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Variance Application Packet

Laura Michael Wines P16-00033-MOD and P16-00288-VAR
Planning Commission Hearing Date January 18, 2017

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FILE # _____



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NAPA COUNTY
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

APPLICATION FORM

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Submitted: _____
TYPE OF APPLICATION: _____ Date Published: _____
REQUEST: _____ Date Complete: _____

TO BE COMPLETED BY APPLICANT

PROJECT NAME: Laura Michael Wines

Assessor's Parcel #: 017-230-009 Existing Parcel Size: 3.23 ac.

Site Address/Location: 2250 Lake County Hwy. Calistoga CA 94515
No. Street City State Zip

Property Owner's Name: Laura & Michael Swanton

Mailing Address: 2250 Lake County Hwy Calistoga CA 94515
No. Street City State Zip

Telephone #: (707) 942 - 9251 Fax #: () E-Mail: laura@lauramichaelwines.com

Applicant's Name: SAME AS OWNER

Mailing Address: _____
No. Street City State Zip

Telephone #: () Fax #: () E-Mail: _____

Status of Applicant's Interest in Property: Owner

Representative Name: Jeremy Sill, RSA+

Mailing Address: 1515 Fourth Street Napa CA 94559
No. Street City State Zip

Telephone #: (707) 252 - 3301 Fax #: (707) 252 - 4966 E-Mail: JSill@RSAcivil.com

I certify that all the information contained 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]
Signature of Property Owner
LAURA SWANTON
Print Name

11/15/16
Date

[Signature]
Signature of Applicant
LAURA SWANTON
Print Name

11/15/16
Date

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
Total Fees: \$ _____ Receipt No. _____ Received by: _____ Date: _____

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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.
1. We are asking to build a detached bathroom for winery guests. Per Section 18.1104.230(b), any new construction for wineries pre-dating adoption of the Winery Definition Ordinance must comply with current setback requirements (600 feet from the road). Our property doesn't extend 600 feet from the road so we cannot meet that condition and ask for a variance regarding the setback. Additionally, the winery building and tasting room were built in 1972 so the property's antiquity means the buildings were put in place well before the WDO and putting the bathroom a few hundred feet from all the other buildings would make access difficult for most and impossible for ADA access.

The winery building is a four sided building. We cannot attach the bathroom to the winery building because: the East wall is the doorway entrances to both the tasting room and the barrel room. The North wall faces an in place concrete ramp to access the crush pad. The West wall and the west area, are the crush pad and the South wall houses the mechanical equipment for the HVAC for the barrel room as well as the compressor for the crush pad. All four walls are already used for winery purposes and a bathroom cannot be attached to any of those areas.

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

By placing the bathroom near the existing winery building, guest access would be convenient and would also tie into the existing leach field. The location we are proposing to build the bathroom would be hidden from view of the highway, neighbors and to the guests as they approach the winery building. The guest experience would be preserved in that their first impression of the property would not be marred by putting a bathroom immediately in their view as they approach the winery and tasting room. The unique character and charm of the property would be damaged by putting the bathroom in the direct view of approaching guests.

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.

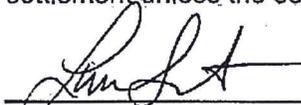
Adding a conveniently placed bathroom that is not in direct view of guests, neighbors or the highway will not injure any native plants, or other unique characteristics of this property. Hiding it from plain view will ensure that the neighbors and those traveling on the highway will not be distracted by it, ensuring no visible change to the existing approach or highway frontage to the property and therefore a continued safe passage for the public.

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

Property Owner (if other than Applicant)

11/15/16

Date

P16-00033

Project Identification

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