



County of Fresno

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

January 29, 2021

Rodney Chooljian
6425 E. Lyell Avenue
Fresno CA 93727

Dear Applicant:

Subject: Resolution No. 12856 - Variance Application No. 4053

On November 19, 2020, the Fresno County Planning Commission approved your above-referenced project with Conditions. A copy of the Planning Commission Resolution is enclosed.

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

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

If you have any questions regarding the information in this letter please contact me at jshaw@fresnocountyca.gov or 559-600-4207.

Sincerely,

Jeremy Shaw, Planner
Development Services and Capital Projects Division

JS:

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Enclosure



Inter Office Memo

DATE: November 19, 2020
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12856 - VARIANCE APPLICATION NO. 4053

APPLICANT: Brooks Ransom Associates

OWNER: Rodney J. Chooljian

REQUEST: 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).

PLANNING COMMISSION ACTION:

At its hearing of November 19, 2020, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Chairman Abrahamian and seconded by Commissioner Burgess to determine the recommended findings could be made, and approve Variance No. 4053 subject to the Conditions listed in Exhibit B. In its motion to approve, the Commission stated that a unique situation is present, and that Finding No. 1 could be made due to the fact that the lot is not standard in size compared to adjacent lots, and that Finding No. 2 could be made because there is a property right preserved in that other property owners could be able to construct a

RESOLUTION NO. 12856

structure of similar type on their property, and because the use of the building is of a personal and not commercial nature.

This motion passed on the following vote:

VOTING: Yes: Commissioners Abrahamian, Burgess, Ede, Hill, Lawson
 No: Commissioners Carver, Chatha, Woolf
 Absent: Commissioner Eubanks
 Abstain: None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 

William M. Kettler, Manager
Development Services and Capital Projects Division

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NOTE: The approval of this project will expire one year from the date of approval unless a determination is made that substantial compliance with the required Conditions of Approval has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Variance.

Attachments

EXHIBIT A

Variance Application No. 4053

Staff: The Fresno County Planning Commission considered the Staff Report dated November 19, 2020 and heard a summary presentation by staff.

Applicant: The Applicant disagreed with the Staff Report and the recommendation for denial. He described the project and offered the following information to clarify the intended use:

- The reason that the accessory building was constructed within the side yard is because it was the only available space on the lot, due to the existence of an eight-foot wide public utility easement running along the rear property line, and the swimming pool being within the rear yard.
- My client was required to obtain a property survey for this application at substantial additional cost.
- The roof overhang covers the existing pool equipment.
- The neighbors have not expressed any objections about the accessory building.
- The building began as an open carport and was later enclosed by the owner.
- The building is aesthetically pleasing and consistent with the neighborhood.
- The subject property is slightly larger than most others in the vicinity.

Others: The owner presented the following information in support of the application.

- I do understand the need for obtaining building permits.
- None of the neighbors have complained specifically about the accessory building.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

**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.	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; 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. 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.
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 required Conditions for the project.	

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	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.