



Inter Office Memo

DATE: May 26, 2016
TO: Board of Supervisors
FROM: Planning Commission
SUBJECT: RESOLUTION NO. 12571 - VARIANCE APPLICATION NO. 3988

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

REQUEST: 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.

[Note: As noted in the Addendum Staff Report for the hearing on May 26, 2016, the Applicant's request was revised to allow for a single-family residence with 48.6 percent lot coverage and a three-foot rear yard setback.]

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).

PLANNING COMMISSION ACTION:

At its hearing of April 28, 2016, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Borba and seconded by Commissioner Chatha to continue the hearing to May 26, 2016 in order to allow the Applicants and neighboring property owners time to discuss possible revisions to address concerns raised at the hearing, including impacts concerns related to aesthetics and visibility.

This motion passed on the following vote:

VOTING: Yes: Commissioners Borba, Chatha, Egan, Eubanks, Mendes, Pagel, and Woolf
No: Commissioner Lawson

RESOLUTION NO. 12571

Absent: Commissioner Abrahamian
Abstain: None

At its hearing of May 26, 2016, the Commission considered the Addendum Staff Report and testimony (summarized in Exhibit A).

A motion was made by Commissioner Borba and seconded by Commissioner Lawson to adopt the required Variance Findings, stating that Findings 1 and 2 could be made because the subject parcel is the most narrow lot in the vicinity with a southern boundary abutting Shaver Lake and denial of the Variance would deprive the Applicant of a right possessed by other property owners in the area, and approve Variance No. 3988, subject to the Conditions and Notes listed in Exhibit B.

This motion passed on the following vote:

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

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

By: 

William M. Kettler, Manager
Development Services Division

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NOTES: 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. 3988

Public Hearing dated April 28, 2016

Staff: The Fresno County Planning Commission considered the Staff Report dated April 26, 2016, and heard a summary presentation by staff.

Applicant: The Applicants' representative did not concur with the Staff Report showing that the required findings could not be made. The following information was offered by the Applicants' representative to describe the project and clarify the assertion that the required findings could be made:

- The subject variance application is almost identical to a variance that was previously approved to allow for a home with the same rear-yard encroachment and greater lot coverage than the subject proposal.
- The location and shape of the parcel are unique, and the proposed residence would be consistent with surrounding development.
- The neighbors to the east and west have existing decks that extend out toward the lake.
- The architect considered impacts on neighboring views and visibility when designing the proposed residence and deck.
- The proposal is designed to allow for five off-street parking spots.

Others: Three individuals presented information in opposition to the application, stating:

- The height and size of the proposed structure will have a negative impact and goes against the aesthetics and character of the community.
- The proposal risks impacting the privacy and seclusion of the property owners immediately neighboring the subject parcel.
- The proposal will impact the views and exposure to sunlight that is currently enjoyed by neighboring properties.

Correspondence: Four letters in support of the application and seven letters in opposition to the application were presented to the Planning Commission. Both the support letters and opposition letters contained points substantially the same as what was presented by speakers at the hearing.

Public Hearing dated May 26, 2016

Staff: The Fresno County Planning Commission considered the Addendum Staff Report dated May 26, 2016, and heard a summary presentation by staff.

RESOLUTION NO. 12571

Applicant: Both the Applicant and the Applicant's representative presented information clarifying their discussions with neighbors and describing the revised proposal, stating:

- The design of the proposed single-family residence was revised such that the requested Variance is now to allow for 48.6 percent lot coverage and a three-foot rear yard setback.
- After redesigning the proposed residence and deck, there are no immediately neighboring property owners that oppose the proposal.
- The redesigned proposal will remove fewer trees than the previous proposal, and new trees will be planted on the property.

Others: One other individual presented information in support of the application, stating that the revised proposal addresses the concerns expressed by neighboring property owners at the previous Planning Commission hearing.

Correspondence: One letter in support of the application and one additional letter in opposition to the application were provided to the Commission.

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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 revised Site Plan approved by the Planning Commission to allow for 48.6 percent lot coverage and a three-foot rear yard setback.
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.



County of Fresno

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

June 13, 2016

Edwin R. and Kristan J. O'Neill
2393 W. Barstow Avenue
Fresno CA 93711

Dear Applicant:

Subject: Resolution No. 12571 - Variance Application No. 3988

On May 26, 2016, the Fresno County Planning Commission approved your application 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 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.

If you have any questions regarding the information in this letter please contact me at dbrannick@co.fresno.ca.us or 559-600-4297.

Sincerely,

Daniel Brannick, Planner
Development Services Division

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Enclosure