

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2008-23**

**A RESOLUTION APPROVING A VARIANCE TO PERMIT A PORTION OF AN
EXISTING 600 SQUARE FOOT STRUCTURE TO BE LOCATED WITHIN THE FRONT
YARD SETBACK ON THE PROPERTY LOCATED AT 1224 LINCOLN AVENUE WITHIN
THE “DC-DD”, DOWNTOWN COMMERCIAL–DESIGN DISTRICT**

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2 **WHEREAS**, Frank and Eugenia Romeo, applicants, submitted a request on May
3 20, 2008 to allow a 7'-0" front yard setback along Hazel Street, where 20'-0" is required
4 for the property located at 1224 Lincoln Avenue; and
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6 **WHEREAS**, the Planning Commission considered the request (VA 2008-01) at
7 its regular meeting on June 11, 2008, pursuant to Government Code Section 65090.
8 Prior to taking action on the application, the Commission received written and oral
9 reports by the staff, and received public testimony; and
10

11 **WHEREAS**, the Planning Commission adopted the following findings:
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- 13 A. *Conditions apply to the property that do not apply generally to other properties in*
14 *the same zone or vicinity, which conditions are a result of lot size or shape,*
15 *topography, or other circumstances over which the applicant has no control.*
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17 The subject property is located within a historic commercial area where most
18 structures appear to have been built during the in the late 1800's or 1900's.
19 Structures located throughout this area have similar setbacks as the subject
20 property. Therefore, given the trough lot configuration and location of the parcel
21 across from a residential district, staff finds that there is a special circumstance
22 for granting the Variance and staff finds this variance will not provide a special
23 privilege to this property.
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- 25 B. *The variance is necessary for the preservation of a property right of the applicant*
26 *substantially the same as is possessed by owners of other property in the same*
27 *zone or vicinity.*
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29 Requiring the relocation of the existing structure to a location outside of the
30 setback would restrict the property rights of the applicant above what is currently
31 enjoyed by other properties in the vicinity.
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- 33 C. *The authorization of the variance will not be materially detrimental to the*
34 *purposes of this Title, be injurious to property in the zone or vicinity in which the*
35 *property is located, or otherwise conflict with the objectives of City development*
36 *plans or policies.*
37

38 The granting of the Variance will not be materially detrimental to the public
39 welfare or injurious to the property, improvements or uses within the immediate
40 vicinity and within the same zoning district. The development is existing and has
41 not yet resulted in detrimental impacts. The proposed modifications are not

42 expected to impact on the privacy of the neighboring properties or impede traffic
43 and circulation patterns.

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45 *D. The variance requested is the minimum variance which will alleviate the*
46 *hardship.*

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48 Given the Lot configuration, existing developments and protected trees on the
49 subject property there is not a location on the site to relocate the structure. A
50 strict application of the Zoning Ordinance would result in impractical difficulties or
51 unnecessary hardships to the applicant and would result in unreasonable
52 deprivation of the allowable uses of the property within an "DC-DD" District. This
53 Variance has been found and is necessary to enable the establishment of a small
54 business that is consistent with the General Plan.

55
56 **WHEREAS**, this action has been reviewed for compliance with the California
57 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA
58 pursuant to Section 15332 the CEQA guidelines; and

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60 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
61 Commission that based on the above findings, the Planning Commission approves the
62 proposed Variance, subject to the following conditions of approval.

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64 **CONDITIONS**

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66 1. This permit authorizes a portion of the existing 600 square foot accessory building
67 to remain in the front yard setback along Hazel Street as submitted on May 20,
68 2008 to the Planning and Building Department. Minor alterations that do not result
69 in increased environmental impacts may be approved in writing by the Planning and
70 Building Department Director.
- 71
72 2. This permit shall be null and void if not used by June 11, 2009, or if the use is
73 abandoned for a period of one (1) year.
- 74
75 3. Prior to construction, a building permit shall be reviewed and approved by the
76 Planning and Building Department.
- 77
78 4. The permit holder shall permit the City of Calistoga or its representatives or
79 designees to make periodic inspections at any reasonable time deemed necessary
80 in order to assure that the activity being performed under authority of this permit is
81 in accordance with the terms and conditions prescribed herein.
- 82
83 5. This permit may be revoked if the use for which the permit was granted is
84 conducted as to be detrimental to the public health, safety, or welfare or as to be a
85 nuisance, or upon other grounds as listed in Section 17.42.050 of the Calistoga
86 Municipal Code.

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88 **PASSED, APPROVED, ADOPTED** on June 11, 2008, by the following vote of
89 the Calistoga Planning Commission:

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AYES:

NOES:

ABSENT:

ABSTAIN:

Jeff Manfredi, Chairman

ATTEST: _____
Kathleen Guill
Secretary to the Planning Commission