



## Inter Office Memo

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DATE: February 16, 2017  
TO: Board of Supervisors  
FROM: Planning Commission  
SUBJECT: RESOLUTION NO. 12631 - VARIANCE APPLICATION NO. 4006-R

APPLICANT: Ann Huber, Architect

OWNER: Lynn T. Oelsner

REQUEST: Allow a 10-foot front-yard setback (35-foot minimum required) and a zero-foot side-yard setback (10-foot minimum required) to construct a pool, spa and water feature, 6-foot-tall solid wood and plaster wall, with a portion of said wall encroaching into the side yard, and 12-foot-tall portico structure and gate within the front-yard setback of a 16,117 square-foot parcel in the R-1-B(nb) (Single-Family Residential, 12,500 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District.

LOCATION: The project site is located on the west side of North Laguna Vista Avenue, across from its intersection with West Pasa Tiempo Avenue, and adjacent to the city limits of the City of Fresno (7523 North Laguna Vista Avenue) (SUP. DIST. 2) (APN 500-110-02).

### PLANNING COMMISSION ACTION:

At its hearing of November 10, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Lawson and seconded by Commissioner Eubanks to continue the project to the December 8, 2016 hearing, to allow the Applicant to provide documentation of the Home Owners Association approval of the project.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Lawson, Eubanks, Abrahamian, Borba, Chatha, Egan, Mendes, Pagel and Woolf
	No:	None
	Absent:	None
	Abstain:	None

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The Applicant elected to make modifications to the original proposal and the item was subsequently deleted from the December 8, 2016 agenda, and moved to the February 16, 2017 agenda.

At its hearing of February 16, 2017, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Abrahamian and seconded by Commissioner Eubanks, to adopt the required Findings and approve Variance No. 4006-R, subject to the Conditions listed in Exhibit B. In making its motion to approve the Variance, the Commission stated that Findings No. 1 and 2 could be made based on three considerations: Laguna Vista Avenue is a one-way private road; the subject property backs up to a golf course where there are restrictions on building solid fences; several surrounding properties have swimming pools and fences within the front-yard setbacks, creating a unique circumstance for the subject property.

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Abrahamian, Eubanks, Chatha, Hill, Lawson, Mendes and Woolf
	No:	None
	Absent:	Commissioners Borba and Pagel
	Abstain:	None

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

By:   
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 William M. Kettler, Manager  
 Development Services 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. 4006-R

**Public Hearing dated November 10, 2016**

Staff: The Fresno County Planning Commission considered the Staff Report dated November 10, 2016, and heard a summary presentation by staff.

Applicant: The Applicant's representative did not concur with the Staff Report and the recommended Conditions. She described the project and offered the following information to clarify the intended use:

- The wall is not a masonry wall, but will consist of wood studs and cement plaster.
- Three factors which justify the acceptance of this Variance are the home's proximity to the golf course, ample front-yard distance from curb to the existing home, and other homes in the area that were granted variances.
- With the intent of preserving the open views of the golf course, it would be inappropriate to install a solid wall that would obstruct the view.
- Laguna Vista was originally planned as a two-way road, but was built as a one-way private road.
- The distance from the curb to the home is 54 feet; once that wall goes in, it is going to be 35 feet from face of curb.
- The homeowner is conscious of the four existing mature trees and intends to preserve them.

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 dated February 16, 2017**

Staff: The Fresno County Planning Commission considered the Staff Report dated February 16, 2017, and heard a summary presentation by staff.

Applicant: The Applicant's representative did not concur with the Staff Report and the Staff's recommendation. She described the project and offered the following information to clarify the intended use:

- With respect to the open space, there will be 29 feet from the curb face back to the proposed fence, which is more than most homes in the City of Fresno.

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- Moving the proposed fence toward the street an additional six feet would preserve the existing trees as well as most of the open green space within the front yard.
- Some of the neighboring property owners have also created private enclosed areas for a pool, or other uses by constructing a 6-foot-tall fence; these fences were also authorized by Variances.
- Laguna Vista was originally designed as a two-way road, however it is currently a one-way private road.
- In the original proposal, the fence was supposed to be six feet farther back from the road, however the pool was still going to be five feet away from the property line per code.
- The revised plan increased the size of the proposed enclosure and preserves the existing trees inside the courtyard.
- The Architectural Design Committee of the Home Owners Association approves of this proposal.

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 (VA) No. 4006-R  
Conditions of Approval and Project Notes**

<b>Conditions of Approval</b>	
1.	Development shall be in substantial compliance with the site plan, floor plan and elevations, as approved by the Planning Commission.
2.	The building plate height for the proposed portico cannot exceed 12 feet, measured from the finished grade to the highest point of the portico (plate height cannot be measured from the finished floor to the highest point of the portico).

Conditions of Approval reference required Conditions for the project.

<b>Notes</b>	
<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 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.	No on-site retention of storm water runoff is required, provided the developer can verify to the County of Fresno that any runoff can be safely conveyed to Fresno Metropolitan Flood Control District (FMFCD) Master Plan inlet(s).



# County of Fresno

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

March 9, 2017

Ann Huber, Architect  
10796 N. Tea Party Lane  
Fresno CA 93730

Dear Applicant:

Subject: Resolution No. 12631 - Variance Application No. 4006-R

On February 16, 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 Division

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Enclosure