



# Staff Report

Agenda Item No. D-1

**To:** City of Imperial Planning Commission

**From:** Lisa Tylenda, Planner

**Date:** June 26, 2019

**Item:** **Variance-VAR(19-02)**  
**Deviation from ordained “Side and Rear-Yard Setback”**  
**development standards.**

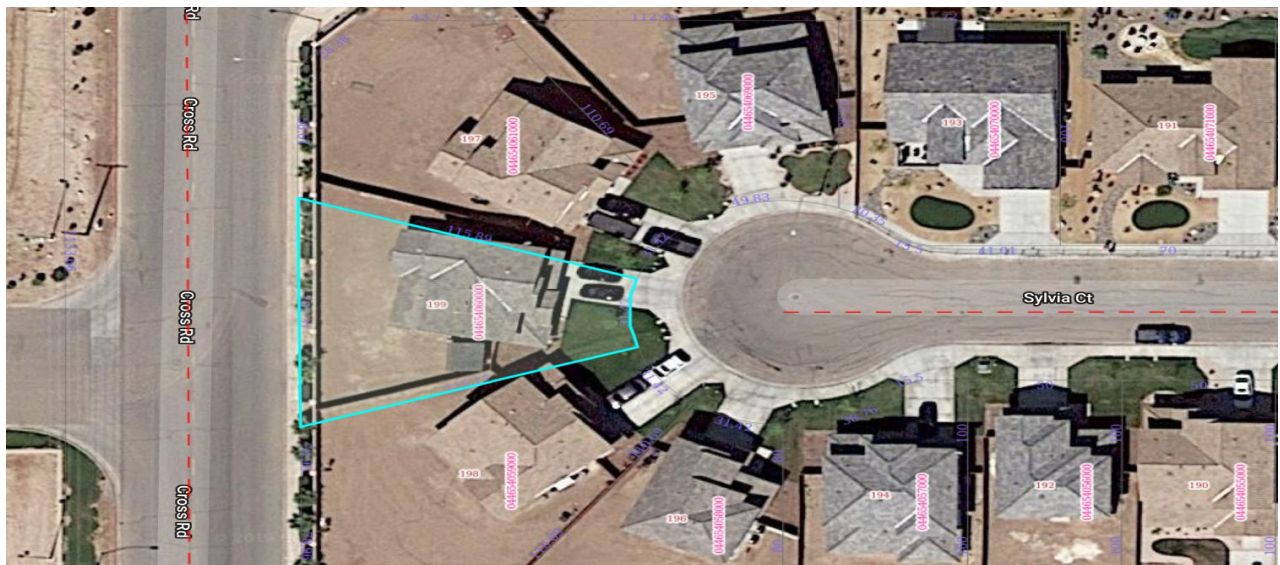
## Summary:

**Applicant:** Ismael Angulo

**Project Location:** 199 Sylvia Court; Imperial, CA 92251

**Zoning:** R-1 (Residential Single Family)

**Recommendation:** Planning Commission to review Variance request.



## **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 2 feet to allow the use of an existing storage shed which was constructed in the year 2016.

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.

**The applicant has provided justification for the required findings. Please see attached document.**

### **Environmental:**

The proposed project is not subject to CEQA since it is categorized as a minor project.

### **Recommendation:**

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

- A. That granting the Variance 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.
- B. 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.
- C. The granting of this Variance does not allow a use or activity which not otherwise expressly authorized by the zoning regulation governing the parcel of property.
- D. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.



**Photos of Applicants backyard:**

























