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**Project Description  
Parable Winery Use Permit Minor  
Modification  
P23-00230-MM**

**Parable Winery Minor Modification**  
(former Dutch Henry Winery Fire Rebuild)

**4300 Silverado Trail**  
**Calistoga, CA 94515**  
**APN 020-120-028-000**

Fred Eppright  
Trey Eppright  
Matt Eppright  
FTM Investments, LP  
3215 Steck Avenue, Suite 101  
Austin, TX 78757  
[trey@captexdev.com](mailto:trey@captexdev.com)

Joshua Devore Tom Adams Elena Neigher Dickenson Peatman & Fogarty 1500 First ST., STE 200 Napa, CA 94559 <a href="mailto:jdevore@dpf-law.com">jdevore@dpf-law.com</a>	Joel Snyder Matt Kelly Ten Over Studio, Inc. 539 Marsh ST. San Luis Obispo, CA 93401 <a href="mailto:joels@tenoverstudio.com">joels@tenoverstudio.com</a>	Brett Frasier Bruce Fenton RSA+ 1515 Fourth ST. Napa, CA 94559 <a href="mailto:bfrasier@rascivil.com">bfrasier@rascivil.com</a>
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**USE PERMIT MINOR MODIFICATION AND ACCOMPANYING VARIANCE**

**PROJECT NARRATIVE**

By this application for a development project, the Eppright family – Fred, Trey, and Matt, d/b/a FTM Investments, LP (“FTM”) – seeks to reconstruct a fire-destroyed winery on the site of the former Dutch Henry winery, which has a pre-WDO approved use permit. The parcel is 10.3 acres and is zoned AW, located at 4300 Silverado Trail. The new winery will be called Parable Winery.

The Dutch Henry winery operated as a popular Silverado Trail destination for tours and tastings for more than 30 years. The winery building was destroyed by the 2020 Glass Fire. The residence on the property was saved, and a cave remains.

Subsequently, FTM purchased the property and now seeks to revitalize the site’s winery operations, by building a replacement winery and separate hospitality structure within the minor-modification expansion limits, but with lower intensity of hospitality than what previously existed at Dutch Henry.

This document sets forth the Detailed Project Description called for in the Checklist of Required Materials, as well as the narrative sections of the Use Permit Minor Modification Application form for Grape Origin, Marketing Program, and Food Service, as well as an explanation for the required variance. We appreciate your consideration of these requests. Please advise us as to any additional information you require to process this application.

### **History – Dutch Henry Winery operations**

Dutch Henry received its pre-WDO use permit on January 18, 1984 (File U-278384) for a 20,000 gallons per year winery. It eventually became a popular wine tasting and tour destination due to its proximity to Silverado Trail and within the popular wine tasting destination corridor between St. Helena and Calistoga.

FTM acquired the winery in July 2021, after the winery was destroyed by the Glass Fire. However, following the acquisition, FTM came to learn that the original approved use permit for the property (File U-278384) did not actually allow for public tours and tastings.<sup>1</sup> While the original approval allowed for an undefined amount of “Retail Sales Only,” a “No Public Tours or Tasting” condition was imposed.

Nevertheless, at some point after construction of the winery, Dutch Henry began holding tours and tastings, including public tours and tastings. Records suggest these tastings started at least 30 years ago. Dutch Henry ultimately became a frequently visited winery, with widespread recognition for its hospitality. Dutch Henry also had a significant level of by-appointment (“private”) tours and tastings. While the County has acknowledged that pre-WDO wineries approved without public tours and tastings are allowed by-appointment, for private tours and tastings, there is no documentation of a specific approved level at Dutch Henry.

The prior owners reported to FTM at the time of sale that, prior to the fire, the visitation rates were as follows:

- December-February: 65 tasting/ tour reservations per week with an average of 9.3 visitors per day
- March-November: 165 tasting/tour reservations per week with an average of 23.5 visitors per day

These numbers include only those tours and tastings made by appointment and do not include walk-in visitors or those that arrived via bus tour. Therefore, the actual visitation numbers were

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<sup>1</sup> Note that it appears there may have been confusion on the part of the applicant and the county at the time of this approval. The January 23, 1984, letter from the County, which attached the conditions of approval, noted that “the Commission denied the applicant’s request for public tours and tastings.” However, “tastings” were not actually removed from the approved conditions of approval. In addition, the Notice of Determination filed by the County, after the Commission’s approval, stated the project was for a winery “with a public tasting facility”. (NOD filed January 31, 1984.)

much higher, with the prior owners estimating approximately a dozen walk-in visitors on average daily.

Without taking a position on whether or not such visitation was legally permitted, FTM is not seeking to recognize those prior uses. Rather, they are noted solely for the purpose of comparison of the proposed project to the prior conditions. Such uses were paused after the winery burned down and have been halted for several years. As such, there is no ongoing unpermitted activity. Pursuant to discussions with the County, FTM agrees to disagree as to whether or not the visitation uses are permitted for consideration of the existing baseline allowances of the project, as they do not make a difference to the outcome; *i.e.*, that the requested limits herein have no impact and should be approved.<sup>2</sup>

The previous winery building on the site, per the building permit issued on January 17, 1986 (Permit No. 36723), was 2,964 square feet. While records indicate accessory use of a portion of the structure, no area was previously formally designated as accessory square footage.

In 2004, Dutch Henry applied to install a 2,600 sq. ft. cave on the property (P04-0338 MOD, P04-0339 VAR.) The cave received a variance to allow the portal within the 600-foot Silverado Trail setback.

At the time, the parcel was 3.77 acres; subsequent lot line adjustments increased the parcel size to the current over-10 acres. Relatedly, prior to construction, in 2007 the cave was redesigned and expanded to 4,533 sq. ft. by P-07-00557-MMOD in light of the adjusted parcel size.

The existing ~4,500 sq. ft. cave was constructed and remains as it was not harmed by the 2020 Glass Fire. Though no formal designation of cave type was included in the prior approval, it was referred to as a barrel storage cave, and no provisions for tours were included; however, it was constructed with a fire sprinkler system. Going forward, the request includes the cave be permitted to be restored and upgraded as a Type III cave.

In sum, by this application, FTM is not seeking to recognize or restart any arguably unpermitted operations, nor to seek recognition of any specific pre-WDO rights; rather, FTM intends to revitalize the property at a reduced intensity, with much lower permitted visitation. All proposed changes in connection with this fire rebuild are within the minor-modification limits or otherwise subject to administrative approval.

#### **I. DETAILED PROJECT DESCRIPTION:**

The winery will be reconstructed in Phases to allow for earlier reopening of operations, while providing the opportunity to fully reestablish the winery over time. As such, the Project will proceed as follows:

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<sup>2</sup> In the unlikely event this application is not approved however, FTM preserves its position that the existing level of visitation is allowed.

Phase 1:

- Convert Cave to Type III to allow for visitation
- Designate a tasting room in the cave as accessory space
- Two employees will work full-time year round, and one will work part time (2 FT, 1 PT). One additional part-time employee will work on the weekends and during harvest (2 FT, 2 PT)
- Allow visitation of three vehicles (6 trips) per day<sup>3</sup>
- Allow marketing events - 10 per year, no more than 12 vehicles per event (no other visitation on marketing event days)
- Designate AB 2004 on-site consumption location outside south cave portal
- Construct a 1,457 s.f. tasting room building (No change in visitation/marketing). Use a temporary trailer restroom until such building is complete
- Construct a replacement 9,137 s.f. winery building
- Restore seven (7) parking spaces (including 1 ADA, 1 EV)

Phase 2:

- Construct additional 1,457 s.f. portion of tasting room building
- Increase usage/visitation to:
- Increase to 3 full-time, and two (2) part-time employees year-round, with one additional part-time employee during harvest (3 FT, 3 PT)
- 30 visitors/day except during weekday harvest period, then 28 visitors/day
- One additional marketing event (no more than 40 ADT)
- No more than 40 total project trips
- Increase production limit to 30,000 gallons
- Install left-turn lane on Silverado Trail
- Add eight (8) additional parking spaces

Thus, once fully completed, the project will include in total:

- Replacement winery structures totaling approximately 12,051 square feet (9,087 sq. ft. increase of building footprint from the destroyed 2,964 sq. ft. winery building), inclusive of indoor and outdoor portions of the buildings
- 30,000 gallons of wine production annually
- Fifteen (15) total parking spaces (including 1 ADA, 1 EV), 2 spaces more than the approved minimum thirteen (13) spaces.
- Four full-time employees (including owners with residence on site who will not commute) and two part time employees.
- Visitation averaging 30 visitors per day by appointment.
- Eleven (11) marketing events per year. Ten (10) events up to a total that does not exceed 24 ADT (12 daily trips), and one (1) event up to a total that does not exceed 40

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<sup>3</sup> The Phase 1 project will have 18 total project trips/day (+10 residence), below the warrant for a left-turn lane.

ADT (20 daily round trips). The ADT for all winery uses on days when a marketing event occurs will not exceed 40 ADT.

- Authorization of onsite consumption of wine pursuant to AB 2004 (Evans).
- Upgrade cave to Type III Tasting Room and Guided Tours.
- Add necessary water storage for fire control and processed water recycling.
- Add new gate/entry structure at entrance.

## **1. EXISTING SITE CONDITIONS AND USES**

Since the Dutch Henry winery burned down in 2020, the site has been solely used as a residence, which was saved during the fire. Because there is no functioning winery on the property, the tours/tastings and visitation rate is currently zero; but it had been significant in the past as discussed above.<sup>4</sup> The previous ~4,500 square foot winery cave remains and will be utilized by the new proposed Winery. There are no other winery-related structures on site. The previous 2,964 sq. ft. winery was destroyed, and the foundation has been removed. Prior outdoor crush space on the existing driveway remains, but no formal outline of the outdoor workspace was included in the 1984 use permit.

The existing processed wastewater system was damaged in the fire and will be replaced with a recycled water system that will reclaim processed wastewater for vineyard irrigation purposes. The existing domestic wastewater system which previously served both the winery and residence will continue to serve the residence. A new system will handle winery domestic waste.

There also remains a residence on site, which will continue to be used by the Eppright family, eliminating commuting trips. The residence will not be used for any winery purposes.

## **2. PROPOSED USES AND CHANGES:**

### **a. Wine Production**

The rebuilt winery will ultimately increase production to 30,000 gallons per year from the existing 20,000 gallon limit. Applicants note that they currently have wine made by a custom crush facility, and such production will move to the property as soon as it is functional.

### **b. Driveway and Site Improvements**

The property has an existing one-way loop driveway, with two access points to Silverado Trail, which separates entering and exiting traffic. The one-way loop will remain, but per recommendations from the County, the direction of the driveway will be changed to flow from west to east. In addition, the loop road will be paved/widened with asphalt/concrete. Additional circulation access will also be created to the replacement structures. (While the 1984 use permit

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<sup>4</sup> We note however that no uses or legal nonconformances have been voluntarily abandoned – the property has been actively in the process of redevelopment since the Glass Fire.

approval also shows a third central gravel driveway, that driveway does not exist and that area is now planted with vineyard.)

Because the property has two distant access points, each driveway access will have half the number of trips typically calculated. As such, applicant believes the project will be well below the left-turn lane warrant. However, County staff has indicated that the property needs to be limited to 28 total trips to stay below the left turn warrant. As such, the project will be limited to 18 trips<sup>5</sup> until the Phase 2 expansion of the tasting room, at which point a left turn lane will be installed and visitation will be increased as discussed above.

### **c. Building Improvements**

The prior 2,964 sq. ft. winery building was located less than 150 feet from Silverado Trail on the south (Silverado Trail) side of the one-way loop driveway. The proposed replacement winery is moved to the north side of the driveway, further away from Silverado Trail (but still within the 600' setback). The proposal decreases the level of nonconformance of the destroyed winery.

To accommodate the site topography and minimize impact on the property, the production facility is separated from new small hospitality buildings that will be located next to the existing cave entrance. The hospitality buildings will be built in phases, with the southern portion of the hospitality building constructed first, and the northern portion to be constructed later. These structures too will be further from Silverado Trail than the prior winery.

The replacement winery production structure footprint will total 9,137 square feet, inclusive of a tank and fermentation room, production laboratory and employee spaces, crush pad, mezzanine storage and mechanical space. (230 sq. ft. will be "accessory" square footage in the employee break room.) The separate hospitality buildings will each be 1,457 sq. ft., with an attached 844 sq. ft. patio. The total increase in building footprint square footage is well-below the 10,000 sq. ft. minor-modification limit.

As discussed further below regarding the required variance, while the northern portion of the property becomes steep, all development is focused in the lower, flatter area near the existing development, but moved further from Silverado Trail. No construction will occur on slopes over 15%.

The new buildings will be landscaped as shown in the accompanying plans on sheet L 1.0.

### **3. DAYS OF THE WEEK AND HOURS OF OPERATION**

The existing 1984 use permit application's supplemental information sheet indicated the winery would operate Monday-Friday from 8:00a.m. to 5:00p.m. FTM now proposes to operate seven

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<sup>5</sup> The existing residence is allocated 10 daily trips, although actual use is to be significantly less since the residents will work at the winery on site, eliminating commuting trips.

(7) days a week, at the hours of 8:00 a.m. to 6:00 p.m. (except during harvest). Visitation hours are proposed as 10:00 a.m. to 6:00 p.m., except during marketing events, which will conclude by 11:00 p.m.

**4. EMPLOYEE HEAD COUNT**

The existing 1984 use permit application’s supplemental information sheet listed the proposed number of employees as “unknown.” No formal recognition of a number of employees appears to exist. Employee headcount is initially proposed to be a total of two (2) full-time employees and one part-time employee, with an additional part-time employee on weekends and during harvest (2 FT, 2 PT). These employees are in addition to owners of FTM who reside on site but will not commute, and as such will not contribute to winery trips or parking requirements. Employment is anticipated to increase to three (3) full time and two (2) part time employees, with a third (3) part-time employee during harvest (3 FT, 3 PT).

**5. VISITATION**

The 1984 approval estimated an average of ten visitors per day. The planning commission at the time denied the request for public tours and tastings but did permit retail sales, and still required a minimum of 13 parking spaces. Later, County policy announced around the time of the adoption of the WDO indicated pre-WDO wineries approved without public tours and tastings could still host private tours and tastings; however, no by-appointment visitation level has ever formally been established.

Based on information received from the prior owners of the historic usage, FTM proposes to decrease the visitation from what was previously occurring at Dutch Henry. The table below shows the decrease in visitation from what previously occurred on the property:

	<b>Visitors</b>	<b>Average Daily Visitor Trips</b>
<b>Dutch Henry</b>	-23.5 average visitors per day at peak season (booked tours/tastings) -Conservative estimation of average 12 people walk in per day Total: ~ 35 people per day	~13.5 vehicles per day, <sup>6</sup> for a conservative total of 27 ADTs.
<b>Proposed Phase 1</b>	3 visitor vehicles per day average	6 visitor ADTs

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<sup>6</sup> Assuming 2.6 visitors per vehicle.



<b>Proposed Phase 2</b>	28-30 visitors per day	~11vehicles per day/21-23 ADTs
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The original Dutch Henry estimates above do not include bus tours, which add an additional significant volume of visitors (but not a significant additional number of vehicle trips.) Going forward, visitation will be limited to three (3) visitor vehicles per day (six (6) ADTs) in Phase 1. In Phase two, thirty (30) visitors per day will be allowed except during weekday harvest activities, when visitation will be twenty-eight (28) per day.

**6. ADDITIONAL LICENSES OR APPROVALS**

The winery will require updated ABC licensing prior to resuming production as a result of the change in ownership.

The Phase 1 facility will not exceed the requirements for a public water system as it will not serve at least 25 people daily at least 60 days per year. The Phase 1 project considers a maximum of 20 daily visitors, and 2 full time employees and two part-time employees. The residence typically has only one (1) or zero residents. The Phase 1 winery does not anticipate having the maximum number of visitors 60 days per year. In Phase 2, a public water system will be required once visitation reaches more than 20 visitors (plus 5 employees and residents) per day more than 60 days per year, at which point the winery will obtain a public water system permit. A water system feasibility study for a regulated public water system has been prepared by RSA+ demonstrating the feasibility of an on-site public water system to serve the winery and neighboring residence.

**7. WATER SUPPLY AND WASTE HANDLING.**

The winery uses water from on-site wells as its water source. The Winery parcel was previously permitted based on a total allotment of 3.77 acre-feet per year when the parcel was 3.77 acres. Existing permitted water demand was estimated at 2.73 ac-ft/yr in 2004 in connection with P04-0338. More modern estimates put the existing water use at 1.83 ac-ft/yr.

Under updated restrictions, the facility is limited to 0.3 ac-ft/ac (3.09 ac-ft/yr total for the 10.3 acre parcel) or no-net-increase. Both historical use and future use will be well below this allotment and are shown in the accompanying Water Availability Analysis of RSA+. A new recycled process water system will result in a reduction in water use on the parcel, to only approximately 1.745 ac-ft/yr. As such, water use is well-below even the modern reduced allocation.

Processed wastewater will be treated on site and recycled to irrigation use. Domestic waste will be handled by new existing septic fields. The onsite Wastewater Feasibility Study prepared by RSA+ further describes the new and existing systems.

Fire and recycled process water tanks are proposed to be added for the property, located behind the production building to screen them from view.

Solid waste is stored on site in the existing designated locations on the site plans prior to disposal.

## **II. ADDITIONAL APPLICATION SECTION DISCUSSIONS**

### **1. Grape Sourcing**

As a pre-WDO permittee, the winery is not subject to the 75% grape source rule for its existing 20,000 gallons of production. Nevertheless, it expects it will produce largely from the on-site vineyard and other Napa sources. Production of an additional 10,000 gallons would be subject to the 75% grape source rule and will be provided either by the existing on-site vineyard or other local Napa sources.

### **2. Marketing Program**

Dutch Henry had an unknown number of marketing events, but its prior practices included bus tours. FTM proposes to modernize the marketing program consistent with the minor modification limits of eleven (11) marketing events per year. Ten (10) events will not exceed 24 ADT (12 vehicles), and one (1) event – which will not be added until Phase 2 – will not exceed 40 ADT (20 vehicles). Events will either be limited by visitor counts to 30 visitors (approximately 11 visitor vehicles), with 50 visitors for the large event (approximately 18 visitor vehicles), or else will use organized transportation to limit vehicle trips even further. The ADT for all winery uses on days when a marketing event occurs will not exceed 40 ADT.

Marketing events will include wine club and other prearranged events for the education and development of customers and potential customers and include food service and wine pairings. Marketing events will generally take place in the hospitality building or its outdoor tasting area, or in the cave tasting room.

### **3. Food Service**

Food service other than for marketing events will be limited to food and wine pairings consistent with N.C.C. 18.08.620. Food service will consist of crackers, pretzels, or pre-packaged non-potentially hazardous foods; or will be catered. No on-site food preparation will be conducted.

## **III. VARIANCE**

As noted above, the property borders Silverado Trail, which is subject to a 600-foot setback for winery uses. The original winery predated that setback and was located less than 180 feet from Silverado Trail. While County Code allows for expansion of winery structures that pre-existed the setback so long as the expansion is no closer to Silverado Trail, the prior winery was destroyed. As such, while the replacement structures are still further from Silverado Trail – and indeed, as far as possible given the topography, the project calls for new structures less than 600 feet from the road, and thus a variance is required. Indeed, given the shape of the parcel and its frontage

on Silverado Trail, nearly the entire parcel, and essentially all its developable area, is within the 600' setback.

Applicant requests reduction of the setback to 250 feet from the centerline of Silverado Trail to accommodate the replacement winery structures.

The property already has an existing variance (P04-0339) approved with similar findings to those proposed in the Variance Application. The existing cave portal was originally approved to be only 120 feet from Silverado Trail. It was ultimately built further back under P07-00557 with no additional variance, approximately 260' from the center of Silverado Trail. The proposed project keeps approximately the same minimum setback to the existing cave portal.

Given the unique shape of the parcel, only a very small portion of the property is outside of the 600' Silverado Trail setback. See the accompanying Variance Exhibit showing the small portion of the property outside of the setback, much of which is subject to a PG&E easement. Further, as shown on the slope exhibit (UP7.0), access to or construction of a winery in that small triangle of the property is effectively impossible at any cost. As such, being required to comply with the setback would effectively deny the property the right to rebuild the winery anywhere other than its original location less than 180 feet from the center of Silverado Trail.

The alternative to the variance request would be to rebuild the winery where it was – much closer to Silverado Trail than is now proposed. Instead, the proposed location substantially increases the distance from Silverado Trail. The proposal pushes the buildings back toward the steep slopes as much as practical, without interfering with the stream setback and avoiding unnecessary grading for the winery building. Due to the shape of the parcel, while the tasting room building is located as close to the cave entrances as possible, at the edge of the steep slopes, it will still be approximately 259 feet from the center of Silverado Trail. The Winery building will be approximately 40 feet further back due to the angle of the slopes and property line, while providing screening for the water tanks behind, and leaving required space for the domestic dispersal and reserve septic areas. (See Sheet UP5.0.) Due to the well setback and stream location, it is not possible to place the dispersal field further west, and as such the proposed layout is the practical design given the unique shape of the parcel.

There is not a practical alternative design to which to compare the costs of the proposed layout without the variance. The layout is not proposed as a cost-saving measure. Comparison of the proposed variance costs to the costs of the project without the variance is not possible, as without the variance the Project could not practically proceed, except to rebuild the prior winery much closer to Silverado Trail in its original location. Granting of the variance indeed is *more* costly to the Applicant than rebuilding without it.

The narrative responses for the variance application are set forth below.

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

The property is zoned AW, and located at the base of a steep hill, which levels out approaching Silverado Trail. It thus has limited flatter areas for development. Those flatter areas are largely within the 600-foot setback, and as such those are the existing developed areas of the property. As shown on accompanying plan sheet UP1.0 and 2.0, the property has existing structures – the residence and destroyed winery – in the flatter portions of the property within 600 feet of the road. The previous winery building was approximately 179 feet from the center of Silverado Trail. The new tasting room buildings are to be located approximately 323 and 265 feet, respectively, in the flat portions of the property before the property becomes steep. The new winery building will be approximately 296 feet from the center of Silverado Trail. The property is located fronting Silverado Trail, which places much of the developable portions of the property within 600 feet of the road.

As shown on UP1.0 and the accompanying Variance Exhibit, the only small, flatter portion of the property beyond 600-feet from the road is inaccessible on the opposite side of a blue line stream and within the stream setback. Thus, development of a winery elsewhere on the property beyond the 600-foot setback is essentially impossible, as the only portion outside of the applicable setbacks, as indicated in the accompanying Variance Exhibit, is located on steep terrain, and encumbered by a PG&E easement. Even if a location could be identified that was within an allowable slope, it would require extensive removal of trees and vegetation and extensive grading.

Other properties located on Silverado Trail, State Highways such as Highway 29 or the up-valley portion of Highway 128, which are flatter, can accommodate 600-foot setbacks. However, FTM's property cannot accommodate the imposed 600-foot setback due to its shape, topography, and vegetation. Thus, the strict application of the setback would deprive FTM's property of privileges enjoyed by other similar properties in the vicinity and under identical zoning classification.

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

The property is zoned AW and a winery is allowed with a use permit. A winery has been permitted on the property since before the creation of the 600-foot setback. While code allows for expansion of such wineries further from the existing encroachment, the winery was destroyed by the Glass Fire. The replacement plans provide to build new structures significantly further from Silverado Trail than the prior winery. As FTM has a vested right to the winery use, but replacing the winery where it was would have a greater impact on Silverado Trail, allowing a variance to build replacement structures further from Silverado Trail is necessary to preserve and enjoy these substantial property rights.

If FTM is not able to construct replacement structures where proposed, there is no other feasible developable portion of the property for winery purposes further from Silverado Trail, and FTM would be deprived of substantial property rights as a result.

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.*

The intent of the 600-foot winery setback is to avoid impacts to views and noise of a winery on major thoroughfares and neighbors. The prior winery was only approximately 130 feet from the Silverado Trail right of way. FTM proposes to replace the destroyed winery much further from the Trail. If the variance were denied, FTM would need to replace the destroyed winery where it was. As such, only denial of the variance could potentially adversely affect its neighbors, as denial would result in a structure closer to the road. There are no residential neighbors that will be impacted by the new structures, and only those driving on Silverado Trail will be able to see the winery.

There are no residential neighbors that could be impacted by the variance. Rather, again, denial of the variance would require the replacement structure to be built much closer to the road. Or, if it were even possible, new structures would need to be built that would require substantial grading and removal of trees and vegetation. Only were the variance denied would such activities need to be undertaken that would be potentially noticeable to the neighbors. As such, approval of the variance request benefits the health or safety of persons residing or working in the neighborhood. The variance provides a benefit to the public welfare by avoiding construction impacts or vegetation removal and will improve the view from the prior conditions.

Thus, for the above reasons, approval of a variance to allow replacement of the winery within the 600-foot setback is appropriate.

#### **IV. CONCLUSION**

The Eppright family appreciates your attention to this application and looks forward to restoring and improving the property to establish Parable Winery.