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Variance Application Packet



**NAPA COUNTY
CONSERVATION, DEVELOPMENT & PLANNING DEPARTMENT
1195 Third Street, Suite 210, Napa, California, 94559 (707) 253-4417**

APPLICATION FORM

FOR OFFICE USE ONLY

ZONING DISTRICT: AW **Date Submitted:** _____
TYPE OF APPLICATION: VARIANCE **Date Published:** _____
REQUEST: ENCROACH INTO SILVERADO TRL **Date Complete:** _____

**TO BE COMPLETED BY APPLICANT
(Please print or type legibly)**

PROJECT NAME: Dakota Shy Winery

Assessor's Parcel #: 030-120-024 **Existing Parcel Size:** 6.0 ac*

Site Address/Location: 771 Sage Canyon Rd. Napa CA 94558
No Street City State Zip

Property Owner's Name: D S Property, LLC

Mailing Address: 1746 Vineyard Avenue St. Helena CA 94574
No Street City State Zip

Telephone #: (707) 779-1220 **Fax #:** (707) _____ **E-mail:** tom@detert.com

Applicant's Name: Tom Garrett & Todd Newman

Mailing Address: 1746 Vineyard Avenue St. Helena CA 94574
No Street City State Zip

Telephone #: (707) 779-1220 **Fax #:** (707) _____ **E-mail:** tom@detert.com

Status of Applicant's Interest in Property: Owner's Representative

Representative Name: Donna B. Oldford, Plans4Wine

Mailing Address: 2620 Pinot Way St. Helena CA 94574
No Street City State Zip

Telephone #: (707) 963-5832 **Fax #:** (707) N/A **E-mail:** dboldford@aol.com

I certify that all the information in this application, including but not limited to the information sheet, water supply/ waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

Signature of Property Owner **Date**

William L. Sneed
Print Name

Signature of Applicant **Date**

Tom Garrett
Print Name

TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT


Total Fees: \$ _____ **Receipt No.:** _____ **Received by:** _____ **Date:** _____

INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

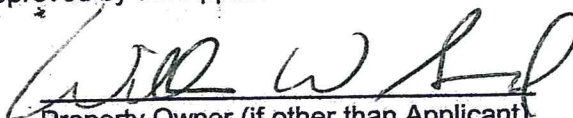
Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.



Applicant

10/12/14
Date



Property Owner (if other than Applicant)

APN 030-120-024
Project Identification

REASONS FOR GRANTING A VARIANCE

- 1. Please describe what exceptional or extraordinary circumstances or conditions apply to your property (including the size, shape, topography, location or surroundings, which do not apply generally to other land, buildings, or use and because of which, the strict application of the zoning district regulations deprives your property of the privileges enjoyed by other property in the vicinity and under identical zoning classification.**

The configuration of the subject property is rectilinear and it is located at the intersection of the Silverado Trail and Sage Canyon Road/State Highway 128. Both roads are major arterials and Sage Canyon Road is a State Highway, so both roads require a 600-ft. setback as per the County's *WDO* road setbacks. The intent of the road setback ordinance is the avoidance of the appearance of a solid line of structures along any major roadway in the County. In this case, the Silverado Trail variance request meets the intent of the ordinance because the winery structure will be barely discernible from the Trail. It will also be invisible to the traveler on Sage Canyon Road. The property has legal access from both roads, although the applicant revised his proposal so that the Silverado Trail access will only be utilized for emergency fire access. (See memo from County Road Commissioner Rick Marshall in the file.)

The applicant installed a story pole demonstration at the request of one of the neighbors, about five and a half months ago. This demonstration remains in place. We are also providing an updated photomontage of the winery structure as viewed from Silverado Trail.

The original small winery was approved pre-*WDO*, so there was no way of anticipating that winery expansion would incur at least one (if not two) setbacks to these 600-ft. setback roads. The applicant has revised his application so that only the Silverado Trail setback variance is required, and due to the lack of visibility of the structure from that major arterial, the intent of the setback ordinance has been met.

- 2. Please state why the granting of your variance request is necessary for the preservation and enjoyment of your substantial property rights.**

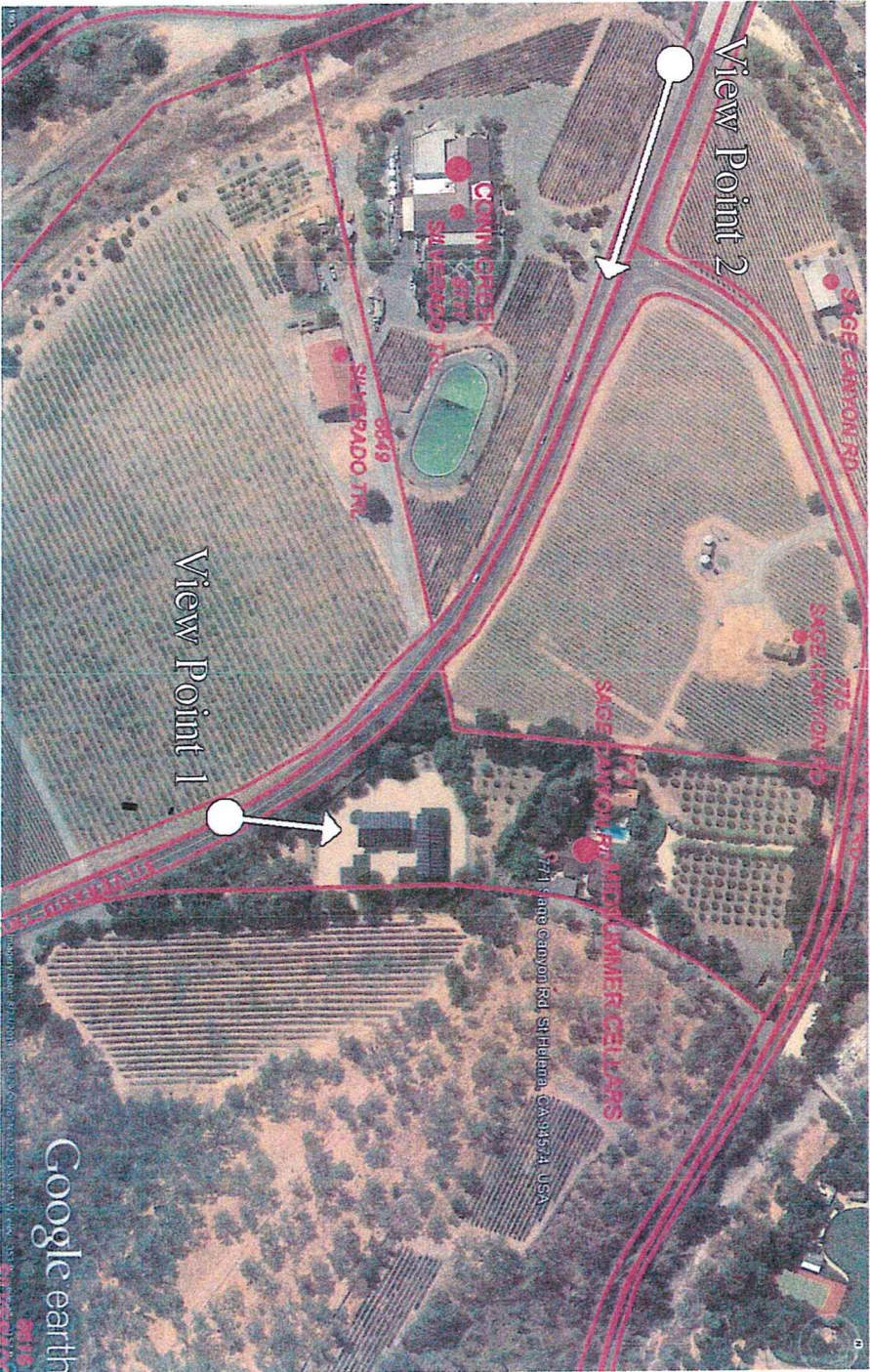
The applicant has a winery use permit that pre-dates the *WDO*. In order to increase their production by any amount above the current 1,000-gpy level, the winery structure would incur at least one (if not two) variances to the setbacks. The current siting of the winery structure actually meets the intent of the *WDO* road setback, minimizing visibility of the winery from Silverado Trail. The winery is not located within the 600-ft. setback for Sage Canyon Road/State Highway 128, nor is it visible from that roadway. So if the applicant is to enjoy any property rights related to his current approved winery use permit and a reasonable expansion of use, then he would incur at least one 600-ft. setback from these roads and the convergence of the two.

3. Please state why the granting of your variance request will not adversely affect the health or safety of persons residing or working in the neighborhood of your property, and will not be materially detrimental to the public welfare or injurious to property or improvements in your neighborhood.

As mentioned above, the applicant has demonstrated that the intent of the WDO 600-ft. setback, that of minimizing views of structures from the subject roads, is met with the current siting of the winery. Because of the configuration of the property and the existing 8-ft. wall and vegetation along the Silverado Trail, the winery is not discernible to the traveler. We felt that the Silverado Trail variance was the better choice because the winery would not be visible from Sage Canyon Road. This site location also was part of a one-way loop road plan proposed by the traffic engineer to maximize safety at the existing access points onto Sage Canyon Road. This location also happens to represent a best case condition for winery operations and for reorienting the outdoor hospitality area so that the potential for impact to the closest neighbor has been minimized. We have made this revision, in part as a result of late discussions with the neighbor.

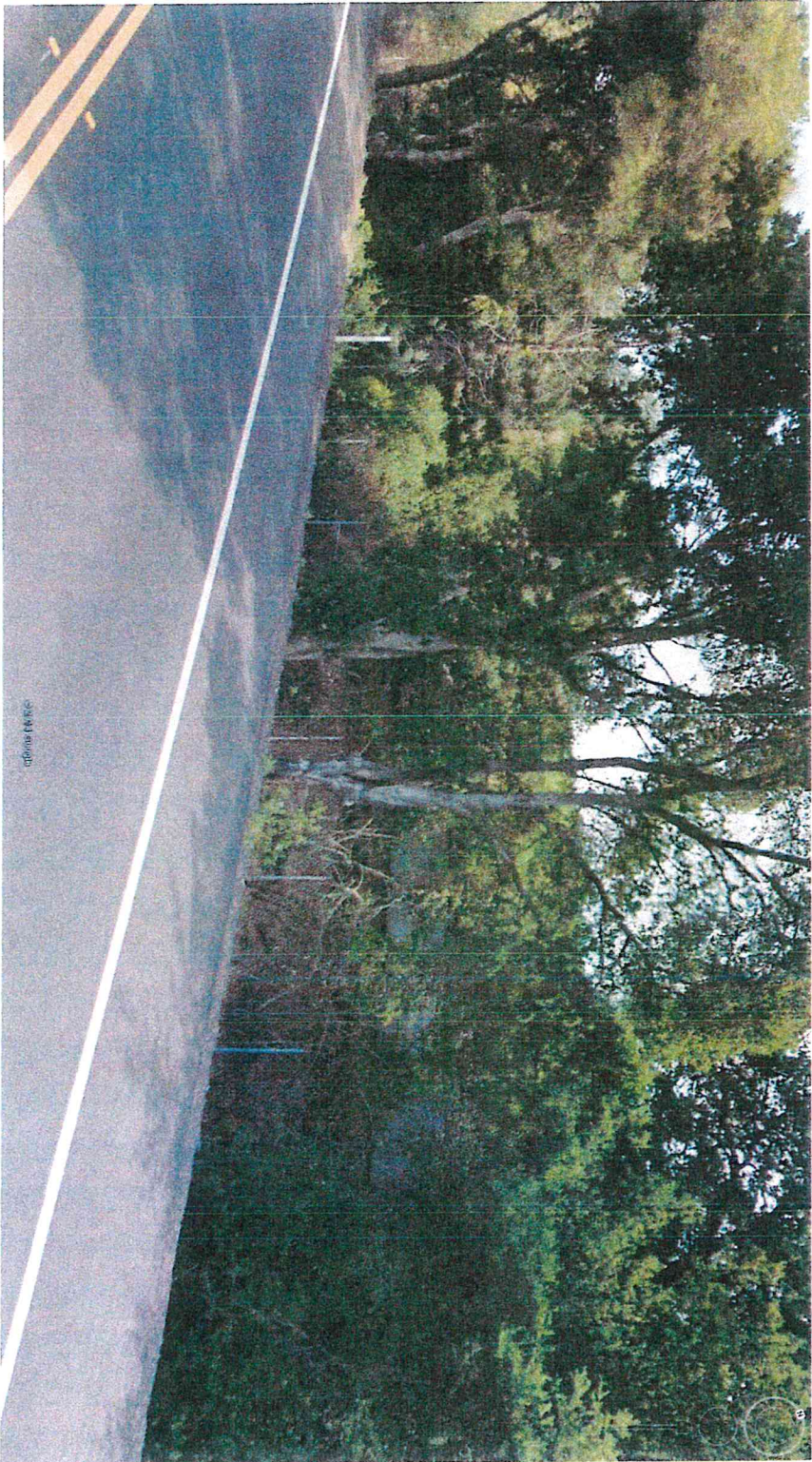
The one-way loop represents a significant safety improvement, with traffic entering the site at the access point further east on Sage Canyon Road and existing at the access point to the west. Sight distance is improved with this assignment, as per the traffic engineer and County Road Commissioner Rick Marshall.

In summary, the proposed plan represents an improvement in traffic safety and it will not result in a discernible view of the winery from either the Silverado Trail or Sage Canyon Road (although there is not a variance request associated with Sage Canyon Road). As such, it meets the intent of the WDO road setbacks even better than would a different configuration of the winery, if that was possible. The confluence of two 600-ft. road setbacks on such a small parcel of land translates into the necessity of the applicant requesting relief from one of the setbacks in order to have reasonable use of his property. Fortunately, the configuration of the property and the topographic features in this location also are conducive to our ability to meet that intent.



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Dakota Shy Winery
 View Point Location Map
 10/15/14



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Dakota Shy Winery
View Point 1: Existing
10/15/14



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Dakota Shy Winery
View Point 1: Proposed
10/15/14