



**ZONING ADMINISTRATOR
STAFF REPORT FOR VARIANCE**

**FEBRUARY 11, 2016
V_2015-0005**

OWNER: SUPER PATRIOT PROPERTIES LLC
4070 FISHER LAKE DR
REDWOOD VALLEY, CA 95470

APPLICANT: REDWOOD VALLEY STATION & COUNTRY STORE, LLC
PO BOX 959
REDWOOD VALLEY, CA 95470

AGENT: MARK NICHOLS
4070 FISHER LAKE DR
REDWOOD VALLEY, CA 95470

PROJECT COORDINATOR: FRED TARR

REQUEST: Variance request for a front yard setback of 2.5 feet where 10 feet is required and a corridor preservation setback of 37.5 feet where 45 feet is required to the face of a proposed canopy.

DATE DEEMED COMPLETE: November 19, 2015

RECOMMENDATION: Approval

LOCATION: In downtown Redwood Valley, lying east of East Road (CR 330) just north of its intersection with School Way (CR 236). Located at 8551 East Road; APN 163-082-18.

TOTAL ACREAGE: 0.60± acres

GENERAL PLAN: C (Commercial)

ZONING: C1:12K (Limited Commercial: 12,000 Square Foot Minimum)

SUPERVISORIAL DISTRICT: 1

ENVIRONMENTAL DETERMINATION: The application is Categorically Exempt-Class 5 (a)-minor lot line adjustments, setback variances not resulting in the creation of any new parcel.

BACKGROUND: The Redwood Valley Station has been independently owned and serving the community since 1969. There are wooded areas adjacent to the property to the North, and open field to the East, Vic's Bar to the South and East Road and a parking lot to the West.

The applicant purchased the subject property in 2012 and would like to upgrade the service station to improve customer comfort and to improve customer accessibility to the pump island. The project will result in the replacement of the existing pump and island with upgraded pumps and a larger island that will provide for faster service. The applicant would also like to replace the existing canopy with a taller and larger canopy which will provide more coverage for the customers especially during inclement weather.

PROJECT DISCRIPTION: Variance request for a front yard setback of 2.5 feet where 10 feet is required and a corridor preservation setback of 37.5 feet where 45 feet is required to the face of a proposed canopy.

APPLICANT’S STATEMENT: The applicant has provided the following support for his request for a variance:

“We are replacing existing older gas dispenser with modern more efficient Gilborco 700s. New pump and all new fuel lines also. We are adding one new dispenser. The current fuel island (raised) will be eliminated during construction so to provide excellent wheel chair access to two new dispensers. We currently offer and will continue providing handicap assistance pumping fuel, as well as to the elderly and anyone needing our help. With your approval, Mr. Gustavson, I will have the proposed 34’ X 53’ new awning erected. My business and property remain in full compliance with every city, county, state and federal laws, rules and regulations. Many of our patrons are employees of city, county and state. Our community is very supportive of my plans to improve the station and customer care.

Since my wife and I purchased the business three years ago we have done many things to improve the building and property and desire your support so that we may continue. I humbly request your approval to my variance request.”

The applicant also notes that the new awning will be 14’ 6” high which will provide clearance for more vehicles and the size of the awning (canopy structure) will increase from 22’ x 30’ to 34’ x 53’.

REVIEW AGENCY AND DEPARTMENT COMMENTS: The Division of Environmental Health and the Building Services Division had no comments to add and the Fire Chief of the Redwood Valley-Calpella Fire Department provided support for the project by commenting that the improvements to the service station would help with traffic problems that currently exist due to not being enough fill stations (pumps).The Department of Transportation responded by commenting: “That regardless of whether this variance to property line setback is granted or not, we see no impacts to the County Maintained Road System. Therefore, we have no objection to granting the variance, and will support the position of the Department of Planning and Building Services on this matter”.

REFERRAL AGENCIES	NOT RETURNED	"NO COMMENT"	COMMENTS
Department of Transportation			X
Environmental Health- Ukiah		X	
Building Services-Ukiah PBS		X	
Redwood Valley Fire Department			X

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR (Rural Residential)	RR (Rural Residential)	1.5 acres	Residential
EAST	I (Industrial)	I-1(Limited Industrial)	10 acres	Vacant/East Rd
SOUTH	C (Commercial)	C-1(Limited Commercial)	0.75 acres	Commercial
WEST	C (Commercial)	C-1(Limited Commercial)	12 acres	Residential

SERVICES:

Access: East Road (CR 330)
 Fire District: Redwood Valley/ Calpella Fire Department
 Water District: Redwood Valley County Water District
 Sewer District: N/A
 School District: Ukiah Unified School District

APPLICANT’S INFORMATION: The applicant has submitted the following information to substantiate the required findings that must be made prior to action by the Zoning Administrator:

- (A) That there are special circumstances applicable to the property involved, including size, shape, topography, location or surrounding;

My vision as the new owner of the Redwood Valley Station is to improve the quality of service provided to our community and the public by providing a covered area in which customers can be out of the elements when pumping fuel.

- (B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in the Division;

My plan to build a larger shelter to cover my customers is a new concept at the station.

- (C) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question;

The larger awning will not derogatorily affect anyone or anything. It will be a great improvement and hold strong value to our community & public. It will be well constructed and aesthetically pleasing.

- (D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located;

Redwood Valley is a very small town, very rural. The community depends and relies on my station for fuel, propane, kerosene, tire repair, batteries and groceries. It is a community staple serving the community for 47 years.

- (E) That the granting of such variance will not adversely affect the General Plan.

I do not believe by allowing me to build an awning large enough to shelter 4 vehicles at one time could have any adverse effects on anything. We strive to provide the best customer service possible to our community. I just desire to provide covered parking for everyone who needs to purchase fuel from us.

STAFF ANALYSIS: Staff conducted a site view of the project site and after reviewing the findings and the applicant's statement, determined that the findings that must be made as noted in Mendocino County Code Section 20.200.020 can be substantiated.

Required Findings:

- (A) **That there are special circumstances applicable to the property involved including size, shape, topography, location and surroundings.**

Staff notes that there are special circumstances applicable to the property in that the property was developed in the 1960s when the demand for the services provided by the service station were not nearly as great as they are now and that the size of the lot does not allow for sufficient space to expand the canopy without encroaching into the front setback area. **Finding (A) can be made.**

- (B) **That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in the chapter.**

The special circumstances that create the need for a variance are not due to any action of the applicant but are primarily caused by the increase in the need for services provided by the service station. The applicant has indicated that he wants to provide a larger canopy so that the customers can be out of the elements when pumping fuel. **Finding (B) can be made.**

- (C) **That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question.**

There are other businesses along East Road in Redwood Valley that appear to have minimal front yard setbacks whereas the applicant is required to maintain a 10 foot front yard setback unless the variance is granted to allow the canopy to encroach 7.5 feet into the front yard setback area. **Finding (C) can be made.**

- (D) **That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.**

The applicant argues that the granting of such variance will not be materially detrimental to the public welfare. The applicant states that: "The larger awning will not derogatorily affect anyone or anything. It will be a great improvement and hold strong value to our community and public. It will be well constructed and aesthetically pleasing." Staff agrees with this assessment. **Finding (D) can be made.**

(E) That the granting of such variance will not adversely affect the General Plan.

The granting of such variance will not adversely affect the General Plan in that the use is permitted under an existing use permit in the C-1 zoning district and the C (Commercial) land use designation. **Finding (E)**

PROJECT RECOMMENDATIONS: Staff recommends that the Zoning Administrator approve Variance #V_2015-0005, finding that approval would be consistent with the General Plan and that the five required findings necessary for approval of a variance can be made WITH THE FOLLOWING CONDITIONS:

1. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size, or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
2. This permit be subject to the securing of all necessary permits for the proposed development and eventual use from County, State, and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permits.
3. That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Zoning Administrator.
4. The applicant is advised that this variance will expire at the end of two (2) years, on February 11, 2016, unless construction of the canopy is commenced and diligently pursued in compliance with required building permits prior to that date.

DATE

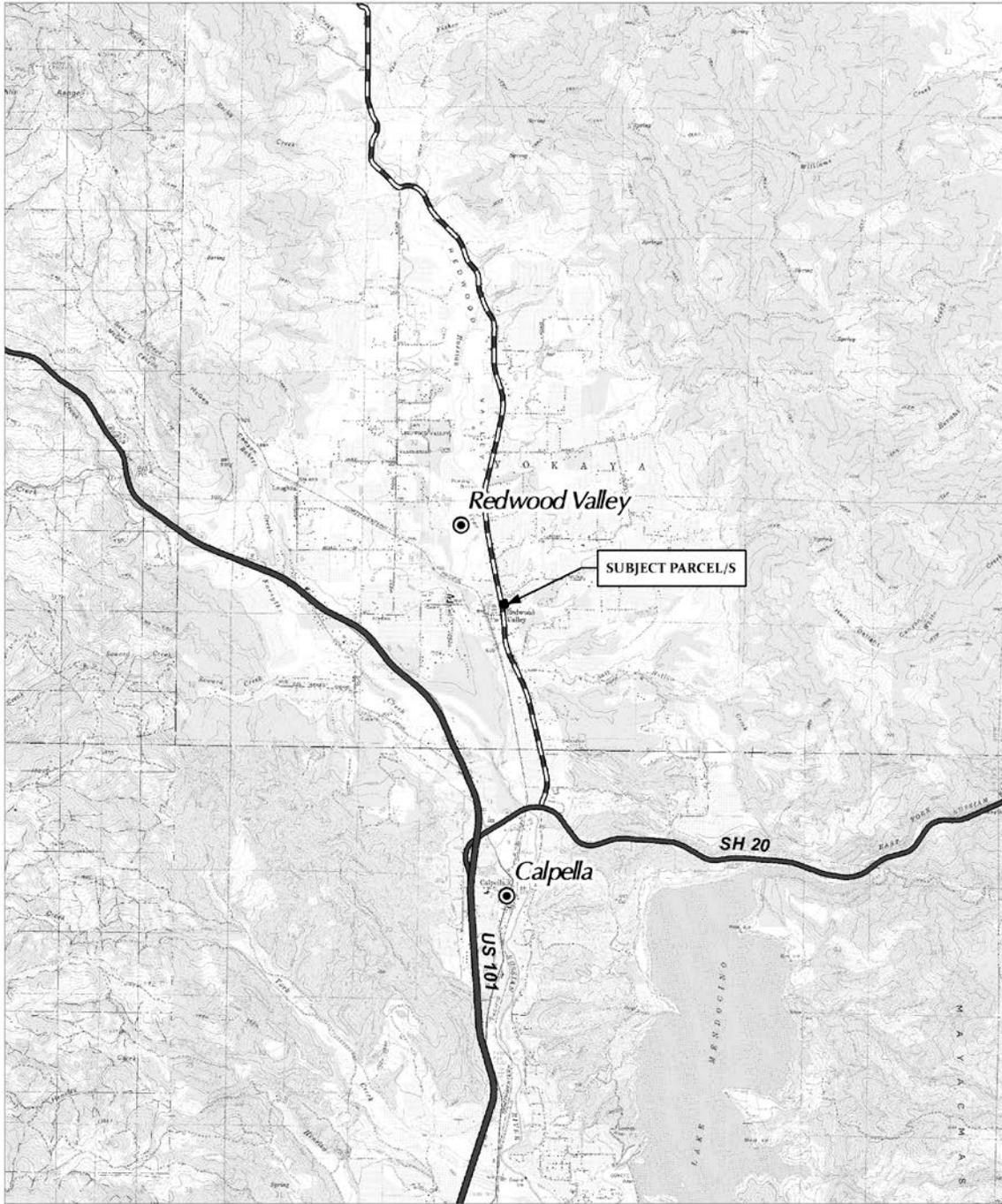
FRED TARR
PLANNER II

FT/at
December 11, 2015

Categorical Exception
Appeal Fee-\$910.00
Appeal Period-10 days

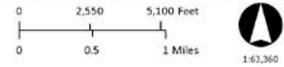
ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Site Map
- D. Zoning Map
- E. General Plan/LCP Map
- F. Adjacent Owner Map
- G. County Right of Way Map for East Road at Subject Property



CASE: V 2015-0005
OWNER: Super Patriot Properties, LLC
APN: 163-082-18
APLCT: Mark Nichols
ADDRESS: 8551 East Rd., RV

-  Major Towns & Places
-  Highways
-  Major Roads



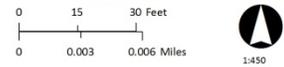
LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, November, 2015
All spatial data is approximate. Map provided without warranty of any kind.



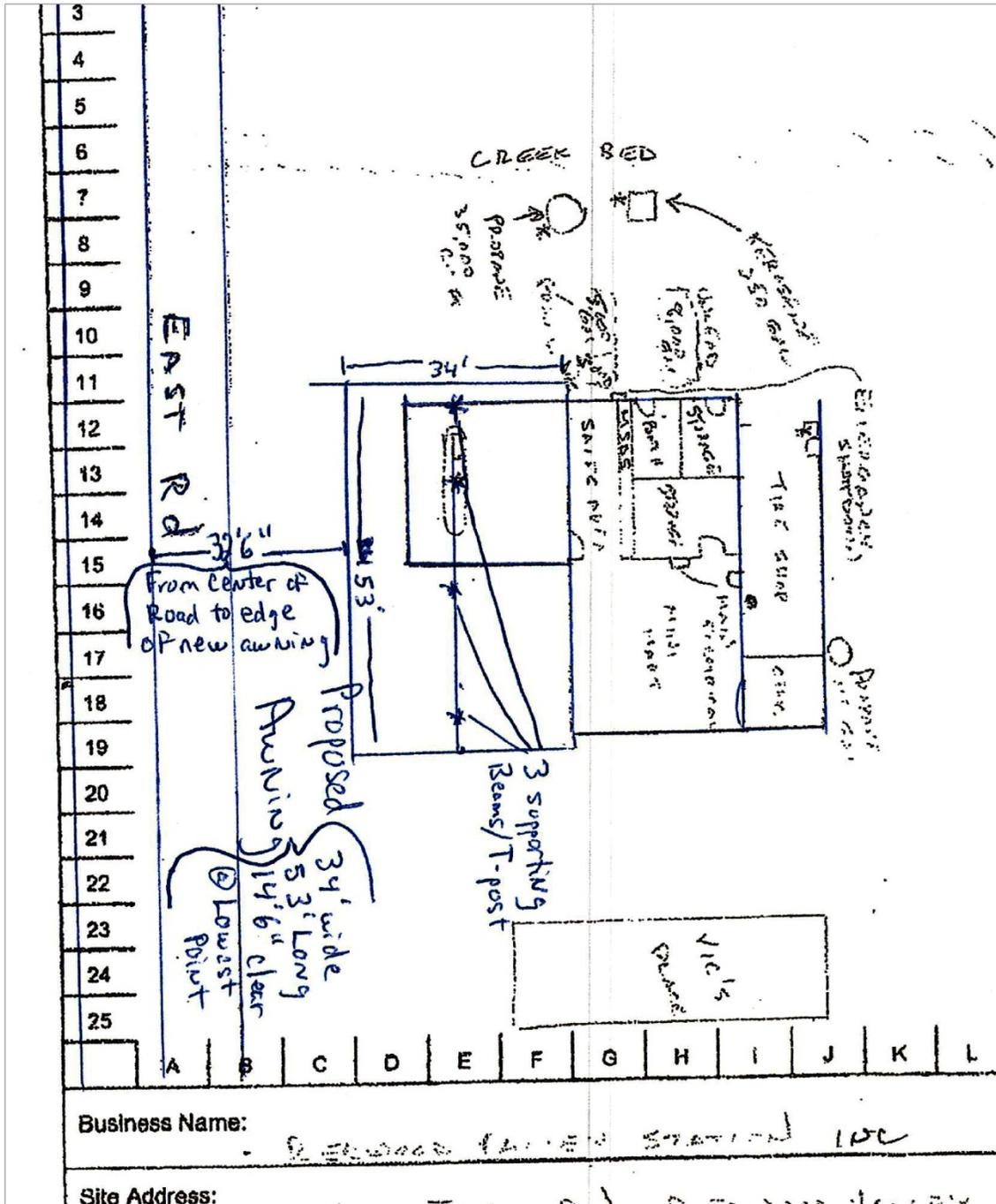
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 Public Roads



GOOGLE EARTH IMAGERY
IMAGERY DATE: 8-17-2013

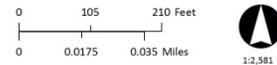
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Business Name:

Site Address:

CASE: V 2015-0005
 OWNER: Super Patriot Properties, LLC
 APN: 163-082-18
 APLCT: Mark Nichols
 ADDRESS: 8531 East Rd., RV



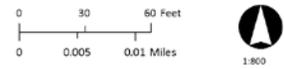
TENTATIVE MAP

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CASE: V 2015-0005
OWNER: Super Patriot Properties, LLC
APN: 163-082-18
APLCT: Mark Nichols
ADDRESS: 8551 East Rd., RV

 Zoning Master



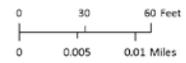
ZONING DISPLAY MAP

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CASE: V 2015-0005
OWNER: Super Patriot Properties, LLC
APN: 163-082-18
APLCT: Mark Nichols
ADDRESS: 8551 East Rd., RV

 General Plan Master

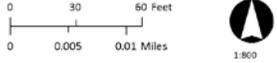


GENERAL PLAN CLASSIFICATIONS

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ADJACENT PARCELS

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County Right of Way for East Road at Subject Property