



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 1 October 11, 2018

SUBJECT: Variance No. 4022 - First Time Extension

Grant a first one-year time extension to exercise Variance No. 4022, which authorizes a Property Line Adjustment (PLA) in the R-1(m) (Single-Family Residential, 6,000 square-foot minimum parcel size, Mountain Overlay) Zone District, in order to locate an existing single-family residence with existing deck completely within Lot No. 175 of Shaver Lake Point Subdivision No. 2. The PLA will occur between Lot No. 175 and Lot No. 176 of Shaver Lake Point Subdivision No. 2.

LOCATION: The subject property is located on the north side of Lakeview Avenue, between Dalton Avenue and Cascade Avenue, within the unincorporated community of Shaver Lake (44390 Lakeview Avenue, 44376 Lakeview Avenue) (SUP. DIST. 5) (APNs 120-281-24 and 120-281-23).

OWNER/APPLICANT: Judith A. Adair, Trustee and OPC Farms, Inc.

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

Marianne Mollring, Senior Planner
(559) 600-4227

RECOMMENDATION:

- Approve a first one-year Time Extension for Variance No. 4022; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Planning Commission Resolution and Staff Report dated June 8, 2017
5. Variance Time Extension Request Letter

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15305 of the California Environmental Quality Act (CEQA) guidelines that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 157 property owners within 1,320 feet of the subject parcels, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

The Fresno County Zoning Ordinance requires that a Variance shall become void when substantial development has not occurred within one (1) year after approval of the Variance. The Zoning Ordinance authorizes the Planning Commission to grant a maximum of two (2) one-year Time Extensions when it can be demonstrated that circumstances beyond the control of the Applicant have caused delays which do not permit compliance with the original time limitation. The request for time extension must be filed prior to the expiration of the Variance.

The decision of the Planning Commission on a Variance Time Extension Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

Variance No. 4022 was approved by the Planning Commission on June 8, 2017 and became effective 15 days later as prescribed by law.

The Applicant filed the time extension request on July 26, 2018, just after the expiration of the Variance proposal due to an oversight. Staff determined that the request was not substantially late; that the Applicant is making progress on the Property Line Adjustment; and, that the request for a one-year extension of the Variance to complete the Property Line Adjustment should be considered by the Planning Commission. If this first time extension request is granted, the Applicant will have until June 8, 2019, to complete the mapping action.

ANALYSIS/DISCUSSION:

Variance No. 4022 was approved by the Planning Commission on June 8, 2017 based on the determination that the required findings could be made. Attached is a copy of the Planning Commission Resolution (Exhibit 4) documenting the Conditions imposed on the project.

According to the Applicant’s Time Extension request letter (Exhibit 5), additional time is needed to finalize an access agreement with the neighboring property owner in order to complete the Property Line Adjustment associated with this Variance.

Approval of a Time Extension request for a Variance is appropriate if circumstances beyond the control of the Applicant have caused delays which do not permit compliance within the one-year time limit established by the Zoning Ordinance. It should be noted that the Planning Commission’s jurisdiction in evaluating this request is limited to determining whether the Applicant should be granted an additional year to exercise the Variance as approved. No reviewing agencies or departments expressed any concerns with this proposed time extension request.

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the first one-year Time Extension for Variance No. 4022 should be approved based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to June 8, 2019.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

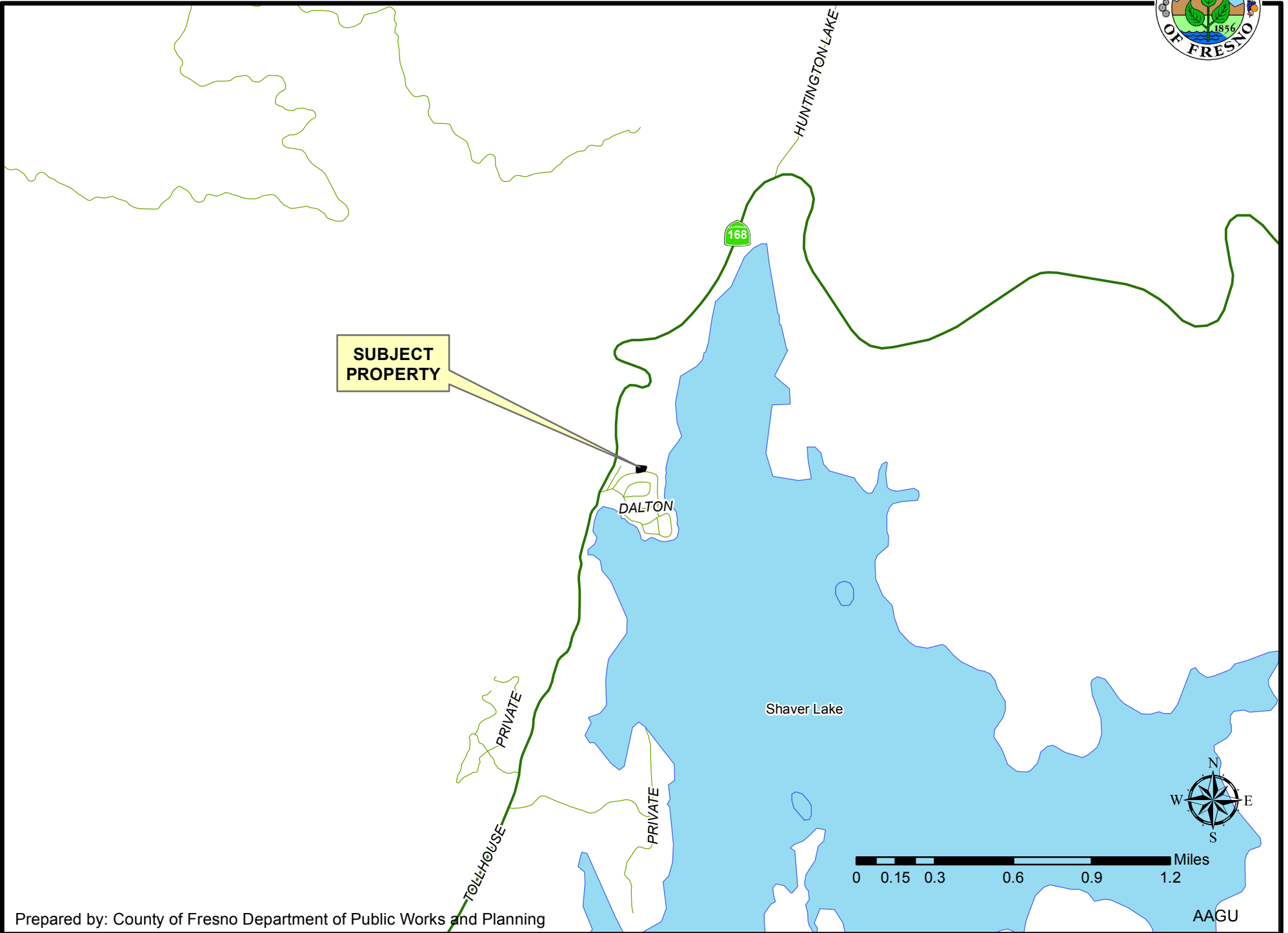
- Move to approve the first one-year Time extension for Variance No. 4022; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

Alternative Motion (Denial Action)

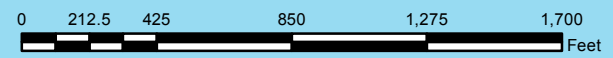
- Move to deny the first one-year Time Extension request for Variance No. 4022 (state reasons for denial); and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

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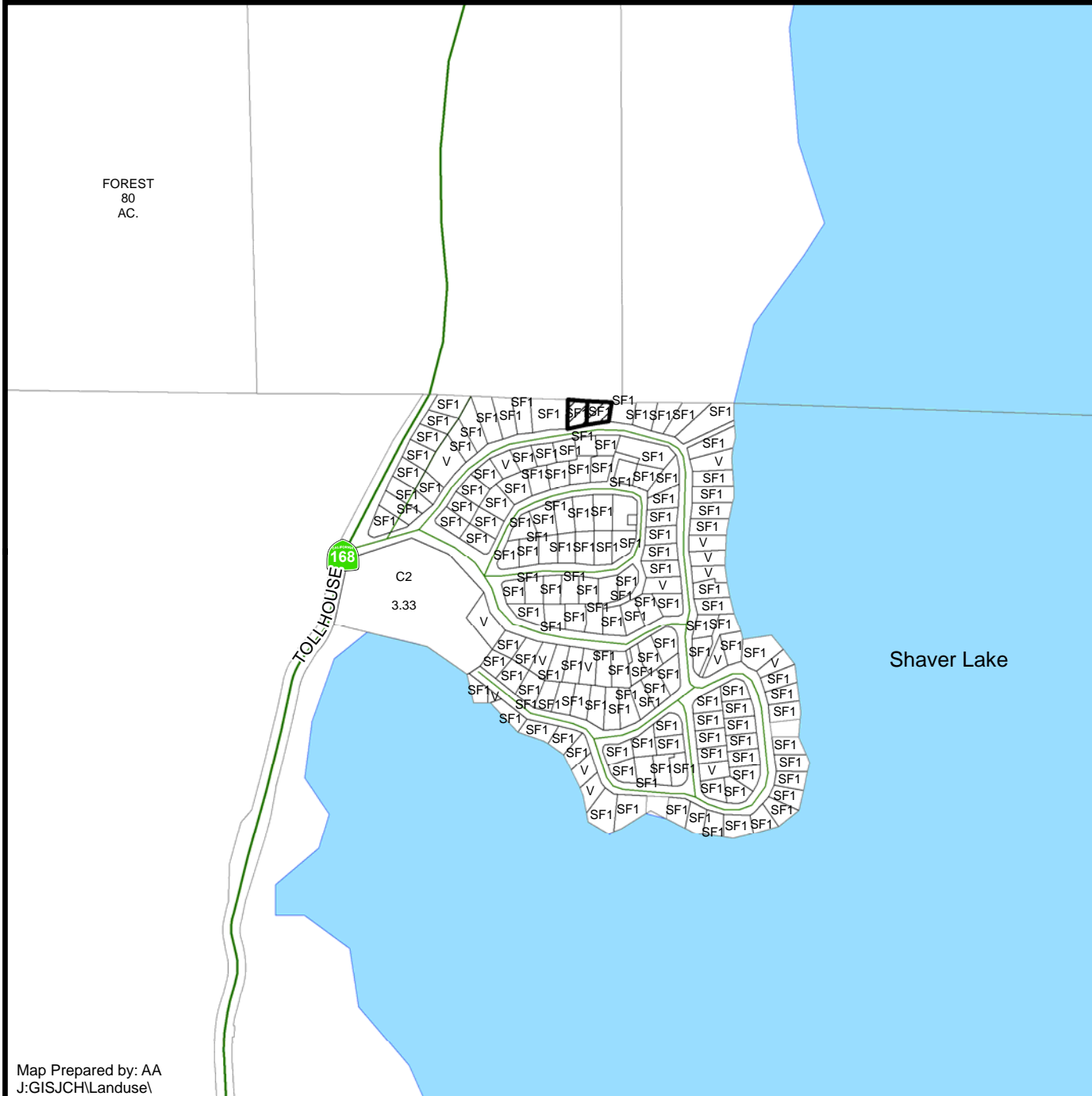
LOCATION MAP



EXISTING ZONING MAP



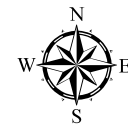
EXISTING LAND USE MAP




LEGEND
C# - COMMERCIAL
SF#- SINGLE FAMILY RESIDENCE
V - VACANT

LEGEND:

 Subject Property



0 135 270 540 810 1,080 Feet



Department of Public Works and Planning
Development Services Division



Inter Office Memo

DATE: June 8, 2017

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12651 - VARIANCE APPLICATION NO. 4022

APPLICANT: Strahm Engineering Associates, Inc.

OWNERS: Joe F. & Judith A. Adair, Trustees; and OPC Farms, Inc.

REQUEST: Authorize a zero-foot side-yard setback to allow a Property Line Adjustment (PLA) in the R-1(m) (Single-Family Residential, 6,000 square-foot minimum parcel size, Mountain Overlay) Zone District in order to locate an existing single-family residence with existing deck completely within Lot No. 175 of Shaver Lake Point Subdivision No. 2. The PLA will occur between Lot No. 175 and Lot No. 176 of Shaver Lake Point Subdivision No. 2.

LOCATION: The subject property is located on the north side of Lakeview Avenue, between Dalton Avenue and Cascade Avenue, within the unincorporated community of Shaver Lake (44390 Lakeview Avenue, 44376 Lakeview Avenue) (SUP. DIST. 5) (APNos 120-281-24, 120-281-23).

PLANNING COMMISSION ACTION:

At the May 18, 2017 Hearing, during staff's presentation, a Commissioner determined that a potential conflict of interest may be present, which resulted in his recusal and a loss of a quorum. The item was rescheduled to the June 8, 2017 Hearing.

At its hearing of June 8, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Lawson to adopt the recommended Variance Findings and approve Variance Application No. 4022 subject to the Conditions listed in Exhibit "B".

EXHIBIT A

Variance Application No. 4022

- Staff: The Fresno County Planning Commission considered the Staff Report dated June 8, 2017, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information:
- The owners of both properties associated with this Variance request are in favor of the proposal.
 - This proposal will allow clear title for both properties associated with this Variance request.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of the application.
- One letter received by staff in opposition to the application was presented to the Planning Commission.

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**Variance Application No. 4022
Conditions of Approval and Project Notes**

Conditions of Approval	
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1.	Development shall be in accordance with the Site Plan as approved by the Planning Commission.
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Conditions of Approval reference required Conditions for the project.

Notes	
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The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
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1.	Modification (Property Line Adjustment) of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. For more information, contact the Department of Public Works and Planning, Development Engineering Section at (559) 600-4022.
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2.	Building permit records indicate that the existing septic systems located on the subject parcel were installed in 1961. It is recommended that the property owner consider having the existing septic tank pumped and leach fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.
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EXHIBIT B



County of Fresno

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

June 29, 2017

Strahm Engineering Associates, Inc.
5100 N. 6th Street #117
Fresno CA 93710

Dear Applicant:

Subject: Resolution No. 12651 - Variance Application No. 4022

On June 8, 2017, the Fresno County Planning Commission approved your above-referenced project with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk to the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this project will expire one year from the date of approval. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Variance.

If you have any questions regarding the information in this letter please contact me at dchambers@co.fresno.ca.us or 559-600-4205.

Sincerely,

Derek Chambers, Planner
Development Services Division

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Enclosure



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 June 8, 2017

SUBJECT: Variance Application No. 4022

Authorize a zero-foot side-yard setback to allow a Property Line Adjustment (PLA) in the R-1(m) (Single-Family Residential, 6,000 square-foot minimum parcel size, Mountain Overlay) Zone District in order to locate an existing single-family residence with existing deck completely within Lot No. 175 of Shaver Lake Point Subdivision No. 2. The PLA will occur between Lot No. 175 and Lot No. 176 of Shaver Lake Point Subdivision No. 2.

LOCATION: The subject property is located on the north side of Lakeview Avenue, between Dalton Avenue and Cascade Avenue, within the unincorporated community of Shaver Lake (44390 Lakeview Avenue, 44376 Lakeview Avenue) (SUP. DIST. 5) (APNos 120-281-24, 120-281-23).

OWNERS: Judith Adair and OPC Farms, Inc.
APPLICANT: Strahm Engineering Associates, Inc.

STAFF CONTACT: Derek Chambers, Planner
(559) 600-4205

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Approve Variance No. 4022; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Assessor's Parcel Map
6. Applicant's Submitted Findings
7. Site Plans
8. Public Comment

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Mountain Residential in the County-adopted Shaver Lake Community Plan	No change
Zoning	R-1(m) (Single-Family Residential, 6,000 square-foot minimum parcel size, Mountain Overlay)	No change
Parcel Size	<p>APN 120-281-24 (Lot No. 175 of Shaver Lake Point No. 2): 7,490 square feet</p> <p>APN 120-281-23 (Lot No. 176 of Shaver Lake Point No. 2): 7,440 square feet</p>	<p>APN 120-281-24 (Lot No. 175 of Shaver Lake Point No. 2): 7,595 square feet after Property Line Adjustment</p> <p>APN 120-281-23 (Lot No. 176 of Shaver Lake Point No. 2): 7,335 square feet after Property Line Adjustment</p>
Project Site	APN 120-281-24 (Lot No. 175 of Shaver Lake Point No. 2): 7,490 square-foot parcel; 1,266 square-foot single-family residence with 645 square-foot deck; septic system; water well	No change other than new retaining wall around new parking area on APN 120-281-24 (Lot No. 175 of Shaver Lake Point No. 2)

Criteria	Existing	Proposed
	APN 120-281-23 (Lot No. 176 of Shaver Lake Point No. 2): 7,440 square-foot parcel; 2,330 square-foot single-family residence with 876 square-foot attached garage and 452 square-foot deck; septic system	
Structural Improvements	APN 120-281-24 (Lot No. 175 of Shaver Lake Point No. 2): 1,266 square-foot single-family residence with 645 square-foot deck APN 120-281-23 (Lot No. 176 of Shaver Lake Point No. 2): 2,330 square-foot single-family residence with 876 square-foot attached garage and 452 square-foot deck	No change other than new retaining wall around new parking area on APN 120-281-24 (Lot No. 175 of Shaver Lake Point No. 2)
Nearest Residence	APN 120-281-24 (Lot No. 175 of Shaver Lake Point No. 2): Approximately 14 feet west of the western property line APN 120-281-23 (Lot No. 176 of Shaver Lake Point No. 2): Approximately 14 feet east of the eastern property line	No change
Surrounding Development	Residential land uses dispersed throughout area	No change
Operational Features	N/A	N/A
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	Residential traffic	No change
Lighting	Residential lighting	No change
Hours of Operation	N/A	N/A

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15305 of the California Environmental Quality Act (CEQA) guidelines that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 157 property owners within 1,320 feet of the subject parcels, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance Application (VA) may be approved only if four Findings specified in Zoning Ordinance Section 877 are made by the Planning Commission.

Specifically related to a VA, in order to make Findings 1 and 2, a determination must be made that the property is subject to an exceptional or extraordinary physical circumstance that does not apply to other properties in the same Zone District, and a substantial property right held by other property owners of like-zoned parcels in the area must be identified.

The decision of the Planning Commission on a VA is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

BACKGROUND INFORMATION:

This Variance Application was originally scheduled for the Planning Commission's May 18, 2017 hearing; however, one Commissioner recused themselves based on testimony from the Applicant's representative regarding ownership of Assessor's Parcel Number (APN) 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision No. 2) which revealed a potential conflict of interest for the Commissioner. As there were five total Commissioners present at the May 18, 2017 hearing, there was no longer a quorum for the hearing after the recusal, therefore this Variance Application was re-scheduled for the Planning Commission's June 8, 2017 hearing. Staff notes that there have been no changes to the Variance Findings or the proposed parcelization originally submitted by the Applicant for the May 18, 2017 hearing. Further, regarding property ownership, staff has confirmed that the owner of APN 120-281-24 (Judith Adair) and the owner of APN 120-281-23 (OPC Farms, Inc.) are agreeable to this Variance request.

This proposal entails a request to authorize a zero-foot side-yard setback for a Property Line Adjustment (PLA 17-08) between Assessor's Parcel Number (APN) 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) and APN 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision No. 2) that would result in an existing deck attached to an existing single-family residence being completely located within APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2). The existing deck attached to the existing single-family residence located on APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) crosses over the western property line of APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) and encroaches onto APN 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision No. 2). As such, a Property Line Adjustment (PLA) is needed to modify the western property line of APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) in order to place the

existing deck entirely within APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2). This issue was identified when Plan Check No. 16-0169 was filed on APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) for a proposed parking area with associated retaining wall.

The Shaver Lake Point Subdivision No. 2 Tract was recorded on February 13, 1947. On June 8, 1960, the Shaver Lake Point Subdivision No. 2 Tract was Zoned A-1 (Agricultural). On March 24, 1980, the Shaver Lake Point Subdivision No. 2 Tract was rezoned from A-1 to R-1(m) (Single-Family Residential, 6,000 square-foot minimum parcel size, Mountain Overlay) by means of Amendment Application No. 3077.

Regarding the parcel identified as APN 120-281-24, said parcel was created as Lot No. 175 of the Shaver Lake Point Subdivision No. 2 Tract. On September 11, 1959, building permits were issued to allow construction of a single-family residence on said parcel. On August 28, 1978, building permits were issued to allow construction of a deck addition onto the single-family residence previously constructed on said parcel, which is the deck that was constructed across the western property line of APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) and encroaches onto APN 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision No. 2).

Regarding the parcel identified as APN 120-281-23, said parcel was created as Lot No. 176 of the Shaver Lake Point Subdivision No. 2 Tract. On September 5, 1986, building permits were issued to allow construction of a single-family residence on said parcel.

There have been 12 other Variance applications filed within a mile of the subject parcel requesting reduced setback requirements in the R-1(m) Zone District. With the exception of VA No. 3928, which was filed to rectify an existing non-conforming improvement very similar to the subject proposal, these other Variance applications were filed to accommodate new development. The following table provides a brief summary of each of those Variance requests, staff recommendations, and final actions:

Application/Request	Date of Action	Staff Recommendation	Final Action
VA No. 2944: Allow a 10-foot front-yard setback	9/12/1985	Approval	Approved by Planning Commission
VA No.3007: Allow a 13-foot front-yard setback and a 9-foot rear-yard setback	2/18/1986	Approval	Approved by Planning Commission
VA No. 3393: Allow a 12.14-foot front-yard setback	2/18/1993	Deferred to Planning Commission	Approved by Planning Commission
VA No. 3448: Allow a zero-foot side-yard setback	5/19/1994	Deferred to Planning Commission	Approved by Planning Commission
VA No. 3494: Allow a ten-foot front-yard setback	7/13/1995	Deferred to Planning Commission	Approved by Planning Commission

Application/Request	Date of Action	Staff Recommendation	Final Action
VA No. 3804: Allow a three-foot front-yard setback and permit 42% lot coverage	2/17/2005	Approval	Approved by Planning Commission
VA No. 3851: Allow a six-foot front-yard setback	10/12/2006	Approval	Approved by Planning Commission
VA No. 3899: Allow an 11-foot front-yard setback	8/13/2009	Approval	Approved by Planning Commission
VA No. 3928: Allow a 1.3-foot side-yard setback	8/23/2012	Approval	Approved by Planning Commission
VA No. 3937: Allow a zero-foot rear-yard setback and 55.2% total lot coverage	12/13/2012	Denial	Approved by Planning Commission
VA No. 3963: Allow a six-foot rear-yard setback and an increase in lot coverage	10/20/2016	Denial	Approved by Planning Commission
VA No. 3988: Allow a single-family residence with 53.7% lot coverage and a zero-foot rear-yard setback	4/28/2016	Denial	Approved by Planning Commission

Although there is a history of variance requests within proximity of the subject parcel, each variance request is considered on its own merit, based on unique site conditions and circumstances.

DISCUSSION:

Findings 1 and 2: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification; and

Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 20 feet Side: 5 feet Rear: 20 feet	APN 120-281-24 (Lot No. 175 of Shaver Lake Point No. 2): Front (south property line): 9 feet	APN 120-281-24 (Lot No. 175 of Shaver Lake Point No. 2): No Existing deck proposed to have no side-yard

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
		<p>Side (east property line): 18 feet Side (west property line): 0 feet Rear (north property line): 13 feet</p> <p><u>APN 120-281-23 (Lot No. 176 of Shaver Lake Point No. 2):</u> Front (south property line): 5 feet Side (east property line): 14 feet Side (west property line): 18 feet Rear (north property line): 20 feet</p>	<p>setback on west side per PLA No. 17-08</p> <p>Existing single-family residence encroaches 11 feet into front-yard setback; however, said structure was constructed with building permits prior to current setback requirements.</p> <p>Existing single-family residence encroaches 7 feet into rear-yard setback; however, said structure was constructed with building permits prior to current setback requirements.</p> <p><u>APN 120-281-23 (Lot No. 176 of Shaver Lake Point No. 2):</u> No Existing garage encroaches 15 feet into front-yard setback; however, Zoning Ordinance Section 822.5-E.2.c (referred to by Zoning Ordinance Section 826.5-E.2.c) allows a five-foot front yard setback for garages on hillside lots, which is the situation in this case.</p>
Parking	One parking space for each residence	<p><u>APN 120-281-24 (Lot No. 175 of Shaver Lake Point No. 2):</u> Two proposed uncovered parking spaces that do not require Variance for construction</p> <p><u>APN 120-281-23 (Lot No. 176 of Shaver</u></p>	Yes

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
		<u>Lake Point No. 2</u>): Existing garage attached to existing single-family residence	
Lot Coverage	40 percent	<u>APN 120-281-24 (Lot No. 175 of Shaver Lake Point No. 2)</u> : 26 percent <u>APN 120-281-23 (Lot No. 176 of Shaver Lake Point No. 2)</u> : 49 percent	<u>APN 120-281-24 (Lot No. 175 of Shaver Lake Point No. 2)</u> : Yes <u>APN 120-281-23 (Lot No. 176 of Shaver Lake Point No. 2)</u> : No Existing structural improvements exceed the maximum lot coverage permitted; however, said improvements were constructed with building permits
Space Between Buildings	Six feet minimum (75 feet minimum between human habitations and structures utilized to house animals)	<u>APN 120-281-24 (Lot No. 175 of Shaver Lake Point No. 2)</u> : N/A (no accessory structures on site) <u>APN 120-281-23 (Lot No. 176 of Shaver Lake Point No. 2)</u> : N/A (no accessory structures on site)	N/A (no accessory structures on the subject parcels)
Wall Requirements	No requirement	No requirement	N/A
Septic Replacement Area	100 percent	No change	Yes
Water Well Separation	Septic tank: 50 feet; Disposal field: 100 feet; Seepage pit: 150 feet	No change	Yes

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: The R-1(m) Zone District requires a 20-foot minimum front-yard setback and a five-foot minimum side-yard setback for single-family residences; however, Mountain Overlay zoning allows parking spaces to be located within required setbacks. Assessor's Parcel Number (APN) 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) has an active Plan Check (PC No. 16-0169) for a proposed 400 square-foot parking area with retaining wall to be located within the front-yard setback. The existing deck attached to the existing single-family residence located on APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) crosses over the western property line of APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) and encroaches onto APN 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision No. 2). As such, a Property Line Adjustment (PLA) is needed to modify the western property line of APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) in order to place the existing deck entirely within APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2).

Analysis:

According to the Variance Findings provided for this proposal, Finding 1 is supported by the fact that the existing deck attached to the existing single-family residence was inadvertently constructed across the property line separating Assessor's Parcel Number (APN) 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) and APN 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision No. 2). Additionally, the sizes of APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) and APN 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision No. 2), and the configurations of improvements located thereon, make necessary the use of a zero-foot side-yard setback for the proposed Property Line Adjustment (PLA No. 17-08).

In support of Finding 2, the Variance Findings provided for this proposal assert that the requested Variance will preserve the existing deck and will also allow clear property title without having to destroy the existing deck.

With regard to Findings 1 and 2, staff acknowledges that the deck in question was constructed with building permits and passed final inspection conducted by a County Building Inspector. County records indicate that building permits were issued for the deck in 1978 with the understanding that the deck would maintain a minimum five-foot side-yard setback from the western property line of APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2). However, during a 2016 Plan Check (PC No. 16-0169) for a proposed 400 square-foot parking area with retaining wall to be constructed on APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2), it was discovered that the deck crosses over the western property line of APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) and encroaches onto APN 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision No. 2). As such, a Property Line Adjustment (PLA) is needed to modify the western property line of APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) in order to place the existing deck entirely within APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2). Alternatively, the area of the deck crossing over the property line and encroaching onto the neighboring property would have to be removed.

The R-1(m) Zone District requires a minimum parcel size of 6,000 square feet. Assessor's Parcel Number (APN) 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) is currently 7,490 square feet and APN 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision

No. 2) is currently 7,440 square feet. Should this Variance request be approved, the proposed PLA (PLA No. 17-08) would result in APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) being 7,595 square feet and APN 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision No. 2) being 7,335 square feet.

Although the R-1(m) Zone District requires a five-foot minimum side-yard setback, considering that the deck in question was constructed under building permits and received final inspection from County staff, the proposed PLA will not violate minimum parcel size requirements, and alternatives are limited to the destruction of the deck, staff believes that a substantial property right will be preserved by the approval of this Variance request.

Recommended Conditions of Approval:

None.

Conclusion:

Findings 1 and 2 can be made.

Finding 3: The granting of a Variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
North	80.00 acres	Vacant	RC-40	None
South	6,316 square feet	Single-family residence	R-1(m)	56 feet
	6,761 square feet	Single-family residence	R-1(m)	73 feet
	6,821 square feet	Single-family residence	R-1(m)	85 feet
East	7,616 square feet	Single-family residence	R-1(m)	25 feet
West	13,527 square feet	Single-family residence	R-1(m)	23 feet

Reviewing Agency/Department Comments:

Building and Safety Section of the Fresno County Department of Public Works and Planning: Assessor's Parcel Number (APN) 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) has an active Plan Check (PC No. 16-0169) for a proposed 400 square-foot parking area with retaining wall.

Resources Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Design Division of the Fresno County Department of Public Works and Planning: No concerns with the proposal.

Fresno County Department of Public Health, Environmental Health Division: Building permit records indicate that the existing septic system located on APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) was installed in 1961. It is recommended that the property owner consider having the existing septic tank pumped and leach fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system. This recommendation has been included as a Project Note.

California Department of Transportation (Caltrans): No concerns with the proposal.

Analysis:

In support of Finding 3, the Variance Findings provided for this proposal assert that the requested Variance will not change the character of the neighborhood, as any associated impacts would be limited to Assessor's Parcel Number (APN) 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) and APN 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision No. 2).

With regard to Finding 3, if approved, the granting of this Variance request will authorize a zero-foot side-yard setback for a Property Line Adjustment (PLA 17-08) between APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) and APN 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision No. 2) that would result in an existing deck attached to an existing single-family residence being completely located within APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2).

A primary purpose of setback requirements is to protect the aesthetic character of an area by providing an offset of structures from adjacent properties. Without these requirements, extreme setback variations can occur between buildings on adjacent properties, which can negatively affect the appearance of an area. In this case, the 14-foot separation between the single-family residences located on APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) and APN 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision No. 2) will not change as a result of this Variance request. Considering the unchanging nature of the residential land uses located on APN 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) and APN 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision No. 2), and the existing residential land uses in the area of the proposal, staff believes that there will be no adverse aesthetic impact and no adverse effects on surrounding properties if the Variance is granted.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 3 can be made.

Finding 4: *That the proposed development is consistent with the General Plan.*

Relevant Policies:	Consistency/Considerations:
<p>General Plan Policy PF-C.17: County shall, prior to consideration of any discretionary project related to land use, undertake a water supply evaluation. The evaluation shall include the following: A) determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question; B) determination of the impact that use of the proposed water supply will have on other water users in Fresno County; and C) determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability.</p>	<p>This proposal was referred to the Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning, which did not identify any concerns with the requested Variance. Assessor's Parcel Number (APN) 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) and APN 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision No. 2) are located in a designated water-short area; however, said parcels have existing single-family residences located thereon, and no additional residential development is proposed with this Variance request.</p> <p>Based on these factors, staff believes the proposal is consistent with this Policy.</p>

Reviewing Agencies/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: Assessor's Parcel Number (APN) 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) and APN 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision No. 2) are designated Mountain Residential in the County-adopted Shaver Lake Community Plan. There are no General Plan issues with the subject proposal.

Analysis:

In support of Finding 4, the Variance Findings provided for this proposal state that no change in residential density or building separation is being requested. Additionally, granting this Variance request will not physically change existing improvements located on Assessor's Parcel Number (APN) 120-281-24 (Lot No. 175 of Shaver Lake Point Subdivision No. 2) or APN 120-281-23 (Lot No. 176 of Shaver Lake Point Subdivision No. 2).

The subject parcels are designated Mountain Residential in the County-adopted Shaver Lake Community Plan. The Shaver Lake Community Plan and the General Plan do not have Policies specifically addressing side-yard setback requirements. As such, approval of this Variance request will not be in conflict with the Shaver Lake Community Plan or the General Plan.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

One email was received in opposition to the application.

CONCLUSION:

Based on the factors cited in the analysis, staff is able to make Finding 4. Therefore, staff recommends approval of VA No. 4022.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Move to determine that the required Findings can be made and move to approve Variance No. 4022, subject to the Condition and Notes listed below; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (denial action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Variance No. 4022; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

DC:ksn

G:\4360Devs&PIn\PROJSEC\PROJDOCS\VA\4000-4099\4022\SR\VA4022 SR REVISED.docx

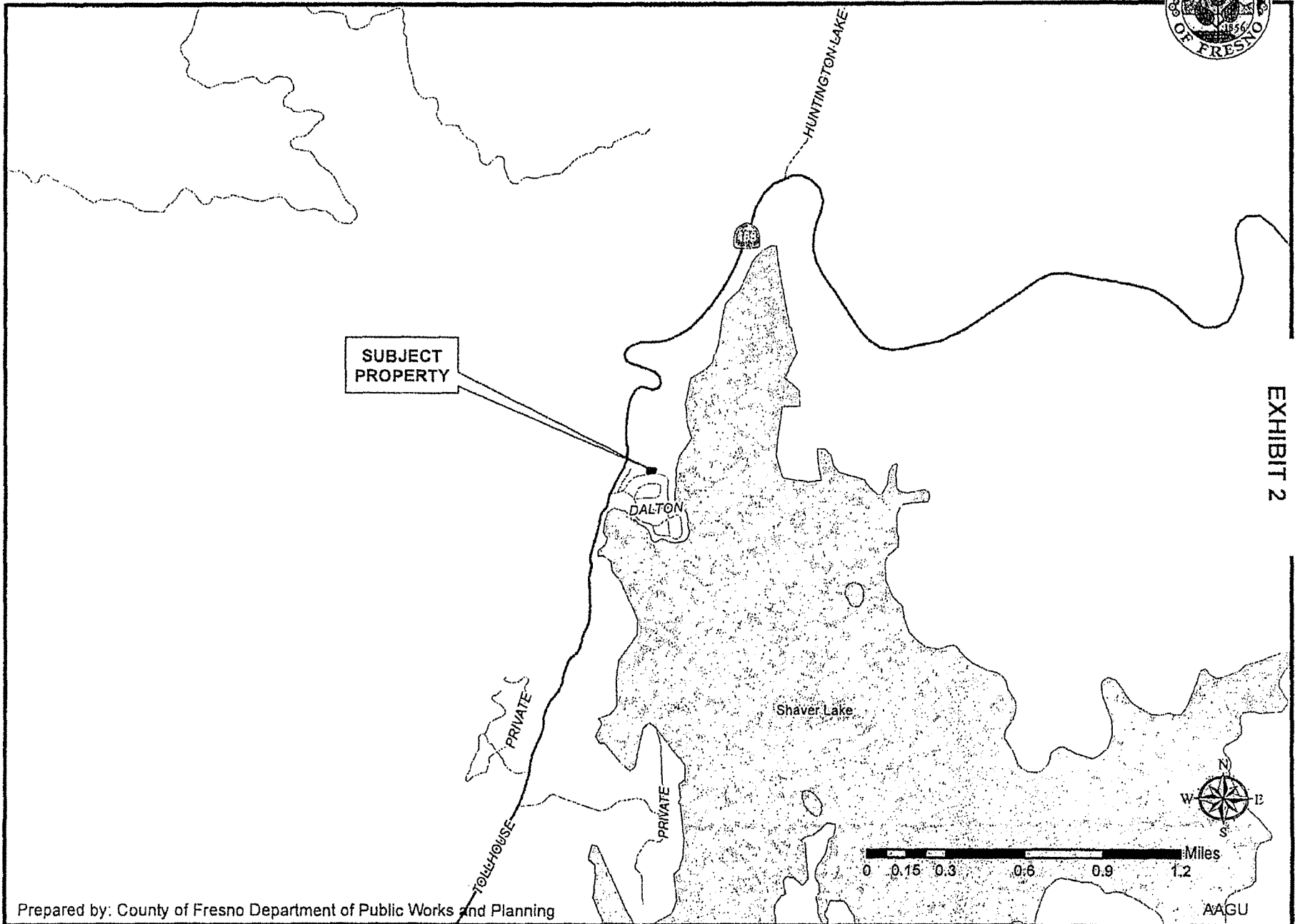
**Variance Application No. 4022
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in accordance with the Site Plan as approved by the Planning Commission.

Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	Modification (Property Line Adjustment) of the subject property is subject to the provisions of the Fresno County Parcel Map Ordinance. For more information, contact the Department of Public Works and Planning, Development Engineering Section at (559) 600-4022.
2.	Building permit records indicate that the existing septic systems located on the subject parcel were installed in 1961. It is recommended that the property owner consider having the existing septic tank pumped and leach fields evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate possible repairs, additions, or require the proper destruction of the system.

LOCATION MAP



SUBJECT
PROPERTY

DALTON

Shaver Lake

HUNTINGTON LAKE

PRIVATE

PRIVATE

TOLLHOUSE

0 0.15 0.3 0.6 0.9 1.2 Miles



EXHIBIT 2

AAGU

EXISTING ZONING MAP

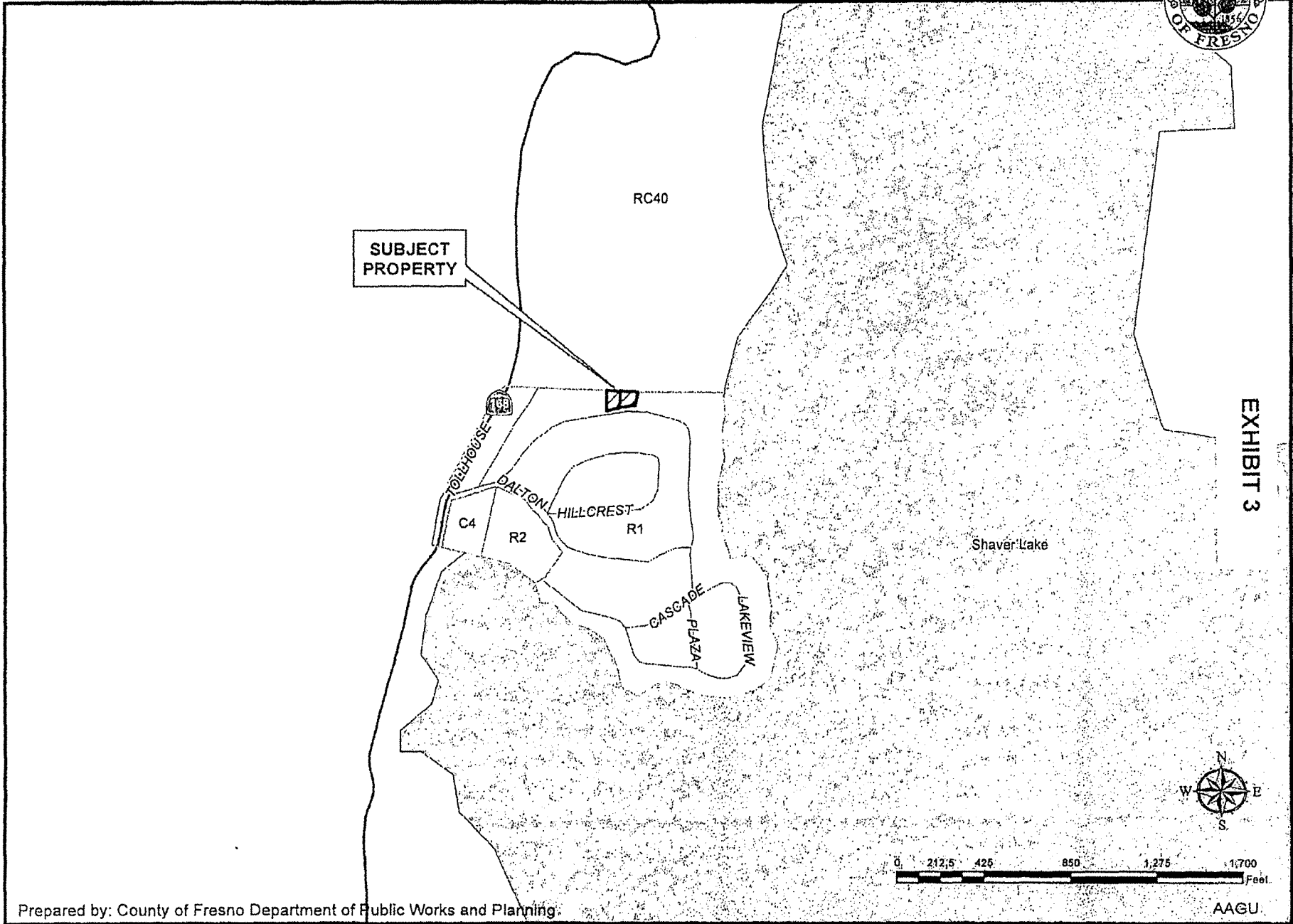
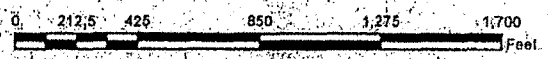


EXHIBIT 3



EXISTING LAND USE MAP



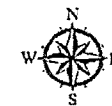
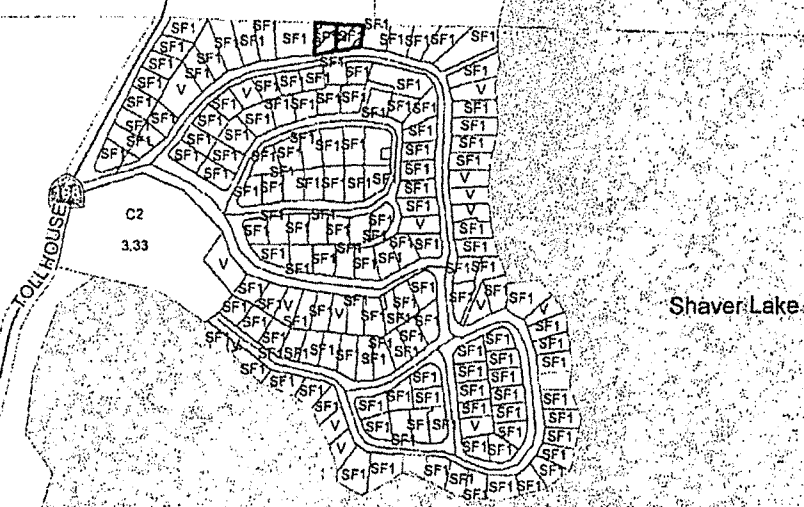
FOREST
80
AC.

LEGEND	
CH	- COMMERCIAL
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

LEGEND:

 Subject Property

EXHIBIT 4



0 135 270 540 810 1,080 Feet

Department of Public Works and Planning
Development Services Division

--- NOTE ---
 This map is for Assessment purposes only.
 It is not to be construed as portraying
 legal ownership or divisions of land for
 purposes of zoning or subdivision law.

SUBDIVIDED LAND IN POR. SEC. 24, T. 9 S., R. 24 E., M. D. B. & M.

Tax Rate Area
 60-004

120-28

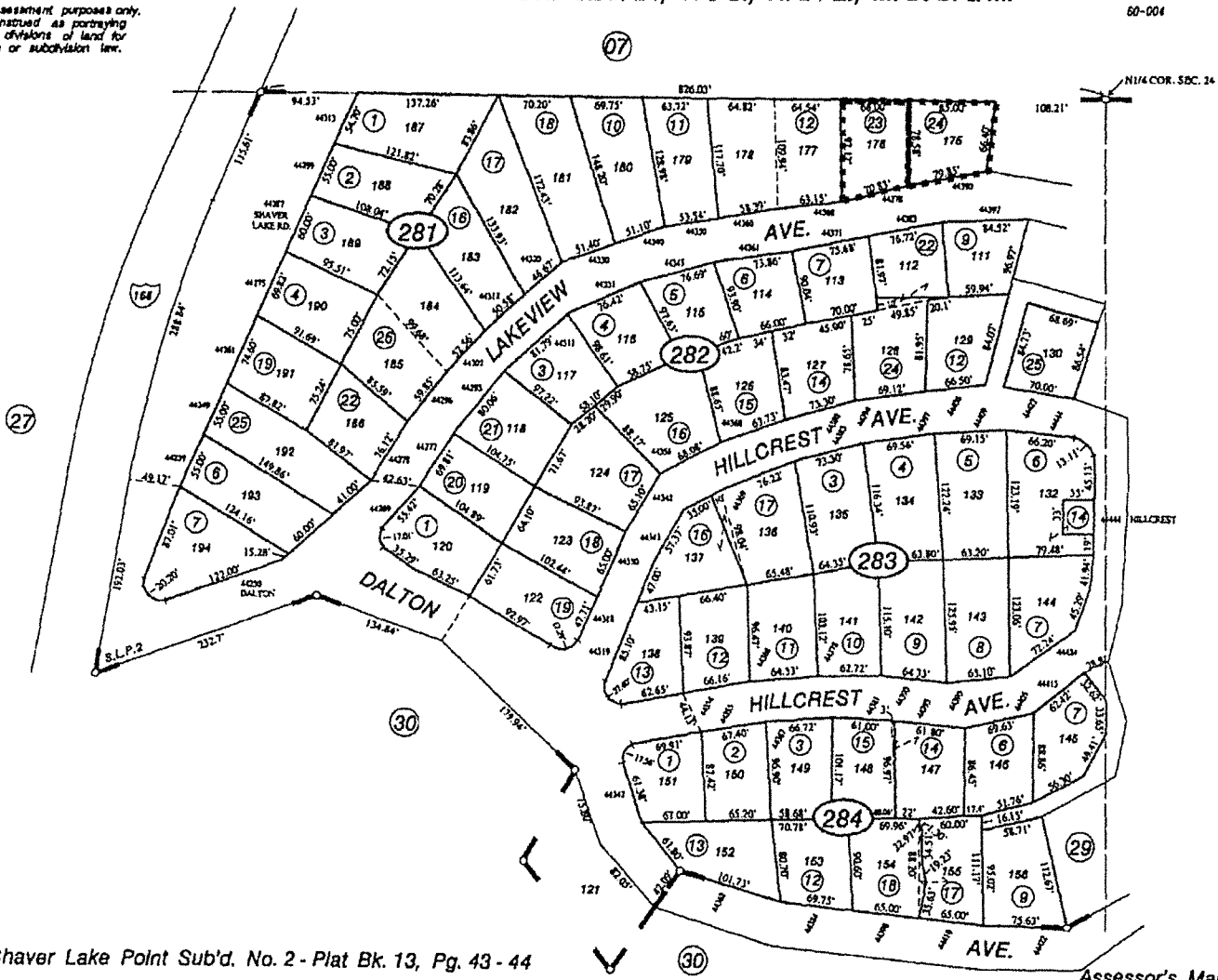


EXHIBIT 5

Shaver Lake Point Sub'd. No. 2 - Plat Bk. 13, Pg. 43 - 44

Assessor's Map Bk. 120 - Pg. 28
 County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
 Assessor's Parcel Numbers Shown in Circles.

EXHIBIT 6

VARIANCE REQUEST

A Variance is requested for zero side yard setback to enable adjustment of the side line common to Lot 175 and Lot 176 as needed to fit the configuration of existing structure and access improvements. Specifically, the zero side yard setback is requested for the structure improvements of Lot 175 which existing structure improvements encroach onto Lot 176. The existing parking pad improvements of Lot 176 encroach onto Lot 175 which encroachment does not require the zero side yard setback for lot 176. The proposed Property Line Adjustment would result in the improvements serving their respective lot(s) being within the appropriate lot as desired for clear property title condition.

Findings Necessary For The Granting Of A Variance

1. Exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.

The Variance justification circumstances are that improvements were previously inadvertently constructed across the common lot line, which circumstances do not exist generally for other properties in the vicinity, and that the size of the two lots and the configuration of the existing improvements make necessary use of zero setback side yards. The zone district setback spacing between buildings, lot dimensions and area requirements will be respected.

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.

Granting of the Variance will enable preservation of the existing improvements within respective to be reconfigured ownership areas for clear property title without destruction of existing improvements which improvements configuration necessitates the zero setback property line adjustment.

3. The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.

Granting of the Variance will have no impact to the existing vicinity conditions and will be restricted to the immediately involved properties for no injury to property or improvements in the vicinity. The overall setting condition will remain as is for no change / detriment to the public welfare.

4. The granting of such variance will not be contrary to the objectives of the General Plan.

No change in building density or spacing between buildings is proposed or likely for these built upon lots. Granting of the Variance will not result in physical changes to these improved built upon lots.

EXHIBIT 7

EXHIBIT 'A'

Existing Lots 175 and 176 of Shaver Lake Point
Subdivision NO. 2
Vol. 13 of Plats, Pgs. 43-44, F.C.R.

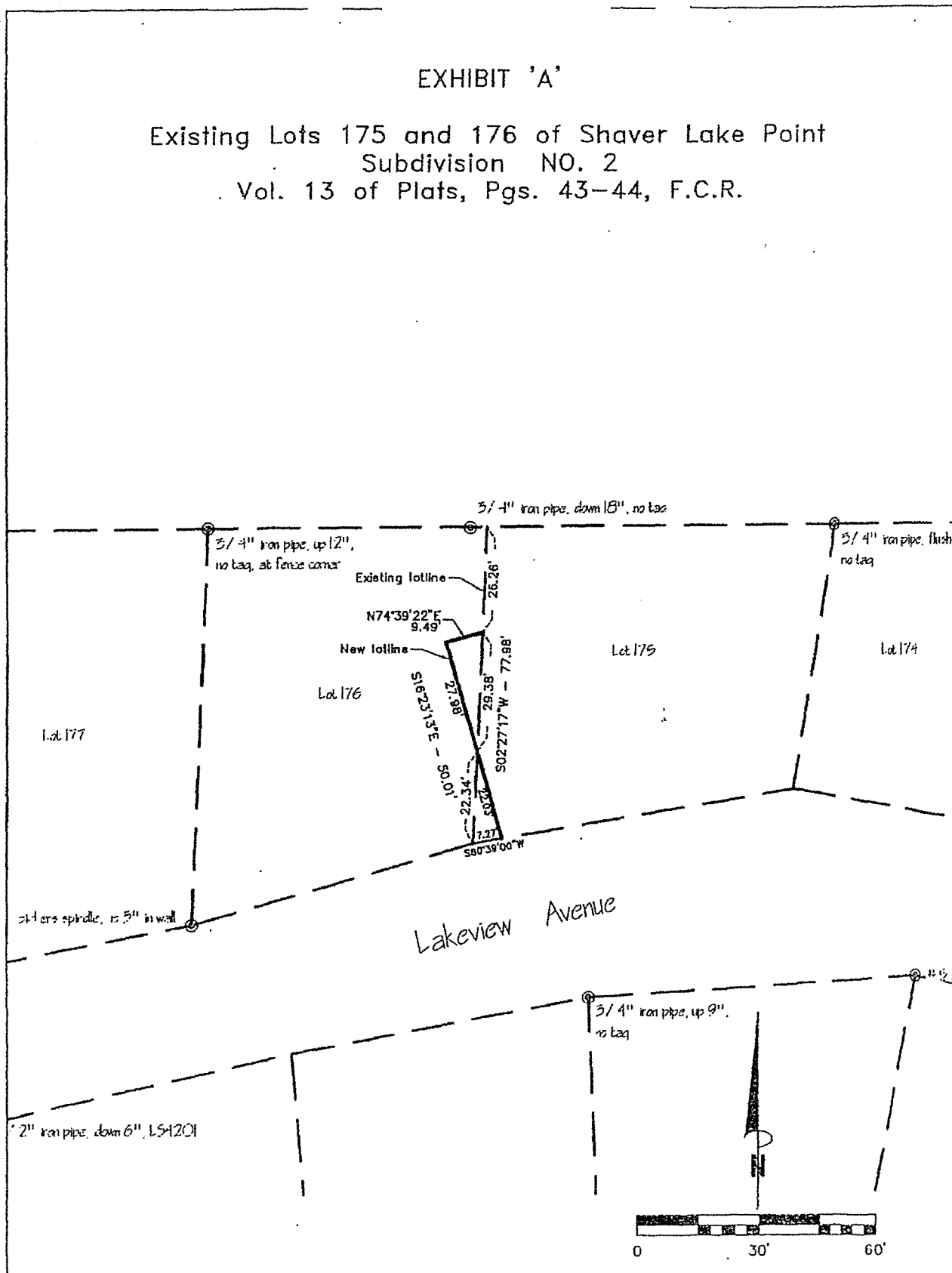


EXHIBIT 8

Chambers, Derek

From: Russel Efird <refird51@gmail.com>
Sent: Tuesday, May 16, 2017 11:20 AM
To: Chambers, Derek
Subject: Variance Application No. 4022

Mr. Chambers,

Once again, a request is being made to reduce the a set back at Shaver Lake Point.

I am against any reduction in setbacks, but especially going to a zero side set back. The current set back is 5 feet which is not very much.

Russel Efird
44439 Dalton
Shaver Lake Point

VA 4022
RECEIVED
COUNTY OF FRESHO
MAY 16 2017
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

RECEIVED
COUNTY OF FRESNO

AUG 15 2018

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

STRAHM ENGINEERING ASSOCIATES, INC.
5100 N. SIXTH ST., SUITE 117
FRESNO, CA 93710

August 15, 2018

PLAVAR18.815

Fresno County Public Works & Planning – Development Services
2220 Tulare St., Sixth Floor
Fresno, CA 93721

Subject: Variance No. 4022 – PLA No, 17-08 – Variance Time Extension Request

Gentlemen:

A request for a one year time extension for PLA No. 17-08 was made timely. The approval letter for the PLA noted a one year extension could be granted if made timely in writing with application filed and fee paid. There was no reference in the approval letter that a companion time extension request would be required for Variance N. 4022.

Several days after submittal of the PLA time extension request, County staff advice that an application for the variance time extension was also needed. Thereafter an application and fees payment was provided for the variance time extension request – the variance time extension request would have also been made timely had notice of such requirement been included with the PLA approval letter.

Approval of the variance ahead of the property line adjustment date escaped consideration with attention being focused on the PLA approval letter.

Need for the PLA time extension became apparent when considerably more time and effort than contemplated transpired in reaching agreement for access easements related to the property line adjustment.

Your consideration would be greatly appreciated.

Sincerely,

STRAHM ENGINEERING ASSOCIATES, INC.



Rod Strahm, P.E.

cc: Steve Rau

EXHIBIT 5