



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER, DIRECTOR

## Planning Commission Staff Report Agenda Item No. 3 November 5, 2015

**SUBJECT:** Variance Application No. 3982

Allow a 15-foot front yard setback (35 feet required) for a proposed 1,404 square-foot garage on a 0.5-acre parcel in the R-1-A(nb) (Single-Family Residential, 20,000 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District.

**LOCATION:** The project site is located on the northwest corner of Cedar Avenue and Plymouth Avenue, approximately 32 feet from the nearest city limits of the City of Fresno (9739 N. Cedar Avenue, Fresno, CA 93720) (SUP. DIST. 2) (APN 401-046-09).

**OWNER/  
APPLICANT:** Bryan Boardwell

**Staff Contact:** Daniel Brannick, Planner  
(559) 600-4297

Eric VonBerg, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Approve Variance Application No. 3982, subject to subject to any Conditions and Notes imposed; 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. Assessor’s Map
4. Existing Zoning Map
5. Existing Land Use Map
6. Site Plan and Elevations
7. Aerial Photo
8. Applicant’s Submitted Findings
9. Site Photographs
10. Map of Other Land Division Variances Filed within One-Mile Radius

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Low Density Residential in the Woodward Park Community Plan	No change
Zoning	R-1-A(nb) (Single-Family Residential, 20,000 square-foot minimum parcel size, Neighborhood Beautification Overlay)	No change
Parcel Size	0.5 acres (21,700 square feet)	No change
Project Site	<ul style="list-style-type: none"> <li>• 2,780 square-foot residence</li> <li>• 646 square-foot attached garage</li> <li>• 316 square-foot patio cover</li> <li>• Swimming pool</li> <li>• Two storage sheds (one unpermitted, one below size)</li> </ul>	Add a 1,404 square-foot detached garage with 9-foot covered breezeway; remove unpermitted storage shed
Structural Improvements	See Project Site	See Project Site
Nearest Residence	Approximately 45 feet west	Approximately 30 feet west
Surrounding Development	Single-family residences	No change

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: No**

**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 43 property owners within 300 feet of the subject property, meeting 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 a 15-foot front yard setback (35 feet required) for a proposed 1,404 square-foot garage addition on a 0.5-acre parcel in the R-1-A(nb) (Single-Family Residential, 20,000 square-foot minimum parcel size, Neighborhood Beautification Overlay) Zone District. The project area is designated Low Density Residential in the Woodward Park Community Plan and consists mostly of single-family residential uses. The project site is located at the intersection of Cedar Avenue and Plymouth Avenue, approximately 32 feet north of the nearest city limits of the City of Fresno.

The parcel is bordered on the north and west by single-family residences that are located within the same County Island as the subject parcel. To the east of the parcel, across Cedar Avenue, are single-family residences located within the City of Fresno. To the south of the parcel, across Plymouth Avenue, is an approximate 42-foot-wide landscaping berm with a four-foot-wide sidewalk that is also located within the City of Fresno.

The subject parcel currently contains a 2,780 square-foot single-family residence with an attached garage, a swimming pool, and two small storage sheds. The parcel is a corner lot, and the legal front yard of the property is located at the southern edge of the property along Plymouth Avenue. The existing two-car garage faces Plymouth Avenue and is located 45 feet from the front property line. The closest existing structure to the front property line is a six-foot-high fence, which according to County records was not permitted.

The Applicant's proposal would allow for construction of a 1,404 square-foot garage addition. The garage addition would be connected to the primary residence by a 9-foot covered breezeway. The garage would feature two vehicle entrances, one on the east side utilizing the existing driveway and one on the south side that would be accessed by a new driveway. The proposal would also entail removal of the unpermitted fence and storage shed on the south side of the property.

A Variance Application is required to allow a garage in the front yard setback within the R-1-A(nb) Zone District. Section 822.5 of the Fresno County Zoning Ordinance requires a 35-foot front yard setback for all parcels, including corner lots. The proposed garage addition would be located 15 feet from the front property line, thus requiring a variance.

County records indicate that six variance applications have been previously filed within a one-mile radius of the subject property (Exhibit 10). Of those six applications, two involved structures located within required setbacks. Variance Application No. 3622 (approved 9/24/1998) allowed a five-foot rear yard setback where a 20-foot setback was required. Variance Application No. 3654 (approved 7/8/1999) allowed a 29-foot front yard setback (40 feet required) for an in-ground swimming pool, as well as a seven-foot, three-inch-high masonry wall (three feet maximum allowed) within the required 35-foot front yard setback area. 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.*

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	Front: 35 feet Side: 10 feet St. Side: 25 feet Rear: 20 feet	Front: 15 feet Side: 10 feet St. Side: 35 feet Rear: 45 feet	Front: No Side: Yes St. Side: Yes Rear: Yes
Parking	N/A	N/A	N/A
Lot Coverage	30 percent	24 percent	Yes
Separation Between Buildings	6 feet	9 feet (covered by a breezeway)	Yes
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	N/A	N/A
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**Reviewing Agency/Department Comments:**

Zoning Section of the Fresno County Department of Public Works and Planning: There is an unpermitted storage shed and a fence greater than three (3) feet within the front yard setback that will require permits or removal.

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 is unique because it is located on a corner lot that is fronted by city streets on both of its open sides. The Applicant also notes that the property’s legal front yard does not face the front yards of any other houses, and that no homes to the south of the property have driveways that exit onto Plymouth Avenue. In support of Finding 2, the Applicant states that the proposal contributes to a substantial property right by adding value to the property and increasing its curb appeal. The Applicant also states that approval of the proposal will help the property fit in more with the design of the current neighborhood, noting that the median number of garage stalls per home in the neighborhood is three or greater, with some having off-street parking that can accommodate six to eight cars.

Regarding Finding 1, staff concurs with the Applicant’s assertion that the factors identified amount to exceptional circumstances that are not shared commonly by other properties in the vicinity. Staff also finds that these factors are relevant to the effect and function of the requested Variance. Plymouth Avenue is the only street in the subdivision that has houses facing the street on one side. Because there are no houses across Plymouth Avenue that would face the structure, this minimizes the number of neighbors directly impacted.

Regarding Finding 2, a garage addition can be reasonably viewed as contributing safety and added value to one’s property. However, it has not been demonstrated to staff that the garage addition proposed here is necessary to preserve and enjoy a substantial property right, particularly when considering the subject property already contains a two-car garage. A consideration in addressing Findings 1 and 2 is whether there are alternatives available that would avoid the need for the Variance. Possible alternatives for the Applicant could be to build a reconfigured or narrower garage addition that is set back at least 35 feet from the front property line, or for the Applicant to expand the existing garage within the limits of the standard R-1-A setbacks. Additionally, the Applicant could revise the Variance Application to allow for a garage addition with a lesser degree of encroachment into the front setback. Staff notes that these alternatives would provide less space and limit the aspects of design desired by the Applicant.

Based on the above analysis, staff is able to make Finding 1, but not Finding 2, for the proposed garage addition.

**Recommended Conditions of Approval:**

None.

**Conclusion:**

Findings 1 and 2 can 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.*

<b>Surrounding Parcels</b>			
	Size:	Use:	Nearest Residence:
North:	0.56 acre	Single-family residence	94 feet
South:	0.24 acre	Single-family residence	150 feet
	0.25 acre	Single-family residence	190 feet
East:	0.33 acre	Single-family residence	122 feet
	0.34 acre	Single-family residence	125 feet
West:	0.51 acre	Single-family residence	45 feet

**Reviewing Agency/Department Comments:**

Building and Safety Section of the Fresno County Department of Public Works and Planning: No comment.

Development Engineering Section of the Fresno County Department of Public Works and Planning: A grading permit or voucher will be required for any grading associated with this proposal. This comment is included as a Project Note.

Road Maintenance and Operations Division of the Fresno County Department of Public Works and Planning: No comment concerning the existing drive approach that is to be used for the new garage. Any additional driveway will be required to be designed and constructed to County standards. This comment is included as a Project Note.

Fresno County Fire Protection District: No comment.

**Analysis:**

In support of Finding 3, the Applicant states that the project will not be detrimental to other properties or the general public welfare, and will serve to improve the general public welfare in the neighborhood. The Applicant states that the project will increase the line of sight for

vehicles traveling around the corner of Cedar and Plymouth Avenues compared to what it is now with the existing fence, and that the garage will allow vehicles to be enclosed in a safe structure that adds curb appeal to the neighborhood.

Regarding the proposed garage addition, staff is able to identify a number of factors that support Finding 3. The proposed garage's aesthetic design would be consistent with that of the primary residence. The garage would extend into the front setback the same distance that is currently occupied by the existing six-foot-high fence, meaning it would occupy the same approximate visual profile as what exists now. The properties on the east side of Cedar Avenue, within the City of Fresno, and facing the Applicant's residence, allow a front yard setback of either 15 or 20 feet (see City of Fresno Zoning Ordinance, Section 12-211.5.E). Further, staff notes that it is common in the immediate area for homes to have garages with space for three or more vehicles. Given these facts, staff finds that the presence of the garage would not be such a departure from the area's aesthetic quality as to cause harm to surrounding properties, nor impact line-of-sight for vehicles traveling on Plymouth or Cedar Avenues.

While the proposed garage addition would reduce the distance between the subject property and the neighboring residence on the western side, the addition would still be within the required side yard setback. With regard to the new driveway, both the Road Maintenance & Operations Division and the Zoning Section reviewed the proposal and expressed no concerns as long as the driveway is constructed to County standards. Additionally, the western side of the garage would have no doors or windows, and there is fencing present between the garage and the neighboring property to the west. For these reasons, no privacy or safety concerns are anticipated with this proposal.

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

**Recommended Conditions of Approval:**

*See attached 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/Department Comments:**

Policy Planning Section of the Fresno County Department of Public Works and Planning:  
No comments regarding this project.

**Analysis:**

In support of Finding 4, the Applicant states 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 Low Density Residential in the Woodward Park 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 Finding 2 for this Variance Application. Therefore, staff recommends denial of Variance Application No. 3982.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Denial Action)

- Move to determine that the required Finding No. 2 cannot be made based on the analysis in the staff report and move to deny Variance Application No. 3982; 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. 3982, 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.



**Variance Application No. 3982  
Conditions of Approval and Project Notes**

<b>Conditions of Approval</b>	
1.	Development of the property shall be in accordance with the Site Plan approved by the Planning Commission.
2.	The Applicant shall remove the unpermitted six-foot-high fence and storage shed located within the front yard setback.

Conditions of Approval reference recommended Conditions for the project.

<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	Any additional driveway will be required to be designed and constructed to County standards.
2.	A grading permit or voucher will be required for any grading associated with this proposal.

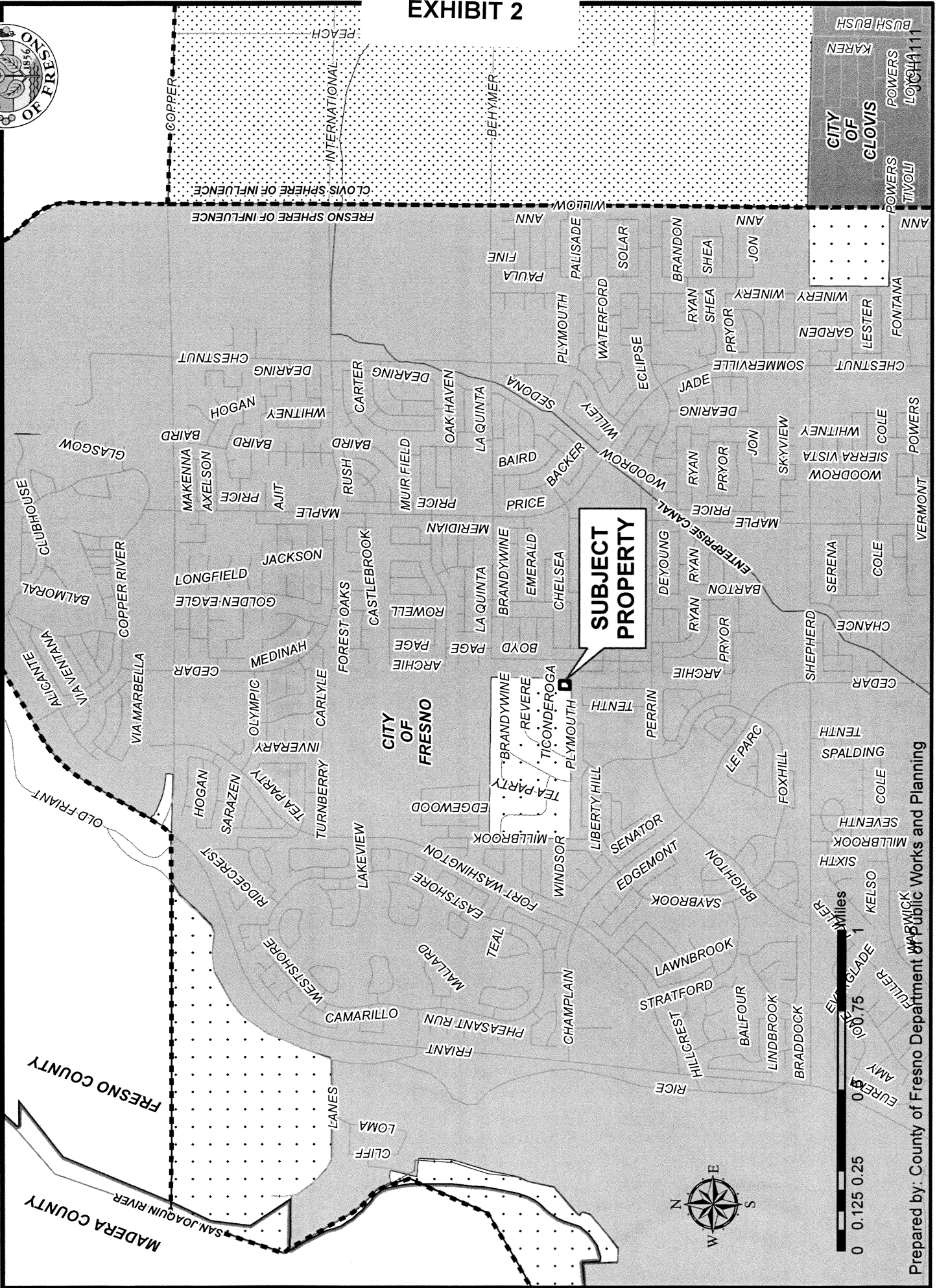
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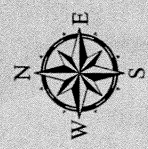
EXHIBIT 2



LOCATION MAP

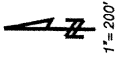


VA 3982

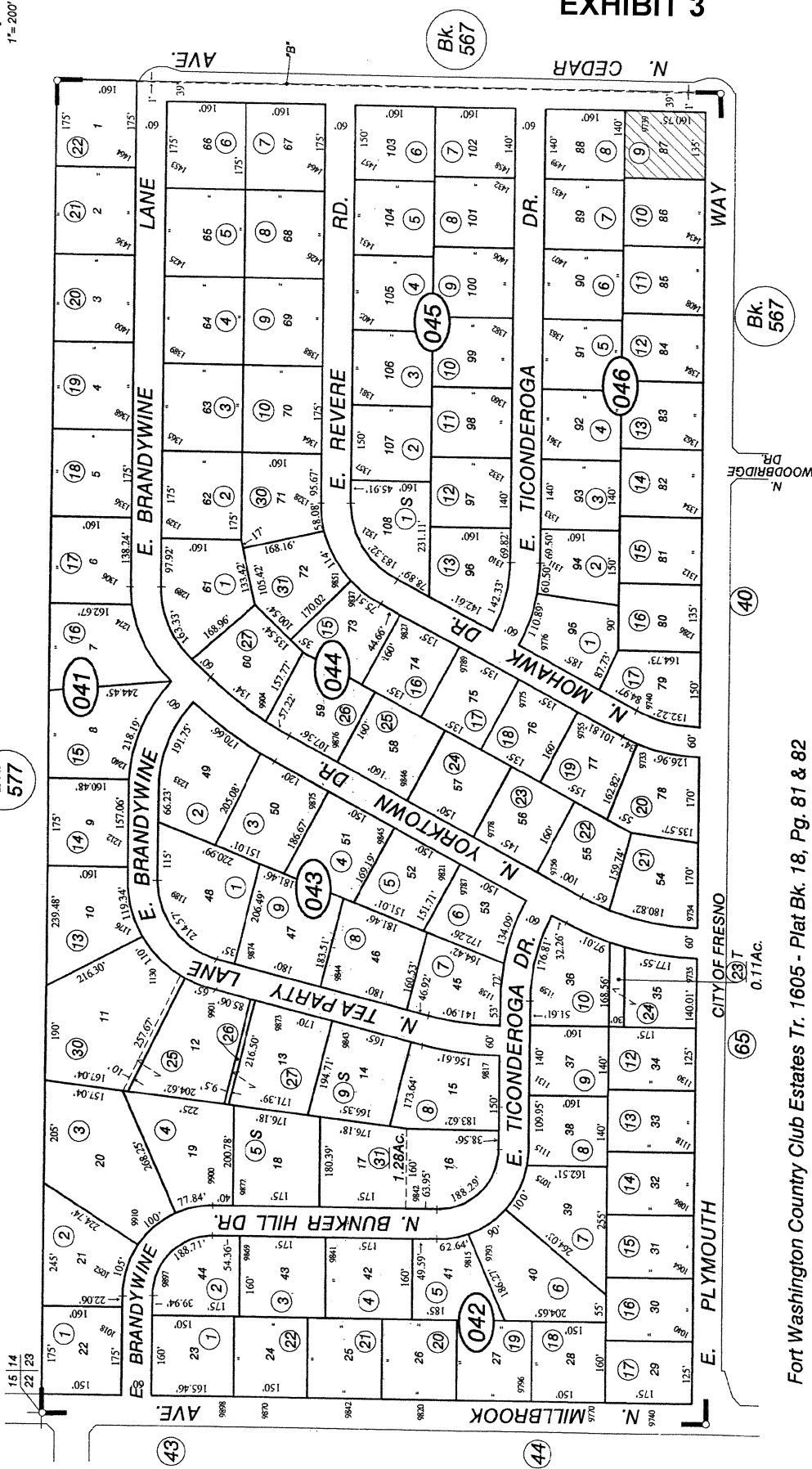


Prepared by: County of Fresno Department of Public Works and Planning

... 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.



Bk. 577



Fort Washington Country Club Estates Tr. 1605 - Plat Bk. 18, Pg. 81 & 82

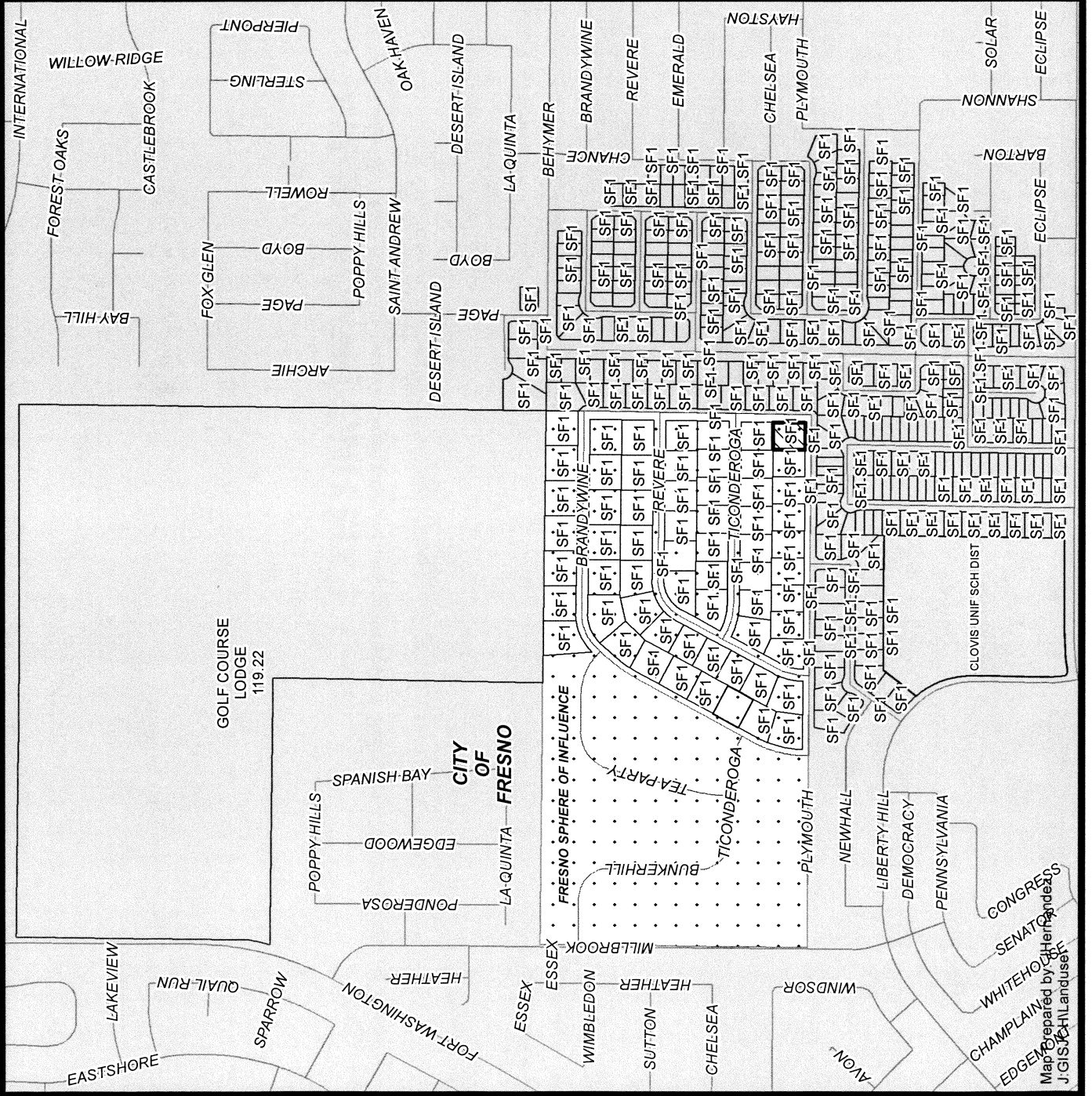
Assessor's Map Bk. 401 - Pg. 04  
County of Fresno, Calif.

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



# EXISTING LAND USE MAP

VA 3982



**LEGEND**  
 SF# - SINGLE FAMILY RESIDENCE  
 AP1 - APARTMENT  
 V - VACANT

**LEGEND:**  
 Subject Property



Department of Public Works and Planning  
 Development Services Division

EXHIBIT 5

Map prepared by  
 J. GIS, CHIL and user



EXHIBIT 7



## EXHIBIT 8

### **Proposed Project Description and what I'm applying for:**

- 26' x 54' proposed garage at 9739 N. Cedar Ave, Fresno CA 93720
- The approval would allow for a 15' set back (instead of 33'). This would replace the current fence line, which is 15' off the road and has been in place for over 40 years. Parts of the fence are original to the house built in 1971
- I am replacing a tuff shed and fenced area (with a more efficient structure), which would be architecturally compatible for the area and the residence.
- The structure would consist of a 26'x 54' foot single story garage. The composition roof, window treatments, stucco and garage doors will match the existing dwelling on site and will look like it was there originally.
- Site Distance: The line of site is an improvement over the existing fence by roughly 4 feet. I will come off side yard 10-12 ft. and then build 54 feet to the east.
- Building height: It will comply with standard guidelines/restrictions for this area.
- Please see attached architectural drawings of the space.

### **Required Findings for granting Variance:**

#### #1 Exceptional circumstances:

- There are exceptional circumstances, which make this unique.
- There are approximately 108 lots in this sub division. Its R1A and this lot is the only one of two lots which has a similar frontage situation with city lots on the corner (my property is the only one where front vs. Side yard determination is a question)
- The property where the proposed building would be faces city streets but is not adjacent to any city homes
- The city homes back up to the neighborhood (to the South) and face south with a large (35 + feet) fully landscaped and burmed set back with sidewalk and mature landscaping. This has been installed and maintained by the HOA of the Dominion Community on the North end. There are homes to the East, which face Cedar but have a limited view of the proposed addition. All of these residents have expressed their verbal support regarding this project.
- No homes to the south face this property or exit onto Plymouth. All are encapsulated in their existing neighborhood and would not have access to Plymouth.



**#2 Preservation of usage:**

- There are no other lots exactly like mine in the subdivision. Even though there is no other lots like mine there are many lots with detached accessory buildings (garages, tuff sheds, play houses, etc.) that are questionable on whether or not they were permitted structures.
- The median garage stalls in this neighborhood is more than 3. I would like to be able to fit in with current neighborhood. The newer homes tend to have more stalls. There are also several homes with carports, which can hold up to 6 or 8 cars besides the garage on the properties.
- The homes in the R1A district are older homes without much turnover. I am planning on being here for a long time and I am adding value, which will also allow me to enjoy the lot in a more effective way for my growing family.

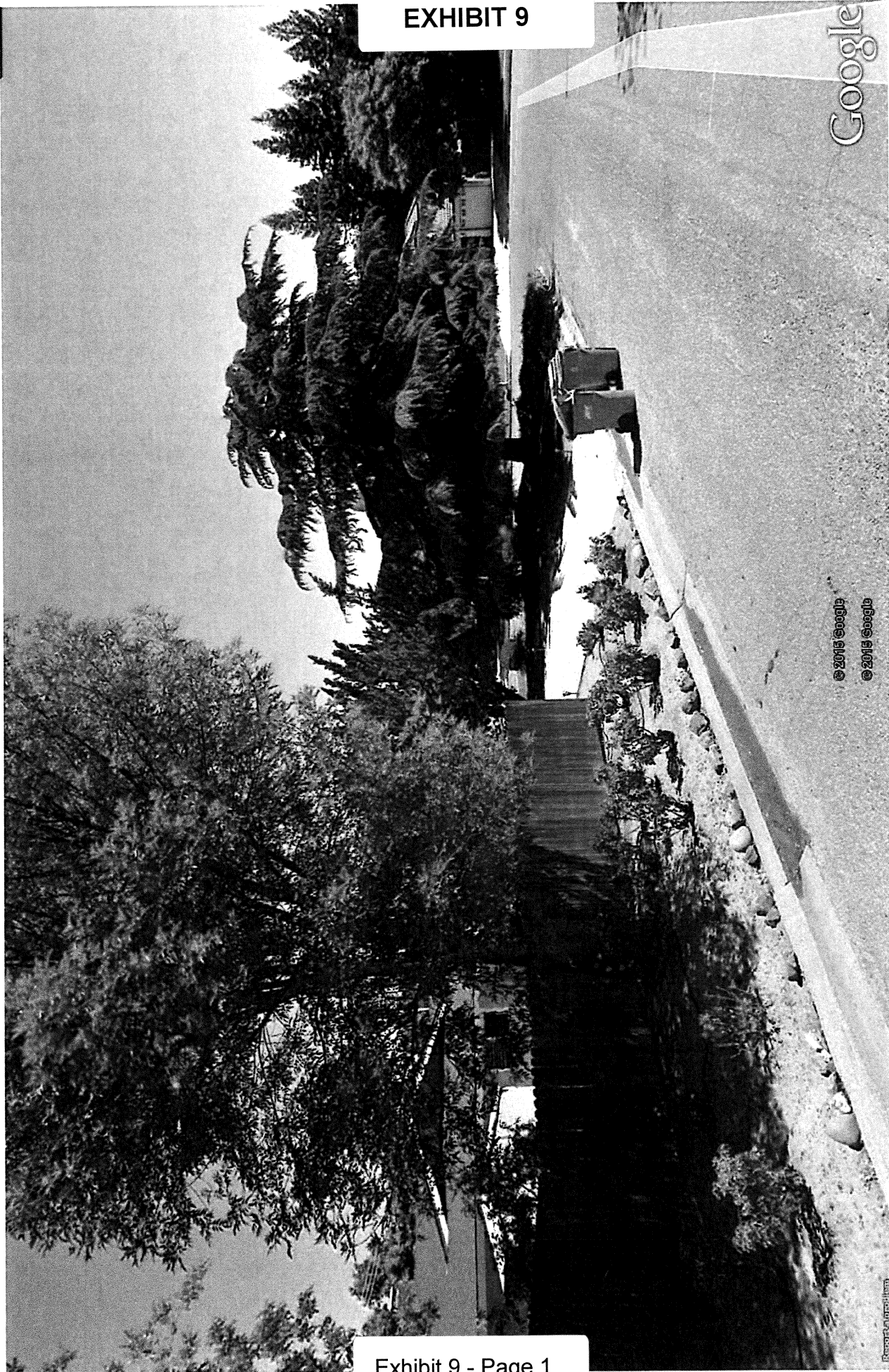
**#3 Granting of this variance will help public welfare:**

- The site distance has been enhanced due to the removal of old vegetation along with the proposed structure being located 5-7 feet west of the current fence location making the line of site better for vehicles traveling around the corner oin the neighborhood.
- Also, vehicles will be enclosed in a safe structure and it will add curb appeal to the neighborhood which people access by driving by this house.

**#4 Granting of the variance will not be contrary to the General Plan:**

- The existing subdivision has been fully developed with single family homes and will remain that way in conformance with the existing zone district "R1A" and Fresno County General Plan land use designation which is low density.
- Overall lot coverage with the proposed structure will rise to 18.8%, which is well below the 30% allowable coverage. Currently I am on the low end of lot coverage based on home sizes in this neighborhood.

Kind Regards,  
Bryan Boardwell  
559.840.5584



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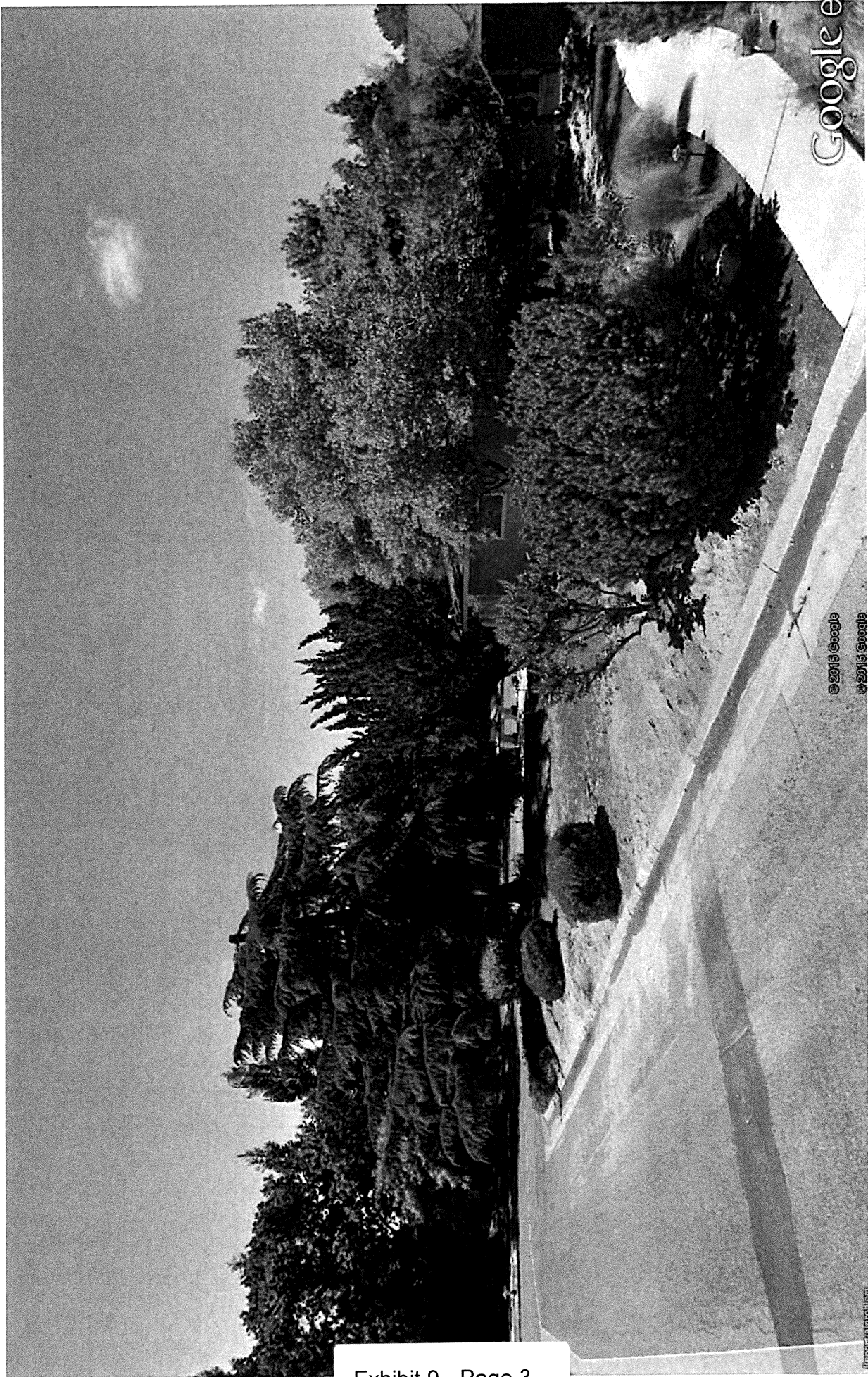
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