

## **SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. 25XX**

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**WHEREAS**, the Solano County Planning Commission has considered Variance Application No. V-25-01 of **Alexander Keedy** to reduce the 60-foot front setback to 30 feet for a 960 square foot Accessory Building located at 8350 Olive School Lane, in the unincorporated portion of the City of Winters, within the Rural Residential "RR-5" Zoning District: APN 014-160-080.

**WHEREAS**, the Commission has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on May 1, 2025; and

**WHEREAS**, after due consideration, the Planning Commission has made the following findings in regard to said proposal:

1. **Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Chapter is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.**

The subject property is located on a 5-acre triangular shaped parcel with a seasonal creek that runs through the property east to west. The primary dwelling, pasture, ground mount solar array, leach fields, septic tanks, well and proposed accessory structure are situated on the north side of the creek, where the land is relatively flat. In contrast, the southern portion of the parcel, features elevation changes ranging from 5 to 55 feet, making development on that side challenging. As a result, the buildable and usable space is limited to the north side of the creek.

Most parcels located within this area of Winters have accessory structures located in relatively flat areas given the topography of the area. The strict application of the zoning ordinance concerning setbacks dimensions between the accessory structure and property lines would deprive the subject site of privileges enjoyed by other properties in the vicinity.

2. **Variance granted shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which subject property is situated.**

Approval of the variance would not constitute a grant of special privilege. A review of aerial imagery shows that most parcels in the vicinity are rectangular shape and do not have the creek intersecting the property roughly in half. The subject property is the only property in the immediate vicinity where the creek crosses the property in such a manner that it restricts 60 percent of the parcel from having functional buildable space. Granting this variance would provide parity, allowing the property owner to enjoy the same permitted uses as neighboring properties.

3. **The proposed Variance to reduce the 60-foot setback to 30-feet is consistent with the State Board of Forestry and Fire Protection's State Responsibility Area (SRA) Fire Regulations.**

The proposed project is in the High Fire Hazard Zone and in the State Responsibility Area. The proposed Accessory Building seeks a variance from the zoning requirement of a 60-foot front setback; however, the 30-foot setback adheres to the State Board of Forestry and Fire Protection's State Responsibility Area fire requirement of a 30-foot front setback.

**4. The project qualifies for an exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.**

Class 3 consists of construction and location of limited number of small new facilities, equipment, and structures. The guidelines state examples including, but not limited to, garages, carports, and structures not exceeding 2500 square feet.

The project consists of a new 960 square foot barn. There is no evidence in the record that the project would result in substantial, or potentially substantial, adverse environmental changes to any of the physical conditions within the area, including land, air, water, minerals, flora, fauna, ambient noise, or objects of historic or aesthetic significance. The project is not in an environmentally sensitive location, is not on a hazardous waste site, will not cause substantial change in the significance of a historical resource, and will not result in damage to scenic resources within a scenic highway.

**BE IT, THEREFORE, RESOLVED**, that the Planning Commission of the County of Solano does hereby approve Variance Application No. V-25-01 to reduce a 60-foot front setback to 30 feet subject to the following recommended conditions of approval:

1. The proposed structure shall be established in accord with the application materials and site plan filed on February 26, 2025, for Variance Application No. V-25-01, and as approved by the Solano County Planning Commission and as conditioned herein.

*Building & Safety Division*

2. Prior to any construction or improvements taking place, a building permit application shall first be submitted as per the 2022 California Building Code, or the most current edition of the code enforced at the time of building permit application. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.
3. The proposed accessory building shall meet all the State Responsibility Area (high fire hazard) requirements of the 2022 California Residential Code section 337.

*Public Works – Engineering Services Division*

4. The Applicant shall ensure proper drainage by aligning site grading with the existing positive drainage pattern to direct water away from the proposed barn. Utilize downspouts, swales, slopes, or drainage systems to prevent water accumulation and erosion.

5. The Applicant shall apply for, secure, and abide by the conditions of an encroachment permit for any work within the Public Right-of-Way. Driveways shall be maintained in such a manner as to prevent soil, rocks, and debris from tracking onto public roads.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on May 1, 2025, by the following vote:

AYES:	Commissioners	_____
		_____
NOES:	Commissioners	_____
ABSTAIN:	Commissioners	_____
ABSENT:	Commissioners	_____

By: \_\_\_\_\_  
Hector De La Rosa, Chair  
Solano County Planning Commission

Attest:

By: \_\_\_\_\_  
James Bezek, Secretary