

Napa County

1195 THIRD STREET
SUITE 310
NAPA, CA 94559



Agenda

Wednesday, December 4, 2024

9:00 AM

**Board of Supervisors Chambers
1195 Third Street, Third Floor
Napa, CA 94559**

Planning Commission

*District 1, Kara Brunzell
District 2, Dave Whitmer (Chair)
District 3, Heather Phillips (Vice-Chair)
District 4, Andrew Mazotti
District 5, Megan Dameron*

*Brian D. Bordona, Director
Laura Anderson, County Counsel
Michael Parker, Planning Manager
Alexandria Quackenbush, Meeting Clerk
Angie Ramirez-Vega, Meeting Clerk*

How to Watch or Listen to the Napa County Planning Commission Meetings

The Napa County Planning Commission will continue to meet pursuant to the adopted calendar located at the following link:

<https://www.countyofnapa.org/DocumentCenter/View/30839/2024-PC-Regular-Meeting-Calendar?bidId=>

The Napa County Planning Commission realizes that not all County residents have the same ways to stay engaged, so several alternatives are offered. Remote Zoom participation for members of the public is provided for convenience only. In the event that the Zoom connection malfunctions for any reason, the Planning Commission reserves the right to conduct the meeting without remote access.

Please watch or listen to the Planning Commission meeting in one of the following ways:

1. Attend in-person at the Board of Supervisors Chambers, 1195 Third Street, Napa, Third Floor.
2. Watch online at <https://napa.legistar.com/calendar.aspx> (click the "In Progress" link in the "Video" column).
3. Watch on Zoom using the attendee link: <https://countyofnapa.zoom.us/j/87621457786>. Make sure the browser is up-to-date.
4. Listen on Zoom by calling 1-669-900-6833 (Meeting ID: 876-2145-7786).

If you are unable to attend the meeting in person and wish to submit a general public comment or a comment on a specific agenda item, please do the following:

1. Email your comment to meetingclerk@countyofnapa.org. Emails will not be read aloud but will still become part of the public record and shared with the Planning Commission.
2. Use the Zoom attendee link: <https://Countyofnapa.zoom.us/j/87621457786>. Make sure the browser is up-to-date. When the Chair calls for the item on which you wish to speak, click "raise hand". Please limit your remarks to three minutes.
3. Call the Zoom phone number: 1-669-900-6833. (Meeting ID: 876-2145-7786). When the Chair calls for the item on which you wish to speak, press *9 to raise hand. Please limit your remarks to three minutes.

****Please note that phone numbers in their entirety will be visible online while speakers are speaking****

For more information, please contact us via telephone at (707) 253-4417 or send an email to meetingclerk@countyofnapa.org

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE COMMISSION:

ON A MATTER ON THE AGENDA

Please proceed to the podium when the matter is called and, after receiving recognition from the Chair, give your name and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair or Commission, but is generally limited to three minutes.

ON A MATTER NOT ON THE AGENDA

Public comment is an opportunity for members of the public to speak on items that are not on the agenda but are within the subject matter jurisdiction of the Commission. Public comment is limited to three minutes per speaker, subject to the discretion of the Chair. Comments should be brief and focused, and speakers should be respectful of one another who may have different opinions. Please remember this meeting is being recorded and broadcast on live television. The County will not tolerate profanity, hate speech, abusive language, or threats. Also, while public input is appreciated, the Brown Act prohibits the Commission from taking any action on matters raised during public comment that are not on the agenda.

- 1. CALL TO ORDER; ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CITIZEN COMMENTS AND RECOMMENDATIONS**
- 4. APPROVAL OF MINUTES**

The Clerk of the Commission request approval of Minutes for the meeting held on: November 20, 2024 (Commissioner Mazotti was excused).

- 5. AGENDA REVIEW**
- 6. DISCLOSURES**
- 7. PUBLIC HEARING ITEMS**

SOLAR PAVILION VARIANCE / GREGORY SIEWART / NO.
P24-00122-VAR

[24-2013](#)

CEQA status: It has been determined that this type of project is statutorily exempt from the California Environmental Quality Act. [See “Projects Which are Disapproved” subsection (a) and (b) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15270.]

Request: That the Napa County Planning Commission consider the following: denial of a Variance Application to maintain an existing unpermitted pavilion located within the side and rear yard setbacks. The project is located on an approximately 0.16-acre parcel within the Residential Single (RS) base zoning district and Urban Reserve (UR) combining district with a Rural Residential (RR) designation at 2234 Sandra Dr., Napa, CA 94558; APN: 042-081-012-000.

Staff Recommendation: Deny the Variance Application.

Staff Contact: Andrew Amelung, Planner II, 1195 Third St, Suite 210, Napa, CA 94559; (707) 253-4307; andrew.amelung@countyofnapa.org

Applicant Contact: Gregory Siewert, 2234 Sandra Dr., Napa, CA 94558; (707) 478-9214; gregsiewert@gmail.com

- Attachments:** [Attachment A - Code Enforcement Case](#)
[Attachment B - Application Packet - with emails](#)
[Attachment C - Site Plans](#)
[Attachment D - Graphics](#)
[Applicant Public Comment \(added after initial agenda posting\).pdf](#)
[Additional Public Comment \(added after meeting\).pdf](#)

8. ADMINISTRATIVE ITEMS - None.

9. DIRECTOR OR DIRECTOR'S DESIGNEE REPORT

- DISCUSSION OF ITEMS FOR THE DECEMBER 18, 2024 REGULAR MEETING
- BOARD OF SUPERVISORS ACTIONS
- OTHER DEPARTMENT ACTIVITIES
- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS
- OTHER PENDING PROJECTS' STATUS

10. COMMISSIONER COMMENTS/COMMITTEE REPORTS

11. ADJOURNMENT

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON 11/22/24 BY 5:00 P.M. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE COMMISSION AND AVAILABLE FOR PUBLIC INSPECTION.

ALEXANDRIA QUACKENBUSH (By e-signature)
Alexandria Quackenbush, Clerk of the Commission



Napa County
Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.countyofnapa.org
Main: (707) 253-4580

Planning Commission

Agenda Date: 12/4/2024

File ID #: 24-2013

TO: Napa County Planning Commission
FROM: Brian D. Bordona - Director of Planning, Building and Environmental Services
REPORT BY: Andrew Amelung - Planner II
SUBJECT: Solar Pavilion Variance (P24-00122-VAR)

RECOMMENDATION

SOLAR PAVILION VARIANCE / GREGORY SIEWART / NO. P24-00122-VAR

CEQA status: It has been determined that this type of project is statutorily exempt from the California Environmental Quality Act. [See "Projects Which are Disapproved" subsection (a) and (b) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15270.]

Request: That the Napa County Planning Commission consider the following: denial of a Variance Application to maintain an existing unpermitted pavilion located within the side and rear yard setbacks.

The project is located on an approximately 0.16-acre parcel within the Residential Single (RS) base zoning district and Urban Reserve (UR) combining district with a Rural Residential (RR) designation at 2234 Sandra Dr., Napa, CA 94558; APN: 042-081-012-000.

Staff Recommendation: Deny the Variance Application.

Staff Contact: Andrew Amelung, Planner II, 1195 Third St, Suite 210, Napa, CA 94559; (707) 253-4307; andrew.amelung@countyofnapa.org

Applicant Contact: Gregory Siewert, 2234 Sandra Dr., Napa, CA 94558; (707) 478-9214; gregsiewert@gmail.com

EXECUTIVE SUMMARY**PROPOSED ACTIONS:**

That the Planning Commission: Deny Variance Application No. P24-00122-VAR because one or more of the required findings for approving a variance cannot be met.

On May 8, 2024, the Applicant submitted a request for a variance to maintain an existing unpermitted pavilion that is in use as a shade structure with unpermitted electrical installations located four (4) feet within the side yard of the required six (6) foot setback and 13 feet within the rear yard of the required 15 foot setback of the property, and does not meet the minimum five (5) feet from the property line for miscellaneous improvements in yards. The structure is approximately 385 square feet (35 feet x 11 feet) and is approximately nine (9) feet in height. This structure is currently a code violation and part of Code Enforcement Case CE23-00100. Variances are applied prospectively and not as a means to cure existing code violations.

According to Napa County geodatabase satellite imagery, the structure was constructed at some point between 2002 and 2005 without a building permit. The property was purchased by the applicant in 2011 and in 2020 the installation of 10 solar panels on the structure was permitted by the County. The variance is requested as to the yard development standards required in the RS zoning district (NCC § 18.104.010), as well as the requirements for the placement of detached accessory buildings and solar panel systems (NCC § 18.104.140) and the requirements for miscellaneous improvements in yards (NCC § 18.104.280).

Application materials and staff report are available on the Department's Current Projects Explorer at: <https://www.countyofnapa.org/2876/Current-Projects-Explorer>

Staff has reviewed the proposed project and recommends that the Planning Commission deny the Variance application.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: It has been determined that this type of project is statutorily exempt from the California Environmental Quality Act. [See "Projects Which are Disapproved" subsection (a) and (b) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15270.]

BACKGROUND AND DISCUSSION

Owner: Gregory and Heather Siewert

Applicant: Gregory Siewert

Zoning: RS-UR Zoning District

General Plan Designation: Rural Residential

Filed: May 8, 2024

Complete: July 25, 2024

Property Area: 0.16 Acres

Existing Development: Single Family Primary Dwelling Unit, detached carport, shade and solar pavilion structure

Proposed Structural Development: N/A

Adjacent General Plan Designation / Zoning District / Land Use:

North - Rural Residential General Plan designation / RS-UR Zoning District / Single-family Residence

East - Rural Residential General Plan designation / RS-UR Zoning District / Single-family Residence

South - Rural Residential General Plan designation / RS-UR Zoning District / Single-family Residence

West - Rural Residential General Plan designation / RS-UR Zoning District / Single-family Residence

Parcel History: Lot 30 - Final Map of Pueblo Park, filed April 23, 1954

Code Compliance History: CE21-00008; CE23-00100

Discussion:

Required Findings for Variance Approval

In order to approve a variance request, all of the following findings must be met and supported by substantial evidence. It is important to note that if the first substantive finding requiring “special circumstances” cannot be met, then no further analysis is necessary, and the variance cannot be approved. Staff has determined there are no special circumstances applicable to this property and recommends denial.

Pursuant to NCC § 18.128.060(A) - Findings prior to issuance - before issuing a variance, the zoning administrator or the commission shall make all of the following written findings: 1) that the procedural requirements set forth have been met; 2) that special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; 3) that granting of the variance is necessary for the preservation and enjoyment of substantial property rights; and 4) that granting of the variance will not adversely affect the public health, safety or welfare of Napa County.

Staff has analyzed each of the required findings as follows:

1) That the procedural requirements have been met:

Staff Response: An application and the required processing fees have been submitted for a variance, accompanied with a statement from the applicant outlining the reasons for the request. Site plans depicting the location of the project and elevation drawings showing the appearance of the existing structure have been submitted as required by Napa County Code (NCC) § 18.128.020. According to NCC § 18.128.040, the applicant shall bear the burden of proof in establishing facts supporting the applicant's eligibility for granting of a variance while also providing other appropriate information, including graphic depictions necessary to show the grounds for granting of a variance. As such, the applicant has submitted a narrative with responses to the required findings and the appropriate information needed to assess the request of a variance.

Noticing and public hearing requirements have been met. The hearing notice for the December 4, 2024, public hearing was posted on November 23, 2024, and copies were forwarded to property owners within 1,000 feet of the project parcels and all other interested parties.

2) That special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification:

Staff Response: No special circumstances exist that are applicable to the property, including size, shape, topography, location or surroundings, which would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The parcel is a rectangular lot that is approximately the same size and dimensions on grade as those within the same subdivision. The structure extends four (4) feet into the required six (6) foot side yard setback and 13 feet into the required 15 foot rear yard setback. The existence of a swimming pool in the developable space behind the dwelling unit is the primary limiting factor for the nonconforming placement of the solar pavilion. The applicant will not suffer practical difficulties and unnecessary hardships in the absence of a variance, other than the financial consequences required to abate the existing violations performed by the prior owner. The proposed variance request would be an exception to NCC Chapter 18.52 - RS Residential Single District and NCC Chapter 18.104 - Additional Zoning District Regulations. County Code allows for the development of accessory structures and solar panel systems within yards (NCC § 18.104.140), as well as miscellaneous improvements in yards (NCC § 18.104.280), however both of which may be allowed only under specific development standards, which the existing structure does not meet, primarily maintaining a distance of five (5) feet from the property line.

3) That granting of the variance is necessary for the preservation and enjoyment of substantial property rights:

Staff Response: Granting of the variance is not necessary for the preservation and enjoyment of substantial property rights. The parcel is already developed with a residence and owners are therefore exercising an effective use of the property. The property owners have the right to pursue building permits for a shade structure and a solar array system that are in compliance with NCC § 18.128.020 and NCC § 18.128.040 upon the correction and abatement of the existing violations.

4) That granting of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

Staff Response: Denial of the variance will not affect the public health, safety or welfare of the County of Napa, however granting of a variance for the placement of structure so close to a property line may have unintended effects on public health, safety or welfare.

Special Circumstances & Hardship

Zoning law does not recognize “self-created” hardship and therefore potential financial losses alone caused by zoning compliance do not constitute grounds to grant a variance. Self-imposed hardships also include circumstances in which property owners purchase property in anticipation of obtaining a variance for a use forbidden at the time the owners bought the property. Hardships created by the previous owner of a property also may be considered self-imposed and thus are insufficient for a variance. (PMI Mortgage Ins. Co. v. City of Pacific Grove, (1981) 128 Cal. App. 3d 724, 731-32, San Marino v. Roman Catholic Archbishop, (1960) 180 Cal. App. 2d 657, 672; Minney v. Azusa, (1958) 164 Cal. App. 2d 12, 31-32.

No hardship exists as a result from special circumstances relating to the property that are not shared by other properties in the area. The most unique aspect of the property is its location within an island of Napa County jurisdiction surrounded by the City of Napa, however even if the parcel were located in the City, according to the City of Napa Zoning Ordinance § 17.33.030 - Single-Family Home Standards, the minimum side yard setback would be five (5) feet with a rear yard setback of 15 feet.

While the applicant claims the structure existed when the property was purchased in 2011, it is the property owner’s responsibility to conduct research and due diligence on the property including the existence of any violations and its compliance with Napa County Code standards. Furthermore, the current property owner is responsible for any code violations on their property including correcting violations from a prior owner. The primary dwelling unit, unpermitted carport, and unpermitted solar pavilion are located on a parcel that is approximately 0.16 acres, or 6,970 square feet, with approximately 3,564 square feet of buildable area after taking into account the yard imposed by County Code. The parcel was created in 1954, prior to the adoption of the County’s current parcel design standards described in Section NCC § 18.104.110, which require a minimum of 8,000 square feet for parcels in the RS zoning district. The parcel is located within an island of County jurisdiction surrounded by the City of Napa, and while the parcel is zoned with an Urban Reserve (UR) combining district, the General Plan for the property and neighborhood is Rural Residential (RR) despite its urban nature. However, if the parcel were to be annexed by the City of Napa, according to the City of Napa Zoning Ordinance § 17.33.030 - Single-Family Home Standards, the minimum side yard setback would be five (5) feet with a rear yard setback of 15 feet, with certain allowances for accessory structures up to three (3) feet from the property line.

Parity

The variance is not necessary to bring the applicant into parity with other property owners in the same zone and vicinity. Conversely, allowing the variance would grant the owner a special privilege. Applicant must show that characteristics of their property differ from other similarly situated properties. In order to establish parity, the applicant provided an aerial image with a cluster of random houses with other “non-compliant” structures highlighted. However, the random sample alone does not provide substantial evidence that applicant’s property has characteristics that differ from those other parcels. The existence of other code violations within the area does not constitute the right to maintain a code violation. Within the general vicinity (all Napa County parcel numbers beginning with 042), a county record search shows that over the past ten years there have been 2,153

documents submitted to the Building Division that are associated with approved building permits, however no variances have been issued during the same ten-year period.

Code Enforcement Notice of Violation

In April 2023, it was brought to the Napa County Code Enforcement Division's attention that two unpermitted structures were on the property located at 2234 Sandra Drive (Code Enforcement Case CE24-00100). One structure was an unpermitted detached carport that did not meet the required distance between structures and was situated on two sides of a fence that ran through the property. The other structure was an unpermitted shade structure with electrical installations and a solar array mounted on the roof, which did not meet the required side and rear setbacks. An inspection was requested on May 1, 2023, and conducted on May 10, 2023, during which zoning and building violations that required immediate attention were observed. A Notice of Violation was issued for the property on May 31, 2023, with further direction on the abatement process. The applicant agreed to pursue a demolition permit for the unpermitted carport, with plans to construct an attached carport that would meet County development standards in its place. An application for a demolition permit for the noncompliant carport was submitted in November 2023, and issued in December 2023, however it expired in February 2024 without any demolition activities taking place. The applicant requested a Pre-Application meeting to discuss the possibility of applying for a Variance from County setback requirements. On January 18, 2024, the applicant attended an in-person meeting with Planning, Building and Code Enforcement staff and was informed that it was unlikely that staff could support the Variance request. On May 8, 2024 the applicant submitted an application for a variance to maintain the noncompliant and unpermitted solar pavilion.

Shade Structure History

According to Napa County geodatabase satellite imagery, the shade structure was constructed at some point between 2002 and 2005 without a building permit. The property was purchased by the applicant in 2011. While the applicant has claimed that, based on Google Earth imagery, that the structure has existed for 20 years without issue (see Attachment C), Napa County geodatabase satellite imagery shows that the structure was demolished in 2018 and rebuilt as what appears to be a slightly larger structure (see Attachment E).

Solar Permit History

In 2020, the applicant obtained a solar permit from the Building Division (BR20-01841-AES) to mount a solar array system on the roof of the primary dwelling unit as well as on the roof of the shade structure. Because the solar system was processed as a streamlined ministerial building permit, it did not require inspection or review by the Planning Division. The site plans submitted for the solar permit inaccurately depicted the shade structure as an Accessory Dwelling Unit and inaccurately showed a side and rear yard setback of five feet from the property line.

RS Zoning District Yard Setbacks Requirements

According to NCC § 18.104.010, front and rear yard setbacks for the RS zoning district are 20 feet, while the side yard setback is six (6) feet, with three (3) additional feet for each story above the first story of any building, as well as a minimum 10-foot yard setback on the street side of a corner lot. According to the submitted site plans (See Attachment D), the solar pavilion is two (2) feet from the side yard property line and two (2) feet, three (3) inches, from the rear yard property line. At a site visit conducted on June 25, 2024, the structure was measured as being one (1) foot, 11 inches from the property side-yard property line, and two (2) feet, two (2) inches from the rear-side property line (see Attachment E).

Detached Accessory Structures and Solar Array System Requirements

According to NCC § 18.104.140 a detached garage, accessory building or solar panel system may occupy not more than 50 percent of the area of a rear yard. The area of the rear yard of the property measures to approximately 1,200 square feet, while the area of the structure is 385 square feet, which does not exceed 50 percent of the area of a rear yard. NCC § 18.104.140 further states that if such a structure is situated not less than 70 feet from any street it may be located not closer than five (5) feet. This demonstrates that the closest an accessory structure or solar panel system can be from the property line is five (5) feet. Furthermore, NCC § 18.104.140 states that an accessory structure not having a common wall with the main building shall not be placed closer than eight (8) feet from the primary building. The solar pavilion as it exists does not meet the eight (8) feet required distance from the unpermitted detached carport, which does not meet the eight (8) feet required distance from the main building.

Miscellaneous Improvements in Yard Requirements

NCC § 18.104.280 does allow for certain miscellaneous improvements in yards, including subsection (D) which allows swimming pools, spas, trellises, arbors and gazebos, but only if located in rear and side yards and are more than five (5) feet away from any property line, which the current structure does not meet.

Public Comments

As of the date of this staff report, the County has received zero public comments on the variance proposal.

Decision Making Options:

As noted in the Executive Summary Section above, staff is recommending the Planning Commission deny the variance as summarized in Option 1, below. Decision making options include the following:

Option 1 - Deny Proposed Variance (Staff Recommendation)

Disposition - This action would result in the denial of a variance to maintain the unpermitted and noncompliant solar pavilion. Staff recommends this option as, with the denial of the variance, the request is consistent with the Zoning Ordinance, applicable General Plan policies, and other County regulations.

Action Required - Follow the proposed action listed in the Executive Summary and deny the proposed variance.

Option 2 - Approve Proposed Variance

Disposition - Should the Commission disagree with Staff's recommendation and feel that each one of the variance findings can be made, this action will result in approval of a variance to maintain the unpermitted and noncompliant solar pavilion. However, Commissioners must articulate what aspects of the project satisfy each of the required findings for variance approval per NCC § 18.128, based on substantial evidence. This is a high bar and could result in other similarly situated non-compliant parcels to also seek a variance to cure code violations.

Action Required - Commission deliberates on the aspects of the project meet the required findings. Commission would make a motion to continue to a date certain to allow Staff to prepare recommended findings

and complete CEQA review documents in support of approval.

Attachments:

- A. Code Enforcement Documents
- B. Application Packet and Project Statements
- C. Site Plans
- D. Graphics
- E. Public Comments

“A”

Code Enforcement Documents

Solar Pavilion Variance P24-00122-VAR
Planning Commission Hearing Date (December 4, 2024)



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

Brian Bordona
Interim Director

May 1, 2023

Inspection Request

Gregory & Heather Siewert
2234 Sandra Dr
Napa Ca 94559

Location: 2234 Sandra Drive

APN: 042-081-012

Subject: Inspection Request

Citation #: CE23-00100

Authority: California Health and Safety Code Section 17970

Dear Property Owner:

It has come to the attention of the Napa County Planning Building & Environmental Services Department, Code Compliance Unit ("Department") that the above referenced property may be in violation of the Napa County Code. We have received information that dry rot repair and roofing work were being conducted on a patio cover. This letter is to request an inspection that would determine if violations exist on your property.

Please contact me at (707) 253-4274 within seven (7) calendar days (by May 8, 2023) of the date of this letter to arrange for an inspection time.

It is the intention of this Department to provide all available means for your voluntary compliance, however, failure to respond as directed could result in further enforcement action by this Department. If you have any questions and/or do not fully understand any part of these proceedings, please do not hesitate to contact me at the number listed above.

Sincerely,

Andres Paniagua
Code Compliance Officer

Ver: 2/7/17

7022 0410 0001 8686 1352

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Gregory & Heather Siewert
 2234 Sandra Dr
 Napa, CA 94559

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



A Tradition of Stewardship
A Commitment to Service

Form 1 – Information Sheet
Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

Brian Bordona
Interim Director

**INFORMATION AND NOTICE
REGARDING APPARENT CODE VIOLATION**

May 31, 2023

Gregory & Heather Siewert
2234 Sandra Drive
Napa, CA 94558

Via Certified and Regular USPS Mail

LOCATION: 2234 Sandra Dr. Napa, CA; APN [042-081-012-000] - CE23-00100

Dear Property Owner(s):

The Napa County Department of Planning, Building, & Environmental Services received information and/or observed that a Code violation(s) exists or has occurred at the above-referenced Property including the construction of two detached accessory structures to the rear of the property.

County Staff conducted a site visit on May 10, 2023, during which zoning and building violations that require immediate attention were observed. Please refer to the attached notice and informational sheet that describes in more detail the reported or apparent Code violation(s) and the references to the provisions that appear to have been violated. Also included with the Apparent Notice of Violation is the Code Compliance Building Violation Correction Checklist. Please review the document and remember to bring the document with you to every meeting.

Please contact us within twelve (12) calendar days of the date of this Notice (by June 12, 2023) to acknowledge receipt of this notice. We look forward to discussing this situation with you and resolving the apparent violation promptly. You may reach me at (707) 259-8194 or at Anthony.Encinas@CountyofNapa.org

Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony Encinas".

Anthony Encinas
Code Compliance Officer
Planning, Building & Environmental Services

cc: Ryan Gregory -D2

May 31, 2023

REPORTED OR APPARENT CODE VIOLATION

IMPORTANT ENFORCEMENT INFORMATION

This letter is a courtesy notice to advise you that a code violation exists on the property identified below. The two, detached, roof covered structures to the rear of the property are non-compliant with the Napa County zoning and building codes. Building permits are required for these two structures and all zoning codes need to be complied with. The above violations, violate section 18.104.140 (A,C) of the Napa County Zoning Code and section R-105 of the California Building Code. Our department encourages voluntary compliance, and you are being given the opportunity to correct the violation identified in this notice before further enforcement action is taken.

NAME OF PERSON/ENTITY	ADDRESS OF VIOLATION:	MAILING ADDRESS:
Gregory & Heather Siewert	2234 Sandra Drive Napa, CA 94558	2234 Sandra Drive Napa, CA 94558

CODE SECTION(S) VIOLATED:	VIOLATION DESCRIPTION:
<p>Napa County Code Section 18.104.140 (A,C): Detached garage, accessory building, or solar panel system not exceeding fifteen feet in height at the ridgeline may occupy not more than fifty percent of the area of a rear yard. If such a structure is situated not less than seventy feet from any street it may be located not closer than five feet from the side and/or rear lot lines.</p> <p>California Residential Code Section R105: Permits Required</p>	<ul style="list-style-type: none"> Erected two detached accessory structures in the rear yard of the property without a building permit.

CORRECTION(S) REQUIRED AND DEADLINE TO CORRECT:

Permit all items listed above.

- Submit a complete building permit application within 30 days of the date of this Notice (by Friday, June 30, 2023). Please call and make an appointment with me so I may review your plans for completeness and assist you in the application process.
- Please note that the plans will need to comply with the 2022 California Residential Code.
- Obtain a building permit within 60 days of the application submittal date or your application may expire.
- Obtain a Permit Final from all divisions within 60 days from the date of issuance or your permit may expire.

I would like to thank you for all your cooperation. Please keep me informed of your progress and if you have any questions, please do not hesitate to contact me. You may reach me at (707) 259-8194; Anthony.Encinas@countyofnapa.org.

NAME OF CODE ENFORCEMENT OFFICER:	DEPT. PHONE NUMBER & EMAIL CONTACT:
Anthony Encinas	(707) 259-8194; Anthony.Encinas@countyofnapa.org .
District Supervisor:	
Ryan Gregory	District #2

YOU FACE THE MEASURES ON THE BACK OF THIS NOTICE UNLESS YOU PROMPTLY CONTACT AND WORK WITH COUNTY STAFF TO ADDRESS THE ABOVE DESCRIBED REPORTED OR APPARENT CODE VIOLATION(S)

Unless you promptly contact County staff and work with staff to address the above-described reported and/or apparent Code violations by the date specified above, one or more of the following code compliance measures will be implemented by the County:

1. Issuance of a Citation pursuant to Napa County Code Chapter 1.28.

Under Chapter 1.28 of the Napa County Code, Code Enforcement staff may issue a Citation. The issuance of a Citation for a violation of the Code shall, unless the violation is corrected prior to the deadline stated in the Citation, result in the imposition of administrative penalties. Such penalties may vary with the type of violation, but currently the lowest penalties that may be levied are as follows:

- \$100 for the first violation
 - \$200 for the second violation of the same Code provision within 1 year
 - \$500 for the third violation and for each additional violation of the same Code provision within 1 year.
- For violations that pertain to real property, the Citation will be recorded with the Napa County Recorder's office and constitute a lien on the property if you fail to correct the violation by the deadline stated in the Citation.
 - You will be given an opportunity to request a hearing before a hearing officer to contest the Citation and/or to contest the administrative penalties or recordation of the Citation.
 - If you fail to pay an administrative penalty and/or fail to correct the Code violation after a Citation is issued, the matter will then be referred to County Counsel or the District Attorney for further enforcement through civil litigation proceedings.

2. Issuance of Notice of Nuisance pursuant to Napa County Code Chapter 1.20

- a. Alternatively, the Enforcement Officer shall (unless circumstances dictate otherwise) issue a Notice of Nuisance pursuant to Napa County Code Section 1.20.040, which will be copied to all lienholders of record of the property.
- b. This Notice will include an Order to abate the nuisance by a specified, reasonable time.
- c. If the violation is not corrected by the stated deadline, an abatement hearing may be held before the Napa County Board of Supervisors.
- d. The Board may, if it finds a nuisance exists, order the violator to pay all administrative costs incurred in the course of abatement proceedings and investigation.
- e. Recordation of the notice of nuisance and imposition of administrative penalties under Chapter 1.28 may also occur.
- f. Depending on the nature of the violation and whether it poses a threat to health and safety, County Code Enforcement may choose to engage in summary (immediate) abatement steps to eliminate the nuisance without an administrative hearing before the Board of Supervisors.

3. Issuance, if applicable, of a Notice of Violation and Order to Repair or Abate Substandard Housing Conditions pursuant to Health and Safety Code Sections 17980 and 17980.6.

- a. The Notice of Violation as to substandard housing conditions will include an order to remedy the violation(s) within a reasonable period of time.
- b. Administrative penalties under Chapter 1.28 may also be imposed if the conditions are not corrected by the deadline stated in the Notice.
- c. If the violations are not corrected by the deadline, the Notice of Violation will be recorded with the Napa County Recorder's office and constitute a lien on the property.
- d. Failure to correct substandard housing conditions may also result in appointment of a receiver for the property affected by the violation.

4. Referral to County Counsel or the District Attorney for Filing of Enforcement Proceedings in Court

Depending on the circumstances and severity of the violation, direct referral of a violation to County Counsel or to the District Attorney for filing of enforcement proceedings may occur at

the outset, without the issuance of a Citation or the other Notices described below. Pursuant to Napa County Code Section 1.20.155, in the course of such litigation, the County may seek civil penalties up to \$1,000.00 for each day that the violation continues to exist.

The County's remedies and procedural steps for enforcement of the County Code and other statutes and regulations enforced by the County, as described herein, are cumulative, alternative, and subject to the

County's discretion depending on the circumstances presented. The County, in enforcing the County Code and other statutes and regulations, has prosecutorial discretion to select -- based on the particular circumstances -- the appropriate enforcement measures to be taken, as permitted by the County Code and other laws.

Updated 10/20/22

7022 0410 0001 8686 1734

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
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<input type="checkbox"/> Adult Signature Required	<i>AE (T3)</i>
<input type="checkbox"/> Adult Signature Restricted Delivery	
Postage \$ _____	
Total Postage and \$ _____	
Sent To	Gregory and Heather Siewert
Street and Apt. No.	2234 Sandra Drive
City, State, ZIP+4®	Napa, CA 94558
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

“B”

Application Packet and Project Statements

Solar Pavilion Variance P24-00122-VAR
Planning Commission Hearing Date (December 4, 2024)

Variance P24-00122

FILE # _____



A Tradition of Stewardship
A Commitment to Service

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: Solar Pavilion Variance
Assessor's Parcel #: 042-081-012-000 Existing Parcel Size: 7019 SF
Site Address/Location: 2234 Sandra Drive Napa CA 94558
No. Street City State Zip
Property Owner's Name: Gregory Siewert and Heather Siewert
Mailing Address: 2234 Sandra Drive Napa CA 94558
No. Street City State Zip
Telephone #: (707) 478 - 9214 Fax #: () - E-Mail: gregsiewert@gmail.com
Applicant's Name: Gregory Siewert
Mailing Address: 2234 Sandra Drive Napa CA 94558
No. Street City State Zip
Telephone #: (707) 478 - 9214 Fax #: () - E-Mail: gregsiewert@gmail.com
Status of Applicant's Interest in Property: Current homeowner
Representative Name: _____
Mailing Address: _____
No. Street City State Zip
Telephone # () Fax #: () E-Mail: _____

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] 5/4/24 [Signature] 5/4/24
Signature of Property Owner Date Signature of Applicant Date
Gregory Siewert Gregory Siewert
Print Name Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
Total Fees: \$ 6,100.90 Receipt No. _____ Received by: [Signature] Date: 5/8/24

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.

See project narrative.

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

See project narrative.

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.

See project narrative.




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.



Gregory Siemant

Applicant

5/4/24
Date

Property Owner (if other than Applicant)

Variance Application - 2234 Sandra Drive
Project Identification

Variance Application for Solar Pavilion

Greg and Heather Siewert
2234 Sandra Drive – Napa, CA
APN: 042-081-012-000

Variance Application 5-4-24



Figure 1: - Solar Pavilion

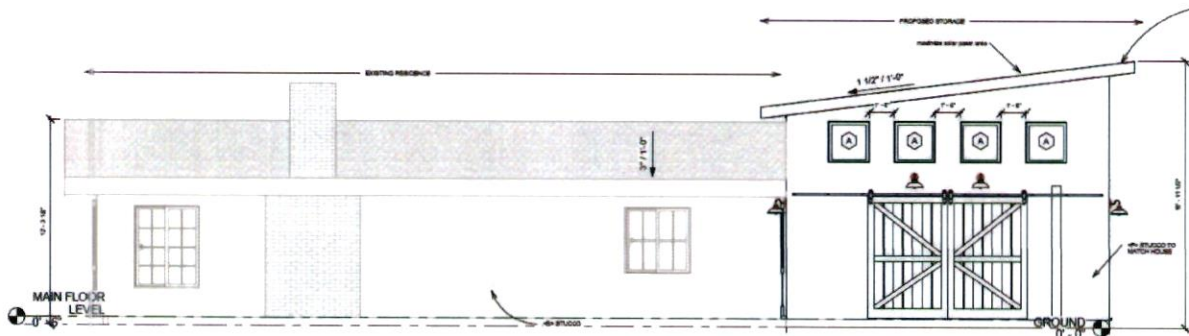


Figure 2: Proposed Enclosed Carport

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Site Plan 2234 Sandra Drive:

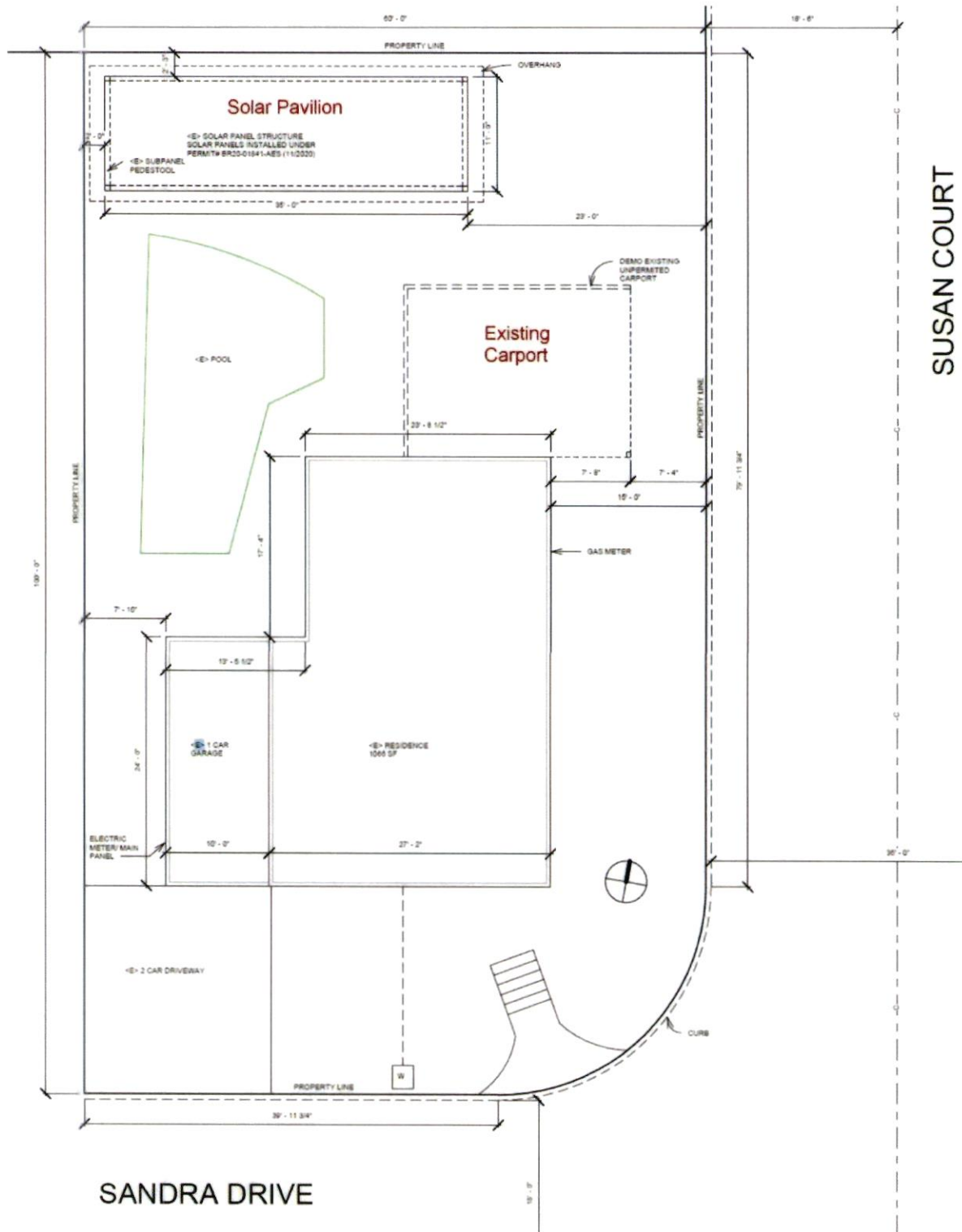


Figure 3: Site Plan Overview 2234 Sandra Drive



Figure 4: Carport seen to the right of house. Structure to be demolished.



Figure 5: Solar Pavilion Side View

Executive Summary:

- A Code Violation has been filed on 2 structures at this address. Both structures were un-permitted and violate county setback requirements.
- Both structures were built in an un-known time period, long before the applicants purchased the property. Satellite records show them at least back to 2002 – the earliest date satellite imagery is available in adequate resolution. The property was purchased by the applicants in 2011.
 1. The “Carport” *Figure 3* and *Figure 4*, is an open air structure and a complaint was filed against it which resulted in the involvement of Napa County Code Enforcement. A permit has been obtained to demolish this structure and it is the applicant’s intent to rebuild a smaller, enclosed structure which complies with all setbacks except the required 8’ to the solar pavilion. *Figure 2*
 2. The “Solar Pavilion” *Figure 1* and *Figure 3* has had no known complaint. It came to the attention of Code Enforcement when they were on site regarding the Carport.
- The applicants seek a variance with the following components:
 1. The new carport structure will be closer to the Solar Pavilion than the required 8’.
 - Note: The focus of this variance application is the solar pavilion. The only variation from county zoning requirements which regards the carport is the setback to the pavilion. By necessity, this setback includes both structures.
 2. The Solar Pavilion would be preserved in its existing location with no significant modifications. This structure does not meet the setbacks for the side and rear lot lines. It also does not meet the setback to the existing carport and after the new structure is built, it will still be closer than the required 8 feet.
- The reasons why the applicants believe a variance is justified are as follows:
 1. The solar pavilion houses 10 panels of a solar array which was approved by Napa County in 2020. This is a unique and exceptional circumstance which does not apply to neighboring properties.
 2. The pavilion has been in place for decades. The applicants understand that this does not justify a non-compliant structure. However, it has been a part of the neighborhood without incident or complaint.
 3. Non-compliant utility structures are common in this area of Napa and legalizing this structure would not amount to a special privilege. Rather, it would prevent an unnecessary and unfair hardship to the applicants and allow them to exercise their property rights in the same manner as their neighbors.

Project Narrative

County Application Prompt 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.

Solar Pavilion – What makes this a unique and exceptional circumstance?

1) The presence of a county-approved solar array.

The “Solar Pavilion” is a roofed structure at the rear corner property line *Figure 1*. It houses 10 panels of a solar array which was permitted by Napa County in 2020. The permit for the solar array clearly shows the location of the structure, which was known to County planning and building at that time *Figure 6*. In their lifetime, these panels have generated over 16 Megawatt hours of electricity. In fact, the applicants are contracted to add 4 more panels to the pavilion in the coming years.

The presence of this solar array and the fact that it was installed with an approved permit constitutes a unique and exceptional circumstance that is inherent to the property. To the applicant’s knowledge, there are no other properties in the vicinity who have been required to demolish a structure with an approved solar installation. A variance to allow the continued existence of this structure would not amount to a special privilege to the applicants, but would instead prevent the suffering of practical difficulties and unnecessary hardships caused by its removal.

California has set forth aggressive targets for reducing greenhouse gas emissions and transitioning towards renewable energy sources. By investing in solar panels, the applicants are actively contributing to the state's renewable energy objectives. Solar power is a clean, renewable energy source that produces electricity without emitting harmful greenhouse gases or pollutants into the atmosphere. Therefore, the pavilion not only serves their personal energy needs but also aids in reducing the carbon footprint associated with traditional energy sources.

California has enacted various policies and incentives to promote the adoption of solar energy systems. These include rebates, tax credits, and streamlined permitting processes aimed at facilitating the installation of solar panels. By allowing the continued use of these solar panels, Napa County would not only be in compliance with state mandates but would also demonstrate its commitment to supporting environmentally friendly initiatives within the community.

Integrating solar panels into structures like pavilions enhances their functionality and sustainability. The panels provide shade and protection from the elements while simultaneously generating clean energy. This dual-purpose design optimizes land use and promotes resource efficiency, which is in line with California's principles of sustainable development and smart growth. The applicants urge Napa County to consider these factors favorably when reviewing the application.

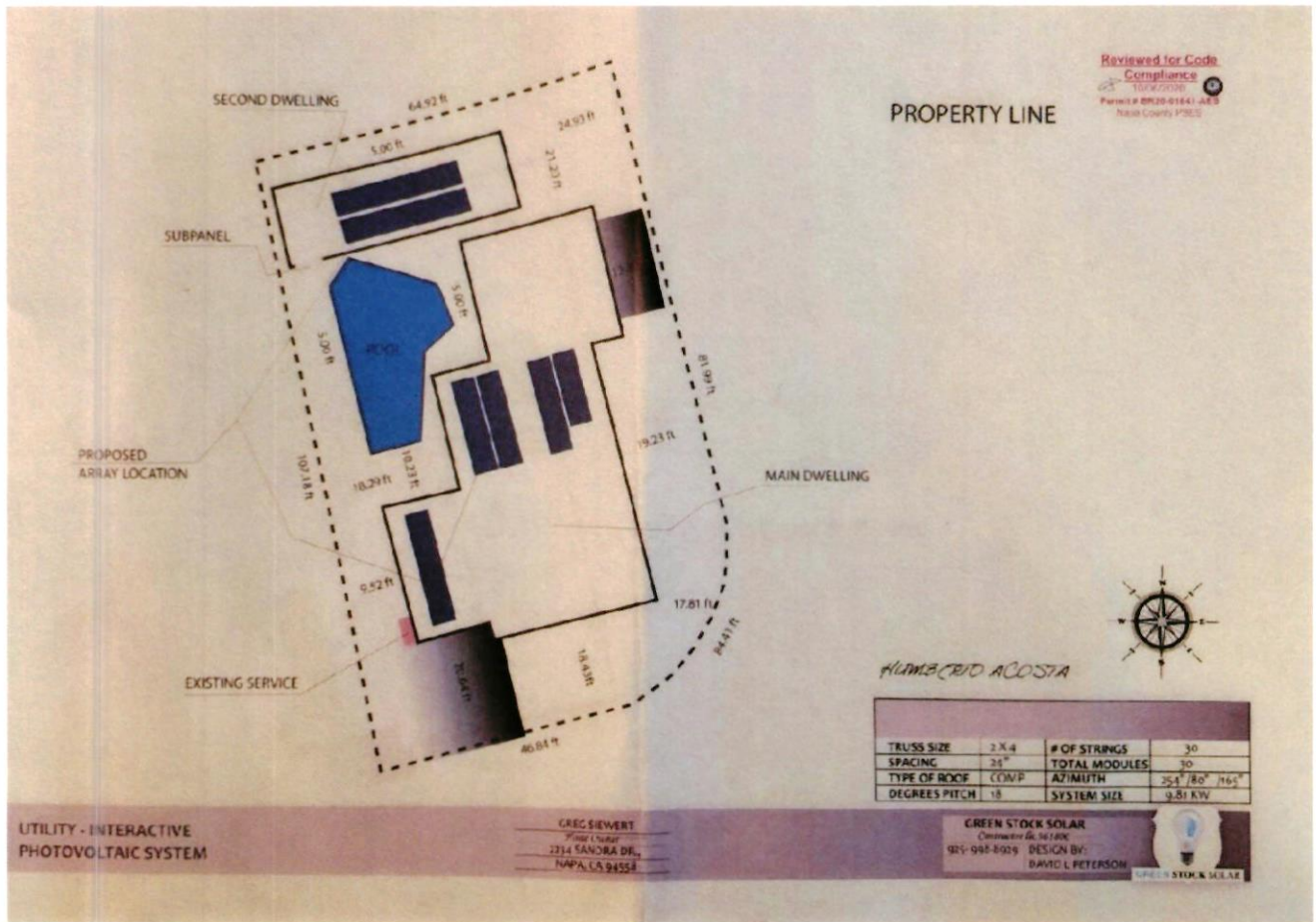


Figure 6: Solar Permit Site Plan 2020

2) This structure has existed without complaint for over 20 years

The applicants understand that the mere passage of time without complaints does not constitute a legal justification for the non-compliance of a structure.

However, when considering the impact on the neighborhood from this pavilion, its age is important context. Satellite imagery shows that it has existed at least as far back as 2002 – as far back as Google Earth has imagery of sufficient resolution *Figure 7*. So, the structure is more than 20 years old, and possibly much older. It certainly existed long before the applicants purchased the property in 2011. In all of this time, there has been no known complaint against it. The matter that brought the property to the attention of Napa County Code Enforcement was unrelated to the pavilion.

There are several reasons why the County should take into account the age of this structure when considering its decision:

- a) **Evidence of Community Acceptance:** The fact that it has existed for over two decades without complaints suggests it has blended into the community without causing issues or grievances. This should be interpreted as tacit acceptance by the local community, indicating the structure does not negatively impact the neighbors or the neighborhood's character.
- b) **Reliance on the Existing Structure:** Over the years, both the current and former property owners have come to rely on the existence of the structure. Its utility and aesthetic values contribute positively to its surroundings.
- c) **No Safety or Health Complaints:** The lack of complaints over an extended period implicitly suggests that the structure does not pose a safety or health hazard. This is an important consideration, as one of the primary reasons for zoning and building codes is to ensure public safety.
- d) **Change in Regulations:** Sometimes, structures become non-compliant due to changes in zoning laws, building codes or neighborhood norms, not because they were initially built illegally. Because the date that the structure was built is unknown, so too is the precise climate of zoning regulations that prevailed in Napa County at the time.



Figure 7: Pavilion is visible as far back as 2002

3) An exterior corner lot is space-limiting for utility structures

The applicants enjoy having a house on an exterior corner for its ample parking and opportunities to garden in the front yard etc. However, the nature of the setbacks with the road means that the “rear” of the property becomes shrunk and the practical area for utility structures is diminished greatly. The setback to any structure on the property is 28 ft from the centerline of the road plus 6 feet. This amounts to 20 feet from the edge of the road. 2722 square feet of the property are within this road setback. That represents 39% of the 6969 square foot property. This figure does not include the side or rear setbacks. When those are taken into account, the practical area to put such a structure is non-existent.

Having a house on an exterior corner is a unique feature in the unincorporated area of this property. A survey of the area encompassed by the County-required title search showed that of the 405 properties, only 64 of them were on an exterior corner – less than 16%. *Figure 8*



Figure 8: Setback constraints of a corner lot

County Application Prompt 2:

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

Solar Pavilion – The Benefits Provided and the Hardships if Removed

1) Without a variance, the county would require the demolition of a solar installation that it permitted

The granting of the variance is necessary for the preservation of the applicant's property rights because without it, they will be required to demolish a structure that Napa County permitted for solar.

There is no other space on the property for these 10 panels. The roof of the house, which already contains the rest of the solar array, has no other location where the roofing material is suitable for installation. If the variance isn't granted and the structure has to be demolished, then the panels will have to be removed and disposed of along with the associated electronic components. Without the variance, the structure cannot be put to effective use consistent with its existing zoning.

The demolition of this structure would prejudicially harm the Applicants in financial losses of:

- The recent improvements that were made to accommodate the solar.
- The cost of the demolition itself.
- The aesthetic damage it would create to the yard area and the resulting remediation which would be required.

2) The structure is an essential component of the property and its demolition would cause a serious and unnecessary Hardship to the Applicants

This pavilion is essential for the full utilization and enjoyment of the applicant's property. It not only provides a shaded, outdoor space for gatherings but also helps them to significantly reduce their carbon footprint by generating clean, renewable energy. The panels on this pavilion generate over 5 Megawatt-hours of electricity every year. This aligns with broader environmental sustainability goals and supports Napa County's commitment to green energy solutions. Granting this variance would allow them to enjoy their property in a manner that respects their environmental responsibilities and personal values.

In Napa County, where summer temperatures can be intense, the solar pavilion is not just as an architectural enhancement but a critical safeguard for the homeowners against the dangers of the sun. This structure provides essential shade while enjoying the outdoor space, thereby aligning with California's proactive stance on heat illness prevention.

California has been at the forefront of addressing the impacts of heat on health, implementing policies that extend beyond the workplace to ensure all residents are protected from the dangers of excessive heat exposure.

The dual benefit of the solar pavilion—providing essential shade while harnessing renewable energy—exemplifies a commitment to environmental sustainability and public health. This aligns with California's

renewable energy initiatives and its public health directives aimed at minimizing heat-related health risks.

The applicants did not build the solar pavilion but they have maintained and improved it over the years. It serves as a seating area out of the sun and shade from which the rest of the backyard and the pool can be enjoyed. It's a great spot for entertaining and is architecturally in line with the Napa Valley Aesthetic. It is an asset to the property and the working-class neighborhood in which it resides. Granting a variance for this solar pavilion will not only enhance the quality of life for the homeowners but will also support Napa County's leadership in promoting health-conscious and environmentally sustainable living spaces.

3) The structure is consistent with other non-compliant buildings in the area

Does this matter? The applicants understand that their neighbor's non-compliant structures do not justify their own non-compliant structure. This is not a case of: "well, they did it too so we get to do it". However, the commonplace presence of other non-compliant structures in Union is important for 2 reasons:

1. "Parity" is an important concept to establish in the granting of a variance. The existence of other non-compliant structures in the area establishes an implicit property right that is being afforded to other homeowners and is being denied to the applicants. The reality of building practices in Union should be taken into account when considering this structure. The solar pavilion is by no means exceptional and the granting of a variance would merely allow the applicants to enjoy their property rights in a matter similar to their neighbors, it would not amount to a special privilege.
2. Selective enforcement of the law is problematic. The complaint-based system used by Napa County Code enforcement causes the law to be applied sporadically based on an arbitrary, anonymous process. The complaint that brought this property to the attention of code enforcement was not about the solar pavilion, it was about the carport. The applicants are committed to working with code enforcement to demolish the carport and bring it into compliance. The solar pavilion should be allowed to remain as-is.

The applicants have made the decision not to catalog or describe other non-compliant structures in the area. Making specific comparisons with other properties is one way of making a case for a variance and is the method suggested by the County. The applicants are not taking this action for reasons that are both altruistic and practical.

The altruistic reason is that the applicants understand first-hand the hardships that ensue when a property is targeted by code enforcement. It has cost them greatly in time, money and anxiety. If unsuccessful, they will be forced to pay for the destruction of their own property. The applicants do not wish any of their neighbors to be subjected to this. Napa County Code enforcement has made it clear that they would be obligated to act on any specific information about non-compliant structures that were included in this document.

The practical reason why these specific comparisons will not be made is that unlike the anonymous complaint which was lodged against the applicants, the variance process is not anonymous. This document will be a matter of public record. If the applicants caused unsuspecting neighbors to be targeted by Code Enforcement it would expose them to a credible threat of retaliation.

The reality is that in the unincorporated area known as "Union", non-compliant utility structures are extremely common. People are trying to make the most of their small properties and building utility structures is often the means to do this. Given the setback constraints on these small lots, these buildings are almost universally non-compliant.

As a compromise to detailing specific non-compliant structures, the applicants have surveyed a randomly selected, non-adjacent cluster of 18 houses that is in a different part of Union. See *Figure 9*. In the figure shown, rooflines and other distinctive property details were obscured to protect the privacy of the homeowners. A structure was deemed to be "likely non-compliant" if it was more than 6 feet tall and violated the setback requirements to the lot lines. Careful measurement was not necessary because in every case these structures were built directly against the lot lines.

The unsurprising result of this survey was that 14 of the 18 properties (78%) had likely non-compliant structures. See *Figure 10* It is possible that this is an undercount, as there may be unlawful additions to houses which would not obviously be non-compliant. For example, the applicant's carport would not have been flagged by this survey as it is not close to the lot line and appears to be a part of the house.



Figure 9: Random House Cluster in Union Surveyed for Likely Non-Compliant Structures

**Survey of Random House Cluster in Union
For Likely Non-Compliant Utility Structures**

Property Reference Number:	Likely Non-Compliant Structures Present	# of Likely Non-Compliant Structures
1	Yes	1
2	Yes	1
3	Yes	1
4	Yes	1
5	No	0
6	Yes	2
7	Yes	1
8	Yes	1
9	Yes	1
10	No	0
11	No	0
12	Yes	1
13	Yes	2
14	Yes	1
15	No	0
16	Yes	1
17	Yes	2
18	Yes	1
Total:	14	
Percent:	78%	

Figure 10: Results of Survey for Likely Non-Compliant Utility Structures

County Application Prompt 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.

In the history of the solar pavilion, which is over 20 years old, there has never been a single known neighbor complaint regarding it. It is a well-built, attractive structure that improves the quality of the applicant's property. The applicants will ensure that this structure meets building and zoning requirements in all respects other than meeting setbacks.

In regards to the carport, a complaint was made to code enforcement only about repair work that was being done to the roof, not about the structure itself. It was this complaint which brought the property and the solar pavilion to the attention of code enforcement. The applicants are cooperating with code enforcement to remediate the violation by demolishing the structure in order to build a compliant building. The permit for the demolition has already been obtained and when the structure is re-built, it will materially improve the quality of their property and the neighborhood generally.

In preparation for the solar installation, improvements were made to the pavilion structure which enhanced its fire safety. The roof of the pavilion is metal and the rear privacy wall is made of concrete board.

There are no health or safety issues regarding the solar pavilion and it is now the applicant's intent to legalize its presence through the Variance process. No neighboring homes have direct frontage from living space windows or functional yard areas to this structure. It creates material substantial benefit to the Applicants property, without hardship upon any other property or property owners.

The applicants look forward to incorporating the input of their neighbors and implementing whatever reasonable suggestions are put forth during this process. For example, they would be willing to make modifications to the rear of the privacy wall to make it more attractive as viewed from other properties. They are confident that the end result will be a better, more attractive neighborhood.

Conclusion:

Greg and Heather Siewert are committed to finding a successful path forward in dealing with the code violations that were filed against their property. They believe that the Variance process along with the demolition and re-building of the carport are the best means to achieve this. The applicants acknowledge the need to remediate the conditions that existed on their property prior to its purchase. They have put forth substantial hard work and finances to this effort and they expect that much more of both will be required. The applicants hope that the County can be a partner in finding a solution that respects the zoning regulations of Napa County while also protecting their right to enjoy their property to its full use.

Amelung, Andrew

From: Greg Siewert <gregsiewert@gmail.com>
Sent: Sunday, October 6, 2024 12:38 PM
To: Amelung, Andrew
Cc: Hawkes, Trevor; Encinas, Anthony
Subject: Re: P24-00122-VAR - Solar Pavilion Variance
Attachments: Site Plan Overview_New.jpg

[External Email - Use Caution]

All,

Thank you all again for meeting with me a few weeks back. I haven't had the time to finish the new draft of the application yet, but I know that Andrew is on a deadline to get some clarification on your key questions about the carport demo and rebuild. I hope the attached image makes things more clear.

The new "Carport" will be an attached structure that has a 20 foot setback to the rear property line. I took some measurements and this will put it 7 feet from the solar pavilion. This is short of the 8 foot setback required for utility structures. In the variance we will ask for a minimum 5 foot setback to accommodate any errors in measurement etc, but I believe it will be 7 feet from the pavilion to the new structure. This boils our variance request down to the following 3 items:

- The pavilion is 2 feet from the rear property line instead of the required 5 feet
- The pavilion is 2 feet from the side property line instead of the required 5 feet
- The pavilion will have a minimum setback of 5 feet to the new "Carport" structure instead of the required 8 feet

I hope this information is enough for Andrew to complete what he needs to do, if it's not then let me know. I will revise the variance application in time for submission before the planning commission hearing.

Thanks, let me know if you need anything else,

Greg

On Thu, Jul 25, 2024 at 11:38 AM Amelung, Andrew <andrew.amelung@countyofnapa.org> wrote:

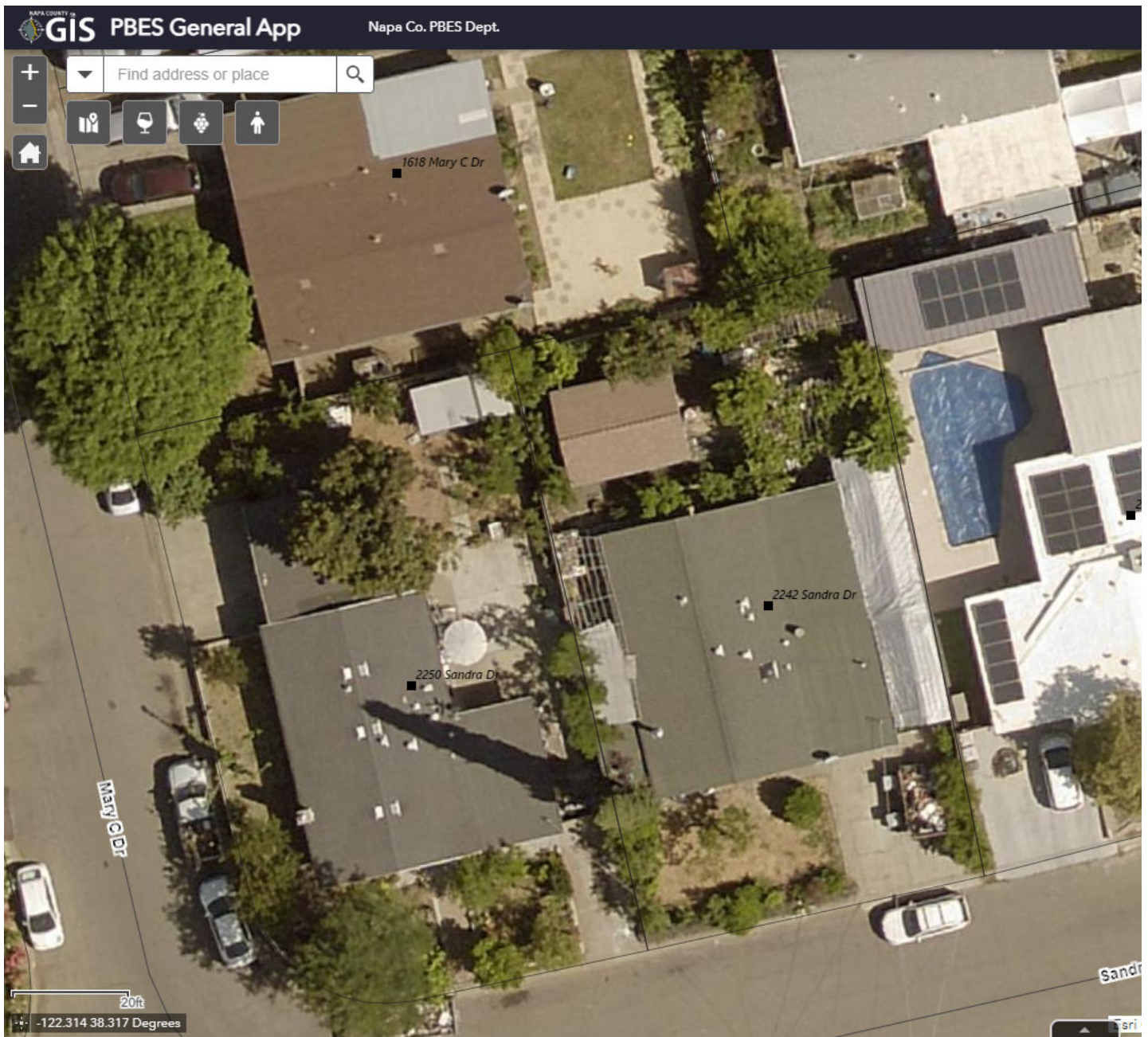
Hello Greg,

As I work on preparing the final documents for the denial recommendation of your variance application, my Supervisor, Trevor Hawkes, requested that I forward the following Aerial Imagery that will be included in the presentation, which clearly show that the original structure was demolished and rebuilt in 2018 without the appropriate building permits. We are sharing this with you for your awareness ahead of a public hearing.

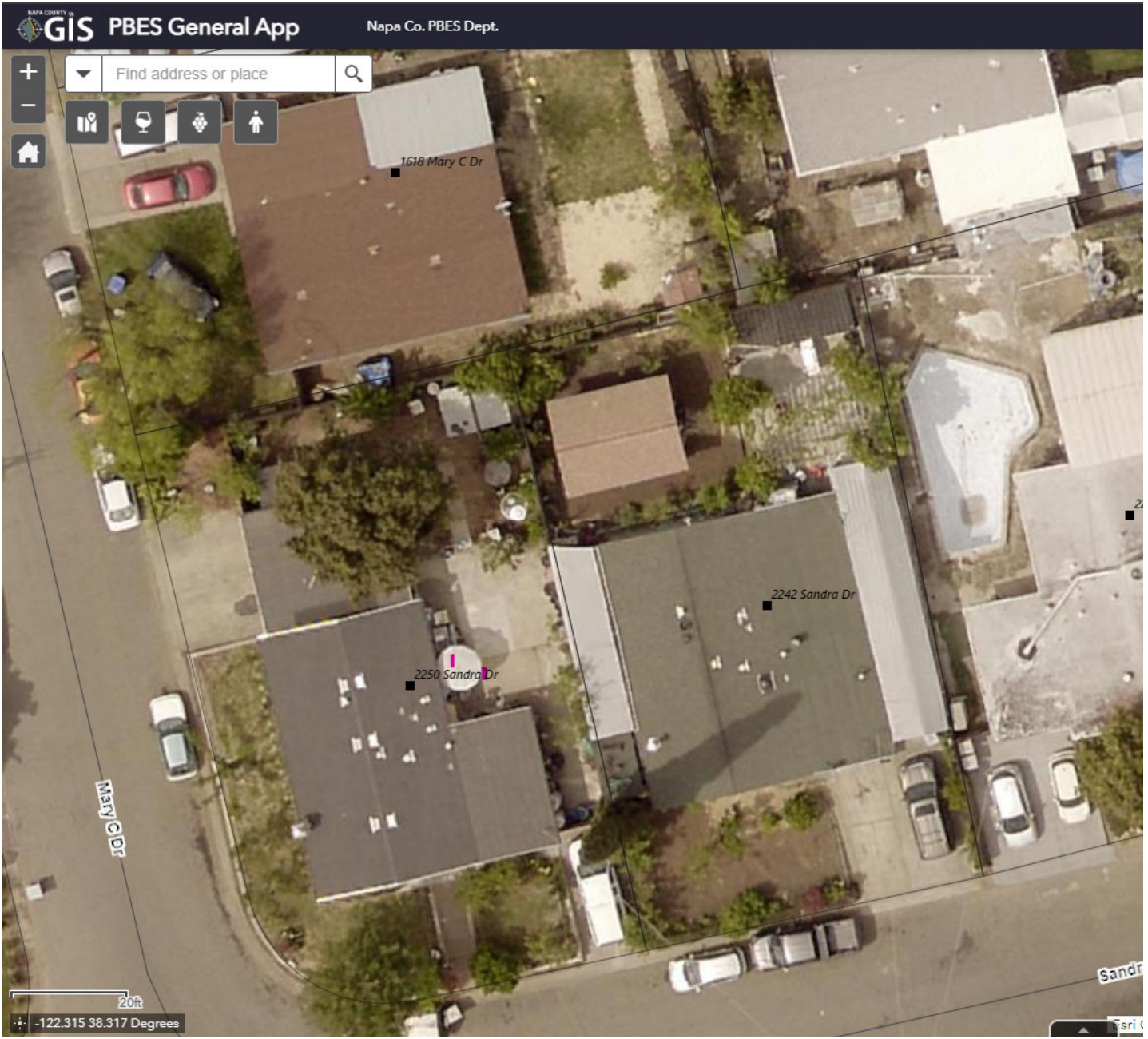
In addition to this, the Director of the Planning, Building and Environmental Services Department, Brian D. Bordona, has determined that this application, according to Napa County Code (NCC) Section 18.10.020, is of unique nature such that it is judged not to be a routine matter, and as such the hearing will be elevated from a Zoning Administrator Hearing to a Planning Commission Hearing.

Should you decide to bring the property into compliance and pursue new permits for a compliant shade structure the department would be happy to help you through that process, otherwise I will continue to keep you updated as we complete our analysis and County Counsel completes their review. Once these steps are completed we will let you know when your hearing date is scheduled. Feel free to contact me if you have any further questions or concerns.

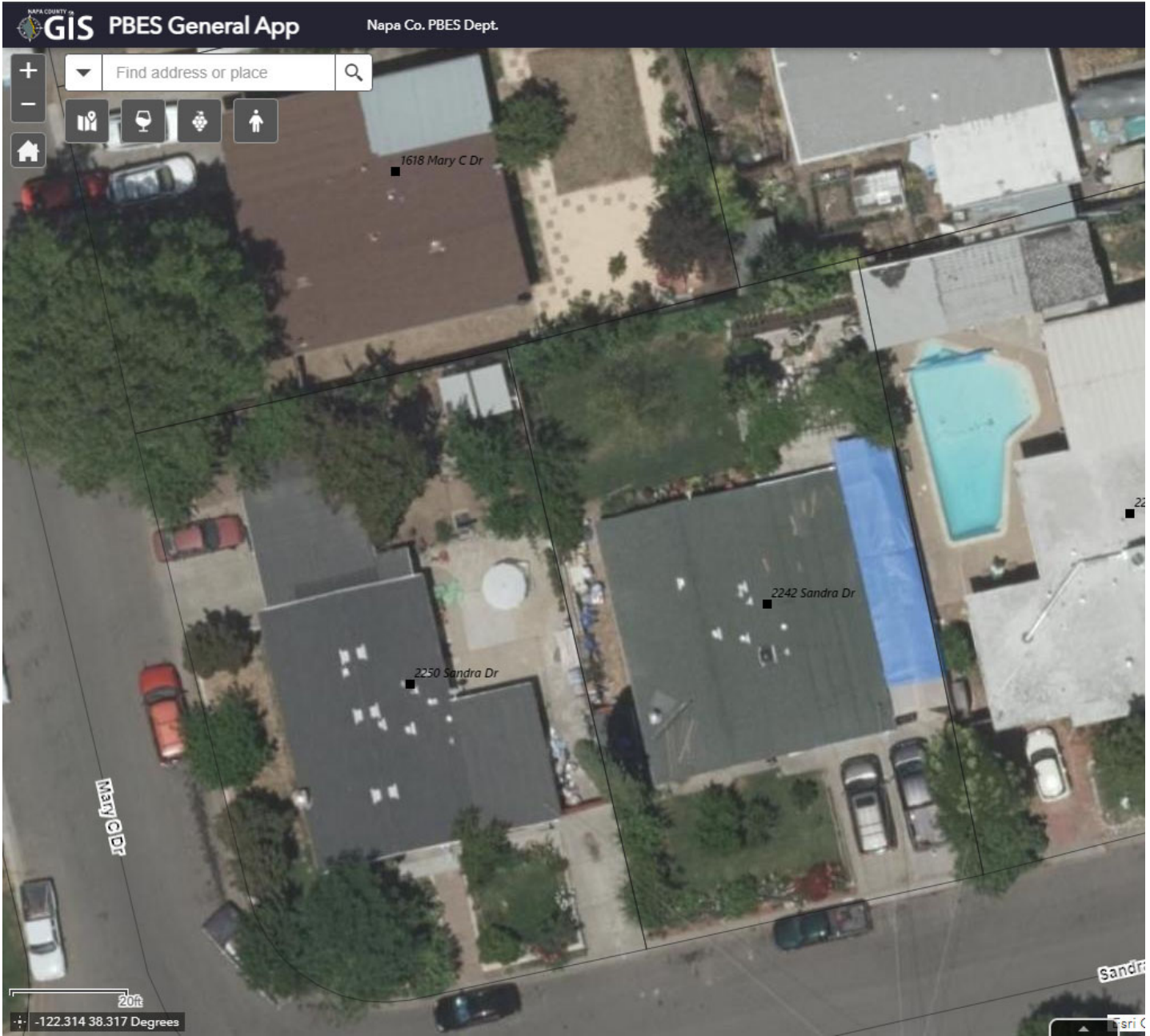
2021



2018



2014



Sincerely,



A Tradition of Stewardship
A Commitment to Service

Andrew Amelung

Planner II

Planning, Building, & Environmental Services

Napa County

Phone: 707-254-4307

1195 Third Street, Suite 210

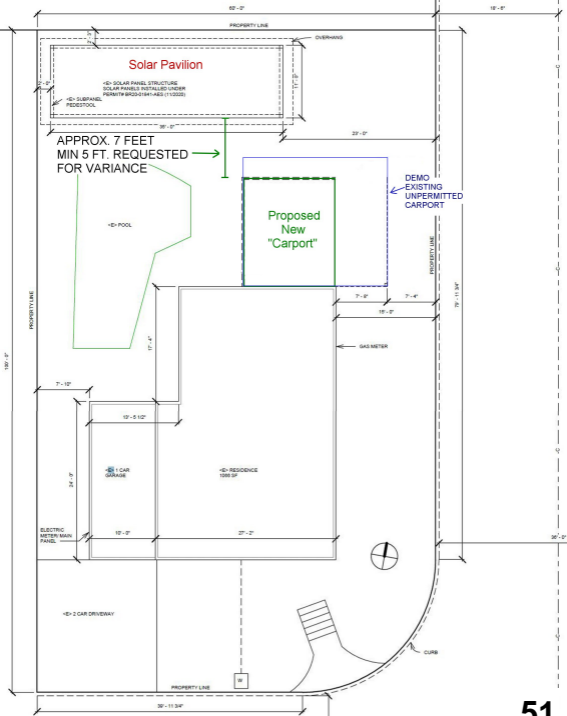
Napa, CA 94559

www.countyofnapa.org

“C”

Site Plans

Solar Pavilion Variance P24-00122-VAR
Planning Commission Hearing Date (December 4, 2024)



SUSAN COURT

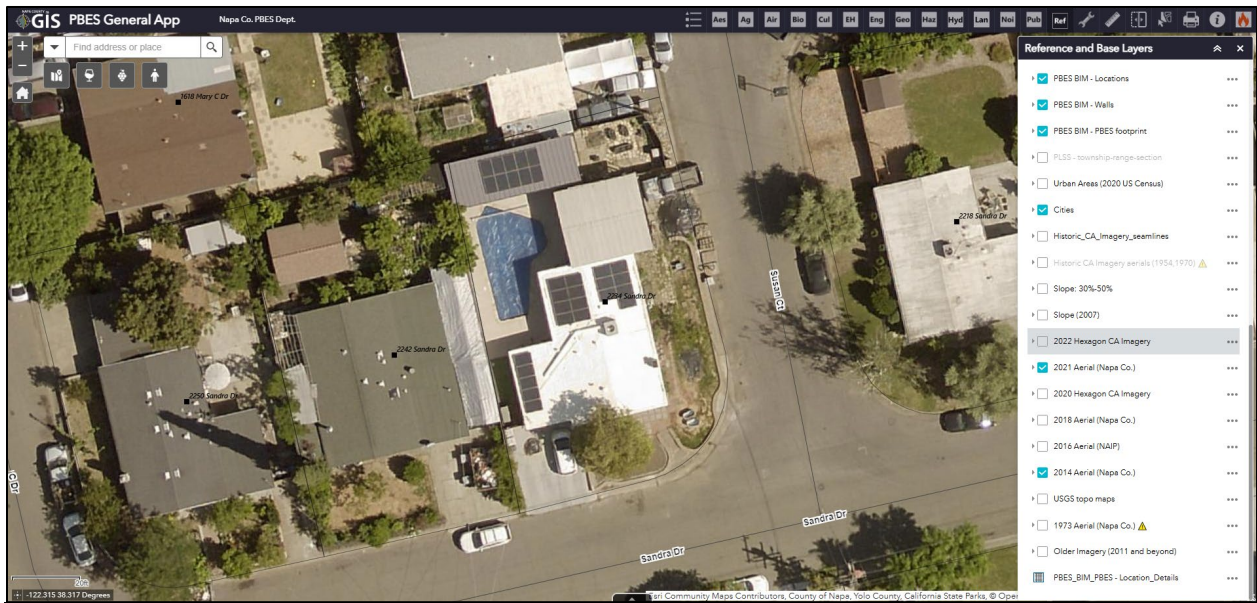
51

SANDRA DRIVE

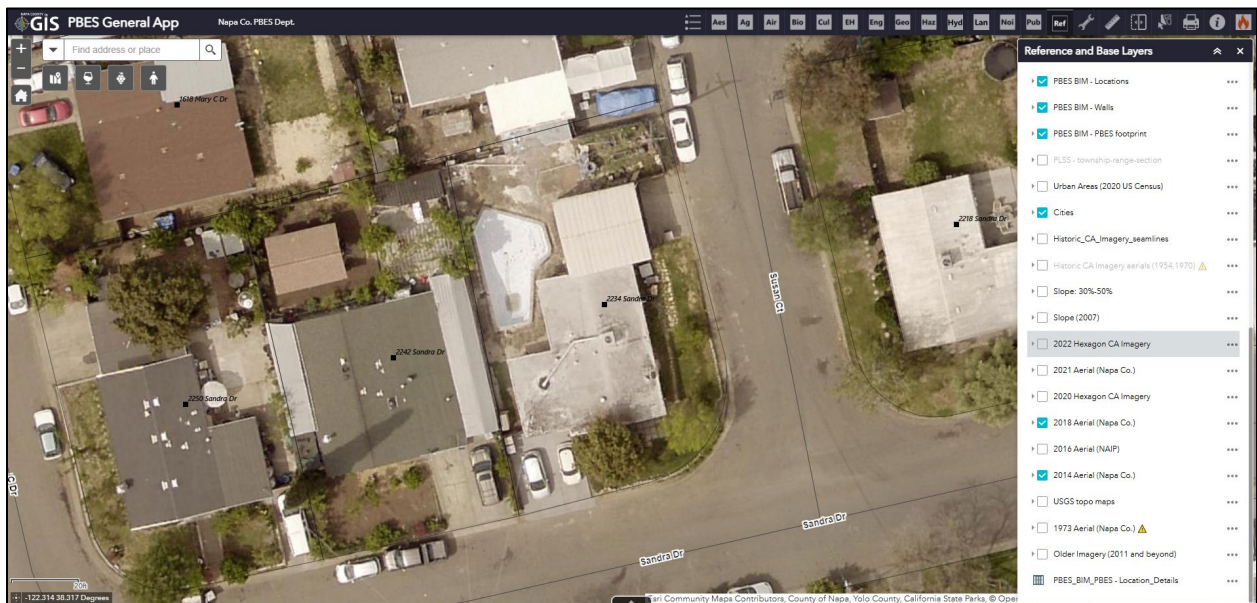
“D”

Graphics

2021 – Aerial (Napa Co.)



2018 Aerial (Napa Co.)



2014 Aerial (Napa Co.)



2005 Imagery

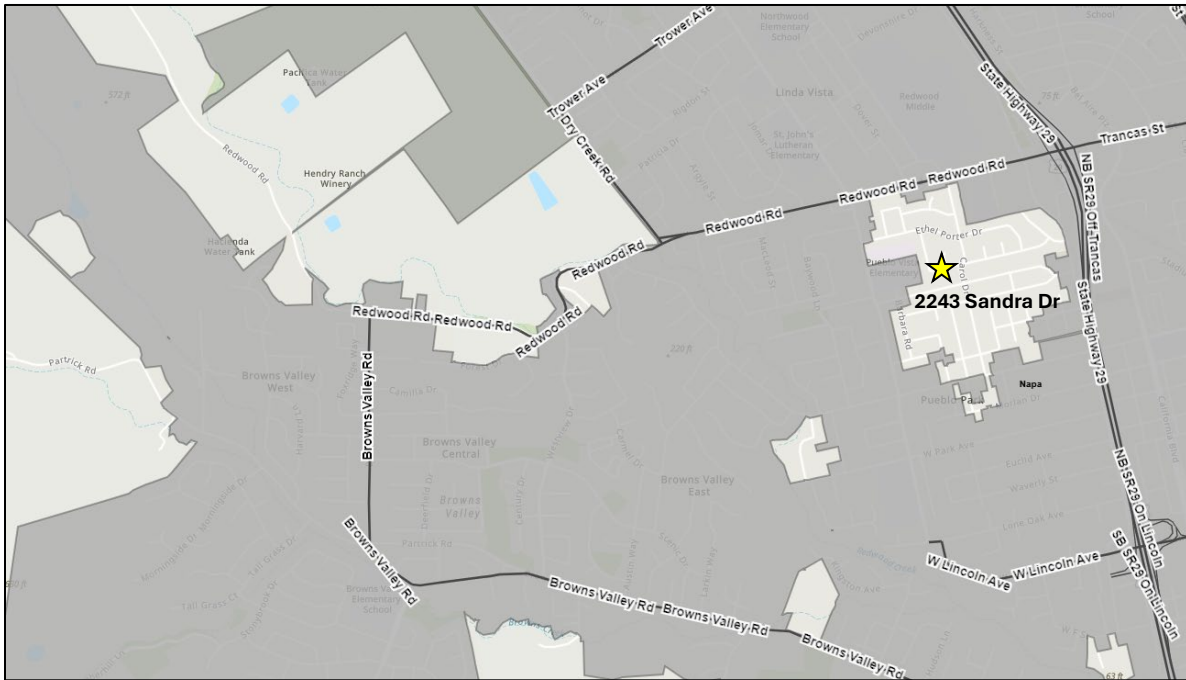


Site Visit with Code Enforcement – June 25, 2024





Vicinity Map



Union – Random Sample Location



Quackenbush, Alexandria

From: Amelung, Andrew
Sent: Tuesday, December 3, 2024 8:47 AM
To: Quackenbush, Alexandria; Ramirez Vega, Angelica
Cc: Hawkes, Trevor
Subject: FW: Final thoughts before the meeting on Wednesday
Attachments: GS Napa County Variance Application.pdf

Follow Up Flag: Follow up
Flag Status: Flagged



A Tradition of Stewardship
A Commitment to Service

Andrew Amelung

Planner II
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From: Greg Siewert <gregsiewert@gmail.com>
Sent: Sunday, December 1, 2024 2:58 PM
To: Amelung, Andrew <andrew.amelung@countyofnapa.org>; Hawkes, Trevor <trevor.hawkes@countyofnapa.org>; Encinas, Anthony <anthony.encinas@countyofnapa.org>
Subject: Final thoughts before the meeting on Wednesday

[External Email - Use Caution]

Hi all,

Thanks for moving this along. A few final thoughts and questions:

First, I'd like to ask you to re-consider the "no" recommendation. I realize that you've all put quite a bit of thought into this already. However, the exact nature of our request wasn't ever really clear even to me until recently. Around the time we had the "Pre-application meeting", I couldn't have articulated exactly what we were asking for and now I can. Our variance request boils down to this:

1. The pavilion can be 2 feet from the side lot line rather than 5.
2. The pavilion can be 2 feet from the rear lot line rather than 5.
3. The pavilion can be 5 feet from the future carport rather than 8.

I think when it's boiled down to its essence, our request is modest and well within the scope of what the variance process is intended for.

Attached is the new draft of the variance application. In addition to general re-writing, I've added a graphic showing the allowable area for a utility structure on our property. Let me know if you have any questions about any of the changes.

A few questions:

- Did I understand correctly that Andrew was preparing an official report with the "No" recommendation? If so, can I see it?
- The notification I received said 9:00 AM. Is that my actual slot or is that just when the meeting starts?

Thanks,
Greg

Variance Application for Solar Pavilion

Greg and Heather Siewert
2234 Sandra Drive – Napa, CA
APN: 042-081-012-000

Variance Application 11-30-24



Figure 1: Solar Pavilion

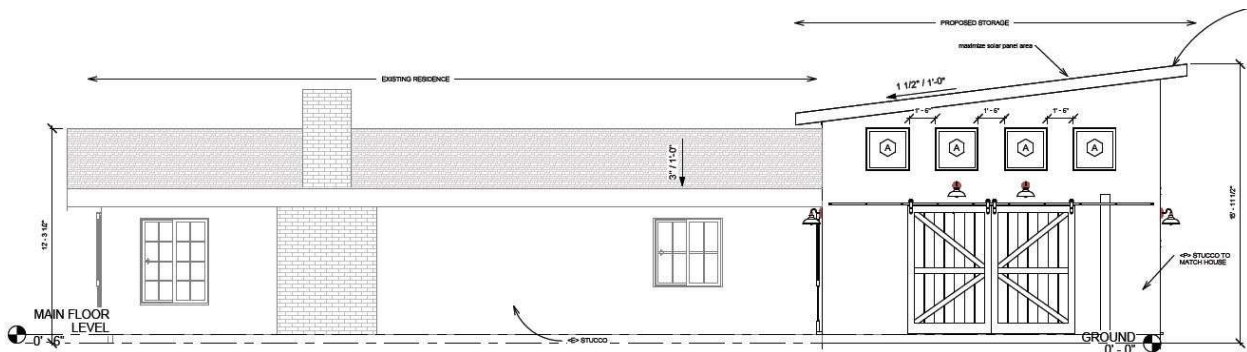


Figure 2: Proposed Enclosed Carport

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Site Plan 2234 Sandra Drive:

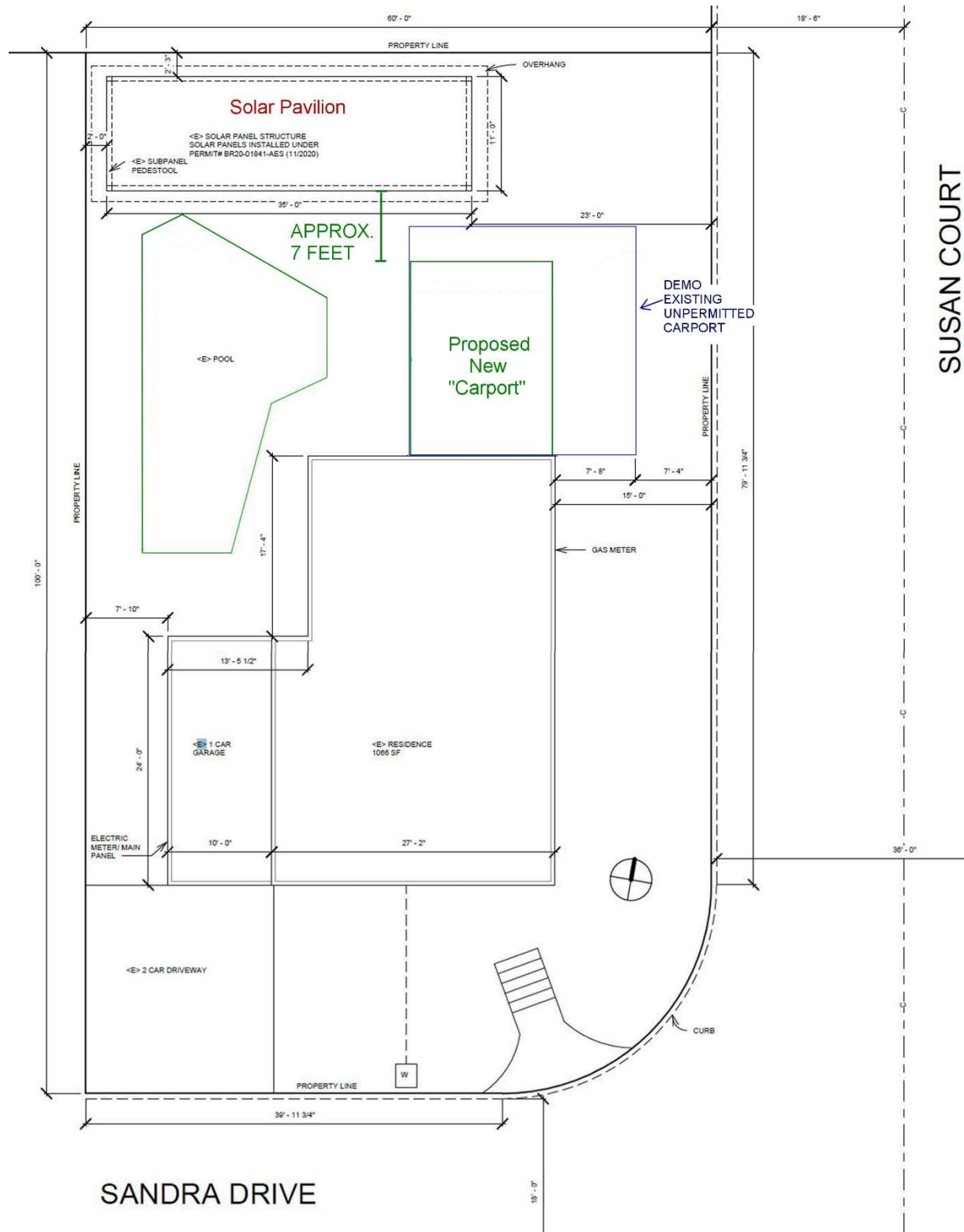


Figure 3: Site Plan Overview 2234 Sandra Drive



Figure 4: Carport seen to the right of house. Structure to be demolished.

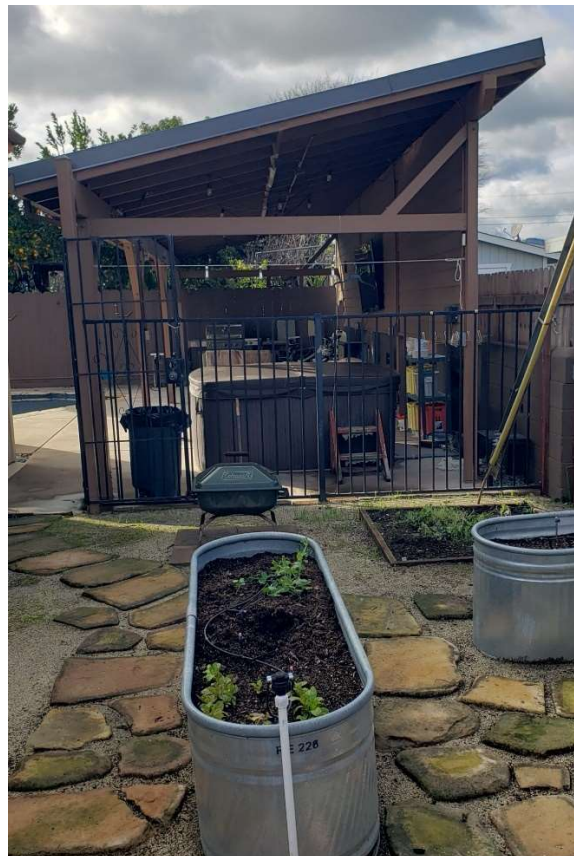


Figure 5: Solar Pavilion Side View

Executive Summary:

- The applicants seek a variance for a solar pavilion which is non-permitted and violates setback requirements.
 - In summary, the applicants are requesting that:
 1. The pavilion can be 2 feet from the side lot line rather than 5.
 2. The pavilion can be 2 feet from the rear lot line rather than 5.
 3. The pavilion can be 5 feet from the future carport rather than 8.
- A Code Violation has been filed against this structure as well as a carport that is also on the property. Both structures were un-permitted and violate county setback requirements.
- The age of both structures is unknown; they were built long before the applicants purchased the property. Satellite records show them at least back to 2002 – the earliest date satellite imagery is available in adequate resolution. The property was purchased by the applicants in 2011.
 - The “Carport” *Figure 3* and *Figure 4*, is an open air structure and a complaint was filed against it which resulted in the involvement of Napa County Code Enforcement. A permit has been obtained to demolish this structure and it is the applicant’s intent to rebuild a smaller, enclosed structure which complies with all setbacks except the required 8’ to the solar pavilion. *Figure 2*
 - The “Solar Pavilion” *Figure 1* and *Figure 3* has had no known complaint. It came to the attention of Code Enforcement when they were on site regarding the Carport.
- The applicants seek a variance with the following components:
 - The new carport structure will be closer to the Solar Pavilion than the required 8’.
 - Note: The focus of this variance application is the solar pavilion. The only variation from county zoning requirements which regards the carport is the setback to the pavilion. By necessity, this setback includes both structures.
 - The Solar Pavilion would be preserved in its existing location. This structure does not meet the setbacks for the side and rear lot lines. It also will not meet the setback to the new carport once it is built.
- The reasons why the applicants believe a variance is justified are as follows:
 - The solar pavilion houses 10 panels of a solar array which was approved by Napa County in 2020. This is a unique and exceptional circumstance which does not apply to neighboring properties.
 - The pavilion has been in place for decades. The applicants understand that this does not justify a non-compliant structure. However, it has been a part of the neighborhood without incident or complaint.
 - Non-compliant utility structures are common in this area of Napa and legalizing this structure would not amount to a special privilege. Rather, it would prevent an unnecessary and prejudicial hardship to the applicants. A variance would allow them to exercise their property rights in the same manner as their neighbors.

Project Narrative

County Application Prompt 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.

Solar Pavilion – What makes this a unique and exceptional circumstance?

1) The presence of a county-approved solar array.

The “Solar Pavilion” is a roofed structure at the rear corner property line *Figure 1*. It houses 10 panels of a solar array which was permitted by Napa County in 2020. The permit for the solar array clearly shows the location of the structure, which was known to County planning and building at that time *Figure 6*. In their lifetime, these panels have generated over 20 Megawatt hours of electricity. In fact, the applicants are contracted to add 4 more panels to the pavilion in the coming years.

The presence of this solar array and the fact that it was installed with an approved permit constitutes a unique and exceptional circumstance that is inherent to the property. To the applicant’s knowledge, there are no other properties in the vicinity who have been required to demolish a structure with an approved solar installation. A variance to allow the continued existence of this structure would not amount to a special privilege to the applicants, but would instead prevent the suffering of prejudicial difficulties and unnecessary hardships caused by its removal.

California has set forth aggressive targets for reducing greenhouse gas emissions and transitioning towards renewable energy sources. By investing in solar panels, the applicants are actively contributing to the state's renewable energy objectives. The pavilion not only serves their personal energy needs but also aids in reducing the carbon footprint associated with traditional energy sources. By allowing the continued use of these solar panels, Napa County would demonstrate its commitment to supporting environmentally friendly initiatives within the community.

In preparation for the solar installation, the pavilion was extensively renovated with quality construction and fire-safe materials. It is the intent of the applicants to ensure that the structure is properly permitted following the variance and that it complies with all county requirements other than the setbacks as noted.

Integrating solar panels into structures like pavilions enhances their functionality and sustainability. The panels provide shade and protection from the elements while simultaneously generating clean energy. This dual-purpose design optimizes land use and promotes resource efficiency, which is in line with California's principles of sustainable development and smart growth. The applicants urge Napa County to consider these factors favorably when reviewing the application.

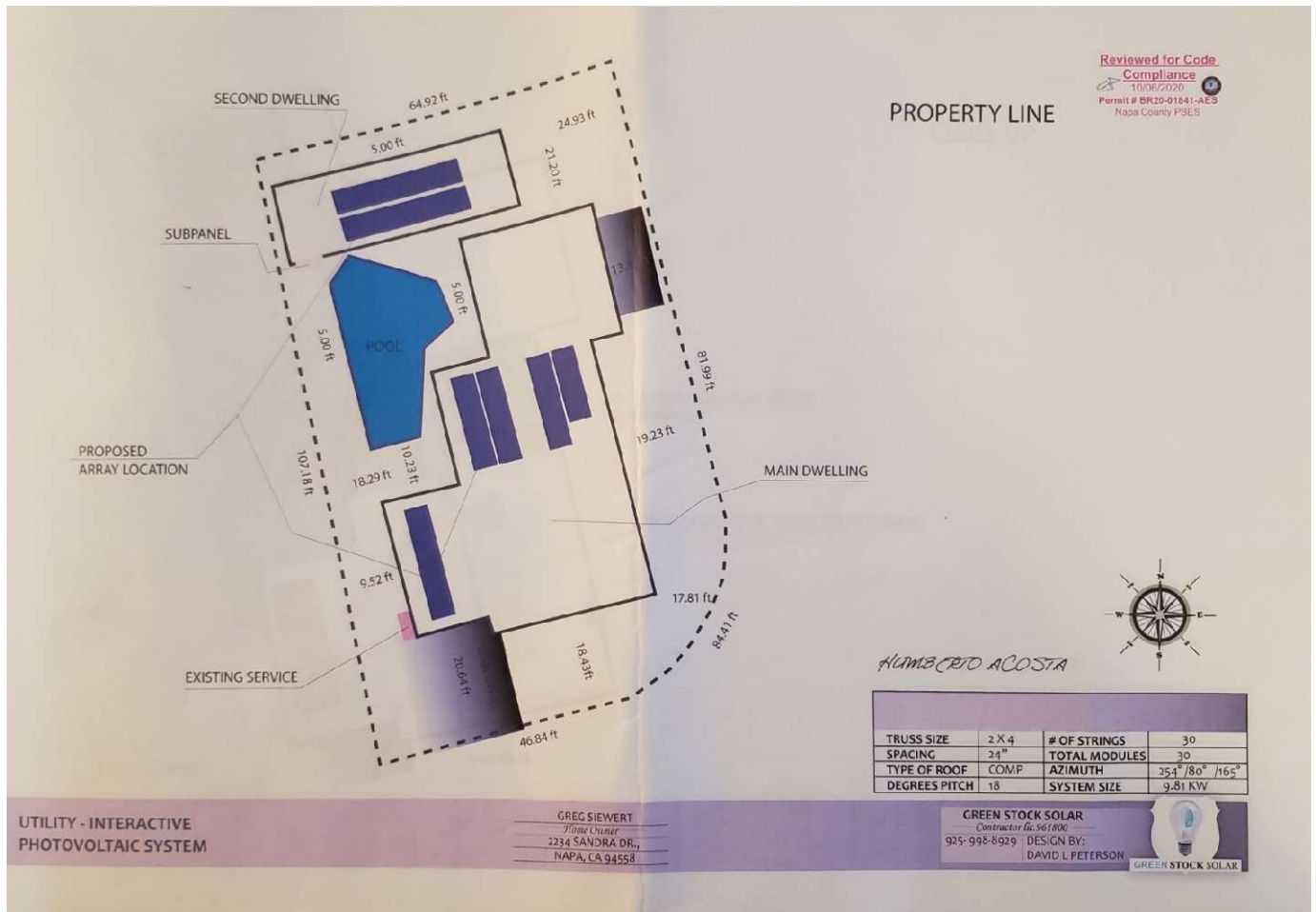


Figure 6: Solar Permit Site Plan 2020

2) This structure has existed without complaint for over 20 years

The applicants understand that the mere passage of time without complaints does not constitute a legal justification for the non-compliance of a structure.

However, when considering the impact on the neighborhood from this pavilion, its age is important context. Satellite imagery shows that it has existed at least as far back as 2002 – as far back as Google Earth has imagery of sufficient resolution *Figure 7*. So, the structure is more than 20 years old, and possibly much older. It certainly existed long before the applicants purchased the property in 2011. In all of this time, there has been no known complaint against it. The matter that brought the property to the attention of Napa County Code Enforcement (the carport) was unrelated to the pavilion.

There are several reasons why the County should take into account the age of this structure when considering its decision:

- a) **Evidence of Community Acceptance:** The fact that it has existed for over two decades without complaints suggests it has blended into the community without causing issues or grievances. This should be interpreted as tacit acceptance by the local community, indicating the structure does not negatively impact the neighbors or the neighborhood's character.
- b) **Reliance on the Existing Structure:** Over the years, both the current and former property owners have come to rely on the existence of the structure. Its utility and aesthetic values contribute positively to its surroundings.
- c) **No Safety or Health Complaints:** The lack of complaints over an extended period implicitly suggests that the structure does not pose a safety or health hazard. This is an important consideration, as one of the primary reasons for zoning and building codes is to ensure public safety.
- d) **Change in Regulations:** Sometimes, structures become non-compliant due to changes in zoning laws, building codes or neighborhood norms, not because they were initially built illegally. Because the date that the structure was built is unknown, so too is the precise climate of zoning regulations that prevailed in Napa County at the time.



Figure 7: Pavilion is visible as far back as 2002

3) Restrictive setbacks and a corner lot is space-limiting for utility structures

The applicants enjoy having a house on an exterior corner for its ample parking and opportunities to garden in the front yard etc. However, the nature of the setbacks with the road means that the “rear” of the property becomes shrunken and the practical area for utility structures is diminished greatly. The setback to any structure on the property is 28 ft from the centerline of the road plus 6 feet. This amounts to 20 feet from the edge of the road. 2722 square feet of the property are within this road setback. That represents 39% of the 6969 square foot property. This figure does not include the side or rear setbacks. When those are taken into account, the practical area to put such a structure is non-existent.

Having a house on an exterior corner is a unique feature in the unincorporated area of this property. A survey of the area encompassed by the County-required title search showed that of the 405 properties, only 64 of them were on an exterior corner – less than 16%. *Figure 8*

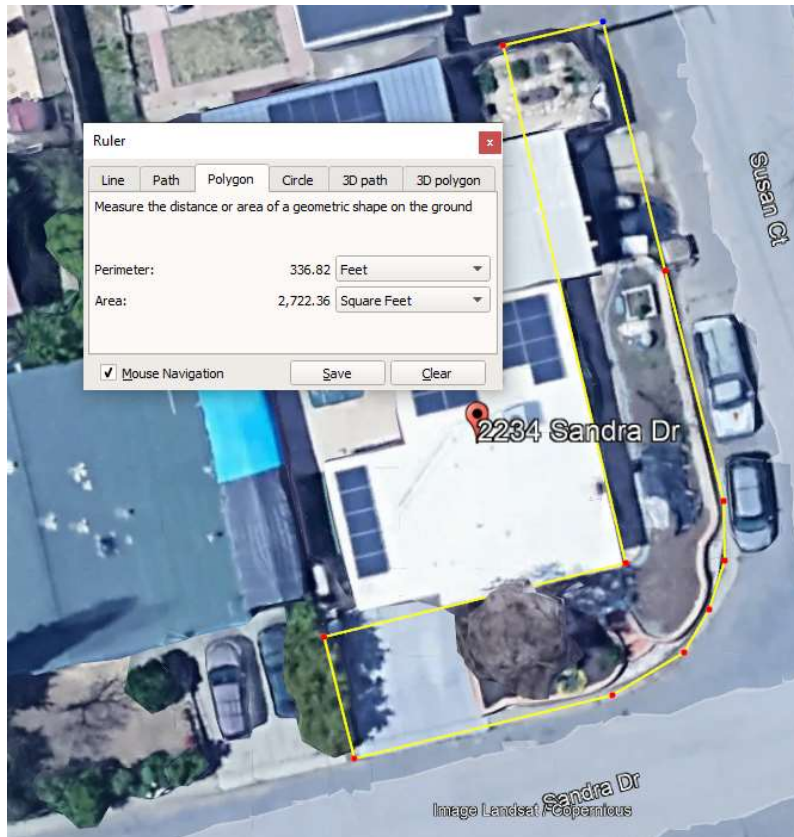


Figure 8: Setback constraints of a corner lot

Furthermore, the setbacks for the rear and side lot lines (5 feet) and the setback to other structures (8 feet) are highly restrictive on small lots. In [Figure 9: Allowable Area for Utility Structures](#) - The area available to build utility structures is shown in green. The allowable area to build a utility structure is shown in green and amounts to a small, irregular shape which is mostly occupied by the pool.

How do other neighbors in this vicinity comply with the restrictive setbacks? Mostly they don't. See [Figure 10: Results of Survey for Likely Non-Compliant Utility Structures](#).

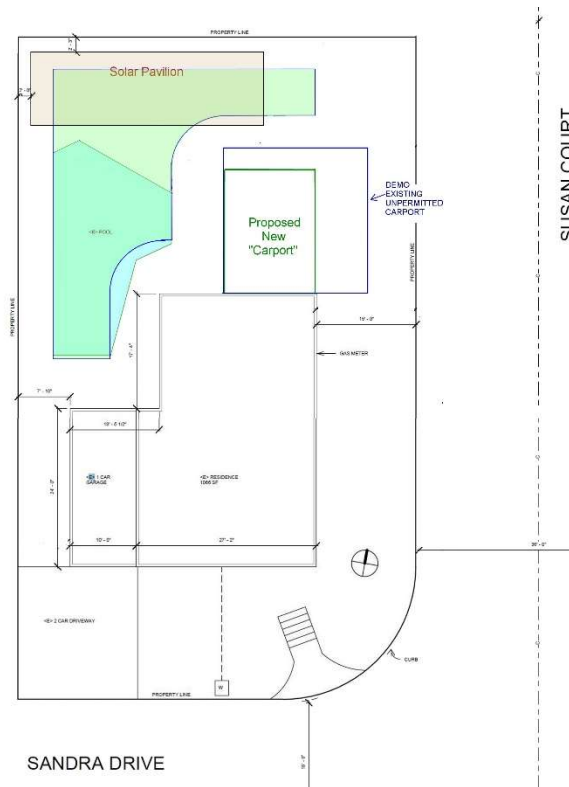


Figure 9: Allowable Area for Utility Structures - The area available to build utility structures is shown in green.

County Application Prompt 2:

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

Solar Pavilion – The Benefits Provided and the Hardships if Removed

- 1) Without a variance, the county would require the demolition of a solar installation that it permitted**

The granting of the variance is necessary for the preservation of the applicant's property rights because without it, they will be required to demolish a structure that Napa County permitted for solar.

There is no other space on the property for these 10 panels. The roof of the house, which already contains the rest of the solar array, has no other location where the roofing material is suitable for installation. If the variance isn't granted and the structure has to be demolished, then the panels will have to be removed and disposed of along with the associated electronic components. Without the variance, the structure cannot be put to effective use consistent with its existing zoning.

The demolition of this structure would prejudicially harm the Applicants in financial losses of:

- The recent improvements that were made to accommodate the solar.
- The cost of the demolition itself.
- The aesthetic damage it would create to the yard area and the resulting remediation which would be required.

2) The structure is an essential component of the property and its demolition would cause a serious and unnecessary Hardship to the Applicants

This pavilion is essential for the full utilization and enjoyment of the applicant's property. It not only provides a shaded, outdoor space for gatherings but also helps them to significantly reduce their carbon footprint by generating clean, renewable energy. The panels on this pavilion generate over 5 Megawatt-hours of electricity every year.

In Napa County, where summer temperatures can be intense, the solar pavilion is not just an architectural enhancement but a critical safeguard for the homeowners against the dangers of the sun. Temperatures over 100 ° F have become commonplace and in September of 2022, Napa hit its record high of 114° F. This structure provides essential shade while enjoying the outdoor space, thereby aligning with California's proactive stance on heat illness prevention.

California has been at the forefront of addressing the impacts of heat on health, implementing policies that extend beyond the workplace to ensure all residents are protected from the dangers of excessive heat exposure.

The dual benefit of the solar pavilion—providing essential shade while harnessing renewable energy—exemplifies a commitment to environmental sustainability and public health. This aligns with California's renewable energy initiatives and its public health directives aimed at minimizing heat-related health risks.

The applicants did not build the solar pavilion but they have maintained and improved it over the years. It serves as a seating area out of the sun and shade from which the rest of the backyard and the pool can be enjoyed. It's a great spot for entertaining and is architecturally in line with the Napa Valley Aesthetic. It is an asset to the property and the working-class neighborhood in which it resides. Granting a variance for this solar pavilion will not only enhance the quality of life for the homeowners but will also support Napa County's leadership in promoting health-conscious and environmentally sustainable living spaces.

3) The structure is consistent with other non-compliant buildings in the area

Does this matter? The applicants understand that their neighbor's non-compliant structures do not justify their own non-compliant structure. This is not a case of: "well, they did it too so we get to do it". The commonplace presence of other non-compliant structures in Union is important for 2 reasons:

1. "Parity" is an important concept to establish in the granting of a variance. The existence of other non-compliant structures in the area establishes an implicit property right that is being afforded to other homeowners and is being denied to the applicants. The reality of building practices in Union should be taken into account when considering this structure. The solar pavilion is by no means exceptional and the granting of a variance would merely allow the applicants to enjoy their property rights in a matter similar to their neighbors, it would not amount to a special privilege.
2. Selective enforcement of the law is problematic. The complaint-based system used by Napa County Code enforcement causes the law to be applied sporadically based on an arbitrary, anonymous process. The complaint that brought this property to the attention of code enforcement was not about the solar pavilion, it was about the carport. The applicants are committed to working with code enforcement to demolish the carport and bring it into compliance. The solar pavilion should be allowed to remain as-is.

The applicants have made the decision not to catalog or describe other non-compliant structures in the area. Making specific comparisons with other properties is the way that Napa County recommends making a case for a variance. The applicants are not taking this action for reasons that are both altruistic and practical.

The altruistic reason is that the applicants understand first-hand the hardships that ensue when a property is targeted by code enforcement. It has cost them greatly in time, money and anxiety. If unsuccessful, they will be forced to pay for the destruction of their own property. The applicants do not wish any of their neighbors to be subjected to this. Napa County Code enforcement has made it clear that they would be obligated to act on any specific information about non-compliant structures that were included in this document.

The practical reason why these specific comparisons will not be made is that unlike the anonymous complaint which was lodged against the applicants, the variance process is not anonymous. This document will be a matter of public record. If the applicants caused unsuspecting neighbors to be targeted by Code Enforcement it would expose them to a credible threat of retaliation.

The reality is that in the unincorporated area known as "Union", non-compliant utility structures are extremely common. People are trying to make the most of their small properties and building utility structures is often the means to do this. Given the setback constraints on these small lots, these buildings are almost universally non-compliant.

As a compromise to detailing specific non-compliant structures, the applicants have surveyed a randomly selected, non-adjacent cluster of 18 houses that is in a different part of Union. A structure was deemed to be “likely non-compliant” if it was more than 6 feet tall and violated the setback requirements to the lot lines. Careful measurement was not necessary because in every case these structures were built directly against the lot lines.

The unsurprising result of this survey was that 14 of the 18 properties (78%) had likely non-compliant structures. See *Figure 10* It is possible that this is an undercount, as there may be unlawful additions to houses which would not obviously be non-compliant. For example, the applicant’s carport would not have been flagged by this survey as it is not close to the lot line and appears to be a part of the house.

**Survey of Random House Cluster in Union
For Likely Non-Compliant Utility Structures**

Property Reference Number:	Likely Non-Compliant Structures Present	# of Likely Non-Compliant Structures
1	Yes	1
2	Yes	1
3	Yes	1
4	Yes	1
5	No	0
6	Yes	2
7	Yes	1
8	Yes	1
9	Yes	1
10	No	0
11	No	0
12	Yes	1
13	Yes	2
14	Yes	1
15	No	0
16	Yes	1
17	Yes	2
18	Yes	1
Total:		14
Percent:		78%

Figure 10: Results of Survey for Likely Non-Compliant Utility Structures

County Application Prompt 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.

In the history of the solar pavilion, which is over 20 years old, there has never been a single known neighbor complaint regarding it. It is a well-built, attractive structure that improves the quality of the applicant’s property. The applicants will ensure that this structure meets building and zoning requirements in all respects other than meeting setbacks.

In regards to the carport, a complaint was made to code enforcement only about repair work that was being done to the roof. It was this complaint which brought the property and the solar pavilion to the attention of code enforcement. The applicants are cooperating with code enforcement to remediate the violation by demolishing the structure in order to build a compliant building. The permit for the demolition has already been obtained and when the structure is re-built, it will materially improve the quality of their property and the neighborhood generally. Architectural plans have already been attained. See *Figure 2: Proposed Enclosed Carport*

In preparation for the solar installation, improvements were made to the pavilion structure which enhanced its fire safety. The roof of the pavilion is metal and the rear privacy wall is made of concrete board.

There are no health or safety issues regarding the solar pavilion and it is now the applicant's intent to legalize its presence through the Variance process. No neighboring homes have direct frontage from living space windows or functional yard areas to this structure. It creates material substantial benefit to the Applicants property, without hardship upon any other property or property owners.

The applicants look forward to incorporating the input of their neighbors and implementing whatever reasonable suggestions are put forth during this process. For example, they would be willing to make modifications to the rear of the privacy wall to make it more attractive as viewed from other properties. They are confident that the end result will be a better, more attractive neighborhood.

Conclusion:

Greg and Heather Siewert are committed to finding a successful path forward in dealing with the code violations that were filed against their property. They believe that the Variance process along with the demolition and re-building of the carport are the best means to achieve this. The applicants acknowledge the need to remediate the conditions that existed on their property prior to its purchase. They have put forth substantial hard work and finances to this effort and they expect that much more of both will be required. The applicants hope that the County can be a partner in finding a solution that respects the zoning regulations of Napa County while also protecting their right to enjoy their property to its full use.

From: RICHARD W SVENDSEN <rsvendsen@sbcglobal.net>
Sent: Friday, November 22, 2024 12:53 PM
To: MeetingClerk <MeetingClerk@countyofnapa.org>
Subject: Re: Napa County Notice of Planning Commission Hearing

[External Email - Use Caution]

If it's not in compliance deny
Sent from my iPhone

On Nov 22, 2024, at 11:54 AM, MeetingClerk <MeetingClerk@countyofnapa.org> wrote:

SOLAR PAVILLION VARIANCE – VARIANCE P24-00122-VAR

<image001.png> **Napa County – Meeting Clerk - AQ**
Planning, Building, & Environmental Services
Napa County
Phone: (707) 253-4417
Email : meetingclerk@countyofnapa.org
1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

<P24-00122 Solar Pavillion Variance - Legal Notification.pdf>

