

# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING STEVEN E. WHITE, DIRECTOR

DATE: March 1, 2024

TO: Department of Public Works and Planning, Attn: Steven E. White, Director

Department of Public Works and Planning, Attn: Bernard Jimenez,

Planning and Resource Management Officer

Development Services and Capital Projects, Attn: William M. Kettler,

**Deputy Director of Planning** 

Development Services and Capital Projects, Attn: Chris W. Motta, Division Manager

Development Services and Capital Projects, Attn: Tawanda Mtunga,

Principal Planner

Development Services and Capital Projects, Attn: James Anders,

Principal Planner

Development Services and Capital Projects, Current/Environmental

Planning, Attn: David Randall, Senior Planner

Development Services and Capital Projects, Policy Planning, Attn:

Mohammad Khorsand, Senior Planner

Development Services and Capital Projects, Zoning & Permit Review,

Attn: Daniel Gutierrez, Senior Planner

Development Services and Capital Projects, Development Engineering,

Attn: Laurie Kennedy, Office Assistant III

Water and Natural Resources Division, Attn: Augustine Ramirez, Division

Manager

Water and Natural Resources Division, Attn: Roy Jimenez, Senior Planner

Water and Natural Resources Division, Transportation Planning, Attn:

Hector Luna, Senior Planner, Brody Hines, Darren Findley

Water and Natural Resources Division, Community Development, Attn:

Yvette Quiroga, Principal Planner

Design Division, Attn: Mohammad Alimi, Division Manager;

Erin Haagenson, Principal Staff Analyst

Resources Division, Attn: Daniel Amann, Interim Division Manger

Resources Division, Special Districts, Attn: Christopher Bump, Principal Staff Analyst,

Road Maintenance and Operations Division, Attn: Wendy Nakagawa,

Supervising Engineer

Department of Public Health, Environmental Health Division, Attn: Deep

Sidhu, Supervising Environmental Health Specialist; Kevin Tsuda,

Environmental Health Specialist.

Fresno County Fire Protection District, Attn: FKU.Prevention Planning@fire.ca.gov

Shaver Lake Volunteer Fire Protection District, Attn: Tome Warner, Fire Chief

FROM: Jeremy Shaw, Planner

Development Services and Capital Projects Division

SUBJECT: Variance No. 4165 and Environmental Review No. 8535

APPLICANT: Kyle Ehlers, Genesis Construction

DUE DATE: March 14, 2024

The Department of Public Works and Planning, Development Services and Capital Projects Division is reviewing the subject application proposing to allow a zero-foot front yard setback, for an attached deck, and allow an 8.5-foot front yard set-back, where a minimum of 20 feet are required, and allow a 38-foot peak height, where a maximum of 35 feet are allowed for an existing single-family residential addition, on an approximately 6,435 square-foot lot, in the R-1(m) Single-Family Residential, 6,000 Square-Foot Minimum Parcel Size, Mountain Overlay) Zone District.

The subject parcel is located on the north side of Dalton Ave., approximately 55 feet west of its intersection with Lakeview Ave, within the unincorporated community of Shaver Lake (APN: 120-291-11) (44452 Dalton Ave.) (Sup. Dist. 5).

Based upon this review, a determination will be made regarding conditions to be imposed on the project, including necessary on-site and off-site improvements.

We must have your comments by **March 14, 2024**. Any comments received after this date may not be used.

If you do not have comments, please provide a "NO COMMENT" response to our office by the above deadline (e-mail is also acceptable; see email address below).

Please address any correspondence or questions related to environmental and/or policy/design issues to me, Jeremy Shaw, Planner, Development Services and Capital Projects Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-4207, or email jshaw@fresnocountyca.gov

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Activity Code (Internal Review): 2377

**Enclosures** 

# Date Received: 1/31 Fresno County Department of Public Works and Planning



(Application No.)

VA 4165

**MAILING ADDRESS:** 

Department of Public Works and Planning Development Services and Capital Projects Division 2220 Tulare St., 6<sup>th</sup> Floor Fresno, Ca. 93721

Southwest corner of Tulare & "M" Streets, Suite A Street Level

Fresno Phone: (559) 600-4497

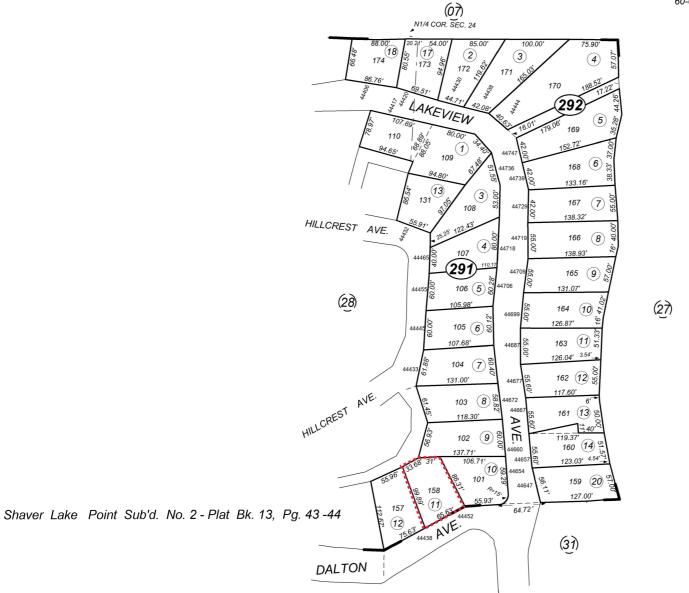
LOCATION:

APPLICATION FOR:	DESCRIPTION OF PROPOSED USE OR REQUEST:
Pre-Application (Type)	All the state of
☐ Amendment Application ☐ Director Review and Approval	Allow a zero fost front your
☐ Amendment to Text ☐ for 2 <sup>nd</sup> Residence	Setback and allow a building
☐ Conditional Use Permit ☐ Determination of Merger	lacialet at 38 feet where a
Yariance (Class	Welfulf of 10 feet solver
☐ Site Plan Review/Occupancy Permit ☐ ALCC/RLCC	height of 38 feet where a maximum of 35 feet are allowed,
☐ No Shoot/Dog Leash Law Boundary ☐ Other	on a 6,000 saft +/ parcel
General Plan Amendment/Specific Plan/SP Amendment)	in the R-(cm) Zone District!
Time Extension for	19 THE K- (UM) ZOME USTYLOT.
CEQA DOCUMENTATION:   Initial Study   PER   N/A	
PLEASE USE FILL-IN FORM OR PRINT IN BLACK INK. Answer all questions comp	
and deeds as specified on the Pre-Application Review. Attach Copy of Deed, i	including Legal Description.
LOCATION OF PROPERTY: North side of Dalton	tue
between <u>Lakeview</u> and	
Street address: 44452 Dalfon	Shaverlake, CA
APN: 120-291-11 Parcel size: 6000	Section(s)-Twp/Rg: S T S/R E
ADDITIONAL APN(s):	
( ) ( ) ( ) ( ) ( ) ( )	
the above described property and that the application and attached documen	owner, or authorized representative of the owner, of
knowledge. The foregoing declaration is made under penalty of perjury.	is are in air respects true and correct to the pest of my
Chad and Ciucle Notolan	
Owner (Print or Type) Address City	
Kyle EN levs 7555 N Durango Applicant (Print or Type) Address City	Fresno 93722 559-930-9222
	resmo 93722 SS9-930-9022
Representative (Print or Type) Address City	Zip Phone
CONTACTEMAIL: ehlerskelive, com	
OFFICE USE ONLY (PRINT FORM ON GREEN PAPER)	UTILITIES AVAILABLE:
Application Type / No.: <b>VA 4165</b> Fee: \$ <b>6</b> , <b>049</b>	OTTETTE AVAILABLE
Application Type / No.: Fee: \$	WATER: Yes 🟹 / No 🗌
Application Type / No.: Pre-Appl credit Fee: \$-247.00	Agency: Community
Application Type / No.: Fee: \$	
PER/Initial Study No.: Fee: \$259.	SEWER: Yes 🔲 / No 🔀
Ag Department Review: Fee: \$ Health Department Review: Fee: \$365.00	Agency: Septic
	wo l
Received By: J.S. Invoice No.: 290334 TOTAL: \$6,426.6	
STAFF DETERMINATION: This permit is sought under Ordinance Section:	Sect-Twp/Rg: T S /R E
	APN#
Related Application(s):	APN#
Zone District:	APN #
Parcel Size:	APN # over

It is not to be construed as portraying legal ownership or divisions of land for purposes of zoning or subdivision law.

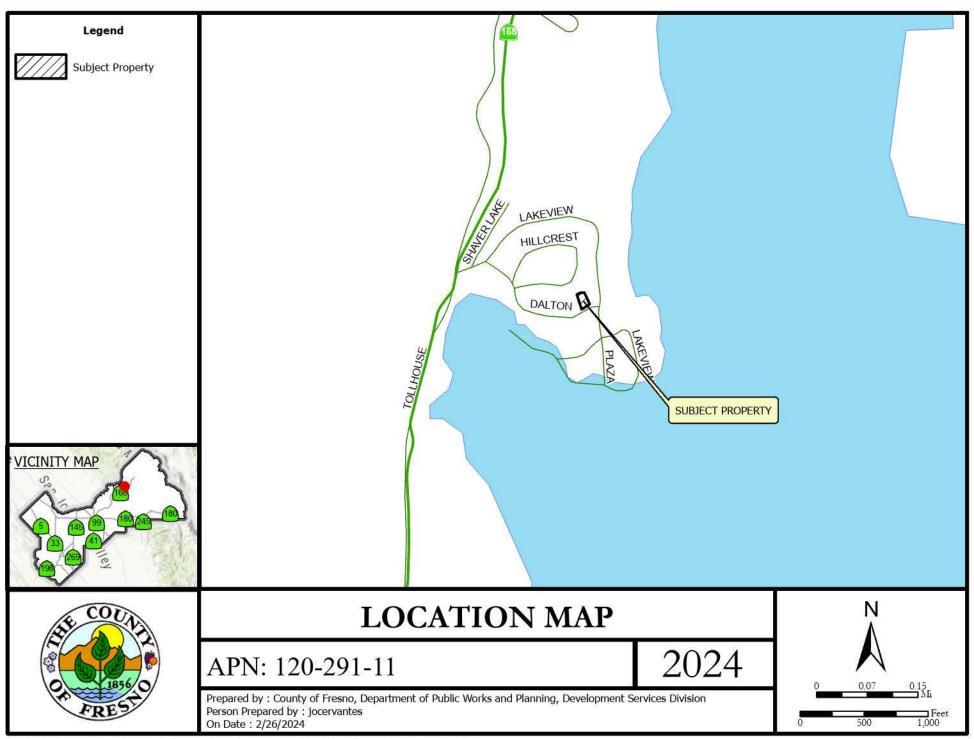
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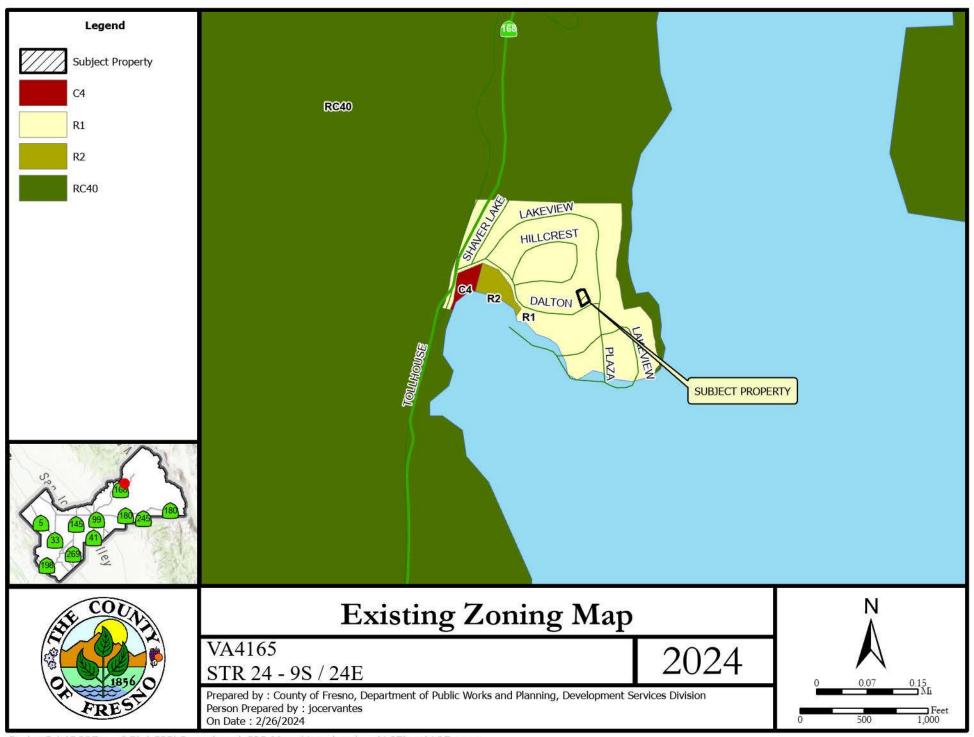


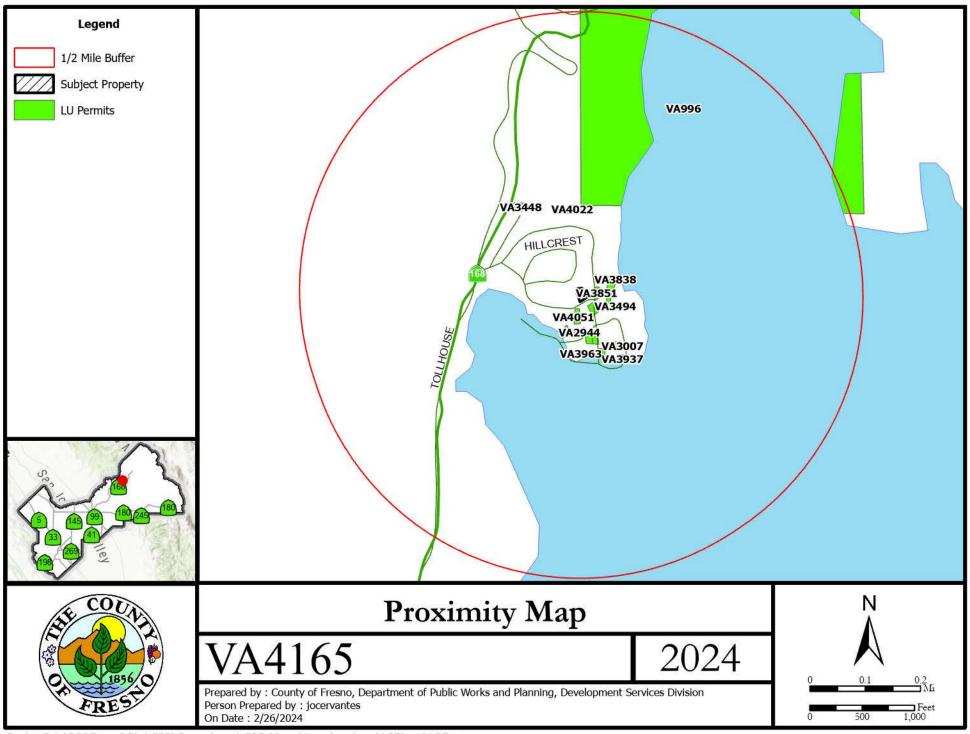


Assessor's Map Bk.120 - Pg.29 County of Fresno, Calif.

Note - Assessor's Block Numbers Shown in Ellipses Assessor's Parcel Numbers Shown in Circles







# Ordinance Section 877 For 44452 Dalton Avenue Chad and Cindy Matoian (Owners)

### **SUMMARY OF PROPOSED CHANGES**

The variance that is being requested is for an existing single-family home located at 44452 Dalton Avenue, Shaver Lake, CA 93664 which is undergoing a remodel and addition. This home is in a Shaver Lake development that is primarily used by the residents as a secondary vacation home. Most homes are used less than 80 days per year. The above-mentioned remodel and addition were designed and submitted through the usual channels and approved for remodel/add-on construction. It has recently been brought to my attention (Kyle Ehlers, Genesis Construction Group Inc, the Contractor, and representative for property owner) during the final stages of construction, that the addition to the home has been built into the 20-foot setback of the property.

REQUEST: We are requesting a variance to reduce the 20-foot setback to zero setback.

For the purposes of this letter, the following have been included:

- Revised site/plot plan
- Pictures on digital file

After submitting the initial application, we received the Variance packet and letter from the county explaining the submittal process and our points of contact. In the initial response letter, the variance for the road right-away was not approved. We are asking for a second review for the variance to the road right-away, due to new insight, pictures, and additional information that explains extenuating circumstances for this property. Of particular concern was the encroachment into a 40-feet road right-away shown on the county map labeled 44452 Dalton Avenue, Right of Way Encroachment. This map was provided by the county. Additionally, road widening expansion to the full capacity of all 40 feet has significant constraints.

• The final map shows a road right-away that varies at 40′ +/-. The road is wider in some locations, and it is narrower in other locations.

- The structure has plenty of road right-away buffer to the front of the structure, because of the uphill slope.
- There is no change or new encumbrance into the existing Dalton roadway or original driveway configuration.
- The uphill grade is substantial, ranging from 65% to 72% from the toe of the slope.
- There is no impact to the Dalton Avenue road right-away or neighboring driveways.
- Widening of the existing road is not required, due to low residential traffic. The
  widening of Dalton Avenue is highly unlikely, due to the anticipated substantial retaining
  wall that would be required.
- Modifications to the existing frontage slope of the hill may affect the saturation of the existing septic system leach line.

## 1. Exceptional or extraordinary circumstances or conditions

- a. The existing house is positioned on the lower east end of Dalton on a slight curve where it meets Lakeview. Like other homes built in this housing development, it sits on a steep grade above Dalton Ave. where the grades can exceed 65% to 75%.
- b. There are several things that make it difficult to extend the house up and to the back of the property. One is the height restrictions, and the other is the possible disturbance to the existing grade and slope that supports the rear access road for other homes located on Dalton Avenue.
- c. The subject parcel is uniquely defined by a steep slope behind the existing residence. This slope makes it difficult to utilize the northern portion of the parcel. To continue to utilize their parcel, the only reasonable expansion would be toward the front of the parcel.

# 2. Preservation and enjoyment of a substantial property right

a. The setback area in question already has an established history of land use for access to the driveway and the residential parking area. The driveway access from Dalton Avenue to the parking area located in the front of the house has not been altered from its original existing footprint. The full expansion to the existing road right-away would impact many homes in the area along Dalton Avenue. This would include relocating multiple utility poles and the removal of mature trees. Development of an expanded road in this area is unlikely to occur due to these factors.

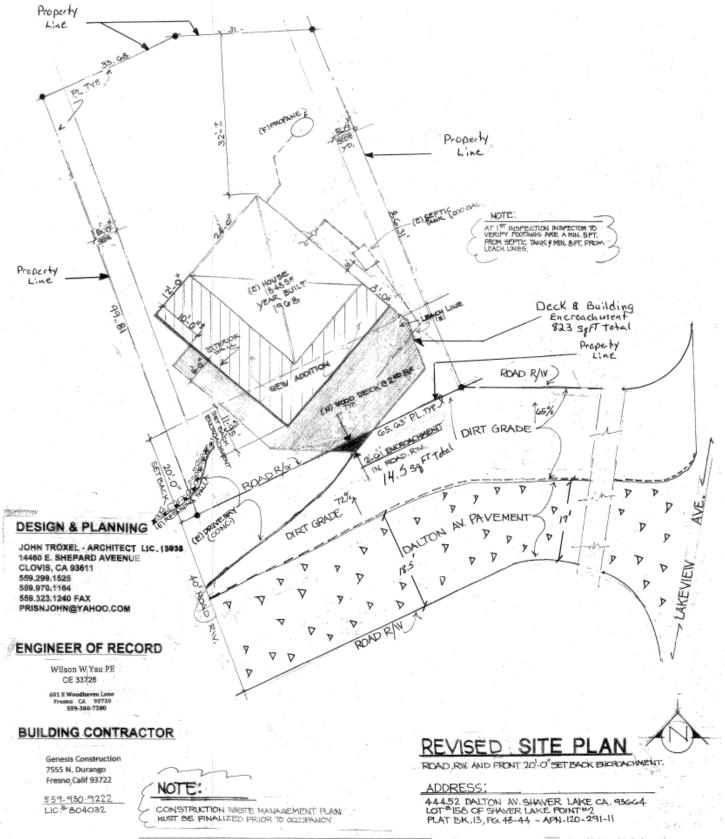
- b. The house to the west of this property has been remodeled with an approved 4-foot front setback variance. This puts this house and property in a unique position, in that the house appears to be out of place. It is sitting further back behind the original erected structures. This variance would allow the front of the structure to match the setbacks of the adjacent properties along Dalton Avenue.
- c. Construction without the 20-foot setback variance would cause this home to appear out of place compared to the existing homes on this street utilizing a smaller front setback area. Construction with the 20-foot setback would severely limit the utilization of the property due to the slope of the northern portion of the property.

### 3. Not materially detrimental or injurious to the public welfare

- a. The remodeled addition of this residence will not impact the public welfare or be materially detrimental to any of the adjacent property owners or any other homeowners located in the Shaver Lake Housing area.
- b. This remodel is being carried out consistent with all the county building guidelines, environmental guidelines, and noise restrictions.
- c. There is no change to the roadway, the driveway, or other frontage encumbrances. Due to the significant uphill slopes, the actual structure is elevated well above the existing roadway.

# 4. Not contrary to the objectives of the General Plan

a. The variance requested would not be detrimental to the public good, nor is it in conflict with the intended purpose of the zoning ordinance. The variance would still allow for the lot to be used for a single-family dwelling as intended. Granting this variance would allow the structure on the property to help maintain the neighborhood character by giving it a uniform setback consistent with other homes with extenuating circumstances in this older Shaver Lake housing development.



### CONSTRUCTION WASTE MANAGEMENT PLAN:

Where a local jurisdiction does not have a construction and demolition waste management ordinance, submit a construction waste management plan for approval by the enforcement agency that:

- 1. Identifies the materials to be diverted from disposal by efficient usage, recycling, reuse on the project or salvage for future use or sale.
- Determines if materials will be sorted on-site or mixed.
- Identifies diversion facilities where material collected will be taken.
- Specifies that the amount of materials diverted shall be calculated by weight or volume, but not by both.

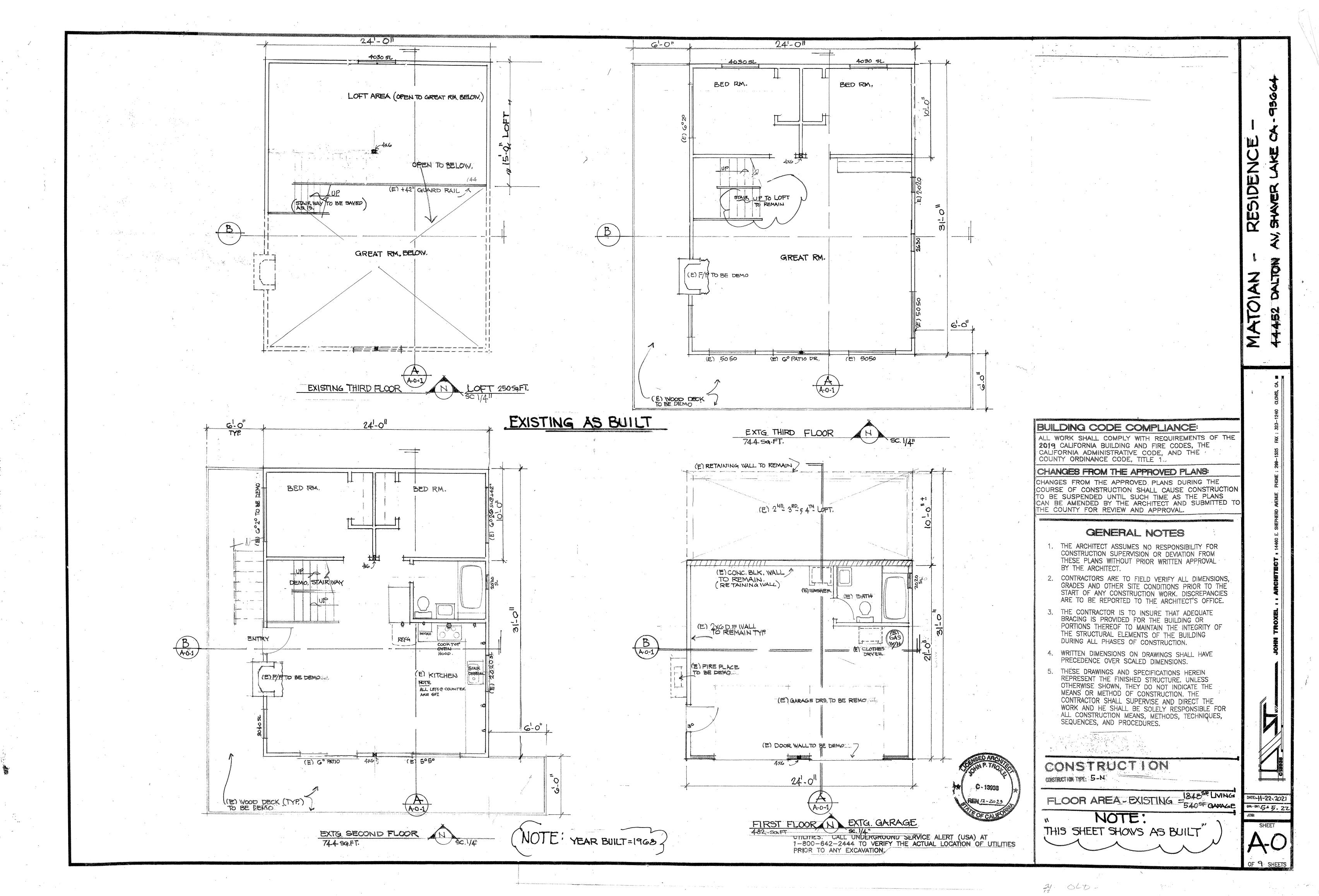
MOTE:
LATEST ADDPTED ADDITIONS OF THE CODES,
SIANDARDO F REGOLATIONS RESOURCED BY
LOCAL JURISDICTION SHALL GONERN ALL
WORK IN TRESE CONSTRUCTION DOCUMENTS
INDICATED BY THE POLLOWING:

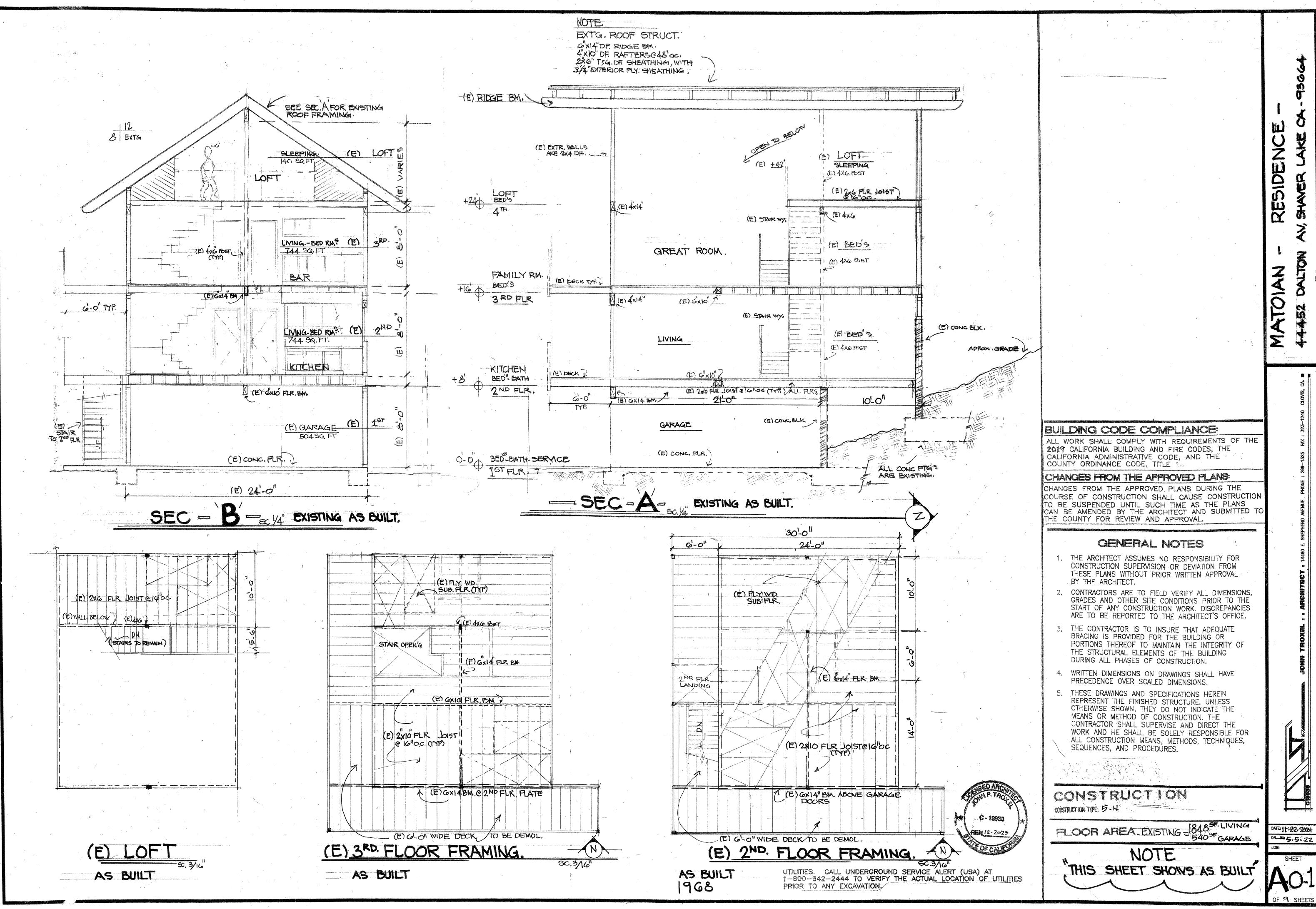
1. COUNTY OF FRESHO TITLE 15.

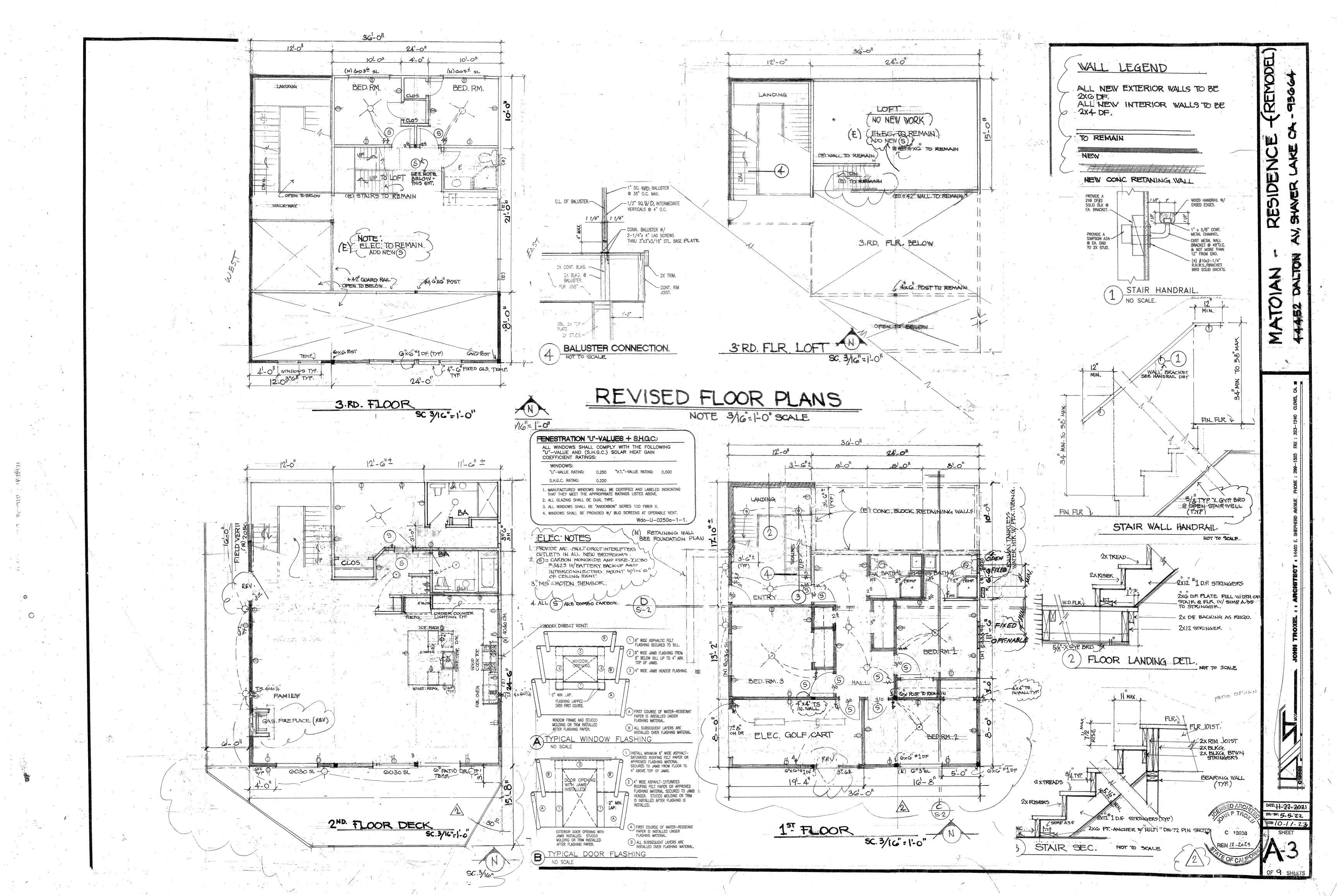
INSTALL STREET ADORTESS "NUMERAL'S CLEAST" FOUR INCHES WAH, MININUM (DINCH STROKE ON CONTRASTING BACKGROUND VOIBLE FROM STREET

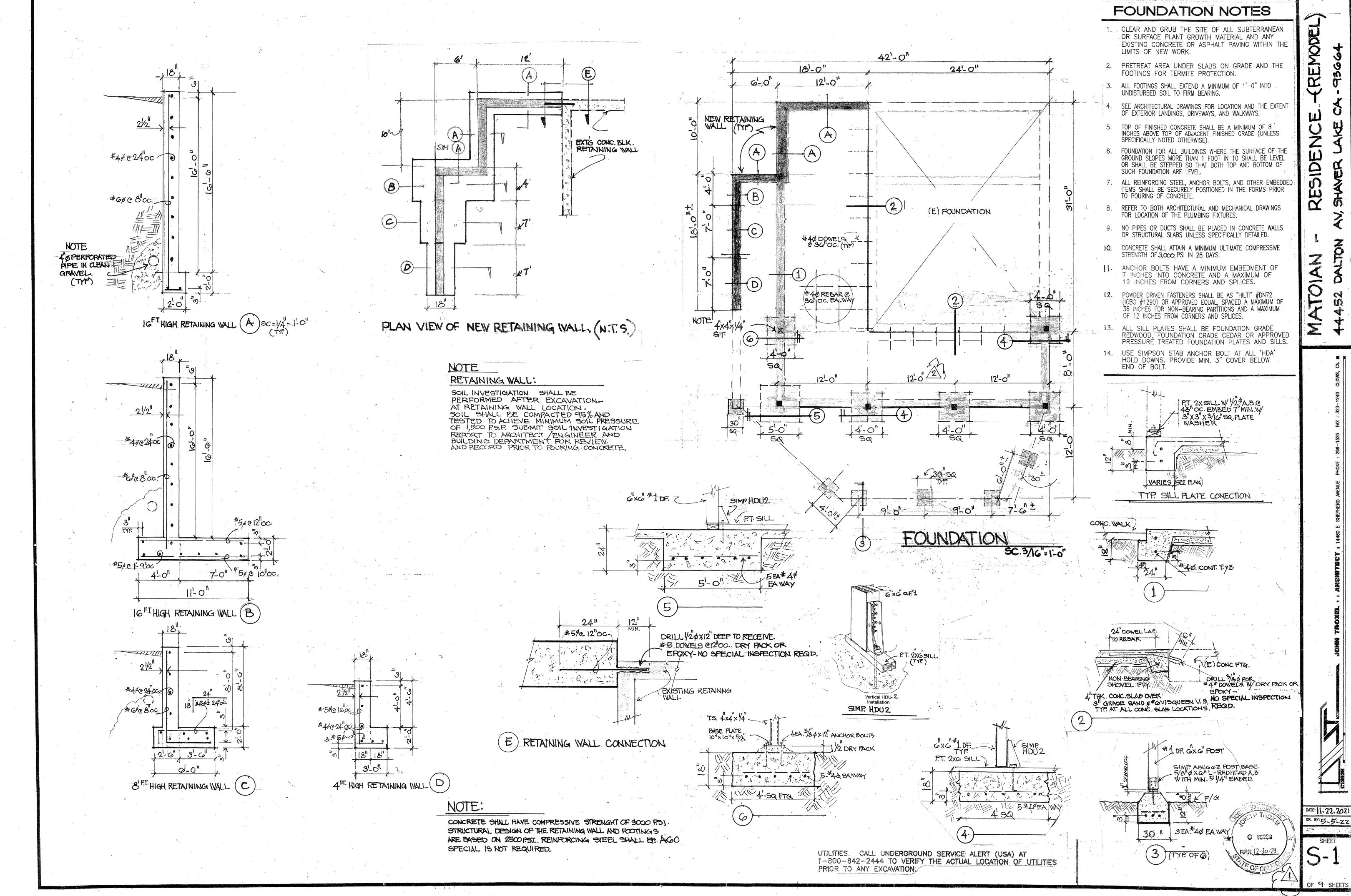


UTILITIES. CALL UNDERGROUND SERVICE ALERT (USA) AT 1-800-642-2444 TO VERIFY THE ACTUAL LOCATION OF UTILITIES PRIOR TO ANY EXCAVATION.

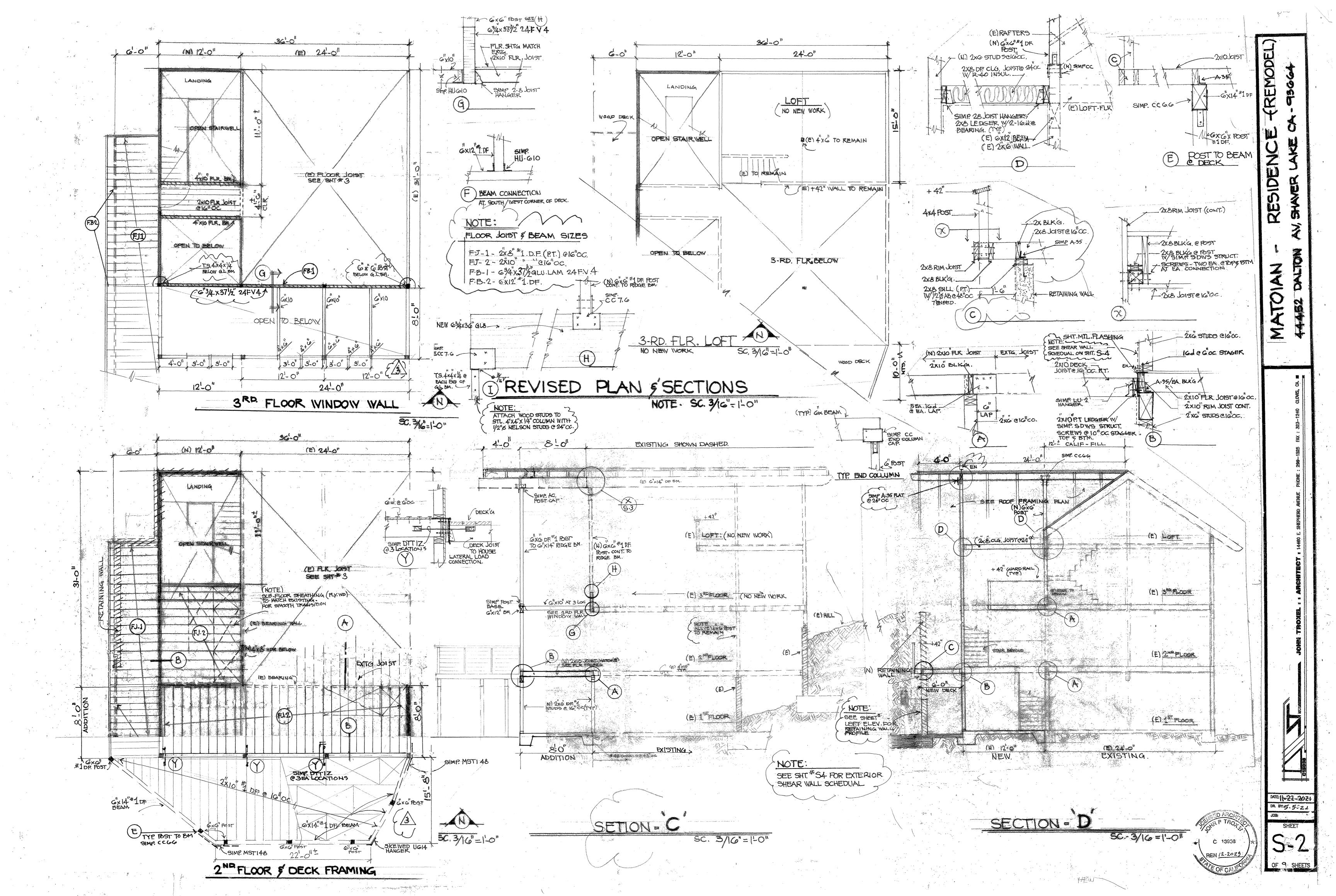


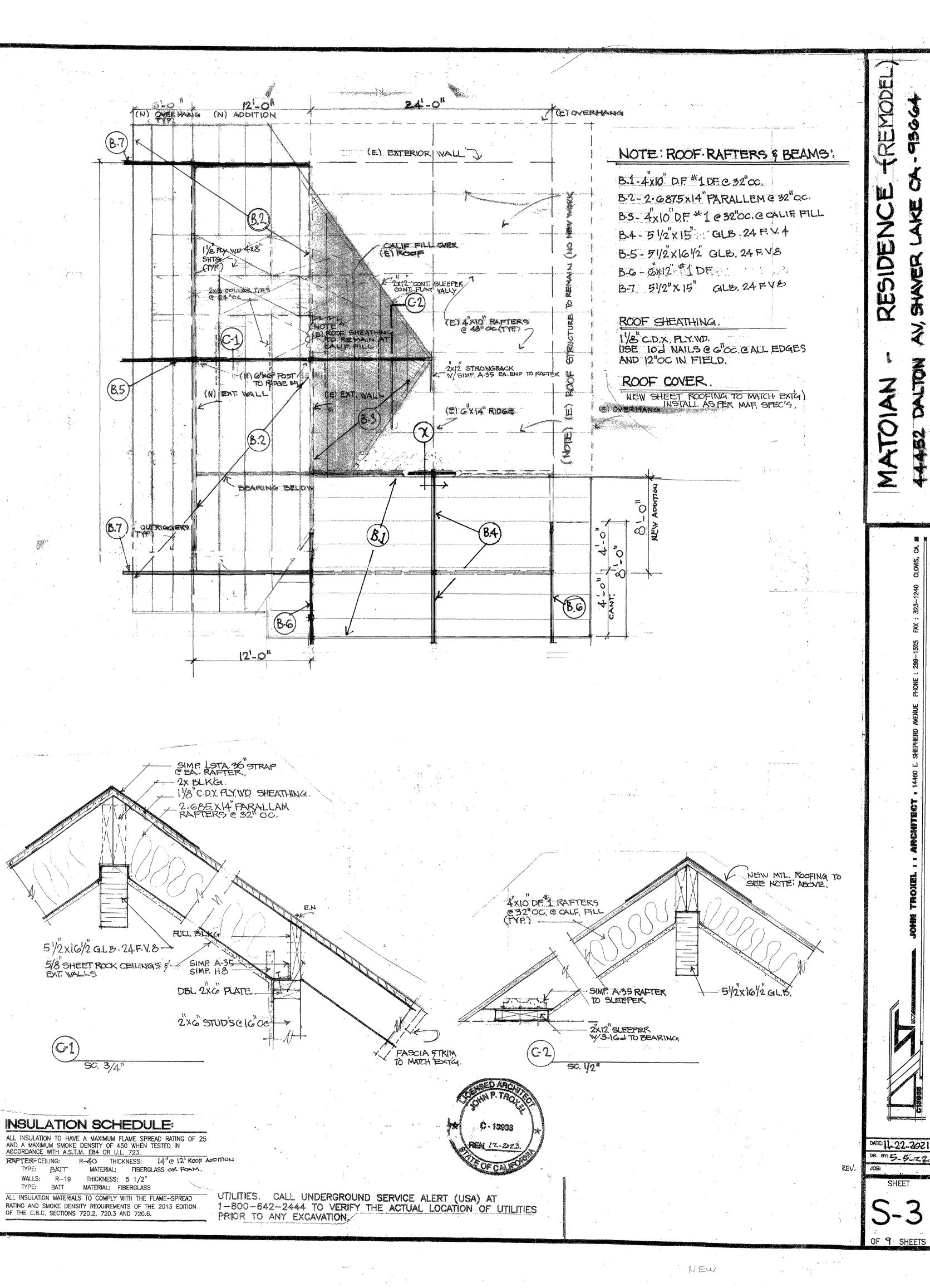


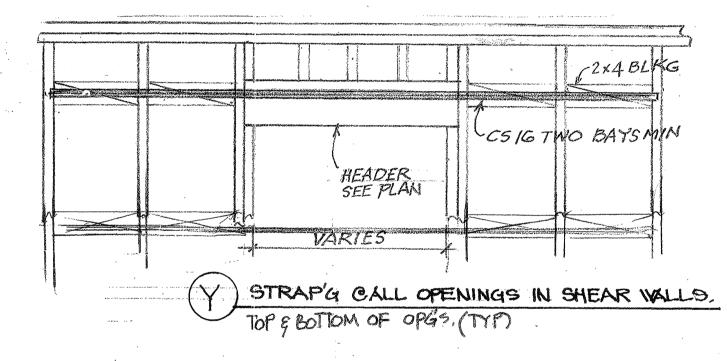


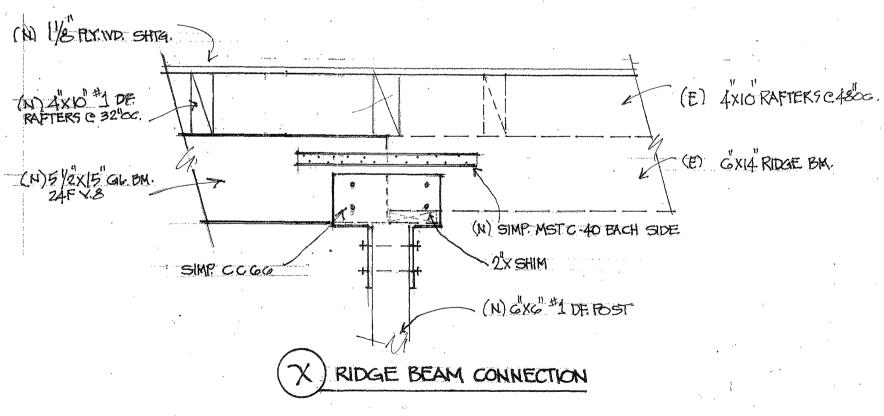


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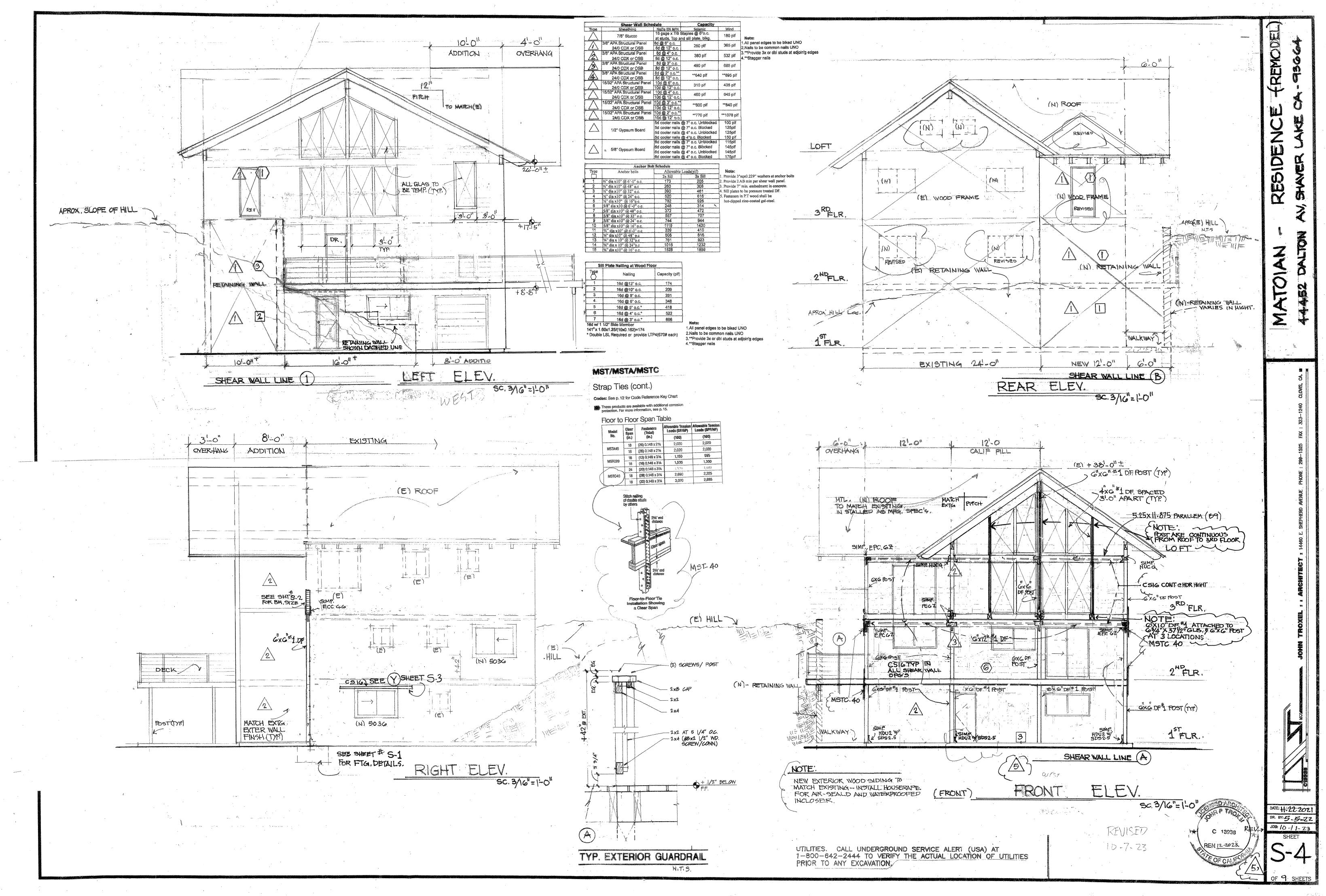




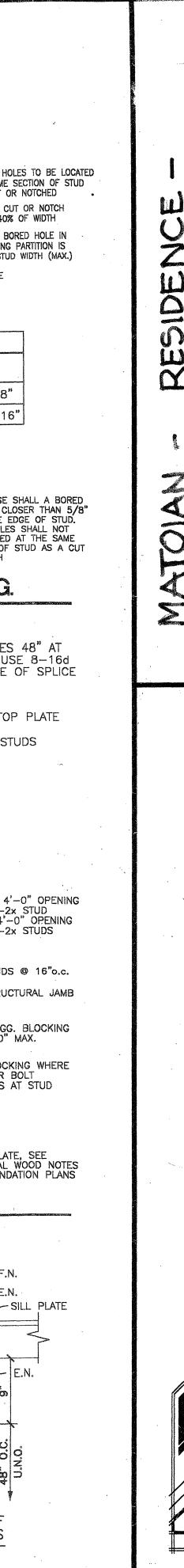


WALLS: R-19 THICKNESS: 5 1/2" TYPE: BATT MATERIAL: FIBERGLASS

OF THE C.B.C. SECTIONS 720.2, 720.3 AND 720.6.



NEW.



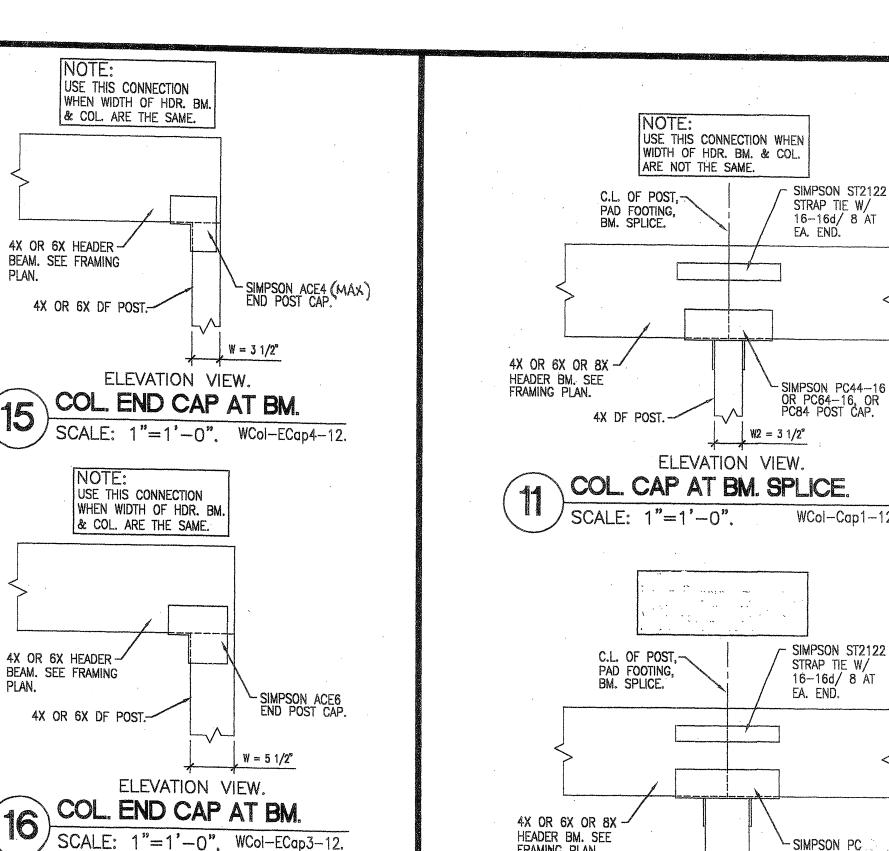
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DR. BY:

C - 18998

12-31.202

SHEET



PLAN.

PLAN.

(NAILING PER TABLE 23-II-B-1 OF 2001 C.B.C.)

NAILING SCHEDULE:

19/32"- 3/4":

1-1/8"-1-1/4":

3/4" AND LESS: 7/8"-1":

1-1/8"-1-1/4":

1/2" OR LESS:

29. INTERIOR PANELING:

) COMMON.

DEFORMED SHANK.

5/8": . .

25/32":

27. PANEL SIDING (TO FRAMING) (2):

(3) COMMON OR DEFORMED SHANK.

CONNECTIONS.

28. FIBERBOARD SHEATHING: (7)

COMBINATION SUBFLOOR-UNDERLAYMENT (TO FRAMING):

(1) COMMON OR BOX NAILS MAY BE USED EXCEPT WHERE OTHERWISE STATED.

NAILS SPACED AT 6 INCHES ON CENTER AT EDGES, 12 INCHES AT INTERMEDIATE SUPPORTS EXCEPT 6 INCHES AT ALL SUPPORTS WHERE SPANS ARE 48 INCHES OR MORE. FOR NAILING OF WOOD STRUCTURAL PANEL AND PARTICLEBOARD DIAPHRAGMS AND SHEAR WALLS, REFER TO SECTION 2315.3.3 AND 2315.4. NAILS FOR WALL SHEATHING MAY BE COMMON, BOX OR CASING.

(6) CORROSION-RESISTANT SIDING OR CASING NAILS CONFORMING TO THE REQUIRMENTS OF SECTION 2304.3.

(8) CORROSION-RESISTANT ROOFING NAILS WITH 7/16-INCH-DIAMETER HEAD AND 1-1/2-INCH LENGTH FOR 1/2-INCH SHEATHING AND 1-3/4-INCH LENGTH FOR 25/32-INCH SHEATHING CONFORMING TO THE REQUIRMENTS OF SECTION 2304.3.

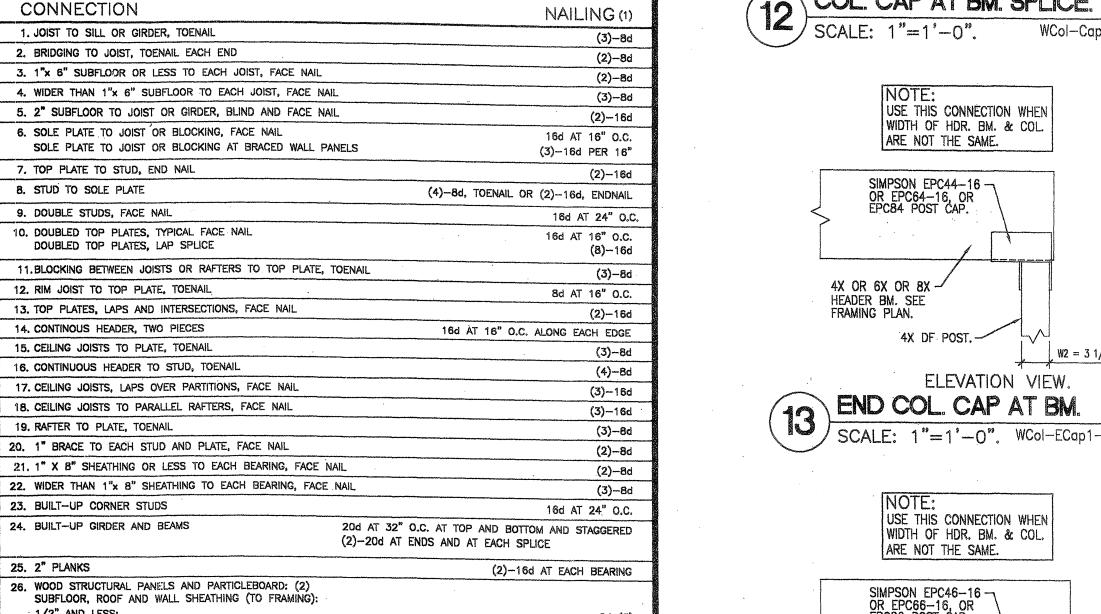
(9) CORROSION—RESISTANT STAPLES WITH NOMINAL 7/16—INCH CROWN AND 1-1/8—INCH LENGTH FOR 1/2—INCH SHEATHING AND 1-1/2—INCH LENGTH FOR 25/32—INCH SHEATHING CONFORMING TO THE REQUIREMENTS SECTION 2304.3.

(10) PANEL SUPPORTS AT 16 INCHES [20 INCHES IF STRENGTH AXIS IN THE LONG DIRECTION OF THE PANEL, UNLESS OTHERWISE MARKED]. CASING OR FINISH NAILS SPACED 6 INCHES ON PANEL EDGES, 12 INCHES AT INTERMEDIATE SUPPORTS.

GREEN VINYL SINKERS DO NOT MEET THE NAILING REQUIREMENTS FOR MOST BOX AND COMMON NAIL

(7) FASTENERS SPACED 3 INCHES ON CENTER AT EXTERIOR EDGES AND 6 INCHES ON CENTER AT INTERMEDIATE SUPPORTS.

(11) PANEL SUPPORTS AT 24 INCHES. CASING OR FINISH NAILS SPACED 6 INCHES ON PANEL EDGES, 12 INCHES AT INTERMEDIATE SUPORTS.



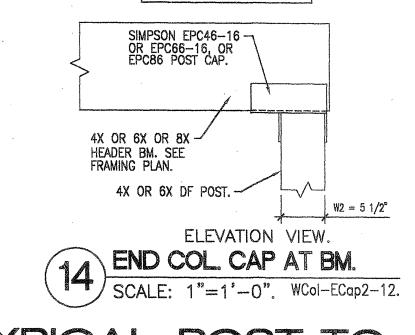
.8d (4) OR 6d (5)

.10d (4) OR 8d (5)

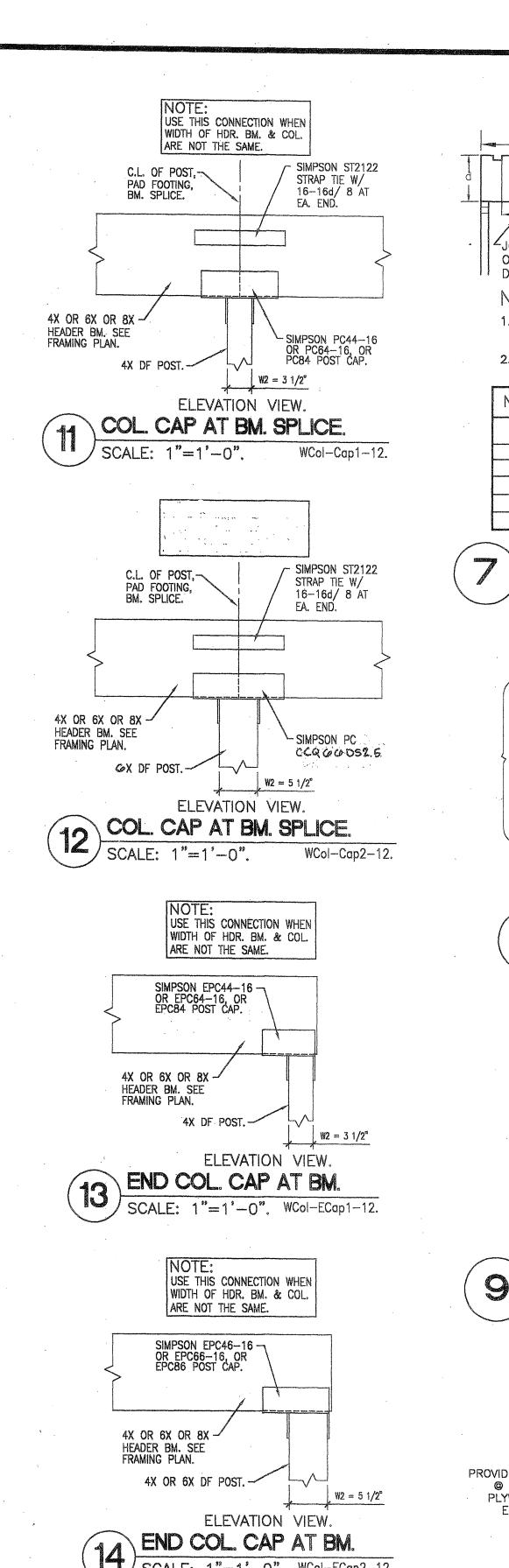
NO.11 GA. (8) OR 6d (4) OR NO.16 GA.(9)

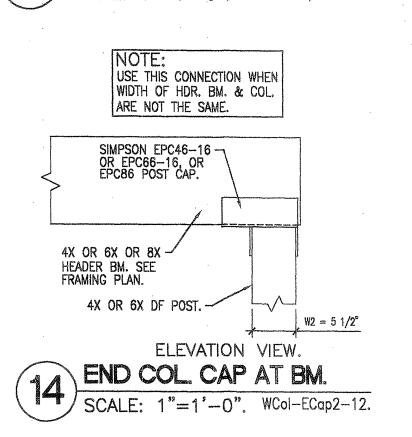
.NO.11 GA. (8) OR 8d (4) OR NO.16 GA.(9)

8d (6)

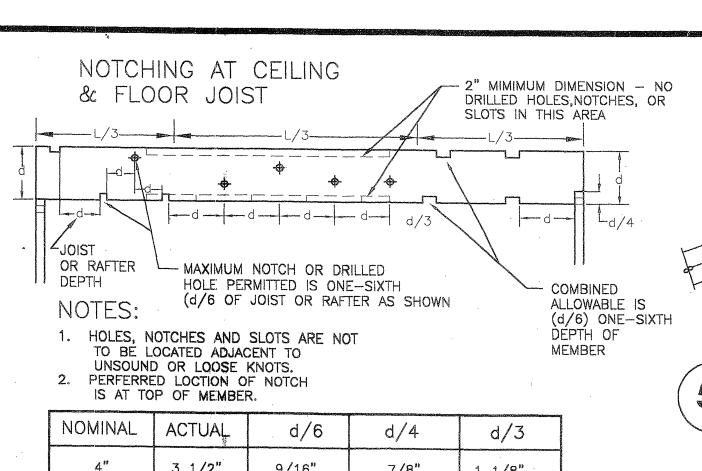


SCALE AS INDICATED.



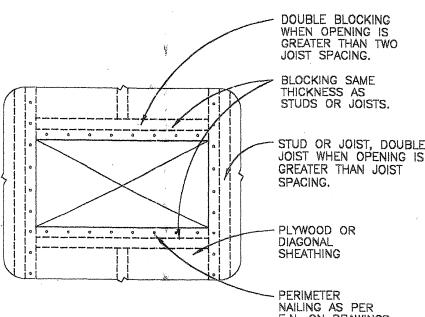


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•	22		- A	Č INIT	N/O A TE	- r <sub>2</sub>		right Exployers	Market and a state	NAMES OF TAXABLE PARTY.	TARAK BERMULAN PANTAL SALAH	***********************

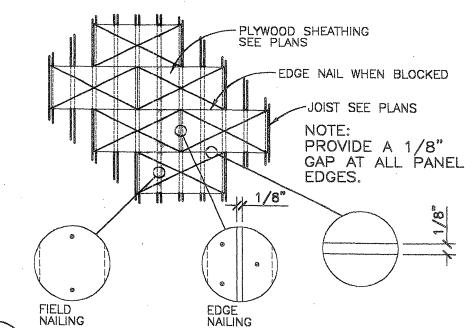


13 A1 10	DE OF WEWRE	. <b></b> .		
NOMINAL	ACTUAL	d/6	d/4	d/3
4**	3 1/2"	9/16"	7/8"	1 1/8"
6"	5 1/2"	7/8"	1 3/8"	1 13/16"
8"	7 1/4"	1 3/16"	1 13/16"	2 7/16"
10"	9 1/4"	1 1/2"	2 5/16"	3 3/4"
12"	11 1/4"	1 7/8"	2 13/16"	3 3/4"
14"	13 1/4"	2 3/16"	3 5/16"	4 7/16"

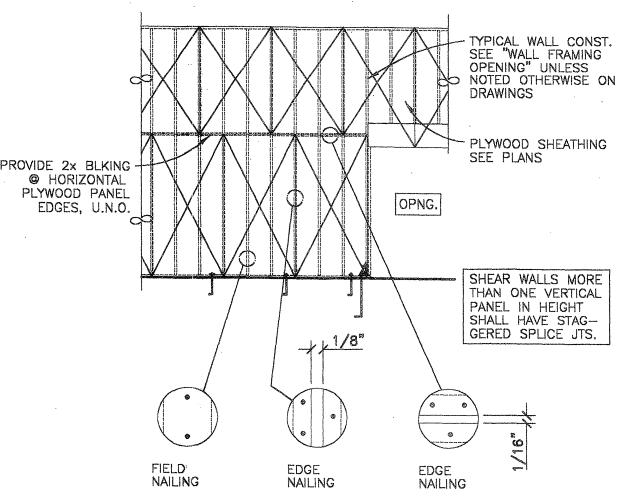
JOIST + RAFTER NOTCHING NO SCALE.



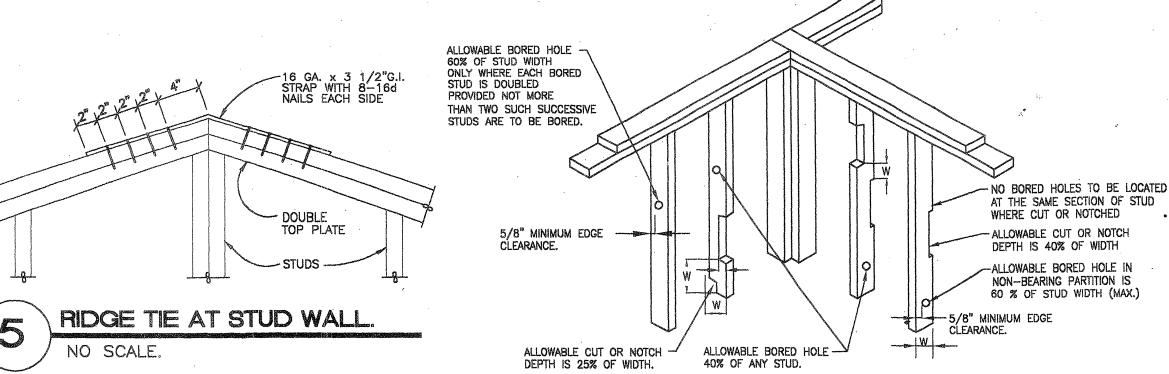
TYPICAL BLOCKING AROUND ROOF & WALL OPENINGS.



PLYWOOD ROOF SHEATHING LAYOUT



PLYWOOD SHEAR WALL NO SCALE

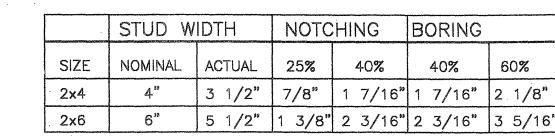


NO HOLES ALLOWED IN TOP PLATE SPLICE NO HOLES SHALL BE BORED — MORE THAN 1/3 THE PLATE OR STUD WIDTH IN BEARING WALLS, 1/3 IN NON-BEARING PARTITIONS AND SHALL BE LOCATED AT THE CENTERLINE OF PLATE OR STU FOR HOLES 1/3 THE PLATE WIDTH AND LARGER USE A 3"X12"X16GA. MTL STRAP EA. SIDE OF DBL TOP PLATE W/ (4) 16d NAILS 1 1/2" APART ON EA. SIDE OF HOLE.

PLATE REINF. AT V.T.R. NO SCALE. ( V.T.R. = VENT THRU ROOF

AND CORNERS OF SILL PLATE, PROVIDE

(3) UPPER PLATE TO LOWER PLATE AT SPLICE: (8) 16d STAGGERED



HOLES & NOTCHING IN WALL STUDS CUTTING AND NOTCHING 2x4 (3 1/2") 1 13/32" 7/8" 2x6 (5 1/2") 2 7/32" 1 3/8" 1. IN NO CASE SHALL A BORED 2x8 (7 1/4") 2 24/32" 1 13/16" HOLE BE CLOSER THAN 5/8" NON-BEARING WALL FROM THE EDGE OF STUD. BORED HOLES SHALL NOT BE LOCATED AT THE SAME 2x4 (3 1/2") 2 3/16" 1 13/16" 2 7/32" 2x6 (5 1/2") 3 19/64" SECTION OF STUD AS A CU 4 11/32" 2 24/32"

