

DEPARTMENT OF RESOURCE MANAGEMENT

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Planning Services Division

**Staff Report
WA-23-06**

Application No. WA-23-06 Project Planner: Logan Legg, Planning Technician		Notice of Intent Mailed out: Yes	
Applicant Zhibin "Benjamin" Huang 4895 Creed Rd Suisun City, CA 94585		Property Owner Zhibin "Benjamin" Huang 4895 Creed Rd Suisun City, CA 94585	
Action Requested Consideration of Waiver Application WA-23-06 to waive the required side yard setback requirements in the A-160 zoning district and permit an existing 497 square foot structure (22 ft. x 22.7 ft.), located three (3) feet from the property line and five (5) feet from the existing dwelling and an existing 1100 square foot accessory structure (22.8 ft. x 52.8 ft.), located approximately four (4) feet from the property line, and 8.4 miles East from the City of Suisun APN: 0174-210-020.			
Property Information			
Size: 40.31 acres		Location: 4895 Creed Rd	
APN: 0174-210-020			
Zoning: Exclusive Agriculture (A-160), Travis Air Force Base Reserve Area (TRA)		Land Use: Single Family Residence	
General Plan: Exclusive Agriculture		Ag. Contract: N/A	
Utilities: n/a		Access: Creed Rd	
Adjacent General Plan Designation, Zoning District, and Existing Land Use			
	General Plan	Zoning	Land Use
North	City of Fairfield	Fairfield City Limit	City Designated
South	Exclusive Agriculture	Exclusive Agriculture (A-160)	Residential
East	Exclusive Agriculture	Exclusive Agriculture (A-160)	Residential
West	Fairfield City Limit	Fairfield City Limit	City Designated
Environmental Analysis The Waiver application is a ministerial action, therefore exempt from the California Environmental Quality Act per CEQA Section 21080(b)(2).			
Motion to Approve Staff recommends that the Zoning Administrator approve Waiver Application No. WA-23-06.			

SITE DESCRIPTION

The subject site, located in the A-160 zoning district, consists of approximately 39.09 acres, and lies 8.4 miles east of the City of Suisun addressed at 4895 Creed Road. The north and west border of the parcel is contiguous with Travis Air Force Base, a government-owned body of property. The parcel's topography is flat. The project site is accessed via an existing driveway from Creed Road on the southern perimeter. **Figure 1** below is a vicinity map indicating the subject site's location. The site is developed with multiple structures, including a primary dwelling, a secondary dwelling, and various accessory buildings. The primary dwelling is located east of the existing as-built residential accessory building and situated approximately five (5) feet away from the existing as-built residential accessory building. The surrounding area is sparsely developed with much of the bordering parcel determined as exclusive agricultural zones.



Figure 1 - Vicinity Map

PROJECT DESCRIPTION

On September 7, 2023, the Planning Services Division received a waiver application to waive the minimum side setback requirement to allow for an existing residential accessory structure and an agricultural accessory structure to remain at its current location three (3) feet from the west property line and five (5) feet from the existing dwelling.

The existing residential accessory structure resides within the Travis Reserve Area (TRA) zoning overlay which protects Travis Air Force Base from development encroachment. The location of the existing residential accessory structure is situated approximately five (5) feet away from the primary residence, which is the minimum allowable distance for the Fire Code's safety requirement. Solutions to the issue of proximity of structures were suggested, such as, an alternate fire separation, relocation of structure, demolition of structure, or denial of waiver application. Deputy County Counsel advised that the existing residential accessory structure is compliant with the Building Code's minimum setback requirements.

Pursuant to Section 28.108(A) of the Zoning Regulations, granting this waiver request would remove this minimum development standard for the accessory structure, as required by Section 28.72.10(B)(2) of the Solano County Code.

The second existing structure the application is requesting to waive the development standards in table 28.21(C) for a 1100 sq. ft. (20.8 ft. x 52.8 ft.) carport on the north-western back portion of the parcel for the side yard setback requirements. The use of the existing accessory structure is as a carport. The property is in the TRA and A-160 zoning district, where Solano County Code Table 28.21(c) and section 28.65, imposes specific setback requirements for accessory structures. The existing accessory structures violate the required side yard setback standards, and where the existing residential accessory structure fails to meet the setback distance from the primary structure; there are two options to abate the existing non-conforming structures, 1) either obtain a waiver and a building permit or 2) remove the structures.

NEIGHBORHOOD COMPATIBILITY ANALYSIS

The existing residential accessory structure located at 4895 Creed Road in unincorporated Solano County is currently zoned as Exclusive Agriculture 160 (A-160) and Travis Reserve Area (TRA) zoning overlay. Exclusive Agriculture 160 zoning permits the existence of residential accessory structures within parcel limits. Within 1.5-mile radius, there is similar accessory structure placement and use. The eastern adjacent parcel resembles a similar configuration of being placed in the rear of the property and not readily visible from the street. The TRA zoning overlay on the northwestern adjacent side of the parcel is government-owned land and not expected to be developed.

NOTICE OF INTENT

Pursuant to Section 28.04 (f) Notice for Waivers, a 10-day Notice of Intent has been provided to property owners contiguous to Huang's residence as shown on the latest equalized assessment roll. As of this writing, no objection from any adjacent property owner has been received.

RECOMMENDATION

Based on these findings, staff recommends that the Director approve Waiver application number WA-23-06 to waive the minimum side setback requirement to allow the existing residential accessory structure and the existing agricultural accessory building to remain at their current locations within the Exclusive Agricultural (A-160) Zoning District, APN: 0174-210-020.

ZONING ADMINISTRATOR APPROVAL

As Zoning Administrator of Solano County, I, Allan Calder, hereby approve Waiver Application No. WA-23-06 to waive the minimum side setback requirement to allow the existing residential accessory building and the existing agricultural accessory building to remain at their current locations within the Exclusive Agricultural (A-160) Zoning District, APN: 0174-210-020.

Approved by _____

Date:

Allan Calder, Planning Program Manager