



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 2 April 22, 2021

SUBJECT: Variance Application No. 4101

DESCRIPTION: Allow the reduction of side-yard and front-yard setbacks to 20-foot front-yard (35-foot required) and 5-foot side-yard (10-foot required) for a 2 bedroom addition and a garage on a 0.36-acre parcel within the R1A (Single Family Residential) Zone District.

LOCATION: The subject parcel is located on the south side of W. Robinwood Lane, approximately 300 feet east of the interstation of Fruit Avenue and Robinwood Lane. (APN: 416-272-05) (Address: 1345 W. Robinwood Lane, Fresno, CA 93711).

OWNER: Eric Mitchel

APPLICANT: Dale Devereaux

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

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Deny Variance Application No. 4101 based on the recommended finding in the Staff Report; 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. Surrounding Variance Map
6. Site Plans and Detail Drawings
7. Applicant's Variance Findings

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Single-Family Residential	No Change
Zoning	R1AH (Single-Family Residential)	No Change
Parcel Size	0.36-acres	No Change
Structural Improvements	Single-Family Residence	Enclosed garage and two room addition
Nearest Residence	20-feet	No Change
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 72 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:

Surrounding Variances in the Area:

Application/Request	Date of Action	Staff Recommendation	Final Action
VA No. 2926: Allow a 25-	June 13, 1985	Approval	PC Approved

foot front-yard setback			
-------------------------	--	--	--

Findings 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: 10-feet Rear: 20-feet	Front: 35-feet Side: 5-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 Project Notes section of Exhibit 1.

Finding 1 Analysis:

In support of Finding 1, the Applicant states that the home was originally built with an unsightly and unsafe carport that is partially enclosed. The owners were under the assumption during the purchasing of the property that the carport would be able to be converted to an enclosed garage however they found out the structure was illegally constructed within the side-yard setbacks when they tried to legally improve the structure.

In analyzing this proposal, Staff considered the conversion of the proposed existing open carport to an enclosed carport with room additions. Staff was unable to identify any unique or extraordinary circumstances about the property which does not generally apply to other properties in the area.

Recommended Conditions of Approval:

None

Conclusion Finding 1:

Based on the above analysis, 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.

Analysis Finding 2:

In support of Finding 2, the Applicant states that granting the Variances would provide the owners the opportunity to further protect their property. There was a similar Variance approved down the street from the existing property.

Staff cannot support the Applicants basis for the finding, as a singular setback Variance that was approved 35 years ago does not establish a substantial property right that should be afforded to all other properties in the area.

Recommended Conditions of Approval:

None

Conclusion Finding 2:

Finding 2 cannot be made as it is not a substantial property right commonly enjoyed by other properties 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 comments from reviewing agencies or County Departments regarding the project.

Analysis finding 3:

In support of Finding 3, the Applicant states that the carport existed before the current ownership and has not been materially detrimental to the public welfare or injurious to the property and improvement in the vicinity which the property is located.

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. The proposed enclosed garage and two-bedroom addition is not visible from the street or adjacent residence.

Recommended Conditions of Approval:

None.

Conclusion Finding 3:

Staff believes that there will be no significant adverse impacts on neighboring properties because the fence line and trees will block the view from the street and abutting residence, 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 issues with the existing carport within the required side-yard setback.

No other comments specific to the 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:

No comments were received as of April 13, 2021 when the staff report was finalized. Correspondence after the noted date will be presented to the commission on the scheduled hearing date.

SUMMARY CONCLUSION:

As the requested Variance is not a unique situation or a substantial property right that has commonly been afforded to other properties in the area, staff believes Findings 1 and 2, cannot be made and recommends denial of Variance No. 4101.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that required Findings 1 and 2 cannot be made (as stipulated by Staff) and move to deny Variance Application No. 4101; 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. 4101, 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

G:\4360Devs&PIn\PROJSEC\PROJDOCS\VA\4100-4199\4101\SR\VA 4101 SR.docx

**Variance Application No. 4101
(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.	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.

ED:
G:\4360Devs&Pln\PROJSEC\PROJDOCS\VA\4100-4199\4101\SR\VA 4101 Conditions.docx

LOCATION MAP

VA 4101

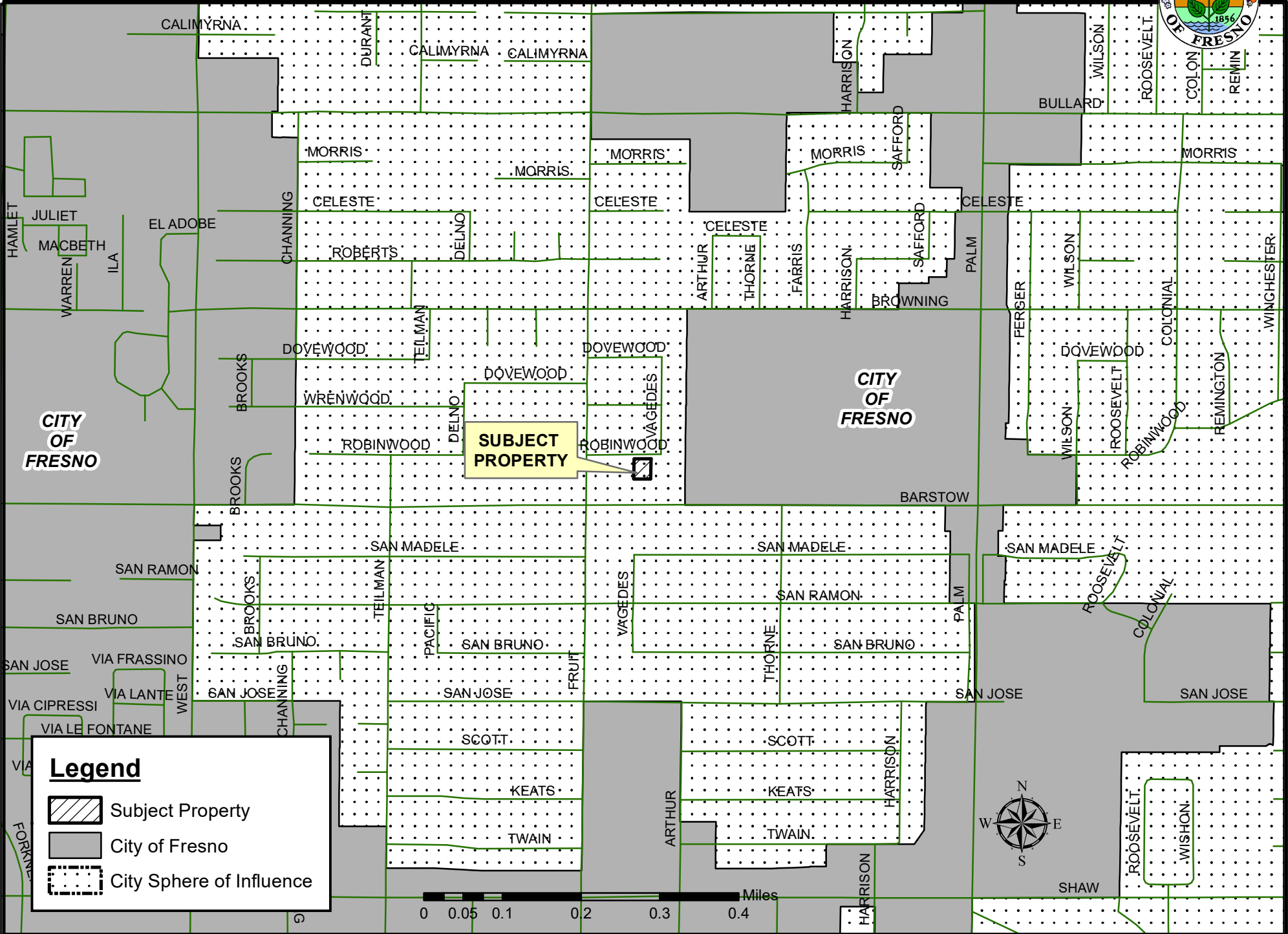
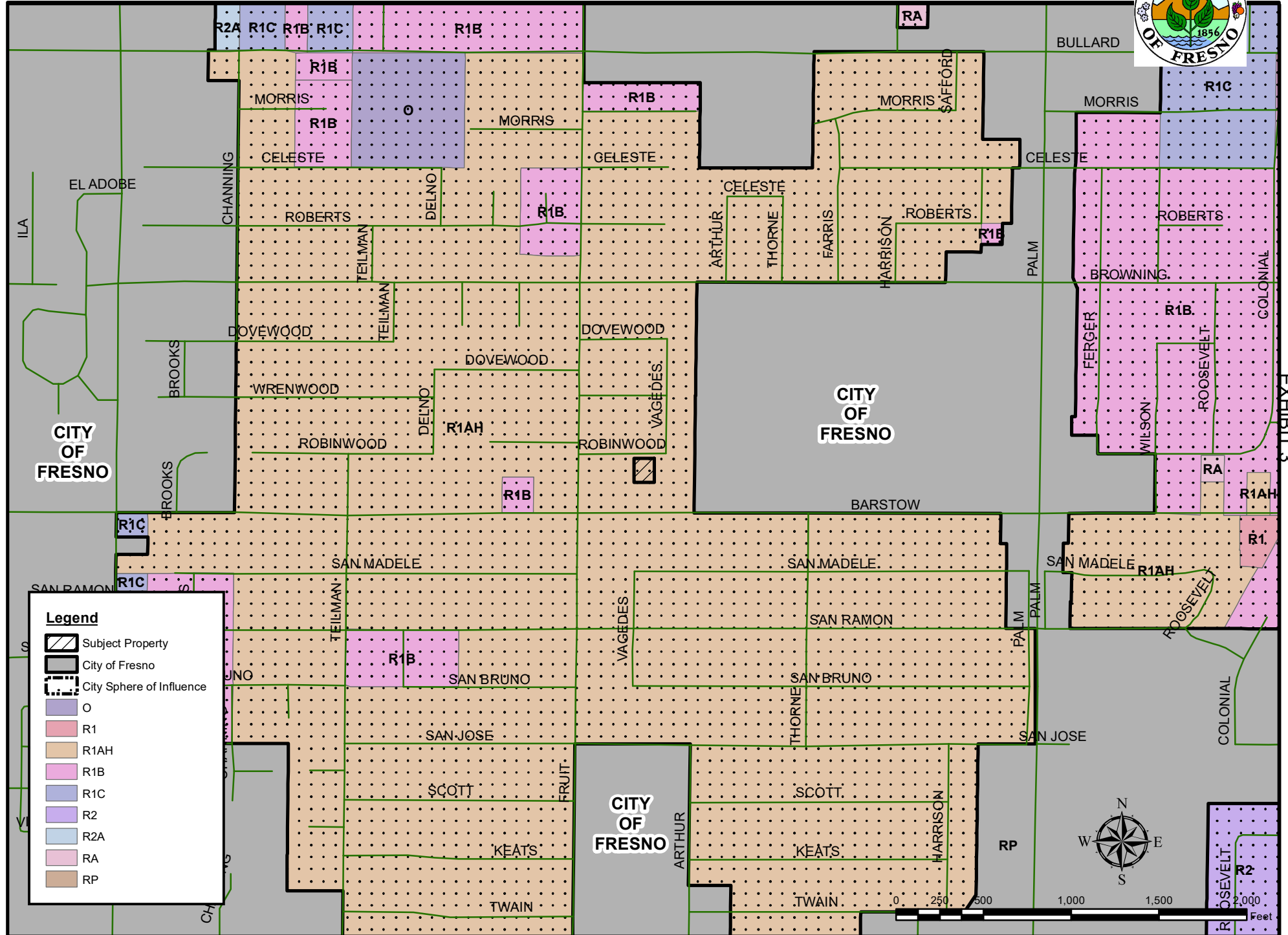


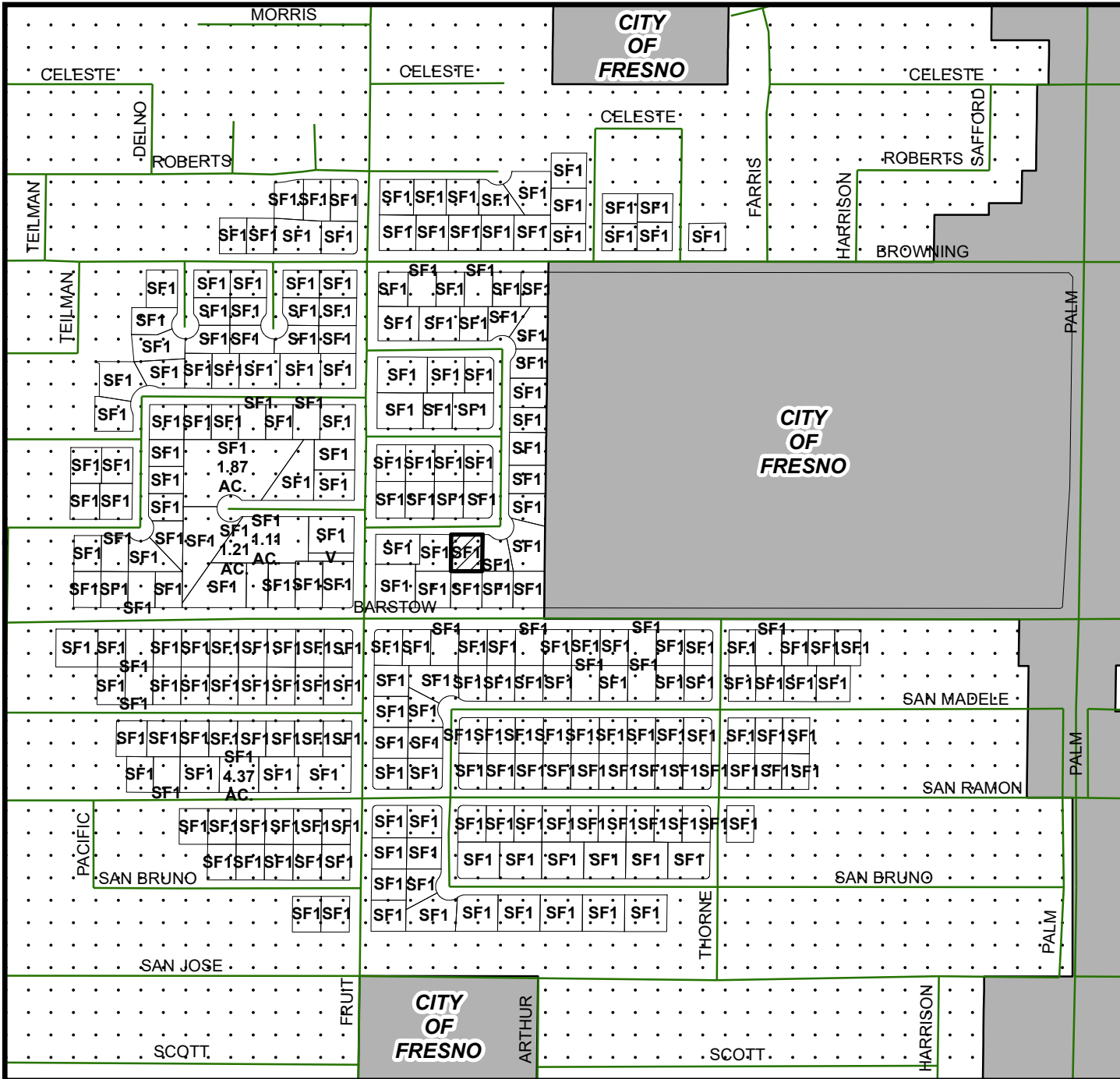
EXHIBIT 2

EXHIBIT 3
EXISTING ZONING MAP






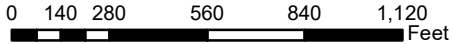
EXISTING LAND USE MAP

VA 4101



LEGEND	
SF#	SINGLE FAMILY RESIDENCE
V	VACANT

- LEGEND:**
-  Subject Property
 -  City of Fresno
 -  City of Sphere of Influence



Department of Public Works and Planning
Development Services Division

VA 4101 APPROVED VARIANCES WITHIN A QUARTER MILE RADIUS

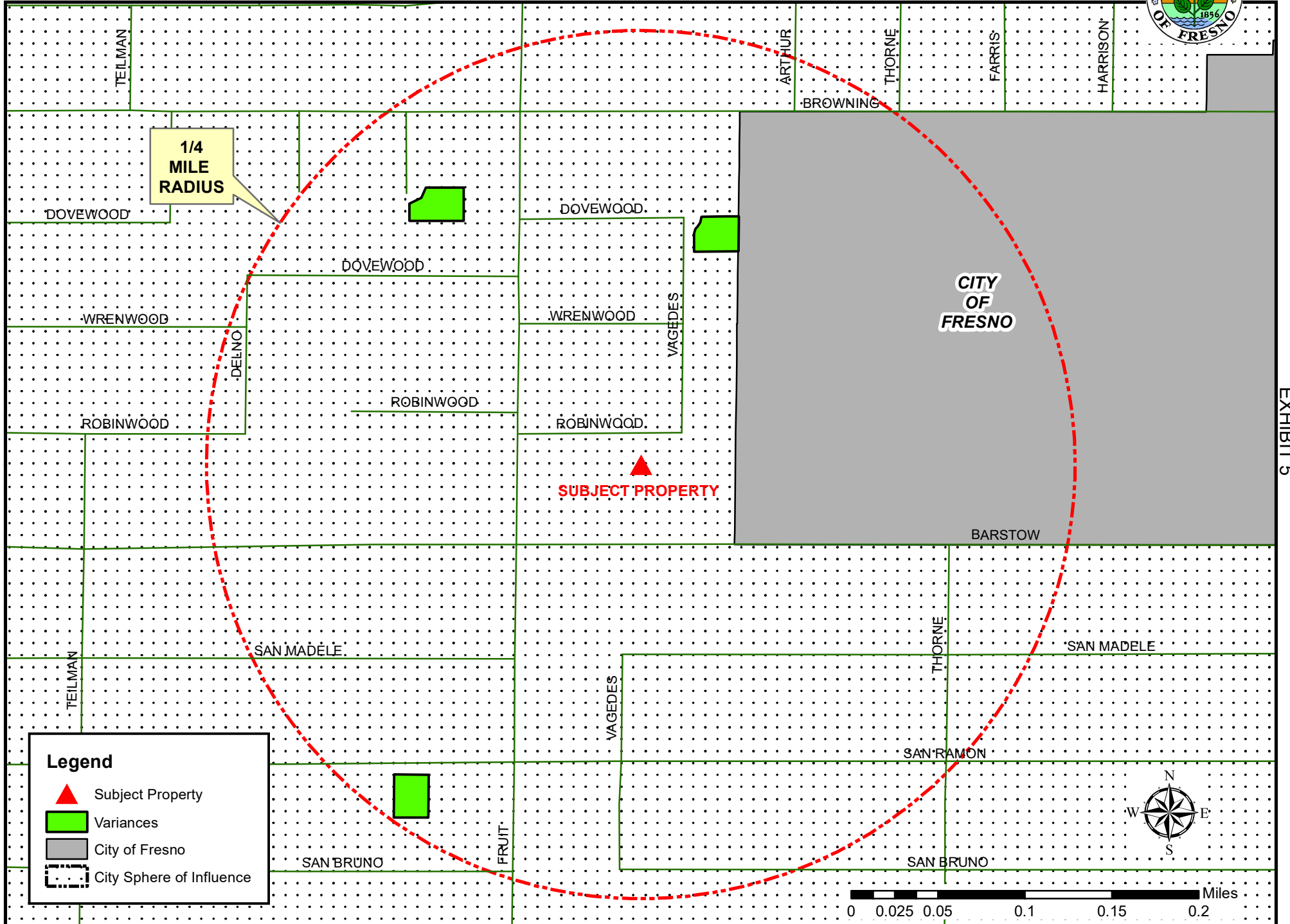
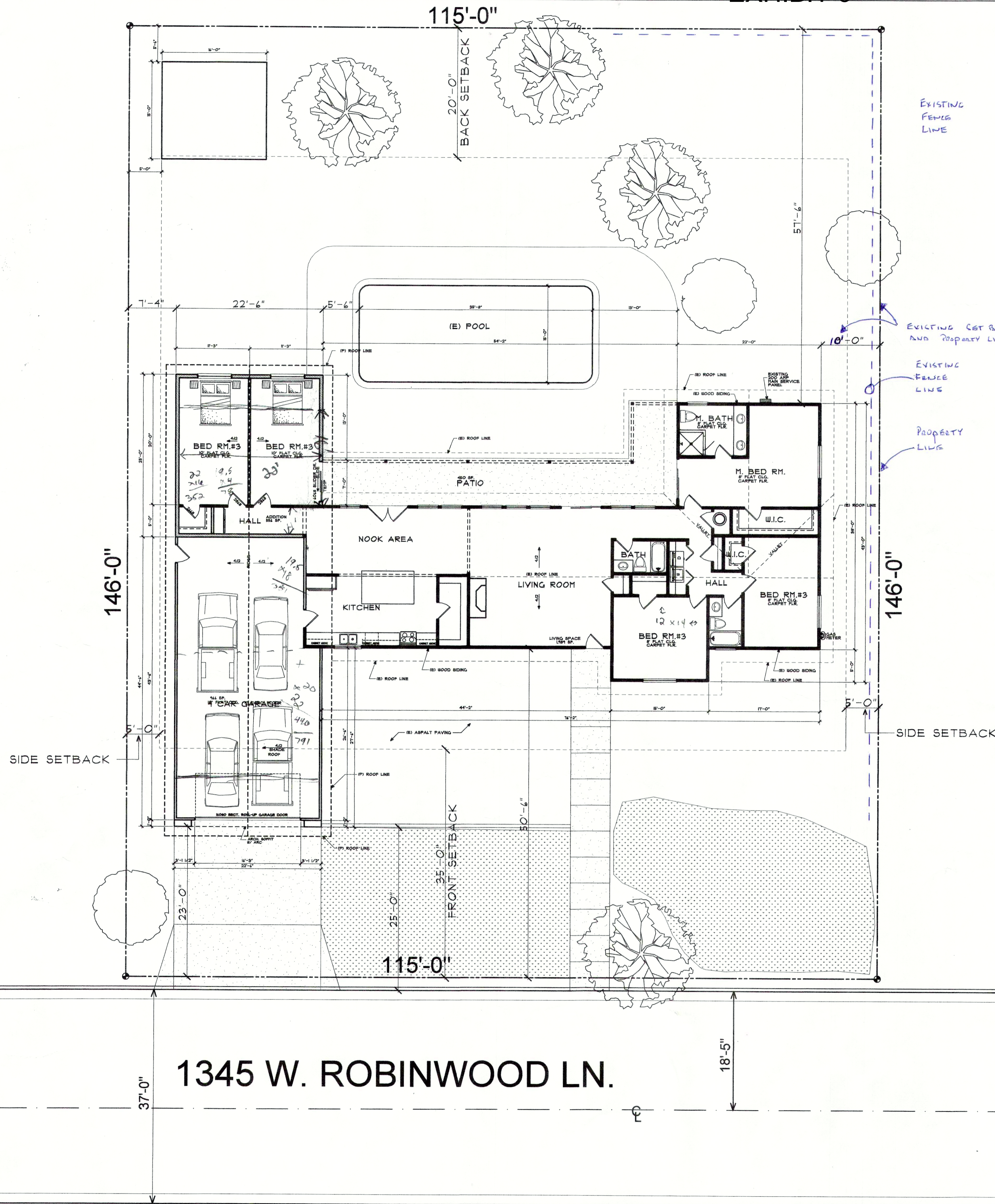


EXHIBIT 6



SANCHEZ DESIGNS & DRAFTING SERVICES

JOSE SANCHEZ
 PHONE: (559) 916-5379
 E-mail: sandraft04@eol.com
 P.O. BOX 3981 PINEDALE CALIFORNIA 93650

HJS ENGINEERING & DRAFTING
 STRUCTURAL DESIGN & DRAFTING
 1104 N College Ave, Fresno, CA 93728
 Tel: 559.824.8130 handh@javerupca@gmail.com

EXHIBIT 6

PROPOSED ADDITION FOR:

Eric Mitchell
 1345 W. Robinwood Ln.
 Fresno Ca. 93711
 Phone: 240-6619 APN: 416-272-05

PLOT DATE	12-3-19
PLAN CHECK NUMBER	*****

PLAN CHECK REVISIONS	
△	
△	
△	

SHEET **A1**

JOB NO. 19-53	PLAN LIVING SQ. FT.
ADDENDUM #1	DATE

↓ SITE PLAN
 SCALE: 1/8"=1'-0"
 N

EXHIBIT 7

December 14, 2020

Ethan Davis
Planner
Development Services and Capital Projects Division

Re: DRA Application Review No. 20-100409

Project: 1345 West Robinwood Ln., Fresno CA 93711

We are seeking a variance to modify the County set back requirements so as to construct a garage and two bedrooms. We are requesting that the existing ten (10ft) foot side yard setback and thirty-five (35ft) foot front yard set-back be altered to a five (5ft) foot side yard and a twenty-five (25ft) front yard setback.

To support the grounds required for the approval and granting of a variance as established in Section 877 of the application, specifically the four conditions detailed, we offer the following reasons and facts:

1. The exceptional and extraordinary circumstances for our home was created by the previous owners whom constructed an unsightly and unsafe carport that is partially enclosed with plywood and a small storage space giving legitimate credence to our being told at purchase that the carport could be easily and legally converted into a enclosed garage. Additionally being that the structure is of a permanent construction creating previous conditions beyond our control, and in that the majority of properties within the immediate area have garages rather than carports making our property unique and unable to conform within the identical zoning.
2. Granting of the variance would provide us the ability to protect our personal property by allowing us to secure it as well as our cars behind an enclosed garage with automatic operating doors. As the applicant is a full time Firefighter with the City of Fresno and due to the extended shifts the variance will also provide the right of protection for the family members as the ever increasing overflow of persons not living in the area from Barstow Avenue coming through the homes unrestricted. Coupled with this and the increased load on local law enforcement and their diminishing ability to protect the properties in a timely and safe manner which has created an environment that was not originally present nor foreseen at the time of construction or zoning, the proposed variance would in fact give us back our right and ability to secure and protect our persons as well as property. Additionally, the proposed project provides a continuity within the neighborhoods existing theme of keeping the vehicles behind an enclosure so as to prevent an accumulation of vehicles in the front yards and driveways while at the same time again providing peace of mind by locking the vehicles in an enclosed garage. The approval of the variance will afford us the same rights possessed by all the local property owners with like conditions in that they all have garages. As in the instant vicinity just north of our property on 5524 N. Vagedes Ave., a variance was presented and approved by the County with the same proposed setbacks establishing not only a precedent but a factual representation of the actual intent and leeway of the current zoning in the vicinity. We further offer that our proposed project has a more fluid and integrated design that does

not encroach nearly as far as the Vagedes property and actually reflects the surrounding designs and homes.

3. The granting of the proposed application for variance will not be materially detrimental to the public welfare but will in fact be a strengthening of the wellbeing of the neighborhood. By approving the proposed variance the property as well as the surrounding vicinity will be enhanced as it allows for the clearing of the immediate driveway and the parking in front of the residence and the less attractive storing of bicycles and landscaping equipment within the open carport. The property in it's current design could be argued is injurious and a detriment to the vicinity due to the lack of a garage, the unsightly look of the carport and "lean too" design, a visual invitation and access to less scrupulous individuals, and the smaller square footage of the overall residence by lowering the current dollar per square foot value for the neighborhood and resale values. The variance and proposed design will actually meet the intent of the zoning by increasing the sale price of the home and surrounding homes considerably.
4. The approval and issuance of a variance will not be contrary to the objectives of the General Plan as provided above. A large part of the objectives with the General Plan and it's zoning were to provide a controlled and planned growth that provide safe and desirable neighborhood's that continue to appreciate in value and uniformity. With the growth of the City, it's surrounding vicinities, schools, and pedestrian traffic, the security and safety of the General Plan. By granting our proposed variance our property will in fact meet the overall objectives of the General Plan in a more complete manner. *Our project will provide greater security, a more fluid continuity of the homes, a more efficient use of our property personally, while promoting a greater value to the surrounding vicinity and meeting the objectives of the General Plan.* The proposed variance provides a preservation of being low density, single family design, maximum but not unsightly usage, and protection of the public's right to preserve the value of their individual monetary values.

Due to the shape of the property and location of the existing structure the proposed design and variance is the most efficient, secure, and aesthetically appealing location. As stated above the applicant is a full time City Firefighter and having a garage and structure that allows for the family to be able to open, enter and close the garage door, and then enter the main structure through an interior door provides for a level of security currently not realized.

As we have casually canvased our neighbors with no objections stated and with the existing approved variance's exemplified within the application, we hopefully submit our application and ask for your approval.

Sincerely,

Eric Mitchell



Dyana Mitchell