

# **SOLANO COUNTY PLANNING COMMISSION**

## **RESOLUTION NO. XX**

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**WHEREAS**, the Solano County Planning Commission has considered Variance Permit Application No. V-19-01 of **Carren Jones-Reisinger** to reduce the setback for a single-family dwelling and garage due to the size of the parcel and adjacent easement. The property is located at 1041 Lewis Avenue, .2 miles east of the City of Vallejo within the Residential Traditional Community "RTC-20" Zoning District, APN: 0074-133-040, and;

**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 June 20, 2019, 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.**

Special circumstances exist in that the subject property is 7500 sq. ft. in size within an area zoned for 20,000 sq. ft. residential parcels. The parcel is considered legal, nonconforming and considerably undersized when measured against the minimum lot size requirement within the Residential Traditional Community "RTC-20" Zoning District. In addition, the property has a 20' easement within the parcel along the eastern property line for the development of Hanley Avenue. Further reducing the developable portion of the property is the requirement that all structures be located 10' away from the 20' Hanley Avenue easement. This reduces the width of the lot for development by an additional 10' to 30'. The applicant has purchased a 23'8" wide x 48' long modular home with an interior square footage of 1000 feet. This is the minimum square footage for a primary dwelling in that zoning district. The strict application of the zoning ordinance concerning setbacks of primary dwelling and residential accessory structures to property lines would deprive the subject property of privileges enjoyed by other properties in the vicinity. Most parcels located within this area of Vallejo have dwellings that were built prior to the establishment of setbacks, minimum sizes for primary dwellings and two car enclosed garage requirements.

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. Based on review of aerial imagery, a majority of the parcels within the vicinity of the subject have constructed a primary residence and a variety of residential accessory structures. A majority of the parcels have dwellings and residential accessory structures that do not meet the current setback requirements. Approval of this variance will provide parity to this parcel, allowing the property owner to construct a primary dwelling of 1000 square foot, the minimum for a primary dwelling and construct a two-car enclosed garage, which is a zoning standard for a primary dwelling.

3. **The project qualifies for an exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15305, 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 set back variances not resulting in the creation of any new parcel. A majority of the subject property is flat. The lot had been developed with a dwelling and accessory structures but all structures were demolished in 2006. The intent of the setback variance is to allow for the placement of a single-family modular home and the construction of a two-car enclosed garage. Two-car enclosed garages typically accompany single family residences and are required for primary dwellings within this zoning district. The project is consistent with this Class of exemption.

**BE IT, THEREFORE, RESOLVED**, that the Planning Commission of the County of Solano does hereby approve Variance Permit Application No. V-19-01 subject to the following recommended conditions of approval:

1. The proposed use shall be established in accord with the application materials and site plan filed May 7, 2018, June 8, 2019 and as amended by the Solano County Planning for Variance Application No. V-19-01, as approved by the Solano County Planning Commission and as conditioned herein.
2. Prior to any construction or improvements taking place, a building permit application shall first be submitted as per the 2016 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 Building Division finds a 5-foot setback to be acceptable if the dwelling unit is equipped with automatic fire sprinkler system.
4. The applicant shall comply with all rules and regulations recommended by the City of Vallejo Fire Prevision Division.
5. Notwithstanding this variance approval, the design and use of the proposed building shall conform with all requirements of the Solano County Zoning Ordinance pertaining to the Residential Traditional Community Zoning District.
6. Per Public Works Engineering Services Division, the property shall be surveyed by a State of California licensed Land Surveyor to verify the structures meet all approved setback requirements and do no encroach within ten feet (10') of any roadway easement including, but not limited to, the Hanley Avenue roadway easement.
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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on June 20, 2019 by the following vote:

AYES:	Commissioners	_____
		_____
NOES:	Commissioners	_____
EXCUSED:	Commissioners	_____

By: \_\_\_\_\_  
Bill Emlen, Secretary