



## Inter Office Memo

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DATE: December 14, 2017  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12685 - VARIANCE APPLICATION NO. 4035

APPLICANT: David Baisa AIA

OWNER: Larry McKoane

REQUEST: Allow an 11-foot front-yard setback where a 35-foot minimum is required, for the proposed construction of a 1,080 square-foot detached garage on a 3.89-acre parcel in the AE-5 (Exclusive Agricultural, 5-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the north side of Little Shuteye Lane, at its intersection with Woodland Road, within the unincorporated community of Shaver Lake (39764 Little Shuteye Lane) (SUP. DIST. 5) (APN 130-410-08).

### PLANNING COMMISSION ACTION:

At its hearing of October 26, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Lawson and seconded by Commissioner Chatha to continue the item to the December 14, 2017 Planning Commission hearing to allow the Applicant additional time to demonstrate that the proposed garage will be placed outside of an existing ten-foot public utility easement and provide a revised site plan that reflects this change.

This motion passed on the following vote:

VOTING: Yes: Commissioners Lawson, Chatha, Abrahamian, Borba, Delahay, Ede, Eubanks and Woolf  
No: None  
Absent: Commissioner Vallis  
Abstain: None

RESOLUTION NO. 12685

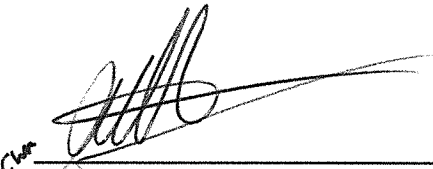
At its hearing of December 14, 2017, the Commission considered the Staff Report, revised site plan, and testimony (summarized in Exhibit A).

A motion was made by Commissioner Ede and seconded by Commissioner Chatha to adopt the recommended Findings of Fact, and approve Variance Application No. 4035, subject to the revised Conditions listed in Exhibit B.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Ede, Chatha, Abrahamian, Borba, Delahay and Eubanks
	No:	None
	Absent:	Commissioners Lawson, Vallis and Woolf
	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

WMK:ksn  
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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 development 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. 4035

**Public Hearing dated October 26, 2017**

- Staff: The Fresno County Planning Commission considered the Staff Report dated October 26, 2017, and heard a summary presentation by staff.
- Applicant: The Applicant concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- The ten-foot public utility easement was not discovered during initial site research.
  - There are existing conditions on the property that make the placement of the proposed garage challenging.
  - The slope of the property creates significant challenges with construction, and as such the existing residence is located in the same area as the proposed detached garage.
  - The site for the proposed garage was chosen because it is relatively flat and would require minimal fill to make it level.
- Others: No other individuals presented information in support of or in opposition to the application.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

**Public Hearing of December 14, 2017**

- Staff: The Fresno County Planning Commission considered the Addendum Staff Report dated December 14, 2017, and heard a summary presentation by staff.
- Applicant: The Applicant concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- Extraordinary circumstances pertain to the property, including it's smaller than typical size; it's an irregularly-shaped three-sided lot, with two of its three sides adjacent to existing roadways.
  - The 35-foot minimum front-yard setback extends along the two sides having road frontage and these factors create a condition whereby 36 percent of the property is dedicated to setback area.
  - The site plan has been revised by rotating the position of the proposed building such that it will not encroach into the public utilities easement.

RESOLUTION NO. 12685

- The property owner accepts staff's recommendation to have the final location of the proposed building verified by a licensed surveyor, as a condition of approval.

Others: No other individuals presented information in support of or in opposition to the application.

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

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**Variance Application No. 4035  
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development shall be in substantial compliance with the site plan, floor plan and elevations, as approved by the Planning Commission.
2.	The proposed detached garage structure shall not encroach into the existing ten-foot-wide Public Utility Easement (PUE) as shown on the approved site plan. Additionally, it shall be the Applicant's responsibility to ensure that the location of the Public Utilities Easement be verified by a licensed surveyor, using an appropriate surveyors' marker or monument prior to inspection and subject to approval by the Fresno County Department of Public Works and Planning.

Conditions of Approval reference required Conditions for the project.

**Notes**

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.	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.	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.
3.	A Grading Permit or Voucher shall be required for any grading activity associated with this proposal.
4.	Plans, permits and inspections will be required for all existing and proposed improvements on the subject property.
5.	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.



# County of Fresno

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

January 18, 2018

David Baisa AIA  
4045 N. Fresno Street #103  
Fresno CA 93720

Dear Applicant:

Subject: Resolution No. 12685 - Variance Application No. 4035

On December 14, 2017, 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@co.fresno.ca.us](mailto:jshaw@co.fresno.ca.us) or 559-600-4207.

Sincerely,

Jeremy Shaw, Planner  
Development Services and Capital Projects Division

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Enclosure