



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
BERNARD JIMENEZ, INTERIM DIRECTOR

Planning Commission Staff Report Agenda Item No. 3 April 28, 2016

SUBJECT: Variance Application No. 3988

Allow a single-family residence with 53.7 percent lot coverage (maximum 40 percent lot coverage) and a zero-foot rear-yard setback (16 feet required) on a 6,324 square-foot parcel in the R-1(m) (Single-Family Residential, 6,000 square-foot minimum parcel size, Mountain Overlay) Zone District.

LOCATION: The subject parcel is located on the southwest side of Lakeview Avenue between SR 168 and Cascade Avenue within the unincorporated community of Shaver Lake (44341 Lakeview Avenue) (Sup. Dist. 5) (APN 120-313-28).

**OWNER/
APPLICANT:** Edwin R. and Kristan J. O'Neill

REPRESENTATIVE: Ron Marlette (Marlette Associates)

STAFF CONTACT: Daniel Brannick, Planner
(559) 600-4297

Chris Motta, Principal Planner
(559) 600-4227

RECOMMENDATION:

- Deny Variance No. 3988; 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. Assessor's Parcel Map
6. Site Plans, Floor Plans, and Elevations
7. Applicant's Statement of Variance Findings
8. Written Correspondence

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Mountain Residential (Shaver Lake Community Plan)	No change
Zoning	R-1(m) (Single-Family Residential, 6,000 square-foot minimum parcel size, Mountain Overlay)	No change
Parcel Size	6,324 square feet	No change
Project Site	<ul style="list-style-type: none"> • 1,478 square-foot two-story residence (to be removed) • 482 square-foot deck (to be removed) • 44-foot access bridge (to be removed) 	<ul style="list-style-type: none"> • 5,808 square-foot three-story residence w/attached garage • Tri-level deck (master level: 211 square feet; entry level: 696 square feet; lake level: 696 square feet) • 11-foot-long access bridge
Structural Improvements	See Project Site	See Project Site
Nearest Residence	13 feet east (existing residence)	10 feet east
Surrounding Development	Single-family residences, outdoor recreational facilities, wilderness	No change

EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N

ENVIRONMENTAL ANALYSIS:

It has been determined pursuant to Sections 15303 and 15305 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 163 property owners within one quarter-mile of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance (VA) may be approved only if four Findings specified in Zoning Ordinance Section 877 are made by the Planning Commission.

Specifically related to a Variance Application, in order to make Findings 1 and 2, a determination must be made that the property is subject to an exceptional or extraordinary physical circumstance that does not apply to other properties in the same Zone District, and a substantial property right held by other property owners of like-zoned parcels in the area must be identified.

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 INFORMATION:

The Applicants are requesting a Variance to allow a single-family residence with 53.7 percent lot coverage (maximum 40 percent lot coverage) and a zero-foot rear-yard setback (20 feet required) on a 6,324 square-foot parcel in the R-1(m) (Single-Family Residential, 6,000 square-foot minimum parcel size, Mountain Overlay) Zone District. The Applicants' proposal previously included an additional request for a one-foot side-yard setback to accommodate a concrete stairway, but the proposal has been revised to eliminate the stairway which negates the need for a side-yard variance.

The property is located in the community of Shaver Lake within the Shaver Lake Point Subdivision. The immediate area around the project site is developed with single-family residences that are primarily used as vacation homes. The subject parcel is bordered by other residences on three sides and Shaver Lake to the rear. The subject parcel is currently developed with a 1,478 square-foot, two-story single-family residence that features a deck at the rear of the property and an access bridge from Lakeview Avenue.

The Applicants' proposal is intended to facilitate proposed construction of a new single-family residence on the subject parcel. The proposed residence is a three-story structure measuring 5,808 square-feet and would include an attached garage, a 1,603 square-foot three-level deck, and a new 11-foot-long access bridge running from the front parking area to the proposed residence. None of the currently existing structures would remain.

Section 826.5(E)(4) of the Fresno County Zoning Ordinance requires a rear yard of not less than 20 feet in areas zoned R-1. Additionally, Section 826.5(G) requires that maximum lot

coverage by buildings and structures in the R-1 Zone District not exceed 40 percent of the total lot area. As shown in the project's Site Plans, Floor Plans, and Elevations (Exhibit 6), a substantial portion of the proposed deck and one corner area of the proposed residence are located within the 20-foot rear-yard setback. Further, the proposed structures would cover an area equivalent to 53.7 percent of the total lot area, exceeding the 40 percent limit.

Regarding the rear-yard setback requirement, staff notes that the existing deck on the property extends four feet into the required setback. According to the Department of Public Works and Planning's Zoning Section, a 16-foot rear-yard setback was permitted under Site Plan Review (SPR) No. 3020 in 1975. However, the previously-approved encroachment permit runs with that specific structure and not the land, so removing the existing structure and replacing it with a new structure would necessitate using a 20-foot rear-yard setback as the standard for evaluating this proposal.

Within the area of the subject property there have been at least three other variance applications filed in recent history requesting either reduced yard setback requirements or reduced parcel size requirements in the same zone district. On February 20, 2014, the Planning Commission voted to approve Variance Application No. 3953 allowing 47 percent lot coverage (40 percent maximum lot coverage allowed) for an addition to an existing single-family residence. On December 13, 2012, Variance Application No. 3937 was approved allowing a zero-foot rear yard setback (twenty-foot minimum required) and 55.2 percent total lot coverage (40 percent maximum allowed) to accommodate portions of a proposed single family residence. On August 13, 2009, Variance Application No. 3899 was approved allowing a 11-foot front yard setback (twenty-foot minimum required) in order to accommodate a 430 square-foot proposed attached garage. Staff notes that although there is a history of Variance requests within proximity of the subject property, each Variance request is considered on its own merit, based on unique site conditions and circumstances.

Since this application contains two requests (allowance for a rear yard setback encroachment and allowance for lot coverage exceeding the maximum allowed), the Planning Commission, at its discretion, could either deny both requests as recommended by staff, approve both requests, or approve one request and deny the other.

ANALYSIS/DISCUSSION:

Finding 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.

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.

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Setbacks	Front: 20 feet Side (W): 5 feet Side (E): 5 feet Rear: 20 feet	Front: 20 feet Side (W): 5 feet Side (E): 5 feet Rear: 0 feet	Front: Yes Side (W): Yes Side (E): Yes Rear: No

	Current Standard:	Proposed Operation:	Is Standard Met (y/n)
Parking	N/A	N/A	N/A
Lot Coverage	40 percent	53.7 percent	No
Height	35 feet	35 feet	Yes
Separation Between Buildings	6 feet	N/A	N/A
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	100 percent of the existing system	Engineered sewage disposal system prepared by Lyle Brewer Engineering	N/A
Water Well Separation	Building sewer/septic tank: 50 feet; disposal field: 100 feet; seepage pit/cesspool: 150 feet	N/A	N/A

Reviewing Agency/Department Comments Regarding Site Adequacy:

Zoning Section of the Fresno County Department of Public Works and Planning: The required rear-yard setback is 20 feet. SPR No. 3020 applied to the single-family residence proposed in 1975 and runs with that specific structure and not with the land. The maximum lot coverage is 40 percent of the parcel size. Based on comments from Cal Fire, the proposed residence is subject to the normal height standard for the R-1(m) zone (35 feet) as it will include a sprinkler system. With omission of the four-foot-wide concrete stairs, no side-yard variance is required for this proposal. If constructed, the proposed residence will keep the existing address of 44341 Lakeview Avenue.

Fresno County Department of Public Health, Environmental Health Division: The Environmental Health Division has reviewed the requested variance and revised sewage disposal system design report submitted by Lyle Brewer Engineering. The subject design is unique in that there was an existing house and septic system, and the house and septic tank are proposed to be demolished and removed, and replaced with a new house, grinder pump and septic tank. The existing leach line is proposed to remain and serve the new house. This entire parcel lies within 200 feet of Shaver Lake, resulting in an inability to meet the 200-foot leach field setback as stated in the California Regional Water Quality Control Board Basin Plan; it can however meet the 100-foot water body setback mandated by the California Plumbing Code. Based upon the site plan provided with the proposed design, there exists a small area outside the 100-foot lake setback that is available for sewage disposal.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

Analysis:

In support of Findings 1 and 2, the Applicants state that the property is bordered to the south by Shaver Lake, and as such there can never be a buildable site adjoining its rear yard; therefore the condition is in contrast to other residences in the area which are bordered on the sides and rear by other residences. Additionally, the Applicants state that the Variance is necessary in order to allow the property owners an opportunity to construct a vacation residence of a size commensurate with many of the new homes that have been constructed in the immediate area.

Regarding Findings 1 and 2, staff is unable to find that the parcel's location on the lake constitutes an exceptional circumstance sufficient to meet the threshold required for a Variance. While the subject parcel's proximity to the lake is unique compared to other residences in the vicinity, no hardship or detriment imposed upon the property by the lake's proximity has been identified that would warrant the proposed Variance. There are no rock outcroppings, wetlands, and/or other public easements on or near the property that create significant hardships for the Applicants. The proposal simply seeks removal of the existing smaller residence to construct a new, larger residence. Staff believes that denial of this Variance request would not deprive the Applicants of any right enjoyed by other property owners in the R-1(m) Zone District in the area, since all property owners in said District are subject to the same setback and lot coverage requirements of the zone district.

A consideration in addressing Findings 1 and 2 is whether there are alternatives available that would avoid the need for the Variance. One alternative would be to redesign the proposed residence and deck to a smaller size. A reconfigured design with smaller and fewer spaces spread throughout all three levels of the residence will allow the proposal to stay within the setbacks and allowable lot coverage of the zone district.

A second option would be to apply for a minor variance to maximize the use of the land. A minor variance would allow a maximum of two feet of encroachment (10 percent of 20-foot rear yard setback) into the rear-yard setback and could provide additional buildable area to include in the design of the residence. A minor variance could also be used to permit lot coverage of up to 44 percent (10 percent of 40 percent).

Another alternative would be to maintain the existing residence and allow expansion into buildable areas around the residence within the required setbacks. This alternative would also allow the Applicants to maintain the benefit of the 16-foot rear-yard setback that was permitted under SPR No. 3020.

Given the above analysis and based on the availability of alternatives available to avoid the Variance request, staff believes that an exceptional circumstances and preservation of substantial property rights does not exist and that Findings 1 and 2 cannot be made for either the rear-yard setback or lot coverage components of the Variance.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Findings 1 and 2 cannot be made.

Finding 3: The proposal will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located.

Surrounding Parcels				
	Size:	Use:	Zoning:	Nearest Residence:
Northwest	6,300± square feet	Single-family residence	R-1(m)	20 feet
North	6,735± square feet	Single-family residence	R-1(m)	80± feet
Northeast	7,690± square feet	Single-family residence	R-1(m)	80± feet
East	6,540± square feet	Single-family residence	R-1(m)	70± feet
Southeast	5,570± square feet	Single-family residence	R-1(m)	10 feet
Southwest	N/A	Shaver Lake	RC-40	None

Reviewing Agency/Department Comments:

Development Engineering Section of the Fresno County Department of Public Works and Planning: 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. If not already present, 10-foot by 10-foot corner cutoffs should be improved for sight distance purposes at the driveway exiting onto Lakeview Avenue. A grading permit or voucher is required for any grading proposed with this application.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: No comments.

Water/Geology/Natural Resources Section of the Fresno County Department of Public Works and Planning: There are no concerns with the proposal, as the subject parcels are not located in a water-short area. The Applicant has provided a will serve letter from the water provider in the area.

State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW): No comments on this variance request.

Southern California Edison (SCE): After review, the project drawings indicate that only the patio, not the building itself, will touch on the SCE property line. After this review, SCE has no issue with accepting the zero clearance variance request with our property line, as long as they do not encroach on SCE property in any way, including during construction. This variance is in line with other setbacks that have been permitted at The Point subdivision.

No other comments specific to land use compatibility were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 3, the Applicants state that granting the Variance will allow construction of a home that will serve to increase the values of neighboring properties and “as such, can in no way be deemed either ‘materially detrimental to the public welfare’ or ‘injurious to property or improvement in the vicinity.’”

In analyzing this proposal, staff considered the intent of the restrictions on setbacks and lot coverage. 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. Similarly, limitations imposed on lot coverage are to allow consistency between residential developments and the look of homes in a neighborhood.

Regarding aesthetics, staff is able to find the proposed residence would be aesthetically consistent with development in the area. The size of the proposed residence, though larger than some other homes in the area, would be less visible from the street due to having a multi-level design on a parcel below street elevation with significant slopes. From the street, the house will appear as high as other residences in the area and will be compatible in design, look, and material. Although the Site Plan indicates that a total of six trees would be removed to accommodate the proposed residence and deck, existing trees and vegetation will remain present around all sides of the parcel and in a manner consistent with the overall natural scenery of the vicinity. Additionally, as indicated in comments from the Zoning Division and Cal Fire, the height of the building is within the limits for the R-1(m) Zone District.

Regarding lot coverage, staff notes that lot coverage requirements also exist to ensure that lots are not over-developed in such a way that adversely impacts the development of water or sewer services. In this instance, the Department of Public Health, Environmental Health Division reviewed the project and determined that there would be sufficient room for septic disposal with the proposed layout.

No comments were received from reviewing agencies that suggested any additional risk of material harm to other properties.

Based on the above information, staff believes the proposal will not have an adverse effect upon surrounding properties.

Recommended Conditions of Approval:

See recommended Conditions of Approval attached as Exhibit 1.

Conclusion:

Finding 3 can be made.

Finding 4: Granting of this variance will not be contrary to the objectives of the General Plan Consistency.

Relevant Policies:

No General Plan policies were identified for consideration by the Policy Planning Section of the Fresno County Department of Public Works and Planning.

Reviewing Agency Comments:

No comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

Analysis:

In support of Finding 4, the Applicants state that no aspect of the development being proposed in the Variance Application is contrary to the objectives of the General Plan.

Regarding Finding 4, the project site is designated Mountain Residential in the County-adopted Shaver Lake Community Plan. General Plan policies do not specifically address requirements for development of structures within setbacks.

Based on this information, staff finds that the granting of this Variance would not be contrary to the objectives of General Plan.

Recommended Conditions of Approval:

None.

Conclusion:

Finding 4 can be made.

PUBLIC COMMENT:

During the time period between publication of the Notice of Public Hearing and publication of this Staff Report, Current Planning staff received phone calls from five neighboring property owners expressing concerns with the proposal. Staff also received two pieces of written correspondence in opposition to the proposal, one of which was submitted by a neighbor who had previously called with concerns. Additionally, the Applicants' representative provided four letters from neighboring property owners in support of the proposed Variance. The written correspondence received by staff up to this point in time has been included as Exhibit 8.

CONCLUSION:

Based on the factors cited in the analysis, staff is unable to make Findings 1 and 2 needed for approval of this Variance. Staff therefore recommends denial of Variance No. 3988.

In the event that the Commission determines that the required Findings can be made for this proposal and elects to approve the Variance, staff has included recommended Conditions of Approval and Project Notes attached as Exhibit 1.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Denial Action)

- Move to determine that the required Findings cannot be made based on the analysis in the Staff Report, and move to deny Variance No. 3988; 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 No. 3988, subject to any Conditions and Notes imposed; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Conditions of Approval and Project Notes:

See attached Exhibit 1.

DB:

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**Variance Application No. 3988
Conditions of Approval and Project Notes**

Conditions of Approval	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission.
2.	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.
3.	As stipulated by Southern California Edison (SCE), 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 Edison with suitable replacement rights. Such costs and replacement rights are required prior to the performance of the relocation.
4.	All required R-1 and/or R-1(m) setbacks or proposed setbacks shall be taken from property line. Property line locations shall be verified as needed.

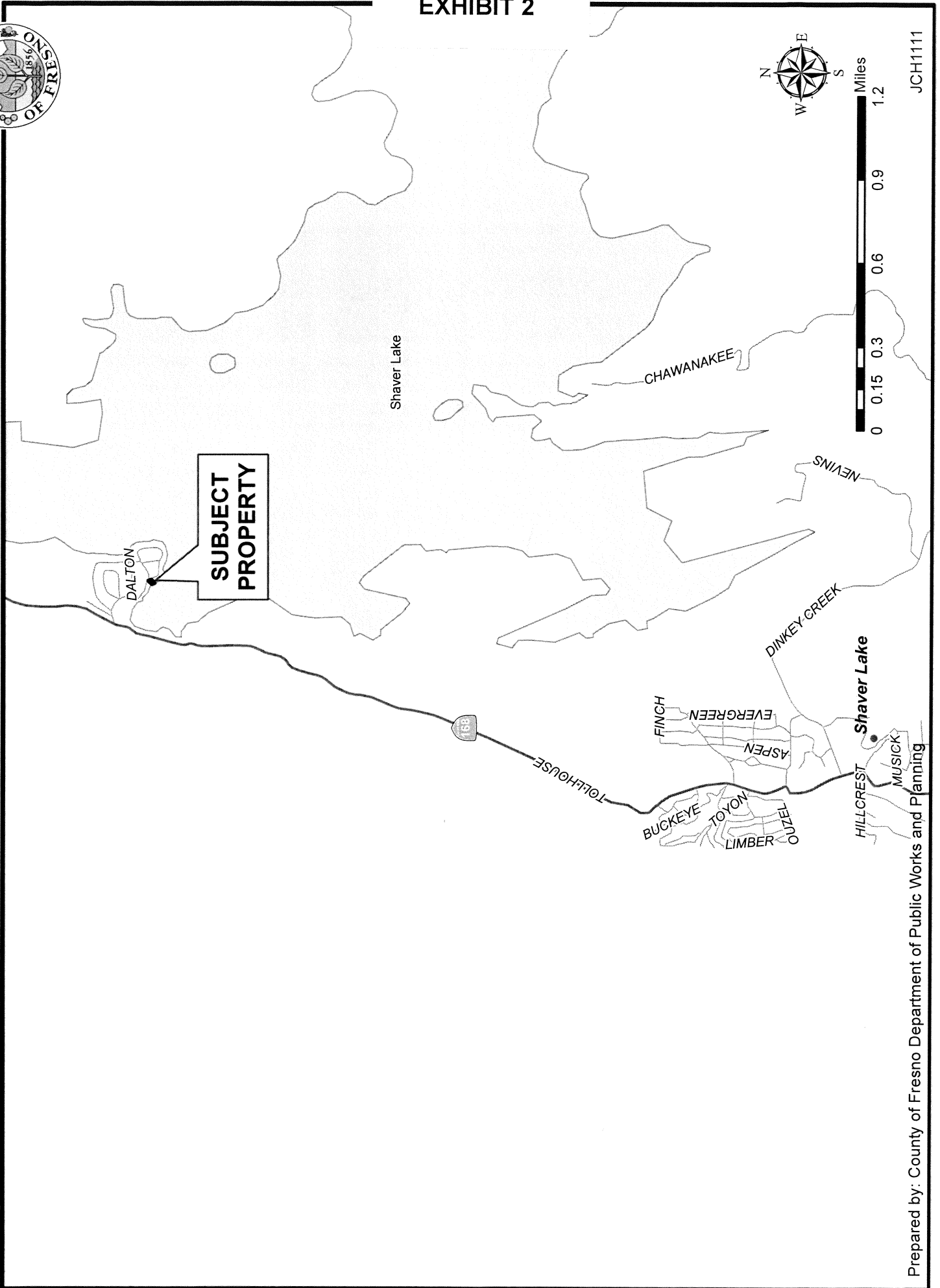
Conditions of Approval reference recommended Conditions for the project.

Notes	
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.	
1.	If constructed, the proposed residence will keep the existing address of 44341 Lakeview Avenue.
2.	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.
3.	If not already present, 10-foot by 10-foot corner cutoffs should be improved for sight distance purposes at the driveway exiting onto Lakeview Avenue.
4.	A grading permit or voucher is required for any grading proposed with this application.



LOCATION MAP

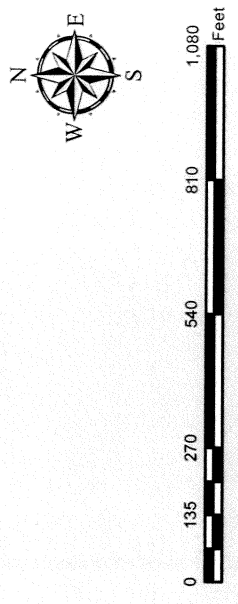
VA 3988



EXISTING ZONING MAP



EXHIBIT 3



JCH1111

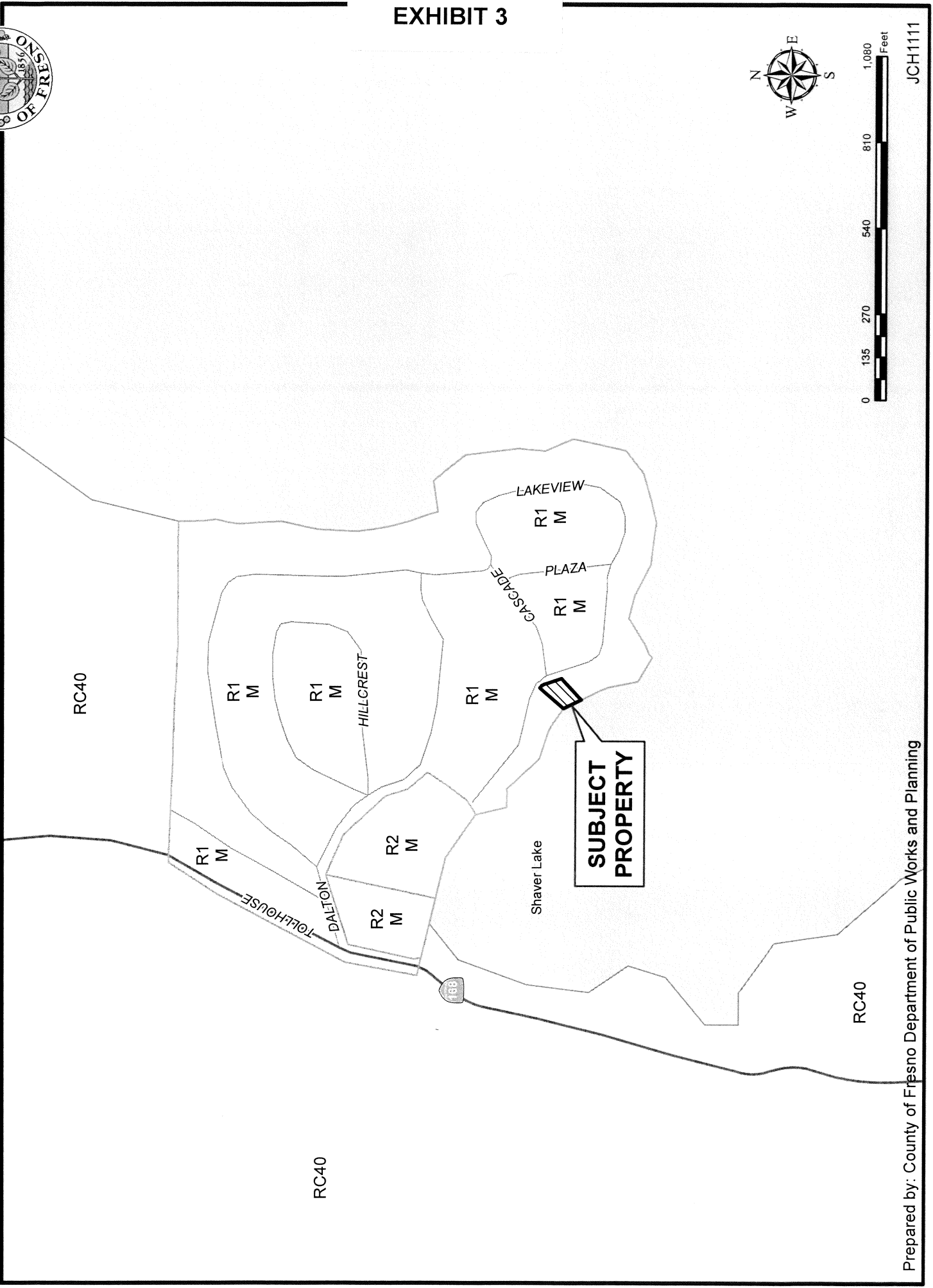




EXHIBIT 4

EXISTING LAND USE MAP

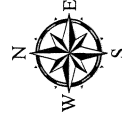
VA 3988

LEGEND

C# - COMMERCIAL
 SF# - SINGLE FAMILY RESIDENCE
 V - VACANT

LEGEND:

 Subject Property



Department of Public Works and Planning
 Development Services Division



Map Prepared by: JHernandez
 J:GISJCHILanduse

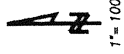
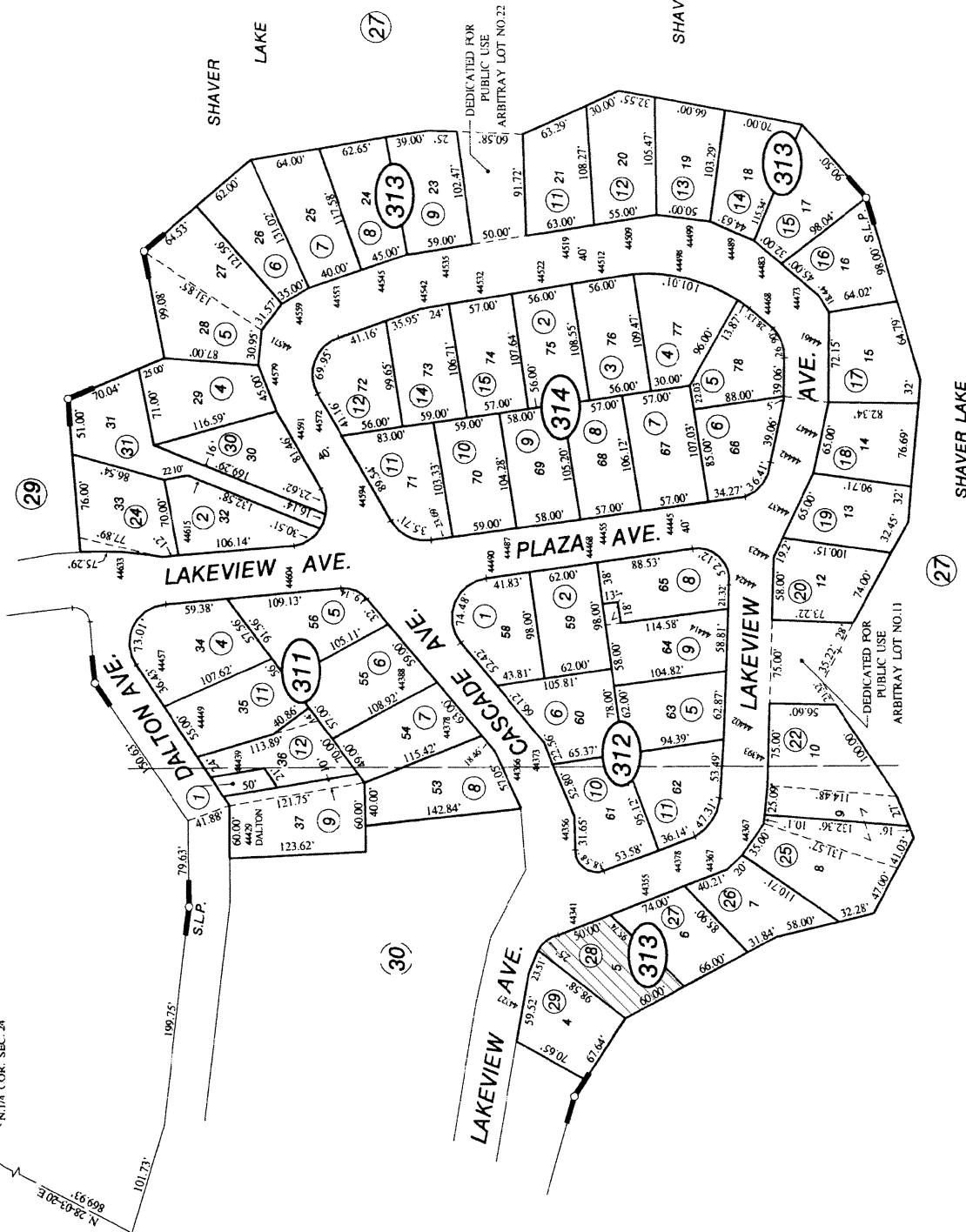


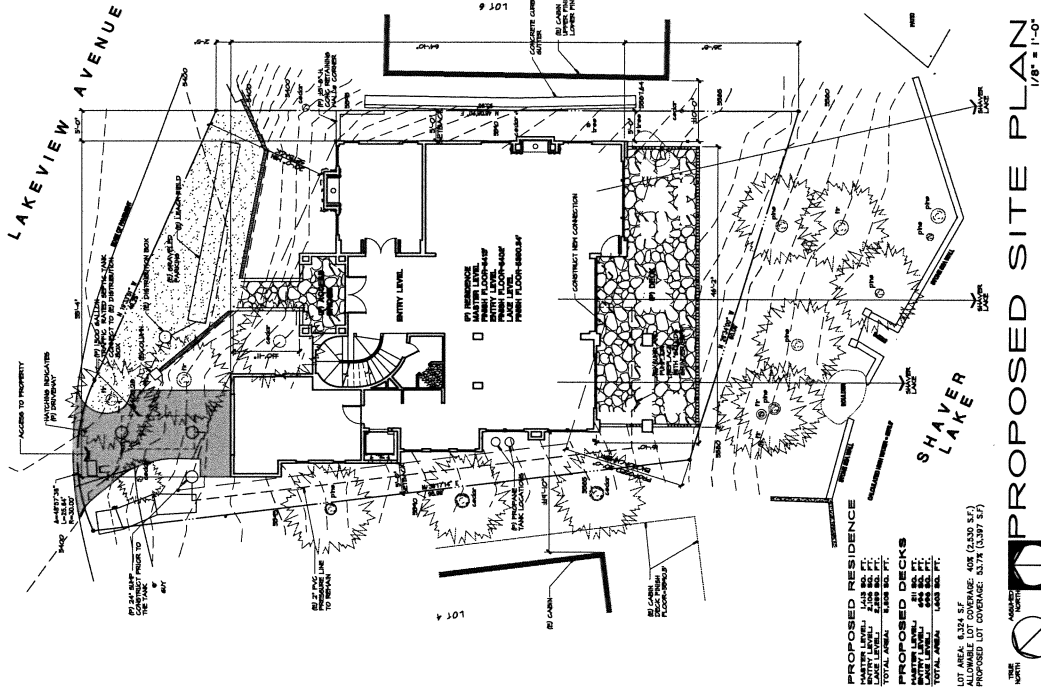
EXHIBIT 5

N 28-03-20E 869.93
N 1/4 COR. SEC. 24
101.73'
79.63'
199.75'
SLP

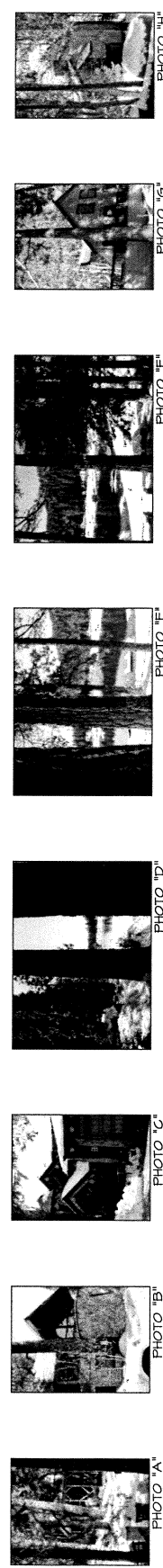
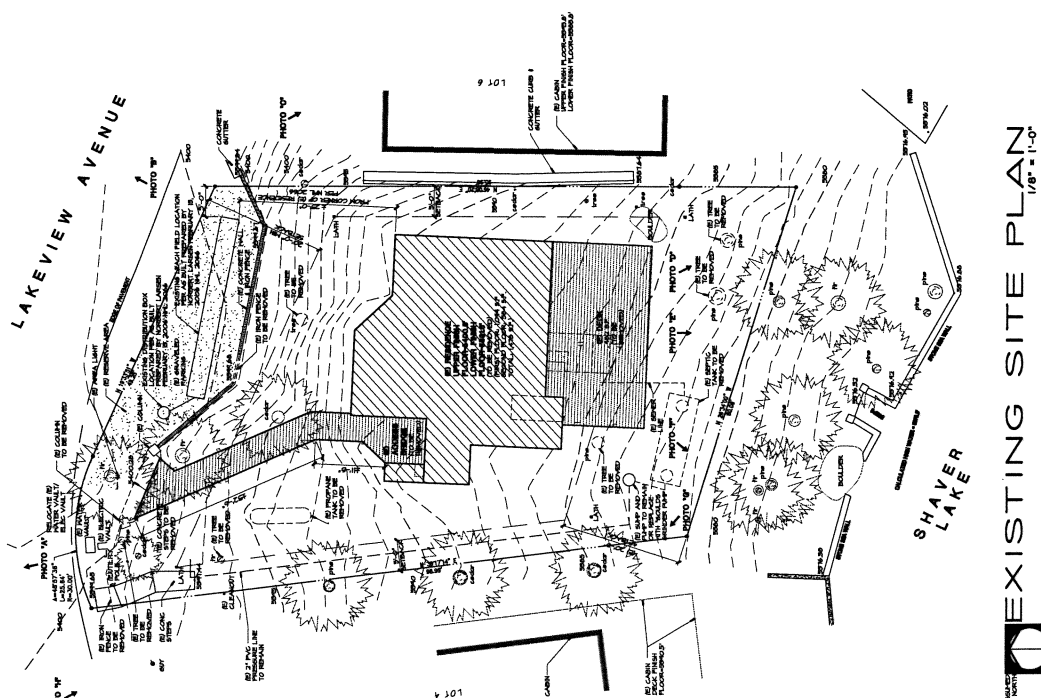


NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

EXHIBIT 6

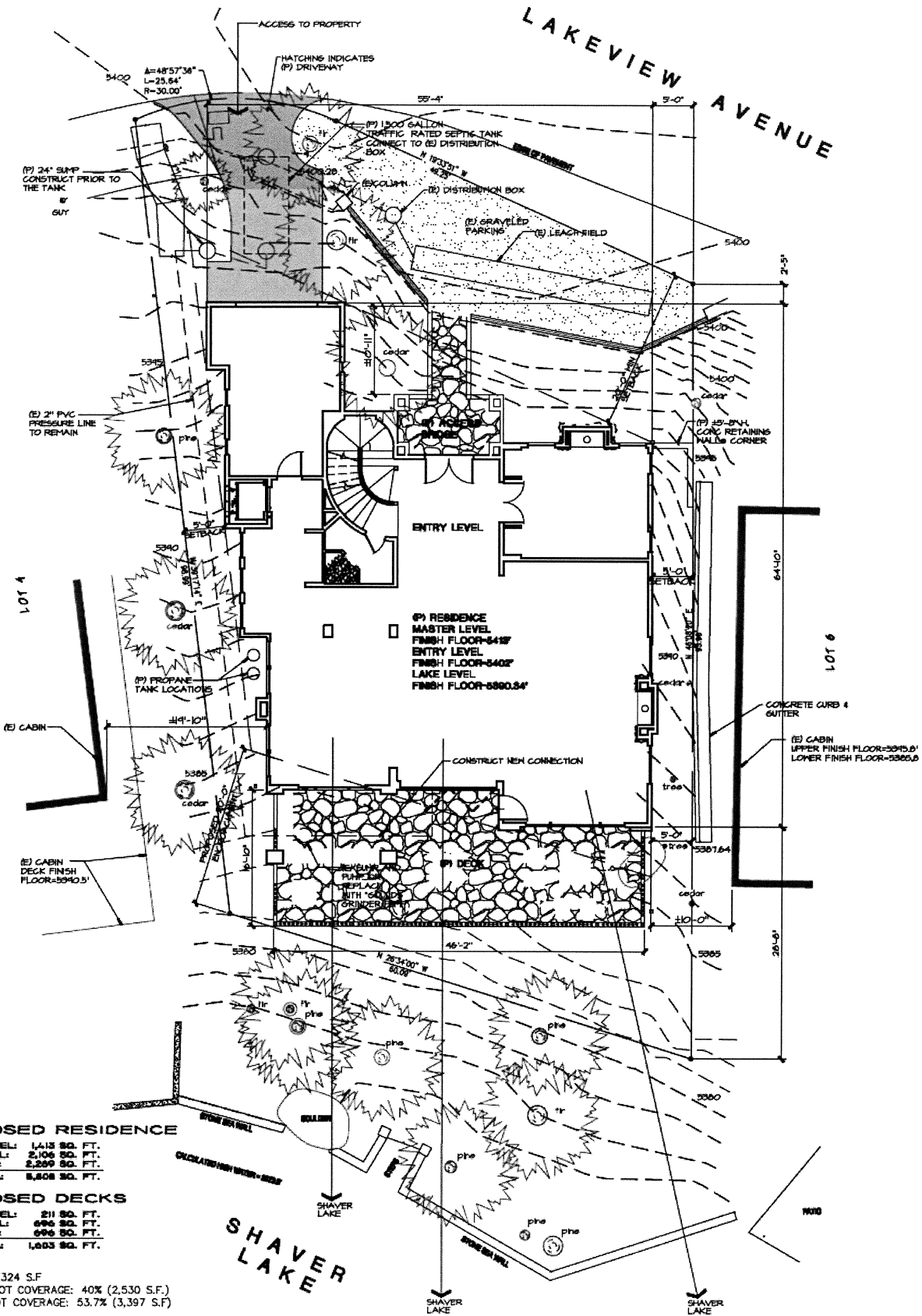


PROPOSED SITE PLAN 1/8" = 1'-0"



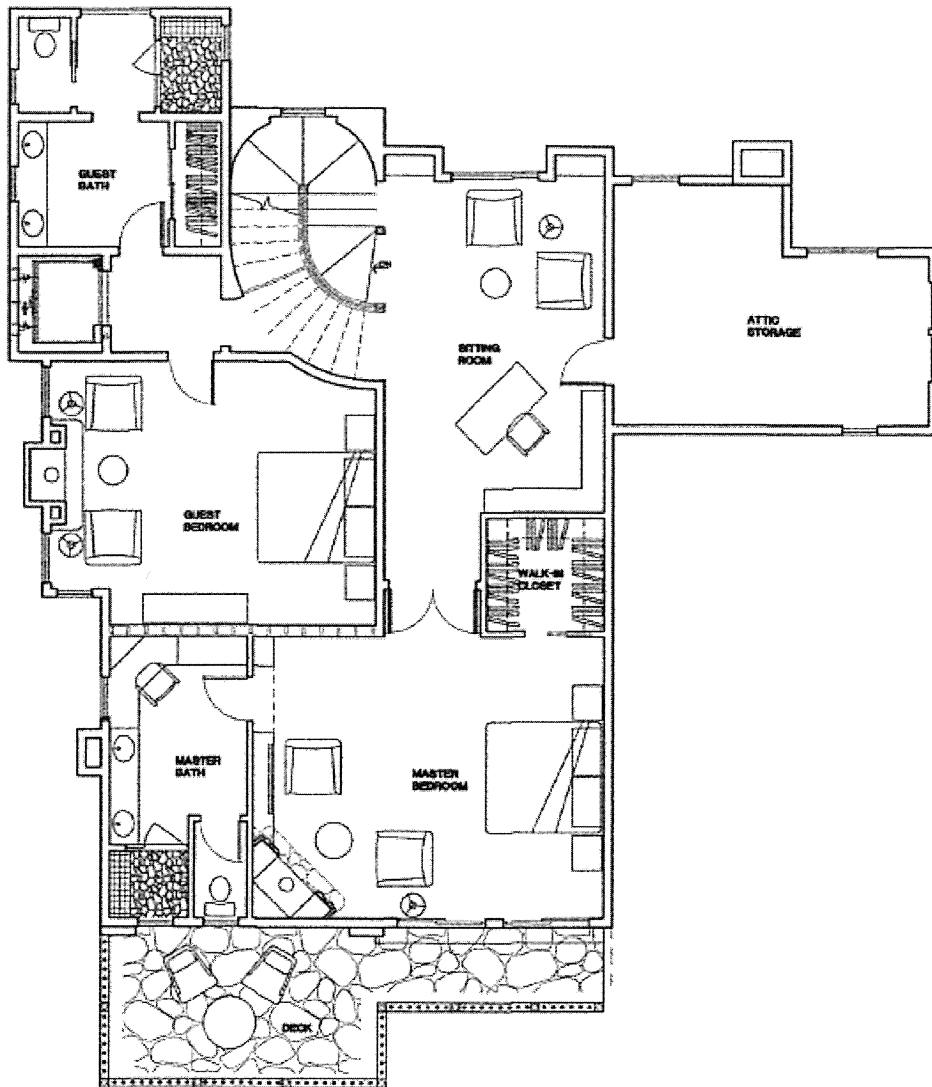
ARCHITECT:
MARLETTE ASSOCIATES
 4-18-16

PROPOSED
O'NEILL VACATION RESIDENCE
 44-34-1 LAKEVIEW, SHAVER LAKE, CA



PROPOSED SITE PLAN

1/8" = 1'-0"



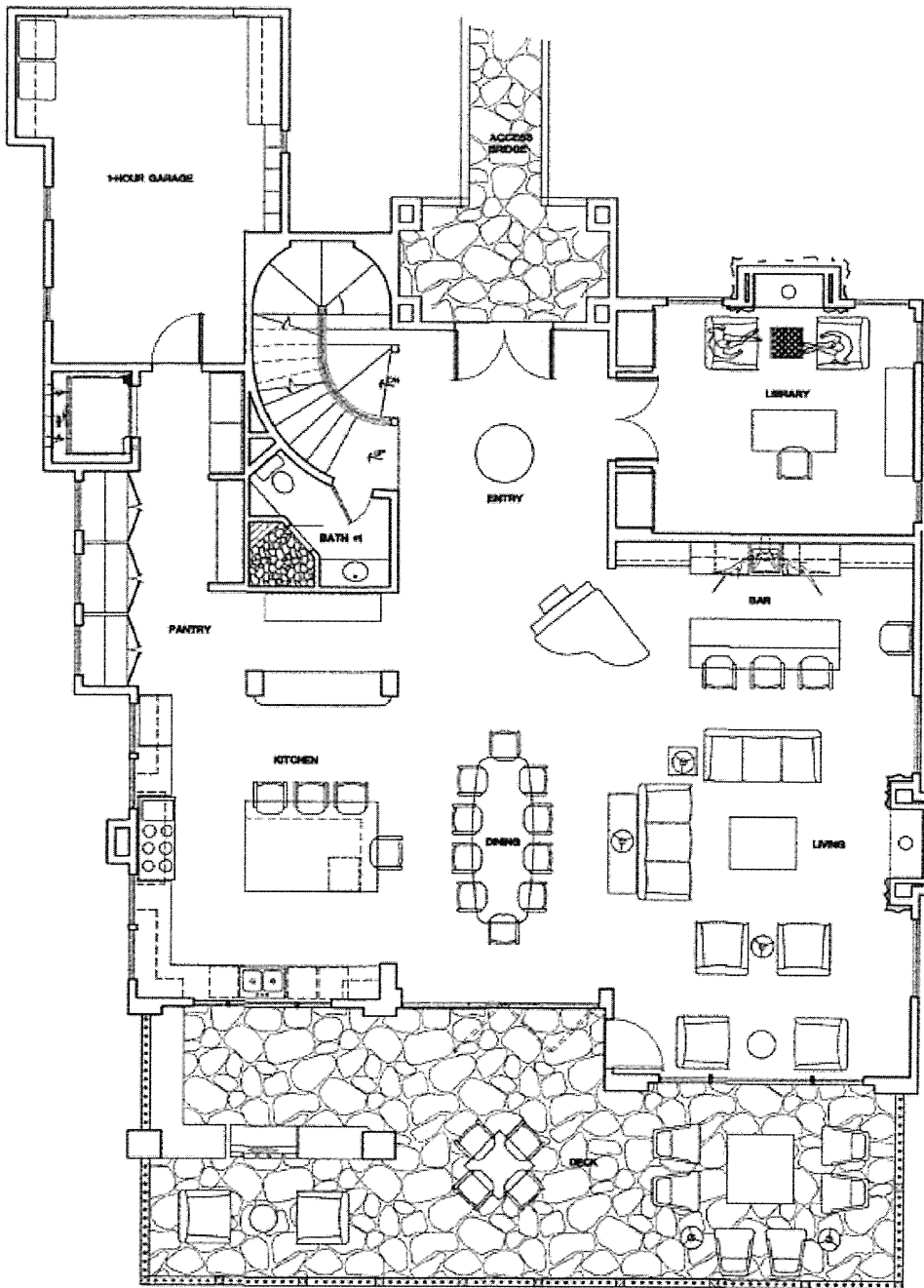
ASSIGNED
NORTH



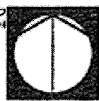
**PRELIMINARY
MASTER LEVEL**

± 143 S.F.

PROPOSED

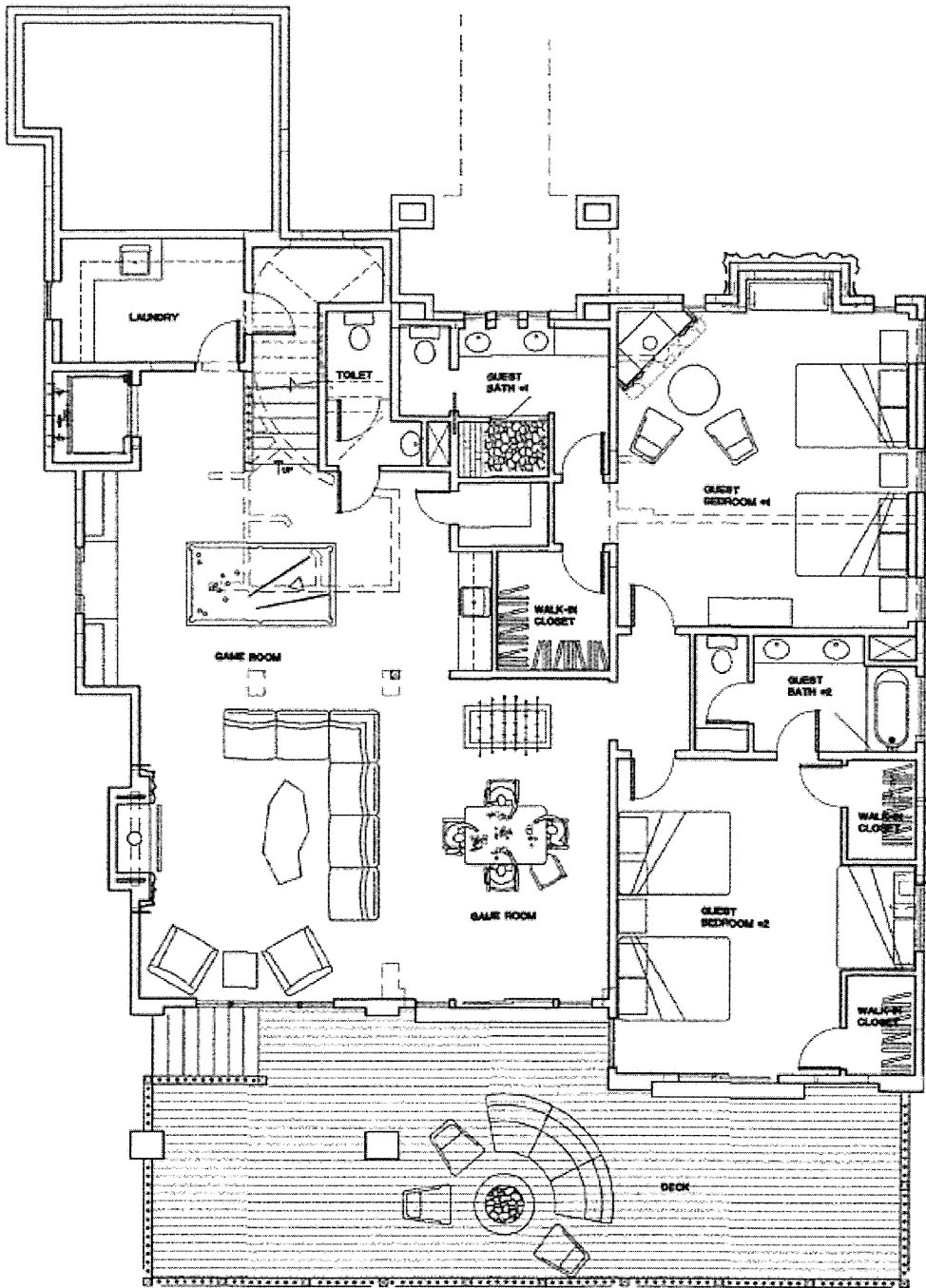


ASSUMED
NORTH

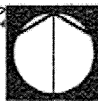


**PRELIMINARY
ENTRY LEVEL**

± 2106 SF.



ADRIAN NORTH



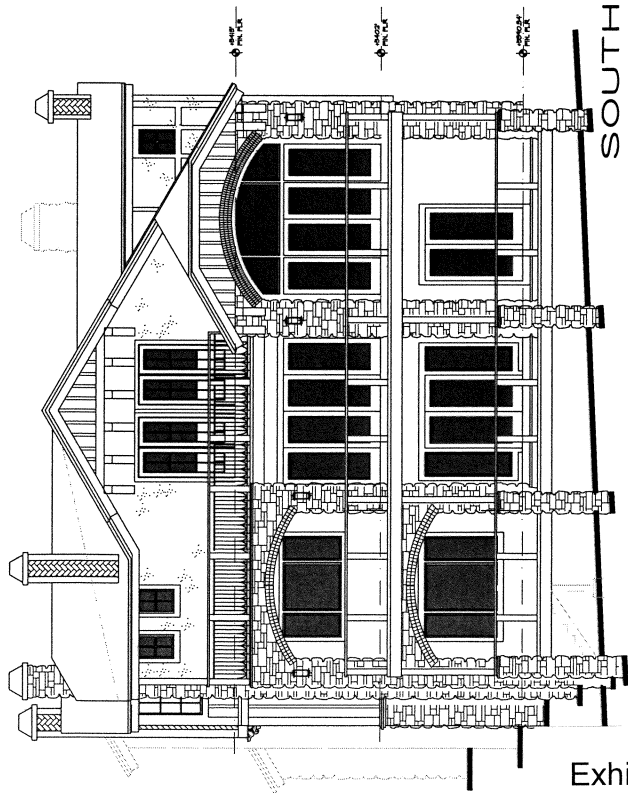
**PRELIMINARY
LAKE LEVEL**

± 2204 SF.

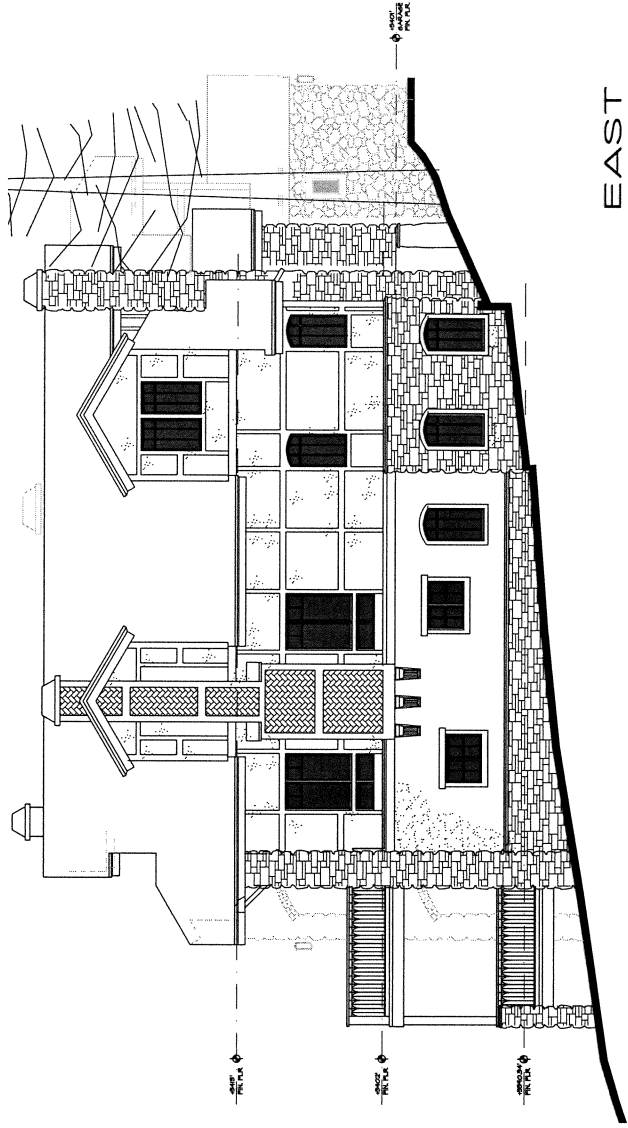
PROPOSED

O'NEILL VACATION RESIDENCE

44341 LAKEVIEW. SH Exhibit 6 - Page 5



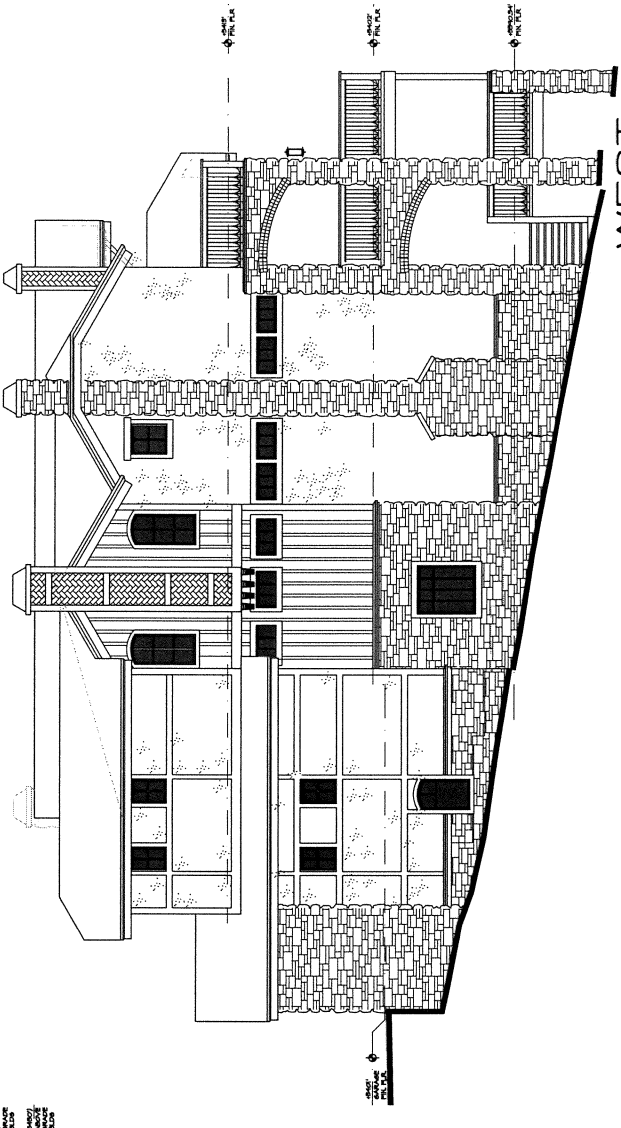
SOUTH



EAST

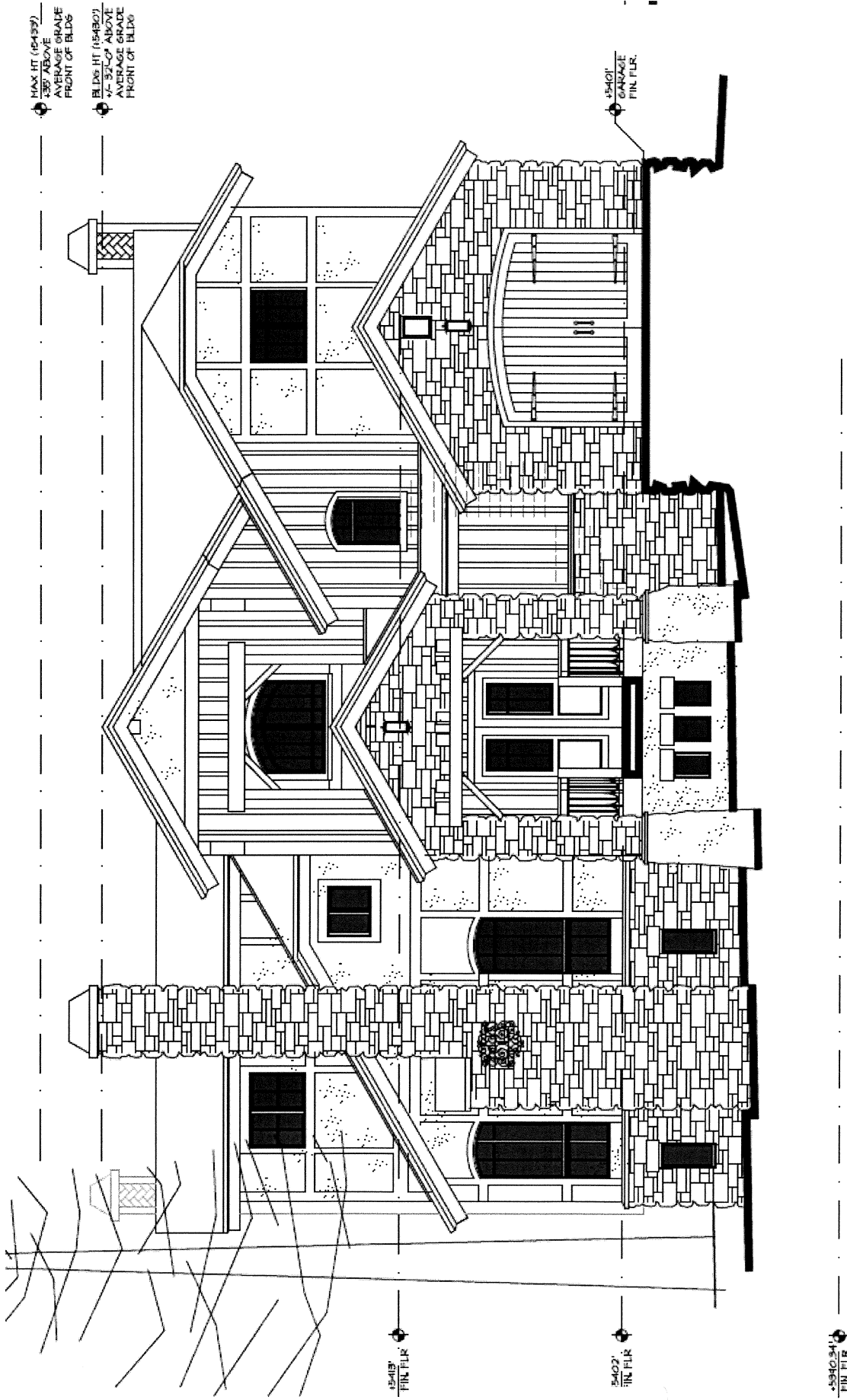


NORTH



WEST

1. WALL ELEVATIONS
 2. WINDOW ELEVATIONS
 3. DOOR ELEVATIONS
 4. PORCH ELEVATIONS
 5. TERRACE ELEVATIONS
 6. BALCONY ELEVATIONS
 7. STAIR ELEVATIONS
 8. ROOF ELEVATIONS
 9. GROUND ELEVATIONS
 10. FINISH GRADE ELEVATIONS



NORTH

MAX. HT. (154139)
36" ABOVE
AVERAGE GRADE
FRONT OF BLDG.

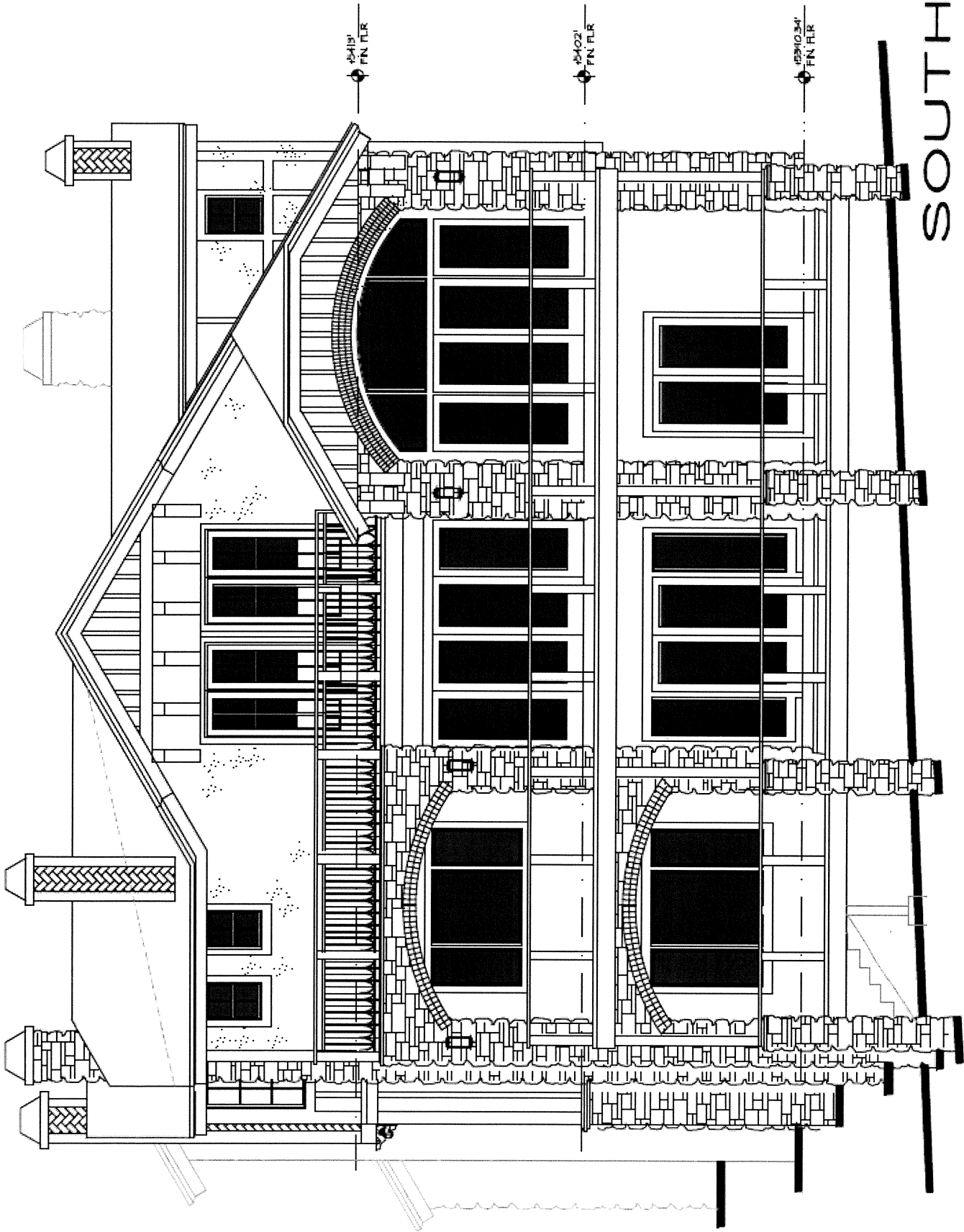
BLDG. HT. (154807)
12" BELOW AVERAGE
AVERAGE GRADE
FRONT OF BLDG.

1540' GARAGE
FIN. FLR.

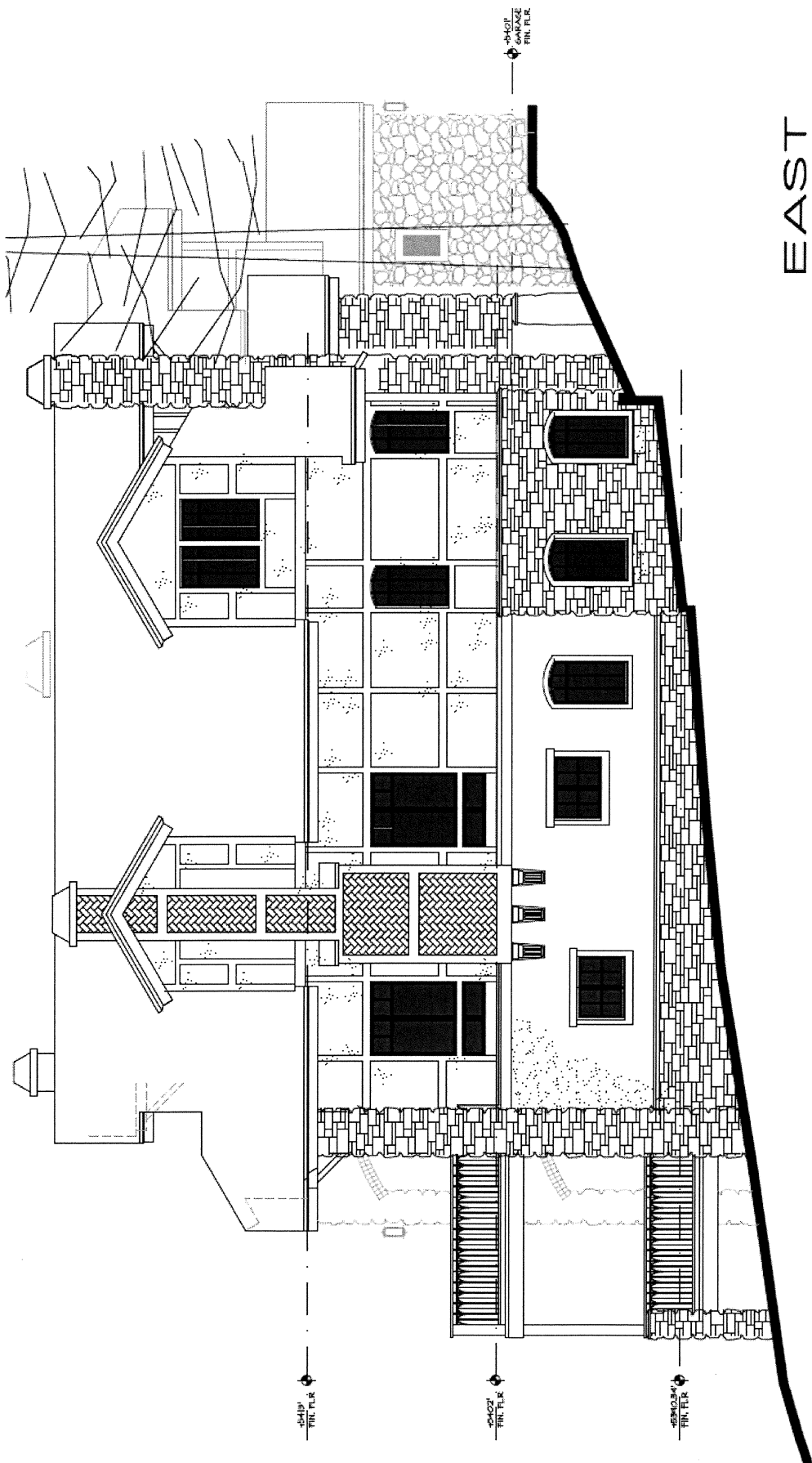
1540' FIN. FLR.

1540' 3/4"
FIN. FLR.

1540' 3/4"
FIN. FLR.



SOUTH



EAST

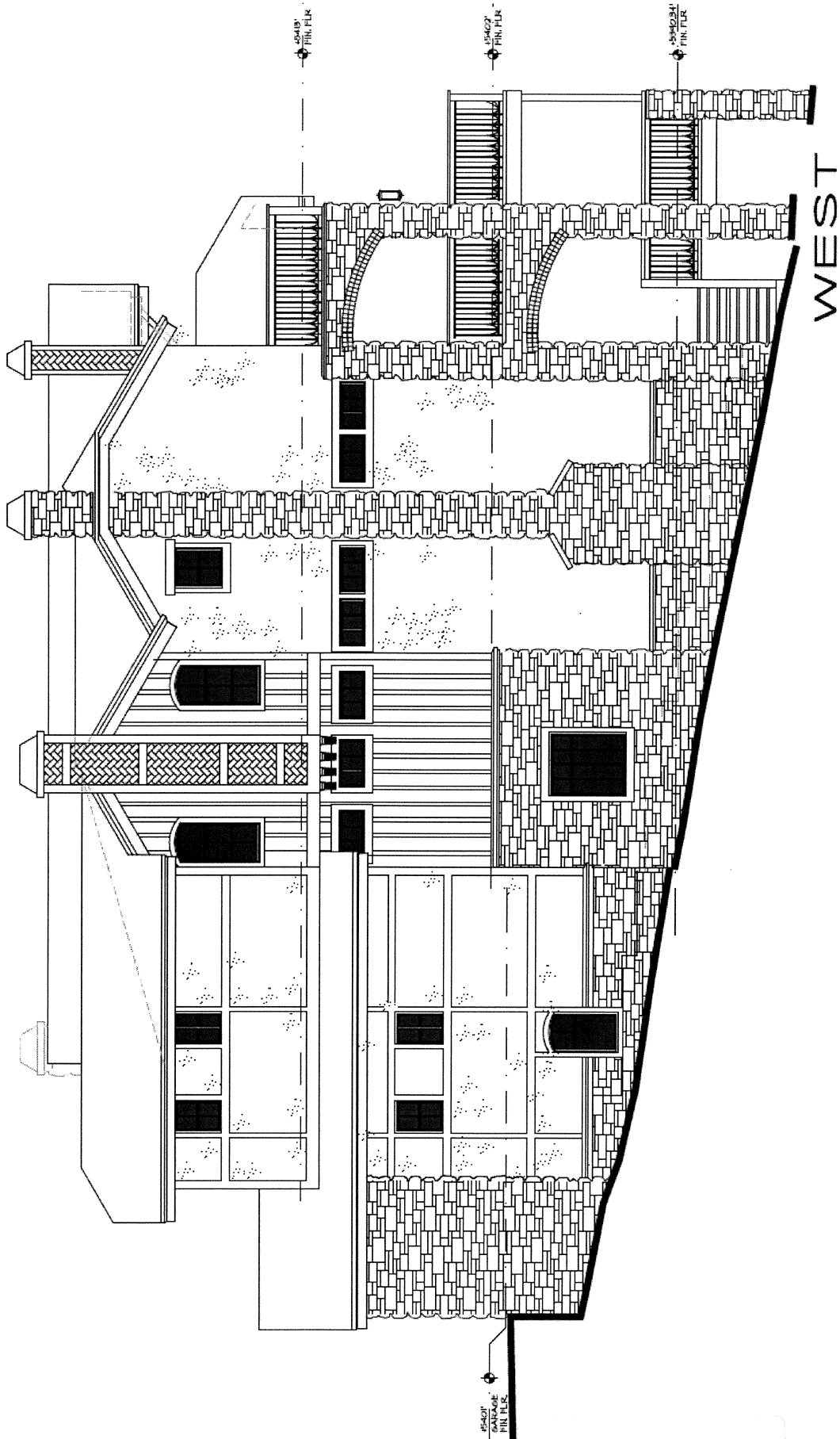


EXHIBIT 7

MARLETTE ASSOCIATES
A R C H I T E C T U R E
401 Clovis Avenue Suite 201 Clovis, California 93612 Ph. 559.322.8883 Fax. 559.322.8885

The County of Fresno
Department of Public Works & Planning
2220 Tulare Street, Suite A
Fresno, CA 93721

January 19, 2016

Re: Statement of Variance Findings for:
44341 Lakeview
APN: 120-313-27

- 1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification.**

The property enjoys, as its southern neighbor, Shaver Lake!!! And, as such, there can never be a buildable site adjoining the rear yard. In general, properties at "The Point" are bound by neighboring buildable properties at each side and the rear, with the exception of properties "on the water". The depth of the property from Lakeview Drive to the lake side is approximately 96', which allows a buildable area of only 60' when deducting the 20' front yard setback and the previously approved 16' rear yard setback. These circumstances and conditions are certainly exceptional to this property.

- 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.**

The variance is necessary in order to allow the property owners an opportunity to construct a vacation residence of a size commensurate with many of the new homes constructed at "The Point". Without the Variance, the site restrictions resulting from the setbacks and allowable lot coverage restrictions are such that only a relatively small home could be constructed on an otherwise very valuable lot.

- 3. The granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.**

The granting of a variance will allow the construction of a home, the value of which will serve to increase the neighboring values and, as such, can in no way be deemed either "materially detrimental to the public welfare" or "injurious to property and improvement in the vicinity."

- 4. The granting of such variance will not be contrary to the objectives of the Fresno County General Plan.**

The granting of a variance cannot be deemed contrary to the objectives of the Fresno County General Plan, unless of course, there exists a stated objective that prohibits approval of a variance for purposes that don't fit neatly with the zoning ordinance that was developed long after the subdivision of "The Point".

EXHIBIT 8

April 11, 2016

Fresno County Planning Commission
2281 Tulare Street
Fresno, CA 93721

To whom it may concern:

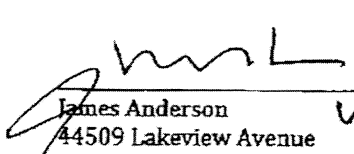
RE: Variance Application No. VA3988 (Marlette Associates)

I, the undersigned, own vacation residences at "The Point" in Shaver Lake. I have reviewed the plans for the proposed O'Neill vacation residence and, as neighbors, I am pleased to offer our support for the O'Neill project.

Over the past several years many residences at "the Point" have been reconstructed in the manner currently proposed in the O'Neill project. I believe that these past projects, as well as the proposed O'Neill reconstruction, have been completed in a manner which allows the properties to be utilized to their fullest extent thereby adapting our vacation homes to accommodate a more contemporary family lifestyle. These building improvements have not only enhanced the values of all of our properties; but, have also enhanced the quality of life of our neighborhood.

As you may be aware, many of the existing residences do not have adequate off-street parking, as such, I appreciate the concept included in the O'Neill proposal of constructing the new residence in a fashion that provides for five (5) off-street parking locations.

I strongly support the approval of the O'Neill project by the Fresno County Planning Commission.

 (President)
James Anderson
44509 Lakeview Avenue
Shaver Lake, California
W. M. Anderson

April 11, 2016

Fresno County Planning Commission
2281 Tulare Street
Fresno, CA 93721

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I strongly support the approval of the O'Neill project by the Fresno County Planning Commission.



James G Palmer
44189 Lakeview Avenue
Shaver Lake, California

April 11, 2016

Fresno County Planning Commission
2281 Tulare Street
Fresno, CA 93721

To whom it may concern:

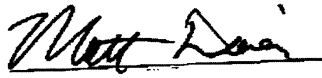
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Matt Diener
44461 Lakeview Avenue
Shaver Lake, California

April 11, 2016

Fresno County Planning Commission
2281 Tulare Street
Fresno, CA 93721

To whom it may concern:

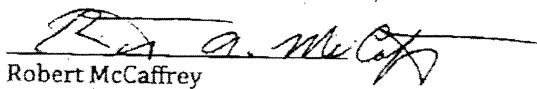
RE; Variance Application No. VA3988 (Marlette Associates)

I own a vacation residence at "The Point" in Shaver Lake. I have reviewed the plans for the proposed O'Neill vacation residence and, as a neighbor, I am pleased to offer my support for the O'Neill project.

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Robert McCaffrey
44483 Lakeview Avenue
Shaver Lake, California

Brannick, Daniel

From: Janet Tingley <goodeatin@juno.com>
Sent: Wednesday, April 20, 2016 10:10 AM
To: Brannick, Daniel
Subject: Variance Application No. 3988 O'Neill

Janet Tingley 44342 Dalton Shaver Lake

It is my opinion that a new map and letter needs to be sent out to all parties involved again due to the fact that the map is outdated and confusing. 99% of the Point owners are vacation home owners. Therefore, they cannot be there physically to understand the property in question. It looks like the property belongs to the Nelsons. In order to be "clear" and "legal", an accurate map should be used. In addition, I am against both rear and side setbacks. As a neighbor, I feel legal setbacks need to be maintained to assure lake views for other property owners. Please keep me informed as to the decisions that are made with regards to this property. Thank-you!

Janet Tingley
4630 Nogales
Atascadero Ca. 93422

(805) 674-2544

Sent from my iPhone

Wall Street Daily
Peter Schiff: China Just Armed its Financial Missile
<http://thirdpartyoffers.juno.com/TGL3141/5717b7d933cca37d86fecst03vuc>

RECEIVED
APR 20 2016

FRESNO COUNTY
DEPT. OF
PUBLIC WORKS & PLANNING

April 19, 2016

Daniel Brannick - Department of Public Works & Planning
& Members of the Fresno County Planning Commission
2220 Tulare Street
Fresno, CA93721

Letter of Opposition

RE: Variance Application No 3988
Applicant: ER & KJ O'Neill

Regardless of the circumstances we oppose approval of the proposed variance application.

Side yard and rear yard set-backs are for the benefit of the surrounding property owners, providing light, ventilation & safety. Lot coverage maximums provide for adequate drainage, tree preservation and visual aesthetics.

Each member of the commission should consider the following, *"If we were the owners of a valuable residence on the Shaver Point, would we really want our next door neighbor to get such a variance?"*

We can tell you from personal experience,..... NO!


Courtney & Claudette Moore
Dalton Avenue
Shaver Lake, CA