

**CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2008-33**

**A RESOLUTION APPROVING A VARIANCE ALLOWING A REDUCED STREET AND  
HIGHWAY SETBACK ON THE PROPERTY LOCATED AT 1003 FOOTHILL  
BOULEVARD (APN 011-310-013) WITHIN THE "DC-DD", DOWNTOWN  
COMMERCIAL-DESIGN DISTRICT**

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2       **WHEREAS**, Jaime and Virginia Cortez, property owners, submitted a request  
3 allow a 0'-0" front yard setback along Foothill Boulevard, where 20'-0" is required  
4 pursuant to Section 17.56.030(D); and  
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6       **WHEREAS**, the Planning Commission considered the request (VA 2006-09) at  
7 its regular meeting on August 13, 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  
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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       Response: Because of special circumstances, including the location of existing  
18 structures, a strict application of this development standard would deprive the  
19 subject property of privileges enjoyed by other properties in the vicinity.  
20

- 21     B.     The variance is necessary for the preservation of a property right of the applicant  
22 substantially the same as is possessed by owners of other property in the same  
23 zone or vicinity.  
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25       Response: This variance does not constitute a special privilege inconsistent with  
26 the limitations on other properties in the vicinity and in the "DC" zoning district.  
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- 28     C.     The authorization of the variance will not be materially detrimental to the  
29 purposes of this Title, be injurious to property in the zone or vicinity in which the  
30 property is located, or otherwise conflict with the objectives of City development  
31 plans or policies.  
32

33       Response: This project will not be detrimental to the public health, safety and  
34 welfare or injurious to other properties in the vicinity.  
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- 36     D.     The variance requested is the minimum variance which will alleviate the  
37 hardship.  
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39       Response: The granting of this variance is consistent with the intent of the  
40 Zoning Ordinance and General Plan and is the minimum variance needed to  
41 alleviate the hardship.  
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