



## Agenda Submittal

<b>Agenda #:</b>	2	<b>Status:</b>	PC-Regular
<b>Type:</b>	PC-Document	<b>Department:</b>	Planning Commission
<b>File #:</b>	PC 19-026	<b>Contact:</b>	Karen Avery, 784-6765
<b>Agenda date:</b>	6/20/2019	<b>Final action:</b>	
<b>Title:</b>	PUBLIC HEARING to consider Variance Permit Application No. V-19-01 of Carren Jones-Reisinger to reduce the setbacks for a single-family dwelling and garage due to the size of the parcel and adjacent easement. The property is located at 1041 Lewis Road, .2 miles east of the City of Vallejo within the Residential Traditional Community "RTC-20" Zoning District; APN 0074-133-040. (Project Planner: Karen Avery) Staff Recommendation: Approval		
<b>Governing body:</b>	Planning Commission		
<b>District:</b>			
<b>Attachments:</b>	1. A - draft resolution, 2. B - APN Map, 3. C - Site Plan, 4. D - Amended Site Plan, 5. E - Floor Plan & Elevations, 6. F - Pat Hewitt Letter		

Date	Ver.	Action By	Action	Result
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### **RECOMMENDATION:**

The Planning Commission ADOPT the attached resolution with respect to the mandatory and suggested findings and APPROVE Variance No. V-19-01 subject to the recommended conditions of approval.

### **EXECUTIVE SUMMARY:**

A Variance allows the Planning Commission to consider the special circumstances applicable to a subject property, including size, shape, topography, location or surroundings when applying the strict application of development standards in the Zoning Ordinance. The applicant is requesting a Variance of the 10' side yard setback requirement to allow the placement of a 23'8" x 48' modular home and detached 25' x 20' two-car enclosed garage. The developable area of the subject site is constrained by parcel size, and a 20' easement for Hanley Avenue that runs along the length of the parcel. Based on these circumstances staff is recommending that the Planning Commission make the Findings necessary to approve this Variance application request.

### **ENVIRONMENTAL ANALYSIS:**

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 a dwelling on it at one time but that has since been demolished. 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.

## **BACKGROUND:**

- A. Prior approvals:** N/A
- B. Property Owner:**  
Carren Jones-Reisinger  
1041 Lewis Avenue  
Vallejo, CA 94591
- C. General Plan Land Use Designation/Zoning:**  
General Plan: Traditional Community - Residential  
Zoning: Residential Traditional Community 'RTC-20'
- D. Existing Use:** Vacant
- E. Adjacent Zoning and Land Use:**  
North: Residential Traditional Community "RTC-6"  
South: Residential Traditional Community 'RTC-20'  
East: Residential Traditional Community "RTC-20"  
West: Residential Traditional Community "RTC-20"

## **ANALYSIS:**

### **A. Environmental Setting:**

The subject site is located at 1041 Lewis Avenue approximately .2 of a mile east of the City of Vallejo. The lot is approximately 7500 sq. ft. (60' x 125') which is undersized for the applicable 20,000 sq. ft. minimum zoning designation of the property. The site is surrounded by single family residences. A 20' wide private road easement for Hanley Avenue runs along the eastern edge of the property which reduces the developable portion of the property to 40' x 125' (5000 sq. ft.). There are no permanent structures on the property. Water and sewer for the proposed single family dwelling will be provided by the City of Vallejo. Access can be provided from Lewis Avenue or Hanley Avenue. The applicant is proposing Hanley Avenue for access. Parcels surrounding the subject site are developed with single family homes; the sizes of the adjacent lots vary in size.

### **B. Project Description:**

#### **Parcel History:**

Per Google Earth historical aerial views, there was a single family dwelling and other accessory structures on the property during the 1980's and 1990's. At some time in 2006 the structures were demolished. The Assessor Recorder's records indicate that the County sold the property at auction in May of 2018 due to lack of tax payments. The applicant is the second owner of the property after the County sale.

The applicant is requesting Variance approval to allow a single family dwelling and detached two-car garage to be built within 5' of the 10' side yard setback; thus reducing the side yard setback to 5'. The minimum side yard development standard for primary dwellings and detached accessory structures is 10' within the Residential Traditional Community Zoning District.

### **C. General Plan & Zoning Consistency**

The subject site is designated Traditional Community - Residential by the Solano County General Plan. As indicated on the General Plan Land Use Consistency Table (General Plan Table LU-7) the Residential Traditional Community "RTC-20" is consistent with this designation. The proposed single family dwelling and residential accessory structure is allowed by right and consistent with the RTC-20 zoning.

### **D. Variance**

A Variance allows the Planning Commission to consider the special circumstances applicable to a subject property, including size, shape, topography, location or surroundings when applying the strict application of development standards in the Zoning Ordinance. Section 28.107 of the County Zoning Regulations states: *the Planning Commission shall have the power to grant variances from the terms of this Chapter; except that, in no case shall a variance be granted to allow a use of land or buildings not permitted in the district in which the subject property is located.* Variances from the terms of Chapter 28 may only be granted when the Planning Commission can make the findings for two specific conditions. These conditions are detailed below in the Variance Mandatory Findings section. In summary, the developable area of the subject site is constrained by the size of the parcel, the 20' easement for Hanley Avenue and the condition of approval by Public Works Engineering stating no structures shall be built within 10' of the Hanley Avenue easement. All of these restrictions further reduces the developable portion of the property for placement of a dwelling and detached garage

### **VARIANCE MANDATORY FINDINGS:**

- 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.

## **ADDITIONAL FINDINGS**

- 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.

## **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 not encroach within ten feet (10') of any roadway easement including, but not limited to, the Hanley Avenue roadway easement.

**ATTACHMENTS:**

- A - Draft Resolution
- B - Assessor's Parcel Map with Hanley Avenue easement shown
- C - Site Plan - Showing 10' side yard setback
- D - Amended Site Plan (pending)
- E - Floor Plan & Elevations
- F - Letter from Pat Hewitt