

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2009-17**

A RESOLUTION OF THE PLANNING COMMISSION DENYING VARIANCE (VA 2009-01) TO ALLOW PARKING IN THE FRONT YARD ON THE PROPERTY LOCATED AT 1143 MITZI DRIVE (APN 011-433-004) WITHIN THE “R1” SINGLE FAMILY RESIDENTIAL ZONING DISTRICT

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2 **WHEREAS**, the property owner, Margaret Law has requested to deviate from the
3 off-street parking standards and seek authorization to locate two (2) parking spaces
4 within the front yard on the property located at 1143 Mitzi Drive (APN 011-433-004)
5 within the “R1” Single Family Residential Zoning District; and
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7 **WHEREAS**, the Planning Commission considered the request (VA 2009-01) at
8 its regular meeting on July 22, 2009, pursuant to Government Code Section 65090.
9 Prior to taking action on the application, the Commission received written and oral
10 reports by the staff, and received public testimony; and
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12 **WHEREAS**, Section 17.42.020, Calistoga Municipal Code, requires that no
13 variance shall be granted unless it can be shown that all of the following circumstances
14 exist:
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- 16 1. *Conditions apply to the property that do not apply generally to other*
17 *properties in the same zone or vicinity, which conditions are a result of*
18 *lot size or shape, topography, or other circumstances over which the*
19 *applicant has no control.*
- 20 2. *Variance is necessary for the preservation of a property right of the*
21 *applicant substantially the same as is possessed by owners of other*
22 *property in the same zone or vicinity.*
- 23 3. *The authorization of the Variance will not be materially detrimental to*
24 *the purposes of this Title, be injurious to property in the zone or*
25 *vicinity in which the property is located, or otherwise conflict with the*
26 *objectives of City development plans or policies*
- 27 4. *The variance requested is the minimum variance which will alleviate*
28 *the hardship.*
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30 **WHEREAS**, the Planning Commission has found that not all of the
31 aforementioned circumstances exist in order to grant this Variance. It has been found
32 that the subject property is similar in shape and character to the surrounding properties
33 and is not exceptional. There are no exceptional circumstances related to the size,
34 shape, configuration, or topography of the subject lot that would otherwise constrain the
35 ability of the lot to adhere to the parking requirements of the Calistoga Municipal Code.
36 In addition, the requested variance is not necessary for the preservation and enjoyment of
37 a substantial property right possessed by other properties in the same vicinity and zone but
38 which is denied to the property in question.
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