intended as an area for single-family residential development. Additional uses, such as the accessory structure, that are complementary to and exist in harmony with a single-family residential neighborhood are permitted.

- b) That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources with consideration given to those items listed in Section 24.19.340.B of the Imperial Zoning Ordinance.**

The proposed accessory structure's location, size, and design are compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, structures, or natural resources. The operating characteristics of work fleet and RV storage will not be a detriment nor adversely affect his residence, or the adjacent residential uses.

- c) That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.**

With the established and agreed upon Conditions of Approval, the proposed project will not be detrimental to public health, safety or welfare of those within the vicinity of the project site. The applicant has submitted the project's engineered plans to the City of Imperial's Building Division to ensure his project is structurally safe and abides by the California Building Codes adopted by the City.

- d) That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for any approved Variance.**

The proposed accessory structure complies with all provisions of the City of Imperial's Zoning Ordinance. A Variance is being requested in conjunction with a Conditional Use Permit to allow the deviation of the rear yard setback requirement.

C) 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 28th day of February, 2024.

Ruben Rivera, Chairperson

ATTEST:

Kristina Shields, City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL VARIANCE 24-03/CONDITIONAL USE PERMIT 24-09

Mark Gaddis

121 N. F Street (APN 064-042-001)

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 24-03 and Conditional Use Permit 24-09.
3. The provisions of Variance 24-03 and Conditional Use Permit 24-09 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 Applicant shall be responsible for maintaining the property 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 approval of Variance 24-03 and Conditional Use Permit 24-09 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 applicable fees as required by the city.
9. Applicant must obtain an approved building permit from the Community Development Department within six (6) months of approval of Variance 24-03 and Conditional Use Permit 24-09. If the applicant does not obtain an approved building permit from the Community Development Department, Variance 24-03 and/or Conditional Use Permit 24-09 become null and void based on the final Planning Commission's date of approval.
10. 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 24-03 and Conditional Use Permit 24-09, 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 24-03 or Conditional Use Permit 24-09, then the matter shall be referred to the Planning Commission, or to the appropriate enforcement authority, for modification, suspension, or termination.

11. As between the City and the Applicant, any violation of Variance 24-03 and Conditional Use Permit 24-09 approval may be a "nuisance per se". The City may enforce the terms and conditions of Variance 24-03 and Conditional Use Permit 24-09 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. 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.