



# County of Fresno

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

## ADDENDUM

### Planning Commission Staff Report Agenda Item No. 3 November 19, 2020

**SUBJECT:** Variance Application No. 4053

Allow a zero-foot side-yard setback for an existing 1,658 square-foot attached storage building; and allow two existing block walls to remain within the required front-yard setback with a maximum height of six feet-two inches where a three-foot maximum is allowed; and allow a five-foot side yard setback for a residential addition where a minimum of ten feet are required, and allow a zero-foot side yard setback for a residential roof overhang, where a minimum of 50 inches (four feet-two inches are required, on a 20,908 square-foot (0.48-acre) parcel in the R-1-AH (nb) (Single-Family Residential, 20,000 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District.

**LOCATION:** The subject parcel is located at the intersection of East Lyell Avenue and South Linda Lane, approximately 150 feet west of the nearest city limits of the City of Fresno (6425 East Lyell Avenue) (Sup. Dist. 5) (APN 313-172-10).

**OWNER:** Rodney J. Chooljian

**APPLICANT:** Brooks Ransom Associates

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

David Randall, Senior Planner  
(559) 600-4052

**RECOMMENDATION:**

- Deny Variance Application No. 4053; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Staff Report and Exhibits dated October 22, 2020.

**ENVIRONMENTAL ANALYSIS:**

It has been determined that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) guidelines pursuant to Section 15305(a) (Minor lot line adjustments, side yard and set back not resulting in the creation of any new parcels), and 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 79 property owners within 600 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 project was originally scheduled on Commission's October 22, 2020 Agenda; however, at the applicants request the item was continued to November 19, 2020 Planning Commission Meeting. The public hearing notice was republished and mailed to property owners and interested parties.

**PUBLIC COMMENT:**

There were no new comments since the staff report was prepared for October 22<sup>nd</sup>. Previously, Staff received three pieces of correspondence from property owners in the vicinity, which are included as Exhibit 10 of the Staff Report dated October 22, 2020. One of the letters expressed opposition to the yard encroachment request on the basis that it may set a precedent for other property owners to follow, one provided information that the accessory building encroaching into the side yard setback on the north side of the property had existed since approximately 2014, and one letter expressed concern that the accessory building is larger than some residences, it is too close to the property line and that its design is in contrast to the existing residence and not consistent with and degrades the character of the neighborhood.

**CONCLUSION:**

Based on the factors cited in the analysis, no deficit of a substantial property right was identified, therefore Finding 2 for granting the Variance cannot be made, and denial of Variance Application No. 4053 is recommended.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance No. 4053; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Denial Action)

- Move to determine the required Findings can be made (state basis for making the Findings), and move to approve Variance Application No. 4053, subject to the Conditions of Approval and Project Notes listed in Exhibit 1 of the Staff Report dated October 22, 2020; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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

See attached Exhibit 1

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# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 6 October 22, 2020

**SUBJECT:** Variance Application No. 4053

Allow a zero-foot side-yard setback for an existing 1,658 square-foot attached storage building; and allow two existing block walls to remain within the required front-yard setback with a maximum height of six feet-two inches where a three-foot maximum is allowed; and allow a five-foot side yard setback for a residential addition where a minimum of ten feet are required, and allow a zero-foot side yard setback for a residential roof overhang, where a minimum of 50 inches (four feet-two inches are required, on a 20,908 square-foot (0.48-acre) parcel in the R-1-AH (nb) (Single-Family Residential, 20,000 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District.

**LOCATION:** The subject parcel is located at the intersection of East Lyell Avenue and South Linda Lane, approximately 150 feet west of the nearest city limits of the City of Fresno (6425 East Lyell Avenue) (Sup. Dist. 5) (APN 313-172-10).

**OWNER:** Rodney J. Chooljian

**APPLICANT:** Brooks Ransom Associates

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

David Randall, Senior Planner  
(559) 600-4052

**RECOMMENDATION:**

- Deny Variance Application No. 4053; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

## EXHIBIT 1

### EXHIBITS:

1. Conditions of Approval and Project Notes
2. Location Map
3. Existing Zoning Map
4. Existing Land Use Map
5. Site Plans
6. Building Elevation/Floor Plan
7. CMU Wall Elevations
8. Submitted Findings
9. Approved Variances Map
10. Public Correspondence

### SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Low-Density Residential in the County-Adopted Roosevelt Community Plan	No change
Zoning	R-1-AH (nb) (Single-Family Residential, 20,000 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District	No change
Parcel Size	0.48 acres (approximately 20,908 square feet)	No change
Project Site	See above	No change
Structural Improvements	An existing approximately 2,797 square-foot single-family residence with an attached 1,658 square-foot storage building	No change
Nearest Residence	North: 30 feet South: 45 feet East: 50 feet West: 8 feet	No change
Surrounding Development	North: Residential East: Residential South: Residential West: Residential	No change

## EXHIBIT 1

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

Building Violation No.17-103481 was issued on May 16, 2017 for the construction of an attached metal storage building without permits within the side-yard setback. This Variance was requested to waive the side-yard setback and allow the storage building to remain. During the Department's evaluation of this application, it was determined that the two existing block wall segments were constructed above the maximum allowable height within the front yard along both sides of the property. It was also determined that an unpermitted addition to the residence was encroaching into the side yard setback approximately five feet-four-inches from the westerly property line, where a minimum of ten feet are required, and that the roof overhang of the residential addition is zero feet from the property line where a minimum of 50 inches (four feet two inches) is required; the standard is (five (5) inches for every one (1) foot if the width of such required side yard.

### **ENVIRONMENTAL ANALYSIS:**

It has been determined that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) guidelines pursuant to Section 15305(a), and 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 79 property owners within 600 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. 33 of Tract No. 1752 Sunnyside Green No. 3 and recorded in July 8, 1959. According to available residential building records, the existing single-family dwelling was originally permitted in March of 1967. The existing residence was constructed as an approximately 1,665 square-foot home with an attached garage. A 1,132 square-foot addition permitted in April 1980, increased the living area of the residence to approximately 2,797 square-feet.

This Variance request proposes to allow a zero-foot side-yard setback for the existing attached storage building, allow the two existing block walls which were constructed along the side property lines and which extend fully into the required front-yard, ranging in height from four feet to six feet two-inches, where a three-foot maximum is allowed, and allow a five-foot side yard setback for an existing unpermitted residential addition, and a zero-foot setback for the residential roof overhang where a minimum of 50 inches (four feet-two inches) is required. It was also determined that the CMU wall constructed within the front yard is encroaching into the County road right-of-way. Encroachments into the road right of way are not generally permitted. In this case the encroachment does not protrude into the paved roadway, rather it is

## EXHIBIT 1

behind the established curb and gutter and does not present of safety hazard to traffic. On August 18, 2020, the County Board of Supervisors adopted a process whereby such encroachments could be addressed on a case by case basis. Those portions of the CMU wall encroaching into the right of way are not to be considered as part of this Variance request but will be addressed through the Board Adopted process at the discretion of the Director of Public Works and Planning. As such this encroachment falls outside the scope of this Variance request or the Commission’s consideration.

According to available records, there have been four other variances approved within one half-mile of the subject property that relate to setback requirements. Those approved Variances are detailed in the following table:

<b>Application/Request</b>	<b>Date of Action</b>	<b>Staff Recommendation</b>	<b>Final Action</b>
VA No. 2811: Allow a reduced front-yard setback in the R-1-AH (nb) Zone District	9/26/1985	Approval	PC Approved
VA No. 2973: Allow a six-foot side-yard setback in the R-1-AH (nb) Zone District	10/20/1988	Approval	PC Approved
VA No. 3317: Allow a five-foot side-yard setback for existing attached storage building in the R-1-AH (nb) Zone District	4/11/1991	Deferred to Planning Commission	PC Approved
VA No. 3565: Allow 10-foot rear yard setback and a 16-foot plate height for an existing accessory structure in the R-1-AH (nb) Zone District	3/20/1997	Deferred to Planning Commission	PC Approved

### 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: 25 feet Side: 10 feet	Front: No change Side (north): Zero foot	No



## EXHIBIT 1

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
	Rear: 20 feet	Side (South): 5 feet (residence); Zero foot (roof) Rear: No change	
Parking	One parking space in a garage or carport	No change	Yes
Lot Coverage	30 Percent	No change	Yes
Space Between Buildings	Six feet minimum between main and accessory buildings	No change	Yes
Wall Requirements	Maximum height of three (3) feet allowed within required front yard	Maximum of six feet-two inches within front yard for an existing CMU (concrete block wall)	No
Septic Replacement Area	100 Percent	No change	N/A
Water Well Separation	Septic tank: 50 feet Disposal field: 100 feet Seepage pit: 150 feet	N/A	N/A

### **Reviewing Agency/Department Comments:**

Zoning Section of the Fresno County Department of Public Works and Planning: Fence height in front yard is greater than three feet and must be addressed. Lot coverage of 30 percent maximum allowed.

Building and Safety Section of the Department of Public Works and Planning: If approved, plans, permits and inspections will be required for all unpermitted improvements, and any proposed improvements.

Development Engineering Section of the Department of Public Works and Planning: Lyell Avenue is classified as a local road with an existing 30-foot right-of-way from the centerline along the parcel frontage, according to Tract Map 1752. Lyell Avenue is a County maintained road and records indicate that this section of Lyell Avenue between Burgan and Linda Lane, has an average daily traffic count (ADT) of 200, a paved width of 32.5 feet, a structural section of 0.08 feet asphaltic concrete and is in fair condition.

Any work done within the road right-of-way requires that an encroachment permit be obtained from the Road Maintenance and Operations Division. Any unpermitted structure(s) must be removed, or an encroachment permit obtained.

Design Division of the Department of Public Works and Planning: No comment.

## EXHIBIT 1

Road Maintenance and Operations Division of the Department of Public Works and Planning:  
No comment.

### **Analyses Findings 1 and 2:**

In support of Finding 1, the home owner states that the existing shop building which was constructed by the owner has existed for several years without any objection from neighboring owners, and that the northwest corner of the residence is also very close to the property line, suggests that this condition was approved for the property in the past. Additionally, the findings state that the owner was unaware of the restriction on building within the side yard setback area, and that denial of the Variance would create a hardship on the owner if the home owner had to demolish the building or relocate it.

With regard to Finding 1, the subject parcel is a curved lot and at 0.48-acres is somewhat larger than some other lots in the subdivision, however it is approximately 20,000 square feet in area which is the minimum standard for the R-1-AH Zone District. Because it is situated on the outside curve of intersecting streets, the lot is irregular in shape, which results in a situation where the side lot lines are not parallel to each other such that the rear of the property is substantially wider than the front. As such, the side lines adjacent to the front of the residence are approximately 5 feet less in width than the standard lot width of 110 feet. The minimum road frontage is 80 feet. The subject parcel has approximately 77 feet, making it nonconforming as to street frontage. The existing single-family dwelling is situated such that it is closer to the side lot lines near the front yard in this lot configuration than it would otherwise be if the lot were rectangular. Additionally, the lot is also somewhat limited in buildable area in the rear yard due to the existence of an eight-foot-wide public utility easement running along the extent of the rear property line. The R-1-AH Zone District allows for the construction of non-residential accessory buildings within the rear yard subject to specified restrictions, however, because there are restrictions on building within an easement, the existing public utility easement effectively reduces the rear yard area by eight feet along the rear property line. Because the subject property is a curved lot it also has a reduced front yard setback of 25 feet where 35 feet would otherwise be required. This is not necessarily a restriction, just a development standard that differs from the typical requirement of the zone district. However, because the lot is narrower toward the front, the reduced front yard setback does not allow substantially more buildable area in the front yard. Therefore, the irregular shape of the lot such that it is slightly more narrow where the residence is constructed than some other lots, and the existence of the public utility easement, creates an exceptional circumstance applicable to the subject property that is not typical of other lots in the subdivision.

In support of Finding 2, the home owner states that other owners in the vicinity would be able to construct an accessory building of similar size to the subject building and that the fact that the owner has enjoyed the use of the building for several years; and, to be forced to demolish the building would create a hardship for the owner.

With regard to Finding 2, the approval of a variance request is intended to allow a deviation from established property development standards. In this case the home owner is requesting relief from the side yard setback and front yard fence/wall height standards of the R-1-AH Zone District. Contrary to the home owner's assertion, other owners in the vicinity would not be able to construct improvements within a required yard setback area unless it meets one the applicable exceptions in the Zoning Ordinance, nor would construction of a fence or wall above an established height limit within the front yard be permitted.

A consideration in addressing variance requests is whether there are alternatives available that would avoid the need for the variance in the first place. In this case, the variance is necessary to

## EXHIBIT 1

correct the violation created by the construction of the improvements in the required yards without the necessary permits, or clearance, by allowing a reduction or waiver of the development standards in lieu of removing said improvements. One alternative would have been for the property owner to obtain the necessary permits and construct the improvements in accordance with the required setbacks, or in the rear yard where there is more buildable area.

### Recommended Condition of Approval:

*See recommended Conditions 1 and 2*

### Conclusion Findings 1 and 2:

Based on the above analysis, it can be found that there are exceptional circumstances particular to the subject property, however, there is not a substantial property right at issue, e.g. the ability to improve the property without being unreasonably limited by the required property development standards. Other property owners in the vicinity under the same Zoning Classification would be subject to the same property development standards of the R-1-AH Zone District. Finding 1 can be made. However, Finding 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: Approximate distance measured from subject property boundaries.</b>				
	Size:	Use:	Zoning:	Nearest Residence:
North	0.35 acre	Single-Family Residential	R-1AH (nb)	30 feet
South	0.32 acre	Single-Family Residential	R-1AH (nb)	45 feet
	0.38 acre	Single-Family Residential		
East	0.29 acre	Single-Family Residential	R-1AH (nb)	50 feet
	0.34 acre	Single-Family Residential		
West	0.37 acre	Single-Family Residential	R-1AH (nb)	8 feet

### Reviewing Agency/Department Comments:

Fresno County Department of Public Health, Environmental Health Division: No comments

Fresno Fire Department: This project was reviewed and approved by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Compliance with fire and life safety requirements for the building interior and its intended use is reviewed by both the Fresno Fire Department and the Building and Safety Section of the Fresno County Department of Public Works and Planning when a submittal for building plan review is made.

## EXHIBIT 1

The north wall of the shop building is required to be a minimum one hour rated construction with no openings for any group U occupancy related to an R-3 residential to be built less than five feet from the property line in accordance with 2016 CBC Table 602

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

### **Analysis Finding 3:**

In support of Finding 3, the home owner states the granting of the Variance will not have a detrimental effect on the surrounding neighborhood, and that the existing attached shop building is contained within the boundaries of the subject property. Based upon staff review of site photos provided by the home owner, the shop appears to be an extension of the existing two car garage, and blends aesthetically with the existing residence .

Based on a property survey and photographs provided by the owner, the accessory building appears to be contained within the subject parcel. However, the roof of the building slopes toward and is near enough to the property line, that stormwater runoff could potentially drain across property lines. Zoning Ordinance Section 855-N.7.5 requires that stormwater be contained on site or conveyed to an appropriate storm-water facility. A Condition of Approval is included requiring that any stormwater runoff from the accessory building and the residential addition be retained on-site or directed to existing storm drainage facilities. The accessory building has single width roll-up garage doors and standard type exterior access doors on both the front and rear, however there are no windows, therefore no privacy impact are anticipated.

### **Recommended Conditions of Approval:**

*See recommended Condition No. 3*

### **Conclusion Finding 3:**

In this case, analysis of the home owner's findings supports the conclusion that the granting of the requested Variance will not have an adverse effect upon surrounding properties.

Finding 3 can be made.

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

### **Reviewing Agency Comments:**

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

City of Fresno Development and Resources Management: No comment.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

### **Analysis Finding 4:**

In support of Finding 4, the home owner states that the existing accessory storage building is ancillary to the residence and therefore consistent with the General Plan, and the CMU walls would be consistent once the encroaching portions of the walls are addressed.

## EXHIBIT 1

### Recommended Conditions of Approval:

*None*

### Conclusion Finding 4:

The subject property is designated Low-Density Residential in the Roosevelt Community Plan. There are no General Plan policies or Roosevelt Community Plan policies that specifically address setback requirements or wall/fence height. This proposal is therefore consistent with the County Adopted community plan and the General Plan.

Finding 4 can be made.

### PUBLIC COMMENT:

Staff received three pieces of correspondence from property owners in the vicinity, which have been included as Exhibit 10. One of the letters expressed opposition to the yard encroachment request on the basis that it may set a precedent for other property owners to follow, one provided information that the accessory building encroaching into the side yard setback on the north side of the property had existed since approximately 2014, and one letter expressed concern that the accessory building is larger than some residences, it is too close to the property line and that its design is in contrast to the existing residence and not consistent with and degrades the character of the neighborhood.

### CONCLUSION:

Based on the factors cited in the analysis, Finding 2 for granting the Variance cannot be made and therefore denial of Variance Application No. 4053 is recommended.

### PLANNING COMMISSION MOTIONS:

#### Recommended Motion (Denial Action)

- Move to determine that the required Findings cannot be made and move to deny Variance No. 4053; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

#### Alternative Motion (Denial Action)

- Move to determine the required Findings can be made (state basis for making the Findings), and move to approve Variance Application No. 4053, 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

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# EXHIBIT 1

## Variance Application No. 4053 Conditions of Approval and Project Notes

Conditions of Approval	
1.	Development shall be in accordance with the approved site plan, floor plan, and elevation drawings of the attached accessory building and CMU wall, as approved by the Planning Commission.
2.	<p>Plans, permits and inspections will be required for all unpermitted improvements. Within 30 days of the approval of this Variance, plans for all unpermitted improvements shall be submitted to the Fresno County Department of Public Works and Planning;</p> <p>Within 180 days of the approval of this Variance, permits shall be obtained for all unpermitted improvements authorized by this Variance, including the attached accessory building on the northerly side of the property, the residential addition on the southwesterly side of the residence, and the CMU wall on both sides of the property, within the front yard setback area.</p> <p>If permits are not obtained within 180 days of the date of the approval of this Variance, said approval may be revoked by the Planning Commission in accordance with the provisions of Section 877.D.1 of the Fresno County Zoning Ordinance.</p>
3.	All stormwater runoff from the accessory building and residential addition shall be retained on site or directed to the adjacent right-of-way.

Conditions of Approval reference recommended Conditions for the project.

Notes	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	The modified property development standards authorized by the approval of this Variance shall become void within one year from the date of approval, unless an application for construction plan check is made and plans submitted for all unpermitted improvements in accordance with Condition No. 2 , and applicable plan submittal requirements.
2.	A Grading Permit or Voucher shall be required for any grading activity associated with this proposal.
3.	Any additional runoff generated by the unpermitted development, cannot be drained across property lines and must be retained on site or disposed of per County Standards.
4.	For any improvements within the County right-of-way, an encroachment permit shall be required from the Road Maintenance and Operations Division.
5.	The portions of the CMU wall which are encroaching into the County road right-of-way (ROW) shall be addressed in accordance with the process approved by the Board of Supervisors in Resolution No. 20-270.

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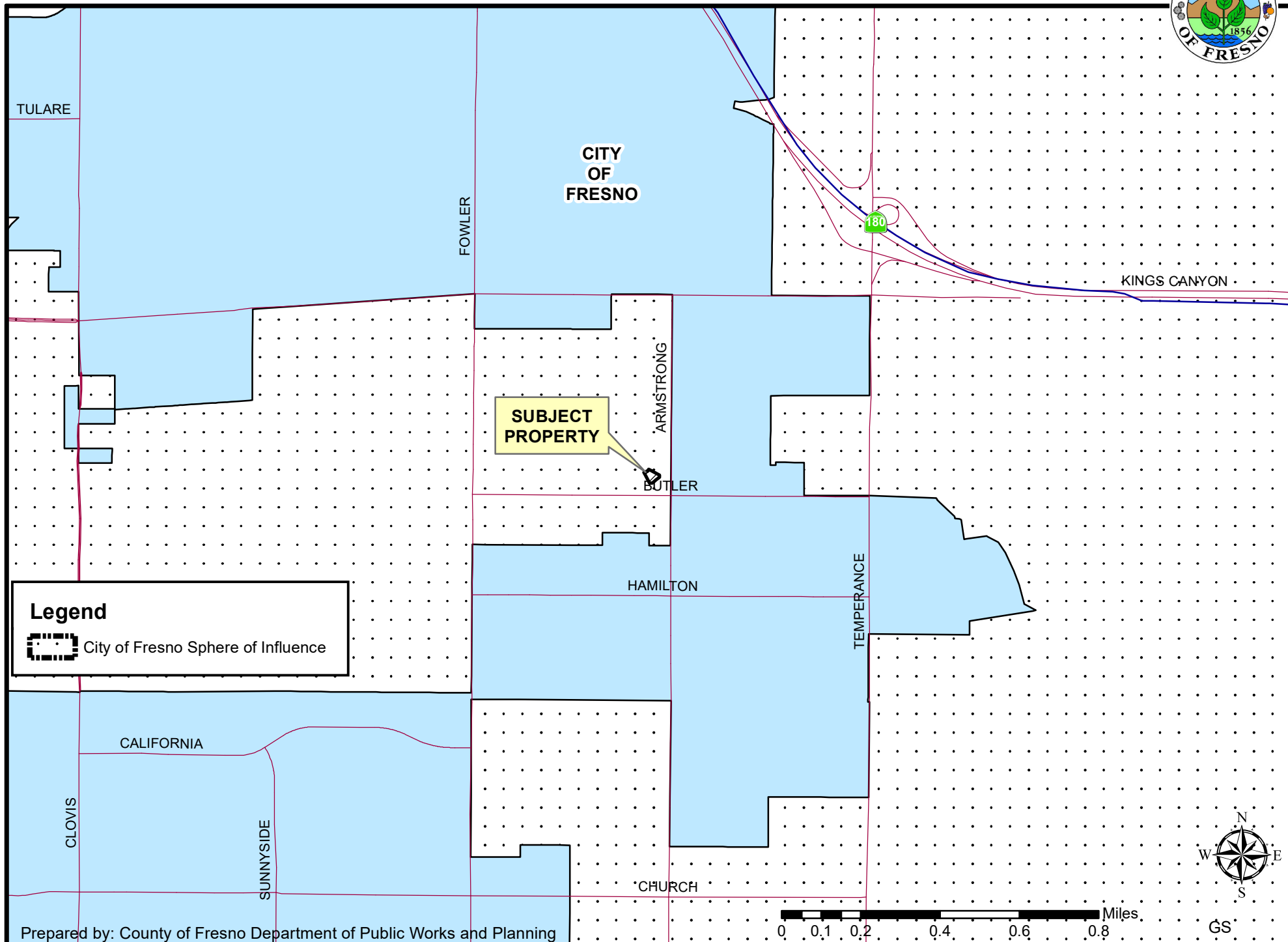





# LOCATION MAP

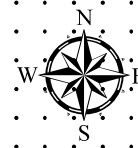
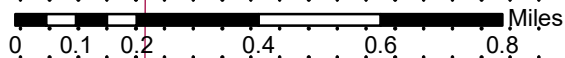


VA 4053



### Legend

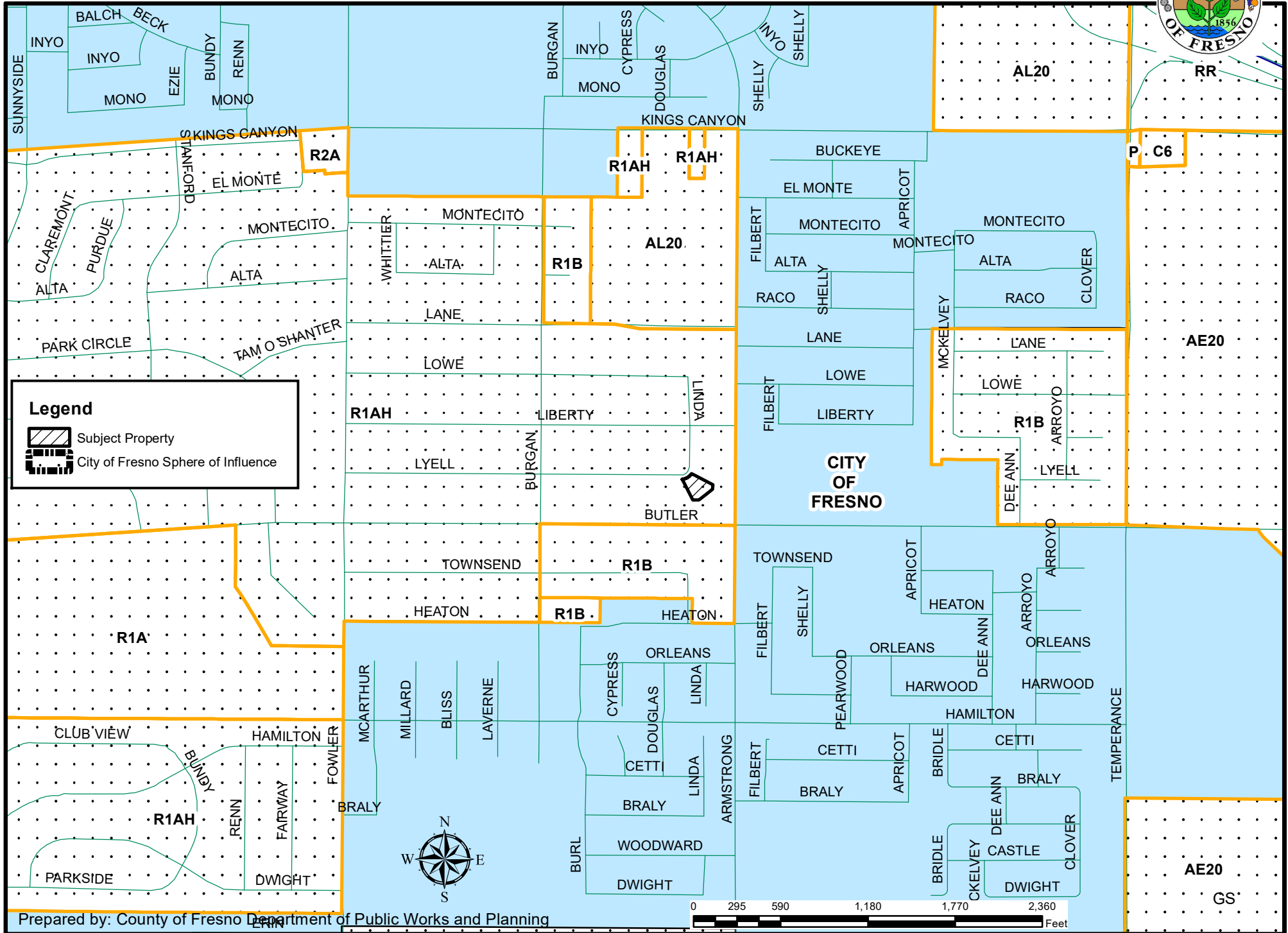
 City of Fresno Sphere of Influence



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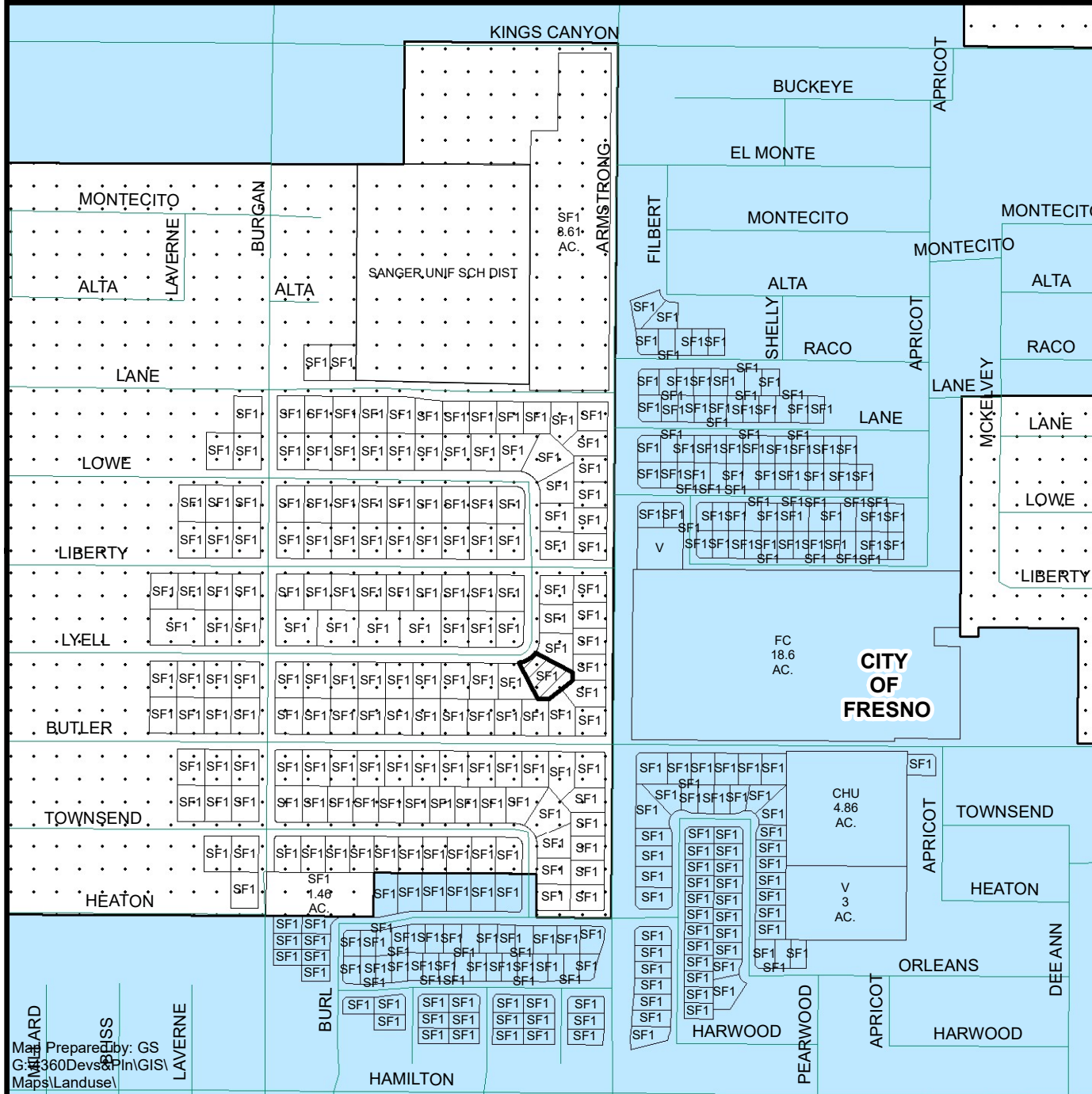
# EXISTING ZONING MAP







VA 4053

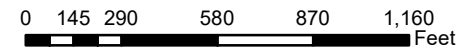
# EXISTING LAND USE MAP



LEGEND	
CHU	- CHURCH
FC	- FIELD CROP
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

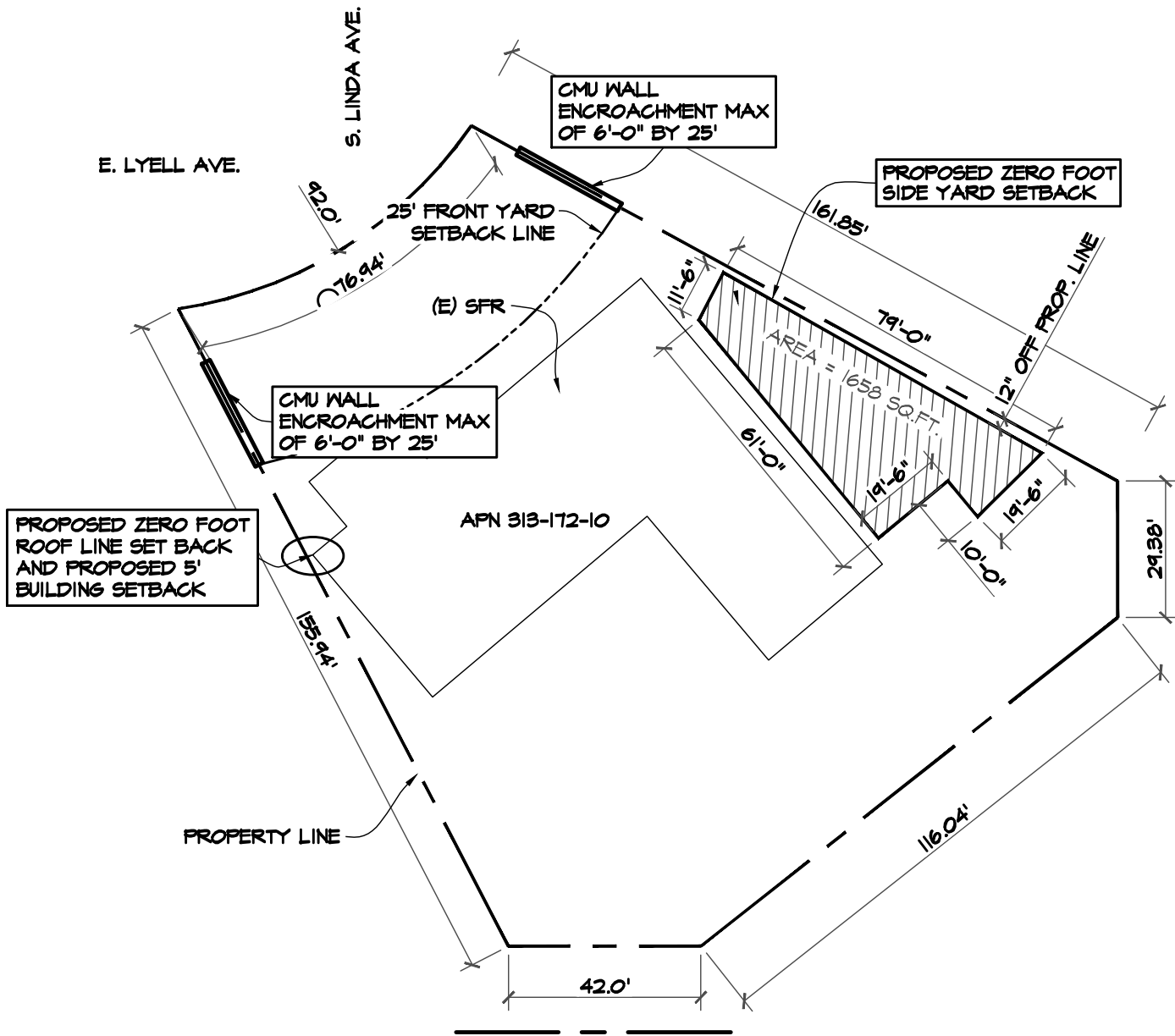
## Legend

-  Subject Property
-  City of Fresno Sphere of Influence



Department of Public Works and Planning  
Development Services Division





PROPOSED ZERO FOOT  
ROOF LINE SET BACK  
AND PROPOSED 5'  
BUILDING SETBACK

CMU WALL  
ENCROACHMENT MAX  
OF 6'-0" BY 25'

CMU WALL  
ENCROACHMENT MAX  
OF 6'-0" BY 25'

PROPOSED ZERO FOOT  
SIDE YARD SETBACK

APN 313-172-10

AREA = 1658 SQ.FT.

PROPERTY LINE

25' FRONT YARD  
SETBACK LINE

(E) SFR

12" OFF PROP. LINE

42.0'

116.04'

29.58'

79'-0"

6'-0"

11'-6"

161.85'

92'-0"

176.94'

E. LYELL AVE.

S. LINDA AVE.

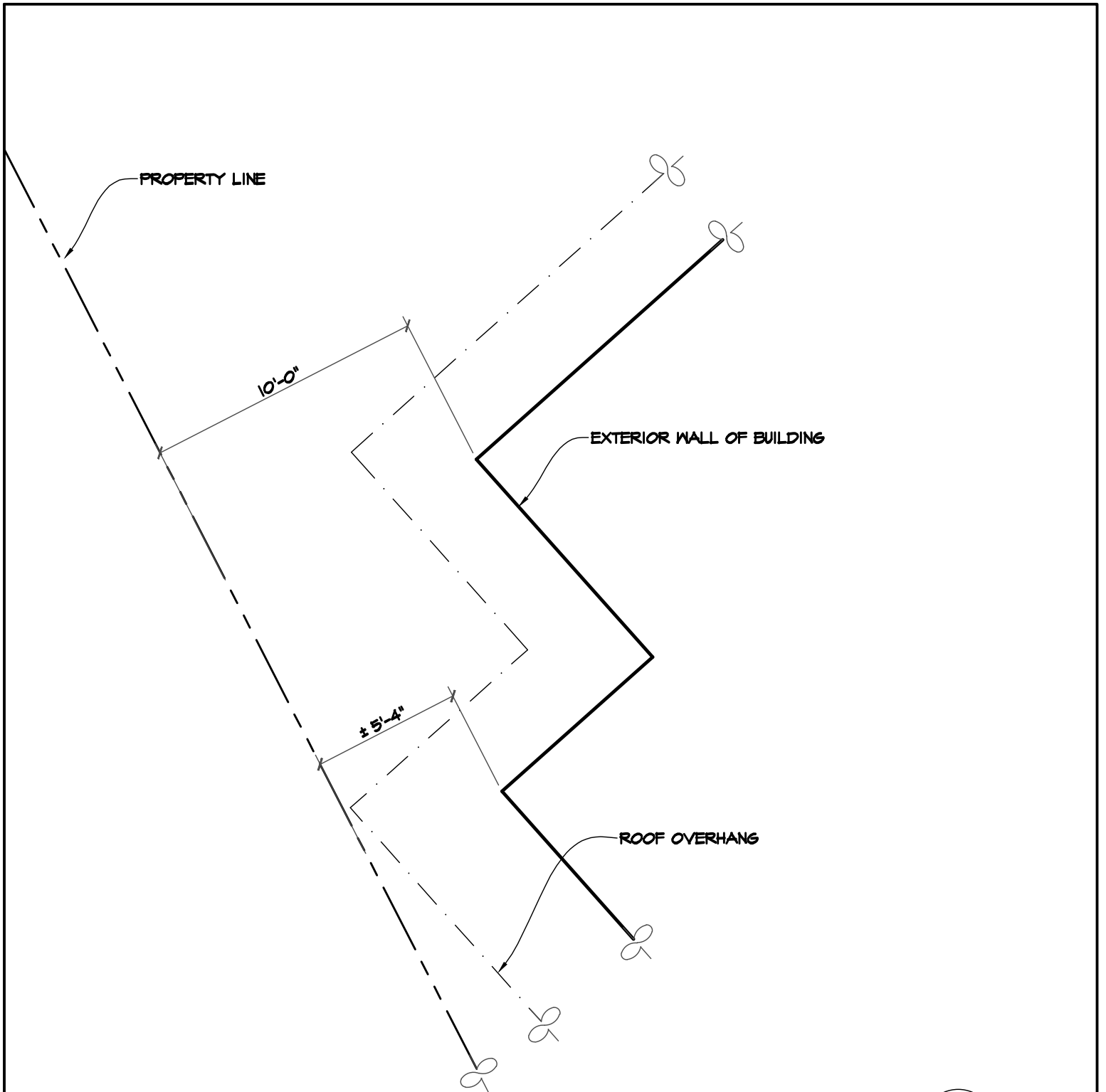


**BROOKS RANSOM ASSOCIATES**  
STRUCTURAL ENGINEERS  
CIVIL ENGINEERS  
7415 N. PALM AVE., SUITE 100  
FRESNO, CALIFORNIA 93711  
(559)449-8444 FAX: (559)449-8404

**MR. ROD CHOOIJIAN**  
VARIANCE REQUEST 39369  
6425 E. LYELL AVENUE  
FRESNO, CA 93727

By: RANSOM  
Date: 29 OCT 20  
Job no: 17517

Sheet  
**SP-1r**

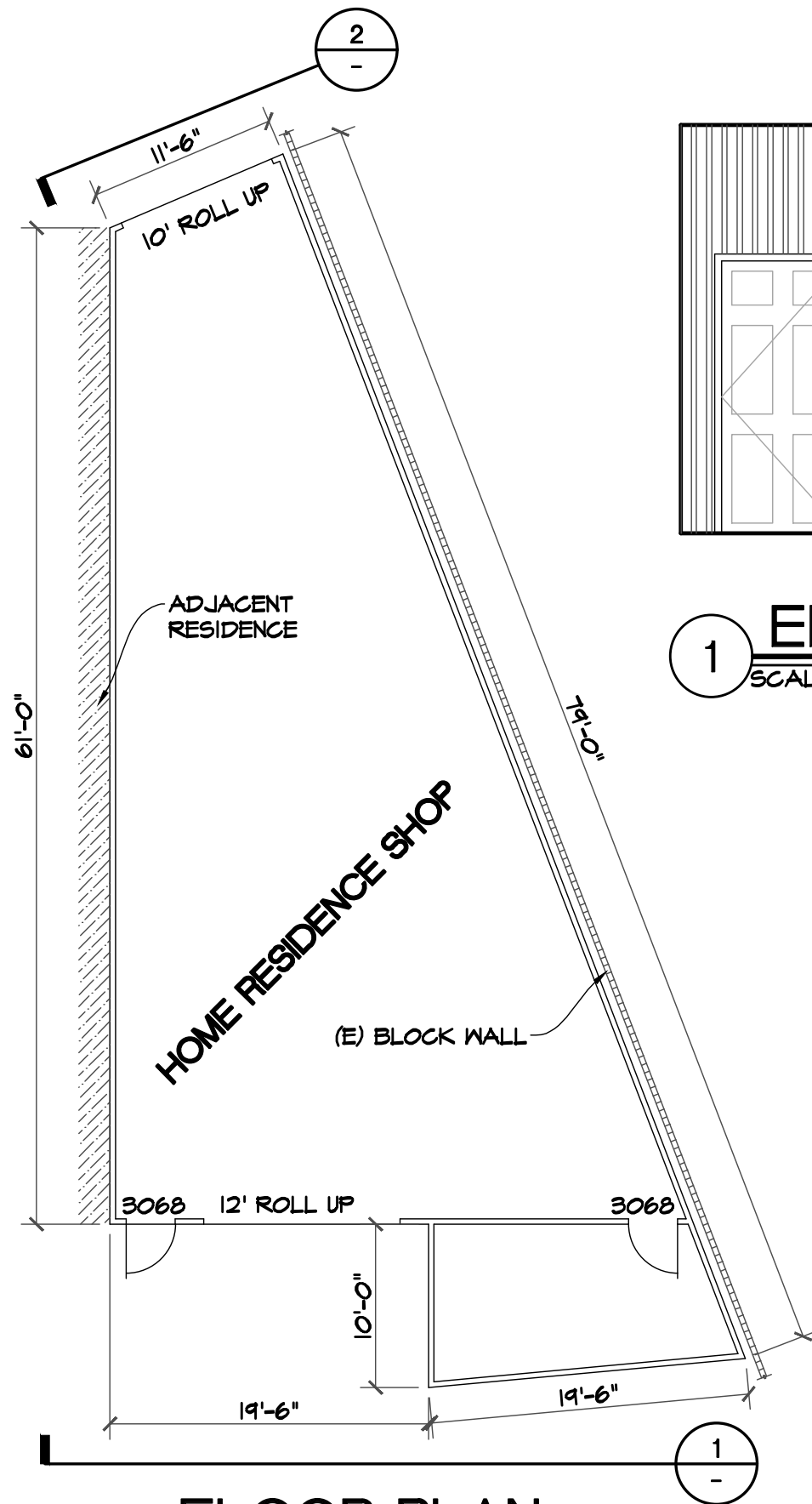


**PARTIAL PLAN - NW CORNER OF HOME**

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

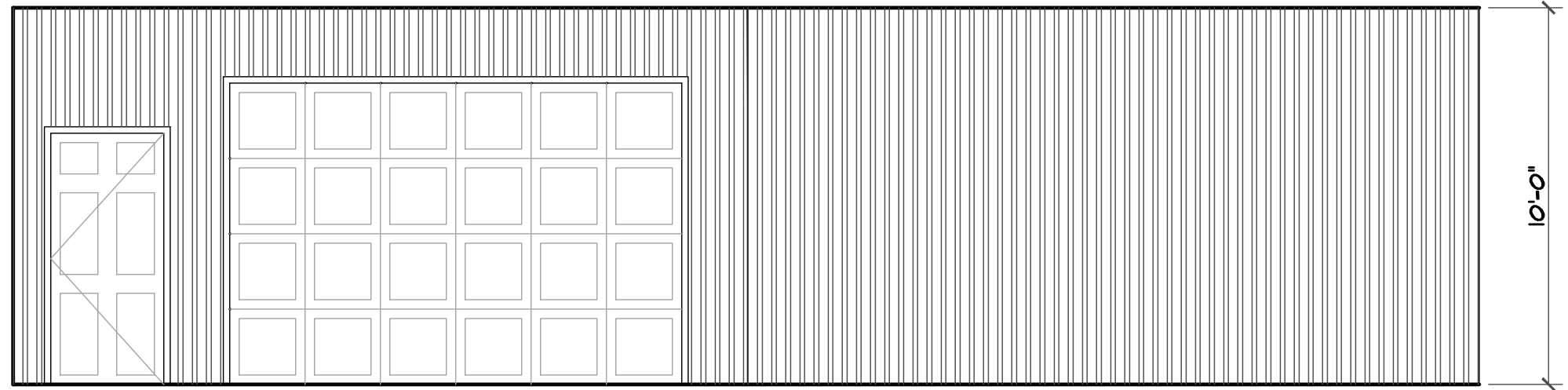






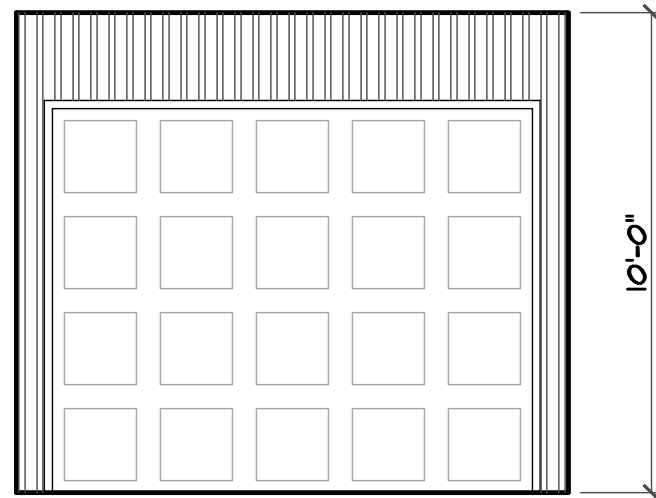
**FLOOR PLAN**

SCALE: 1" = 10'-0"



**1 ELEVATION**

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



**2 ELEVATION**

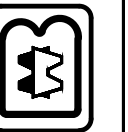
SCALE: 1/4" = 1'-0"



By:	grr
Date:	17 JULY 2018
Engineer:	RANSOM

MR. ROD CHOOLJIAN  
6415 EAST L YELL AVENUE  
FRESNO, CALIFORNIA  
APPLICATION No. 39369

BROOKS RANSOM ASSOCIATES  
STRUCTURAL ENGINEERS  
CIVIL ENGINEERS  
7415 N. PALM, SUITE 100  
FRESNO, CALIFORNIA 93711  
(559)449-8444 FAX (559)449-8404

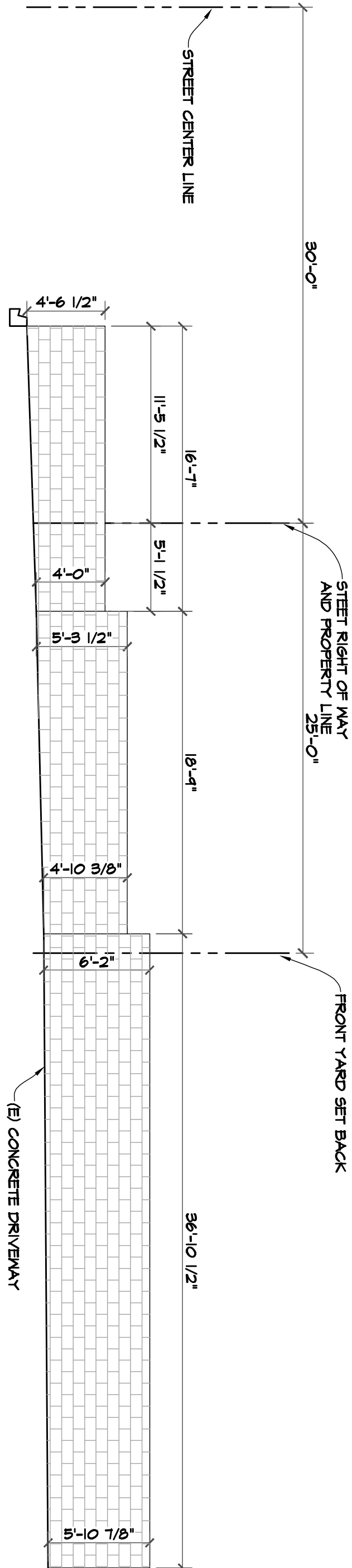


Project:  
17517

Sheet:  
VA-1



1 EAST CMU WALL ELEVATION  
SCALE: NTS



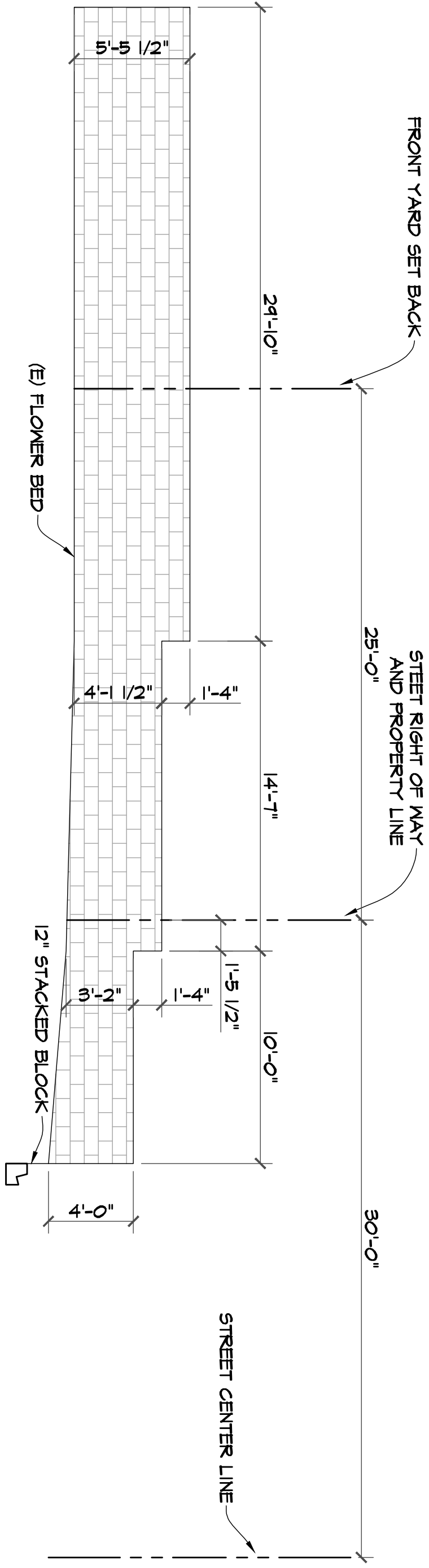
Sheet: **WD-2**

Project: **17517**

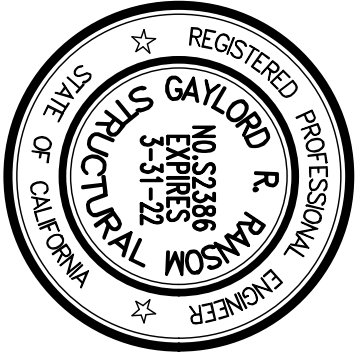
**BROOKS RANSOM ASSOCIATES**  
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FRESNO, CALIFORNIA 93711  
(559)449-8444 FAX (559)449-8404

**MR. ROD CHOOLJIAN**  
VARIANCE APP. No. 39369  
6415 E. LYELL AVENUE  
FRESNO, CALIFORNIA

<b>By:</b>	<b>grr</b>
<b>Date:</b>	<b>28 OCT 2020</b>
<b>Engineer:</b>	<b>RANSOM</b>



**1** WEST CMU WALL ELEVATION  
SCALE: NTS



Sheet: **WD-4**

Project: **17517**

**BROOKS RANSOM ASSOCIATES**  
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(559)449-8444 FAX (559)449-8404

**MR. ROD CHOOIJIAN**  
VARIANCE APP. No. 39369  
6415 E. LYELL AVENUE  
FRESNO, CALIFORNIA

By: **grr**  
Date: **28 OCT 2020**  
Engineer: **RANSOM**



# EXHIBIT 8 BROOKS-RANSOM ASSOCIATES

STRUCTURAL ENGINEERS  
CIVIL ENGINEERS

7415 N. PALM SUITE 100  
TELEPHONE (559) 449-8444  
WEB PAGE: WWW.BROOKSRANSOM.COM

FRESNO, CALIFORNIA 93711  
FAX (559) 449-8404  
EMAIL: INFO@BROOKSRANSOM.COM

GAYLORD "RICK" RANSOM, SE, CE  
KLARE YAVASILE, SE, CE

DWIGHT DREW, SE, CE  
ARTURO LOPEZ, PRINCIPAL

Revised 25 September 2019

## Variance Findings (No. 39369)

### 1) *Exceptional or Extraordinary Circumstances*

The proposed variance is for an existing building site. The homeowner's shop has existing in its present location for several years. The north adjacent property has seen at least three (3) different owners over the past several years and none have objected to the presence of the homeowner shop. It is interesting to note that the north-west corner of the existing home is already built very close to the existing property line – suggesting that this condition was an approved condition for the parcel in the past. The need is extraordinary in that the homeowner built this shop not knowing the prohibition on building in the side yard setback. If the variance is not granted, this would be very hard for the homeowner to demolish and relocate the existing shop building.

There are Concrete Masonry (CMU) walls on both side yard property lines of the property. These walls extend from the back of curb to the alignment of the front wall of the home. Both walls are nominally 6' in height. In their existing configuration, these walls have segments located in both the *street right-of-way* and the *front yard setback*.

The owner plans to remove those portion of the walls that fall in the street right of way, that being about 11.5 lineal feet for each wall.

For that portion of the walls that fall within the front yard setback, but are not to be removed as a result of being in the street right of way, the owner would like to ask for a variance from the height limitation (three feet) associated with walls located in the front yard setback. The owner is requesting that he be permitted to leave the current walls at their existing height of 6 feet nominal height.

No negative impact on the neighborhood is anticipated.

### 2) *Necessary for the preservation.....property right*

This shop is an existing building. Within reason, any homeowner in the neighborhood would be able to building a new shop building of commensurate size. The home owner has enjoyed the use of this building for several years, and it would be detrimental his use of his home and property to require him to demolish the existing shop building.

No negative impact on the neighborhood is anticipated.

### 3) *Adverse effect on abutting property*

The existing shop building is contained wholly on the homeowner's property. During the lifetime of the shop building there have been at least three (3) different families living in the property immediately to the north. None of the families have voiced any objection to the shop building. When viewed from the front of the property, the end of the shop building blends nicely with the residence and looks like the third door of a three (3) car garage which is a part of the residential building.

No negative impact on the neighborhood is anticipated.

## EXHIBIT 8



Project: Variance 4053  
Project No.: 17517

#### 4) *Consistent with the General Plan*

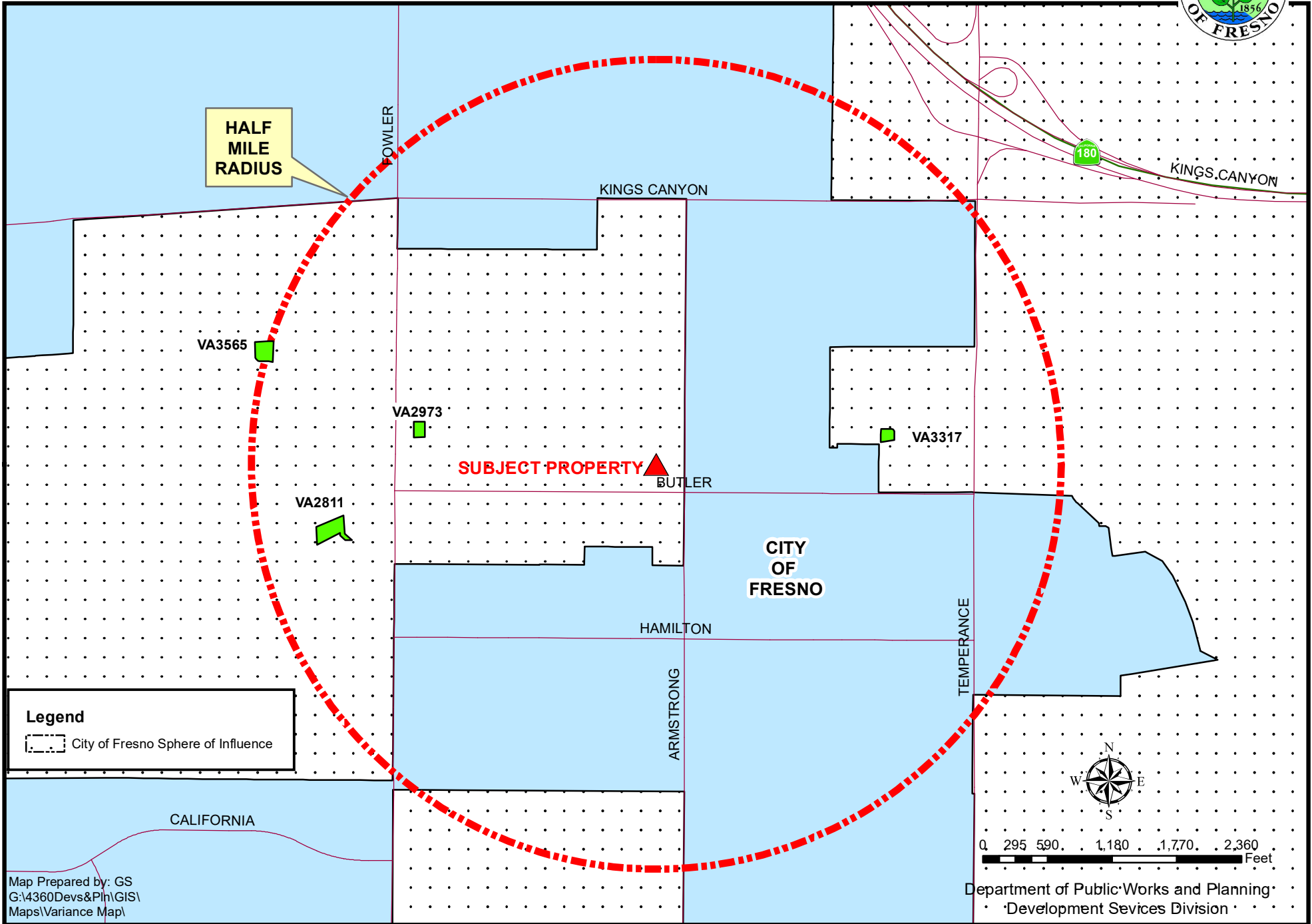
The homeowners shop is a small ancillary use to the residential building. Small owners use only shop buildings in conjunction with residential uses is a common practice, especially in more rural settings.

It is our opinion that the existing shop building, and the CMU walls are consistent with the General Plan once those portions of the CMU wall that are located in the street right of way are removed.

Respectfully Submitted,

Gaylord R. Ransom SE

# VARIANCES IN A HALF-MILE RADIUS



HALF MILE RADIUS

VA3565

VA2973

VA2811

VA3317

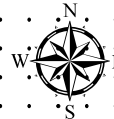
SUBJECT PROPERTY

### Legend

City of Fresno Sphere of Influence

CALIFORNIA

Map Prepared by: GS  
G:\4360Devs&Pln\GIS\Maps\Variance Map\



0 295 590 1,180 1,770 2,360 Feet

Department of Public Works and Planning  
Development Services Division





## EXHIBIT 10

**Shaw, Jeremy**

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**From:** Randall , David A. on behalf of Planning Commission Comments  
**Sent:** Thursday, October 22, 2020 8:22 AM  
**To:** Shaw, Jeremy  
**Subject:** FW: Variance Application No. 4053, October 22, 2020, 8:45am

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**From:** Dennis Margosan <damargosan@gmail.com>  
**Sent:** Wednesday, October 21, 2020 10:37 PM  
**To:** Planning Commission Comments <PlanningCommissionComments@fresnocountyca.gov>  
**Subject:** Variance Application No. 4053, October 22, 2020, 8:45am

**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

Steven E. White, Director

Planning Commission, County of Fresno

Department of Public Works and Planning

In re: Variance Application No. 4053,

Dear Mr. White and Fresno County Planning Commission:

I do not want, nor do I believe the Variance Application No. 4053 should be approved for the following reasons:

1. The existing 1,658 square foot attached storage building (this "storage building" is larger than many homes) should have had a variance approved for the zero-foot side-yard setback prior to its being erected. If it was not erected with the proper permits, it should be removed rather than be allowed because it existed without challenge until now, if in fact this is the reason for the requested variance at this time.
2. The materials and style of the storage building are in sharp contrast to the existing home, and it cheapens the appearance of the home and the neighborhood.
3. I cannot see why the owner needs 6' 2" high walls while all others living in the neighborhood can live with 3' high walls. High cinder block walls do not improve the appearance of the neighborhood.
4. I do not want a permanent structure within 10' of the side yard. The neighborhood has a spacious quality to it and we like the distance that exists between our neighbor's structures and us. This is one of the reasons that we chose to live in Sunnyside. The owner began to erect another structure behind the existing "storage building" about a year or so ago, but stopped and removed the structure, I assume because he did not have the necessary permits and/or it was in violation of existing set back rules.

In summation, it is not right to expect variances to be allowed because structures were erected and have existed without regard to the existing rules. The requested variances do or will contribute to the degradation of the neighborhood. I respectfully request that the planning commission deny the requested variances.

Sincerely,

Dennis Margosan

6444 E. Butler Avenue

**EXHIBIT 10**

Fresno, CA

## EXHIBIT 10

**From:** [Steve Nahigian](#)  
**To:** [Shaw, Jeremy](#)  
**Subject:** Variance Application No. 4053  
**Date:** Thursday, October 15, 2020 11:05:32 AM

---

**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

Mr. Shaw,

As per our conversation, I have some concerns regarding this application. The Planning Commission Date for the hearing is scheduled for 8:45 a.m. on October 22, 2020.

Firstly, I notice that the application request is asking the commission to ignore or overrule their own codes for this long established residential area. For example, the property owner is asking for front yard block walls to be six feet-2 inches where a three foot maximum is allowed by county code.

Secondly, the property owner is petitioning for a five-foot four-inch side yard setback where a minimum of ten feet are required by existing code.

Thirdly, the petition should have included the purpose of this request for public knowledge. In other words, the notice does not include how this building is going to be used.

It sounds like the building suggested would be more suited in an area zoned for light industrial use, rather than for residential use; as appears that this building is going to be used for some sort of business venture which is also not allowed in this residential area. If this is allowed to occur, it would set a precedent for future homeowners to follow suit and modify the landscape of this community neighborhood.

In conclusion, my hope is that this petition is denied and our neighborhood not be degraded by the wishes of property owners to circumvent existing codes for this area.

Regards,

Steve Nahigian

**EXHIBIT 10**

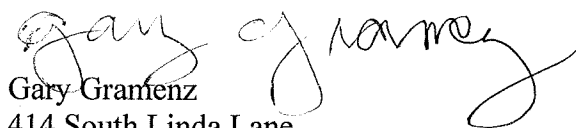
August 5, 2018

To whom this may concern:

I purchased the property at 414 South Linda Lane approximately four-and-a-half years ago. At the time of the purchase there was a structure adjacent to the property, built up against the fence that marks the boundary of the property with my neighbor at 6425 East Lyell Avenue.

I have no problems with the current location of this structure and it does not interfere with my enjoyment of the property.

Please feel free to contact me if you have any further questions.



Gary Gramenz  
414 South Linda Lane  
Fresno, CA 93727

Mailing Address  
8502 North Akron Avenue  
Fresno, CA 93720

g

**EXHIBIT 10**

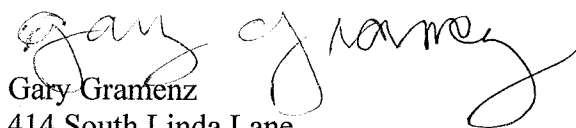
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