

# INDIAN WELLS CITY COUNCIL

## November 2, 2023



---

**To:** City Council  
**From:** Community Development Department  
**Prepared by:** Luis Rubalcava, Planner  
**Subject:** **Receive and File Planning Commission's Resolution Recommending Approval of Variance No. 2023-0003 for 77748 Cottonwood Cove and Finding the Project Exempt from CEQA**

### RECOMMENDED ACTIONS:

Council **RECEIVES** and **FILES** Resolution No. PC 2023-08, thereby concurring with the Planning Commission Recommendation to approve Variance No. 2023-03 to allow encroachment into the front yard setback for a new 128 square foot golf cart garage addition to an existing residence located at 77748 Cottonwood Cove (APN: 623-390-024); and

**FINDS** the project to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303(e), New Construction or Conversion of Small Structures.

### DISCUSSION:

Homeowner Jim Snellenberger ("Applicant") seeks approval for improvements to an existing residence located at 77748 Cottonwood Cove. The project includes adding a new 128 square foot golf cart garage to the front elevation of the home. Due to the irregular shape of the parcel, the Applicant requests a Variance pursuant to Section 21.06.050 of the Indian Wells Municipal Code ("IWMC") to construct an addition to the front of the house, encroaching up to four (4) feet into the front yard setback for approximately 26 total square feet (Attachment 2).

The Applicant plans to extend the existing overhang and roof style to the new golf cart garage addition, given it's an extension of the existing garage and motor court. The Zoning code permits a thirty-inch (30") encroachment into the setback area for overhangs. The new addition proposes a thirty-inch (30") overhang, consistent with the existing home. Should the variance request allowing the 4-foot encroachment into the required front yard setback be approved, the proposed overhang will extend 27 inches into the revised setback for approximately 10 square feet (Attachment 2).

On October 26, 2023, at a duly noticed public hearing, the Planning Commission unanimously recommended City Council approval of Variance 2023-03 (Attachment 1). Per IWMC Section 21.06.050, the City Council shall consider Variance requests via the Consent Calendar. If no Council member or member of the public requests the item to be removed from the Consent Calendar, then the City Council may accept the approval of the item on consent. If a Council member or member or member of the public requests the item to be pulled for discussion, then a duly noticed public hearing must be scheduled for the next regular City Council meeting.

### **ANALYSIS:**

IWMC Section 21.06.050 requires findings be made to approve a variance to any zoning standards. The following findings are required:

1. *The strict application of [the] Zoning Code deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings.*

### **FINDING:**

The property exists behind the gates of the Indian Wells Country Club Community that is primarily zoned Residential Very Low Density ("RVLD"). The property is located along a curved roadway segment of Cottonwood Cove that creates a curvilinear arc at the front property line. The curvilinear section along Cottonwood Cove primarily affects the Applicant's property in the neighboring vicinity, as well as the adjacent residential property to the north (Attachment 3). In addition, a public right-of-way ("ROW") easement affects 4-feet of depth along the same lot frontage at the street. The property's irregular shape and ROW easement limits the expansion of its existing motor court resulting in a "stair-step" design at the residence's front, causing a 26 sq. ft. section of the proposed golf cart garage to encroach into the front setback.

The need for a 4-foot encroachment into the front yard setback is a result of these unique design considerations, ensuring optimal functionality and aesthetic appeal that align with the character of the surrounding properties. Therefore, given the irregular shape of the lot, its curved frontage, and 4-foot ROW, the strict application of the Zoning Code deprives the homeowner the opportunity to enlarge the floor area at the front of the home consistent with other homes in the vicinity within the RVLD zoning district.

2. *The granting of the Variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

## **FINDING:**

The Indian Wells Country Club development is subject to standards identified in the RVLD zone. The zoning requirements stipulate a 20' front yard, 10' rear, and 8' side setbacks to reduce building intensity and maintain access around the structure for public safety personnel.

The requested Variance would allow a portion of the building to encroach into the front setback by 4' for the addition of golf cart garage space for an existing home. Because of the existing 4' public ROW, the new addition will still maintain a minimum 20-foot distance from the face of curb. The 4-foot encroachment into the front yard setback maintains side and rear property lines, ensuring no obstruction or hindrance to public pathways or neighboring properties. The design also ensures that emergency access and public safety are not compromised resulting in improvements that will not be materially injurious to properties in the vicinity.

3. *The granting of the Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and same zoning classification.*

## **FINDING:**

The Applicant provided a letter of justification, with findings, for grant of the requested Variance (Attachment 4). In the letter, the Applicant points out existing neighborhood conditions that exhibit structures with reduced setbacks but maintain a minimum 20-foot setback condition from the curb.

Similar properties in the vicinity have undergone modifications and improvements in line with their unique requirements. The City of Indian Wells, under Variance No. 3-89-3, granted a variance to encroach into both the front and side setbacks at 47-625 Vintage Drive East that exhibits the same curbed frontage and irregular shaped lot for construction of a single-family household. Additional variances were approved under similar zoning characteristics as follow:

- VAR 3-90-02: Encroachment of 8 feet into the required front setback
- VAR 2001-02: reduction of 5 feet of the required front setback
- VAR 2006-02: 8.5 feet encroachment into the required front setback
- VAR 2021-01: 5-foot encroachment into the required front setback

Given examples of other homes that encroach into setbacks, as well as prior formal approvals of similar setback encroachment via City approved variances, the

Variance approval is not constituting a grant of special privilege inconsistent with other properties in the surrounding area.

4. *The granting of the Variance does not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.*

**FINDING:**

Section 21.23.030 states that accessory structures associated with single-family residential uses are permitted in the RVLVD zoning district. The proposed golf cart garage addition is a permissible accessory structure under the zoning regulations governing the property. The variance request pertains only to setback encroachment and does not introduce any unauthorized use or activity.

Subject to the standard City Planning review process, the remainder of the proposed construction conforms to the City's zoning code regarding building envelope, heights, and construction standards. Attachment No. 5 provides building elevation details of the proposed golf cart garage addition and does not request additional height to the existing home.

According to IWMC Chapter 21.60, any external changes to a building that can be seen from a public road need the City's Design Review Committee's ("DRC") approval. The Application was reviewed and approved by the DRC at its regular meeting on October 18, 2023 (Attachment 6). The approval demonstrates the golf cart addition's compatibility with the existing built environment and design qualities of the surrounding neighborhood. Any additional changes beyond the scope of the approved plans will require a separate architectural review prior to building permit issuance.

**FISCAL IMPACT:**

No fiscal impact.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State and local CEQA Guidelines, and the environmental regulations of the City. The City acting as Lead Agency, has determined the accessory golf cart garage addition qualifies as being Categorically Exempt from CEQA pursuant to Section 15303(e) New Construction or Conversion of Small Structures.

## **ATTACHMENTS:**

1. Resolution No. PC 2023-08
2. Site Plan and Roof Plan
3. Aerial Map
4. Applicant Letter of Justification
5. Building Elevations
6. DRC Approval Letter