

**RESOLUTION NO. 2017-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING PLANNING APPLICATION NO. 2017-49 (VARIANCE NO. 2017-06) TO ENCROACH FOUR FEET INTO THE REQUIRED TEN FOOT REAR YARD SETBACK FOR AN APPROXIMATELY 363 SQUARE FOOT DETACHED SOLAR INTEGRATED PATIO COVER LOCATED AT 32512 SPRUCEWOOD WAY (APN: 363-581-007)**

**Whereas**, Andrew Read, Voltage River has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2017-49 (Variance No. 2017-06) to encroach 4'-0" into the required 10'-0" rear yard setback for an existing detached approximately 363 sq. ft. solar integrated patio cover (Project). The Project is located northerly of Lost Road and easterly of Canyon Hills Drive within the Canyon Hills Specific Plan (CHSP) more specifically referred to as 32512 Sprucewood Way. (APN: 363-581-007); and,

**Whereas**, Variance No. 2017-06 is requesting to encroach 4'-0" into the required 10'-0" rear yard setback for an existing detached approximately 363 sq. ft. solar integrated patio cover as set forth in Section 8.3d.B.2 of the CHSP, Amendment No. 2 (CHSP#2); and,

**Whereas**, pursuant to the Lake Elsinore Municipal Code (LEMC) Chapter 17.172 (Variances), the Planning Commission (Commission) of the City of Lake Elsinore (City) has been delegated with the responsibility of reviewing and approving, conditionally approving, or denying variances; and,

**Whereas**, on October 3, 2017, at duly noticed Public Hearing the Commission has considered evidence presented by the Community Development Department and other interested parties with respect to this item.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1:** The Commission has considered Variance No. 2017-06 requesting to encroach 4'-0" into the required 10'-0" rear yard setback and has found it acceptable.

**Section 2:** The Commission finds and declares that the Project is exempt from the California Environmental Quality Act (Cal. Publ. Res. Code §§21000 et seq.: "CEQA") and CEQA Guidelines (14. Cal. Code Regs §§15000 et seq.), pursuant to Section 15305 (Class 5: Minor Alterations in Land Use Limitations). Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to: (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.

**Section 3:** That in accordance with the LEMC, the Commission makes the following findings for the approval of Planning Application No. 2017-49 (Variance No. 2017-06):

1. Adequate conditions and safeguards pursuant to LEMC, Section 17.172.050 have been incorporated into the approval of the variance to ensure development of the property in accord with the objectives of the General Plan and the purpose of the planning district in which the site is located.

*The Project is located within Planning Area 11 (Detached Residential) of the CHSP,*

*Amendment No. 2 (CHSP#2) and is designated Single-Family Detached Residential (SF3). The proposed variance would not alter the existing land use. Adequate Conditions of Approval have been added to ensure that the development of the property is in accord with the objectives of the General Plan and the CHSP#2.*

2. There are special circumstances, pursuant to the purpose of Chapter 17.172 of the LEMC, applicable to the subject property which do not apply generally to other properties in the neighborhood, and, therefore, granting of the variance shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located.

*The proposed accessory structure serves a dual purpose as a solar electric system and a patio cover. In order for the solar system to work properly, the structure needs to be located away from obstructions and shades. The main house is located south of the structure, which means that the home will cast a shadow two times its height. Since the house is a two-story house, it will cast a larger shadow. The only place that the structure can be located for the system to work properly is on the northern end of the property, near the rear property line. The Project site has an irregular shaped lot. The Project's northern property line is adjacent to an open space. Due to the physical constraints of this open space, the rear property line is not a typical straight line and dips into an angle. While the western edge of the patio cover has a setback of 14'-0", the eastern edge is only setback 6'-0" from the property line. This is the special circumstance applicable to this Project. The granting of the variance will not constitute granting of a special privilege to this lot but will allow the detached patio cover to be permitted. The variance is the minimum deviation to enable reasonable development of the property.*

3. In approving the variance, any reductions authorized from the strict interpretation of the zoning ordinance represents the minimum deviation from this code necessary to fulfill the purpose of this chapter and enable reasonable development of the property.

*The proposed variance would allow the detached 363 sq. ft. solar patio cover to be placed at the rear half of the lot. The proposed variance represents the minimum deviation necessary to enable reasonable development of the property.*

**Section 4:** Based upon the evidence presented, the above findings, and the Conditions of Approval imposed upon the Project, the Commission hereby approves Planning Application No. 2017-49 (Variance No. 2017-06).

**Section 5:** This Resolution shall take effect immediately upon its adoption.

**Passed and Adopted** this 3<sup>rd</sup> day of October, 2017.

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John Gray, Chairman

Attest:

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Justin Kirk,  
Principal Planner

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF LAKE ELSINORE        )

I, Justin Kirk, Principal Planner of the City of Lake Elsinore, California, hereby certify that Resolution No. 2017-\_\_ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on the 3<sup>rd</sup> day of October, 2017 and that the same was adopted by the following vote:

AYES  
NOES:  
ABSTAIN:  
ABSENT:

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Justin Kirk,  
Principal Planner