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PUBLIC HEARING to consider **Variance Application No. V-22-01** by David Trujillo to reduce the required front yard setback from 60 feet to 16.78 feet and side yard setback from 20 feet to 6.23 feet for a new 780 square foot detached garage; The Department of Resource Management determined that the project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA), Section 15303. The property is located at 7958 Robben Road/7140 Hackman Road, 1.5 miles east of the City of Dixon in the Exclusive Agriculture "A-40" Zoning District; APN 0111-140-100

..body

Published Notice Required? Yes X No
Public Hearing Required? Yes X No

DEPARTMENTAL RECOMMENDATION:

1. Determine that the project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303.
2. Conduct a noticed public hearing to consider Variance Application No. V-22-01 by David Trujillo to reduce the front and side yard setbacks; and
3. **ADOPT** the attached resolution with respect to the mandatory and suggested findings and **APPROVE** Variance No. V-22-01 subject to the recommended conditions of approval.

SUMMARY:

The applicant is requesting a Variance to reduce the front yard and side yard setbacks for a new 780 square foot residential accessory structure (detached garage) to replace a previously existing 324 square foot structure in the same location that has since been removed. The 0.86-acre property in the A-40 zoning district is a legal non-conforming lot with limited buildable area, as compared to the other parcels in the surrounding area. Applying the required setbacks in the zoning district would present a hardship for the property owner. Granting the variance will not constitute a special privilege and will allow full use of the limited remaining undeveloped space.

DISCUSSION:

Background:

Prior approvals:

This parcel was deemed legal non-conforming in 1982, and Lot Line adjustment LLA-85-11 was approved in October 1985 to reconfigure the parcel from 215 feet of frontage on Hackman Road and 175 feet on Robben Road to 175 feet on Hackman Road and 215 feet on Robben Road to accommodate the development existing at the time. The existing secondary dwelling was constructed in 1962 (no permit records available) and the primary dwelling was permitted by Building Permit B-6422 in 1992.

General Plan Land Use Designation/Zoning:

General Plan: Agriculture
Zoning: Exclusive Agriculture "A-40"

Adjacent Zoning:

- North: Exclusive Agriculture "A-40"
- South: Exclusive Agriculture "A-40"
- East: Exclusive Agriculture "A-40"
- West: Exclusive Agriculture "A-40"

ANALYSIS:

Setting:

The subject site is located at 7958 Robben Road, a corner lot southeast of the intersection of Robben Road and Hackman Road, 1.5 miles east of the City of Dixon.

The site is developed with a 2,337 square foot primary dwelling constructed in 1992, and an 1,844 square foot secondary dwelling built in 1962, with most of the remaining area of the parcel covered by driveways, lawns and trees. The property is served by an existing well and private sewage disposal system. The parcel has frontage on both Robben Road and Hackman Road, and access is via existing encroachments. The parcel and surrounding area are mostly flat, with existing agricultural and residential development to the north, and orchards and row crops throughout the area.

The subject property is 0.86 acres in size and determined legal non-conforming in 1982. Most surrounding properties range from 10 to 160 acres in size, with two (2) smaller parcels (~2.75 acres) north and south of the project location along Robben Road.

Project Description:

The applicant is requesting to reduce the required front and side yard setbacks to allow construction of a 20' x 39' (780 square foot) detached garage. The new garage will replace a 324 square foot accessory structure in the same location which was previously removed.

In order to approve a Variance, the following findings are required:

1. Because of special circumstances applicable to 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.
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.

The legal non-conforming parcel is small in acreage with limited buildable area, as compared to the other parcels in the surrounding area; therefore, applying the required setbacks in the zoning district would present a hardship for the property owner. Attachment D shows the subject property and the relationship to surrounding parcel sizes. Granting the variance will not constitute a special privilege and will allow full use of the limited remaining undeveloped space.

The proposed detached garage appears to be proposed in the best available location to maintain visibility, avoids the existing well and septic system locations, and will replace a previous garage structure in the same location. The reduced setback will not impact the use of the adjacent parcel.

General Plan & Zoning Consistency:

The subject site is designated Agricultural by the Solano County General Plan. As indicated on the General Plan Land Use Consistency Table (General Plan Table LU-7) the Exclusive Agriculture "A-40" Zoning District is consistent with this designation. The proposed residential accessory structure is allowed by right and consistent with the A-40 district.

Environmental Analysis:

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 numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed detached garage appurtenant to the existing residential use of the property is consistent with the exemption.

ATTACHMENTS:

- A. [Draft Resolution](#)
- B. [Project Location Map](#)
- C. [Site & Elevation Plans](#)
- D. [Subject Site and Surrounding Parcels](#)

SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. XXXX

WHEREAS, the Solano County Planning Commission has considered Variance Application No. V-22-01 by David Trujillo to reduce the required front yard setback from 60 feet to 16.78 feet and side yard setback from 20 feet to 6.23 feet for a new 780 square foot detached garage. The property is located at 7958 Robben Road/7140 Hackman Road, 1.5 miles east of the City of Dixon in the Exclusive Agriculture "A-40" Zoning District; APN 0111-140-100.

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 December 15, 2022, 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 0.86 acres in size within an area zoned for 40-acre agricultural parcels. The parcel was determined legal nonconforming in 1982 with limited buildable area as compared to the surrounding properties.

The proposed detached garage appears to be proposed in the best available location to maintain visibility, avoids the existing well and septic system locations, and will replace a previous garage structure in the same location.

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 in that the property's buildable area is limited due to its small acreage. Approval of this variance will provide parity to this parcel, allowing the property owner to construct an accessory structure for use as a detached garage and storage in the only suitable location remaining on the parcel.

3. **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 numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed detached garage appurtenant to the existing residential use of the property 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-22-01 subject to the following recommended conditions of approval:

1. The proposed detached garage shall be established in accord with the application materials and site plan filed September 7, 2022 for Variance Application No. V-22-01 and Building Permit B2022-0696 submitted July 30, 2022, and as approved by the Solano County Planning Commission and conditioned herein.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on December 15, 2022, by the following vote:

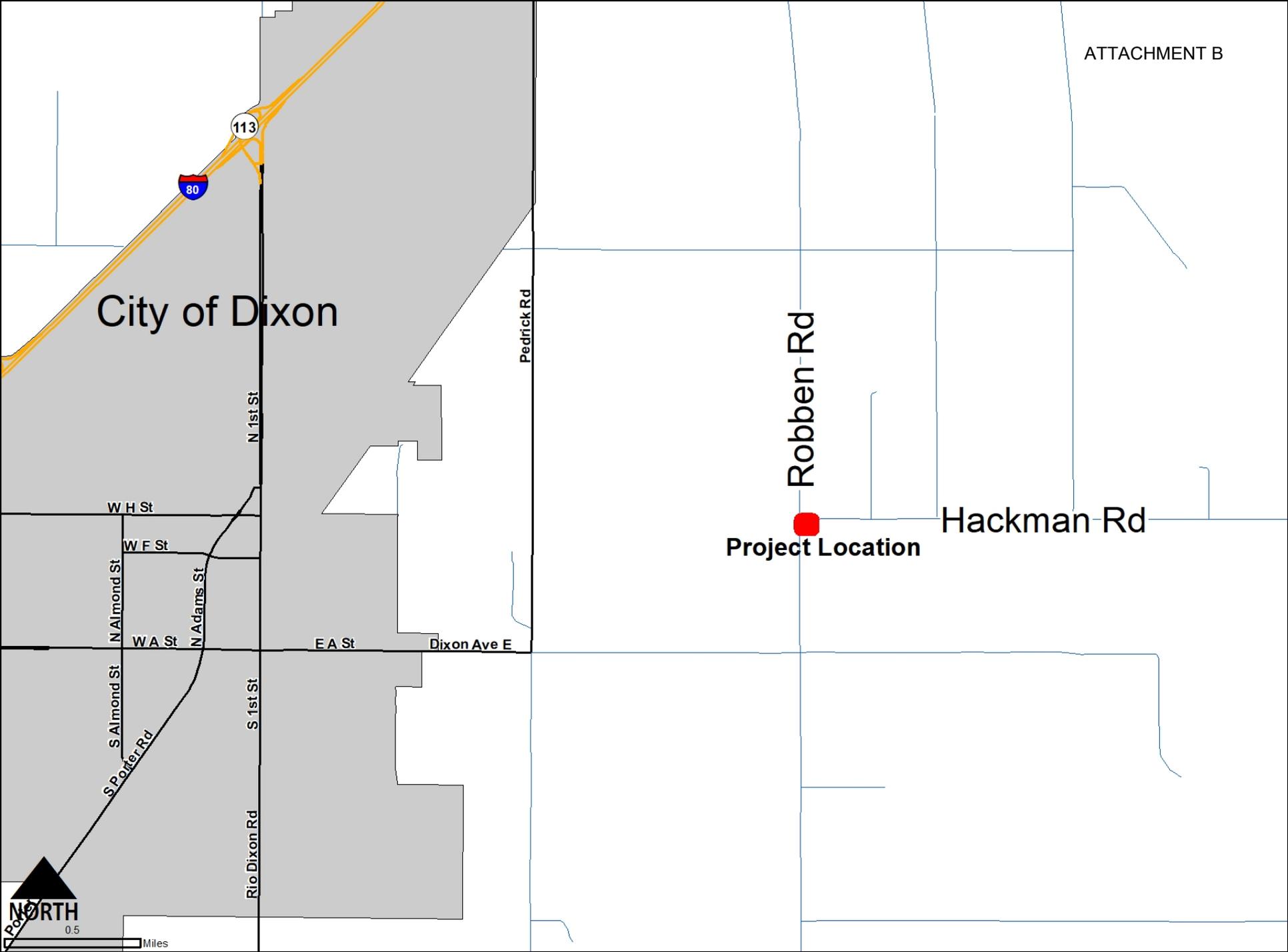
AYES:	Commissioners	_____

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

By: _____
 Kelly Rhoads-Poston, Chairperson
 Solano County Planning Commission

Attest:

By: _____
 Terry Schmidtbauer, Secretary



City of Dixon

113

80

Pedrick Rd

N 1st St

W H St

W F St

N Almond St

N Adams St

WA St

EA St

Dixon Ave E

S 1st St

S Almond St

S Puffer Rd

Rio Dixon Rd

Robben Rd

Hackman Rd

Project Location

NORTH

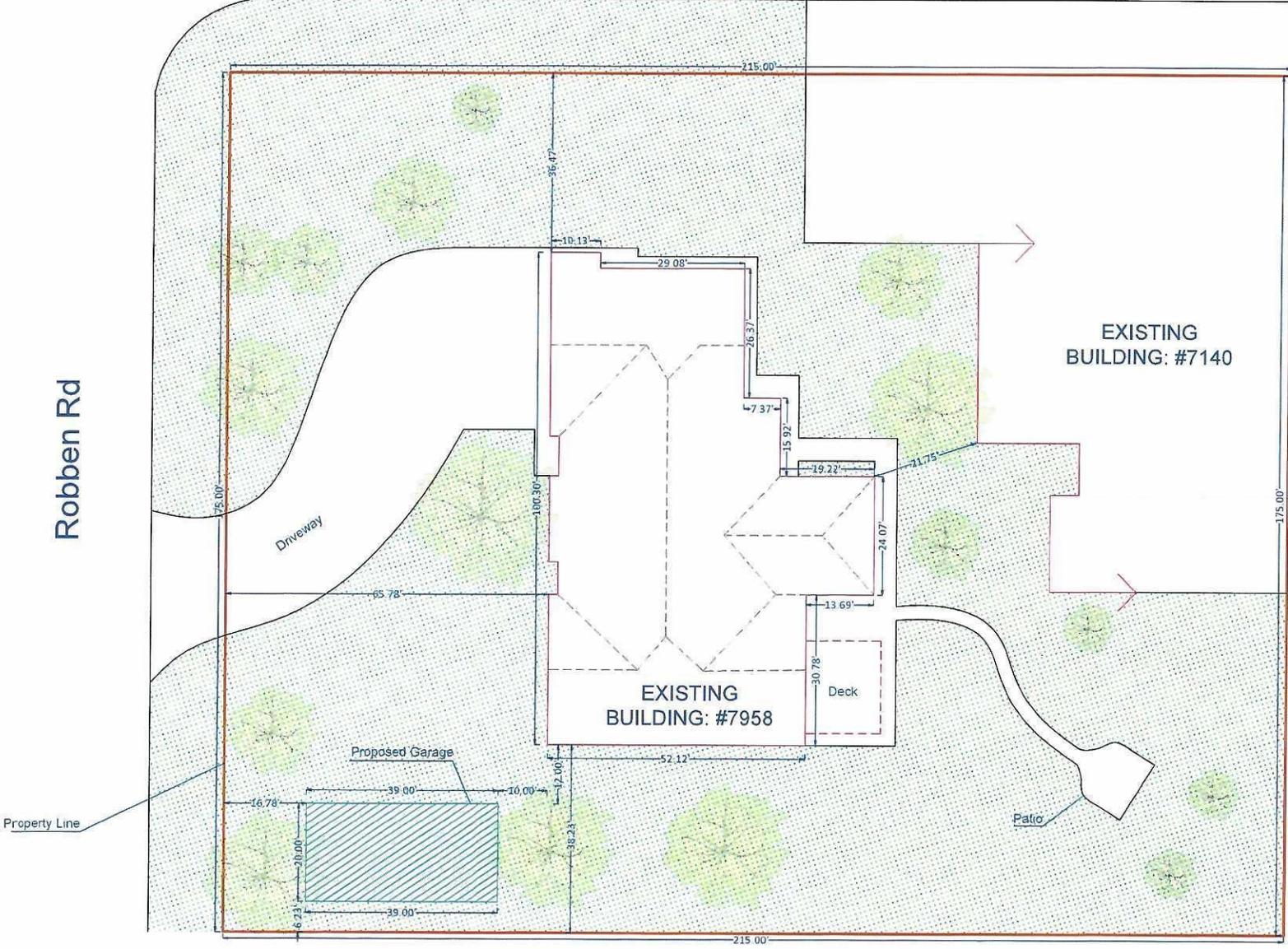
0.5

Miles



Hackman Rd

Robben Rd



EXISTING BUILDING: #7140

EXISTING BUILDING: #7958

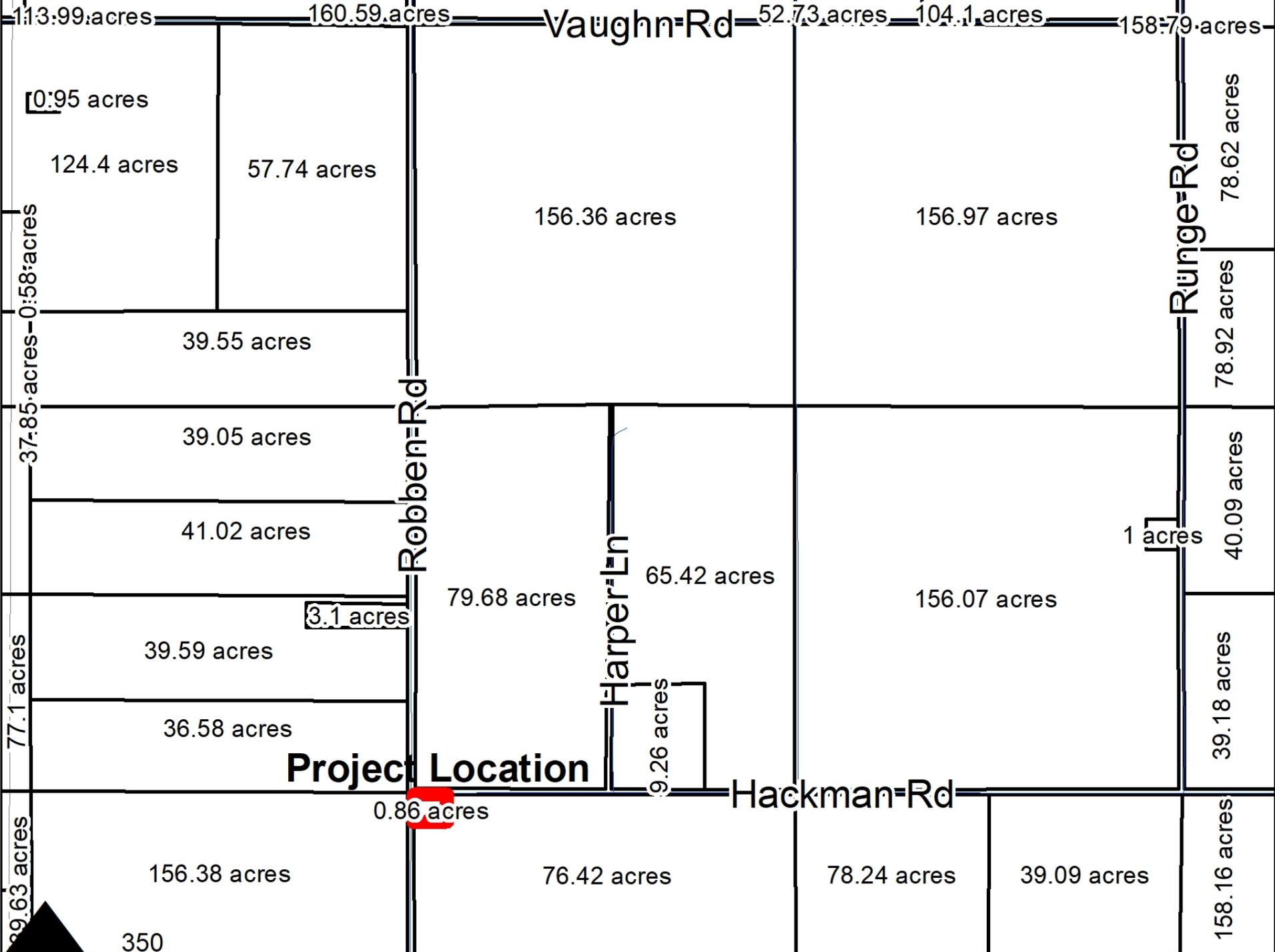
Proposed Garage

Deck

Patio



7958 Robben Rd
Dixon, CA 95620
Scale: 1"=20'



NORTH  Feet

Zoning: A-40