

PLANNING COMMISSION RESOLUTION NO. 2025-**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA APPROVING VARIANCE REQUEST #24-V01 TO ALLOW A PATIO COVER BUILT TO THE SIDE PROPERTY LINES IN THE REAR YARD OF AN EXISTING SINGLE-FAMILY HOME LOCATED AT 2743 SAN ANGELO DRIVE. APPLICANTS – MARK SMITS AND ROBERTA GALENTI**

WHEREAS, on April 29, 2024, the applicant submitted an application requesting a variance to allow for side yard setback reduction to legalize an unpermitted patio cover that was built with ranging side yard setback from 5'-4" to 0" to the side property line at 2743 San Angelo Drive, within the RS 20,000 zone in the Claraboya neighborhood; and

WHEREAS, the subject property (APN 8670-002-8029) has an RS 20,000 zoning designation and a General Plan designation of Residential 2, and is located along the east side of San Angelo Drive, south of Via Espirito Santos Street; and

WHEREAS, on May 9, 2025, notices of the public hearing were duly given and posted; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 20, 2025, at which time all persons wishing to testify were heard and said proposal was fully studied.

NOW, THEREFORE, THE CLAREMONT PLANNING COMMISSION DOES HEREBY RESOLVE:

SECTION 1. The Planning Commission finds that the proposed variance is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15303(e) and 15305 (a) in that the subject patio cover is an accessory structure within the applicant's rear yard, and its encroachment into the required side yard setback area will not result in significant physical impacts to the environment. Therefore, no further environmental review is necessary.

SECTION 2. In regard to the required justifications of Section 16.309.010 of the Claremont Municipal Code, the Planning Commission finds the following regarding the variance request:

- A. There are exceptional or extraordinary circumstances applicable to the property, which do not generally apply to other properties located in the same zoning district. The only RS 20,000 zone in the city is the Claraboya neighborhood. The Claraboya neighborhood is dominated by view lots and custom homes such as the applicant's property, where the house sits at the high point of the lot, and the property slopes down significantly in the rear portion of the lot. Homes in this neighborhood typically have small yard setbacks, and the backyards of the homes at a lower elevation are exposed to adjacent homes built on a higher slope, a distance away. In this case, the applicant has a uniquely deep front yard that is unusable due to a slope, making the rear yard area the only viable option for outdoor living. However, the rear portion of the property is dominated by a steep hillside that drops down forty-eight feet, which further constrains usable outdoor living area. Consequently, the applicants need a larger side yard area to enjoy outdoor living like other residents in the Claraboya neighborhood. Finally,

the applicant's lot is 75 feet wide when the minimum lot width of the zone is 90 feet. Given the narrower lot width, the applicant is in need of more room in the side yard to achieve the same level of development as other properties in the RS 20,000 zone that are not burdened by a narrower lot width. Therefore, there are special circumstances applicable to the property that do not generally apply to other properties in the same zoning district.

- B. This variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which is a right possessed by other property owners in the same zoning district. The southerly neighbor has an existing rooftop deck that is only 10 feet away from the applicant's property, and the northerly neighbor has two inground decks. Of the two decks, the closer one was built to the adjoining side property line. All three of the neighbors' decks are built at relatively the same grade level as the applicant's backyard, which means that the decks offer close to eye-level line-of-sight views of the applicant's rear yard. The applicant's spa was built only three feet and seven inches from the northerly property line and the northerly neighbor's two decks severely impact its privacy. Based on available aerial photographs and elevation contour information, staff identified that the applicants' property is the only property in the RS 20,000 zone that is uniquely burdened by neighbors' existing decks on both sides in close proximity that offer direct views of the entire rear yard where the pool and spa are located, as well as views into interior living spaces, at close to eye level line of sight.
- C. The variance will not be materially detrimental to the public welfare or injurious to the property and improvements in the area where the property is located. Although not approved by the City before it was built, the City's Building Official has inspected the patio cover, as the applicants are working towards obtaining a building permit to legalize it. The structure was built behind the house and does not appear to negatively impact neighbors. In fact, the abutting next-door neighbors from both sides who would be most impacted by the reduced setback have submitted statements of support. Therefore, the patio cover will not be detrimental to the property or improvements in the area.
- D. The granting of the variance will be in conformance with the objectives of the General Plan in that it will enhance the livability of the property as the patio cover provides necessary privacy screening from the neighbors' decks and allows the applicants to utilize their backyard to a similar degree of enjoyment as their neighbors. Also, the patio cover is considered an accessory structure, which is a reasonable use of a residential backyard and consistent with the General Plan.

SECTION 3. The Planning Commission hereby approves Variance #24-V01 based upon the findings outlined in Sections A and B above, and subject to the following conditions:

- A. This variance approval allows for a 9-foot-high, 2,496 square foot combination solid roof and open lattice patio cover within the rear yard area of 2743 San Angelo Drive, as depicted by plans submitted to the Planning Division dated May 5, 2025.

- B. The subject patio cover shall not be further enlarged or modified to encroach into the side yard setback area in any portion.
- C. This variance approval for side yard setback reduction is for the patio cover only and does not apply to any other structures, house additions, or any other improvements that may occur on the property in the future.
- D. This approval is valid for one (1) year from the date of the Planning Commission action. If building permits are not issued, or a time extension is not granted during this time frame, this approval shall automatically expire without further City action.
- E. Prior to the issuance of building permits, the applicants shall secure approval from the Building Division and pay all applicable permit and development fees established by City ordinances and resolutions.
- F. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection prior to final inspection.
- G. Noncompliance with any condition of approval shall constitute a violation of the City's Municipal Code. Violations may be enforced in accordance with the provisions of Title 16 and/or the administrative fines program of Title 1 of the Claremont Municipal Code.
- H. The applicant/owner, by utilizing the benefits of this approval, shall thereby agree to defend at its sole expense, any action against the City, its agents, officers, and employees because of the issues of such approval. In addition, the applicant/owner shall reimburse the City et al for any court costs and attorney fees that the City et al may be required to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant/owner of its obligation hereunder.

SECTION 4. The Planning Commission Chair shall sign this Resolution and the Commission Secretary shall attest to the adoption thereof.

PASSED, APPROVED, AND ADOPTED this 20th day of May, 2025.

Planning Commission Chair

ATTEST:

Planning Commission Administrative Secretary