

RESOLUTION NO. 2010-10

A RESOLUTION OF THE CITY OF CALISTOGA PLANNING COMMISSION APPROVING VARIANCES (VA 2010-02) ALLOWING PARKING WITHIN THE REQUIRED FRONT, SIDE, REAR YARDS AND WITHIN THE STREET AND HIGHWAY SETBACK IN CONJUNCTION WITH THE CONSTRUCTION AND OPERATION OF THE HIGHLANDS CHRISTIAN FELLOWSHIP AT 970 PETRIFIED FOREST ROAD WITHIN THE “RR”, RURAL RESIDENTIAL ZONING DISTRICT (APN 011-360-030).

1 **WHEREAS**, Upper Valley Ministries are the owners of the subject property for
2 which this application is proposed;

3
4 **WHEREAS**, on January 25, 2010, Variance (VA 2010-02), Conditional Use
5 Permit (U 2010-01) and Design Review (DR 2010-02) applications were filed requesting
6 authorization to construct and operate a church, pre-school and kindergarten on the
7 property located at 970 Petrified Forest Road (APN 011-360-030) within the “RR”, Rural
8 Residential Zoning District.;

9
10 **WHEREAS**, the Planning Commission reviewed the project during a public
11 hearing at it’s regularly scheduled meeting on June 23, 2010. During its review, the
12 Planning Commission considered the public record, including the staff report, findings,
13 and written materials and testimony presented by the applicant and the public during the
14 hearing;

15
16 **WHEREAS**, the Planning Commission adopted a Subsequent Mitigated Negative
17 Declaration (Resolution PC 2010-09) based upon an initial study prepared for this project
18 finding that the proposed project, as amended by mitigation measures agreed to by the
19 applicant, would not have a significant adverse impact on the environment; and

20
21 **WHEREAS**, the Planning Commission pursuant to Chapter 17.42 has made the
22 following Variance findings for the project:

- 23
24 1. Conditions apply to the property that do not apply generally to other properties in
25 the same zone or vicinity, which conditions are a result of lot size or shape,
26 topography, or other circumstances over which the applicant has no control.

27
28 Response: The property has a shallow lot depth relative to its width along its
29 frontage with Petrified Forest Road. In addition, there are large oak trees located
30 on the eastern property frontage (which are to be preserved) and a hill that blocks
31 east bound vehicle visibility. These physical constraints require that the site be
32 developed with the building on the west side and the parking on the east side of
33 the property, as opposed to having the parking behind the building. The required
34 front, side and rear parking lot setbacks would render a significant amount of the

35 property unusable. Therefore, the shape of the lot and presence of a hillside to the
36 west presents a physical hardship to reasonable development of the property.

37
38 Additionally, allowing the parking lot to encroach within the highway and street
39 setbacks is appropriate since roadway widening is not foreseeable along the
40 property frontage at the direction of the General Plan to maintain narrow country
41 roadways.

42
43 2. The variance is necessary for the preservation of a property right of the applicant
44 substantially the same as is possessed by owners of other property in the same
45 zone or vicinity.

46
47 Response: Other properties with similar Rural Residential zoning have narrower
48 portions of the property facing the street and can therefore utilize a greater portion
49 of their property for development. Therefore, if strict compliance to the required
50 front, side and rear yard setbacks for parking were to be applied to the Highlands
51 Christian Fellowship, the owner would be denied a privilege that other nearby
52 property owners with similar zoning enjoy.

53
54 3. The authorization of the variance will not be materially detrimental to the
55 purposes of this Title, be injurious to property in the zone or vicinity in which the
56 property is located, or otherwise conflict with the objectives of City development
57 plans or policies.

58
59 Response: Allowing parking to be located within the required setbacks will not
60 result in a health and safety impact on traffic or adjacent properties. The parking
61 lot will be separated from Petrified Forest Road by appropriate landscaping,
62 which will reduce the visual impact.

63
64 4. The variance requested is the minimum variance which will alleviate the hardship.

65
66 Response: Given the shape and location of the subject property there is not a
67 more suitable location on the site for the construction of the proposed parking lot
68 that would comply with the strict application of the setback requirements and that
69 would not cause undue environmental impact. A strict application of the Zoning
70 Ordinance would result in impractical difficulties or unnecessary hardships to the
71 applicant and would result in unreasonable deprivation of the allowable uses of
72 the property within an “RR” District. The Variances have been found and is
73 necessary to enable the establishment of a church that is consistent with the
74 neighborhood character.

75
76 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
77 Commission approves Variances (VA 2010-02), based on the above Findings and subject
78 to the following Conditions of Approval:

79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120

1. This permit authorizes parking spaces located in the front, side and rear yards and within the highway and street setback as submitted on January 25, 2010 to the Planning and Building Department. Minor alterations that do not result in increased environmental impacts may be approved in writing by the Planning and Building Department Director.
2. This permit shall be valid until it expires or is revoked pursuant to the terms of this permit and/or Title 17 of the Calistoga Municipal Code.
3. Up to one hundred and sixteen (117) off-street parking shall be provided for the Highlands Christian Fellowship, as required by the Calistoga Municipal Code. Six inch barrier curbing shall not be required as specified in Section 17.36.090(C) of the Calistoga Municipal Code.
4. The permit holder shall permit the City of Calistoga or its representatives or designees to make periodic inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
5. This permit shall be null and void if not used by June 23, 2011, or if the use is abandoned for a period of one (1) year.
6. This permit may be revoked if the use for which the permit was granted is conducted as to be detrimental to the public health, safety, or welfare or as to be a nuisance, or upon other grounds as listed in Section 17.42.050 of the Calistoga Municipal Code.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this **23rd day of June 2010**, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JEFF MANAFREDI, Chairman

ATTEST:

KATHLEEN GULL, Planning Commission Secretary