



## REPORT TO PLANNING COMMISSION

**To:** Honorable Chairman and Members of the Planning Commission

**From:** Justin Kirk, Principal Planner  
**Prepared by:** Damaris Abraham, Senior Planner

**Date:** October 3, 2017

**Subject:** Planning Application No. 2017-49 – A variance request to encroach 4'-0" into the required 10'-0" rear yard setback for an existing detached approximately 363 sq. ft. solar integrated patio cover.

**Applicant:** Andrew Read, Voltage River

### Recommendation

adopt A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, FINDING THAT PLANNING APPLICATION NO. 2017-49 (VARIANCE NO. 2017-06) IS EXEMPT FROM THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP); and,

adopt 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).

### Discussion

#### Project Request and Location

The applicant is 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)

#### Environmental Setting

	EXISTING LAND USE	GENERAL PLAN	CHSP No. 2
Project Site	Residential	CHSP, Plan. Area #11	Single-Family Detached Residential (SF3)
North	Vacant	CHSP, Open Space	Open Space

	EXISTING LAND USE	GENERAL PLAN	CHSP No. 2
South	Residential	CHSP, Plan. Area #11	Single-Family Detached Residential (SF3)
East	Residential	CHSP, Plan. Area #11	Single-Family Detached Residential (SF3)
West	Residential	CHSP, Plan. Area #11	Single-Family Detached Residential (SF3)

### **Analysis**

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). Section 8.3d.B.2 of the CHSP#2 requires accessory structures such as carports, gazebos, and patio covers to be located no closer than 5 feet from a side property line and 10 feet from a rear property line.

The variance 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. Section 17.172.060 of the LEMC requires the following findings to be made before granting a variance: (1) that adequate safe guards to ensure development in accordance with the General Plan and Zoning Designation are incorporated; (2) that there are special circumstances applicable to the property whereas the granting of a variance would not constitute the granting of a special privilege; and (3) that the variance is the minimum deviation necessary to enable reasonable development of the property.

The 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 is properly is the 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 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.

The Project will have minimal impact to the surrounding properties because it is located at the property's northern boundary close to the open space and away from the residential homes. The Project has also received approval from the Homeowner's Association. Appropriate Conditions of Approval have been included that would mitigate any potential issues that may arise as a result of the Project.

### **Environmental Determination**

The Project is exempt from the California Environmental Quality Act (CEQA) 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.

**Exhibits**

- A – MSHCP Resolution
- B – VAR Resolution
- C – Conditions of Approval
- D – Vicinity Map
- E – Aerial Map
- F – Project Plans
- G – HOA Letter