



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

Planning Commission Staff Report Agenda Item No. 4 September 10, 2015

SUBJECT: Variance Application No. 3976

Allow a carport within the required side yard setback on a 0.76-acre parcel in the R-1-AH(nb) (Single-Family Residential, 20,000 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District.

LOCATION: The project site is located on the north side of Morris Avenue (a private road) to the west of Fruit Avenue approximately 210 feet from the nearest city limits of the City of Fresno (1440 W. Morris Avenue, Fresno, CA 93711) (SUP. DIST. 2) (APN 416-060-31).

OWNER: Brooke Ashjian
APPLICANT: Brooke Ashjian

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

Eric VonBerg, Senior Planner
(559) 600-4569

RECOMMENDATION:

- Deny Variance Application No. 3976; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

IMPACTS ON JOB CREATION:

The Commission's action will not have any substantial effect on job creation.

EXHIBITS:

1. Condition of Approval and Project Note
2. Location Map
3. Assessor's Map
4. Existing Zoning Map
5. Site Plan and Elevations
6. Aerial Photo
7. Applicant's Submitted Findings
8. Site Photographs
9. Map of Other Land Division Variances Filed within One-Mile Radius
10. Violation History Related to Carport
11. Original Carport Permit with Site Plan from August 7, 2000

SITE DEVELOPMENT AND OPERATIONAL INFORMATION:

Criteria	Existing	Proposed
General Plan Designation	Medium Low Density Residential in the Bullard Community Plan	No change
Zoning	R-1-AH(nb) (Single-Family Residential, 20,000 square-foot minimum parcel size, Neighborhood Beautification Overlay)	No change
Parcel Size	0.76 acres	No change
Project Site	<ul style="list-style-type: none"> • 3,200 square-foot single-family residence • Unpermitted 1,073 square-foot carport • Swimming pool 	Authorize 1,073 square-foot carport
Structural Improvements	See Project Site	No change
Nearest Residence	Approximately 11 feet to the east (structure to structure)	No change
Surrounding Development	Single-family residences, plus a park/ponding basin approximately 350 feet west	No change

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

There is a violation for the carport addition to the existing single-family residence that was made without a valid permit. A permit for the carport was applied for on August 7, 2000, but the built carport was never finalized since the constructed carport was built within the side yard setback and not per the design submitted to the County (see Exhibit 11). Reinstatement permit 06-104250 expired on March 3, 2014 for the same reason. A Notice of Violation was issued on April 24, 2014. Administrative Citations were then issued on September 5, 2014; October 13, 2014; and January 5, 2015. Variance Application No. 3976 was submitted by the Applicant to correct the violation on April 9, 2015, although a complete application was not received by the County until June 29, 2015.

ENVIRONMENTAL DETERMINATION:

It has been determined, pursuant to Section 15061(b)(3) 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 75 property owners within 600 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PROCEDURAL CONSIDERATIONS:

A Variance Application (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 Applicant is requesting a Variance to allow an existing unpermitted carport with a zero-foot side yard setback within the R-1-AH(nb) (Single-Family Residential, 20,000 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District. The project area is designated Medium Low Density Residential in the Bullard Community Plan and consists mostly of single-family residential uses. The project site is located on a private section of Morris Avenue west of Fruit Avenue, approximately 210 feet west of the nearest city limits of the City of Fresno. The project site is located within a County Island.

The 0.76-acre parcel contains an approximately 3,200 square-foot single-family residence with detached carport. The property is located on a private cul-de-sac with access restricted by a gate located at Fruit Avenue. The cul-de-sac was formerly a public road but was vacated by

the County on June 24, 2005 at the request of the residents on Morris Avenue. There are a total of nine houses located in the private community. There are homes located immediately adjacent to the rear of the subject property that are accessed from Bullard Avenue.

The Applicant has owned the subject property since 1997. A building permit for a carport was issued in August of 2000, but the building permit was allowed to expire. A permit to reinstate the expired permit was filed, but that permit also expired. Over time, a series of reinstatement permits were filed but expired as well. As discussed above, a Notice of Violation was issued on April 24, 2014, when it was discovered that the carport was constructed without permits. Additionally, the Site Plan for which the building permit was issued indicates a design where the carport's posts are located ten feet from the side property line (see Exhibit 11). The carport that was built has less than one foot of space between the nearest post and the side property line.

ZONING REQUIREMENTS AND HISTORY:

The subject property has been zoned R-1-AH since the Applicant took ownership of the property. The Neighborhood Beautification Overlay District was added by Ordinance T-062-333 (adopted November 17, 2000).

A Variance Application is required to allow a carport in the side yard setback within the R-1-AH(nb) Zone District. Per Section 822.5 of the Fresno County Zoning Ordinance, which governs the R-1-AH Zone District, there must generally be a minimum of ten feet between the side property line and any development. There is an exception to the general ten-foot side yard setback requirement, found in Section 822.5(E)(3)(e)(2) of the Zoning Ordinance, which allows accessory buildings that are located 85 feet or more from the front property line to be located on a side property line (*i.e.*, a zero-foot setback). However, the carport does not meet this exception because it is located less than 85 from the front property line. Further, the carport does not conform to the development standards for an "accessory structure" within the R-1-AH(nb) Zone District. Under the Zoning Ordinance, accessory structures, whether separated from the main building or attached by a breezeway, require six feet of separation from the main building. Here, there is less than a foot of separation between the wall of the carport nearest to the main building and the main building access.

County records indicate that 35 variance applications have been previously filed within a one-mile radius of the subject property (Exhibit 9). Of those 35 applications, 14 involved carports, garages, or other structures located within required setbacks, and 10 out of the 14 variance applications were approved. A summary of the variance application history for the area is listed below:

Application No.	Project Description	Status	Date of Approval
VA 2807	Allow 22-foot front yard setback for proposed garage	Approved w/ conditions	11/17/1983
VA 2849	Allow installation of a three-car garage in an existing residential neighborhood that will encroach in a side yard setback	Approved	7/19/1984
VA 2865	Allow a zero-foot side yard setback for a two-story building (10 feet required)	Denied	9/20/1984

VA 2926	Allow 25-foot front yard setback for a one-story two-car garage	Approved w/ conditions	6/13/1985
VA 3013	Allow a zero-foot setback for an addition to be used for boat storage	Approved w/ conditions	7/10/1986
VA 3091	Allow a 25-foot front yard setback (35 feet required) for a garage addition	Approved w/ conditions	6/25/1987
VA 3092	Allow a 5-foot side yard setback for a carport (10 feet required)	Approved w/ conditions	6/25/1987
VA 3126	Allow a 16-foot front yard setback in the R-1-AH Zone District for a carport (35 feet required)	Approved w/ conditions	12/3/1987
VA 3189	Allow a 7-foot side yard setback for a garage (10 feet required)	Approved w/ conditions	4/13/1989
VA 3207	Allow a 30-foot setback (35 feet required)	Approved w/ conditions	7/13/1989
VA 3251	Allow a 3-foot rear yard setback for a carport in the R-1-AH Zone District (20 feet required)	Approved w/ conditions	3/8/1990
VA 3278	Allow a 3-foot side yard setback for an existing covered storage area (10 feet required)	Denied	8/29/1990
VA 3620	Allow a 23-foot front yard setback for a carport (35 feet required)	Denied	8/27/1998
VA 3813	Allow a 3-foot side yard setback for an attached garage (10 feet required) in the R-1-B Zone District.	Withdrawn by applicant	N/A

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.

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: 35 feet Side: 10 feet Rear: 20 feet	Front: Less than 70 feet Side: 0 feet Rear: 63 feet	Front: Yes Side: No Rear: Yes
Parking	N/A	N/A	N/A
Lot Coverage	30 percent	N/A	N/A
Separation Between Buildings	6 feet	N/A	N/A
Wall Requirements	N/A	N/A	N/A
Septic Replacement Area	N/A	N/A	N/A
Water Well Separation	Building sewer/ septic tank: 50 feet; disposal field: 100 feet; seepage pit/ cesspool: 150 feet	No change	Yes

Reviewing Agency/Department Comments:

Zoning Section of the Fresno County Department of Public Works and Planning: There is an existing violation on the project site (Violation No. 14-102179). The required side yard setback within the R-1-AH Zone District is 10 feet. The carport requires permits (previous permits expired).

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

Analysis:

In support of Finding 1, the Applicant states that the subject property resides in a gated community (the West Morris Avenue Homeowners Association), that the road and subdivision was deeded over to the West Morris Avenue Homeowners Association, and the community’s architectural review committee approved the carport in question.

In support of Finding 2, the Applicant states that granting of the Variance is necessary to preserve the substantial right to build on the land in a way that other owners within County islands have been able to build on and make use of their land. Further, the Applicant states that the carport is located within the “85Lf minus 10 percent setback”, with the implication that

the carport should only require a Minor Variance to be in conformance with the Zoning Ordinance.

As noted above, in order to make Findings 1 and 2, an exceptional or extraordinary circumstance relating to the property that does not apply to other properties in the same zone classification and the preservation of a substantial property right must be demonstrated. Regarding Finding 1, it is unclear to staff if the subject property's location within a private gated community constitutes an exceptional or extraordinary circumstance. Staff notes that although there are other gated communities nearby, a substantial majority of homes within the vicinity are located on public streets and gated communities are uncommon. Staff also notes that the change to a gated community did not change any setback requirements.

Regarding Finding 2, staff's perspective is that the "substantial property right" identified by the Applicant encompasses the right to build a garage on property regulated for residential use, but it does not guarantee a right to build according to a preferred design. The Applicant is seeking approval of not merely a carport, but rather a specific design of a carport. Further, there is no information presented to support a position that the design is in response to factors that would otherwise prevent the Applicant from building the carport.

Additionally, for the carport to fall within "85Lf minus 10 percent setback" it would need to be a minimum of 77.5 feet from the front property line. In conversations with the Applicant, it was noted that because the road was vacated, the front property line now runs to the middle of Morris Avenue. However, even measuring from the middle of the road, the carport is not at least 77.5 feet from the front property line. Further, the 10 percent rule for minor variances is for the encroachment, not the standard. The minor variance would allow a one-foot encroachment into the ten-foot setback (10 percent).

A consideration in addressing Findings 1 and 2 is whether there are alternatives available that would avoid the need for the Variance. Since the Applicant has already constructed the carport, denial of the Variance would lead to the Applicant having to either renovate or demolish and replace the existing carport. It appears possible for the Applicant to rebuild to the plans approved in August of 2000. It would also be possible for the Applicant to reengineer the carport to a compliant design. Staff notes that the R-1-AH(nb) Zone District requires only one covered parking space and allows encroachment for eaves/overhang of five inches for every foot of required setback; with the required ten-foot side yard setback here, this would amount to 50 inches (slightly over four feet) of encroachment. Also of note, a tandem parking arrangement (*i.e.*, one in which cars are parked front-to-rear rather than side-by-side) would allow for two or more covered spaces without encroaching into the setback.

Based on the above analysis, Findings 1 and 2 cannot be made.

Recommended Conditions of Approval:

None

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:	Nearest Residence:
North:	0.56 acres	Single-family residence	165 feet
	0.52 acres	Single-family residence	155 feet
South:	0.5 acres	Single-family residence	132 feet
	0.45 acres	Single-family residence	140 feet
East:	0.77 acres	Single-family residence	11 feet
West:	0.81 acres	Single-family residence	18 feet

Reviewing Agency/Department Comments:

Building and Safety Section of the Fresno County Department of Public Works and Planning: If approved, plans, permits and inspections are required based upon the 2001 California Building Code. Engineer of Record to address fire-resistive construction based on the proximity of the structure to the property line.

Development Engineering Section of the Fresno County Department of Public Works and Planning: No comment.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: No comment on this matter.

Fresno County Fire Protection District: No requirements at this time.

Fresno Metropolitan Flood Control District: The District has no drainage concerns or comments in regard to this project.

Analysis:

In support of Finding 3, the Applicant states that the granting of this Variance will not be detrimental to public welfare or injurious to property and that, as an existing use, it has had no harmful impact on the public welfare or improvements.

Regarding Finding 3, staff notes that the carport obstructs a portion of the westward view from the neighboring property to the east. The carport's close proximity to the side property line could also increase the eastern neighboring property's risk of exposure to harm related to fire safety and drainage. However, the exception in the Zoning Ordinance allowing development of accessory buildings on a side property line suggests that encroachment into the setback is not unacceptable in and of itself, and the carport at issue here would be permitted by right if it had been built 85 feet or more from the front yard setback. If the structure meets the fire-resistive

construction standards referenced under the Project Note section of Exhibit 1, it would not increase potential for harmful impact on the public welfare.

Considering these factors, the proposal would not be materially detrimental to the properties and improvements in the area. Finding 3 can be made.

Recommended Conditions of Approval:

None

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/Department Comments:

Policy Planning Section of the Fresno County Department of Public Works and Planning: Policy Planning offers no comment, as there are no General Plan or ALCC issues.

Analysis:

In support of Finding 4, the Applicant states that no aspect of the Variance being proposed is contrary to the objectives of the General Plan.

Regarding Finding 4, the project site is designated Medium Low Density Residential in the Bullard 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:

None

CONCLUSION:

Based on the factors cited in the analyses, staff is unable to make Findings 1 and 2 needed for this Variance Application. Therefore, staff recommends denial of Variance Application No. 3976.

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 Application No. 3976; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Approval Action)

- Move to determine that the required Findings can be made (state basis for making the Findings) and move to approve Variance Application No. 3976, subject to any Conditions and Notes imposed; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Recommended Condition of Approval and Project Note:

See attached Exhibit 1.

DB:ksn
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**Variance Application No. 3976
Condition of Approval and Project Note**

Condition of Approval	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission.

Conditions of Approval reference recommended Conditions for the project.

Project Note	
1.	If approved, the property shall be built to the standards of the 2001 California Building Code, with the Engineer of Record to submit fire-resistive construction designs for approval by the Fresno County Department of Public Works & Planning, Building & Safety Section.

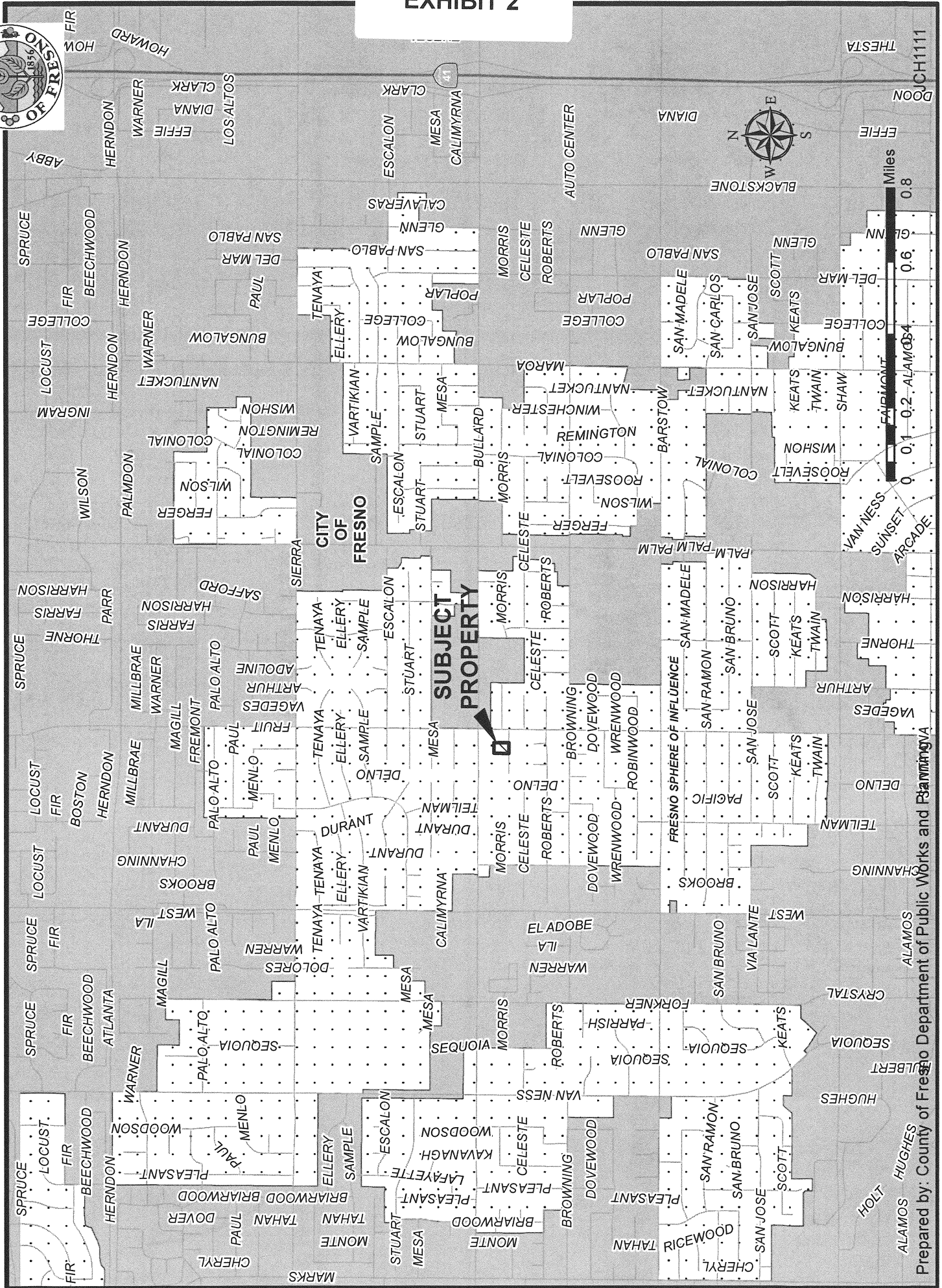
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G:\4360Devs&Pin\PROJSEC\PROJDOCS\VA\3900-3999\3976\SR\VA3976 Conditions & PN (Ex 1).docx

EXHIBIT 2



LOCATION MAP

VA 3976



Prepared by: County of Fresno Department of Public Works and Planning

EXHIBIT 3

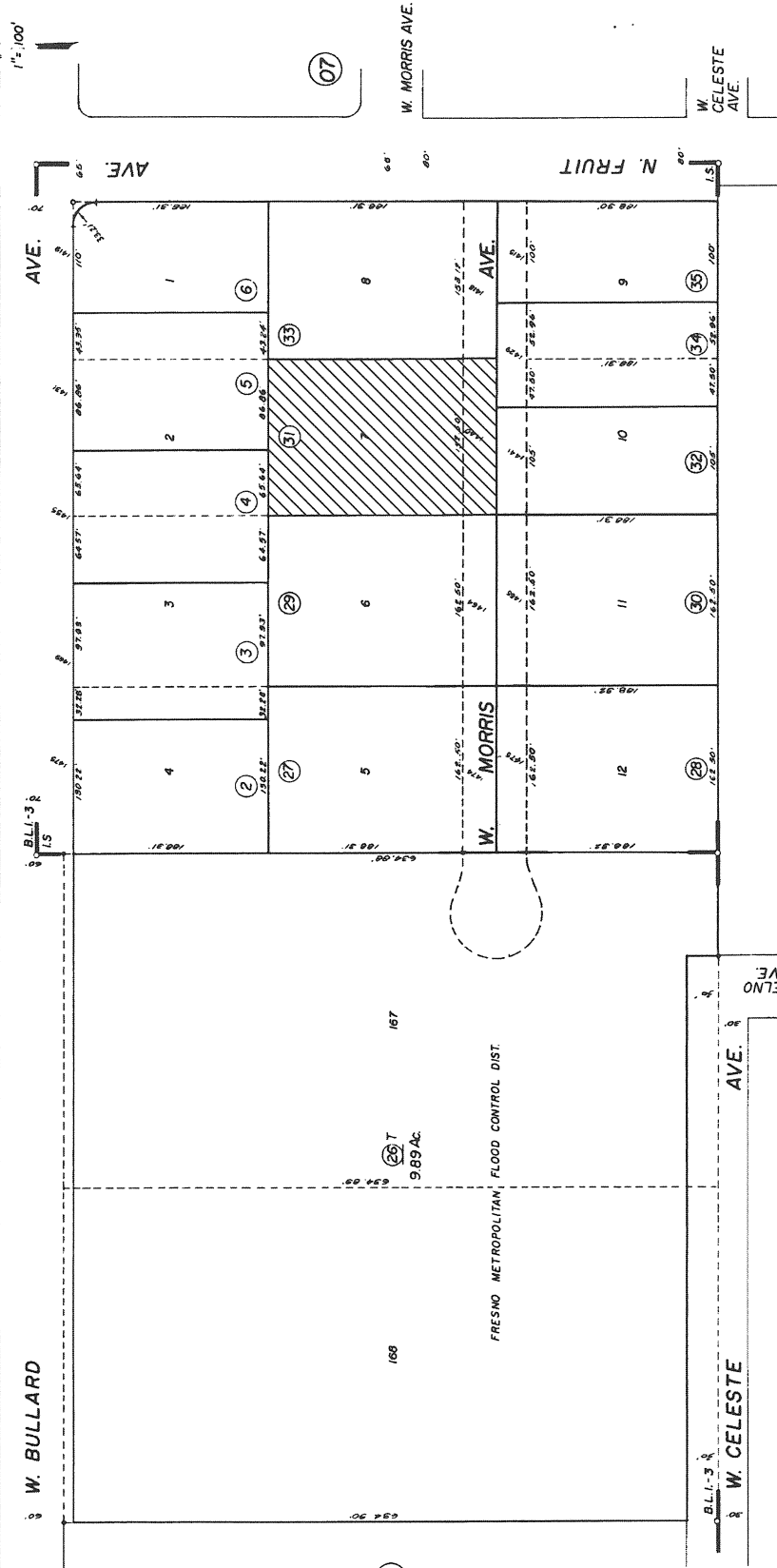
416-06

Tax Area
98-149
98-150

SUBDIVIDED LAND IN POR. SEC. 8, T. 13S, R. 20E., M.D.B. & M.

Bk.
407

NOTE -
This map is for Assessment purposes only.
It is not to be construed as portraying legal
ownership or divisions of land for purposes
of zoning or subdivision law.



Assessor's Map Bk. 416 - Pg. 06
County of Fresno, Calif.

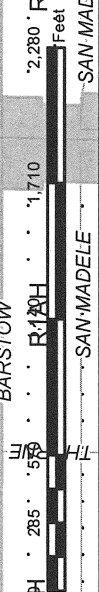
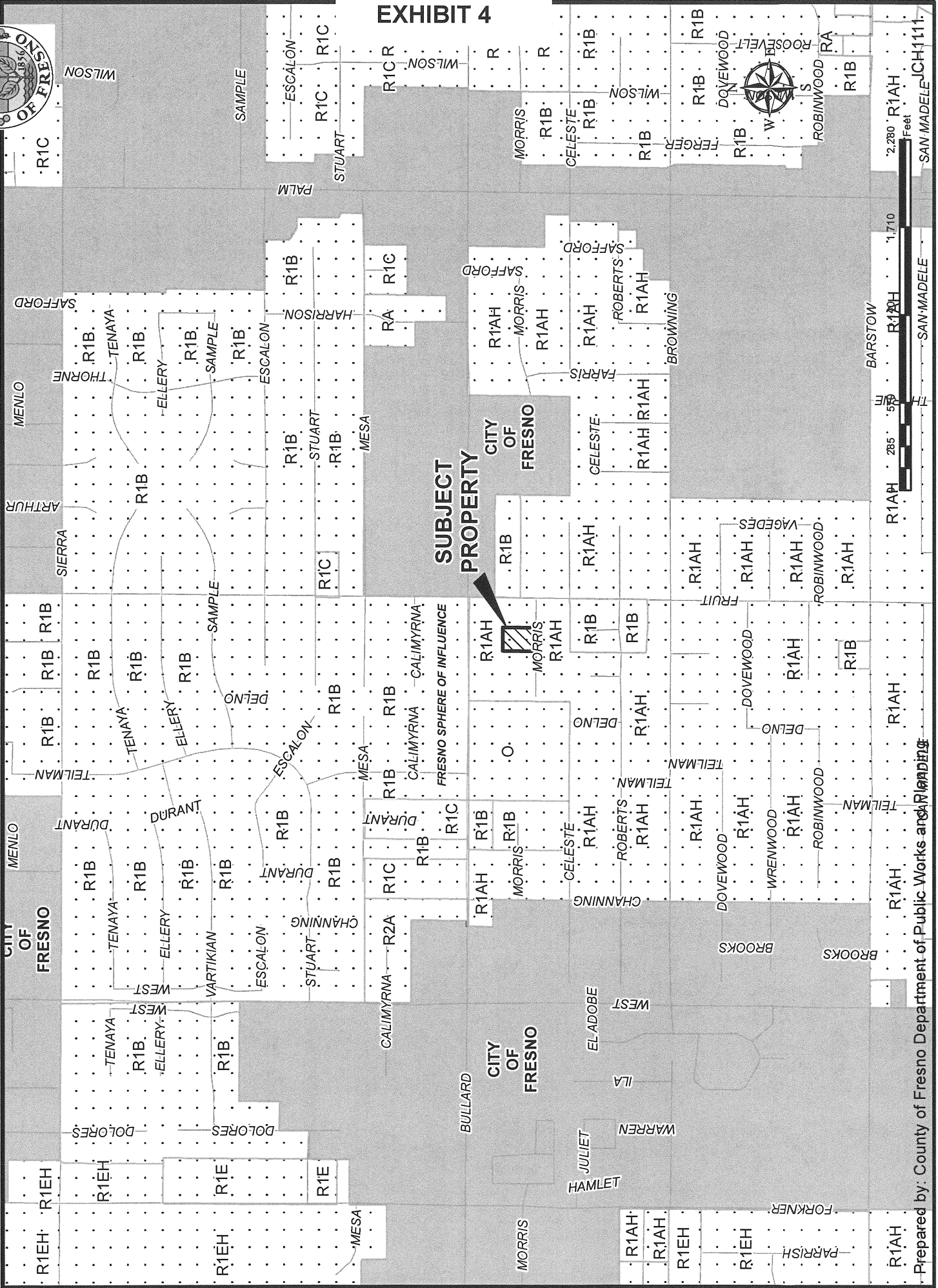
NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Bullard Land Irrigated Subdivision No. 3 - Plat Bk. 7, Pg. 20
Idylwild Subdivision - Tr. 1302 - Plat Bk. 16, Pg. 75

EXISTING ZONING MAP



EXHIBIT 4



A PROPOSED CARPORT FOR: MR. & MRS. BROOK ASHJIAN

1440 W. MORRIS AVE.
FRESNO, CALIFORNIA

SITE PLAN
SCALE 1/4" = 1'-0"

FLOOR PLAN
SCALE 1/4" = 1'-0"

VICINITY MAP

DESIGN DATA

SOIL SITE CLASS: D
 SEISMIC DISTANCE FACTOR: 1.0
 LOCAL POSITIONING SYSTEM COORDINATES
 LATITUDE: 36° 42' 10.00" N
 LONGITUDE: 119° 51' 10.00" W
 SPECTRAL RESPONSE ACCELERATIONS
 S1 = 0.150g
 S2 = 0.200g
 S3 = 0.250g
 SITE CLASSIFICATION: I
 DESIGN CATEGORY: D

BUILDING DATA

SEISMIC DESIGN CATEGORY: D
 SEISMIC DESIGN CATEGORY: D

SHEET INDEX

1. SITE PLAN, FOUNDATION PLAN, ELEVATIONS, SECTION DETAILS
 2. FOUNDATION DETAILS
 3. ELEVATIONS
 4. SECTION DETAILS

**PROPOSED CARPORT FOR:
MR. & MRS. BROOK ASHJIAN**

VALLEY STEEL CONSTRUCTION
 225 N. FRESNO ST., #103 • FRESNO, CALIFORNIA 93728-4099
 PH: (559) 226-4848 • FAX: (559) 226-4892

MARK T. CHIN ENGINEERING
 Civil and Structural Engineer
 4045 N. Fresno St., #103 • Fresno, California 93726-4099
 PH: (559) 226-4848 • FAX: (559) 226-4892

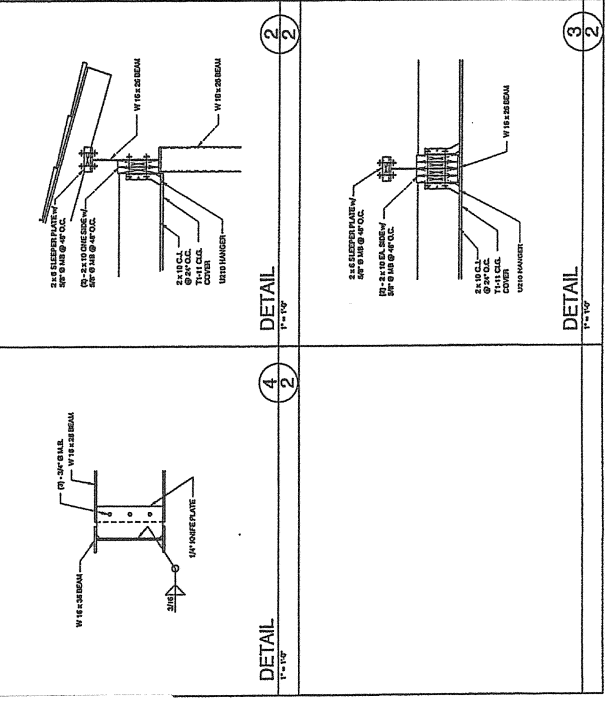
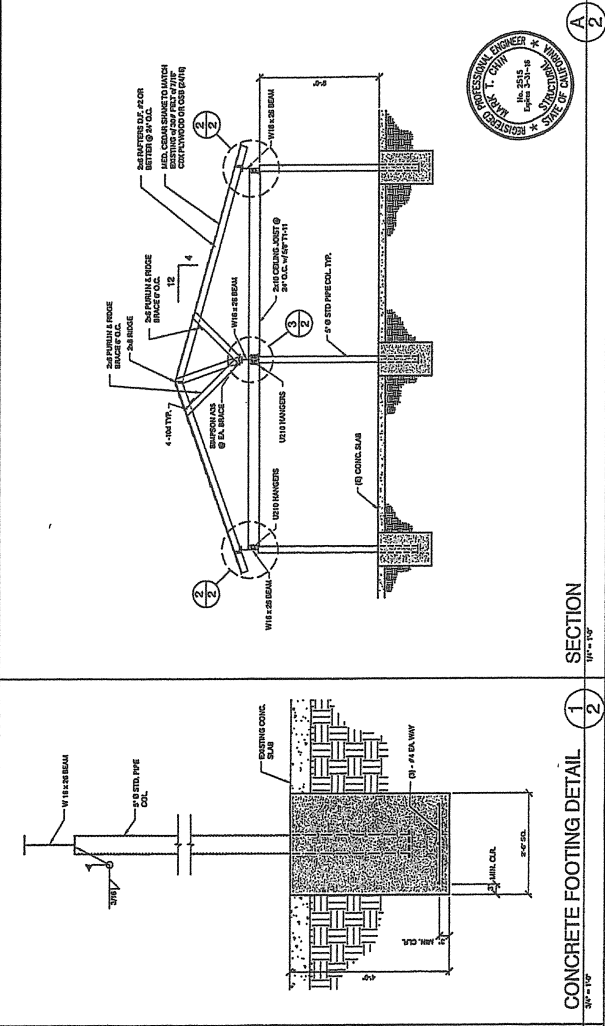
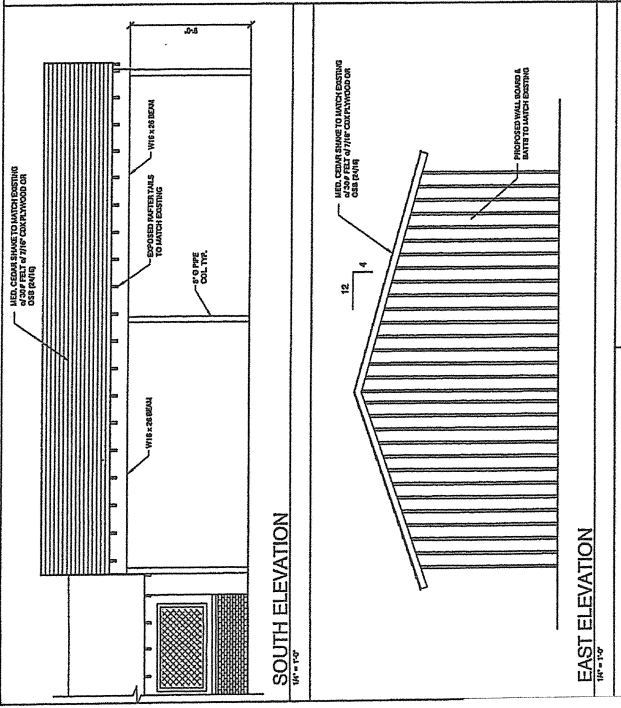
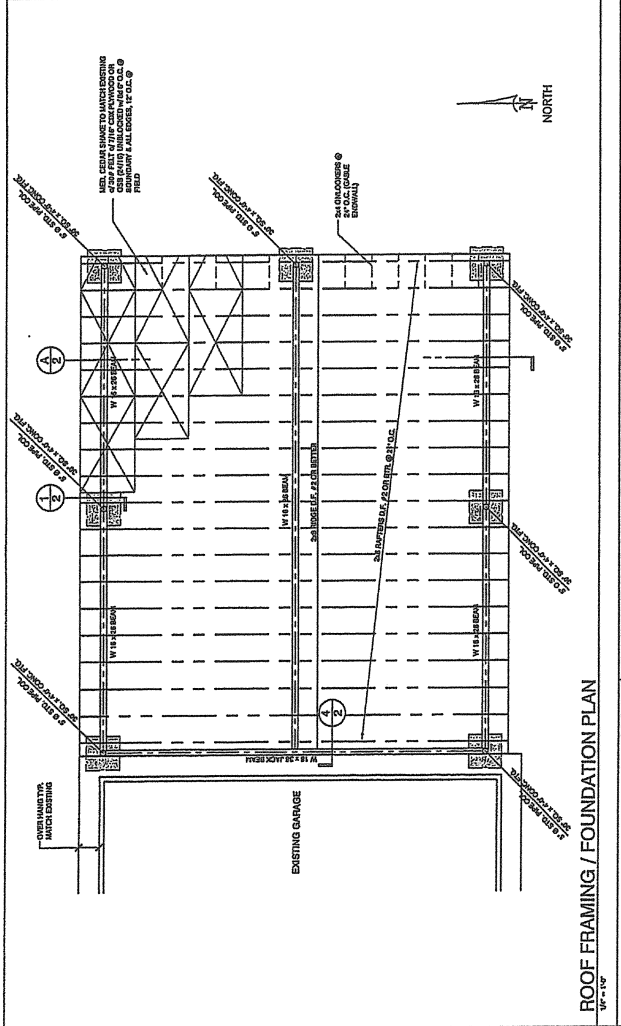
OWNER:
MR. & MRS. BROOK ASHJIAN
1440 W. MORRIS AVE.
FRESNO, CALIFORNIA 93728-4099

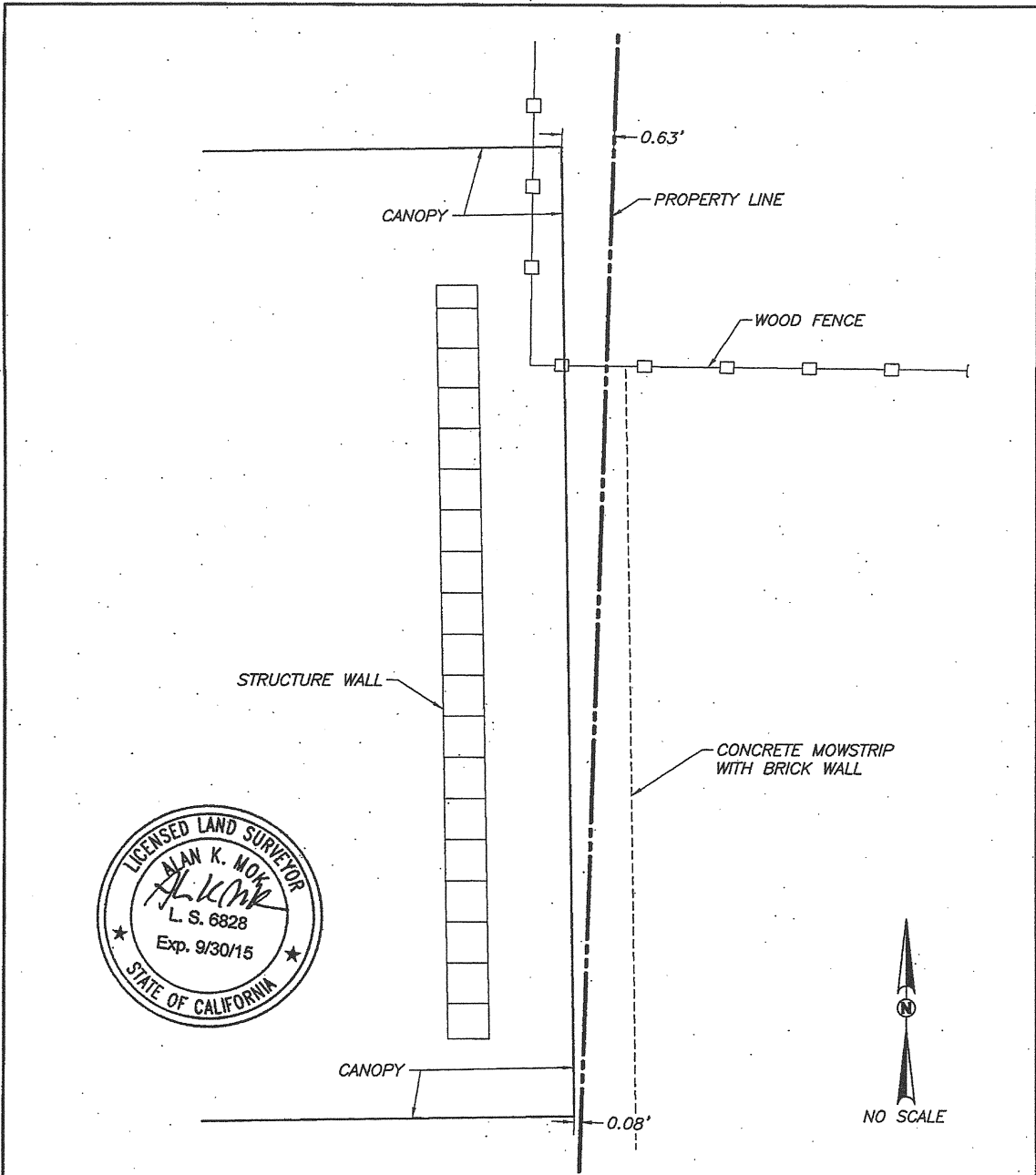
REGISTERED PROFESSIONAL ENGINEER
 MARK T. CHIN
 No. 51418
 Exp. 12/31/18

DATE: 04/29/15
 DRAWN BY: R. WOLFF
 CHECKED BY: J. WOLFF
 SHEET NO.: 115-018
 SHEET: 1 OF 1

REVISIONS

NO.	DESCRIPTION	BY





Alan Mok Engineering
 7415 N. PALM AVENUE #101
 FRESNO, CALIFORNIA 93711
 Tel 559-432-6879
 Fax 559-432-6897
 www.alanmokengeering.com

EXHIBIT 'A'
 BROOKE RESIDENCE
 CAR PORT

PROJECT #: 215-017		SHEET NO: 1 OF 1
DATE: 5/27/15		REVISIONS:
DRAWN BY: HGH	CHECKED: CB	
SCALE: NO SCALE		

FILE PATH & NAME: P:\2015 PROJECTS\215-0170\DRAWINGS\SURVEY\215-0170_EX.DWG CHAD BLAU
 PLOT: Tuesday, June 23, 2015 10:32:13 AM

BASIS OF DESIGN

CALIFORNIA BUILDING CODE - 2013

OCCUPANCY GROUP U

CONSTRUCTION TYPE II-B

AREAS

ALLOWABLE:
3,000 SQ. FT.

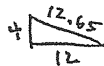
PROPOSED:
29' x 37' = 1,073 SQ. FT. OK ✓

WORKING STRESSES

SOIL BEARING	2000 PSF
CONCRETE f'_c	2500 PSI
STRUCTURAL STEEL F_y	36 KSI
STRUCTURAL LUMBER	DF #2

LOADS

ROOFING = 4.0 PSF
 PLYWD = 1.5
 RAFTERS = 1.0
 MISC = 1.0



$$7.5 \times \frac{12.65}{12} = 7.9 \text{ PSF}$$

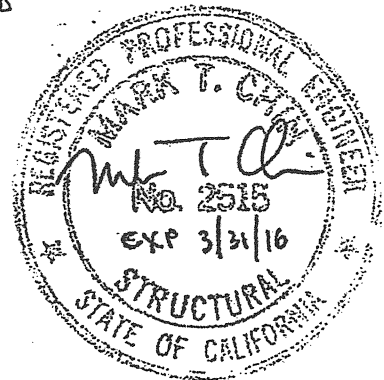
CLG. JOISTS = 1.6
 PLYWD. = 2.2
 MISC = 2.0

$$\Sigma = 14.0 \text{ PSF}$$

WIND = 85 PSF, EXP. B, I=1.0

SEISMIC: $S_{DS} = 0.545$, I=1.0

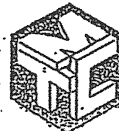
SITE CLASS: D



BROOK ASHJIAN

1440 W. MORRIS AVE.

FRESNO



MARK T. CHIN
 ENGINEERING
 Civil and Structural Engineer

4045 N. Fresno St. #103 - Fresno, CA 93726-4099
 PH. (559) 226-4848 FAX (559) 229-4608

115-016

SHEET

1

OF 4

HEADER BEAMS

NORTH & SOUTH EAVE

$$\text{SPAN} = 19'-0''$$

TRY W12 x 14

$$W = \left[\frac{1}{2}(14.5') + 4' \right] (14 + 20) + 20 = 403 \text{ PLF}$$

$$M = \frac{403(19.0)^2}{8} = 18200 \text{ l\#}$$

W12 x 14 GOOD FOR 29.8' \checkmark

USE W12 x 14 BEAMS AT NORTH & SOUTH EAVE

CENTER BEAM

$$\text{SPAN} = 37'-0''$$

TRY W16 x 26

$$W = (4.5')(14 + 14) + 40 = 446$$

$$M = \frac{446(37.0)^2}{8} = 76300 \text{ l\#}$$

W16 x 26 GOOD FOR 76.8' \checkmark

USE W16 x 26 AT CENTER BEAM

JACK BEAM

WEST END

$$\text{SPAN} = 29'-0''$$

TRY W16 x 36

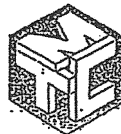
$$P = \frac{1}{2}(37.0)446 = 8250 \text{ \#}$$

$$M = \frac{8250(29.0)}{4} = 59800 \text{ l\#} \quad (l_u = 14.5')$$

W16 x 36 GOOD FOR 75.0' \checkmark

USE W16 x 36 JACK BEAM

BROOK ASHJIAN



MARK T. CHIN
ENGINEERING
Civil and Structural Engineer

4045 N. Fresno St. #103 - Fresno, CA 93726-4099
PH. (559) 226-4848 FAX (559) 229-4608

115-016

SHEET

2

OF 4

COLUMNS

HT = 10'-0"

TRY 5" ϕ PIPE COL.

A = 4.30

SEISMIC: $V = C_s W = \frac{S_{DS}}{(R/I)} W$

I = 15.2

S = 5.45

r = 1.88

= $\frac{0.545}{(1.74/1.0)} W = 0.436 W$

R = 1/4 $\Omega_o = 1/4$ $C_d = 1/4$

E = 0.7(0.436 W) = 0.305 W

= 0.305 (29' x 38.5') (14 PSF) = 4770 #/6

= 800 #/col.

WIND: $K_z = 0.70$

$K_{zt} = 1.0$

$K_d = 0.85$

$\theta = \tan^{-1}(\frac{4}{12}) = 18.4^\circ$

$q_n = 0.00256 (0.70)(1.0)(0.85)(85)^2 (1.0) = 11.0 \text{ PSF}$

MAX: $C_{NW} = 1.1$, $C_{NL} = -0.4$

$p (\text{HORIZ}) = (11.0)(0.85)(1.1 - (-0.04)) \sin 18.4^\circ = 4.4 \text{ PSF}$

$P (\text{HORIZ}) = 4.4 (7' \times 38.5') = 1190 \text{ #/6} \approx 200 \text{ #/col.}$

SEISMIC GOVERNS

VECT = $\frac{1}{2}(37.0)446 = 8250 \text{ #}$ OR $\frac{1}{2}(8250) + \frac{1}{2}(19.0)403 = 7950 \text{ #}$

$KQ/r = \frac{2.1(10.0 \times 12)}{1.88} = 134.04 \rightarrow F_a = 8.31 \text{ KSI}$

$f_a = \frac{8.25}{4.30} = 1.92 \text{ KSI}$

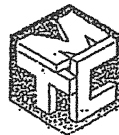
M = 800(10,0) = 8000 #'

$f_b = \frac{8000(0.012)}{5.45} = 17.61 \text{ KSI}$

$CSR = \frac{1.92}{1.33(8.31)} + \frac{0.85(17.61)}{(1 - \frac{1.92}{1.33(8.31)})(1.33)(22)} = 0.17 + 0.62 = 0.79 \leq 1 \text{ OK } \checkmark$

USE 5" ϕ PIPE COLUMNS

BROOK ASHJIAN



MARK T. CHIN
ENGINEERING
Civil and Structural Engineer

4045 N. Fresno St. #103 - Fresno, CA 93726-4089
PH. (559) 226-4848 FAX (559) 229-4608

115-016

SHEET

3

OF 4

FOOTINGS

TRY FTG. 2'-6" SQ. x 4'-0" DP.

$$A_{FTG} = 6.25 \text{ SQ. FT.}$$

$$WEIGHT = 8250 \# \text{ MAX.}$$

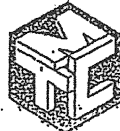
$$A_{FTG} = \frac{8250}{2000} = 4.13 \text{ SQ. FT.} \leq 6.25 \text{ SQ. FT.} \text{ OK} \checkmark$$

$$S_3 = (1.33 \times 150)(4.0) = 800 \text{ PSF/FT}$$

$$d = \sqrt{\frac{4.25(800)(10.0)}{800(3.54)}} = 3.47' \leq 4.0' \text{ OK} \checkmark$$

USE FTG. 2'-6" SQ. x 4'-0" DP.

BROOK ASHJIAN



MARK T. CHIN
ENGINEERING
Civil and Structural Engineer

4045 N. Fresno St. #103 - Fresno, CA 93726-4699
PH. (559) 226-4848 FAX (559) 229-4608

115-016
SHEET

4

OF 4



8/27/2012

EXHIBIT 6

1440 W MORRIS AVE

W MORRIS AVE

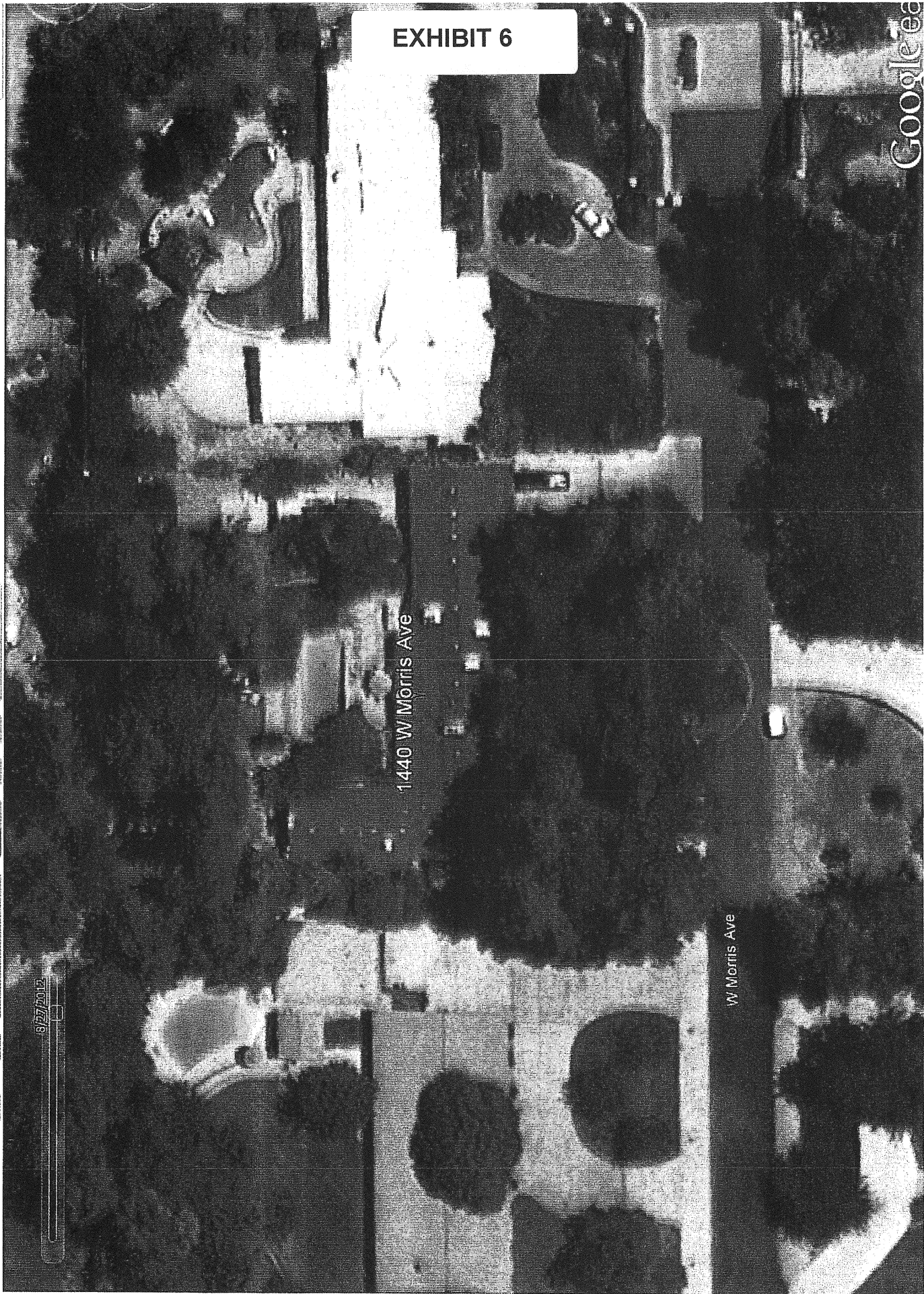


EXHIBIT 7

BrookeAshjian 1440 W. Morris Fresno, Ca 93711

July 13, 2015

Daniel Brannick

Planner Public Works

(559) 600-4297

dbrannick@co.fresno.ca.us

Dear Daniel:

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 identical zoning.

The property is located inside a gated county island which had its architectural review committee approve and is located within the 85Lf minus 10% setback.

2. Such a variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners within county islands.

3. The granting of a 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:

Existing use will continue , parcel size having no impact on public welfare or improvements.

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

Nothing in the variance is contrary to the general plan.

Thursday, July 02, 2015

Daniel Brannick

Planner , Dept of Public Works

(559)600-4297

dbrannick@co.fresno.ca.us

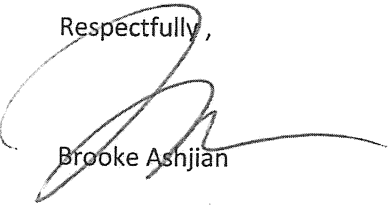
RE: Findings for Variance

Dear Daniel,

Here are the four findings necessary for this variance.

1. The exceptional circumstances for this variance include, but are not limited to the fact that the Carport resides in a gated community which has had the approval of the Architectural Review Committee. The Road and Subdivision was deed over to the West Morris Homeowners Association.
2. This variance is necessary and legal for my enjoyment because of the fact that it resides within the 10% of the variance of being 85LF from the property line of the road and should be granted a zero lot line allowance.
3. This variance will not have any impact of or be materially detrimental to the public welfare.
4. Nothing in granting this variance is contrary to the objectives to the General Plan.

Respectfully,



Brooke Ashjian

EXHIBIT 8

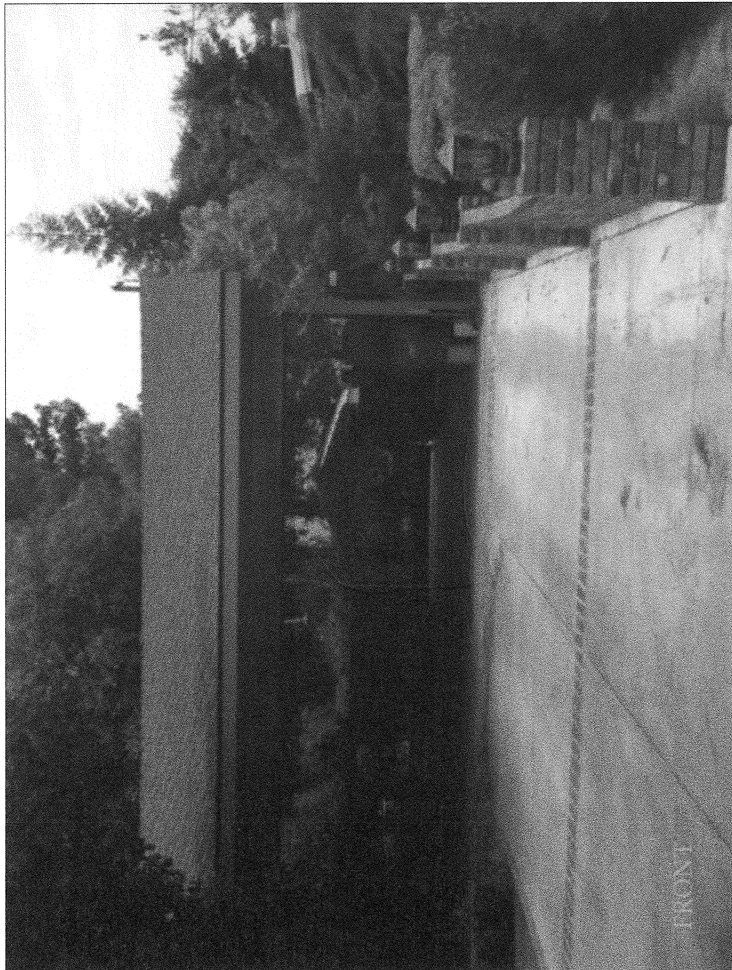




EXHIBIT 10

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

April 24, 2014

Tere Brooke and Gina Marie Ashjian
1440 W. Morris Avenue
Fresno, CA 93711

Dear Mr. Kuhtz:

SUBJECT: FILE NO.: Z14-102179
ADDRESS: 1440 W. Morris Avenue
APN: 416-060-31
ZONING: RR (Rural Residential)

Our office recently received a complaint that the following violation of the County Zoning/Building Code exist on your property:

A carport addition has been constructed without permits (previous permits expired) (*Fresno County Zoning Ordinance, Section 864 and Fresno County Ordinance Code Title 15, Section 15.04.080.*)

The property is located in the RR (Rural Residential) Zone District, which requires permits for all building construction.

We understand that zoning violations frequently occur due to a lack of knowledge of the regulations that apply to specific properties. Although we have not visited the site to verify the violation, we request that if the violation does exist, that it be abated.

We are requesting your cooperation in resolving this issue. Please contact this office if, in your opinion, there is no violation on your property. If the violation does exist, please contact me at **(559) 600-4223** or at egonzalez@co.fresno.ca.us, or the Code Enforcement Unit Operator at (559) 600-4540 for information on the abatement requirements. **If we do not hear from you within ten (10) calendar days from the date of this letter, a Notice of Violation of an Administrative Citation will be issued for abating the violation that exists on your property.**

Sincerely,

Eddie Gonzalez, Planner
Development Services Division
Code Enforcement Unit



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

NOTICE OF VIOLATION

April 24, 2014

Brooke & Gina M Ashjian
1440 W. Morris Avenue
Fresno, CA 93711

SUBJECT: FILE NO. : 14-102179
ADDRESS: 1440 W. Morris, Fresno
APN: 416-060-31
ZONING: R-R (Rural Residential)

Mr. & Ms. Ashjian:

A recent review of permits for your property by our staff has revealed that you are in violation of the Fresno County Building Code listed below:

Construction of a carport addition without a valid permit. Previous permit expired.
(*Fresno County Ordinance Code, Title 15, Section 15.04.080*)

To abate this violation, you must take the following actions within thirty (30) days from the date of this letter:

Reinstate/obtain permit and schedule inspections for the carport addition.

Please be advised that property owners are required to keep their property free of Code violations. If the violation is not corrected within the timeline noted above or an extension is not granted, an Administrative Citation will be issued. In addition, the Notice of Violation will be recorded in the Office of the Fresno County Recorder. Property owners are required to notify the Planner assigned to the file when the violation is corrected. Failure to notify of correction may result in the issuance of an Administrative Citation. The fine for each violation is \$100.00 for the first Citation, \$500.00 for the second Citation, and \$1,000.00 for the third and any subsequent Citation issued for a continuing or repeated violation of the same Code provision.

NOTE: A Notice of Violation, once recorded, can only be released when the violation is corrected and all Administrative Citations, if any, are paid in full. Also, in accordance with the Fresno County Ordinance Code, Chapter 1.13, Administrative Fines, Ordinance Section 1.13.150, Refusal to Issue Permits, after recordation of the Notice of Violation, all Departments and employees shall refuse to issue permits or licenses or entitlements involving the property except those necessary to abate the violation.

DEVELOPMENT SERVICES DIVISION
Code Enforcement Unit

2220 Tulare Street, Sixth Floor / Fresno

Equal Employment Opportunity Exhibit 10 - Page 2

59) 600-4540 / FAX 600-4200
Disabled Employer

1440 W. Morris, Fresno
04-24-14
Page 2 of 2

Your cooperation in this matter is appreciated. If you have any questions, please contact me at (559) 600-4223 or email me at edgonzalez@co.fresno.ca.us. ***Appointments are required if you wish to meet directly with the Code Compliance Planner.***

Sincerely,

Edward Gonzalez, Planner
Development Services Division
Code Enforcement Unit

(G:/4360Devs&Pln/BLD_SFTY/Violations/ZONING VIOLATION/2014 Code Enforcement/14-102179/NOV 04-24-14)

No. 14-102179

OFFICE LOCATION:
2220 Tulare Street
Southwest Corner of
Tulare & "M" Streets
Street Level

PRELIMINARY NOTICE OF VIOLATION

MAILING ADDRESS:
2220 Tulare Street
Sixth Floor
Fresno, CA 93721

FRESNO COUNTY DEPARTMENT OF PUBLIC WORKS AND PLANNING

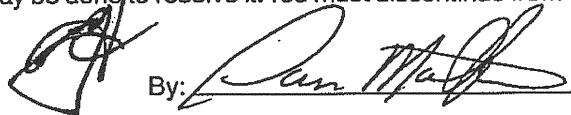
NAME Gina Ashjian & Tere Brook DATE 4-3-14

ADDRESS 1440 W. Morris, Fresno, CA 93711 PHONE _____

An investigation of property located at 1440 W. MORRIS
reveals the existence of an alleged violation of the Fresno County ordinance Code as follows:
Carport Addition to Existing SFR without valid permit.
Reinstated permit # 06-104250 has expired.

STOP WORK AT ONCE

Please call this office at (559) 262-4308 or toll free at 1-(800) 742-1011 within seven days. At that time you will be provided with complete information concerning the alleged violation and what may be done to resolve it. You must discontinue work until this matter has been resolved.

By: 

No response to 3-3-14 Notice of Permit Expiration
Field Remarks:

- 1) Type of bldg: () Wood Frame; () Masonry; () Metal; () _____
- 2) Exact use of bldg. _____
- 3) Setbacks: Front _____; Side _____; Street Side _____; Rear _____
- 4) Distance to nearest bldg: _____ ft.
- 5) Area of new construction: _____ sq. ft.
- 6) Approximate size of existing building (if addition): _____ sq. ft.
- 7) In what stage is the project?

	% Completed
Foundation	_____
Frame	_____
Plumbing	_____
Electrical	_____
Mechanical	_____
- 8) Does work appear to meet code?

	Yes	No
Foundation	()	()
Frame	()	()
Plumbing	()	()
Electrical	()	()
Mechanical	()	()
- 9) Are construction plans required? () No; () Yes; if yes, please specify: _____



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

ADMINISTRATIVE CITATION

- 1. Date: September 5, 2014 Violation Case No: Z14-102179 Citation No: Z14-102179
- 2. Location of violation: 1440 W. Morris Avenue Zone District: RR (Rural Residential) APN: 416-060-31
- 3. The following Fresno County Zoning or Building Codes were violated at the date noted below:

1st Violation of Citation 1: Describe the violation: A carport addition has been constructed without permits (previous permit expired). (Fresno County Zoning Ordinance, Section 864 and Fresno County Ordinance Code Title 15, Section 15.04.080). Fee: \$100.00

4. A Notice of Violation regarding the violations listed above was issued on April 24, 2014. The Notice included a compliance date of May 24, 2014 for correcting the listed violations.

5. A fine/penalty of \$100.00 per violation has been imposed. Citations are issued in the amounts of \$100.00 for the first, \$500.00 for the second, and \$1,000.00 for the third and subsequent citations. Payment method may be by cash, money order, or check payable to: "County of Fresno". Please write the Citation Number on the check or money order.

All Citations must be paid within 30 days. No invoice will be sent.

AMOUNT DUE: \$100.00

TOTAL AMOUNT DUE: \$100.00

PAYMENT DUE BY: October 5, 2014

- 6. **COLLECTIONS:** Please be advised that failure to correct the above-stated violations may result in subsequent Administrative Citations with increased penalties for the same violations, and /or further legal action. Fines shall be paid within 30 days of the date of issuance of this Citation, listed below. For late payments received by the County of Fresno within 30 days after the due date, a Late Fee in the amount of fifty percent (50%) of the Administrative Fine due shall be added to the fine amount. For late payments received more than 30 days after the due date, a Late Fee in the amount of fifty percent (50%) of the Administrative Fine due, plus ten percent (10%) for the fraction of the month the Administrative Fine was further overdue, shall be added to the fine amount. The maximum Late Fee shall be one hundred percent (100%) of the overdue Administrative Fine amount. PLEASE NOTE that should you fail to pay these charges in full within 30 days, the County may seek collection through: 1) a lien against your property; 2) legal action to collect the fine; or 3) any other collection method authorized by law.
- 7. **APPEAL:** You have the right to contest this Citation by filing an appeal within 10 business days from the date this Citation was mailed (noted below). You may file the appeal at the Department of Public Works and Planning - Development Services Division located at 2220 Tulare Street, Street Level, Fresno, CA 93721.

YOU ARE HEREBY ORDERED TO ABATE THE VIOLATIONS NOTED ABOVE IMMEDIATELY. IF THE VIOLATIONS ARE NOT ABATED WITHIN 30 CALENDAR DAYS OF THE ISSUANCE DATE OF THIS CITATION, A NEW CITATION WILL BE ISSUED

Recipient's name and address:
Brooke & Gina M Ashjian
1440 W. Morris Avenue
Fresno, CA 93711

Planner's name and telephone number:
Patrick A. Starkey, Planner II
(559) 600-4224

Planner's signature

I, the above-signed Planner, certify under penalty of perjury, that I caused this Citation to be mailed to the above-named recipient at the recipient's address on September 5, 2014

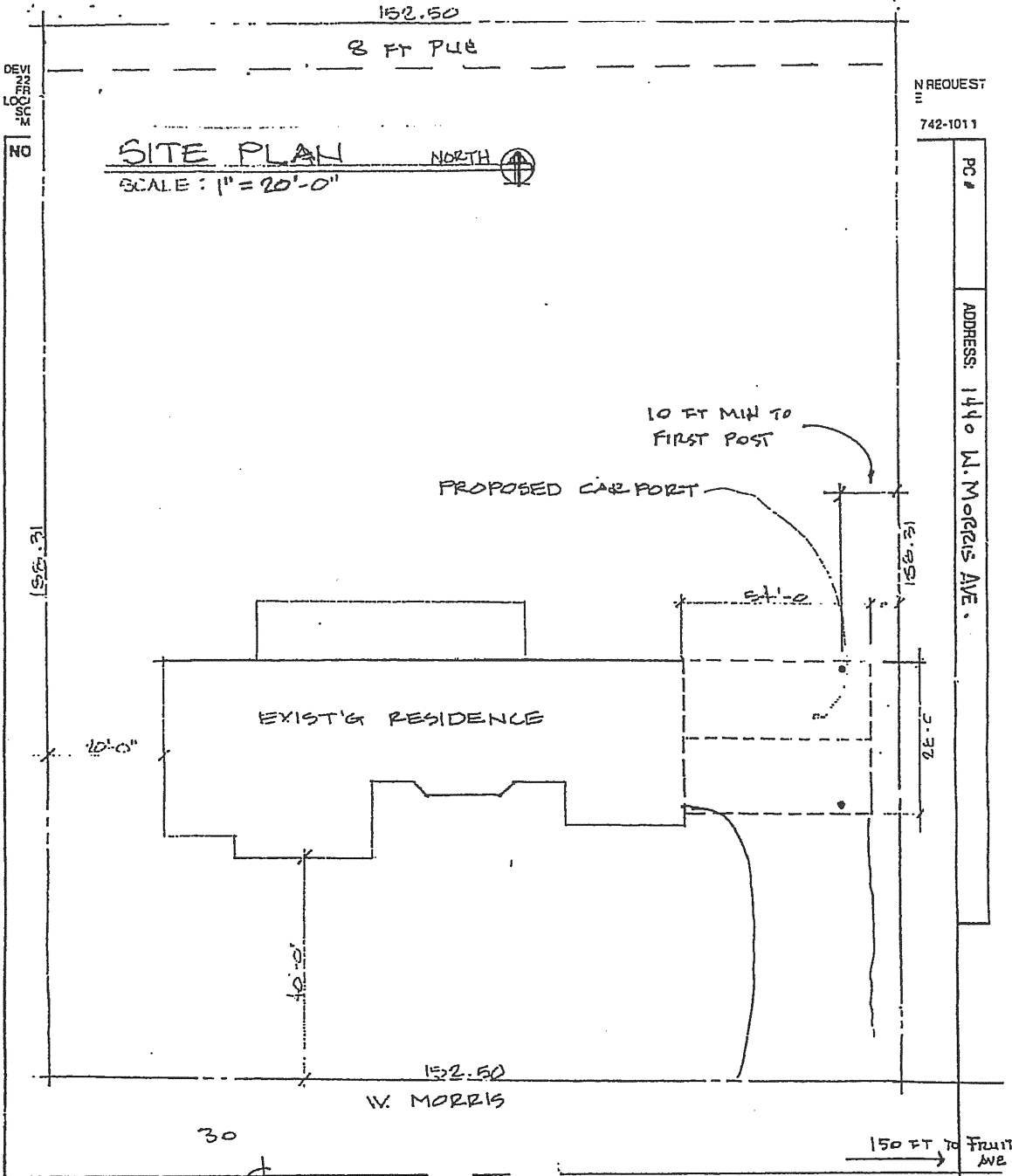
I, the above-signed Planner, certify under penalty of perjury, that I served this Citation to the above-named recipient at the recipient's address on _____

INITIAL:
Supervising Planner

IF YOU WISH TO SPEAK TO THE PLANNER ABOUT THIS CITATION, IT IS IMPORTANT THAT YOU CALL TO SCHEDULE AN APPOINTMENT

G:\4360Devs&Plan\BLD_SFTY\Violations\ZONING VIOLATIONS\2014-Code Enforcement Violation Files\14-102179\Citation 1.doc

EXHIBIT 11



NOTE: All setbacks are measured from the property lines unless otherwise indicated. APN: 416-060-08

Approved By: [Signature] Date: 8/7/00 Bldg. Permit # _____

PROJECT ADDRESS: 1440 W. MORRIS AVE.
 OWNER: BROOKE ASLJIAN MAIL ADDRESS: 1440 W. MORRIS
 CITY: FRESNO STATE: CA ZIP: 93711 TEL. NO. _____

SEWAGE DISPOSAL SPECIFICATIONS: Community Sewer; Engineered System; Septic
 TYPE OF USE TO BE SERVED _____ NO. BEDROOMS _____ OR NO. FIXTURE UNITS 1
 MIN. SEPTIC TANK _____ GAL. LEACHING FACTOR _____ SQ. FT./100 GAL. NO. TEST HOLES INSPECTED _____

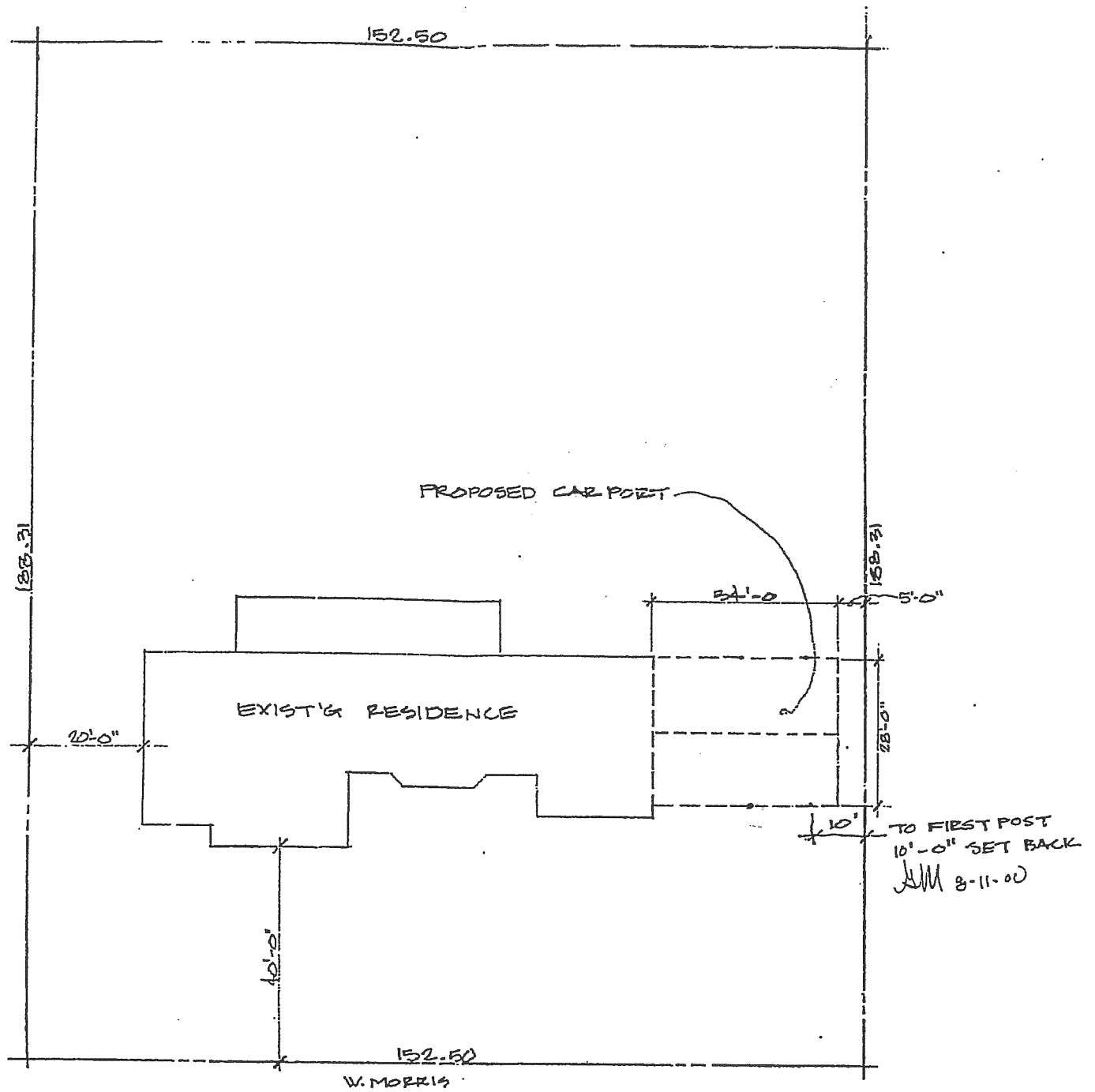
WATER WELL SPECIFICATIONS
 WELL LOG NO. _____
 DATE _____
 GPM _____

COMMENTS:

 ON SITE INSPECTION BY _____ DATE _____

This plot plan accurately shows all existing and proposed structures buildings and mobile units on the property and their relationship to property lines and each other, I hereby state that the information above is correct. I understand that the permit must be obtained before any construction is started and that an inspection of all work is required including underground work prior to backfilling.

Signature: [Signature] Date: 8-7-00

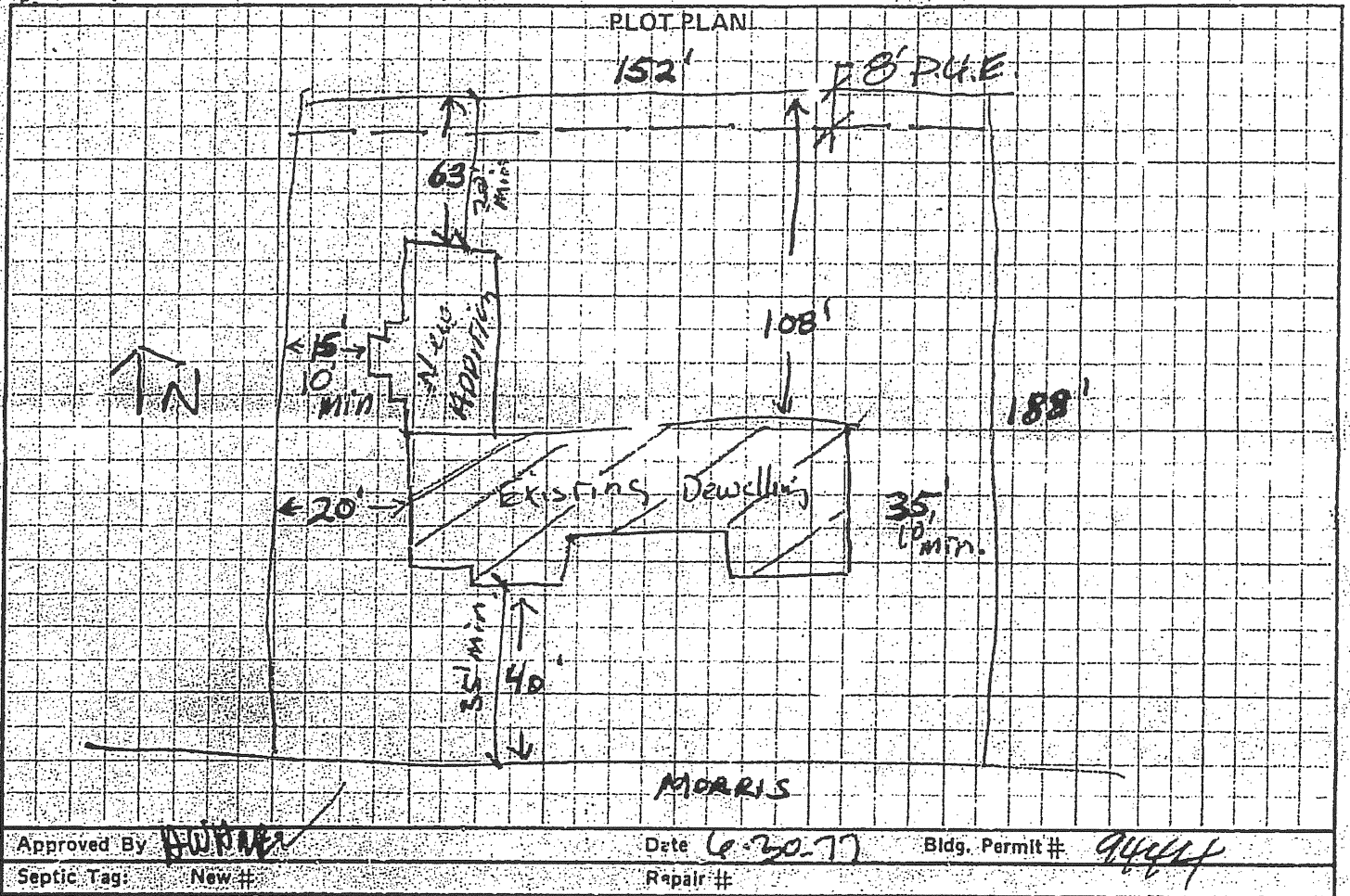


SITE PLAN

SCALE: 1" = 20'-0"

NORTH





APPLICATION FOR SEWAGE DISPOSAL SYSTEM

BUILDING ADDRESS 1440 W. Morris LOCALITY FRESNO CROSS ST. FRUIT
 OWNER STEVE CORNWELL MAIL ADDRESS Same
 CITY FRESNO TEL. NO. _____
 CONTRACTOR JOE BLEDSON MAIL ADDRESS 448 N. Broadway TEL. NO. 264-3674
 CITY FRESNO LICENSE NO. 259742 CLASSIFICATION B

SEWAGE DISPOSAL SYSTEM SPECIFICATIONS

BUILDING TO BE SERVED RESIDENCE _____ NO. BEDROOMS _____ GARBAGE GRINDER _____ OTHER _____

MINIMUM SEPTIC TANK _____ GAL. MINIMUM SEEPAGE PIT OR LEACHING FIELD AREA _____ SQ. FT. FACTOR _____ SQ. FT. / 100 GAL.

RECTANGULAR:		CIRCULAR		SEEPAGE PITS		LEACHING FIELD	
LENGTH 1ST COMP. _____ FT.	DIA. 1ST COMP. _____ IN.	NUMBER _____	TOTAL LENGTH _____ FT.	LENGTH 1ST COMP. _____ FT.	DIA. 1ST COMP. _____ IN.	DIAMETER _____ FT.	TOTAL WIDTH _____ FT.
2ND COMP. _____ FT.	2ND COMP. _____ IN.	DEPTH _____ FT.	NO. OF LINES _____	WIDTH _____ FT.	3RD COMP. _____ IN.	DEPTH _____ FT.	NO. OF LINES _____
LIQUID DEPTH _____ FT.	LIQUID DEPTH _____ IN.	LINING _____	ROCK UNDER TILE _____ IN.	LIQUID DEPTH _____ FT.	LIQUID DEPTH _____ IN.	LINING _____	ROCK ABOVE TILE _____ IN.
TOTAL LIQUID CAPACITY _____ GAL.	TOTAL LIQUID CAPACITY _____ GAL.	LOT LINE _____ FT.	DIST. BOX _____	TOTAL LIQUID CAPACITY _____ GAL.	TOTAL LIQUID CAPACITY _____ GAL.	FOUNDATION _____ FT.	SQUARE FEET _____

WATER WELL

DISTANCE TO NEAREST WELL _____ FT. COMMUNITY _____ PRIVATE _____

I HEREBY STATE THAT THE INFORMATION ABOVE IS CORRECT. I UNDERSTAND THAT THE PERMIT MUST BE OBTAINED BEFORE ANY CONSTRUCTION IS STARTED AND THAT AN INSPECTION OF THE SYSTEM IS REQUIRED BEFORE BACKFILLING.

SIGNATURE [Signature] DATE 6 July 77

1. ON SITE SYSTEM _____ DATE _____

SEWER NOTIFICATION WC DATE 7/6/77

2. APPLICATION APPROVED _____ DATE _____

PRE-POUR INSPECTION _____ DATE _____

FINAL INSPECTION _____ DATE _____