



City of Calistoga
Planning Commission
Agenda Item Summary

DATE	July 22, 2020
ITEM	Setbacks Variance VA 2020-1
APPLICANT / OWNER	Eric Blasen & Rebecca Cooper
PROPERTY ADDRESS	4 Arch Way
ASSESSOR'S PARCEL NO.	011-072-003
GENERAL PLAN DESIGNATION	Medium Density Residential
ZONING DISTRICT	R-1: One-Family Residential
STAFF CONTACT	Zach Tusinger, Planning & Building Director
POTENTIAL CONFLICT OF INTEREST	None
RECOMMENDATION	Approve Variance VA 2020-1 with conditions
SUGGESTED MOTION	"I move that the Planning Commission adopt a resolution approving Variance VA 2020-1 for reduced setbacks for a pool at 4 Arch Way"

CITY OF CALISTOGA

STAFF REPORT

To: Calistoga Planning Commission
From: Zach Tusinger, Planning & Building Director
Meeting Date: July 22, 2020
Subject: **Setback Variance for Pool (VA 2020-1)
at 4 Arch Way**

1 **ITEM**

2 Consideration of a variance application to allow a two-foot reduction in setbacks for an
3 inground pool at 4 Arch Way (APN 011-072-003).

4 **PROJECT SETTING**

5 The 10,500-square foot subject property is located at the corner of Grant Street and
6 Arch Way and is zoned R-1: Single-Family Residential. The neighborhood is primarily
7 characterized by a mix of single-family dwellings. Directly across Grant Street is the
8 Calistoga Junior-Senior High School property. The subject property is adjoined to the
9 northeast by a large
10 undeveloped parcel that
11 carries split zoning
12 designations of CC:
13 Community Commercial and
14 R-3: Multi-Family Residential.

15 A ten-foot wide sewer
16 easement runs through the
17 subject property. This
18 easement dates back to the
19 1950s when this residential
20 area was first developed. The
21 property is occupied by a
22 1,200-square foot, single-story,
23 single-family residence.



Backyard of the subject property looking towards the proposed pool site.

24 **VARIANCE REQUEST**

25 The applicant recently purchased the property with the express intent of adding an in-
26 ground pool to the property. For unknown reasons, the sewer easement was not
27 discovered prior to the applicant's purchase. Applicant subsequently identified the
28 sewer line while having some plumbing work performed on the property. Subsequent
29 field investigations and research by the Calistoga Public Works Department confirmed
30 the location of the sewer line and the accompanying easement. The applicant wishes to
31 construct a ten-foot wide pool on the property. Due to the placement of the public sewer

32 line, his home's existing private sewer line, and the mature trees on the property, the
33 applicant wishes to construct the pool near the northeast property line. Pools and pool
34 equipment generally require a six-foot setback from interior property lines. To construct
35 a ten-foot wide pool and stay out of the sewer easement, the applicant is requesting a
36 variance to allow a two-foot reduction in the required setback. As a landscape architect,
37 the applicant believes that this is the only reasonable solution that would allow him to
38 build a minimally sized pool on the property.

39 There is a young valley oak on the
40 property near the proposed pool site.
41 The applicant is working with Public
42 Works and an arborist to determine what
43 modifications may be needed to the
44 length of the pool, and what precautions
45 need to be taken to protect the tree.
46 Alternatively, the applicant would have to
47 seek a tree removal permit from the
48 Public Works Department and mitigate
49 the loss of the tree at a 3:1 ratio. The
50 eventual disposition of the tree should
51 not have any bearing on the requested
52 variance.



Aerial view of the subject property.

53 The applicant seeks approval of a
54 variance application to reduce the
55 setback by two feet in order to
56 accommodate the pool. All other needed
57 approvals for this project would be
58 handled ministerially.

59 **DISCUSSION**

60 CMC Section 17.42.020 requires that all of the following findings be made to approve
61 the requested setback variances.

62 The applicant maintains in their application that there is sufficient factual basis to
63 support the mandatory findings, and staff concurs, as described below.

64 1. Finding: *Conditions apply to the property that do not apply generally to other*
65 *properties in the same zone or vicinity, which conditions are a result of lot size or*
66 *shape, topography, or other circumstances over which the applicant has no control.*

67 Supporting Evidence: The property is unique in that a ten-foot wide public sewer
68 easement runs through the middle of the back and side yards. There are very few
69 other properties in Calistoga that are similarly situated or encumbered by public
70 infrastructure.

71 2. Finding: *The variance is necessary for the preservation of a property right of the*
72 *applicant substantially the same as is possessed by owners of other property in the*
73 *same zone or vicinity.*

74 Supporting Evidence: Backyards and setbacks of the vast majority of properties of
75 comparable size in Calistoga are laid out and specified in such a manner as to allow
76 for reasonable use and development of the backyard including the addition of pools.
77 Due to the unique elements of this property, the variance is needed here to maintain
78 that same property right.

79 3. Finding: *The authorization of the variance will not be materially detrimental to the*
80 *purposes of this Title, be injurious to property in the zone or vicinity in which the*
81 *property is located, or otherwise conflict with the objectives of City development*
82 *plans or policies.*

83 Supporting Evidence: The proposed pool would be located no closer than four feet
84 to the neighboring property line. The adjacent property is undeveloped, and the
85 Calistoga Building Official has confirmed there are no risks associated with locating
86 the pool four feet from the property line. In no way would this variance have an
87 adverse impact to the zone, area, or adjacent property.

88 4. Finding: *The variance requested is the minimum variance which will alleviate the*
89 *hardship.*

90 Supporting Evidence: The proposed pool's width is the minimum necessary for the
91 practical use and enjoyment of a pool, and the pool is being placed as close to the
92 sewer line as the easement and the Calistoga Public Works Department will allow.

93 **PUBLIC COMMENTS**

94 As of July 14, 2020, no public comments had been received regarding this application.

95 **ENVIRONMENTAL REVIEW**

96 Staff has determined that the proposed project is Categorically Exempt from the
97 requirements of the California Environmental Quality Act (CEQA) pursuant to Section
98 15305 of the CEQA Guidelines (Minor Alterations in Land Use Limitations).

99 **RECOMMENDATION**

100 Approve the requested setback variances, subject to conditions.

ATTACHMENTS

1. Draft resolution
2. Vicinity map
3. Proposed site plan
4. Written statement from applicant
5. Arborist report