



Inter Office Memo

DATE: October 20, 2016
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12602 - VARIANCE APPLICATION NO. 3963

APPLICANT: Harold Graham

OWNER: Tom & Grace Vorhees

REQUEST: Allow a six-foot rear-yard setback (20-foot required) and an increase in lot coverage (46% proposed where limited to 40% by ordinance) for a proposed addition to an existing single-family residence. The property is a 6,526 square-foot parcel in the R-1(m) (Single-Family Residential, 6,000 square-foot minimum parcel size, Mountain Overlay) Zone District.

LOCATION: The project site is located on the south side of Lakeview Drive, opposite its intersection with Plaza Avenue, within the unincorporated community of Shaver Lake (44423 Lakeview Avenue) (SUP. DIST. 5) (APN 120-313-20).

PLANNING COMMISSION ACTION:

At its hearing of August 25, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Woolf and seconded by Commissioner Chatha to deny Variance No. 3963. The motion to deny was tabled by Chairman Mendes, and replaced with a motion to continue Variance Application No. 3963 to the October 20, 2016 hearing in order to allow the Applicant time to revise the proposal so as to reduce adverse impacts on the neighborhood. The motion was seconded by Commissioner Eubanks.

This motion was passed on the following vote:

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

EXHIBIT A

Variance Application No. 3963

Public Hearing dated August 25, 2016

- Staff: The Fresno County Planning Commission considered the Staff Report dated August 25, 2016, and heard a summary presentation by staff.
- Applicant: The Applicant's Representative did not concur with the Staff Report and Staff's recommendation. He described the project and offered the following information to clarify the intended use:
- We determined that keeping the addition to the east, next to the neighbor's existing two-story home, would reduce viewshed impacts.
 - The existing building already encroaches into the setback.
 - In addition to being irregularly shaped, there were septic issues caused by the required 100-foot setback from the high-water line from Shaver Lake, which placed additional restrictions on development.
 - The size of the home is consistent with the size of other homes in the area.
 - The intent of setback requirements is to provide consistency, but since there are other homes which have been built beyond the setback, allowing us to also build out would reduce the existing offset.
 - We have building plans already designed and approved.
- Others: No other individuals presented information in support of the application and three individuals spoke in opposition to the application, stating concerns with the growing number of setback and lot coverage variances approved in Shaver Lake and the effect of those variances on the character of the community.
- Correspondence: No letters were presented to the Planning Commission in support of the application and ten letters were presented in opposition, generally citing concerns with the aesthetic impacts on the view of Shaver Lake if the subject Variance were approved and the applicability of CEQA Section 15305 to exempt the project from more intense environmental review.

Public Hearing dated October 20, 2016

- Staff: The Fresno County Planning Commission considered the Staff Report dated October 20, 2016, and heard a summary presentation by staff.
- Applicant: The Applicant's Representative did not concur with the Addendum Staff Report and Staff's recommendation. He described the project and offered the following information to clarify the intended use:

RESOLUTION NO. 12602

- We reduced the proposed coverage by half from 52% to 46% by removing seven feet of deck and six feet of house from the original proposal.
- When considering the location of the septic tank, there are additional building constraints which restrict the lot to 37% building area.
- The viewshed from the recreational parcel to the west is increased because the redesign removed some deck area. The design of the addition in the eastern part of the lot was intended to help preserve this view.
- We are not encroaching further into the rear-yard setback than the neighboring parcel to the east.
- We have redesigned the eastern windows of the addition to address privacy concerns from the neighbor.
- We revised the proposal further to bring the eastern corner of the proposed addition behind the 20-foot rear-yard setback.

Others: No other individuals presented information in support of the application. One person spoke in opposition to the application citing concerns that approval of the project would cause significant privacy issues due to the location of windows in the proposed addition and their relationship to existing improvements on his property.

Correspondence: No letters were presented to the Planning Commission in support of the application and ten letters were presented in opposition, generally expressing concerns with the original application as it was presented on August 25, 2016. No letters were received between August 25, 2016 and October 20, 2016. Copies of the Applicant's emails were presented to the Planning Commission, documenting his efforts to address concerns raised by neighboring property owners by modifying the project design and scope.

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**Variance Application No. 3963
Conditions of Approval and Project Notes**

EXHIBIT B

Conditions of Approval	
1.	Development of the property shall be in accordance with the revised Site Plan approved by the Planning Commission to allow for 46 percent lot coverage and a six-foot rear yard setback. The eastern corner of the proposed addition shall be at least 20 feet north of the rear property line, there shall be no eastern-facing windows in the addition bedroom, and the eastern-facing window in the bathroom shall be treated to be opaque.
2.	<p>The sewage disposal system shall be installed in accordance with the Engineered Design prepared by Lyle Brewer Engineering, or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division. The sewage disposal system shall be further limited by the following:</p> <ul style="list-style-type: none"> • The new residence shall have at a maximum four bedrooms. • The leach lines shall maintain setbacks as per the California Plumbing Code: 8 feet from footings and foundations; 5 feet from property lines; 100 feet from the high water line of Shaver Lake. • The leach line and reserve area shall NOT be paved over. • No cut banks or retaining walls shall be created that may adversely affect the sewage disposal area. Leach lines are required to maintain a setback distance of four times the height of cut banks.
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.	Plans, permits, and inspections are required, including site development, based upon the California Codes in effect at the time of plan check submittal.
2.	The project shall not encroach on Southern California Edison property (Shaver Lake) in any way, including during construction. In the event that development requires relocation of facilities on the subject property held by Southern California Edison, which facilities exist by right of easement or otherwise, the owner/developer shall bear the cost of such relocation and provide Southern California Edison with suitable replacement rights. Such costs and replacement rights are required prior to the performance of the relocation.
3.	Any work done within the right-of-way to construct a new driveway or improve an existing driveway will require an Encroachment Permit from the Road Maintenance and Operations Division.
4.	If not already present, ten-foot by ten-foot corner cutoffs should be improved for sight distance purposes at the exiting driveway onto Lakeview Avenue.
5.	The project shall comply with California Code of Regulations Title 24-Fire Code and may be subject to joining Community Facilities District (CFD) No 2010-01. Before plans are submitted to the Fresno County Fire Protection District, the Applicant must fill out the Fire Permit Application to submit with the plans. A determination will be made and information provided to the Applicant on how to join the CFD based on the application.



County of Fresno

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

November 7, 2016

Harold Graham
7014 E. Dayton
Fresno CA 93737

Dear Applicant:

Subject: Resolution No. 12602 - Variance Application No. 3963

On October 20, 2016, 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 a maximum of two one-year extensions of time. 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 cmonfette@co.fresno.ca.us or 559-600-4245.

Sincerely,

Christina Monfette, Planner
Development Services Division

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Enclosure