



**CITY OF TWENTYNINE PALMS
STAFF REPORT**
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To: Planning Commission Community Development Director
From: Community Development Director
Date: March 7, 2006
RE: PC 06-09 - An application by Harry and Mettie Council for a Variance to the RS-2 zone development standards, to allow a 5' side yard setback, and to exceed the maximum allowable 30% lot coverage, to allow construction of a 528 square foot garage and a sewing room, at 72732 Granite Avenue, Zone RS-2, T1N, R9E, Section 30, APN # 0618-362-08.

RECOMMENDATION: Conduct the Public Hearing, make the appropriate findings and approve the Variance, subject to compliance with City standards for new construction.

BACKGROUND: On January 4, 2006, the applicant submitted this application for a Variance to the RS-2 zone development standards, to allow a 5' side yard setback, (where a 10' side yard setback is required) and to exceed the maximum allowable 30% lot coverage, to allow construction of a new garage and a sewing room.

- | Attachments |
|----------------------------|
| • Vicinity Map |
| • Application |
| • Site plan and Elevations |
| • Assessors Parcel Map |

Pursuant to Section 19.34.040 of the Development Code, the applicant seeks a of five feet (50%) reduction to the side yard setback requirement. Under the RS-2 land use standards, a ten-foot side yard is required. As part of this application, the applicant also seeks approval of 45% lot coverage (impermeable surface), which is a 50% increase in the allowable coverage. The maximum allowable lot coverage in the RS-2 zone is 30%.

Surrounding Land Use, General Plan and Zoning Designations

	Land Use	General Plan
Site	RS-2	RS-2
North	RS-2	RS-2
East	RS-2	RS-2
South	RS-2	RS-2
West	RS-2	RS-2

The use, an existing single-family residence, is consistent with the General Plan and Zoning Ordinance. The project, a 528 square foot residential room addition, can be constructed in a manner consistent with the Development Code.

The development pattern for this neighborhood, as originally permitted under San Bernardino County, includes several houses with five-foot side yard setbacks. Of the 25 homes in this tract, 23 were constructed with a five-foot side yard setback on at least one side yard. One such residence has since been demolished. The residence in question presently has a 5' side yard setback on the west side yard. Approval of this application would allow 5' side yard setbacks in both side yards.

CEQA

Pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines, the project, which consists of the construction of a minor addition to an existing structure, is Categorically Exempt from further environmental review under state law.

Variance

The State of California Government Code, Article 3, Section 65906 specifies:

- Variances from the terms of the zoning ordinances shall be granted 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.
- Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
- A variance shall not be granted for a parcel of property, which authorizes a use or activity, which is not otherwise expressly authorized by the zone regulation governing the parcel or property.

In approving a Variance, the Development Code (Section 19.34.050) requires the Planning Commission to make the following findings:

- A. That, because of special circumstances applicable to the property, (size, shape, topography, location or surroundings) or the intended use of the property, the strict application of the Development Code deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification; and
- B. That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning classification; and
- C. That granting the Variance will not be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements; and
- D. That granting of the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which the property is located; and
- E. That granting the Variance does not allow a use or activity which is prohibited by the zoning regulation governing the parcel; and
- F. That granting the Variance will not be inconsistent with the City of Twentynine Palms General Plan.

The Planning Commission may cite the above facts pertaining to the project's consistency with the General Plan, Zoning, and Redevelopment Plan as Findings in approving this Variance. Staff believes these required Findings can be made and recommends approval of the Variance.

Public Notification

As required by law, owners of property within 300 feet of the subject site have been notified of this proposal. Staff has received no comment regarding the requested Variance.

Approval Authority

Because the Variances requested do not exceed 50% of the required standard, the Planning Commission is the Approval Authority for this project. Therefore, the Planning Commission must determine if the required Findings can be made, and if so, approve the request.