



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 3 November 8, 2018

**SUBJECT:** Variance Application No. 4051

Allow a 14-foot front-yard setback (20-foot minimum required) for the proposed construction of an approximately 324 square-foot addition to the existing garage on a 7,405 square-foot parcel in the R-1(m) (Single-Family Residential, 6,000 square-foot minimum parcel size, Mountain Overlay) Zone District.

**LOCATION:** The project site is located on the north side of Cascade Avenue, at its intersection with Lakeview Avenue, within the unincorporated community of Shaver Lake (44354 Cascade Avenue) (SUP. DIST. 5) (APN 120-301-10).

**OWNER:** Keith and Renece Duggan  
**APPLICANT:** Linda Dineen

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

Marianne Mollring, Senior Planner  
(559) 600-4569

**RECOMMENDATION:**

- Deny Variance No. 4051; 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. Variance Map
6. Site Plan
7. Floor Plan and Elevations
8. Applicant's Submitted Findings

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

| <b>Criteria</b>          | <b>Existing</b>   | <b>Proposed</b>   |
|--------------------------|---|---|
| General Plan Designation | Mountain Residential: Shaver Lake Community Plan  | No change   |
| Zoning                   | R-1(m) (Single-Family Residential, 6,000 square-foot minimum parcel size, Mountain Overlay) Zone District               | No change   |
| Parcel Size              | 7,405 square feet (0.17 acre)   | No change   |
| Project Site             | 7,405 square-foot (approximately 0.17 acre) parcel improved with a single-family residence and attached garage          | Addition of an attached garage as described below   |
| Structural Improvements  | Existing, approximately 1,897 square-foot single-family residence and a 351 square-foot attached garage with deck above | A 324 square-foot attached garage addition with deck above, encroaching approximately 6 feet into the required front-yard setback (20-foot minimum required), and a 286 square foot living room addition. |
| Nearest Residence        | Approximately 10 feet west  | No change   |
| Surrounding Development  | North: Residential<br>East: Residential<br>South: Residential<br>West: Residential                                      | No change   |

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**ENVIRONMENTAL ANALYSIS:**

It has been determined pursuant to Section 15305(a) 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. Section 15305(a) is a Class 5 Categorical Exemption, and consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including, but not limited to: minor lot line adjustments; side-yard and setback variances not resulting in the creation of any new parcel.

**PUBLIC NOTICE:**

Notices for the hearing were sent to 161 property owners within 1,320 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

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

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

**BACKGROUND INFORMATION:**

The subject parcel was originally created as Lot No. 52 of the Shaver Lake Point Tract recorded on May 17, 1946. According to County records, permits were issued for the existing approximately 1,897 square-foot single-family residence in March of 1972. Permit records indicate that the existing dwelling was originally constructed as a 1,582 square-foot single-family residence. Existing additions to the dwelling were permitted in 2005, including a new deck and staircase on the east side of the dwelling, and a new roof. The roof was again replaced in 2014.

This Variance request proposes to allow a 14-foot front-yard setback, where a 20-foot minimum is required, to construct a 324 square-foot attached addition to the existing garage with a deck above, which will encroach approximately 6 feet into the front-yard setback on the east side, bringing the proposed structure approximately 14 feet from the southern property line, adjacent to Cascade Avenue.

The proposed attached garage addition, with deck above, will entail an approximate 135 square-foot encroachment into the front-yard setback. The Applicant also proposes to expand the existing living space by 286 square feet, and the existing 351 square-foot deck will be replaced and expanded by 38 square feet, for a total of 389 square feet. The proposed 286 square-foot living room addition will be outside of the required front-yard setback area. The proposed garage addition will be approximately 5 feet, from the westerly (side) property line, based on the Applicant's site plan, which would be consistent with the required side-yard setback. The existing residence with the proposed additions will constitute approximately 30 percent lot coverage where a maximum of 40 percent is allowed in the R-1(m) Zone District.

In addition to the subject application, County records indicate that there have been 15 other variance requests proposing to allow a reduction of required yard setbacks within one quarter-mile of the subject property, all within the Shaver Lake Point Subdivision. Of those, 14 were approved and one denied; 2 were approved specifically allowing an attached or detached garage within the front yard. According to the Zoning Ordinance, off-street parking areas including garages within front yards are not allowed in the R-1 Zone District.

Although there have been previous variance requests in the vicinity of the subject property, the granting of those other variances does not constitute an exceptional or extraordinary circumstance on the subject property; each variance request is considered on its own merit, based on site conditions and circumstances particular to the subject property.

| <b>Application/Request</b>  | <b>Date of Action</b>      | <b>Staff Recommendation</b>     | <b>Final Action</b>  |
|---|----------------------------|---------------------------------|--|
| VA No. 2944: Allow a ten-foot front-yard setback in the R-1(m) Zone District  | 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 in the R-1(m) Zone District            | 2/18/1986                  | Deferred to Planning Commission | Approved by Planning Commission  |
| VA No. 3393: Allow a 12.14-foot front-yard setback in the R-1(m) Zone District  | 2/18/1993                  | Deferred to Planning Commission | Approved by Planning Commission  |
| VA No. 3448: Allow a zero-foot side-yard setback in the R-1(m) Zone District  | 5/19/1994                  | Deferred to Planning Commission | Approved by Planning Commission  |
| VA No. 3494: Allow a ten-foot front-yard setback for a single-family residential addition in the R-1(m) Zone District | 7/13/1995                  | Deferred to Planning Commission | Approved by Planning Commission  |
| VA No. 3804: Allow a three-foot front-yard setback and permit 42 percent lot coverage in the R-1(m) Zone District     | 2/17/2005                  | Approval                        | Approved by Planning Commission  |
| VA No. 3838: Allow a seven-foot-tall fence within the front-yard setback in the R-1(m) Zone District                  | 12/14/2006<br><br>2/7/2007 | Denial                          | Denied by Planning Commission<br><br>Denial upheld by Board of Supervisors |

|  |            |          |                                 |
|--|------------|----------|---------------------------------|
| VA No. 3851: Allow a six-foot front-yard setback in the R-1-(m) Zone District  | 10/12/2006 | Approval | Approved by Planning Commission |
| VA No. 3899: Allow an 11-foot front-yard setback in the R-1(m) Zone District   | 8/13/2009  | Approval | Approved by Planning Commission |
| VA No. 3928: Allow a 1.3-foot side-yard setback in the R-1(m) Zone District  | 8/23/2012  | Approval | Approved by Planning Commission |
| VA No.3937: Allow a zero-foot rear-yard setback and 55.2 percent lot coverage in the R-1(m) Zone District                                  | 12/13/2012 | Denial   | Approved by Planning Commission |
| VA No. 3953: Allow 47 percent lot coverage in the R-1(m) Zone District   | 2/20/2014  | Approval | Approved by Planning Commission |
| VA No. 3963: Allow a six-foot rear-yard setback and 52 percent lot coverage in the R-1(m) Zone District                                    | 10/20/2016 | Denial   | Approved by Planning Commission |
| VA No. 3988: Allow a single-family residence with 53.7 percent lot coverage and a zero-foot rear-yard setback in the R-1(m ) Zone District | 5/26/2016  | Denial   | Approved by Planning Commission |
| VA No. 4022: Allow a zero-foot side-yard setback for a PLA in the R-1(m) Zone District   | 6/8/2017   | Approval | Approved by Planning Commission |

**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 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.*

|                         | <b>Current Standard:</b>   | <b>Proposed Operation:</b>  | <b>Is Standard Met (y/n)</b> |
|-------------------------|--|---|------------------------------|
| Setbacks                | Front (south) 20 feet  | Front (south) 14 feet   | No                           |
|                         | Rear (north) 20 feet   | No change   | Yes                          |
|                         | Side (east/west) 5 feet  | No change   | Yes                          |
| Parking                 | One parking space for each residence   | No change   | Yes                          |
| Lot Coverage            | Maximum of 40 percent in the R-1(m) Zone District. Subject property is currently at approximately 25 percent | The addition of a 324 square-foot attached garage with deck above; will increase lot coverage to approximately 30 percent | Yes                          |
| Space Between Buildings | Six feet minimum between main and accessory buildings  | No change   | Yes                          |
| Septic Replacement Area | 100 percent  | No change   | Yes                          |
| Water Well Separation   | Septic tank: 50 feet;<br>Disposal field: 100 feet;<br>Seepage pit: 150 feet                                  | No change   | Yes                          |

**Reviewing Agency/Department Comments:**

Fresno County Department of Public Health, Environmental Health Division: In the case of this application, it appears that the parcel can accommodate the sewage and disposal system and expansion area, meeting the mandatory setbacks and policy requirements as established with the implementation of the Fresno County Tier 2 Local Area Management Program (LAMP) for on-site wastewater treatment systems (OWTS) policy, and the California Plumbing Code.

According to the site plan provided by the Applicant, the proposed garage addition does not encroach on the required setbacks for the existing septic system. It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain field evaluated by an appropriately-licensed contractor, if they have not been serviced and/or maintained within the last five years. The evaluation may indicate the need for repairs, additions, or require the proper destruction of the system.

Zoning Section of the Fresno County Department of Public Works and Planning: If approved, the proposed garage addition will require permits and inspections.

Building and Safety Section of the Fresno County Department of Public Works and Planning: No comment.

Development Engineering Section of the Fresno County Department of Public Works and Planning: Cascade Avenue is classified as a Local road with an existing 40-foot right-of-way along the subject parcel frontage, per the Tract Map. The minimum width for a Local road right-of-way is 60 feet. Cascade Avenue is a County-maintained road and records indicate that this section of Cascade Avenue, from Lakeview Avenue to Plaza Avenue, has an Average Daily Traffic count of 200, a paved width of 16.8 feet, a structural section of .08 feet AC, and is in very good condition. Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an encroachment permit from the Road Maintenance and Operations Division. If not already present, ten-foot by ten-foot corner cutoffs should be improved for sight distance purposes at the existing driveway onto Cascade Avenue.

According to FEMA, FIRM Panel 0450H, the subject parcel is not subject to flooding from the one-percent-chance storm event. According to U.S.G.S. Quad Maps, there are no existing natural drainage channels adjacent to or traversing the subject parcel.

Typically, if the subject parcel is located within the State Responsibility Area (SRA) boundary, any proposed or future development shall be in accordance with the applicable SRA Fire Safe Regulations, as they apply to driveway construction and access. A grading permit or voucher is required for any grading that has been done without a permit and any grading proposed with this application.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: The subject property corners should be verified to establish the location of the proposed garage addition in relation to the west (side) property line.

### **Analysis:**

In support of Findings 1 and 2, the Applicant states that due to the relatively narrow paved road width in the Shaver Lake Point Subdivision (approximately 17 feet), street parking is impractical, and off-street parking area is generally limited due to variable lot configuration, slope and presence of rock formations and large mature trees adjacent to the existing driveway. The existing garage access point faces the east (side) property line. As the existing garage is served by a paved driveway, the addition will require minimal grading of the site.

Staff analysis of parcel and land use maps, as well as site photos, confirms that the subject property conforms to the development standards of the R-1 and Mountain Overlay Zone Districts regarding lot area, width and depth. Staff notes that there is considerable variation in lot size, shape and configuration of residential and accessory structures within the Shaver Lake Point Subdivision due to the mountain topography of the area. The subject parcel slopes downward toward Cascade Avenue from north to south, however this condition does not restrict the required parking area, as there does appear to be adequate off-street parking on the site, provided by a paved circular driveway, in addition to the existing garage. The Mountain Overlay District does not require covered parking; only that there be one parking space for each dwelling, and that parking in the required front yard, which abuts a street, is prohibited except where the required yard has a slope from the street to the parking area greater than 25 percent. The existing driveway abutting Cascade Avenue does not meet this condition. However, although the subject parcel does not meet the definition of a hillside lot, which is having a grade of more than 25 percent front the curb line to a point halfway between the side lot lines at a distance of 50 feet from the front lot line, it is sloped and contains large trees and rock outcroppings that without removal and grading, effectively limit the buildable area of the lot, a condition which as noted previously is common to other properties in the vicinity.

In support of Finding 2, the Applicant states that the subject property has only a single-car garage, unlike many of the surrounding properties, which have two and three-car garages; and due to occasionally adverse winter weather in mountainous areas, covered or enclosed parking is preferred; as such, having covered parking could be considered a substantial property right, which is enjoyed by other property owners in the vicinity.

In regard to Finding 2, the approval of a variance request is intended to correct the deficit of a substantial property right of the owner that would be restricted by the applicable development standards, and which right is enjoyed by other property owners within the identical zone district, and under similar circumstances. The Applicant proposes to build an addition to the existing attached garage with a deck above, and extend the living space of the residence over the area above the existing garage.

According to the Applicant's Findings, the property right deficit at issue is the lack of a multi-car garage. As noted previously, off-street parking provisions of the Mountain Overlay Zone District do not require nor restrict covered parking; the only restrictions on buildings are related to limited lot size and minimum yard requirements. The property owner's desire to increase the enclosed parking area is understandable, however, staff does not concur that the lack thereof would constitute the deficit of a substantial property right. Additional enclosed vehicle storage during inclement weather would be desirable, however, other property owners in the vicinity would also be required to comply with the required setbacks.

A consideration in addressing Variance Findings is whether there are alternatives available that would avoid the need for the Variance. One alternative would be to construct the garage outside of the required setbacks; however, the only suitable area for the garage addition other than the existing drive approach to the existing garage would be in front of the existing garage where the extension is proposed; alternatively, to place the proposed garage at the rear of the property would not be feasible given that the location of the existing septic system would necessitate vehicles driving over the existing leach field. Additionally, the subject parcel narrows toward the rear lot line and may not provide adequate turnaround and backing area for ingress and egress of a garage addition.

The Applicant could also construct a carport within the existing parking area, outside of the setback area, which would not afford the equivalent level of protection from inclement weather, as would an enclosed garage, but could be accomplished without the need for a Variance. If approved, the proposed garage addition will create an approximately 135 square-foot encroachment into the front-yard setback; the structure would be located approximately 27.5 feet from the eastern property line and approximately 5 feet from western property line.

Based on the above analysis, staff does not believe that there are exceptional circumstances and conditions applicable to the subject property that do apply generally to other properties in the vicinity. Additionally, staff does not believe that a substantial property right is at issue (the lack of covered parking) which would require a Variance to be preserved. There is existing covered parking which exceeds the requirements within the Mountain Overlay Zone District. As noted in the table on pages four and five of this Staff Report, staff does acknowledge that other properties in the vicinity have been granted variances for reduced setbacks, and at least two were specifically related to the addition of a garage within the front-yard setback, either attached or detached.

In this case, staff is unable to make Findings 1 and 2.



**Conclusion:**

Findings 1 and 2 cannot be made.

*Finding 3: The granting of the 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.*

| <b>Surrounding Parcels</b> |           |                           |         |                       |
|----------------------------|-----------|---------------------------|---------|-----------------------|
|                            | Size:     | Use:                      | Zoning: | Nearest Residence:    |
| North                      | 0.19 acre | Single-family residential | R-1(m)  | Approximately 80 feet |
|                            | 0.15 acre | Single-family residential | R-1(m)  | Approximately 80 feet |
| South                      | 0.13 acre | Single-family residential | R-1(m)  | Approximately 85 feet |
| East                       | 0.18 acre | Single-family residential | R-1(m)  | Approximately 20 feet |
| West                       | 0.17 acre | Single-family residential | R-1(m)  | Approximately 15 feet |

**Reviewing Agency/Department Comments:**

Fresno County Fire Protection District: The project will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

**Analysis:**

In support of Finding 3, the Applicant's submitted Findings state that the requested Variance will not have an adverse effect on surrounding properties, as the proposed use is consistent with the site conditions and character of this property and neighborhood, and that other properties in the vicinity have built in the front-yard setback area, some closer to the front property line than is being requested in this case.

In analyzing this proposal, staff considered the intent of restrictions to yard setbacks. A primary purpose of the setback standard is to protect the aesthetic character of an area by providing an offset of structures from the adjacent roadway and properties. In this case, the proposed garage would entail a 12-foot horizontal extension and an approximately 14-foot (including the deck railing) vertical extension of the of the existing garage structure, encroaching approximately 6 feet into the front-yard setback, and would be located approximately 14 feet from the front property line. The proposed structure at 14 feet in height will be clearly visible from neighboring properties, particularly on the east and west sides, and only partially screened from neighboring properties to the south and the adjacent roadway by existing trees and the varying topography. Therefore, the proposed garage and deck addition may potentially impact views from neighboring properties; however, staff is unable to make that determination based on the available information, including site photos and aerial images.

According to a note included on the Applicant's site plan there is approximately 15 feet between the front (south) property line and the edge of the paved roadway; based on this note, the proposed garage addition would be located approximately 29 feet from the edge of pavement at its closest point, and therefore would not impact sightlines of vehicle traffic on the adjacent

roadway.

Staff notes that the aesthetic character of the Shaver Lake Point Subdivision is such that there is considerable variation in size, shape, orientation, and architectural style of residential and accessory structures. This is due in part to the varying topography, curvature of the roads, and natural features of the area, characterized by relatively steep slopes, large trees and rock outcroppings, and an irregular lake shore which forms the southern and eastern boundaries of the subdivision. Based on the analysis, staff concurs with the Applicant's Finding No. 3, which states that the proposed structure will be consistent with the site conditions and character of the surrounding neighborhood.

Based on the above analysis, staff does not believe the proposal would have an adverse effect upon surrounding properties.

**Conclusion:**

Finding 3 can be made.

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

The subject parcel is designated Mountain Residential in the County-Adopted Shaver Lake Community Plan. The Shaver Lake Community Plan contains no policies related to required yard setbacks. As such, this proposal is consistent with the General Plan and the County-Adopted Shaver Lake Community Plan.

**Reviewing Agency Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning: There are no General Plan or Williamson Act issues with this application.

**Analysis:**

In support of Finding 4, the Applicant's submitted Findings state that the granting of this Variance will not be contrary to the objectives of the Fresno County General Plan, and that this proposal will be identical in design to the existing structure and therefore consistent with the design of other residences in the community.

The subject parcel is designated Mountain Residential in the County-Adopted Shaver Lake Community Plan. The Shaver Lake Community Plan Policy 609-03:5.00 addresses the need for aesthetic standards and preservation of scenic views; however, the Plan does contain specific policies or property development standards that would be applicable in this case. Staff notes that much of the housing is similar in architectural style, keeping with the mountain character of the area; however, the housing styles do vary in color, exterior treatments and construction materials. Appendix G of the General Plan contains policies that specifically address property development standards in each zone district. The subject property is currently in compliance with the standards of the R-1(m) District; accordingly, approval of this Variance request will not be in conflict with the goals of the Shaver Lake Community Plan or the County General Plan. Based on these factors, staff believes the proposal is consistent with the General Plan and is therefore able to make Finding 4.

**Conclusion:**

Finding 4 can be made.

**PUBLIC COMMENT:**

None.

**CONCLUSION:**

Based on the factors cited in the analysis, staff is unable to make Findings 1 and 2, and therefore recommends denial of Variance No. 4051.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance No. 4051; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Approval Action)

- Move to determine the required Findings can be made (state basis for making the Findings) and move to approve Variance No. 4051, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

JS:ksn

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**Variance Application No. 4051  
Conditions of Approval and Project Notes**

| <b>Conditions of Approval</b> |   |
|-------------------------------|---|
| 1.                            | Development shall be in substantial compliance with the site plan, floor plan and elevations, as approved by the Planning Commission. |

Conditions of Approval reference recommended Conditions for the project.

| <b>Notes</b>   |  |
|--|--|
| <b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b> |  |
| 1.   | Plans related to construction of the project shall be submitted to the Development Services and Capital Projects Division of the Fresno County Department of Public Works and Planning for review and approval in order to acquire building and installation permits, and necessary inspections.   |
| 2.   | It is recommended that the Applicant consider having the existing septic tank pumped, and have the tank and drain field evaluated by an appropriately-licensed contractor if they have not been serviced and/or maintained within the last five years. The evaluation may indicate the need for repairs, additions, or require the proper destruction of the system.<br><br>According to the site plan provided by the Applicant, the addition of the garage does not encroach onto the setbacks for the existing septic system and the designated 100 percent future expansion or replacement area for the septic system. |
| 3.   | Any additional runoff generated by the proposed development cannot be drained across property lines and must be retained on site or disposed of per County Standards.  |
| 4.   | A Grading Permit or Voucher shall be required for any grading activity associated with this proposal.  |
| 5.   | Plans, permits and inspections will be required for all existing and proposed improvements on the subject property.  |
| 6.   | This proposed development shall comply with California Code of Regulations Title 24-Fire Code; additionally, this project/development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.   |

JS:ksn

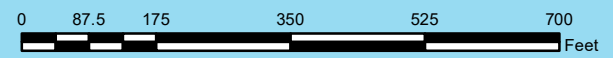
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**EXHIBIT 1**

# LOCATION MAP

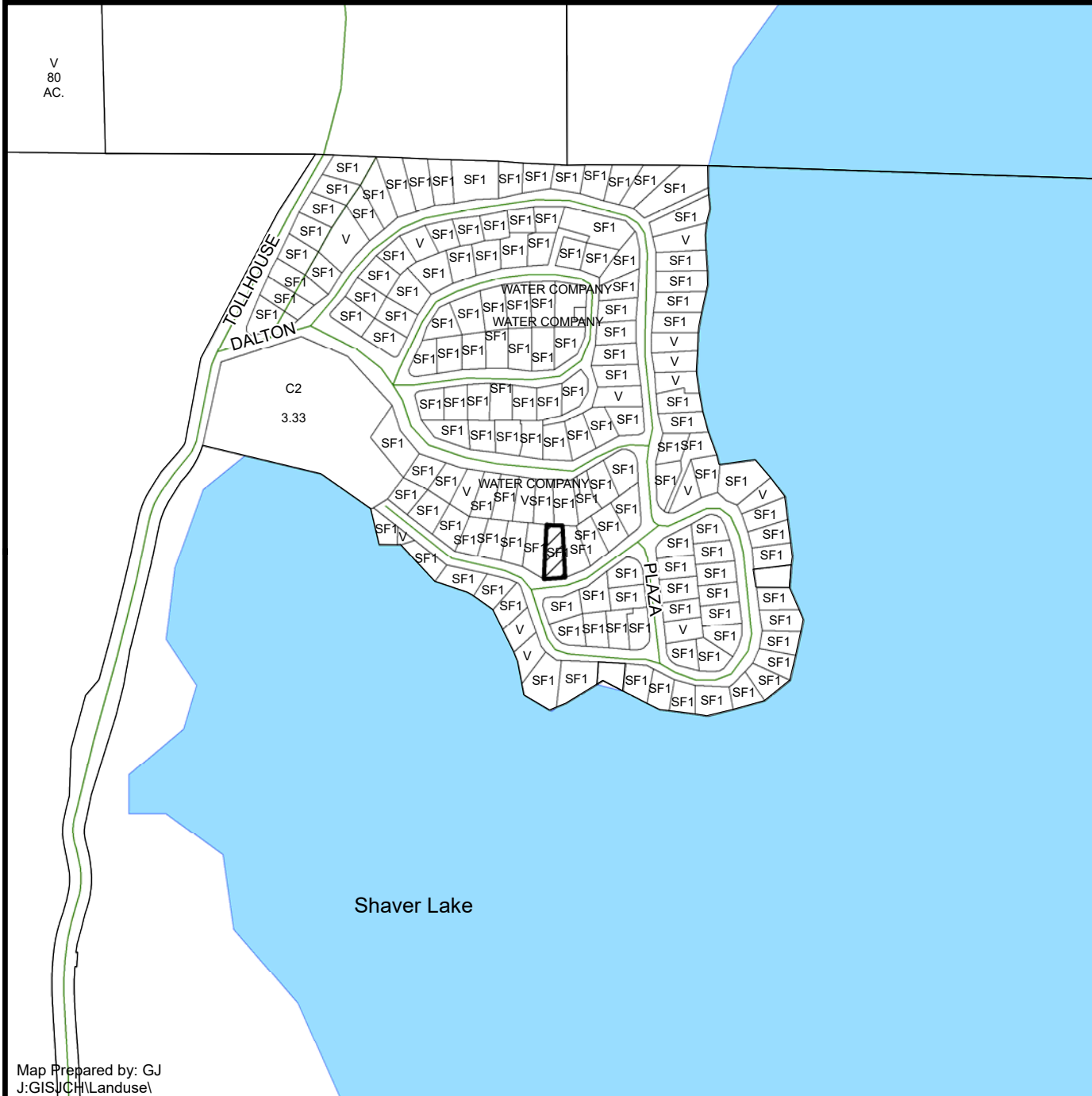


# EXISTING ZONING MAP



VA 4051


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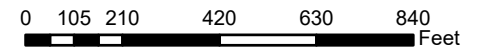
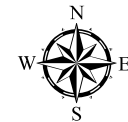


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| LEGEND |                           |
|--------|---------------------------|
| C#     | - COMMERCIAL              |
| SF#    | - SINGLE FAMILY RESIDENCE |
| V      | - VACANT                  |

LEGEND:

-  Subject Property
-  Ag Contract Land



Map Prepared by: GJ  
J:GIS\CH\Landuse\

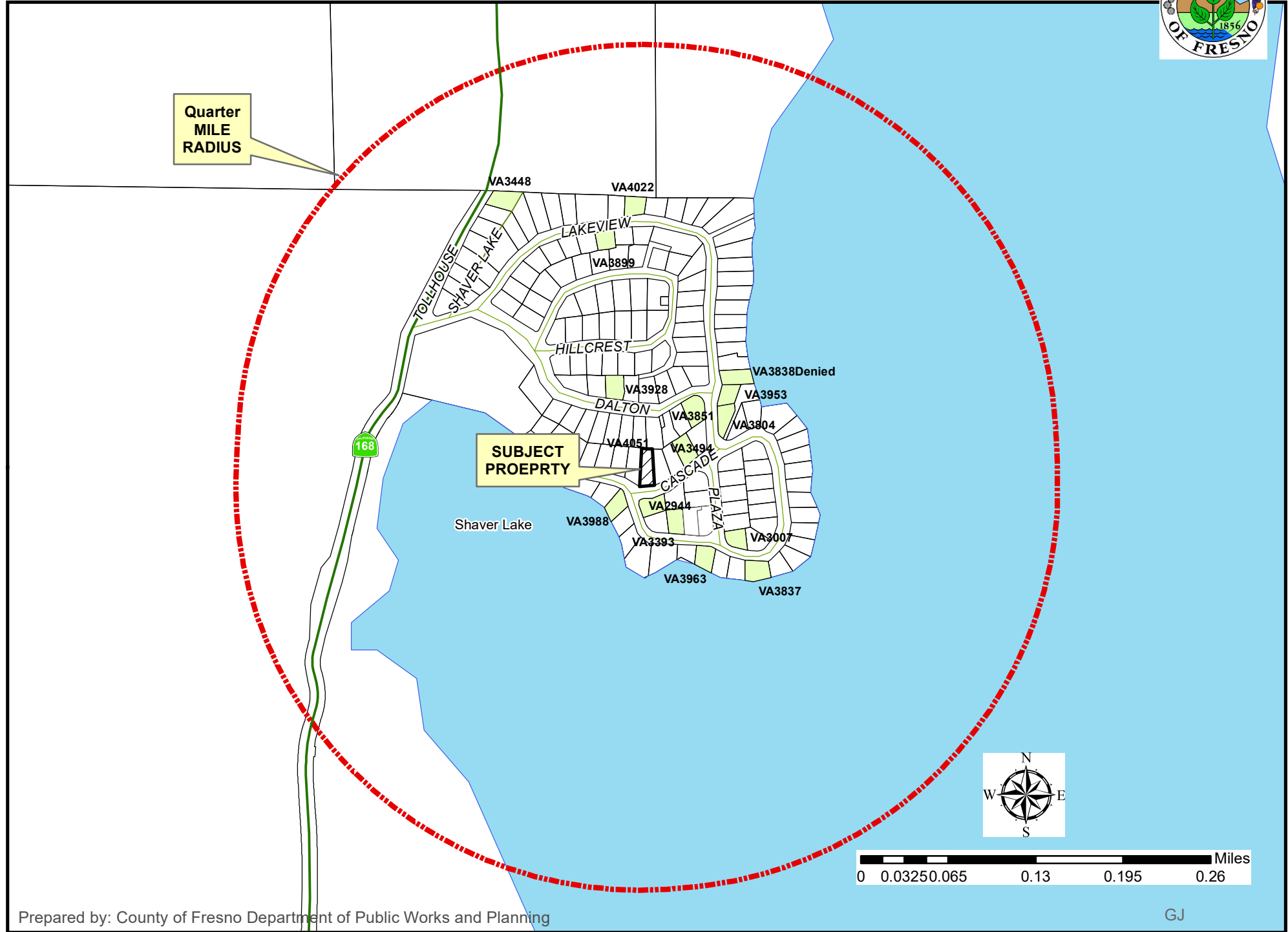
Department of Public Works and Planning  
Development Services Division

# APPROVED VARIANCES WITHIN A QUARTER MILE RADIUS

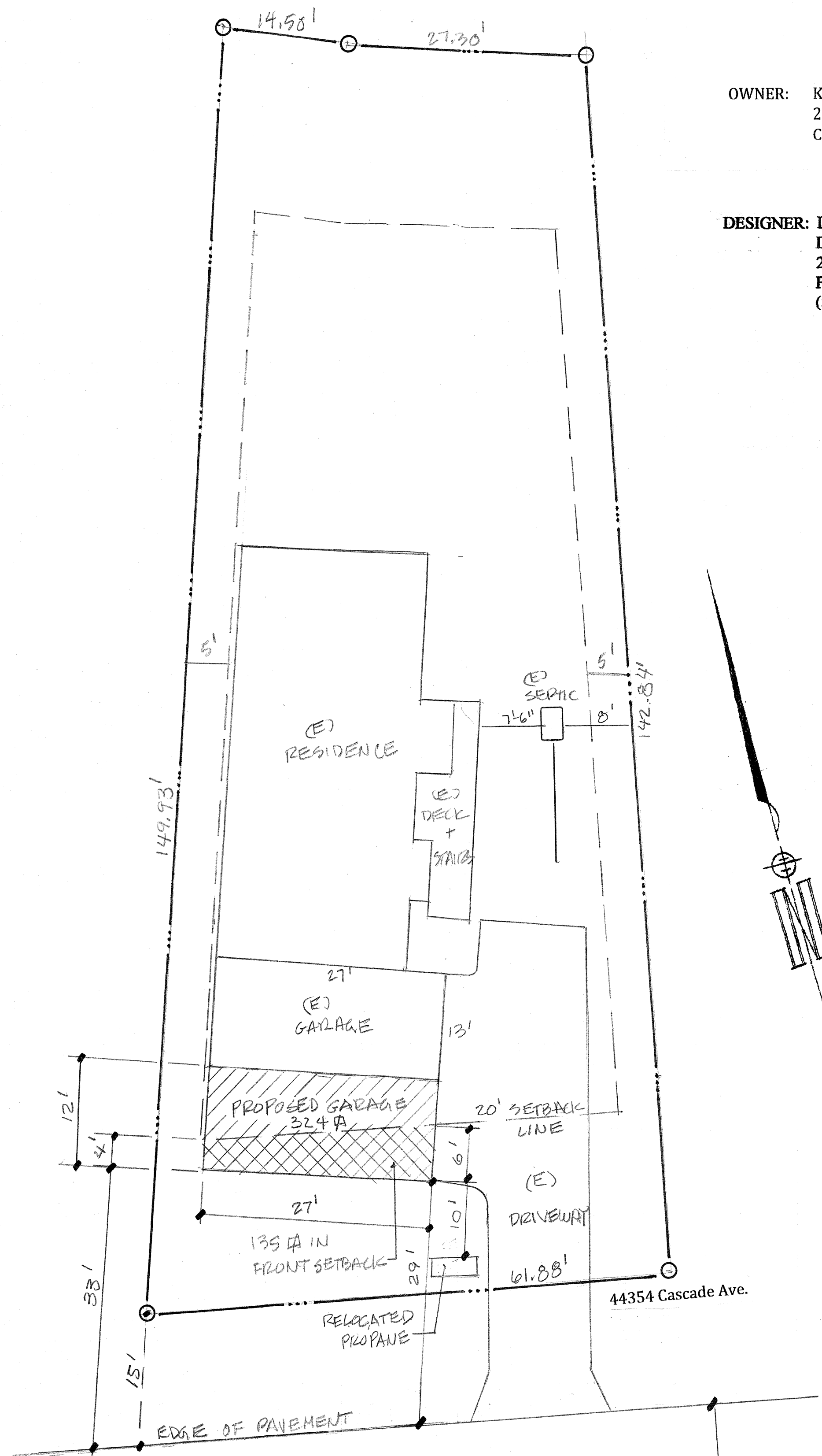


Quarter  
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SUBJECT  
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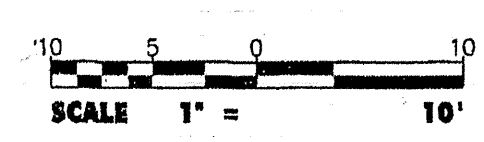
OWNER: Keith & Renece Dugggan  
 23725 Via Roble  
 Coto de Casa, CA 92679

DESIGNER: Linda Dineen  
 Dineen Drafting & Design  
 2985 E. Willis Ave.  
 Fresno, CA 93726  
 (559) 221-6053

**PROJECT STATISTICS**  
 APN: 120-301-10  
 Zoning: R-1  
 Lot area: 7,496 sq.ft.  
 Proposed lot coverage: 1,892 sq.ft.  
 % Coverage = 25%  
 Existing residence: 1897 sq.ft.  
 Existing garage: 352 sq.ft.  
 Living room addition: 286 sq.ft.  
 Garage Addition: 324 sq.ft.  
 New deck: 389 sq.ft.  
 Total proposed residence: 2,183 sq.ft.

Please note that even with this encroachment requested, there will still be 29'-33" from the new garage to the edge of Lakeview Avenue.

**SITE PLAN**



**California Green Building Standards**

**Indoor Water Use**  
 Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:  
 Water closets - The effective flush volume of all water closets shall not exceed 1.28 gal/flush. Tank-type water closets shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for tank-type toilets.  
 The effective flush volume of dual flush toilets is defined as the composite, average flush volume of two reduced flushes and one full flush.  
 Urinals - The effective flush volume of urinals shall not exceed 0.5 gal/flush.  
 Showerheads - Single showerhead. Showerheads shall have a min. flow rate of not more than 2.0 gpm at 80 psi. Showerheads shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for showerheads. Multiple showerheads serving one shower - When a shower is served by more than one showerhead, the combined flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 2.0 gpm at 80psi, or the shower shall be designed to allow only one shower outlet to be in operation at a time.  
 A hand-held shower shall be considered a showerhead.  
 Faucets - Residential lavatory faucets. The max. flow rate of residential lavatory faucets shall not exceed 1.5 gpm at 60psi. The min. flow rate of residential lavatory faucets shall not be less than 0.8 gpm at 20 psi.  
 Lavatory faucets in common public use areas. The max. flow rate of lavatory faucets installed in common and public use areas (outside of dwellings or sleeping units) in residential buildings shall not exceed 0.5 gpm at 60psi.  
 Kitchen faucets. The max. flow rate of kitchen faucets shall not exceed 1.8 gpm at 60psi. Kitchen faucets may temporarily increase the flow above the max. rate, but not to exceed 2.2 gpm at 60psi, and must default to a max. flow rate of 1.8 gpm at 60psi.  
 Where complying faucets are unavailable, aerators or other means may be used to achieve reduction.  
 Standards for plumbing fixtures and fittings. Plumbing fixtures and fittings shall be installed in accordance with the California Plumbing Code and shall meet the applicable standards referenced in Table 1401.1 of the CPC.  
**Enhanced Durability and Reduced Maintenance**  
 Rodent proofing. Annular spaces around pipes, electric cables, conduits or other openings in sole bottom plates at exterior walls shall be protected against the passage of rodents by closing such openings with cement mortar, concrete masonry or a similar method acceptable to the enforcing agency.  
**Construction Waste Reduction, Disposal and Recycling**  
 Construction waste management plan. Submit a construction waste management plan in conformance with items 1-5. The construction waste management plan shall be updated as a necessary and shall be available during construction for examination by the enforcing agency.  
 1. Identify the construction and demolition waste materials to be diverted from disposal by recycling, reuse  
 On the project or salvage for future use or sale  
 2. Specify if construction and demolition waste materials will be sorted on-site (source-separated) or bulk Mixed (single stream).  
 3. Identify diversion facilities where the construction and demolition waste material will be taken.  
 4. Identify construction methods employed to reduce the amount of construction and demolition waste Generated.  
 5. Specify that the amount of construction and demolition waste materials diverted shall be calculated by weight or volume, but not by both.  
 6. Waste Management Company. Utilize a waste management company, approved by the enforcing agency, which can provide verifiable documentation that the percentage of construction and demolition waste material diverted from the landfill complies with Section 4.408.1.

**Pollutant Control**  
 Covering of duct openings and protection of mechanical equipment during construction. At the time of rough installation, during storage on the construction site and until final startup of the heating, cooling and ventilating equipment, all ducts and other related air distribution component openings shall be covered with tape, plastic, sheet metal or other methods acceptable to the enforcing agency to reduce the amount of water, dust and debris, which may enter the system.  
 Finish material pollutant control - Finish materials shall comply with this section.  
 Adhesives, sealants and caulks. Adhesives, sealants and caulks used on the project shall meet the requirements of the following standards unless more stringent local or regional air pollution or air quality management district rules apply:  
 1. Adhesives, adhesive bonding primers, adhesive primers, sealants, sealant primers, and caulks shall comply with local or regional air pollution control or air quality management district rules where applicable or SCAQMD Rule 1168 VOC limits, as shown in Table 4.504.1 or 4.504.2 as applicable. Such products also shall comply with the Rule 1168 prohibition on the use of certain toxic compounds (chloroform, ethylene dichloride, methylene chlorid, perchloroethylene and trichloroethylene), except for aerosol products, as specified in subsection 2 below.  
 2. Aerosol adhesives, and smaller unit sizes of adhesives, and sealant or caulking compounds (in units of product, less packaging, which do not weigh more than one pound and do not consist of more than 16 fluid ounces) shall comply with statewide VOC standards and other requirements, including prohibitions on use of certain toxic compounds, of California Code Regulations, Title 17, commencing with Section 94507.  
 3. Paints and Coatings. Architectural paints and coatings shall comply with VOC limits in Table 1 of the ARB Architectural Suggested Control Measure, as shown in Table 4.504.3, unless more stringent local limits apply. The VOC content limit for coatings that do not meet the definitions for the specialty coatings categories listed in Table 4.504.3 shall be determined by classifying the coating as Flat, Nonflat or Nonflat High Gloss coating, based on its gloss, as defined in subsections 4.2.1, 4.36 and 4.37 of the 2007 California Air Resources Board, Suggested Control Measure, and the corresponding Flat, Nonflat or Nonflat High Gloss VOC limit in Table 4.504.3 shall apply.  
 4. Aerosol paints and coatings. Aerosol paints and coatings shall meet the Product-weighted MIR Limits for ROC in Section 94522(a)(3) and other requirements, including prohibitions on use of certain toxic compounds and ozone depleting substances Sections 94522(2) and (d)(2) of California Code of Regulations, Title 17, commencing with Section 94520; and in areas under the jurisdiction of the Bay Area Air Quality Management District additionally comply with the Percent VOC by weight of product limits of Regulation 8, rule 49.  
 5. Verification. Verification of compliance with this section shall be provided at the request of the enforcing agency.  
 a. Manufacturer's product specification.  
 b. Field verification of on-site product containers.

**Interior Moisture Control**  
 General building shall meet or exceed the provisions of the California Building Standards Code, Chapter 19 or concrete slab foundations required to have a vapor retarder by the California Building Code, Chapter 5, shall also comply with this section.  
 Concrete slab foundations required to have a vapor retarder by the California Residential Code, Chapter 5, shall also comply with this section.  
 Capillary break - a capillary break shall be installed in compliance with at least one of the following:  
 1. A 4-inch-thick (101.6 mm) base of 1 inch (12.7mm) or larger clean aggregate shall be provided with a vapor retarder in direct contact with concrete and a concrete mix design, which will address bleeding, shrinkage and curling, shall be used. For additional information, see American Concrete Institute A.C.I. 302.2R-06.  
 2. Other equivalent methods approved by the enforcing agency.  
 3. A slab design specified by a licensed design professional. 4.505.3 Moisture content of building materials. Building materials with visible signs of water damage shall not be installed. Wall and floor framing shall not be enclosed when the framing members exceed 19% moisture content. Moisture content shall be verified in compliance with the following:  
 a. Moisture content shall be determined with either a probe-type or contact-type moisture meter. Equivalent moisture verification methods may be approved by the enforcing agency and shall satisfy requirements found in Section 101.8 of this code.  
 b. Moisture readings shall be taken at a point 2 feet (610 mm) to 4 feet (1219 mm) from the grade stamped end of each piece to be verified.  
 c. At least three random moisture readings shall be performed on wall and floor framing with documentation acceptable to the enforcing agency provided at the time of approval to enclose the wall and floor framing.

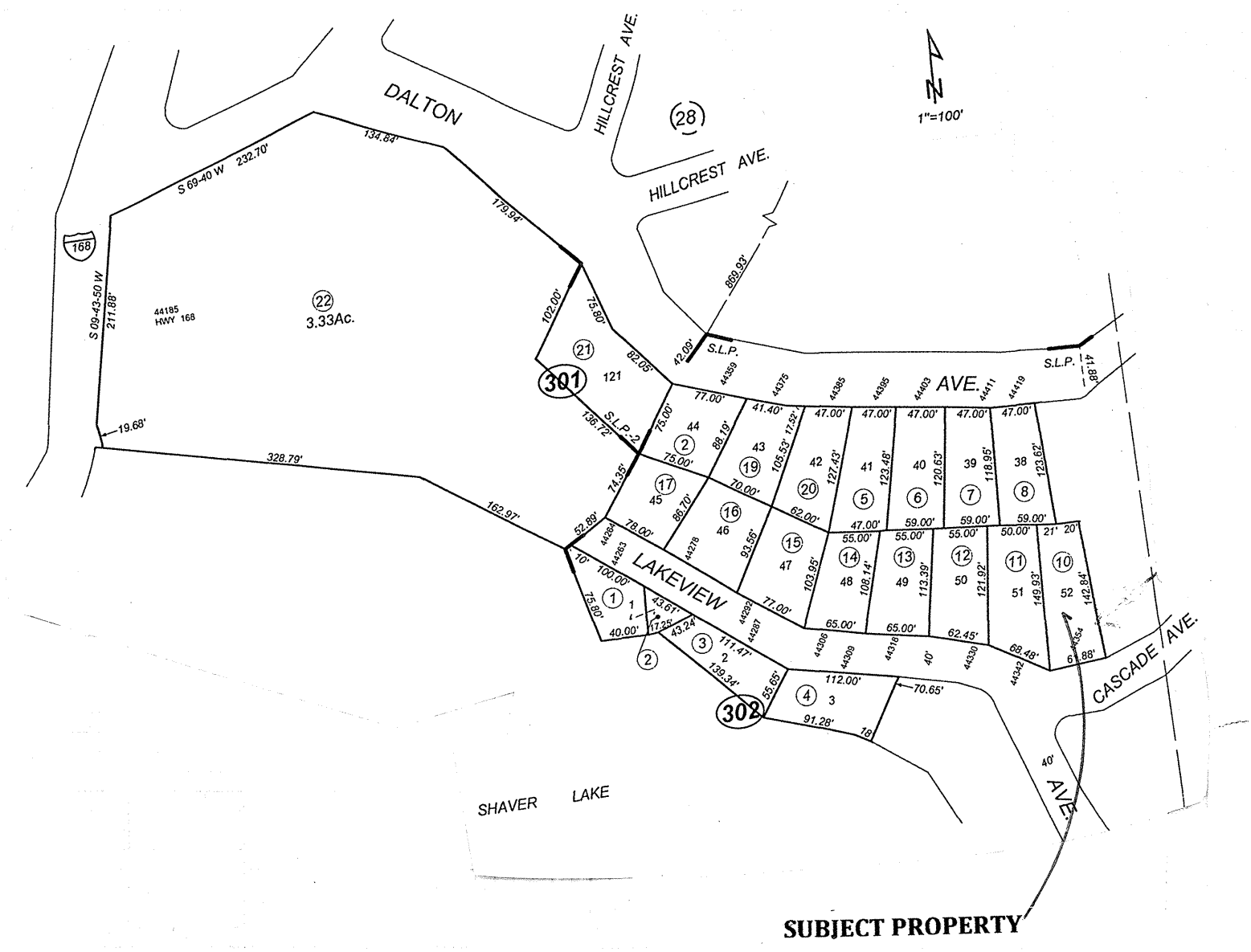
**Indoor Air Quality and Exhaust**  
 Bathroom exhaust fans - Each bathroom shall be mechanically ventilated and shall comply with the following:  
 1. Fans shall be ENERGY STAR compliant and be ducted to terminate outside the building.  
 2. Unless functioning as a component of a whole house ventilation system, fans must be controlled by a humidity control.  
 a. Humidity controls shall be capable of adjustment between a relative humidity range of 50% to a max. 80%. A humidity control may utilize manual or automatic means of adjustment.  
 b. A humidity control may be a separate component to the exhaust fan and is not required to be integral (i.e. built in).  
 For the purposes of this section, a bathroom is a room which contains a bathtub, shower, or tub/shower.  
 Lighting integral to bathroom exhaust fans shall comply with the California Energy Code.

| CHECKED (SHOW LOGS) | WIND DESIGN (Speed, Depth) | SEISMIC DESIGN CAT. | SUBJECT TO DAMAGE FROM |                  |         | WATER DESIGN (Type) | ICE BARRIER UNDERLAYMENT REQUIRED | FLOOD HAZARDS | AIR FREEZING RISKS | MEAN ANNUAL TEMP. |
|---------------------|----------------------------|---------------------|------------------------|------------------|---------|---------------------|-----------------------------------|---------------|--------------------|-------------------|
|                     |                            |                     | Windblowing            | First Live Depth | Thawing |                     |                                   |               |                    |                   |
| 150                 | 15                         | NO 15               | D                      | M.O.D            | 18"     | YES                 | 10°                               | Yes           | NO                 | 47°               |

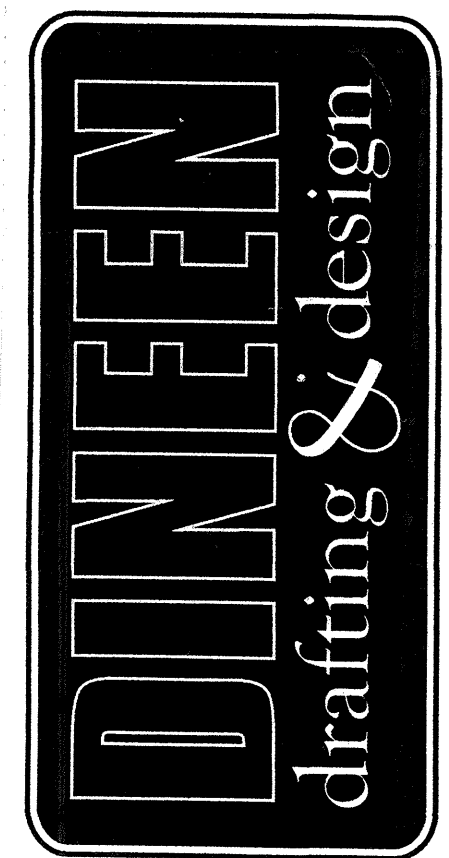
**SITE NOTES:**

- Chemical toilet to be provided on site during construction.
- Provide 2% min. slope away from structure for a min. of 5'.
- Driveways and private roads shall have a maximum slope of 12%.
- Install street address numeral at least 4" high with min. 1/2" stroke on contrasting background clearly visible from the street.
- No on-site water retention.
- No drainage to adjacent property.
- Changes from the approved plans during the course of construction shall cause construction to be suspended until such time as the plans can be amended by the designer and submitted to the County for Review and approval.
- The Construction Waste Management Plan must be finalized prior to occupancy.

APPLICABLE CODES:  
 2016 CBC, 2016 CRC, 2016 CEC, 2016 CMC, 2016 CPC, 2016 CFC, 2016 CFC



**VICINITY MAP**



Linda Dineen  
 (559) 221-6053

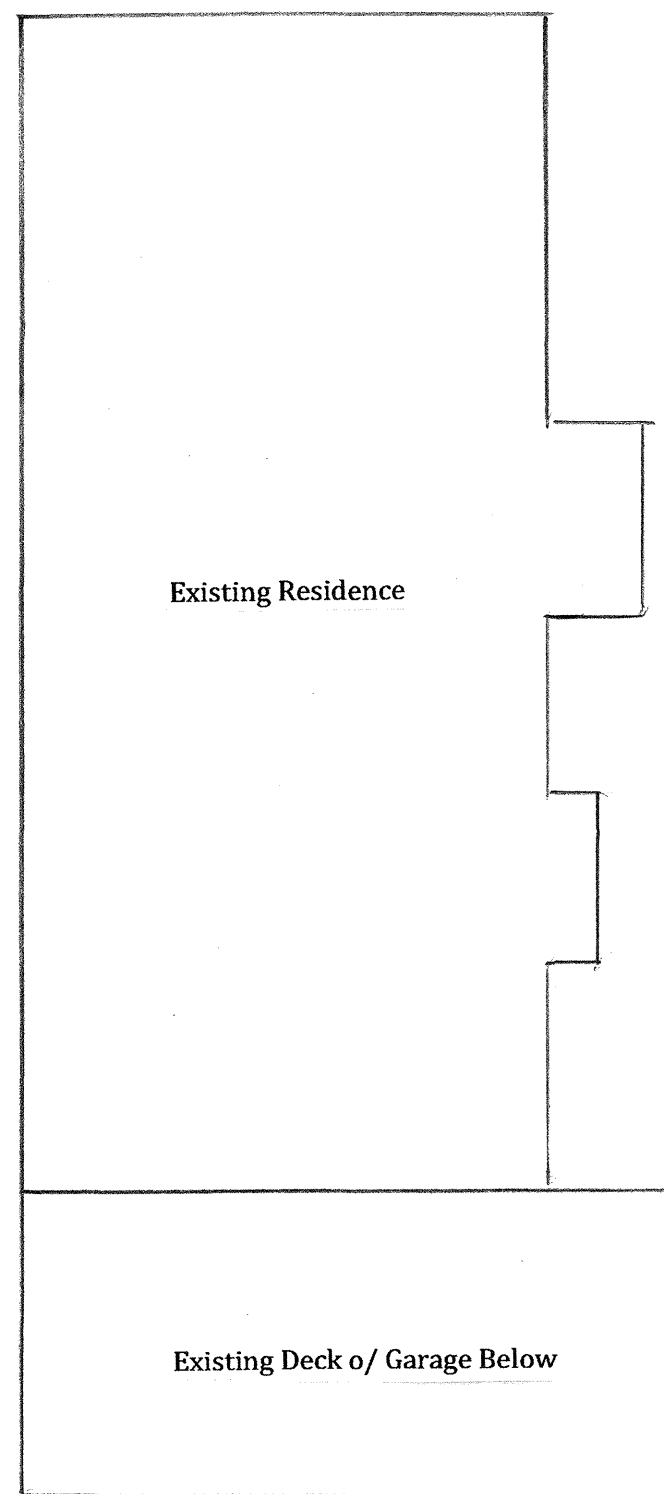
PROPOSED FRONT YARD SETBACK ENCROACHMENT FOR:  
**KEITH & RENECE DUGGAN**  
 44354 CASCADE AVENUE  
 SHAVER LAKE, CA

CONTRACTOR:  
 Marty Robinson  
 35585 Lodge Rd.  
 Tollhouse, CA 93667  
 (559) 259-6626  
 Lic. # 846491

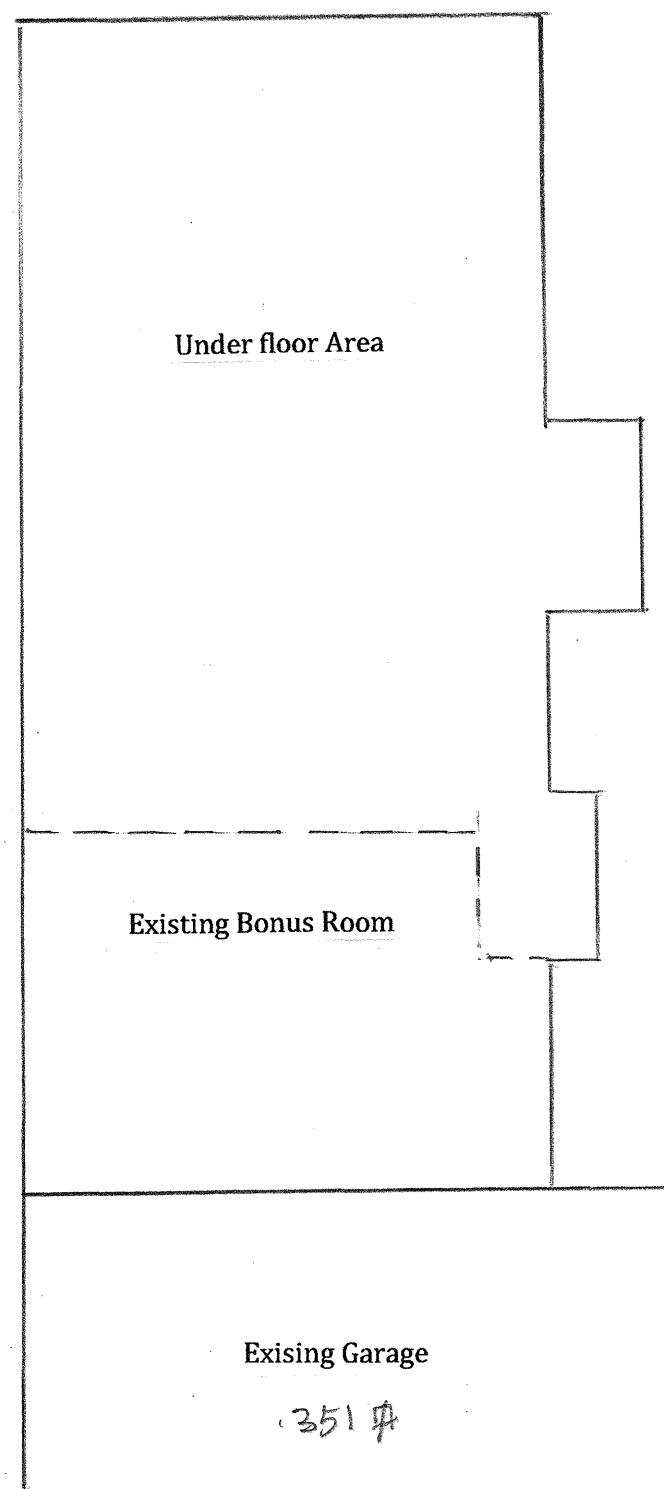
APRIL 2018

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*L. Dineen*



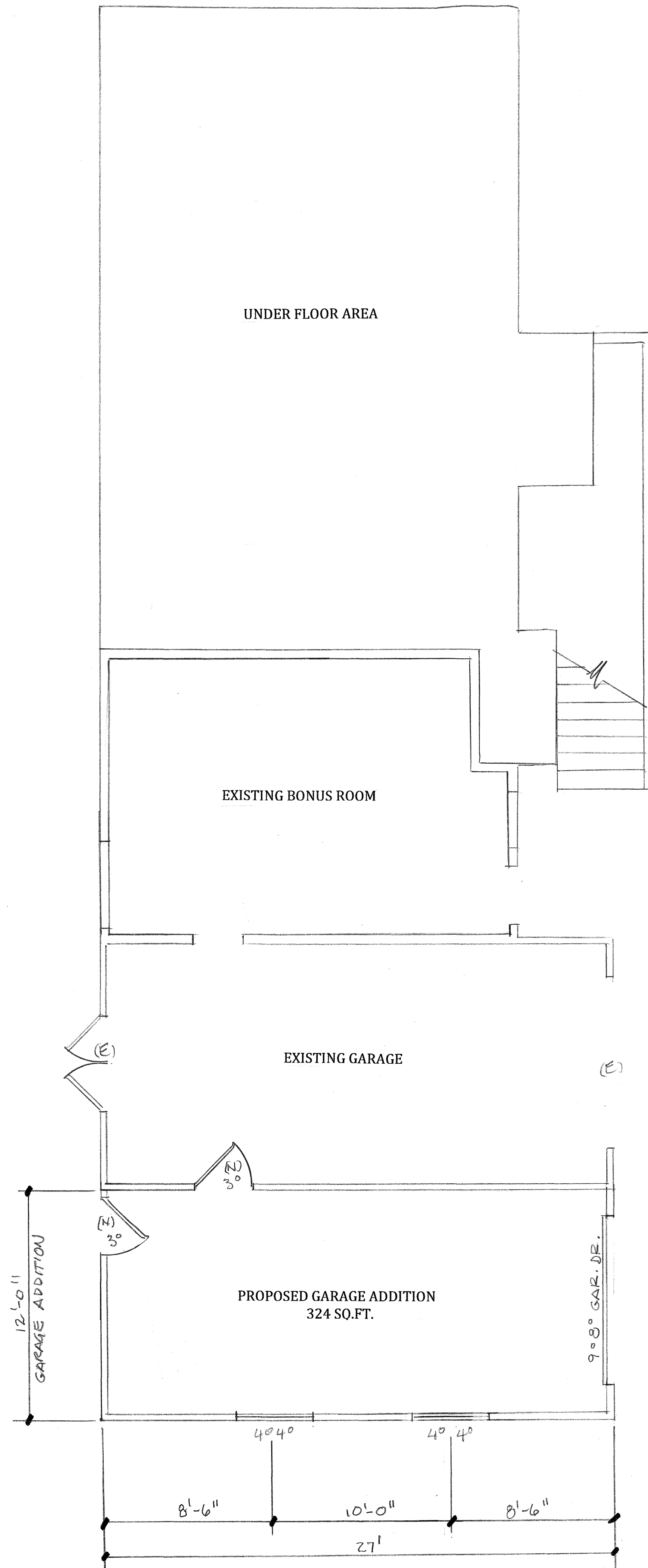
UPPER



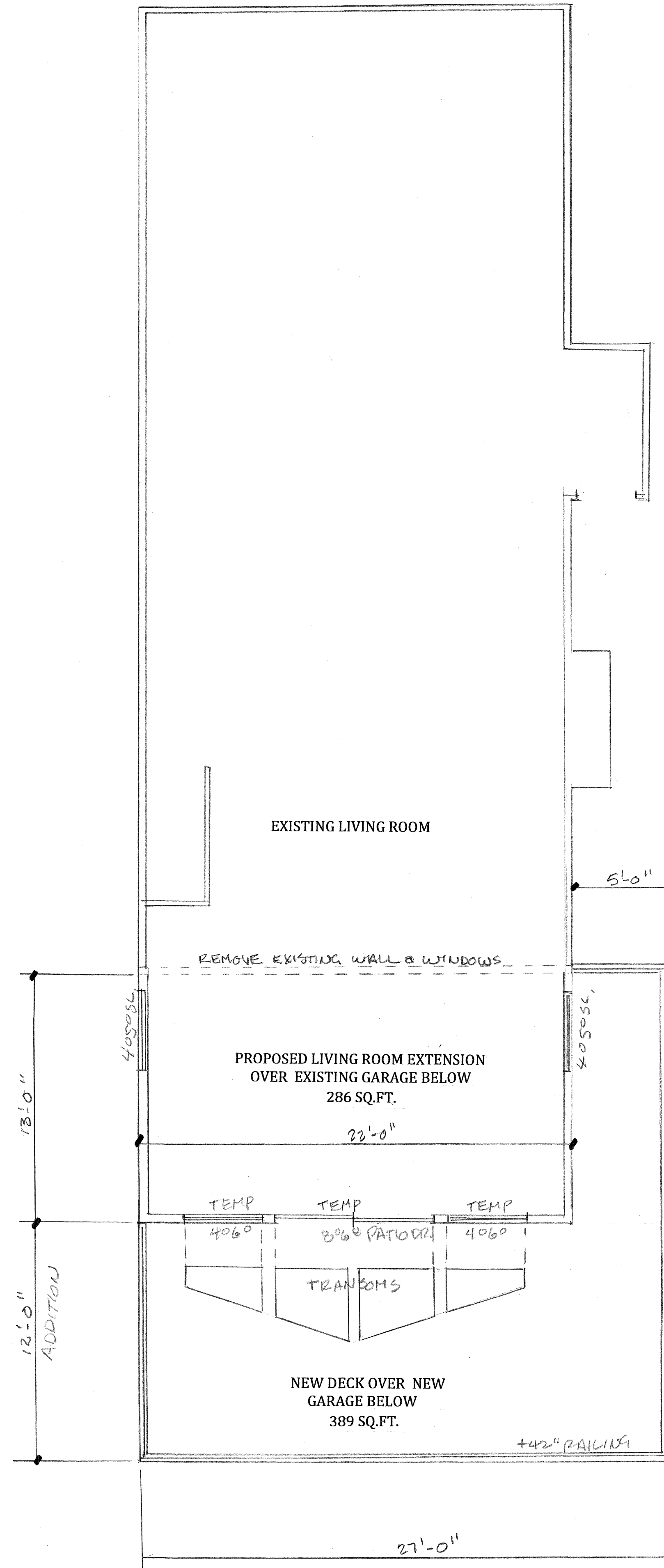
LOWER

**EXISTING PLAN** 1877  $\phi$

SCALE: 1/8" = 1'-0"



LOWER



UPPER

**FLOOR PLANS**

SCALE: 1/4" = 1'-0"

**DINEEN**  
drafting & design

Linda Dineen  
(559) 221-6053

PROPOSED FRONT YARD SETBACK ENCROACHMENT FOR:

**KEITH & RENECE DUGGAN**

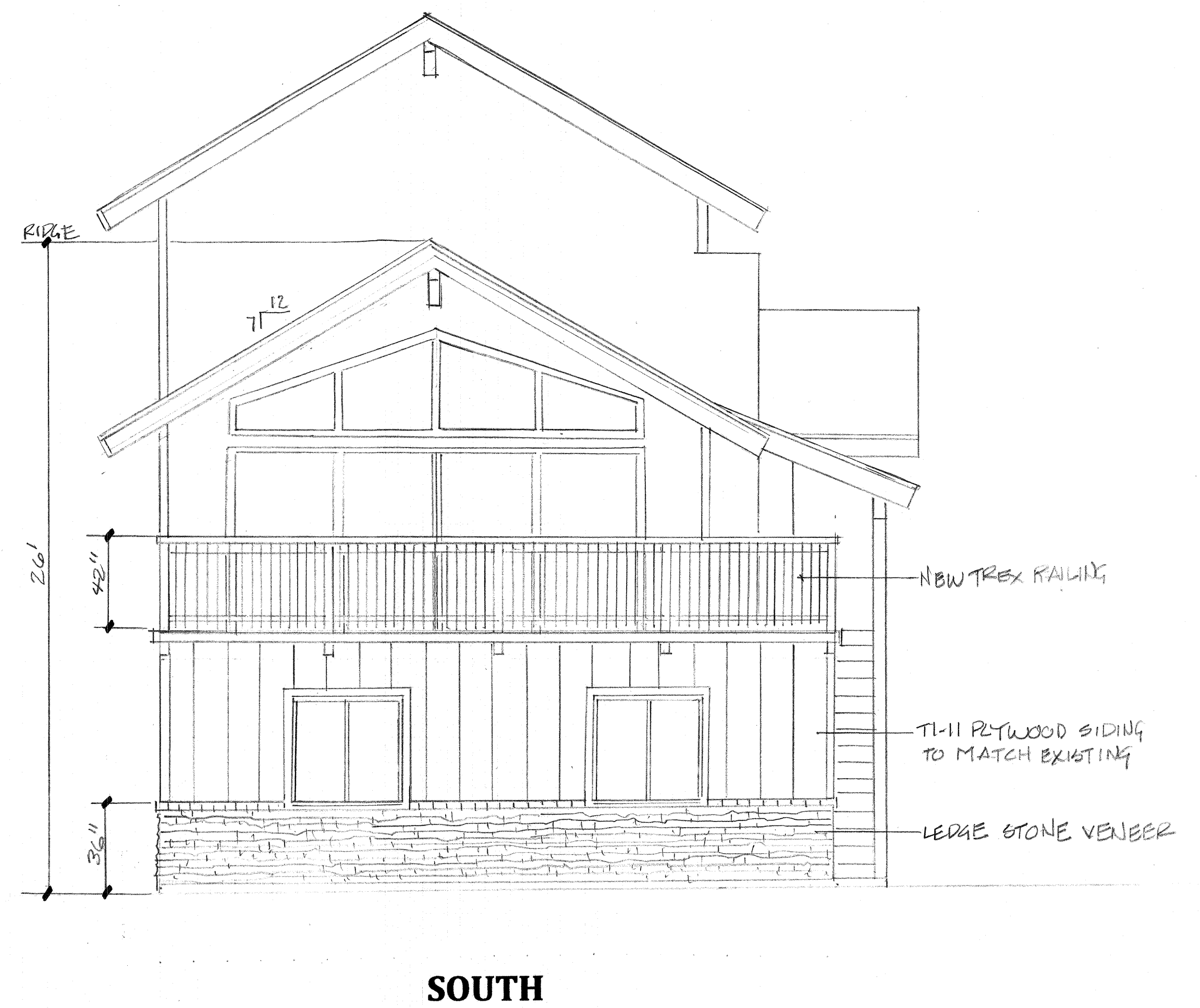
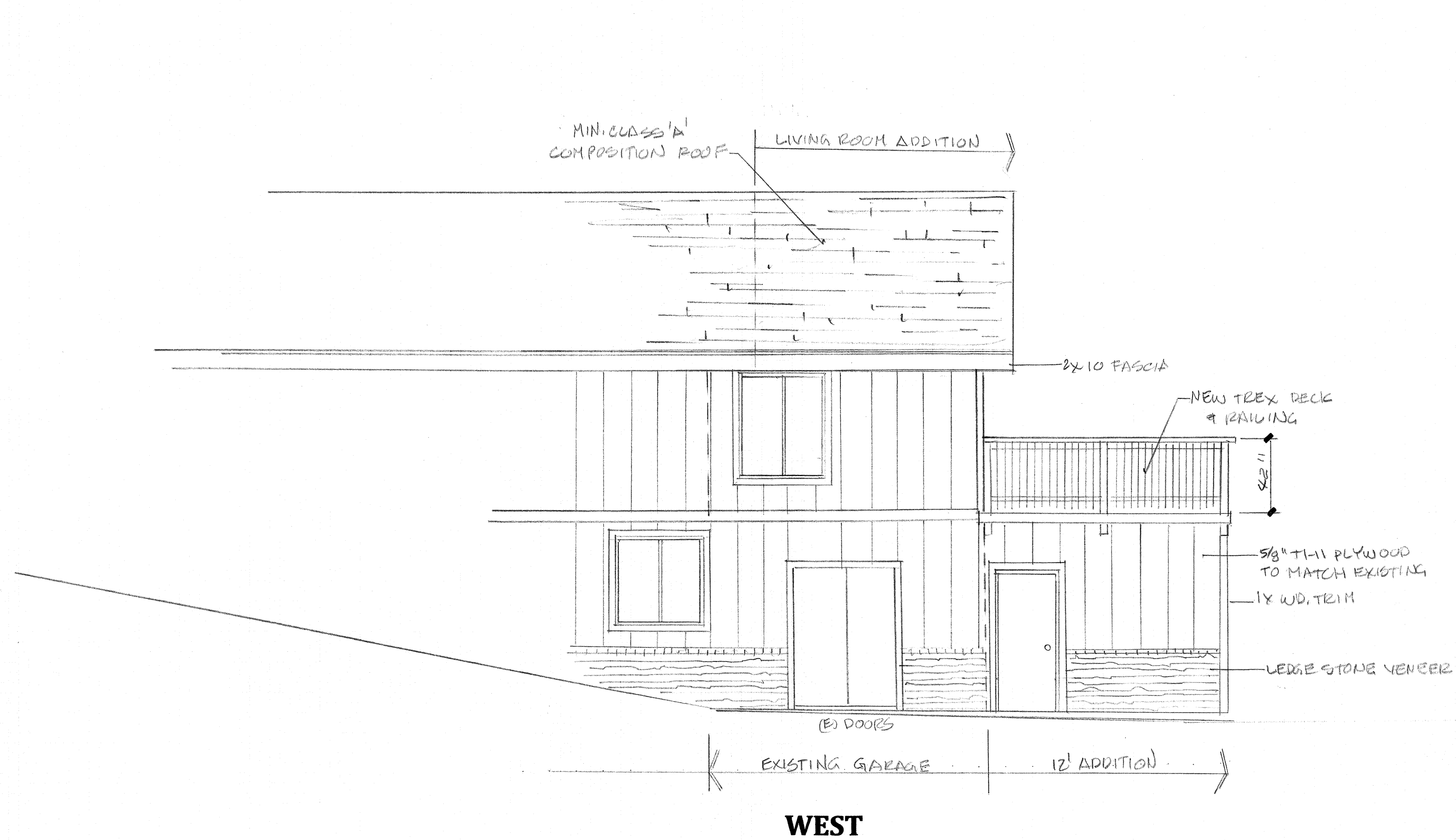
44354 CASCADE AVENUE  
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Marty Robinson  
35585 Lodge Rd.  
Tollhouse, CA 93667  
(559) 259-6626  
Lic. # 846491

APRIL 2019

**3**





**ELEVATIONS**

SCALE: 1/4" = 1'-0"

*L Dineen*

**DINEEN**  
drafting & design

Linda Dineen  
(559) 221-6053

PROPOSED FRONT YARD SETBACK ENCROACHMENT FOR:  
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APRIL 2018

**2**

## **DINEEN DRAFTING & DESIGN**

2985 E. Willis Ave.

Fresno, CA 93726

(559) 221-6053

Fresno County Development Services

Variance Application #9445

### **REQUIRED FINDINGS**

APN: 120-301-10

Keith & Renece Duggan

44354 Cascade Ave.

Shaver Lake, CA

- 1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification.**

All properties in the Shaver Point development have parking challenges. On Fresno County documents, the width of Cascade Avenue shows to be 40 feet when, in reality, the asphalt of the street only measures 20 feet. This is true of most of the streets in this area. Therefore, street parking is not only inconvenient, but it is dangerous and restricting to traffic flow. The only other option is to somehow arrange for off-street parking on the individual lots. Because of the slope at the front of the subject property and existing trees, the only off-street parking option is up close to the house.

- 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.**

This residence currently only has a single car garage. Most of the surrounding residences have two or three car garages. (please see the accompanying photographs). Because of winter weather conditions, covered and/or enclosed parking is preferable, hence our request for a garage extension. The location of our requested garage bay is the only position that makes sense on this lot. It is compatible with the existing structure and the least noticeable by surrounding neighbors.

- 3. The granting of the 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.**

As mentioned above, our front setback encroachment request will have no adverse effect on the neighbors to the sides and rear of this property. Over the years, Fresno County has approved construction projects at the "Point" using the pavement edge as

the supposed property line. Dineen Drafting & Design has worked on nineteen projects in this community over the last twenty six years. None of the front property lines are at the edge of pavement, so therefore, many residences are already built into the front setback area and some are actually built over the front property line. For example, the property lines on Cascade are fifteen feet back from the pavement edge. The two residences across the street measure twenty seven and twenty eight feet from the pavement edge respectively. When one subtracts off the fifteen feet, they are already built into the front setback. Our project only requests a maximum of six feet into the *actual* front setback which will still maintain twenty nine to thirty three feet to the edge of pavement. Please refer to the site plan.

**4. The granting of such variance will not be contrary to the objective of the Fresno County General Plan.**

As mentioned in response item #3, our encroachment request is certainly within the guidelines previously established in this community. Our project is designed so that, from the front, the residence will look identical to the current appearance. There also are trees in the front of this property which will partially shield its view from the street.

Respectfully,

*Linda Dineen*

Linda Dineen  
Dineen Drafting & Design