

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2009-02**

A RESOLUTION APPROVING VARIANCE (VA 2008-03) ALLOWING A 10 FOOT FRONT YARD SETBACK FOR A SINGLE FAMILY RESIDENCE ON THE PROPERTY LOCATED AT 1431 FOURTH STREET (APN 011-201-004) WITHIN THE “R1”, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT

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2 **WHEREAS**, William and Graceann Magone Miranda, property owners, submitted
3 a request for a Variance (VA 2008-03) from Section 17.16.040(D)(1), to allow a 10 foot
4 front yard setback on the property located at 1431 Fourth Street (APN 011-201-004);
5 and

6
7 **WHEREAS**, the Planning Commission considered this Variance request (VA
8 2008-03) at its regular meeting of March 25, 2009. Prior to taking action on the
9 application, the Commission received written and oral reports by the staff, and received
10 public testimony; and

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12 **WHEREAS**, this action has been reviewed for compliance with the California
13 Environmental Quality Act (CEQA) and is exempt from the requirements of the CEQA
14 pursuant to Section 15332 and 15305 of the CEQA guidelines; and

15
16 **WHEREAS**, the Planning Commission, pursuant to Chapter 17.42.020 of the
17 Calistoga Municipal Code has found the following circumstances to exist:

- 18
19 1. Conditions apply to the property that do not apply generally to other properties in
20 the same zone or vicinity, which conditions are a result of lot size or shape,
21 topography, or other circumstances over which the applicant has no control.

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23 Finding: The subject property is located within a historic residential district where
24 most homes appear to have been built in the early 1900s. Lot dimensions in this
25 neighborhood are typically 60 feet in width by 1200 feet in length. The subject
26 property is a small parcel by current “R1”, Single-Family Residential Zoning
27 Ordinance Lot Area Requirements. The lot is approximately 60 feet wide by 84
28 feet deep equaling 5,137 square feet in area.

29
30 Residences located throughout this historic residential neighborhood have the
31 similar front yard setbacks as the subject property. Therefore, the granting of this
32 Variance will allow the property owner to enjoy the same privilege that is
33 currently enjoyed by property owners in the vicinity.

34
35 Given the shallow width and depth and small size of the parcel along with the
36 parking located on the property, staff finds that there is a special circumstance for
37 granting the Variance for the reduced front yard setback. Further, staff visited the
38 neighborhood and observed many homes within the area that provide reduced
39 front yard setbacks. Therefore, staff finds this variance will not provide a special
40 privilege to this property.

- 42 2. The variance is necessary for the preservation of a property right of the applicant
43 substantially the same as is possessed by owners of other property in the same
44 zone or vicinity.
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46 Finding: Upon granting of the Variance, the intent and purpose of the ordinance
47 will still be served and the recipient of the Variance will not be granted special
48 privileges not enjoyed by other surrounding property owners within the same
49 zoning district. The intent of the 10 foot front yard setback is to promote adequate
50 light and air onto the subject and adjacent properties, ensure adequate view
51 corridors for pedestrian, bicycle and vehicular traffic and reduce congestion at
52 the street. A reduced front yard setback will continue to allow air and light onto
53 adjacent property and continue to allow adequate views for the traveling public
54 along Fourth Street. Staff finds that a minor deviation would not be contrary to
55 the spirit and intent of the regulations.
56

- 57 3. The authorization of the variance will not be materially detrimental to the
58 purposes of this Title, be injurious to property in the zone or vicinity in which the
59 property is located, or otherwise conflict with the objectives of City development
60 plans or policies.
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62 Finding: The granting of the Variance will not be materially detrimental to the
63 public welfare or injurious to the property, improvements or uses within the
64 immediate vicinity and within the same zoning district. The development of a
65 single-family residence would allow the applicant to maintain a modest home in a
66 predominately single-family residential neighborhood. The proposed
67 development is not expected to impact on the privacy of the neighboring
68 properties or impede traffic and circulation patterns.
69

- 70 4. The variance requested is the minimum variance which will alleviate the
71 hardship.
72

73 Finding: The placement of the residence 10-feet from the front property line provides
74 adequate distance necessary to protect the neighborhood character while ensuring
75 the purpose and intent of the Zoning Ordinance are achieved.
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77 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
78 Commission that, based on the above findings, the Planning Commission adopts
79 Resolution PC 2009-02 Variance (VA 2008-03) allowing a 10-foot front yard setback for
80 a single family residence on property located at 1431 Fourth Street within the "R1",
81 Single Family Residential Zoning District.
82

83 **PASSED, APPROVED AND ADOPTED** on March 25, 2009, by the following
84 vote of the Calistoga Planning Commission:
85

86 AYES:

87 NOES:

88 ABSTAIN:

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89 ABSENT:

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ATTEST: _____

Kathleen Guill
Secretary to the Planning Commission

JEFF MANFREDI, CHAIRMAN