



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 5 March 11, 2021

SUBJECT: Environmental Review No. 7947 and Variance Application No. 4098

DESCRIPTION: Allow reduction of the side-yard setback to 10 feet (15-foot minimum required) for a proposed closet extension in the R-1-EH(NB) (Single-Family Residential, 37,500 square-foot minimum parcel size) (Neighborhood Beautification Overlay) Zone District.

LOCATION: The subject parcel is located at the west side of Parrish Way approximately 300 feet south of its intersection with Robinwood Lane, approximately 320 feet west of the city limits of the City of Fresno (5451 N. Parrish Way) (Sup. Dist. 2) (APN 415-360-08).

OWNER: Marshal Flam
APPLICANT: RJ Miller Construction

STAFF CONTACT: Ethan Davis, Planner
(559) 600-9669

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve Variance Application No. 4098 with recommended Findings and Conditions; 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. Site Plans and Detail Drawings
6. Applicant's Variance Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Single Family Residential	No Change
Zoning	R1EH (Single Family Residential, 37,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District.	No Change
Parcel Size	0.94-acres (40946.4 square feet)	No Change
Project Site		
Structural Improvements	Single Family Residence, Pool, Tennis Court	Change to existing Residence
Nearest Residence	23-feet North	13-feet to property line, approximately 23 feet to adjacent residence.
Operational Features	Single Family residence	No Change

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

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Section 15061(b) of the California Environmental Quality Act (CEQA) guidelines, that the proposed project will not have a significant effect on the environment and is not subject to CEQA.

PUBLIC NOTICE:

Notices were sent to 48 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 may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 873-F 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:

A search of Variances within 0.35 miles found 5 Variances for development standards, however none of them related to setback standards.

Finding 1:

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

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 50-feet Side: 15-feet Rear: 20-feet	Front: 50 feet Side: 10-feet Rear: 20-feet	N
Parking	One covered parking space	No Change	Y
Lot Coverage	30% lot coverage	No Change	Y
Space Between Buildings	6-feet	N/A	Y
Wall Requirements	6-feet	No Change	Y
Septic Replacement Area	City Sewer	N/A	Y
Water Well Separation	City Water	N/A	Y

Reviewing Agency/Department Comments Finding 1:

There were no comments from reviewing agencies or County Departments regarding the project other than advisory statements about required regulations that have been noted under the Projects Notes section of Exhibit 1.

Finding 1 Analysis:

In support of Finding 1, the Applicant states that the master closet is substandard to a custom home of its size and needs to be extended to make it proportionate to the size of the house.

Staff can't support the applicants finding as there isn't an extraordinary or exceptional circumstance related to the subject property.

Recommended Conditions of Approval:

None

Conclusion Finding 1:

Based on the above analysis that the situation is exceptional, Finding 1 cannot be made.

Finding 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.

Reviewing Agency/Department Comments Finding 2:

There were no comments from reviewing agencies or County Departments regarding the project other than advisory statements about required regulations that have been noted under the Projects Notes section of Exhibit 1.

Analysis Finding 2:

In support of Finding 2, the Applicant states that the addition is necessary to enjoy the master suite without having to alter the current layout.

Staff can't support the Applicants finding as extending into the setback isn't a shared property right in the area. No other properties in the area have variances reducing the setbacks for building improvements.

Recommended Conditions of Approval:

None

Conclusion Finding 2:

Finding 2 can't be made as there is no shared property right or enjoyment that is possessed by other property owners in the area.

Finding 3: *That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof*

Reviewing Agency/Department Comments:

There were no other comments from reviewing agencies or County Departments regarding the project other than advisory statements about required regulations that have been noted under the Projects Notes section of Exhibit 1.

Analysis finding 3:

In support of Finding 3, the Applicant states the addition is near the rear of property and will not be visible from the street.

In analyzing this proposal. Staff considered the intent of restrictions of 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 properties.

Recommended Conditions of Approval:

None.

Conclusion Finding 3:

Staff believes that there will be no significant adverse impacts on neighboring properties because the existing foliage will block line of sight of the proposed improvements, therefore, Finding 3 can be made.

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

Reviewing Agency Comments Finding 4:

The Policy Planning Section of Public Works and Planning determined there are no General Plan issue with the proposed addition extended into the required side yard setback.

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

Analysis Finding 4:

In support of Finding 4, the Applicant states that the proposed addition is not contrary to the objectives of the Fresno County General Plan. The Applicant states that the granting of this Variance would be in accordance with the objectives of the General Plan.

Staff notes that there are no General Plan policies specifically pertinent to the proposed reduction in setback requirement.

Recommended Conditions of Approval:

None.

Conclusion Finding 4:

As there are no relevant General Plan Policy issues, Finding 4 can be made.

PUBLIC COMMENT:

None.

SUMMARY CONCLUSION:

As the requested variance is not a unique situation and is not a variance that has been afforded to other properties in the area, staff believes Findings 1 and 2, can't be made and recommends denial of Variance No. 4098.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that the required Findings cannot be made (as stipulated by Staff) and move to deny Variance Application No. 4098; 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 Application No. 4098, subject to the Conditions of Approval 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.

ED:im

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**Mitigation Monitoring and Reporting Program
Variance Application No. 4098
(Including Conditions of Approval and Project Notes)**

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

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	The construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the County of Fresno noise ordinance City of Fresno Municipal Code.
2.	Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
3.	Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. - within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.

ED:
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LOCATION MAP

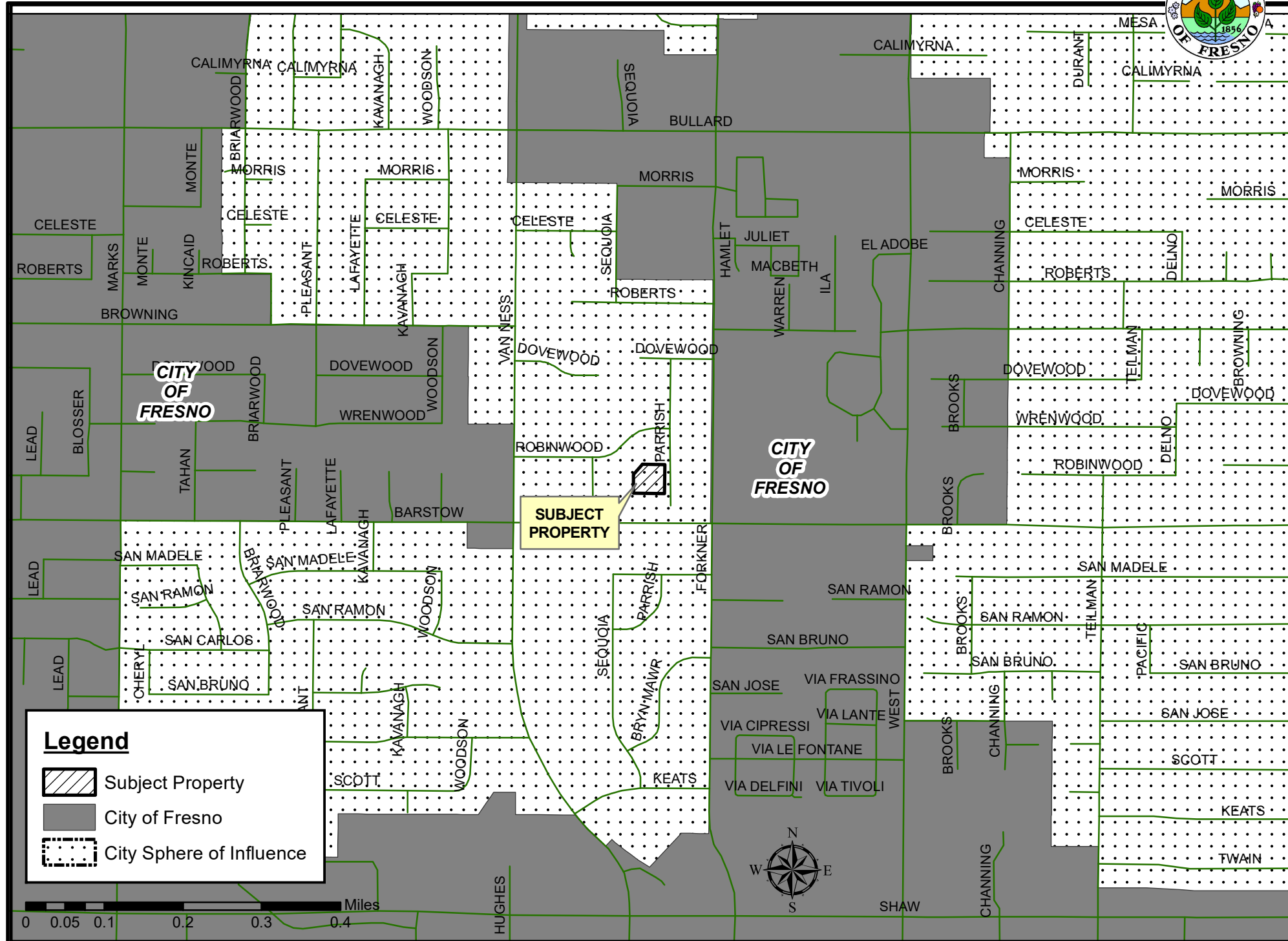
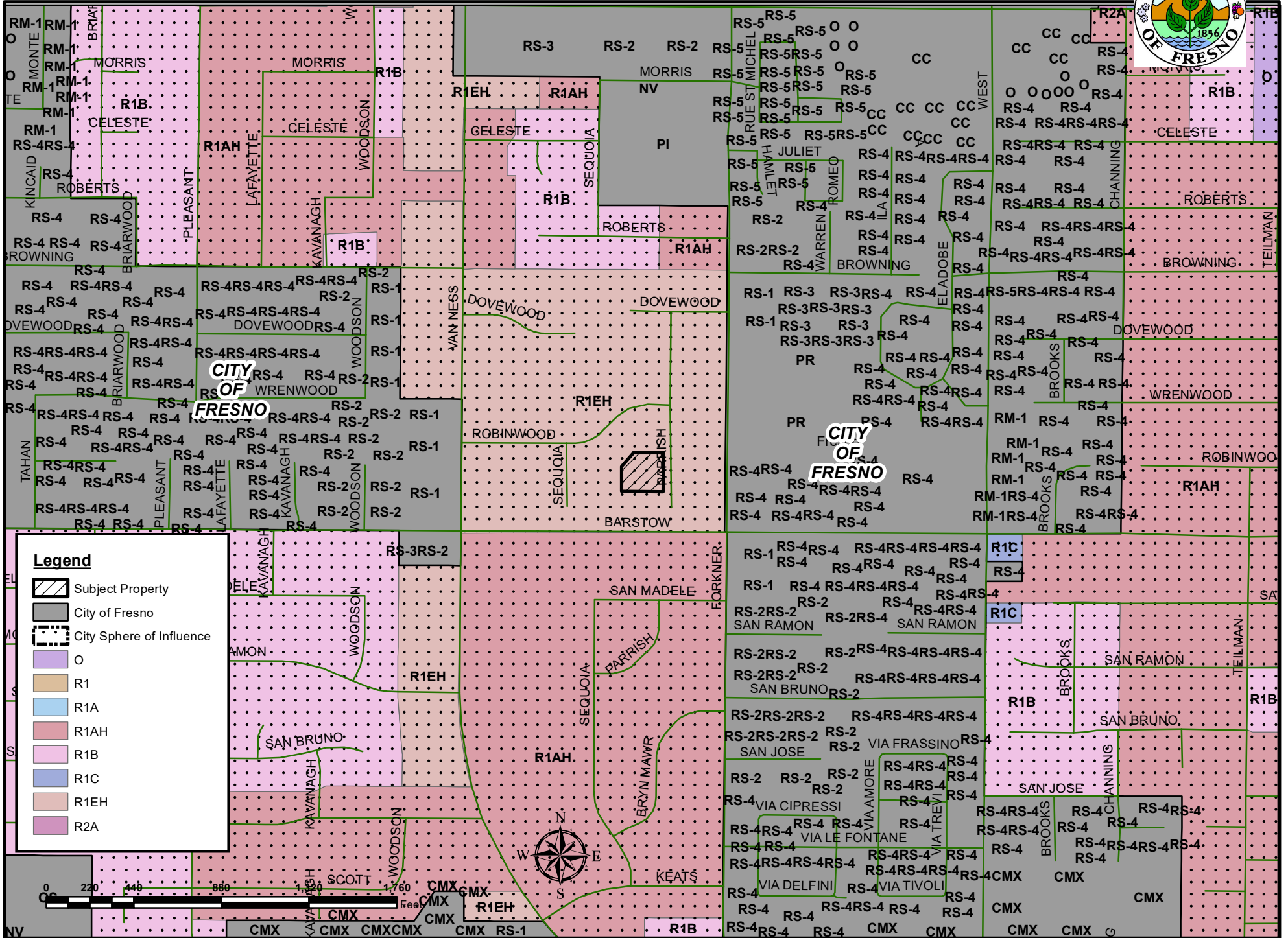


EXHIBIT 2

EXISTING ZONING MAP



Legend

- Subject Property
- City of Fresno
- City Sphere of Influence
- O
- R1
- R1A
- R1AH
- R1B
- R1C
- R1EH
- R2A

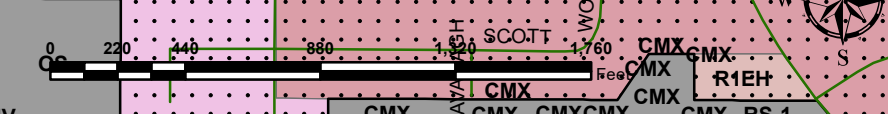
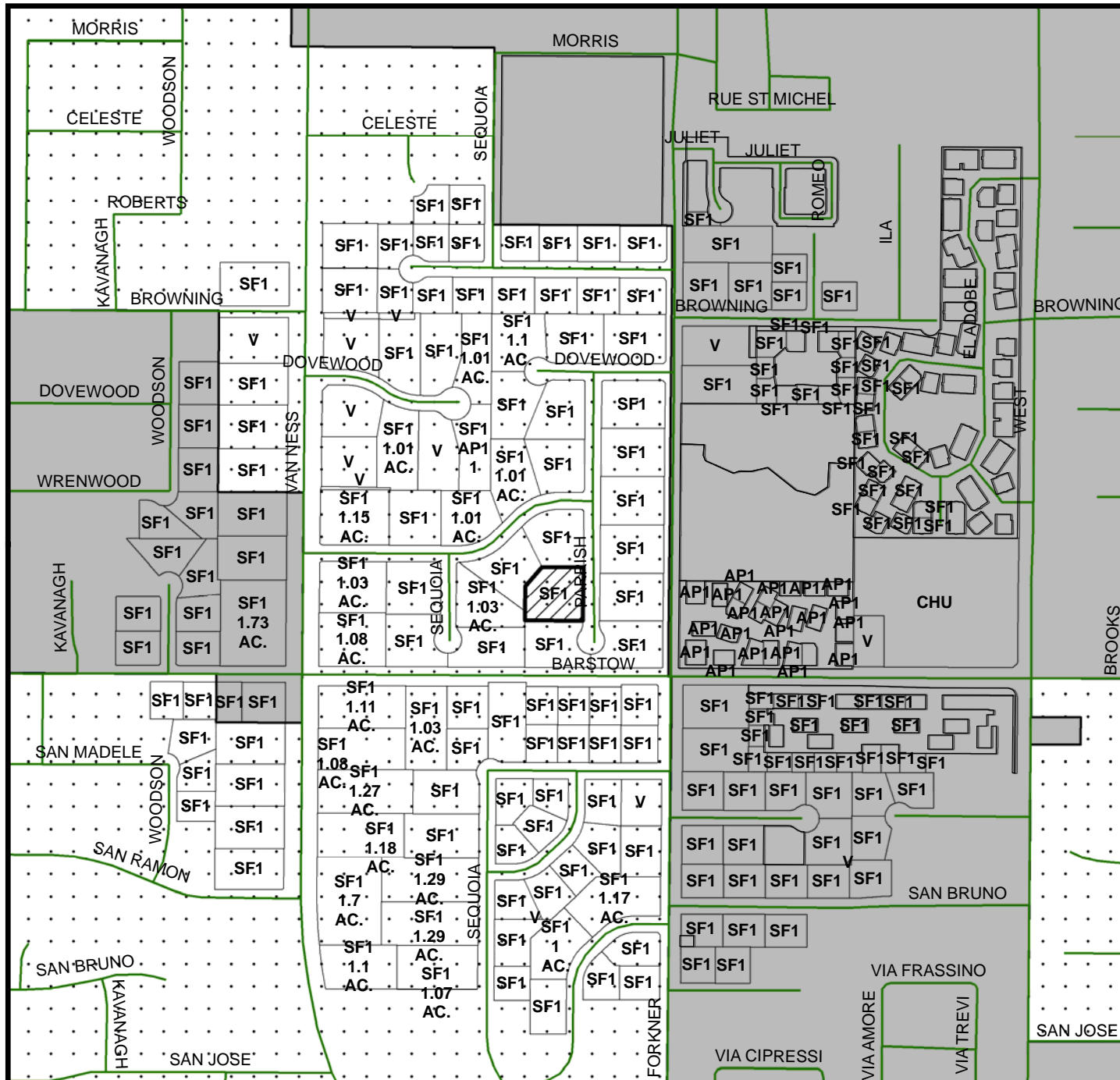


EXHIBIT 3

EXISTING LAND USE MAP

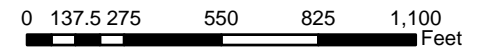
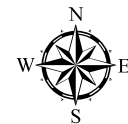
VA 4098



LEGEND	
[Hatched Box]	AP1 - APARTMENT
[Grey Box]	CHU - CHURCH
[SF#]	SF#- SINGLE FAMILY RESIDENCE
[V]	V - VACANT

LEGEND:

- [Hatched Box] Subject Property
- [Grey Box] City of Fresno
- [Dotted Box] City Sphere of Influence



Department of Public Works and Planning
Development Services Division



Ethan Davis
COUNTY OF FRESNO
Department of Public Works & Planning
2220 Tulare St., 6th Floor
Fresno, CA 93721

RE:
Pre-Application Review No.: 20-107275
Subject Assessor's Parcel No.: 415-360-08
Project Location: 5451 N. Parrish Way

VARIANCE FINDINGS HANDOUT ANSWERS:

- (1) Existing Master Closet is substandard to a custom home of this size and needs to be extended to make it proportionate to the size of the house. The proposed Master Closet extension is necessary to correct this.
- (2) In order that the Owner doesn't have to create additional Master Closet area that is not part of the Master Bedroom. The addition is necessary to enjoy the Master Suite as it should be.
- (3) The addition is located to the side and rear of the property and is not visible from the street. The addition will not be detrimental in the site view of the adjacent neighbor to the North.
- (4) These are custom homes in this area. Master closet extension does not violate any objectives of the general plan.