

**RESOLUTION NO. 25-26-\*\***  
**A RESOLUTION OF THE PLANNING**  
**COMMISSION OF THE CITY OF SUTTER**  
**CREEK APPROVING A REQUEST FOR A**  
**FRONT YARD SETBACK VARIANCE FOR**  
**244 OAK COURT**  
**(PINELLI)**

**WHEREAS**, the Planning Commission of the City of Sutter Creek did on Monday, October 14, 2025 hold a public hearing on a proposed Front yard setback Variance at 244 Oak Court (APN 018-020-024); and

**WHEREAS**, the Planning Commission did at the public hearing receive a report from the planning staff, receive input from the Applicant, 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 finds that the request for a front yard setback of 5 feet 11.5 inches, where 25 feet is required, is 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 are exceptional and extraordinary circumstances applicable to this property. The subject parcel is located at the end of a cul-de-sac where the curved street frontage results in irregular property lines. The configuration of the lot, combined with the placement of the existing home and driveway, creates unique site conditions that do not generally apply to other properties in the same zone or vicinity..*

- 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;

*The granting of this variance will not be materially detrimental to the public welfare or injurious to nearby property or improvements. The proposed carport is designed to match the style of the existing residence and will not impair visibility, circulation, or neighborhood character.*

- 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 if required to comply with the standard 25-foot front setback. Due to the shape of the cul-de-sac and location of the*

*existing home and driveway, there is no feasible way to construct covered parking without a reduction in the setback. Strict application of the zoning standards would therefore deny the applicant reasonable use of their property.*

- 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

*The requested variance is necessary to allow the applicant to enjoy a substantial property right commonly possessed by other property owners in the R-1 zone—namely, the ability to provide covered parking that is functional and compatible with the home. Without the variance, the applicant would be denied this property right due to circumstances unique to the lot.*

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

*The granting of the variance will not adversely affect the City's General Plan. The project maintains the residential use of the property, is compatible with the surrounding neighborhood, and supports the intent of the General Plan to provide safe and livable residential areas.*

**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Sutter Creek hereby approves a VARIANCE for 244 Oak Court Road Assessor Parcel No. 018-020-024:

The foregoing resolution was duly passed and adopted at a regular meeting of the Planning Commission of the City of Sutter Creek on the 14th day of October, 2025 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

---

Michael Kirkley, Chairman

---

Aaron Wolcott, City Clerk