



COUNTY of NAPA
OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING

PLANNING DIVISION

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Deputy Director

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ROBERT NELSON
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NAOMI BEATTIE
Planner

NANCY JOHNSON
Planner

SUZIE GAMBILL
Planning Technician

C. RENEE LEDERER
Planning Administrative
Specialist

August 14, 2006

Ronald & Kathye Citron
4189 Silverado Trail
Calistoga Ca 94515

Re: Request for Special Fence Permit #P06-0215
Site Address: 4189 Silverado Trail
APN 021-020-010-000

Please be advised that the Special Fence Permit Application P06-0215 has been reviewed by the Conservation, Development and Planning Department and has been **Denied** pursuant to the Napa County Zoning Ordinance Section 18.104.270. The Code only permits fence heights of four feet in the designated front yard setback, unless **"a need can be demonstrated, due to the unique nature of the parcel or surrounding environment, for the proposed fence design"** (Section 18.104.270.A.2). While the County is sympathetic to your stated desire to maintain the height of the unpermitted fence in the front yard, the Department has not found that a special need has been demonstrated related to the unique nature of the parcel or surrounding environment, for the proposed fence design. The front of the parcel is essentially flat and is very similar to the majority of parcels along Silverado Trail. While there is certainly traffic and road noise associated with living along this road, this too is expected and consistent with other similar parcels, and several previous similar applications have been denied by the Department in accordance with the Code. We understand that you have identified other similar walls existing along Silverado Trail, and we will investigate each to determine if they are legally installed or possibly pre-date the fence ordinance. However, that does not impact this determination.

Department Staff notes that there are other options available to you. If the proposed fence location was setback 20' additional feet to meet the road and yard setbacks (50' feet from the monument centerline of Silverado Trail) this application would not be needed and you could construct the six foot wall you desire. As you know, a four foot wall could also be constructed in the location you originally proposed. Additionally, you may appeal the Department's determination in accordance with the procedures set forth in Chapter 2.88 of the Napa County Code.

Please contact Suzie Gardner at 253-4417 if you have any further questions regarding this permit, or the Clerk of the Board at 253-4421 for guidance regarding appeal procedures.

Sincerely,

Hillary Gitelman, Planning Director
Napa County Conservation, Development and Planning Department

Cc: John McDowell, Acting Deputy Director
Robert Nelson, Supervising Planner
Pamela Miller, Clerk of the Board
Suzie Gardner-Gambill/File

1195 THIRD STREET
SUITE 210

NAPA, CALIFORNIA
94559

TELEPHONE:
707-253-4417

FAX:
707-253-4336

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GREG BAXTER
Building Inspector

ED COLBY
Code Compliance/
Planner

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COUNTY of NAP

OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING

BUILDING INSPECTION DIVISION

NOTICE of VIOLATION

Ronald & Kathye J. Citron TR
4189 Silverado Trail
Calistoga, CA 94515-9610

April 27, 2006

SUBJECT: NAPA COUNTY CODE & CALIFORNIA BUILDING CODE VIOLATIONS
LOCATION: 4189 SILVERADO TRAIL APN 021-020-010

Dear Property Owner(s):

It has come to our attention that the following conditions and/or discrepancies exist on the property identified above.

NAPA COUNTY CODE:

- Chapter 18.104.270 (Fences) = *Fences exceeding four feet in height are not permitted within the combined distance of 90 feet from the centerline of Silverado Trail. (AP zone front yard setback of 20 ft.+ road setback of 70 ft.) No fence structure requiring a building permit (> 6 ft. high) shall be located within the road setback unless a special fence permit is granted by the Director to modify said requirements due to the unique nature of a parcel. Note: Solid fences shall not exceed 42 inches within a 55 foot corner vision triangle at driveway entrances.*

CALIFORNIA BUILDING CODE:

- Section 106.1 (Permits Required) = *Building permits are required for any fence above 6 feet in height as measured from the natural grade prior to construction.*

Please call me at (707) 259-8226 within seven (7) days of the date of this letter to discuss the resolution of this matter. Your cooperation is now requested, however, failure to *stop work*, as per Order To Comply dated April 26, 2006, and also take prompt and appropriate action to correct the violations may result in the issuance of Administrative Citations and/or a referral to County Counsel for the initiation of legal action.

Sincerely, 
Edward S. Colby, Planner III
Code Compliance Unit

Cc: Brad Wagenknecht, Supervisor District 1
Hillary Gitelman, Director
Patrick Lynch, Assistant Director
Darrell Mayes, Chief Building Official
Robert Nelson, Supervising Planner
Greg Baxter, Building Inspector II, Code Compliance Unit

NAPA COUNTY
DEPARTMENT OF CONSERVATION, DEVELOPMENT & PLANNING

**CERTIFICATE OF THE EXTENT OF LEGAL NONCONFORMITY
CITRON #P04-0252-CLN**

DATE OF ISSUANCE: July 8, 2004

In accordance with Section 18.132.050(C) of the Napa County Code, the Napa County Zoning Administrator held a public hearing on June 23, 2004, regarding the extent of legal nonconformity of one single-family dwelling unit – a portion of which is located within the required 90' from centerline combined road and front yard setback located on Assessor's Parcel #38-080-013, at 4189 Silverado Trail North, Calistoga.

The Zoning Administrator has determined that the following constitutes a legal nonconforming use or structure within the requirements of the Napa County Code:

Legal Nonconforming Structure:

The structure was estimated to have been constructed in 1943 prior to the adoption of the 1955 Zoning Ordinance. Therefore, was not required to meet the road and yard setbacks established for the zoning with the adoption of Ordinance #186.

Extent of Legal Nonconforming Use:

The portion of the main dwelling unit that is located approximately 7 to 16 feet, within the required 20 foot front yard setback is legally nonconforming.

This determination has not been appealed, and has therefore become final.



Zoning Administrator

7/19/04

Date