

PUBLIC HEARING to consider Variance Application No. V-18-01 of Tim Garton to vary from the front and side yard setbacks for an as-built carport located at 9 Sandy Beach Road southwest of the City of Vallejo within the Residential Traditional Community "RTC-6" Zoning District, APN: 0062-020-140.

Public Hearing Required? Yes X No

RECOMMENDATION:

The Planning Commission ADOPT the attached resolution with respect to the mandatory and suggested findings and APPROVE Variance No. V-18-01 subject to the recommended condition 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 requests a Variance to allow a reduced northerly side yard setback and a reduced front yard setback for the rehabilitation of the 292 square foot existing detached carport serving the existing single family residence upon the property that was built in 1940. Due to the age of the existing structures upon the property, the residence is considered legal, nonconforming with respect to current zoning regulations pertaining to the minimum development standards for primary residences. These development standards include minimum setback requirements.

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. The project would allow for the reduction of the front and side yard setback requirements and not result in the creation of any new parcel. The project is consistent with this Class of exemption.

BACKGROUND:

- A. **Prior approvals:** N/A
- B. **Property Owner:**
 Tim Garton
- C. **General Plan Land Use Designation/Zoning:**
 General Plan: Traditional Community - Residential
 Zoning: Residential Traditional Community 'RTC-6'
- D. **Existing Use:** Residential

E. Adjacent Zoning and Land Use:

North: Residential Traditional Community "RTC-6"

South: Residential Traditional Community "RTC-6"

East: City of Vallejo city limits

West: Shoreline waters

ANALYSIS:

A. Environmental Setting:

The property is located at 9 Sandy Beach Road, within the Sandy Beach subdivision located along the cliffed shoreline of unincorporated area of Vallejo. The subject property is 3,780 square feet in size within an area zoned for 6,000 sq. ft. residential parcels within the RTC-6 zoning category. The parcel is considered legal, nonconforming and slightly undersized when measured against the minimum lot size requirement within the Residential Traditional Community RTC-6 Zoning District.

The houses within this shoreline subdivision are densely constructed within minimum side yard separation between houses. The houses are constructed fronting Sandy Beach drive along the east frontage, while the side and rear of the structures are supported on raised pilings, thus creating a level lot area for development. The property is built above the existing seawall and concrete retaining wall. The applicant is requesting a Variance for a reduced northerly side yard setback and a reduced front yard setback for the rehabilitation of an existing 292 sq. ft. carport undergoing structural upgrade. This rehabilitation of the carport intends to maintain the same footprint as the original construction, which itself does not meet current zoning side and front yard setback requirements. The property is developed with an existing adjacent residence built in 1940, an outdoor two-car parking deck, and a lower outdoor patio deck.

B. Project Description:

The project was brought to the attention of the Planning Division because the applicant submitted the plancheck drawings directly to the Building Division for review, without first having cleared the proposal through the Planning Division for setback review. Consequently, the building permit plancheck drawings were put on hold, pending the applicant filing a Variance and proceedings with its administrative remedy through the Planning process toward approval of the Variance. In the subsequent time frame, the applicant modified some of the plancheck drawings and also submitted a survey as required by Public Works Division. The Variance application contains the latest plancheck drawings demonstrating the project's footprint in the site plan and relevant front and sideyard setbacks. If the Variance is approved as is, the plancheck drawings currently on hold, will then progress in their review through the Building Division.

The project involves the rehabilitation of an existing 292 square foot carport along the property's frontage and northerly side yard. The carport rehabilitation necessitated the filing for the Variance given the inability to meet today's code for side and front yard setbacks. The resultant northerly side yard setback extends from two to six feet. The front yard setback is proposed to be six feet. On-site parking for the property is served by both the carport and a raised parking deck attached to the carport.

Per Table 28-32C of the Zoning Regulations, the RTC-6 zoning category requires a 20 foot front yard setback, a 10 foot side yard setback or 15 feet of combined side yard setbacks. As the property was built in 1940 prior to County zoning requirements in place, the property is legal non-conforming.

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 “R-TC” Zoning District is consistent with this designation. The existing residence and carport are allowed by right and consistent with the RTC-6 zoning district.

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 applicable conditions. There is one condition upon the project by the Building Division.

ATTACHMENTS:

- A - Draft Resolution
- B - Assessor's Parcel Map
- C - Development Plans
- D - Photos and Aerial Maps

SOLANO COUNTY PLANNING COMMISSION

RESOLUTION NO.

WHEREAS, the Solano County Planning Commission has considered Variance Permit Application No. V-18-01 of **Tim Garton** to vary from the front and side yard setbacks for an as-built carport located at 9 Sandy Beach Road, southwest of the City of Vallejo, within the Residential Traditional Community "RTC-6" Zoning District, APN: 0062-020-140.

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 March 4, 2021, 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 3,780 square feet in size within an area zoned for 6,000 sq. ft. residential parcels within the RTC-6 zoning category. The parcel is considered legal, nonconforming and slightly undersized when measured against the minimum lot size requirement within the Residential Traditional Community "RTC-6" Zoning District.

The existing residence was constructed in 1940, prior to the establishment of zoning and setback requirements in this area of unincorporated Vallejo. The historically developed footprint of the property restricts further expansion of the single-family residence, while maintaining existing parking onsite, and avoiding further setback encroachment. South facing side yard setback would not be impacted from the proposal. The northern side yard setback would vary from to 2 to 4 ft. The front yard setback would be 6 feet from the property line.

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. The strict application of the zoning ordinance concerning setbacks dimensions between the Primary Dwelling and carports along 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. 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 such as carports that do not meet the current setback requirements. Approval of this variance will provide parity to this parcel, allowing the property owner to rehabilitate the existing carport.

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. The subject site is constructed to create a developed lot which is relatively flat exhibiting slopes of less than six percent. The lot is developed with an existing dwelling, a carport, a parking deck, and a patio deck. 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-18-01 subject to the following recommended conditions of approval:

1. The proposed use shall be established in accord with the Variance application No. V-18-01 filed August 2, 2018, and as approved by the Solano County Planning Commission and as conditioned herein.

Building & Safety Division

2. If the exterior walls are located less than 3 feet from the property line, the house shall be equipped with automatic fire sprinkler system and the walls shall be constructed of 1 hour fire wall meeting UL 263 requirements.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on March 4, 2021, by the following vote:

AYES: Commissioners

NOES: Commissioners

EXCUSED: Commissioners

By: _____
Terry Schmidtbauer, Secretary