

**RESOLUTION NO. 24-25-\*\***  
**A RESOLUTION OF THE PLANNING**  
**COMMISSION OF THE CITY OF SUTTER**  
**CREEK APPROVING A REQUEST FOR A**  
**VARIANCE FOR 190 MAHONEY MILL ROAD**

**WHEREAS**, the Planning Commission of the City of Sutter Creek did on Monday, March 10, 2025 hold a public hearing on a proposed Front yard setback Variance at 190 Mahoney Mill Road (APN 018-112-012); and

**WHEREAS**, the Planning Commission did at the public hearing receive a report from the planning staff, receive input from the Applicant's representative, and receive testimony from the public, and at the closing of said public hearing did deliberate and consider the same; and

**WHEREAS**, the Planning Commission does find the Request for Variance Permit is not inconsistent with the General Plan and Zoning Code; and

**WHEREAS**, the Planning Commission hereby responds with the following to grant the variance:

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;

*There is an exceptional circumstance applicable to the intended use of the property that does not apply generally to the class of use in the same zone or vicinity. The parcel is much larger than what is required in the R-1 zone and has a much greater slope than a typical R-1 lot. Due to the slope of the lot, the usable flat space is located within the front yard setback.*

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

*Intrusion into the setback does not affect the public welfare.*

- C. That the property owner would suffer a unique hardship under the general zoning regulations due to the property being different from other properties to which the regulations apply;

*The property owner would suffer a unique hardship due to the slope of the property which limits the flat usable area on the lot..*

- D. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity; and

*Building into this setback area does not have negative ramifications for adjacent property owners and is necessary to accommodate a usable parking area, which is a property right of the applicant possessed by other property in the same zone and vicinity.*

- E. That the granting of such variance will not adversely affect the comprehensive general plan.

*Approval of this variance will have no bearing on the General Plan.*

**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Sutter Creek hereby approves a VARIANCE for 190 Mahoney Mill Road Assessor Parcel No. 018-112-012, subject to the following Condition of Approval:

1. The 7-foot variance shall apply only to the front yard setback reduction from 25 feet to 18 feet for the purposes of the accessory.
2. The applicant shall maintain the existing vegetative screening.
3. The applicant shall obtain Design Clearance.

The foregoing resolution was duly passed and adopted at a regular meeting of the Planning Commission of the City of Sutter Creek on the 10th day of March, 2025 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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Michael Kirkley, Chairman

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Mason Peters, Deputy City Clerk